

# Free Movement of Goods in the European Union



# Outline

*Introduction*

*Historical Background*

*Old Approach / New Approach*

*The New Legislative Framework*

*Other relevant legislation*

*Current and future Commission activities*



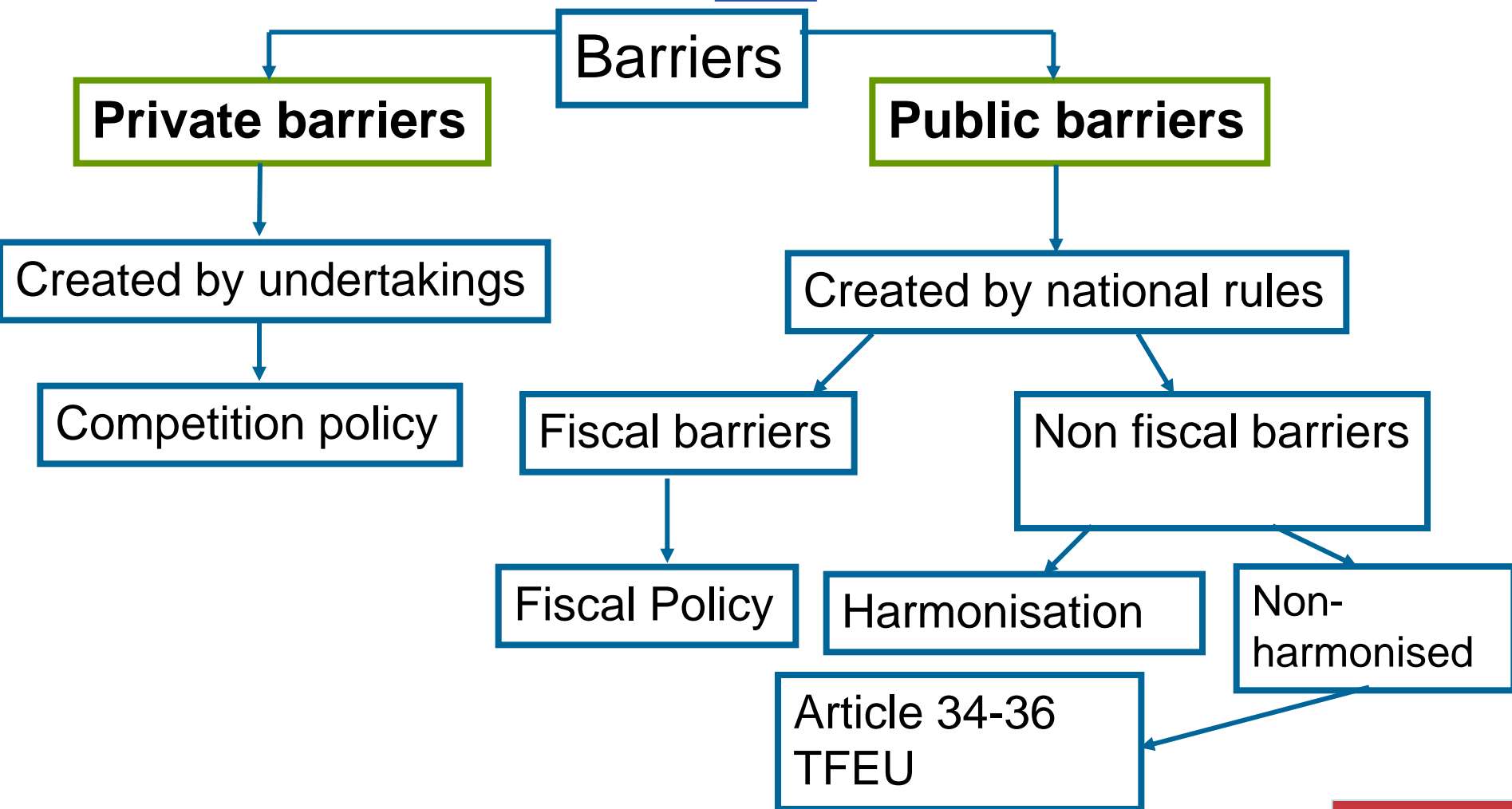
# Free movement of goods

*Cornerstone of the Internal Market*

*Ensure products can move freely between  
Member States.*

*Eliminate barriers to intra-EU movement of  
goods*





# Methods to Eliminate Barriers to Trade in Goods

## *Non-harmonised sectors*

*Different national rules  
continue to exist*

*Apply Arts 34-36 TFEU  
(Mutual recognition)*

*Notification of draft  
national legislation –  
Directive 98/34/EC*

## *Harmonised sectors*

*Article 114 TFEU*

*Common requirements for  
the entire EU*

*approximately 600  
directives/regulations*

*cover approximately 80%  
of goods*

# Non-harmonised sectors

*Mutual recognition developed in ECJ  
jurisprudence Articles 34-36 TFEU*

*Cassis de Dijon judgement (case 120/78)*

*Ensuring free movement of non-harmonised  
goods within the EU*



# Harmonised sectors - “Old Approach”

*Detailed technical specifications*

*Marketing authorisations, prior approvals*

*e.g.: cars, chemicals, pharmaceuticals, food*

*Frequent amendments of technical requirements  
needed*

*Lack of flexibility*

*Lengthy adoption process in Council*

# Harmonised sectors - “New Approach”

*Essential Requirements in directives*

- **technology neutral**

*References in OJ to Harmonised Standards*

- **developed by CEN, CENELEC on basis of Commission mandates**
- **voluntary character**

*Presumption of Conformity*



# New Approach

*Standardised conformity assessment procedures  
(8 basic "modules")*

- **SDoc**
- **third party certification**
- **depends on risk analysis**
- **use of Notified Bodies**

*CE Marking*

*Examples*

- **electrical products, machinery, medical devices, lifts, toys, fireworks...**

# 2008 “Goods package” - a horizontal review

## *Harmonised area - New Legislative Framework*

- **Regulation 765/2008 - requirements for accreditation and market surveillance relating to the marketing of products**
- **Decision 768/2008/EC - common framework for the marketing of products**

## *Non-harmonised area*

- **Regulation 764/2008/EC**

# New Legislative Framework

*Regulation 765/2008 – accreditation & market surveillance*

(OJ L218/30 of 13/08/2008)

*Decision 768/2008 - common framework for the marketing of products*

(OJ L218/82 of 13/08/2008)



# New Legislative Framework

*REGULATION 765/2008*

*Accreditation*

*Market surveillance*

- **internal**
- **imported products**

CE *general principles*

*Financing elements*

*Applicable from 1 Jan 2010*

*Lex Specialis*

*sectorals/GPSD*

*DECISION 768/2008*

*Definitions / obligations*

*Notification (criteria /  
process / accreditation)*

*Conformity assessment  
procedures*

*Safeguard mechanisms (&  
market surveillance)*

CE *marking*

*Basis for future legislation*



# Regulation & Decision

## *REGULATION 765/2008*

*Covers elements not included in sectoral legislation*

*Complementary to sectoral legislation*

*Applicable from 1 January 2010*

*Rights and obligations for Member States and individuals*

## *DECISION 768/2008*

*Covers elements already included in legislation*

*Sui Generis Decision*

- **No direct effects for Member States or individuals**

*Better Regulation tool: model Articles*

- **“toolbox”**



## Political trust

Technical trust

Technical trust

### EA - Accreditation

National  
authorities  
Country A

National  
authorities  
Country B

**Laboratories & certifiers**

**CE marking**

**Conformity assessment procedures**

**Manufacturers**

**Market – Products – Consumers/users**

**Market Surveillance & control of third country products**



**European Commission**  
Enterprise and Industry

**EU-Serbia screening exercise**  
Brussels, 17-20 June 2014



## *DG Enterprise Homepage*

- [http://ec.europa.eu/enterprise/policies/single-market-goods/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/index_en.htm)

## *Blue Guide*

- <http://ec.europa.eu/enterprise/policies/single-market-goods/documents/blue-guide/>

## *CE Marking*

- <http://ec.europa.eu/enterprise/policies/single-market-goods/cemarking/>