



Summary of the results of the 2013 public consultation on "Reforming the internal market for industrial products"

The Commission received 144 replies to the public consultation through the Your Voice website. A small number of contributions were also submitted by email. One third of the 144 replies are identical, but have been posted by different individuals, organisations or institutions from Germany. This has significant impact on a large number of questions where the block of identical replies radically alters the statistical balance.

50% of the respondents are enterprises, in particular big companies and another 25 % are business organisations.

Half of the respondents are from Germany. Ten responses come from Belgium and Italy, while there is only a single reply from 7 Member States and none at all from 9 Member States.

Manufacturing, in particular machinery and electrical equipment, and transport and storage are the sectors to which most respondents belong.

The questions have been divided into two main groups which we have analysed separately.

Remaining barriers to the internal market for products

a) General problems

The typical issues that are pinpointed as barriers to the internal market for industrial products in the open questions are the following:

- 1) **Weak market surveillance**, in particular of non-consumer products, and weak controls at EU borders leading to unfair competition. High traceability costs for industry are thus not necessarily justified.
- 2) **Divergent transpositions**: The way Member States transpose and implement the existing legal framework creates divergences in the legal framework from one Member State to another. This is relevant for the electrical equipment sector, the construction sector and the machinery sector). These claims are particularly strong in relation to environmental legislation. The Commission should be taking faster legal action against illegal national

requirements. A fast-track appeal procedure for solving disputes is also proposed on a number of occasions.

- 3) Barriers are created where the **conditions for putting into service, installation and/or use /operation** are not harmonised. This is relevant for electrical equipment and for the weighing industry.
- 4) **Voluntary marks and labels**, just as broadly accepted specific national approval procedures, create de facto barriers within the internal market. This is very relevant for the electronic equipment sector.
- 5) English is commonly used by industry for technical documentation and legislation should not therefore impose **language requirements** in those cases. This is relevant for the electrical equipment sector and rubber products industry.
- 6) Labelling requirements for consumers and in particular when those need to be in the local language are particularly burdensome for industry. This is relevant for the electrical equipment sector.

b) Calls for further harmonisation

Particular calls for harmonisation are made for the following products:

- The block of identical responses coming all from G argues in favour of a harmonisation at EU level of the requirements for **non-road mobile machinery** such as vehicles for the transport of persons and goods for trams, metros, light and other special rail;
- **Leather products**: the question of leather terms and labelling of leather products at EU level is raised by the leather industry;
- **Food contact materials**: common legislation governing types of materials like metals, paper and cardboard, cork, tree, laminates etc. is suggested;
- Harmonisation of **test methods for the physical characteristics of rubber products**;
- **Currently non-harmonised aspects of legal metrology**.

A number of contributors to the open questions argue in favour of a **dispute resolution of cross-border litigation** related to the free movement of products within the EU. According to the closed questions statistics, 40% are against and 28% are in favour. However, the balance is very heavily influenced by the block of identical replies from Germany which are all negative to the question. These excluded, there is a clear support for a dispute resolution of cross-border litigation related to the free movement of products within the EU.

The **construction sector** deplores the non-recognition of technical certificates from one country to another as well as the non-harmonised aspects related to the environmental performance of construction products.

There seems to be a rather large approval of **mutual recognition** and Regulation (EC) No 764/2008 on mutual recognition. Thirty-five per cent of respondents rely on mutual recognition for supplying products to another Member State of the European Union while only 15% say they do not. However, stakeholders stress the limitation of mutual recognition in the cases when Member States decide to ignore the principle.

c) Industrial services – KETs – 3D Printing – Green products

- The predominant view of stakeholders (52% representing 78 responses vs. 23% representing 33 responses) is that there is no impediment to delivering or receiving **services** with respect to industrial products in the internal market.
- As things stand today, 44% of stakeholders do not see particular issues related to products based on **key enabling technologies** and only 15% suggest there are existing or potential issues. As to the free movement of KET products, the statistics are even more clear-cut: only 6 replies representing 4% talk about problems while 45% suggest there are none.
- In relation to **3D printing**, the situation is similar. Sixty –six replies representing 46% of the respondents argue that there is no need to regulate aspects of 3D printing at EU level and 40 % (57 replies) suggest that there are no problems with the free movement of 3D printed products. Almost none of the remaining responses have expressed an opinion on the issue.
- As to **sustainable and environment-friendly products** within the EU, opinions are slightly more divided, but again the clear majority of responses do not see a particular issue with the free movement of this type of products (61 replies representing 42% vs. 31 replies representing 22%).

Simplification of existing rules

- 62 responses (or 43%) advocate the **replacement of directives by regulations** which is the view generally supported in the open questions. However, the block of identical responses from Germany is in favour of directives which leads to a situation where 68 responses representing 47% give preference for the directives.
- 41% consider there are **overlaps or conflicts between different pieces of Union harmonisation legislation**. 37% including the block of identical replies do not share this view.
- **Mutual recognition or harmonisation?** A similar picture appears on the question of whether there are categories of products that need to be increasingly subject to mutual recognition and less to EU harmonised rules. 53 responses (39%) are negative to such an idea, while 56 responses are positive (37%). The latter figure however is inflated by the block of identical responses from Germany which argue that capital goods, which are developed and delivered to be used by professionals for the development of other products do not require harmonisation but only the application of the mutual recognition principle.
- Divergent views are expressed as to whether there **are possible horizontal provisions in the internal market legislation for industrial products** which could be identical and apply across

a range of sectors in view of reducing divergence and potential conflicts between different legislative texts. (48 'yes' replies representing 33% vs. 46 'no' replies representing 32%). The negative replies are almost all however constituted by the block of identical replies.

- When it comes to **broadening or merging the essential requirements of different pieces of Union harmonisation legislation**, more than half of the opinions expressed are overtly against.
- Opinions tend to be supportive for the idea of giving special treatment, in the form of exemptions or lighter requirements in the legislation, for capital goods which are developed and supplied to be used by professionals for the development of other products (58% in favour). If we exclude however the block of identical replies which are almost the only ones to argue of favour of exemptions, the support for special treatment drops by half. We have 13% of respondents supporting lighter labelling requirements and 10% in favour of lighter requirements, both in terms of substance and labelling, which take into account the difference between a professional user and a consumer.
- Stakeholders are strongly against the idea of accompanying **CE marking** by other information (94 replies representing 65%) as well as against the idea of **introducing third party conformity assessment for all industrial products** (116 replies representing 80%).
- On the issue of whether **accreditation** should be made compulsory for the purposes of demonstrating the technical capacity of conformity assessment bodies, opinions are divided, but the majority of replies reject the idea (58 'yes' replies representing 40% vs. 73 'no' replies representing 51%). The negative replies are predominantly due to the block of identical replies from Germany.
- Finally, there is an overwhelming support (83%) for a **single template for the EU Declaration of conformity** and for a Single Declaration of Conformity that can be a compilation of individual Declarations of conformity.

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