



**COUNCIL OF
THE EUROPEAN UNION**



Luxembourg, 23 June 2008
11062/08 (Presse 186)

Council adopts rules to improve free movement of goods in the EU

The Council today¹ adopted a legislative package aimed at facilitating free movement of goods within the internal market by removing remaining barriers to trade, and at enhancing competitiveness and safety for consumers.

The package is made up of 3 legal instruments dealing with the "mutual recognition" principle and with the "new approach" system.

¹ The decision was taken, without discussion, at the Agriculture and Fisheries Council meeting, following agreement at first reading under the Parliament-Council codecision procedure.

P R E S S

Mutual recognition

The regulation laying down procedures relating to the application of certain technical rules to products lawfully marketed in another member state (3613/08), will contribute to facilitate access to free trade of goods by sorting out some obstacles encountered in the implementation of the “mutual recognition” principle in the non-harmonised area of goods.

The mutual recognition principle entails that EU countries of destination cannot forbid the sale on their territories of products lawfully marketed in another EU country and which are not subject to Community harmonisation.

The regulation lays down the procedure to be followed by national authorities when trying to impose a national technical rule (i.e. in cases where mutual recognition is not being applied).

It also transfers the "burden of proof" from the economic operator to the administration, thus making it more difficult for a member state to deny the marketing of products that are already accepted in another member state.

Furthermore, it provides for the establishment of product contact points in the member states.

The regulation repeals Council decision 3052/95/EC establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community.

Revision of the "new approach" system

- The regulation setting out the requirements for accreditation, market surveillance and controls of products entering the Community market (3614/08); and
- the decision setting out a common framework for the marketing of products (3615/08).

These instruments review, update and strengthen the "new approach" system that was established in 1985. The "new approach" put into place a system enabling the Commission to mandate the drawing up of technical specifications by European standardisation organisations, in order to comply with the harmonised level of safety required for products.

In particular, the regulation is aimed at reinforcing market surveillance mechanisms and ensuring that products circulating throughout the EU respect a high level of protection of public interests.

The decision on the marketing of products provides tools for future technical harmonisation allowing sectoral adaptation. New features will also reinforce clarity of the EC marking and the conformity of the products.

