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REPORT FROM THE COMMISSION

**ON THE OPERATION OF DIRECTIVE 83/189/EEC
IN 1992, 1993 AND 1994**

SUMMARY

The present report, which relates to the application of Directive 83/189/EEC in 1992, 1993 and 1994, provides background information for the European Parliament as provided by Article 11.2 of Directive 83/189/EEC, amended by Directive 88/182/EEC.

Directive 83/189/EEC, which was aimed at preventing the appearance of barriers to the operation of the Internal Market, proved to be a basic instrument for the realization of the Internal Market through the promotion of co-operation between the Member States and through the detection of fields in which joint action was revealed to be necessary.

The report upon the operation of this instrument in 1992, 1993 and 1994 is divided into three chapters:

1. The information procedure for standards :

This chapter relates to the information procedure for standards, as provided by Articles 2 to 7 of Directive 83/189/EEC. After a brief description of the procedure, its operation during the years from 1992 to 1994 is explained, together with an analysis of the statistics. The report also discusses the quality of the notifications, the use of the information at various levels and the issue of authorizations to the European standards institutes, namely the European Committee for Standardization (CEN), the European Committee for Electro-technical Standardization (CENELEC), and the European Institute for Telecommunications Standardization (ETSI). The short and medium-term improvement connected with the revised procedure is also analyzed.

2. Information procedure in the field of technical regulations :

This chapter outlines the development of the procedure provided by Directive 83/189/EEC in the field of national technical regulations. It examines the flow of exchanged information, particularly problems of application and the various reactions by the Commission and the Member States, in addition to the various responses to the procedure.

3. The exchange of information on technical regulations between the EEC and the EFTA countries.

This chapter analyzes the exchange of information provided by the Agreement between the Member States of EFTA and the European Economic Community, which set up a procedure for the exchange of information in the field of technical regulations (Council Decision 90/518/EEC), an Agreement which was concluded for a period of two years. This Agreement expired on 1st November 1992. It was extended for the period from November 1992 to December 1993 by bilateral agreements in the form of an exchange of letters.

In 1994, the EEA Agreement came into force. This Agreement contains the provisions of Directive 83/189/EEC, adapted in Section XIX of Annex II.

As far as the Swiss Confederation is concerned, although not part of the EEA Agreement it continues to take part in exchanges of information with the Community.

**REPORT BY THE COMMISSION ON THE OPERATION OF DIRECTIVE
83/189/EEC
IN 1992, 1993 AND 1994**

Introduction

1. This report on the operation of Directive 83/189/EEC in 1992, 1993 and 1994 contains the information for Parliament called for by Article II(2) of Directive 83/189/EEC, as amended by Directive 88/182/EEC.

2. The free movement of goods is a cornerstone of the Internal Market and the elimination of technical barriers to trade is a major condition for its proper operation. Only transparency can enable barriers to the free movement of goods to be dealt with swiftly. A notable example of an instrument which enables the Community to avoid - after the realization of the Internal Market per 1.1.1993 and the coming into force of the European Economic Area - the introduction of new barriers by means of a procedure which ensures transparency, is Directive 83/189/EEC which requires the notification of technical legislation or standards which could have implications for the free movement of goods.

3. A proposal to amend the Directive in order to fill gaps in its coverage was put before the Council and the European Parliament at the end of 1992, which has been adopted unanimously after long and intensive debates on 23rd March 1994 (Directive 94/10/EC amending for a second time Directive 83/189/EEC). It will enter into force on 1st July 1995.

4. This report on the operation of this mechanism in 1992, 1993 and 1994 is divided into the following chapters :
 - the information procedure for standards (Chapter I);
 - the information procedure in the field of technical regulations (Chapter II);
 - the Agreement on the exchange of information in the field of technical regulations between the EEC and the EFTA countries (Chapter III).

CHAPTER 1 THE INFORMATION PROCEDURE FOR STANDARDS

Introduction

5. The present chapter relates to the information procedure for standards as provided by Articles 2 to 7 of Directive 83/189/EEC. After a brief description of the procedure, its operation during the years from 1992 to 1994 is explained, together with an analysis of the statistics. The report also discusses the quality of the notifications, the use of information at various levels and the issue of authorizations to the European standards institutes, namely the European Committee for Standardization (CEN), the European Committee for Electro-technical Standardization (CENELEC), and the European Institute for Telecommunications Standardization (ETSI). This Chapter ends with an analysis of the short and medium-term improvement connected with the revised procedure.

A Brief Description of the Procedure

6. In practice, the information procedure for standards began on 1st January 1985. Since then the national standards institutes, members of the CEN and of the CENELEC (including those of the EFTA countries) have notified the necessary information to the Central Unit of the CEN/CENELEC (a unit which is responsible to the Central Secretariats of the CEN and the CENELEC). The notifications relate to amendments made to the national standardization programmes, namely :
- new projects undertaken (cf. Article 2 of the Directive),
 - projects for public screening (cf. Article 4 of the Directive),
 - the adoption of national standards (cf. Article 2 of the Directive).

The information gathered is sent periodically to all the members of the CEN and the CENELEC, who are responsible for distributing them to the sectors concerned in order to gain reactions. The information is also examined by the competent authorities within the CEN and the CENELEC (Central Secretariats, Planning Committees, etc) as well as by the Commission departments.

Following the Commission's proposal of 28th November 1992¹ regarding the amendment of Directive 83/189/EEC, aimed at making the information procedure more efficient, the CEN and the CENELEC have, since the beginning of 1993, already introduced some of the measures set out in this proposal. As a result, notifications made since 1st January 1993 have been limited to new projects undertaken on a national level.

¹ O.J.E.C. C 340 of 23.12.1992

Appropriate annual contracts were concluded between the European Commission and the CEN and CENELEC in order to cover the technical operation of the information procedure for standards.

7. It being given that the European Institute for Telecommunications Standardization (ETSI) was included in the Annex to Directive 83/189/EEC, though a Decision by the Commission of 15th July 1992², this institute should automatically take part in the information procedure for standards. In practice, this participation is limited to receiving and examining information sent by the members of the CEN and CENELEC, which is forwarded by the Central Secretariats of these two institutes. In fact, the ETSI is not comprised of national standards institutes, under the terms of the definition in Article 1 of Directive 83/189/EEC.

Information relating to drawing up technical specifications in the field of telecommunications on a national level is conveyed, in principle, either via the information procedure in the field of technical regulations in the case of legislation, or via the members of the CEN and the CENELEC with regard to the voluntary sector. Despite the fact that there is no procedure within the ETSI for notifying new national standardization projects, it can be assumed that these projects should be limited, since the ETSI programmes cover a wide range of subjects, and the internal standstill rule applies to each one of them.

The present chapter of the report is therefore solely concerned with operations notified by the members of the CEN and the CENELEC, these institutes being indexed in List 2 of the Annex to Directive 83/189/EEC.

The operation of the information procedure in 1992, 1993 and 1994

8. In 1992, the method of operating the information procedure for standards remained unchanged in comparison with preceding years. It is a matter of collecting and examining the notifications received, processing them, storing them in a databank and distributing the results on a monthly basis. The information procedure has also been supplemented this year by entering new initiatives taken on a European and international level.
9. Beginning from January 1993, the CEN introduced the simplified procedure laid down in the Commission's proposal for amending Directive 83/189/EEC. Notifications were limited in principle to new national initiatives at the time they entered the working programme. Notifications of these initiatives entering the public screening stage in addition to the stage of adoption have thus been discarded. Despite a relatively difficult transition period during the first months of 1993, this simplification has enabled the CEN Central Secretariat to control the flow of information more effectively and to examine certain notifications in more detail, with

² O.J.E.C. L 221 of 6th August 1992

regard both to their presentation and their content. Since 1993, this simplification has also made it possible to obtain full and realistic statistics relating to the new national initiatives launched.

The exchange of draft standards for public screening has been carried out since the beginning of 1993, case by case, by mutual agreement between the institutes concerned and with a view to the participation specified in Article 3 of Directive 83/189/EEC.

10. As for the CENELEC, it has strengthened its internal procedure, known as the "Vilamoura" procedure, by allowing it to conform with the information procedure provided by Directive 83/189/EEC. In effect, the "Vilamoura" procedure requires each member of the CENELEC to notify, as soon as possible, even in the early stages, every wish for and/or intention of a standardization initiative. A reaction emanating from any one of the other members, within a period of three months, is sufficient to activate a standstill period. This can only be lifted by the highest technical authority within the CENELEC, namely the Technical Board. It is only in circumstances where this authority ascertains that it is not appropriate to work on a European level that it authorizes the development of the notified initiative upon a national level and this then becomes a national initiative under the terms of Directive 83/189/EEC. Notifications relating to these initiatives are then distributed every quarter to the larger circle of participants named in Directive 83/189/EEC.
11. The statistics given by the CEN and the CENELEC in their annual report supply an overall view of the standardization initiatives which were notified to the Central Unit in the years from 1992 to 1994.

Amongst these statistics, those which relate to new projects³ reflect the most recent trends in standardization initiatives. These latter statistics can be examined from three complementary angles :

- a breakdown by level (national, European or international), as well as the trends in the initiatives at each level;
 - a breakdown by country;
 - a breakdown by sector and sub-sector of activity.
12. As indicated in previous reports, the statistics must be interpreted with some caution for the following reasons :
 - the statistics for 1992 and previous years do not take into account the relatively high number of new initiatives which were directly notified at the public screening stage, without prior notification, which was contrary to the

³ "New project" is understood to mean any new standardization initiative which is entered into the standardization programme on a national, European or international level.

regulations stipulated in the past by the CEN/CENELEC;

- a new initiative launched upon a European level may cover a much wider field than an initiative upon a national level;
- the stage at which a new standardization project is notified is not the same for all the members of the CEN and the CENELEC, as a result of different working methods.

With the change in the system since 1993, it is no longer easy to make a simple comparison between the number of national notifications received in 1993 and the number of these notifications received in previous years.

Trends in standardization initiatives

13. Taking these reservations into account, a certain number of observations upon the trends in European and national standardization can be made on the basis of Tables I, II, III and IV which are appended to this report.
 - a. The total level of new projects launched stabilized in 1992 after four years of rapid growth. The number then fell considerably in 1993, principally as a result of the significant reduction in new European initiatives and, to a lesser extent, international initiatives.
 - b. On the national level, the number of new initiatives in 1992 and 1993 was maintained at the stable level of previous years, being on average 2150 units. In 1994, this number fell to 1630, following the implementation, after the period of transition in 1993, of the simplified system introduced by Directive 94/10/EC. The proportion of very specific projects within this number increased, however, from 76% in 1992 to approximately 93% in 1994.
 - c. The number of new initiatives upon a European level fell sharply in 1992 in comparison with the two previous years, both in the electrical sector and in the non-electrical sector. This reduction was principally due to the new standardization policy by the European institutes of concentrating upon feasible programmes, after several years of problems resulting from the sudden increase in the number of new subjects in the working programme.
 - d. Upon an international level, a negative trend was also observed in 1993 after continuing growth in 1992.
 - e. As far as the breakdown of new national projects between the Community States is concerned, Tables IIIa and IIIb show significant differences between

the countries. In 1992, approximately one third of new national standardization initiatives in the Union came from Spain, with approximately another third from France. In 1993 and 1994, Germany and France alone produced approximately 20% of the notifications. The significant increase in notifications from the EFTA countries in 1993, principally from Austria, should also be noted.

- f. The ten principal sub-sectors for national initiatives in the years 1992 to 1994 are given in Table IV. A high level of initiatives in 1992 can be noted in the field of aerospace, building and chemical products. In 1993 and 1994, national initiatives are in the main observed in the field of food products, the quality of water conveyance and, once again, building. A high level of national activity should also be noted in the field of rail construction in 1993 and in the small mechanized tools sector in 1994.

The quality of the notifications issued by national standards institutes

14. The previous report of 1990/1991 indicated that, for the period under consideration, there were still problems both with regard to compliance with the notification periods and the intrinsic quality of notifications. In this report, the Commission had insisted upon additional efforts being made on a national and European level with a view to remedying this unsatisfactory situation. This was to be achieved by a critical examination of the information system upon a national level and by the implementation of a quality assurance system by the Central Secretariat.

15. Beginning from 1992, the Commission introduced two clauses relating to the quality of information into its annual contracts with the CEN and the CENELEC.

Firstly, the European institute concerned undertook to define clearly the internal rules necessary in order to ensure that notifications were accurate, clear and reliable. Secondly, the European institute had to provide, within its Central Secretariat, the necessary resources for monitoring the quality of the received notifications.

16. In April 1992, the CEN/CENELEC Work Group, namely the JWG-ESD (Joint Work Group - European Standards Databank), adopted certain basic principles relating to the new system of notification. In addition, in 1993 the CEN Central Secretariat initiated the production of a detailed guide to the system. In September 1993, the CENELEC, for its part, updated its manual relating to the "Vilamoura" system.

17. With regard to the quality of the notifications received, the CEN Central Secretariat, in spite of the difficult transition period in 1993, had already initiated during this

period a systematic examination, the detailed results of which were set out in its 1993 report. Amongst the most important conclusions, which were confirmed by the CEN's 1994 report, the following points should be mentioned :

- a. With regard to respect for the notification obligation, sampling tests have shown that members have not avoided this obligation.
- b. Early notification by members seems to be a significant problem. As it stands, in 1993 approximately 28% of national initiatives (namely 674 cases) were notified only when they had already reached the public screening stage (641 cases) or even the publication stage (33 cases). An analysis between countries showed that approximately half of the German and British initiatives were only notified at the public screening stage. Moreover, amongst the 641 late notifications which were already at the public screening stage, it was possible to observe that approximately 33% did not allow time for any reaction, as a result of the fact that they were only sent one or two weeks, or even a few days, before the date of closure of the public screening period. This seemed to be the case in particular with regard to late notifications from the United Kingdom; late notifications from Germany still allowed time for reaction within the public screening period. A detailed analysis of 417 late notifications in 1994 (being 23% of all national initiatives) revealed a similar situation.
- c. As indicated by the CEN in its report, these cases of late notification, which are aggravated by being sent at the end of the public screening period, are in complete contradiction with the principles of the information procedure provided by the Directive. In spite of the fact that the analysis also showed that during the years 1993 and 1994 the proportion of these late notifications had fallen, this proportion must be considered to be too high. Measures are therefore necessary in this connection. Moreover, this problem was raised in the previous report in which this proportion was estimated to be approximately one third for the years 1990 and 1991.
- d. Another problem lies in the vague description given of the new projects. The CEN Central Secretariat observed that, in several cases, either the notified title of the new project was very vague, or the statement explaining the title was simply a precise copy of the title. It is obvious that in these circumstances, an assessment of the field of application of the notified initiative is made very difficult and that, once again, the objective of the information procedure cannot be attained. The CEN considers that this problem can be solved by the introduction of the detailed guide already mentioned above.
- e. It has also been observed that sometimes the poor quality of certain

notifications is due to the complete absence or the erroneous nature of certain basic information, such as the sub-sector code, the stage of the draft and even its identification number. Despite the fact that greater discipline was introduced in 1994 by the CEN Central Secretariat, this kind of problem seems to have persisted during this year.

18. With regard to the CENELEC, a detailed analysis similar to that carried out by the CEN is not available for 1993. However, taking into account the existence of the internal "Vilamoura" procedure, which contains relatively strict rules of notification, and the lower volumes involved, it can be considered that the quality of the notifications made by members of the CENELEC is satisfactory. This should certainly be the case from January 1993, as confirmed by the CENELEC Central Secretariat in its 1994 report. Moreover, this Secretariat drew up, in April 1994, a detailed description of the procedure in order to ensure the quality of the information.

The use of the information received through the procedure

19. With regard to distribution on a national level of the information resulting from the procedure, the Commission has not received recent information from the CEN or the CENELEC. An analysis upon this level would seem to be useful now that the notification system has been simplified since the beginning of 1993 and, as a consequence, the reduced volumes should enable the information to be processed by the sectors which are directly concerned.
20. The application of Article 3 of the Directive, namely the association with national initiatives and requests for the development of European standards, still remains peripheral. Table V confirms the observations made in previous reports, and in particular the fact that within the context of the Directive :
 - despite the twofold increase in 1994 in comparison with 1993, the number of comments made by the standards institutes remains very low in comparison with the number of notifications received;
 - requests for participation within the projects of other members remain equally minimal;
 - requests for the development of European standards are, with the exception of a single isolated case submitted by France in 1994, non-existent.

It can thus once again be concluded from these statistics that the mechanisms provided by Article 3 of the Directive are not being used.

21. In the electro-technics sector, it is nevertheless necessary to take into account the application of the "Vilamoura" procedure, as explained in Paragraph 10 above. As it stands, this procedure provides, for each new initiative launched by a member, at least the same type of participation as that provided by Article 3 of Directive 83/189/EEC. In 1994, this procedure enabled 17 and 4 operations, notified over several years, to be respectively transferred to the European and international level.
22. Monitoring of the application of the standstill rule provided by Article 7 of Directive 83/189/EEC has been carried out on two levels, these being the CEN/CENELEC and the Commission.

Within the CEN Central Secretariat, notifications have formed the subject of a periodic examination by technical experts. In 1993 and 1994 respectively, 30 and 60 cases were examined in detail by the relevant member of the CEN.

Since the beginning of 1993, the Commission departments have also intensified their examination of the notifications received, both in order to monitor the standstill rule in comparison with the authorizations sent to the European standards institutes, and in order to examine whether it would be appropriate to transfer the notified initiative to the European level. Approximately 30 and 76 cases were respectively returned to the CEN Central Secretariat in 1993 and 1994.

It can be observed that in the majority of cases detected by the CEN and the Commission departments, responses made by the notifying members seemed to be equivocal, to say the least. These responses either indicated that the national initiative notified was in fact a draft European standard for public screening upon a national level, or that it concerned a preliminary analysis on a national level, which was designed as a contribution to European projects currently in progress.

It can be observed that, in the first case, there is no obligation to notify and even that notification on this subject is excluded under Directive 83/189/EEC. In these circumstances, there are definitely other methods of consulting the sectors concerned on a national level with regard to initiatives which are in progress upon a European level, for example by distributing documents from the technical committees of the CEN. In the second case, it must be possible to indicate clearly, from the outset, the planned initiative's envisaged objective.

In future, a systematic monitoring of the application of the standstill rules is thus necessary, in addition to a detailed examination of responses made by notifying members.

23. In closing this paragraph relating to the use made of the information received, the following points of view may be put forward :

- a. According to the CEN, 1993 should be considered to be a year of transition, following the introduction of the new procedure, which encountered some difficulties. This institute considers that the experience gained this year does not yet enable definite conclusions to be drawn, but it has expressed some optimism for the future, as a result of the simplifications which have been introduced.
- b. As far as the Commission is concerned, additional conditions must be fulfilled in order to ensure a more efficient use of the information received. In the first place this relates to a considerable improvement in the information notified and the establishment of other organizational measures as stipulated in the amended Directive 94/10/EC.

Information on standardization initiatives in general

24. Information relating to new standardization initiatives, as provided by the information procedure in the field of standards by Directive 83/189/EEC, is only a limited part of the information on standardization initiatives. There is the general problem relating to information on adopted national standards and on all the standardization initiatives, whether in progress or adopted, on the European and international levels.

As indicated in its second Communication⁴, the Commission considers it to be necessary to have, on all standardization initiatives, information tools which are accessible to all the sectors concerned, at reasonable terms.

Accessibility and transparency regarding standardization initiatives should be one of the basic characteristics of the standardization system. Continuous effort should be made on a national and European level with a view to satisfying the information requirements of all the interested parties. A judicial review of the satisfaction of these requirements would appear to be useful.

25. Upon the European level, the CEN, the CENELEC and the ETSI have issued several publications explaining their present initiatives and their adopted standards and listing transpositions at national level. In addition, in 1993 the CENELEC established a database which included all its initiatives. This database can at present be directly accessed by the Central Secretariat personnel, certain members of the CENELEC, the Commission departments and the EFTA Secretariat. It is anticipated that in future this database will be open to the general public. For its part, the CEN has also planned the establishment of a similar database, which will firstly be made accessible to its direct contacts. This project is at present under research by the CEN Central Secretariat.

⁴ COM (92) 491 of 27th November 1992

Actions to improve the present system and implement the revised procedure provided by the amended Directive 94/10/EC.

28. The previous report of 1990/1991 had emphasized the importance of revising the technical operation of the information procedure for standards provided by Directive 83/189/EEC. With this in mind, the Commission proposed an amendment to this Directive on 27th November 1992, which was adopted on 23rd March 1994 by the European Parliament and the Council, but which did not come into force until 1st July 1995.

The Commission is pleased that the CEN and the CENELEC have, within their sphere of competence, already implemented several of the basic principles stipulated in the amended Directive 94/10/EC since the beginning of 1993. In particular, the CENELEC's "Vilamoura" procedure, in association with the procedure outlined in Directive 83/189/EEC, must be considered now to be effective.

29. The analysis of the quality of the notifications made in 1993 and 1994 by the CEN, as well as the assessment of the use made of the information collected during this period, shows however that it is necessary to implement several more application measures in the short term, on both a European and national level, in order to attain the objectives of the amended Directive in the non-electrical sector.

30. On a European level, action can be envisaged by the Commission and the European standards institutes.

a. For its part, the Commission has, from the beginning of 1993, inserted into the annual contracts with the CEN and the CENELEC, amongst others, two measures to facilitate the implementation of the revised procedure. Firstly, this relates to the obligation to define the new notification regulations within a determined period. The second clause requires the Central Secretariats of these institutes to set up the necessary resources for monitoring the quality of notifications.

b. Whilst respecting the principle that it is a matter for the European standards institutes to define operating methods, the Commission is minded to co-operate directly with these institutes on this planning, as well to facilitate the introduction of other measures. It is, moreover, in this context that the Commission has supported the CENELEC in establishing its new databank by becoming connected with it as one of the first external paying users.

31. The Commission considers that in addition to the first action taken by the CEN, namely a detailed examination of the quality of notifications, other actions are necessary in order to attain a significant improvement in this quality as well as in the speed of notification.

There is also a database in existence at the ETSI which is at present accessible to a limited number of people.

26. The PERINORM information service, which is distributed monthly on a CD-ROM compact disk, initially containing British, French and German standardization initiatives, has been extended on several levels : the standardization initiatives of other national institutes, of the European CEN and CENELEC institutes, and of the international ISO and CEI institutes. This commercial service includes bibliographic references for adopted standards as well as for standards which are at the public screening stage.

This service is permanently distributed through several national standards institutes and some private companies, and has approximately one thousand subscribers. Despite the fact that there is no research in existence relating to the users' satisfaction, it can be considered that this product genuinely responds to market needs.

The Commission finances subscriptions to this service for thirty Euro Information Centres, considered to be those most concerned with this field, covering a wide geographical area. This should enable some response to be made, taking into account the Commission's limited financial resources, to the requirements of the small and medium sized enterprises.

Additional CD-ROM products, containing the full texts of standards and draft standards, have recently been placed on the market. There are, amongst others, approximately 80 sets of standards published by the private firm IHS-Information Handling Services, and distributed by several national standards institutes.

Planning and standardization authorizations

27. Pursuant to Article 6, Paragraph 3 of the Directive, the Standing Committee delivered in the years from 1992 to 1994, assent in favour of 32, 22 and 46 authorizations respectively (see Table VIa, b, c in appendix). Some of these authorizations relate to implementation of Directives of the "New Approach" type, adopted for realizing the Internal Market. Other authorizations have been issued, principally in support of other Community policies : authorizations in the field of information technology and some authorizations in the field of telecommunications come within the context of the implementation of industrial policy and the correct operation of the Internal Market. Authorizations which relate to methods used in measuring toxic substances are principally issued in support of the environmental Directives. The planning authorization, which relates to air traffic control equipment and systems, comes within the context of the implementation of Council Directive 93/65/EEC⁵. Several standardization authorizations were issued in 1994 in order to support the implementation of the energy policy.

⁵ O.J.C. L 187 of 29.07.93

- a. Firstly, it is necessary to publish a detailed guide for CEN members, which should include strict and clear notification rules. Additionally, information and training days for those directly involved could, for example, be considered.
 - b. It is also essential to maintain and even strengthen the resources within the CEN Central Secretariat, in order to monitor the quality of the information in direct association with those making the notifications, and in order to introduce a genuine system of quality assurance. A more frequent report than at present upon aspects of quality and timing would additionally appear to be very useful.
32. With the entry into force of the amended Directive half way through 1995, the Commission considers that necessary measures should also be taken on a national level and that initiatives should be launched with a view to ensuring from the outset the efficient operation of the revised procedure.
- a. At a national level, it is firstly a matter for the Member States to take measures connected with transposing the amended Directive 94/10/EC. This should create a legal framework which will enable their standards institutes to comply with the obligations specified in the new regulations specified in this Directive, and with the regulations established within the European standards institutes.

Monitoring the transposition of Directive 94/10/EC, as well as the establishment of agreements between the governments and the national standards institutes can only encourage the implementation of the revised procedure.
 - b. The national institutes, for their part, should examine the need for revising and adapting their systems of notification, particularly with regard to quality and to forwarding notifications within the required periods. In effect, the analysis carried out in 1993 and again in 1994 once again confirms that there are permanent weaknesses on this level. With regard to the use made of the information, it also appears necessary to re-examine the present system of distribution and to promote the interest of the relevant sectors in the information provided by the new procedure.

Conclusions

33. Up until 1993, the number of new national standardization initiatives remained stable, at the level already attained during previous years. With the introduction of the simplified procedure in 1994, as stipulated by Directive 94/10/EC, this number was reduced to around 75% of this level. At the present time, however, it is impossible to

say whether this improvement is due to this rationalization or to an actual reduction in national initiatives. It is therefore necessary to view this situation with caution. As indicated previously, it is necessary for the economic sectors concerned to assess whether this level is acceptable and whether it will prevent disruptions to the operation of the Internal Market. A vigilant and continuous monitoring remains nevertheless necessary, in view of the high proportion of specific initiatives and in view of the latent risks involved in allocating resources as a priority upon a national rather than a European level, thus risking transgressing European stability.

Upon a European level, the Commission has observed a significant reduction in new initiatives, particularly since 1993. This is principally due to the adaptation of planning policy by the European standards institutes. It relates, amongst other things, to the decision to respect commitments already undertaken in the past, to place more emphasis upon the application of co-operation agreements with the international standards institutes, and to becoming limited to a genuinely feasible working programme, taking account of the fact that resources are increasingly limited.

34. With regard to the operation of the procedure, the Commission considers that the experience of 1993 and 1994 has shown that several measures should be taken in the short term on a European and national level in order to make the revised procedures under the amended Directive 94/10/EC genuinely efficient. It is a matter for all the parties concerned to take, from now on, responsibility for attaining the objectives of the amended Directive 94/10/EC. In fact, these objectives, in addition to the revised resources for attaining them, have been laid down and defined in direct co-operation and by mutual agreement with all the parties.

CHAPTER II

THE NOTIFICATION PROCEDURE IN THE FIELD OF TECHNICAL REGULATIONS

Introduction

35. The present chapter describes the development of the procedure provided by Directive 83/189/EEC in the field of technical regulations. It examines the flow of information exchanged, particularly with regard to problems of application and the various reactions by the Commission and the Member States, in addition to the various responses to the procedure.

Brief description of the procedure applicable to technical regulations

36. Under the terms of Article 8, Paragraph 1 of Directive 83/189/EEC, the Member States are obliged to send all draft technical regulations to the Commission, unless these relate simply to a full transposition of an international or European standard.
37. Beginning from the date of notification to the Commission, a standstill period of three months begins, during which the Member State which has made the notification cannot adopt the technical regulation in question. This standstill period is provided in order to enable the other Member States and the Commission to react to the notification. The following stage of the procedure will be dependent upon the content of this reaction :
- a. If the Member States and/or the Commission do not wish to issue a reaction, the Member State which has made the notification can adopt the draft regulation upon the expiry of the three months standstill period.
 - b. If the Member States and/or the Commission make comments pursuant to Article 8, Paragraph 2 of the Directive, the Member State which has made the notification must then, in as far as possible, take these comments into account in the subsequent work of developing the technical regulation.
 - c. In accordance with Article 9, Paragraph 1 of the Directive, the Member States and/or the Commission can issue a detailed opinion if they consider that the draft regulations could risk creating barriers to the free movement of goods. In this case, the Member State concerned will put back the adoption of its draft regulation by six months from the date of the notification and will inform the Commission of the ways in which it intends to respond to this detailed opinion.
 - d. The Commission can also react to the notification in two other ways :

- it can make known its intention of proposing or deciding upon a Directive which is applicable to the same field as the notified draft (Article 9, Paragraph 2 of the Directive). The Member State concerned must then put back the adoption of the technical regulation by twelve months from the date of notification;
- it can observe that a proposal for a Directive relating to the same subject as the notified draft has already been submitted to the Council (Article 9, Paragraph 2 a). In this case, the Member State concerned will suspend the adoption of the technical regulations for a period of twelve months from the date upon which the proposal for the Directive was submitted to the Council.

38. Article 9, Paragraph 3 of the Directive makes provision for an urgent procedure, in certain circumstances, for the immediate adoption of national draft regulations. If a Member State wishes to adopt a technical regulation for urgent reasons which relate to the protection of public health, safety, or the protection of the health and life of animals and plants, it can request the application of this procedure without being obliged to respect the standstill period. The notification must state the reasons which justify the urgency of the measures, the Commission then giving a decision regarding the justification for the urgent procedure.

Article 8, Paragraph 3 provides that the final text of the notified regulation should be sent to the Commission, at the request of other Member States or the Commission.

39. The Commission plays a deciding role in the progress of the procedure. It is responsible for distributing notified drafts to the Member States, as well as other messages which pass between the Commission and the Member States, in addition to having these texts translated in order to facilitate the correct operation of the procedure.
40. The Standing Committee, which is composed of representatives of the Member States (provided by Article 5 of the Directive) is a consultative body which meets approximately six times each year and plays an important role in supervising the progress of the procedure and in examining policy questions raised by the notifications.

Application of the procedure

A. *The volume of notifications*

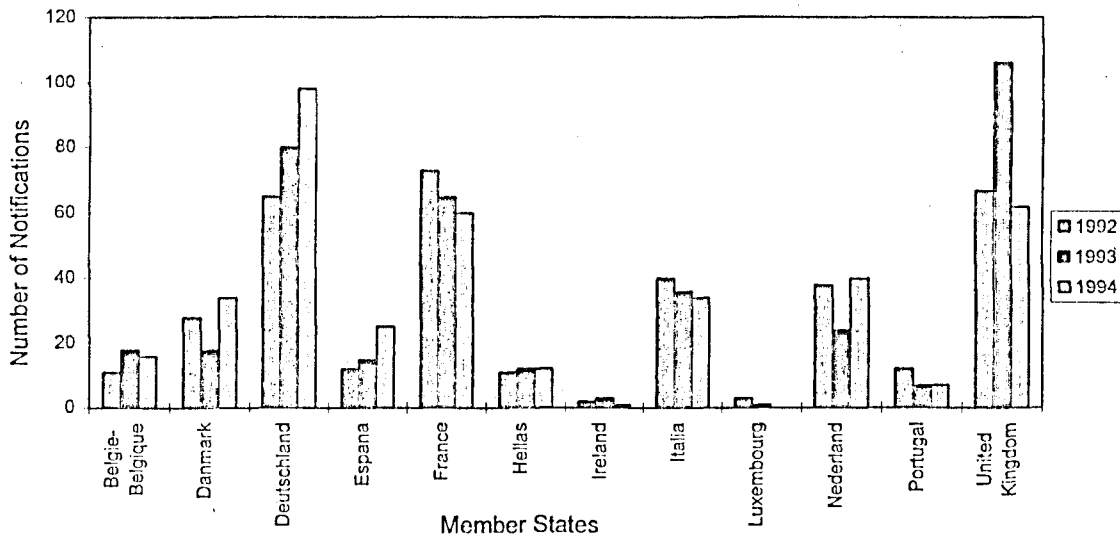
Breakdown by country

41. The statistics in Table VII of the Annex show that the Commission received 362 draft technical regulations in 1992, 385 in 1993 and 389 in 1994. The total number of notifications received each successive year is relatively stable.

As can be seen in Chart 1, most of the notified draft regulations in 1992, 1993 and 1994 came, as in the years before, from Germany, France and the United Kingdom. But whereas France shows a more or less constant pattern in the number of notified draft regulations, both Germany and the United Kingdom show a fluctuation in the number of notified draft regulations. In 1994, Germany signed responsible for a quarter of the total number of notifications received, followed by the United Kingdom with 16% and France with 15%. In 1993, it was the United Kingdom who signed for more than a quarter of the total number of notifications received, followed by Germany with 21% and France with 17%. In 1992, all three countries signed for about 20% each of the total notifications received.

Chart 1

Number of Notifications per Member State 1992-1994

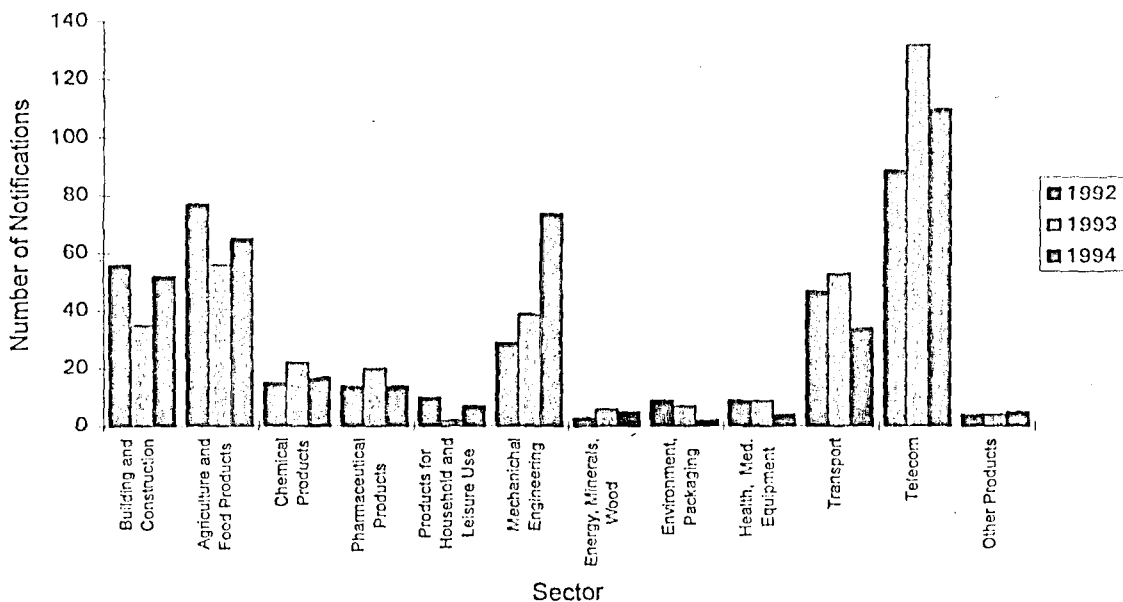


Breakdown by sector

42. A breakdown by sector (Tables VIII to X of the Annex) shows that 85% of the notifications received over the three year period concerned the same five sectors : Telecommunications, Agriculture and Food Products, Mechanical Engineering, Building and Construction and Transport. In 1992, the four largest sectors were Telecommunications (24.6%), Agriculture and Food Products (21.3%), Building and Construction (15.2%) and Transport (10%). The four largest sectors in 1993 were

Telecommunications (34%), Transport (13.5%), Agriculture and Food Products (13%) and Mechanical Engineering (9.6%). In 1994, the four largest sectors were Telecommunications (28%), Mechanical Engineering (19%), Agriculture and Food Products (16.7%) and Building and Construction (15.2%). The most striking development which can be seen in Chart 2 is the dominance of the telecommunications sector in 1993 and 1994. In 1993 more than a third of the notified drafts concerned Telecommunications, whereby the United Kingdom signed for almost 50% of all notifications in this sector. In 1994, telecommunications notifications accounted for almost a third of all the notifications in the sector whereby the United Kingdom and Germany together signed for almost half of the notifications.

Chart 2
Number of Notifications per Sector 1992-1994



Application problems

43. Numerous notifications relating to national regulations for proprietary names and registered designations of origin relating to certain agricultural products were made the subject of application of the procedure under Directive 89/189/EEC in 1992 and 1993 in the agricultural sector. The desire to protect the geographical origin of identifiable agricultural or food products has led some Member States to establish "certified designations of origin". These national practices, often disparate, led the Commission to propose to the Council that a Community approach be adopted in order to provide a system of protection to guarantee equivalent conditions of competition between the producers. Regulation 2081/92 was adopted by the Council on 14th July 1992 and laid down an obligation from 24th July 1993, for Member States wishing to obtain Community protection, of informing the Commission of designations of origin and geographical ascriptions relating to agricultural or food products.

44. Consequently, as a result of Article 1, Paragraph 3 of the Regulation concerned, which stipulates that Directive 83/189/EEC does not apply either to designations of origin or geographical ascriptions, technical regulations covering provisions relating to these designations of origin no longer form the subject of a notification under Directive 83/189/EEC. The same principle applies within the context of Regulation 2083/92, relating to certificates of identity of agricultural and food products (Article 1, Paragraph 3). This situation may in part explain the fall in the number of notifications from the agricultural sector during the years 1993 and 1994.
45. The Commission has also examined, within the context of Directive 83/189, some national drafts which were adopted partly with the objective of codifying legislation which was already in existence but which was made up of several legislative instruments and partly in order to add new provisions to those already in existence. Concerns expressed by the Member States that these codifying provisions should not lead to decisions by the Commission which may result, amongst other things, in extending the standstill period beyond the three months stipulated in the Directive, led the Commission to adopt the practice of discriminating amongst these drafts, principally for adoption in the field of agricultural and food products, between those sections actually under proposal and those which related to codification, so that examination could be limited to the former.
46. Finally, the Commission has observed, regarding the management of the procedure, the need to ensure that the Member States observe the obligation stipulated in Article 8, Paragraph 3 of the Directive, which states "upon the express request of a Member State or of the Commission, the final text of a technical regulation must be sent immediately". Along with this obligation, as the Commission is aware, there must be a systematic monitoring of acceptance of the definitive text and a detailed examination of the final text for the purpose of the correct application of Directive 83/189 (adoption of the text of the notified draft with due regard for the procedure concerned, without modification calling for a new notification) and for Community law as a whole (adoption of the text having taken into consideration any possible objections expressed by the Commission departments to the draft concerned). The Commission, through concern for respect for the principle of transparency implemented by Directive 83/189, undertakes to ensure that the tasks necessary for such monitoring are carried out as mentioned above.

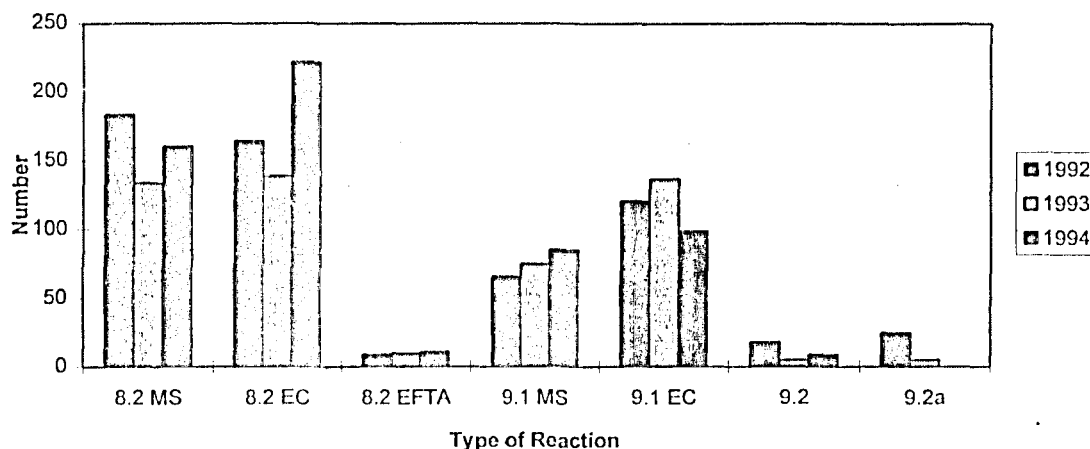
B) Use of the urgent adoption procedure

47. In 1992, 1993 and 1994, the Member States made 44 requests for application of the urgent adoption procedure. These represented only about 4% of the technical regulations notified in those three years, a similar order of magnitude to the 5% of all notifications in 1990 and 1991. The Commission found only one fourth (11) of these requests justified; seven related to Agriculture and Food Products, one to Chemical Products, two to Transport and one to Health and Medical Equipment.

C) *Reactions by the Commission*

48. In 1992, the Commission reacted upon 62% of the total number of notifications. In 1993, the Commission reacted upon 55% and in 1994 the Commission reacted upon 69% of the notifications. These reactions were made in the form of comments, detailed opinions or the announcement of the intention to propose a directive. It is also quite common that a notification is subject to a combination of more than one reaction from the Commission.

Chart 3
Number of Reactions per Type 1992-1994



Comments

i) Statistics :

49. In the period 1992 until 1994, the Commission made comments on 46% of the total number of notifications. This percentage has slightly increased compared with the years 1990 and 1991, where the Commission made comments on 42% of the total number of notifications.

ii) Reasons

50. Generally, the comments made by the Commission seek the clarification needed to allow its relevant departments to examine the drafts, express the Commission's position or remind the Member State concerned of commitments given in an infringement procedure or in an earlier notification.

51. The Commission also opted for this response where the other possibilities were no longer open, particularly where proposals for Community measures had been before the Council for over one year, thus precluding recourse to Article 9(2(a)) of the Directive.

52. It is also important to indicate the practice developed, during the years 1992, 1993 and 1994, by which the Commission uses comments in order to raise objections to existing texts which the notified draft refers to or uses as its legal basis. As it stands, the notification procedure gives the Commission departments the opportunity of learning of these texts and assessing their impact upon Community law. The Commission has also adopted the practice, in these comments, of laying down response deadlines for the Member States concerned in order to obtain an efficient and rapid method of resolving situations which, as a result of former legislation, restrict the correct application of drafts notified under Directive 83/189/EEC.
53. Part of the comments made by the Commission departments is also constituted by having observed a standardization initiative, within the European standards institutes, in the field to which the notified draft relates. The Commission departments must limit their reaction to comments since this type of "European harmonization" does not prevent the Member States from adopting technical regulations which relate to the same subject but which inevitably hinder the work of these institutes. In this way, national regulations deflect the standstill which exists, on the other hand, for drafts of national standardization, within the national standards institutes.
54. Since October 1993 and subsequent to the conclusion of the Agreement on the European Economic Area between the twelve Member States of the European Union and four members of EFTA, the Commission has sent comments to the Member States drawing their attention to the entry into force of this Agreement on 1st January 1994. These comments sought in particular to act as a reminder that the principle of mutual recognition arising from Article 30 of the EC Treaty, as interpreted by the Court of Justice, should also be applied to the movement of goods between the Member States of the Union and the Member States of EFTA who had signed this Agreement. As it stands, under the terms of Article 6 of the Agreement, the existing case law of the Court of Justice interpreting Article 30 of the EC Treaty upon the date of entry into force of the Agreement, is extended to the provisions of the latter with regard to the free movement of goods (Articles 11 to 13).
55. These comments have had positive results. In fact, in the large and even leading sectors (for example Telecommunications Equipment or Building Products), clauses of mutual recognition which take account of the system introduced by the European Economic Area Agreement are automatically inserted into drafts notified by the Member States, as well as into the basic regulations within the context of which some of the notified drafts will enter. This development took place quite quickly in practice. In effect, most of the Member States have had to extend a system which was in most cases already stipulated in their regulations for Community products or those freely moving within the Community, to products originating from the Member States of EFTA which signed the agreement.

Detailed Opinion

i) Statistics

56. In 1992, 1993 and 1994, the Commission delivered 357 detailed opinions (i.e. on 31% of the draft technical regulations; in 1990 and 1991 the figure was 37%). The Commission delivers detailed opinions if the draft regulations notified might create barriers to the free movement of goods (Article 9.1. of the Directive).

ii) Reasons

a) The principle of mutual recognition

57. The absence of provisions ensuring respect for the principle of mutual recognition continued to be the point most frequently raised by the Commission in the detailed opinions which it delivered against drafts notified by the Member States during 1992 and 1993 (59% and 53% respectively). During 1994, absence of respect for this principle represented 37% of the detailed opinions delivered by the Commission. In fact there has been some change in the handling of this issue recently. Years of practice in the notification procedure have enabled the Member States to develop a good understanding of the principle of mutual recognition. The Commission departments thus now try to draw the Member States' attention to the need for ensuring that the necessary clauses are present at the highest possible level in the structure of applicable regulations.

As it stands, the Member States most often notify draft technical specifications relating to products for which application exists within the framework of more general regulations governing the approval or inspection of product conformity. In so far as these general regulations stipulate the acceptance of products which are lawfully manufactured and/or marketed within the other Member States, technical specifications which are notified at the draft stage already benefit from the system of mutual recognition provided by the basic regulations. Through concern for clarity and legal certainty, the Commission requests the Member States if necessary to state, in the notified drafts, the provisions of the basic regulations which relate to mutual recognition, in order to ensure that economic operators, who search through technical specifications for the requirements which must be fulfilled in order to gain access to the markets of the various Member States, are correctly informed. On the other hand, the principle of mutual recognition also operates in relation to certificates proving conformity of products to national regulations and in relation to the national bodies designated to issue new certificates.

58. The Commission has also had the opportunity of deciding against other requirements likely to create barriers to the movement of goods which are not directly linked with mutual recognition. These requirements relate in particular to markings, to the use of languages in labelling, to specifications relating to the ingredients or materials used in

product manufacture, to limits upon the use of dangerous substances, and also requirements relating to the arrangements for certain approval procedures (for example, the establishment of marketing arrangements in the Member State in order to gain access to the approval procedure).

As it stands, the Commission requests the Member States not only to ensure the mutual recognition of products from other Member States in response to a level of protection of the legitimate interests concerned, which is equivalent to that provided by the notified drafts, but also that material requirements relating to the products which are considered to be excessive with regard to these same interests should be eliminated or reduced to a reasonable level. It is not sufficient for the Member States to accept products from other Member States which are "equivalent" to theirs. In so far as this acceptance is based on a statement of equivalence with national requirements, it is important to ensure that these are not themselves excessive, failing which products which respond satisfactorily to the legitimate objectives envisaged by the regulations (health and safety, etc...) may encounter unjustified difficulties in entering the market of the recipient Member State.

b) Other provisions of secondary legislation

59. Amongst the other reasons leading to the delivery of a detailed opinion are the non-conformity of the draft with a directive or a community regulation relating to the same issues. During the years 1992, 1993 and 1994, the number of detailed opinions based upon objections other than that of breach of the principle of mutual recognition increased considerably : in 1992, 41% of total detailed opinions, in 1993, 47% and in 1994, 63%. (In 1990 and 1991 these detailed opinions represented only 12% of the total). It should also be observed that whereas in 1992 a third of this 41% related to infringements of Directive 79/112/EEC relating to the labelling and presentation of food products destined for the final consumer in addition to the advertising of these products, in 1993 the percentage relating to this directive fell to 9%. In fact in 1993, 41% of the detailed opinions delivered by the Commission were based upon infringements of Directive 89/336/EEC relating to electromagnetic compatibility and 34% upon infringements of Directive 73/23/EEC relating to electrical equipment designed to be used within certain voltage limits ("low voltage" directive). In 1994, 41% of these detailed opinions were based upon infringements of Directive 89/336/EEC relating to electromagnetic compatibility.

60. It is also important to indicate that 8% of the detailed opinions delivered by the Commission in 1993 consisted of breaches of the transitional periods of certain Community directives (89/336/EEC mentioned above, 90/396/EEC on gas appliances, and 89/392/EEC on machinery). The Commission departments place emphasis on reminding the Member States of the obligation to respect the transitional periods of Community instruments determined by the legislature; as it stands these are adopted in order to provide an adequate period during which the marketing of products

manufactured in accordance with national regulations in force before the implementation of the direction concerned is authorized. Thus the Commission departments consider that the Member States do not have the right to legislate in the fields covered by the directives in question, in the absence of reasons which are duly justified.

iii) Responses

61. Article 9.1 (2), of the Directive stipulates an obligation for the Member State which receives a detailed opinion to "report to the Commission upon the response which it intends to give to this detailed opinion. The Commission will comment upon this response". On the basis of this Article, a dialogue is set up between the Member States and the Commission departments such that an appropriate response is made to decisions made by the Commission which are delivered with a formal request to the Member State concerned to amend or adapt the notified draft as a result of an infringement of Community law.
62. It is important also to indicate in this respect that the Commission organizes a systematic monitoring of the responses from Member States through the Directive's Committee by entering upon its agenda a list of notifications regarding which the Member States have not supplied a response and requesting them to provide explanations for this. (See Point 6.1. below "Committee Meetings 83/189).

Intention to propose a directive

63. In the period 1992 - 1994, the Commission announced that it intended to propose a Directive covering the same subject as the notified draft in 32 cases. In 1992, the Commission announced that it intended to propose a Directive covering the same subject as the notified draft in 18 cases, in 1993 in 5 cases and in 1994 in 9 cases. Most of these notifications in 1992 related to Agriculture and Food Products (6), Health and Medical Equipment (4), Transport and Packaging (3) and Chemistry (3). In 1993, one notification related to Agriculture and Food Products, one to Chemistry, one to Mechanical Engineering, one to Transport and one to Telecommunications. In 1994, two notifications related to Agriculture and Food Products and six to Telecommunications.

Submission of a proposal to the Council

64. In 1992, the Commission applied Article 9.2 (a) in 25 cases and in 1993 in five cases. In 1994 the Commission did not apply this Article. Most of these notifications in 1992 related to Agriculture and Food Products (13), Mechanical Engineering (3) and Transport and Packaging (3). In 1993, one notification related to Agriculture and

Food Products and four to Mechanical Engineering.

65. The application of Article 9.2 (a) implies that the Member States cannot adopt the draft in question within a period of one year from the date of submission of the proposal of the Community instrument to the Council. The objective is to defer the application of a regulation covering the same field of application as a harmonization proposal upon a Community level. The figures show, however, that this period has not proved to be long enough for the Council to adopt the proposed instrument. With regard to 1992 cases, only six of the twenty-five decisions made by the Commission led to the adoption of the proposal in question by the Council in the standstill period. The other sixteen decisions led to the adoption of Community instruments after the proposal had been before the Council for more than a year, with the exception of four cases where the proposals were not adopted at all. With regard to cases in 1994, none of the five applications of Article 9.2.(a) led to the adoption by the Council of the Community instrument within the standstill period.

D. Reactions by the Member States

66. In 1992, 50% of the notified drafts were made the subject of comments by the other Member States, whereas in 1993 this percentage was only 34% and in 1994, 31%. With regard to detailed opinions, the delivery of such a decision by the other Member States on notifications amounted to 18% in 1992, 19% in 1993 and 16% in 1994.

It often happens that several Member States make comments or deliver detailed opinions on the same notification. In 1992 nearly 50% and in 1993 nearly 60% of the notifications which caused a reaction from more than two Member States related to Agriculture and Food Products. 30% in 1992 and 23% in 1993 related to notifications relating to environmental problems. In 1994, the sector most concerned was again Agriculture and Food Products, with 35%, followed by Domestic Appliances with 24%.

E. Dealing with infringements

67. At the end of 1992, the Commission entered into a contract with a new private organization with a view to carrying out the task of detecting national technical regulations which are adopted in infringement of Directive 89/189/EEC.

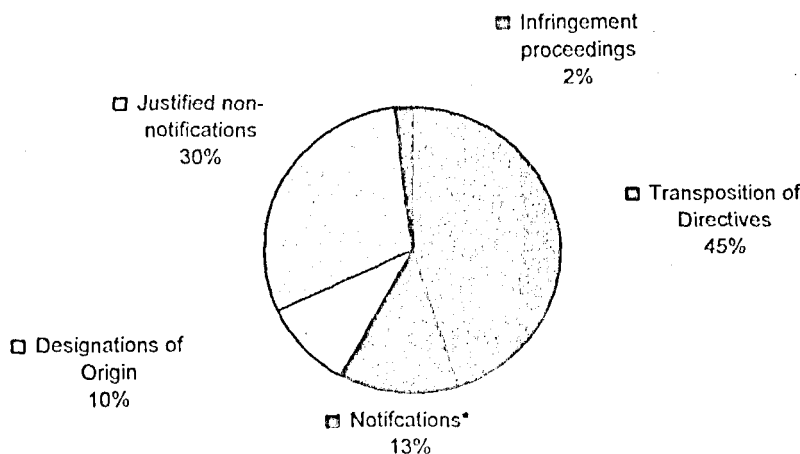
The reports drawn up by the contractor for the years 1993 and 1994 made it possible for the first time to gain some idea of all the Member States initiatives in the sphere of technical regulations. Thus, as shown in Diagram 4 below, in 1993 and 1994 a total of some 4340 national laws were revealed. Approximately 45% were transpositions of Community Directives, 13% were technical regulations notified at draft stage within the context of Directive 83/189/EEC, 10% were designations of origin and

geographical ascriptions⁶ , and approximately 32% of the technical laws were not notified under the Directive or were outside its field of application. This last 32% (being approximately 1400 texts) were analyzed to find whether they should have been notified under Directive 83/189/EEC.

Following this examination, it appeared that the vast majority of these texts did not come within the field of application of the Directive. 85 technical laws, being 2% of the texts discovered, were made the subject of infringement proceedings. 36 infringement proceedings were instigated in 1992.

68. In accordance with the Commission's position on this subject, which has been expressed on several occasions at meetings of the Committee (see Point 6.1. below), and bilaterally in the meetings between the Commission and the Central Units of the Member States responsible for application of the 83/189 procedure (see Point 6.3. below), the majority of the Member States proposed to repeal the disputed law and/or notify a new draft if necessary. Some Member States did, however, refuse to suspend the texts in question. Thus, for the period 1992-1994, nine cases were referred before the Court of Justice.
69. The Court's first ruling was given on 2nd August 1993 (Case C-139/92, Commission V. Italy). The ruling established precisely and clearly the binding nature of Articles 8 and 9 of Directive 83/189/EEC and gave the Commission the opportunity in the future of specifying the relationship which exists between the obligation of prior notification provided by Article 8 and the standstill clause of Article 9. Meanwhile, three rulings on five cases sentenced the Member States concerned for non-respect for the obligations contained in the Directive.

Chart 4 Breakdown of national laws adopted in 1993 and 1994



* Of 4340 items of legislation adopted, 580 related to notified texts

⁶ Following the entry into force in July 1993 of Regulations 2081/92 and 2082/92 relating to designations of origin and geographical ascriptions which exclude the application of Directive 89/189/EEC from drafts under these regulations, examination of these texts under the Directive was terminated.

F. Responses to the procedure

83/189 Committee Meetings :

70. The Committee Meetings provided in Article 5 of Directive 83/189 (composed of representatives appointed by the Member States) have enabled the Commission departments and the Member States to hold discussions and exchanges of views on points of general interest or upon specific points concerning certain parties.

In 1992, 1993 and 1994, the Committee met on sixteen occasions (six in 1992, five in 1993 and five in 1994). It is in principle anticipated that the meetings will be held every two months. With regard to the technical regulations section, the Committee has had the opportunity of discussing several topics of general significance. It was particularly concerned with the draft amendment of Directive 83/189 (Directive 94/10/EC of 23rd March 1994) which the Commission submitted to the Committee well before submitting the definitive text of the proposal. This draft formed the subject of three meetings (24th January, 27th February and 8th April 1992) with a detailed examination, article by article, of the Commission's working document.

71. Other general subjects were discussed: exchanges by electronic mail (X 400); the problem of the overlap between Procedure 83/189 and other notification procedures (Article 100B of the Treaty, "designations of origin" and "contaminants"); practical solutions for settling infringement proceedings for non-notification under Directive 83/189; a list of notifications for which the Member States have not supplied the Commission with a response to a detailed opinion. A special mention should be made of the entry into force of the European Economic Area Agreement. Several meetings dealt with this subject, during the course of which the Commission departments informed the representatives of the Member States of the legal and practical consequences of this Agreement coming into force.
72. In 1994 the Committee also adopted a list of national authorities, other than the central governments, whose technical regulations enter within the field of application of Directive 83/189/EEC, as amended by Directive 94/10/EC. As it stands, this new Directive provides in Article I.9. that this list will be drawn up by the Committee stipulated by the Directive.
73. In addition, the Committee also had the opportunity of discussing specific notified drafts and problems which have arisen in application of these drafts. During these discussions, the representatives of the Member States together tried, with the active assistance of the Commission departments, to find concrete solutions or to request other delegations to give explanations regarding the implementation of certain regulations.

"Group" Meetings :

74. The practice of holding "group" meetings, which has been established for a number of years, has enabled the Commission departments to continue their direct contacts with the national authorities responsible for drawing up technical regulations. Also, a direct discussion between the representatives of the national government departments concerned and the Commission departments responsible for examining notified draft regulations, can if necessary be added to the exchange of views which takes place within the context of the information procedure. These contacts also enable an appropriate co-ordination of the search for solutions which are in accordance with Community law in cases of complaint or infringement regarding the free movement of goods which the Commission departments have to deal with, and regarding the notification procedure, in as much as the adoption of new technical regulations by the Member States is often necessary in order to settle assumed or observed infringements of national regulations.
75. In 1992, 1993 and 1994, "group" meetings were held with the German, Spanish, French, Portuguese, Greek, Dutch and Italian authorities. The sectors which were most frequently discussed at these meetings were particularly food products and telecommunications equipment.

Meetings with the Central Governments of the Member States :

76. The Commission made an effort during 1992, 1993 and 1994 to establish a dialogue with the national governments responsible for the application of Directive 83/189/EEC. These meetings took place within the context of meetings of the Directive Committee or within that of the group meetings organized in the Member States. They also enabled numerous infringement proceedings to be undertaken, brought by the Commission for non-notification under the Directive, from the first stages to the case being closed. They also provide an opportunity for dealing with the practical problems which can arise in the application of the procedure and enable the Central Governments to meet the Commission officials who are responsible for administering Directive 83/189.

Ad Hoc Meetings :

77. The Commission's departments continue to monitor certain cases which may give rise to disputes between the Member States and economic operators, between one Member State and another, or between the Member States and the Commission departments. The *ad hoc* meetings which have been organized by the Commission have assisted the parties concerned to reach agreement upon points of dispute. Meetings therefore took

place in 1992, 1993 and 1994 concerning fields such as low voltage (plugs and sockets, microwave ovens), electromagnetic compatibility (the application of European standards covering aspects of Directive 89/336/EEC) or the environment (paint standards, fuel emissions).

Conclusions and prospects

78. The assessment of the years 1992, 1993 and 1994 is characterized by a slight fall in the number of notifications recorded in comparison with former years and confirms the significance of the telecommunications sector, particularly in the 1993 and 1994 figures. This increase in the telecommunications sector over the agriculture and food products sector had already appeared in previous years, particularly in 1991.

79. It is also important to indicate that, even though the content has undoubtedly changed in comparison with former years (see Paragraph 3.2.1. above), the total number of detailed opinions did not fall in 1992, 1993 and 1994 (33% of notifications in 1992, 35% of notifications in 1993 and 25% in 1994, compared with 32.5% in 1991). The Commission's main concern is still the application of the principle of mutual recognition, but the application of certain Community instruments (Directives on "electromagnetic compatibility", "labelling" and "low voltage") have constituted the legal basis for a continually increasing number of detailed opinions.

80. The application of the 83/189/EEC procedure in the coming years will take place amongst significant change. The membership of certain of the EFTA countries from January 1995 will drastically change the total volume of applications of this procedure under the Directive. Similarly, the entry into force on 1st July 1995 of the Directive containing the second amendment to Directive 83/189/EEC (Directive 94/10/EC of 23rd March 1994) will bring about substantial revisions to the application of the Directive's rules and procedures.

CHAPTER III

EXCHANGE OF INFORMATION ON TECHNICAL REGULATIONS BETWEEN THE EEC AND THE EFTA COUNTRIES

Introduction

81. The Agreement between the EFTA countries and the EEC laying down a Procedure for the Exchange of Information in the field of Technical Regulations entered into force in November 1990 (Council Decision 90/518/EEC) for an initial period of two years. Consequently, the Agreement expired on 1st November 1992. The EEA Agreement, which lays down a system similar to that of the Agreement, did not enter into force until 1st January 1994. The Agreement concluded by Council Decision 90/518/EEC was extended for the period from November 1992 until December 1993 by means of bilateral agreements in the form of an exchange of letters.

With a view to avoiding possible barriers to trade between the Member States of both associations, the Agreement links the information procedure based on Directive 83/189/EEC with the comparable procedure between the EFTA countries.

82. In 1994, the EEA Agreement contained the 83/189/EEC Directive in Annex II Part XIX with the necessary adaptations.

From the entry into force of the EEA Agreement, although the Swiss Confederation is not a contracting part of this Agreement, both parts, the Community and the Swiss, continue to apply the exchange of information procedure.

The operation of the procedure

83. All the messages relating to the information procedure between the EEC Member States and the EFTA countries were exchanged in the years 1992 and 1993 between the Commission of the European Communities and the EFTA Council. From 1994, the procedure operated between the Commission and the EFTA Surveillance Authority of the EEA Agreement.

From the date of receipt of a draft regulation by the EFTA Council (in the case of notifications from EFTA countries) or the Commission (for notifications from the EEC Member States), a standstill period of three months begins during which the notifying State may not adopt the text. The EFTA Council and the Community may comment upon the draft technical regulations notified under this procedure. The Commission formulates the Community's comments in consultation with the Member States and communicates them to the EFTA Council, which forwards them to the EFTA countries.

84. The Agreement makes no provision for the extension of the standstill period. The one

possibility for taking the procedure beyond comments is laid down in Article 13 of the Agreement which provides for regular consultations on the comments made by any Contracting Party or additional ad hoc meetings to deal with specific cases.

Urgent Adoption Procedure

85. The Agreement between EFTA and the EEC on the Exchange of Information in the field of technical regulations and the EEA Agreement also contains a clause which provides for the immediate adoption of a draft for urgent reasons such as the protection of public health or safety or the health of animals and plants. One difference from the information procedure in Directive 83/189/EEC is that EFTA Member States which wish to adopt a draft for an urgent reason can do so without prior approval by the EFTA Council, the Commission or the EFTA Surveillance Authority. They simply announce that they intend to adopt the text without the three-month delay and add an explanation for the reasons for the urgency.
86. The Commission forwards to the EFTA Secretariat the requests for urgent adoption made by the Member States under the procedure introduced by Directive 83/189/EEC, together with its decision to accept or reject the request.

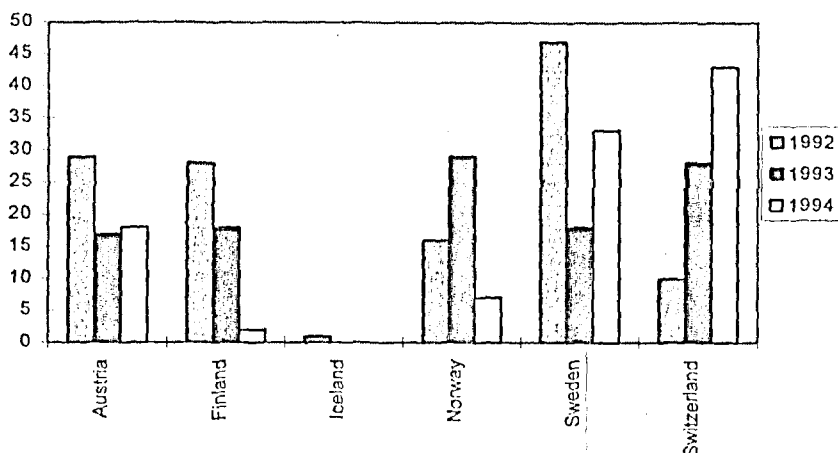
In 1992, the EFTA countries adopted four technical regulations for urgent reasons, immediately after notification. One of them related to Food Products, one to Mechanical Engineering, one to the Environment and Packaging and one to other products. In 1993, the EFTA countries adopted two technical regulations for urgent reasons, immediately after notification. Both of them related to food products. In 1994, the EFTA countries adopted four technical regulations for urgent reasons, two related to Mechanical Engineering, one to Transport and one to Products for Household and Leisure use.

Application of the Procedure

87. The statistics in Table XI of the Annex show that the Commission received 131 draft technical regulations from the EFTA countries in 1992, 110 in 1993 and 103 in 1994.

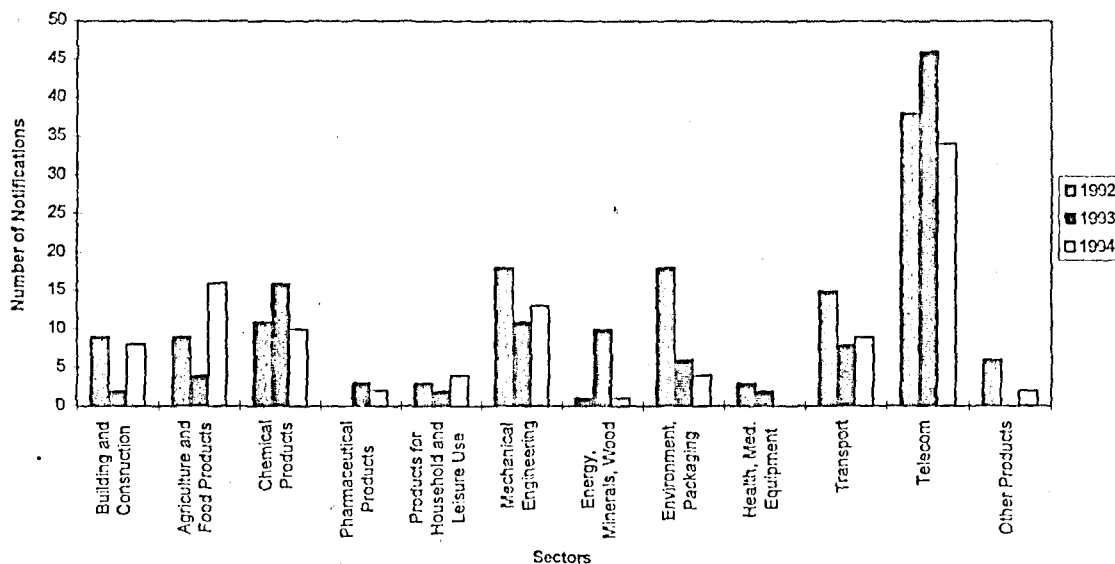
As can be seen in Chart 5, most of the notified draft regulations in 1992 came from Sweden, who accounted for over a third of the notifications, whilst Austria and Finland each notified almost a fourth of the total number of notifications. In 1993, the number of notifications from the EFTA States was more evenly distributed, Norway and Switzerland each notifying a fourth and the remaining EFTA States each notifying around 16% of the total number of notifications, except for Iceland who notified in the three years only one draft technical regulation. In 1994, almost three quarters of all notifications came from Sweden and Switzerland.

Chart 5 Number of Notifications per EFTA State 1992-1994



88. A breakdown by sector (in Chart 6 and Table XII of the Annex) shows that the largest sector in all three years has been the Telecommunications sector. In 1992, 29% of all notifications received related to the Telecommunications sector. In 1993, this figure was 42% and in 1994 it was 33%. Sweden signed responsible for 66% of all notifications in the Telecommunications sector in 1992. In 1993, it was Norway and Switzerland, who together notified more than two thirds of all notifications received in that sector. In 1994 Sweden notified 68% and Switzerland 26% of all notifications received in that sector. The second and third largest sectors in 1992 were the Mechanical Engineering and Environment Packaging sectors, each with 14% of all notifications. In 1993, the second and third largest sectors were Chemical Products with 15% of all notifications and Mechanical Engineering with 10% of all notifications. In 1994, the second and third largest sectors were Agriculture and Food Products with 16% and Mechanical Engineering with 13%.

Chart 6 EFTA Notifications per Sector 1992-1994



Comments

A. Comments from the Community on EFTA Notifications

89. In the years 1992-1994, the Community commented on 227 (66%) of the EFTA notifications, which represented a slight increase compared with the figures for 1990 and 1991, when the Community commented upon 55% of all EFTA notifications. These comments were subject to a consultation procedure with the EEC Member States and consequently they often included comments from them.

Notifications received from Austria, Sweden and Finland in 1994 and whose deadline expired after 1st January 1995, after these States had joined the European Union, were treated as notifications from Member States. This meant that these notifications in principle could also be the subject of a detailed opinion from either the Commission or other Member States. The Commission delivered fifteen detailed opinions at the beginning of 1995 against notifications from the "new" Member States. Notifications from the "new" Member States also received one detailed opinion and six comments from the "old" Member States.

90. The comments sent by the Community related in particular to problems of compatibility with existing Community law (74% of notifications in 1992 and 76% in 1993.) Community law related to environmental problems in 30% of cases in 1992 and 23% of cases in 1993, and to infringements of Directives 73/23/EEC ("Low Voltage") and 89/336/EEC ("Electromagnetic Compatibility") in 32% of cases in 1992 and in 56% of cases in 1993. In 1994, all the reactions by the Commission related to problems of incompatibility with Community law. 48% of reactions related to non-compliance with the articles of the EEC Agreement on the free movement of goods in accordance with Articles 30 et seq of the EC Treaty. 41% related to infringements of the provisions of Directive 89/336/EEC on electromagnetic compatibility.
91. Similarly, the Community issued comments with regard to drafts notified by the EFTA Member States which were signatories of the European Economic Area Agreement, drawing the attention of these States to the necessity of providing in their technical regulations the clauses of mutual recognition required for compliance with Articles 11 to 13 of the Agreement. The development towards a system of mutual recognition has proved to be quite slow. As it stands, the EFTA States concerned have had to introduce into their regulations a principle which does not necessarily form part of their traditional judicial experience.
92. The Community also made reference in comments upon projects in progress upon a Community level in the European standards institutes and upon the international agreements upon subjects such as the environment (Montreal Protocol) and safety at sea (OMI, SOLAS).

B. Comments from the EFTA on EEC notifications

93. Nine notifications by the Community in 1992, ten in 1993 and six in 1994 gave rise to comments from EFTA. The new Member States made five comments at the beginning of 1995.

The EFTA comments consist for the most part of references to the standardization work of the European organizations. These comments also contain references to current legislation in certain EFTA countries and to the possible barriers which the drafts in question could create with regard to products manufactured in accordance with this legislation.

Conclusions and Prospects

94. The assessment of the years 1992, 1993 and 1994 is characterized by a slight fall in the total number of notifications recorded in comparison with 1991 and confirms the significance of the telecommunications sector.

The number of comments made by the Community with regard to drafts from the EFTA Member States remained unchanged. The Community is still motivated towards monitoring the EFTA countries' compliance with the provisions of Community law.

Table I - Distribution of the number of new standardization projects undertaken each year between 1987 and 1994
Members of the CEN/CENELEC belonging to the EU.

Year	1987		1988		1989		1990		1991		1992		1993		1994	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
a. National projects																
a.1. Connected with European or International projects	187	5.2	244	6.9	225	4.2	154	2.3	241	2.4	542	5.2	109	1.7	119	23.5
a.2. Specific (*)	2537	70.6	1876	53.4	2096	39.2	1785	26.9	1952	19.1	1744	16.5	2019	31.3	1511	29.8
a.3. Total (a.1. + a.2)	2724	75.8	2120	60.3	2321	43.4	1939	29.2	2193	21.4	2286	21.4	2128	33.0	1630	32.2
b. European projects	289	8.0	556	15.8	1816	33.9	2457	37.0	5887	57.6	5014	47.5	2466	38.2	1985	39.8
c. International projects	579	16.1	1838	23.8	1215	22.7	2243	33.8	2130	20.9	3252	30.8	1860	28.8	1454	28.6
d. Total (a + b + c)	3592	100	3514	100	5352	100	6639	100	10210	100	10552	100	6454	100	5069	100

Source : notifications to the CEN/CENELEC

(*) It should be noted that these figures may be overestimated as a result of the fact that some members of the CEN/CENELEC do not automatically communicate the existence of a relationship with European or International projects.

Table IIa - Distribution of the number of new standardization projects undertaken in 1992
Members of the CEN/CENELEC belonging to the EU.

Field Level	Non-Electrical No. %		Electrical No. %		Total No. %		Non-Electrical Section $\frac{(1) \times 100}{(3)}$ (3) %
	(1)		(2)		(3) = (1) + (2)		
a. National projects							
a.1. Connected with European or International projects	535	7.6	7	0.2	542	5.2	98.7
a.2. Specific ⁷	1673	24.0	71	2.0	1744	16.5	95.9
a.3. Total (a.1. + a.2)	2208	31.6	78	2.2	2286	21.7	96.6
b. European projects	4042	57.9	972	27.2	5014	47.5	80.6
c. International projects	734 ⁸	10.5	2518	70.6	3252	30.8	22.6
d. Total (a + b + c)	6984	100	3568	100	10552	100	66.2

Source : Notifications to the CEN/CENELEC

⁷ It is to be noted that these figures may be overestimated as a result of the fact that some members of the CEN/CENELEC do not automatically communicate the existence of a relationship between their projects and European or International projects.

⁸ This figure has been supplied by the ISO departments.

Table IIb - Distribution of the number of new standardization projects undertaken in 1993
Members of the CEN/CENELEC belonging to the EU.

Field Level	Non-Electrical		Electrical		Total		Non-Electrical Section $(1) \times 100$ (3) %
	No.	%	No.	%	No.	%	
	(1)		(2)		(3) = (1) + (2)		
a. National projects							
a.1. Connected with European or International projects	105	2.0	4	0.3	109	1.7	96.3
a.2. Specific ⁹	1989	37.7	30	2.6	2019	31.3	98.5
a.3. Total (a.1. + a.2)	2094	39.7	34	2.9	2128	33.0	98.4
b. European projects	2094	39.7	3723	1.4	2466	38.2	84.9
c. International projects	1083 ¹⁰	20.5	7776	5.7	1860	28.8	58.2
d. Total (a + b + c)	5271	100.0	1183	100.0	6454	100.0	81.7

Source : Notifications to CEN/CENELEC

⁹ It is to be noted that these figures may be overestimated as a result of the fact that some members of the CEN/CENELEC do not automatically communicate the existence of a relationship between their projects and European or International projects.

¹⁰ This figure has been supplied by the ISO departments.

Table IIc - Distribution of the number of new standardization projects undertaken in 1994
Members of the CEN/CENELEC belonging to the EU.

Field Level	Non-Electrical		Electrical		Total		Non-Electrical Section $\frac{(1) \times 100}{(3)}$ %
	No.	%	No.	%	No.	%	
	(1)		(2)		(3) = (1) + (2)		
a. National projects							
a.1. Connected with European or International projects	113	2.8	6	0.6	119	23.5	95.0
a.2. Specific ¹¹	1510	37.2	1	0	1511	29.8	99.9
a.3. Total (a.1. + a.2)	1623	40.0	7	0.6	1630	32.2	99.6
b. European projects	1500	36.9	485	48.2	1985	39.2	75.6
c. International projects	941 ¹²	23.1	513	51.2	1454	28.6	64.7
d. Total (a + b + c)	4064	100	1005	100	5069	100	80.2

Source : Notifications to the CEN/CENELEC

¹¹ It is to be noted that these figures may be overestimated as a result of the fact that some members of the CEN/CENELEC do not automatically communicate the existence of a relationship between their projects and European or International projects.

¹² This figure has been supplied by the ISO departments.

Table IIIa - Distribution per country of the number of n
notified at national level in 1992

Field Country	Non-Electrical		Electrical		Total	
	No.	%	No.	%	No.	%
a. GE	322	13.9	19	21.1	341	14.2
b. FR	690	29.9	7	7.8	697	29.0
c. UK	162	7.0	16	17.8	178	7.4
d. IT	288	12.5	-	-	288	12.0
e. SP	711	30.7	36	40.0	747	31.1
f. Other EC countries	35	1.5	-	-	35	1.5
g. Total EC	2208	95.6	78	86.7	2286	95.2
h. EFTA countries	103	4.4	12	13.3	115	4.8
i. General total (g + h)	2311	100	90	100	2401	100

Sources : Notifications to the CEN/CENELEC

Comments :

1. Comparisons between the various countries should be made with some caution, it being given that the exact stage of preparation at which a new dr notified by the INFOPRO system is not harmonized.
2. These figures reflect the number of notifications managed by the Central Unit. Any questions relating to the exact number of new projects under upon a national level should be sent to the relevant National Standards Institute.

Table IIIb - Distribution per country of the number of new standardization projects notified at national level in 1993

Field Country	Non-Electrical		Electrical		Total	
	No.	%	No.	%	No.	%
a. GE	480	20.0	16	39.0	496	20.3
b. FR	504	21.0	6	14.6	510	20.9
c. UK	283	11.8	5	12.2	288	11.8
d. IT	355	14.8	5	12.2	360	14.7
e. SP	214	8.9	-	-	214	8.8
f. Other EC countries	258	10.7	2	4.9	260	10.6
g. Total EC	2094	87.2	34	83.0	2128	87.1
h. EFTA countries	307	12.8	7	17.0	314	12.9
i. General total (g + h)	2401	100	41	100	2442	100

Sources : Notifications to the CEN/CENELEC

Comments :

1. Comparisons between the various countries should be made with some caution, it being given that the exact stage of preparation at which a new d notified by the INFOPRO system is not harmonized.
2. These figures reflect the number of notifications managed by the Central Unit. Any questions relating to the exact number of new projects under upon a national level should be sent to the relevant National Standards Institute.

Table IIIc - Distribution per country of the number of new standardization projects notified at national level in 1994

Field Country	Non-Electrical		Electrical		Total	
	No.	%	No.	%	No.	%
a. GE	423	23.0	6	75.0	429	23.3
b. FR	353	27.5	0		353	19.1
c. UK	230	12.5	0		230	12.5
d. IT	331	18.0	1	12.5	332	18.0
e. SP	163	8.9	0		163	8.8
f. Other EC countries	123	6.7	0		123	6.3
g. Total EC	1623	88.4	7	87.5	1630	88.4
h. EFTA countries	213	11.6	1	12.5	214	11.6
i. General total (g + h)	1836	100	8	100	1844	100

Sources : Notifications to the CEN/CENELEC

Comments :

1. Comparisons between the various countries should be made with some caution, it being given that the exact stage of preparation at which a new draft is notified by the INFOPRO system is not harmonized.
2. These figures reflect the number of notifications managed by the Central Unit. Any questions relating to the exact number of new projects undertaken upon a national level should be sent to the relevant National Standards Institute.

Table IVa - The ten principal sub-sectors of new national standardization projects in 1992

SUB-SECTORS		Number of new projects (EU + EFTA)
Code	Name	
T02	Aeronautics	134
B02	Construction	99
I02	Fixing components	92
N09	Plastics	90
N03	Oil products	78
N01	Paper and card	70
I09	Small mechanical tools	56
B03	Concrete	51
C01	Food products	43
M05	Welding	42
Total		755

Source : Notifications to the CEN/CENELEC

Comments :

1. In 1992, the two principal sub-sectors of the electro-technics sector were :
 - coiling wire (Code W23) : 11 new projects
 - electric cables (Code W08) : 8 new projects

2. In the absence of more detailed figures, the totals indicated relate to the EU plus the EFTA countries.

Table IVb - The ten principal sub-sectors of new national standardization projects in 1993

SUB-SECTORS		Number of new projects (EU + EFTA)
Code	Name	
C01	Food products	90
T20	Rail construction (train and tram)	82
SO9	Water quality and conveyance	77
H28	Hunting	61
B99	Building - miscellaneous aspects	59
B02	Construction	53
B03	Concrete	51
T02	Aeronautics	49
IO9	Small mechanical tools	48
N05	Textiles	46
Total	-	616

Source : Notifications to the CEN/CENELEC

Comments :

1. In 1993, the two principal sub-sectors of the electro-technics sector were :
 - electric traction equipment (Code 03) : 6 new projects
 - electrical installations in buildings (Code W08) : 4 new projects
2. In the absence of more detailed figures, the totals given relate to the EU plus the EFTA countries.

Table IVc - The ten principal sub-sectors of new national standardization projects in 1994

SUB-SECTORS		Number of new projects (EU + EFTA)
Code	Name	
C01	Food products	85
I09	Small mechanical tools	80
S09	Water quality and conveyance	79
B99	Building - miscellaneous aspects	51
I02	Fixing components	49
C20	Explosives and fireworks	47
B02	Construction	44
T02	Aeronautics	44
N03	Oil products	40
T03	Road vehicles	40
Total		559

Source : Notifications to the CEN/CENELEC

Comment :

In the absence of more detailed figures, the totals given relate to the EU plus the EFTA countries.

Table V - Application of Article 3 (Request for association with national standardization projects and request for the development of a European standard.

Year	Information request	Comments request	Participation request	Request for European Standard
1985	5	14	5	0
1986	8	16	10	1
1987	5	74	5	0
1988	0	67	15	0
1989	0	52	16	1
1990	20	78	7	0
1991	0	83	16	0
1992	0	52	5	0
1993	0	34	7	0
1994	5	74	7	1

Source : CEN/CENELEC

Comments :

1. In the absence of detailed figures, the totals given are for the EU plus the EFTA countries.
2. Some requests for information or for participation and comments have not been notified to the CEN Central Secretariat.
3. Following a reminder by the CEN/CENELEC, some comments dating from the years 1985/1986 were entered in 1987.
4. Beginning from 1989, the figures relate for the most part to the CEN, as a result of the introduction of the Vilamoura system in the CENELEC.

Table IVa - Standardization work entrusted to European standardization bodies in 1992

- 1. Mandates in connection with the New Approach Directives**
 - Directive 89/106/EEC construction products: provisional mandate to the standardization bodies CEN and CENELEC.
 - Directive 89/336/EEC mandate to CENELEC relating to electromagnetic compatibility.
 - Directive concerning protective equipment and systems intended for use in explosive atmospheres: planning mandate and standardization mandate to CEN and CENELEC.

- 2. Mandates in connection with the Public Contracts Directives**
 - Mandate to CEN concerning certification of conformance with Community regulations on public contracts.
 - Mandate to CEN and CENELEC in the field of electricity production concerning the implementation of European standards used as buyers' guides in public contracts and concerning the drawing up of an auxiliary standards programme.
 - Mandate to CEN and CENELEC concerning the drawing up of a standardization programme in the field of machinery and equipment for the petroleum industry (exploration, production, refining and transport by pipeline) and natural gas (exploration, production).

- 3. Mandates in connection with Community policy in the field of IT and telecommunications**
 - Test specifications for DECT (Digital European Cordless Telephone).
 - Test specifications for ISUP (ISDN User Part) protocols.
 - Test specifications for ISDN (Integrated Services Digital Network) videophone.
 - Test specifications for very small aperture aerials (VAST).
 - Test specifications for the ISDN PCI (Programme Communication Interface).
 - High-level ONP (Open Network Provision) leased lines.
 - Automatic message accounting on the fixed public telephone network.
 - Coder-decoder for TETRA (Trans-European Trunked Radio).
 - Library-related and documentary applications.
 - Definition of a database taxonomy.
 - Functional standards in the field of information systems security.
 - Harmonization of sockets and plugs on the PSTN (Public Switched Telephone Network).
 - ONP (Open Network Provision) study relating to the interconnection of PSDNs (Packet-Switched Data Networks).
 - Establishment of a work programme relating to satellites with a low earth orbit.

- Identification of the calling line on the fixed public telephone network.
 - Specifications in the field of equipment for satellite ground stations.
 - The implications of ageing of the population for the design of telephone terminals.
 - Establishment of a work programme concerning readaptation technology.
- 4. Mandates in connection with other Community policies**
- Standardization mandate to CEN concerning the analysis and liberation of nickel.
 - Mandate to CEN concerning biotechnology.
 - Mandate to CEN concerning reference methods for doses of hazardous substances in water.
 - Mandate to CEN concerning a standard for a reference method allowing the calibration of automatic measuring equipment for gaseous total organic carbon and the principal performance characteristics for automatic measuring equipment.
 - Mandate to CEN concerning a European standard for a reference method allowing the calibration of automatic measuring equipment for low-concentration total dust and the principal performance characteristics for automatic measuring equipment.
 - Mandate to CEN concerning a test procedure allowing the demonstration in real conditions of the equivalence of sampling methods for fine particles (up to 10 μm) in suspension in ambient air in accordance with Community directives.

Table VIb - Standardization work entrusted to European standardization bodies in 1993

- 1. Mandates in connection with the New Approach Directives**
 - Directive 89/392/EEC - machine safety: mandate addressed to CEN and CENELEC concerning the drawing up of a standardization programme in connection with standards published in the context of the "Low Voltage" Directive with regard to the machinery sector.
 - Standardization mandate to CEN/CENELEC concerning lifts.
 - Draft directive concerning objects made from precious metals: planning mandate to CEN/CENELEC.
 - Directive 93/42/EEC concerning medical equipment: standardization mandate to CEN/CENELEC.
 - Directive 89/686/EEC concerning individual protective equipment: standardization mandate to CEN/CENELEC.

- 2. Mandates in connection with the Public Contracts Directives**
 - Standardization mandate addressed to CEN/CENELEC in the field of equipment and installations for the transmission and distribution of gas.
 - Planning and standardization mandate to CEN/CENELEC/ETSI in the field of railway equipment.
 - Research mandate to CEN/CENELEC/ETSI concerning the qualification of public contracts companies.
 - Mandate addressed to CEN/CENELEC/ETSI for the drawing up of a programme of standards in the field of acquisition and computer-assisted logistic support (CALS).

- 3. Mandates in connection with Community policy in the field of IT and telecommunications**
 - Mandate to CEN covering the guarantee of quality in the development of test specifications for open systems.
 - Planning mandate for character technology.
 - Supplementary standardization mandate concerning electromagnetic compatibility.
 - Standardization mandate in the field of geographical information.
 - Mandate relating to safety requirements for mobile communication equipment: thermal aspects of electromagnetic radiation.
 - Planning mandate relating to safety requirements concerning the athermanous effects of radiation during use of mobile communications equipment.
 - IT of transport and road traffic.
 - Specification of manufacturing messages.
 - Open Document Architecture: image and document processing applications.
 - Medical IT.
 - Planning mandate addressed to CEN/CENELEC/ETSI in the field of the exchange of computerized data.

- 4. Mandates in connection with other Community policies**
- Standardization mandate in the field of iron and steel-making.
 - Mandate in the field of air traffic management systems.

Table VIc - Standardization work entrusted to European standardization bodies in 1994

- 1. Mandates in connection with the New Approach Directives**
 - Directive 93/15/EC relating to explosives for civilian use: standardization mandate to CEN.
 - Directive 92/42/EC relating to requirements placed on boiler efficiency: mandate to CEN.
 - Directive 94/25/EC relating to pleasure craft: mandate to CEN.
 - Directive 89/392/EEC - 91/368/EEC - 93/44/EC in the field of machinery: standardization mandate to CEN and CENELEC.
 - Directive 73/23/EEC 93/68/EEC - 89/392/EEC - 91/398/EEC - 93/44/EC concerning Low Voltage and Machinery: one mandate entrusted to CEN and CENELEC concerning the revision of CEN/CENELEC standards in order to guarantee their complete coherence with regard to the Low Voltage and Machinery Directives.
 - Draft directive in the field of cable installations for the transport of people: planning and standardization mandate to CEN, CENELEC and ETSI.
 - Draft directive concerning pressurized equipment: mandate to CEN and CENELEC.
 - Draft directive concerning precious metals: standardization mandate to CEN.

- 2. Mandates in connection with Community policy in the field of IT and telecommunications**
 - Mandate to CEN, CENELEC and ETSI relating to computer systems engineering.
 - Mandate to CEN, CENELEC and ETSI concerning aircraft-ground telephone systems equipment.
 - Mandate to CEN, CENELEC and ETSI concerning low earth orbit (LEO) satellite stations.
 - Mandate to CEN, CENELEC and ETSI concerning Trans-European Trunked Radio (TETRA).
 - Mandate to CEN, CENELEC and ETSI concerning requirements for connection to terminal equipment intended for the Euro-ISDN.
 - Mandate to CEN, CENELEC and ETSI concerning terminals connected to the DCS 1800 networks.
 - Mandate to CEN, CENELEC and ETSI concerning the DECT generic access profile.
 - Mandate to CEN, CENELEC and ETSI concerning the general access of non-voice terminals to the analogue telephone network.
 - Mandate to CEN, CENELEC and ETSI concerning new types of specialized links.
 - Mandate to CEN, CENELEC and ETSI concerning "Local Loop" ONP access.
 - Mandate to CEN, CENELEC and ETSI concerning "multiple B channels" on ISDN.
 - Mandate to CEN, CENELEC and ETSI concerning ONP "Intelligent Networks IN".

- Mandate to CEN, CENELEC and ETSI concerning specification of the harmonized characteristics of a set of telephone tones generated by the public telephone networks.
- Mandate to CEN, CENELEC and ETSI concerning the test specifications for DECT applications.
- Mandate to CEN, CENELEC and ETSI concerning social alarm systems.
- Mandate to CEN, CENELEC and ETSI concerning the interface for the readaptation environment.
- Mandate to CEN, CENELEC and ETSI concerning the connections for switching interfaces.
- Mandate to CEN, CENELEC and ETSI concerning the audio description of television broadcasts for the partially sighted and the elderly.
- Mandate to CEN, CENELEC and ETSI concerning "Digital Audio Broadcasting".
- Mandate to CEN, CENELEC and ETSI concerning "Digital Video Broadcasting".
- Mandate to CEN, CENELEC and ETSI concerning access to the SDH system.
- Mandate to CEN, CENELEC and ETSI concerning the EWOS (European Workshop for Open Systems) 1995 work programme.
- Mandate to CEN, CENELEC and ETSI concerning the interface for the readaptation environment.
- Mandate to CEN, CENELEC and ETSI concerning the connections for switching interfaces.

3. Mandates in connection with other Community policies

- Mandate relating to methods of analysis in the field of materials and objects intended to come into contact with foodstuffs.
- Research mandate to CEN concerning a proposition aimed at including organo-mineral fertilizers in the annexes to directive 76/116/EEC.
- Standardization mandate entrusted to CEN concerning the revision of standard EN 272 relating to tactile hazard warning indicators.
- Research and standardization mandate entrusted to CEN concerning the perfection of methods of analysis for trace-element fertilizers.
- Standardization mandate to CEN and CENELEC concerning measuring methods for domestic washing machines.
- Standardization mandate to CEN and CENELEC concerning measuring methods for domestic tumble-dryers.
- Standardization mandate to CEN and CENELEC concerning measuring methods for domestic dishwashers.
- Standardization mandate to CEN and CENELEC for the drawing up of a measuring standards programme relating to certain types of domestic appliance.
- Mandate addressed to CEN concerning a standard in the field of environmental management systems.
- Mandate addressed to CEN and CENELEC for the drawing up of measuring standards relating to domestic refrigerators and freezers.
- Directive 94/62/EC planning mandate to CEN and CENELEC in the field of

packaging and packaging waste.

- Standardization mandate to CEN and CENELEC in the field of thermal solar systems and components.
- Mandate to CEN and CENELEC in the field of advanced ceramics.
- Planning mandate to CEN and CENELEC in the field of equipment and installations for the transport and distribution of electricity.

Tabel VII

Notifications per Member State 1992-1994

Member States	1992	1993	1994
Belgium	11	18	16
Danmark	28	18	34
Germany	65	80	98
Spain	12	15	25
France	73	85	60
Greece	11	12	12
Ireland	2	3	1
Italy	40	36	34
Luxemburg	3	1	0
Netherlands	38	24	40
Portugal	12	7	7
United Kingdom	67	106	62
<i>Total EEC</i>	362	385	389

Member States	% 1992	% 1993	% 1994
Belgium	3	4,7	4,1
Danmark	7,7	4,7	8,7
Germany	18	20,8	25,2
Spain	3,3	3,9	6,4
France	20	16,9	15,4
Greece	3	3,1	3,1
Ireland	0,6	0,8	0,3
Italy	11	9,4	8,7
Luxemburg	0,8	0,3	0
Netherlands	10,5	6,2	10,3
Portugal	3,3	1,8	1,8
United Kingdom	18,5	27,5	15,9

Notifications of Member States per Sector 1992

Table VIII

Sector 1992	B	DK	D	E	F	GR	IRL	I	L	NL	P	UK	Total EEC
Building and Construction	1	4	26	3	4	1	0	4	0	0	2	11	56
Agriculture and Food Products	5	1	1	3	15	4	0	20	1	21	1	5	77
Chemical Products	0	1	3	0	3	2	0	2	0	2	0	2	15
Pharmaceutical Products	0	1	2	0	5	2	0	1	0	1	0	2	14
Products for Household and Leisure Use	0	1	4	0	2	0	0	0	0	1	0	2	10
Mechanical Engineering	2	5	3	1	3	1	0	3	0	1	3	7	29
Energy, Minerals and Wood	0	0	1	0	2	0	0	0	0	0	0	0	3
Environment, Packaging	0	0	2	0	0	0	0	0	2	4	0	1	9
Health, Medical Equipment	0	0	1	0	2	1	1	1	0	0	1	2	9
Transport	1	5	8	0	0	0	1	3	0	1	2	26	47
Telecom	1	9	14	5	37	0	0	5	0	7	3	8	89
Other Products	1	1	0	0	0	0	0	1	0	0	0	1	4
<i>Total by Country</i>	11	28	65	12	73	11	2	40	3	38	12	67	362

Notifications of Member States per Sector 1993

Table IX

Sector 1993	B	DK	D	E	F	GR	IR L	I	L	NL	P	UK	Total EEC
Building and Construction	0	0	19	1	0	4	0	2	0	0	1	8	35
Agriculture and Food Products	3	0	7	7	2	0	0	20	1	11	3	2	56
Chemical Products	0	2	2	2	8	1	0	4	0	1	0	2	22
Pharmaceutical Products	0	0	2	0	5	3	0	1	0	0	0	9	20
Products for Household and Leisure Use	0	0	0	0	0	0	1	0	0	0	0	1	2
Mechanical Engineering	2	1	11	3	12	0	2	1	0	3	2	2	39
Energy, Minerals and Wood	0	0	1	0	4	0	0	0	0	0	0	1	6
Environment, Packaging	1	0	1	0	0	1	0	0	0	4	0	0	7
Health, Medical Equipment	0	0	2	0	3	1	0	0	0	1	0	2	9
Transport	2	7	9	0	13	2	0	6	0	0	0	14	53
Telecom	10	8	24	2	18	0	0	2	0	4	1	63	132
Other Products	0	0	2	0	0	0	0	0	0	0	0	2	4
<i>Total by Country</i>	18	18	80	15	65	12	3	36	1	24	7	106	385

Notifications of Member States per Sector 1994

Table X

Sector 1994	B	DK	D	E	F	GR	IRL	I	L	NL	P	UK	Total EEC
Building and Construction	0	1	28	2	4	1	0	3	0	3	0	10	52
Agriculture and Food Products	0	2	6	4	11	2	0	17	0	14	3	6	65
Chemical Products	0	2	2	1	5	2	0	2	0	2	0	1	17
Pharmaceutical Products	1	0	1	1	4	1	0	0	0	0	0	6	14
Products for Household and Leisure Use	0	3	0	0	1	0	0	0	0	1	0	2	7
Mechanical Engineering	0	7	29	4	11	2	0	5	0	6	2	8	74
Energy, Minerals and Wood	0	2	1	0	0	0	0	0	0	0	1	1	5
Environment, Packaging	0	0	0	0	0	0	0	1	0	1	0	0	2
Health, Medical Equipment	1	0	2	0	1	0	0	0	0	0	0	0	4
Transport	1	5	2	6	8	2	1	3	0	1	0	5	34
Telecom	13	12	27	4	15	1	0	2	0	12	1	23	110
Other Products	0	0	0	3	0	1	0	1	0	0	0	0	5
<i>Total by Country</i>	16	34	98	25	60	12	1	34	0	40	7	62	389

Notifications of EFTA States

Table XI

EFTA States	1992	1993	1994
Austria	29	17	18
Finland	28	18	2
Iceland	1	0	0
Norway	16	29	7
Sweden	47	18	33
Switzerland	10	28	43
Total EFTA	131	110	103

Notifications of EFTA States per sector 1992-1994

Table XII

Sector	1992	1993	1994
Building and Construction	9	2	.8
Agriculture and Food Products	9	4	16
Chemical Products	11	16	10
Pharmaceutical Products	0	3	2
Products for Household and Leisure Use	3	2	4
Mechanical Engineering	18	11	13
Energy, Minerals and Wood	1	10	1
Environment, Packaging	18	6	4
Health, Medical Equipment	3	2	0
Transport	15	8	9
Telecom	38	46	34
Other Products	6	0	2
Total	131	110	103