

Brussels, 5 April 2018

For simpler compliance with and smarter enforcement of EU harmonisation legislation
Comments on the Commission proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products COM(2017) 795¹

Executive summary

The industry represented by Orgalime supplies a broad spectrum of industrial and consumer goods in the mechanical engineering, electrical and electronic engineering and metalworking sectors. These goods are almost all covered by Union harmonisation legislation, the requirements of which are ever more complex and costly to comply with. Simultaneously, our companies increasingly suffer from unfair competition, due to lack of resources on the ground in Member States to ensure effective compliance checks. Therefore, we welcome the Commission proposal, which is a step in the right direction. We especially welcome:

- the strengthening of border controls and administrative checks by Member State authorities for products entering the Union market.
- the improvement of powers for market surveillance authorities in the area of new business models in online distribution services.
- the proposed concept that a person established within the Union market should be responsible for providing compliance information.
- the possibility to undertake private initiatives to support market surveillance authorities in getting the support and technical expertise they need to be more efficient and effective
- efforts to simplify how companies can obtain information on applicable product rules from the national Product Contact Points in all EU Member States.
- the obligation of Member States to provide sufficient budgetary and other resources to market surveillance authorities for the proper performance of their duties.

However, we see room for improvement by:

- removing the “double sanction” for legitimate manufacturers: not only must they comply with additional costly administrative obligations on top of existing ones in Union law (e.g. publication of the declaration of conformity, company audits), they will also continue to suffer unfair competition from rogue traders who will continue ignoring these obligations, especially those established outside the EU and so outside the reach of Member State authorities.
- ensuring that cooperation and dialogue between the authorities and economic operators will prevail over unspecified automated or superficial administrative controls.
- improving the way authorities will apply the proportionality principle, for instance in the application of their extended powers or in the use of evidence and investigation findings.
- enabling the possibility for economic operators to trigger the SOLVIT problem-solving procedure in case of disagreement with an administrative decision of a local authority, which would affect them adversely under Union harmonisation legislation.

¹ <https://ec.europa.eu/docsroom/documents/26824>

Orgalime, the European Engineering Industries Association, speaks for 42 trade federations representing the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs nearly 11 million people in the EU and in 2016 accounted for some €2,000 billion of output. The industry represents over a quarter of the output of manufactured products and over a third of the manufactured exports of the European Union.