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**REPORT FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN
PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

THE OPERATION OF DIRECTIVE 98/34/EC FROM 2006 TO 2008

COM(2009)690

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1. INFORMATION PROCEDURE

1.1. *Role of ESOs*

The NSBs, which are members of CEN and CENELEC (including bodies from the EFTA countries), send the necessary information to the CEN Management Centre and the Central Secretariat of CENELEC. The information gathered is sent monthly (except in the summer and over the end of year period) by CEN and quarterly by CENELEC to the Commission (DG Enterprise and Industry), all the members of CEN and CENELEC and to ETSI.

Within the Commission, DG Enterprise and Industry disseminates both the regular returns and the annual reports of CEN and CENELEC to relevant services.

ETSI takes part in the information procedure, although its role is limited to receiving and examining the information submitted by CEN and CENELEC members via the secretariats of these two bodies..

2. MANDATES

2.1. *The consultation process*

The Commission requests the political and technical endorsement of its policy in a particular area from the Member States. This is achieved by means of a consultation, firstly informally with the standardisation bodies, stakeholders and Member States through sectoral committees or expert groups and then formally with the Member States through the Standing Committee. The consultation process is co-ordinated by DG Enterprise and Industry. The Committee gives its opinion on the draft mandate, an opinion that is fully respected by the Commission services and that is acted upon wherever reasonable and possible. Following this consultation – and any amendment arising from it – the mandates are forwarded to the relevant ESOs for acceptance.

2.2. *Role of ESOs*

The ESOs may accept the mandate as issued by the Commission services, or indeed not accept it if they so wish, a decision made at Technical Board level. In practice, as mandates are discussed with the ESOs prior to their being issued, refusal is very rare and mandates are usually only not accepted if the work is outside the scope of the ESO.

The mandates can be addressed to any one of the ESOs, or any combination of them, as the work envisaged requires.

It is common for the ESOs to request co-funding for the mandated work following acceptance – by means of action grants – although the issuance of the mandate itself does not mean funding will necessarily be available and the request for funding must undergo a thorough evaluation process by the Commission services.

3. FORMAL OBJECTIONS

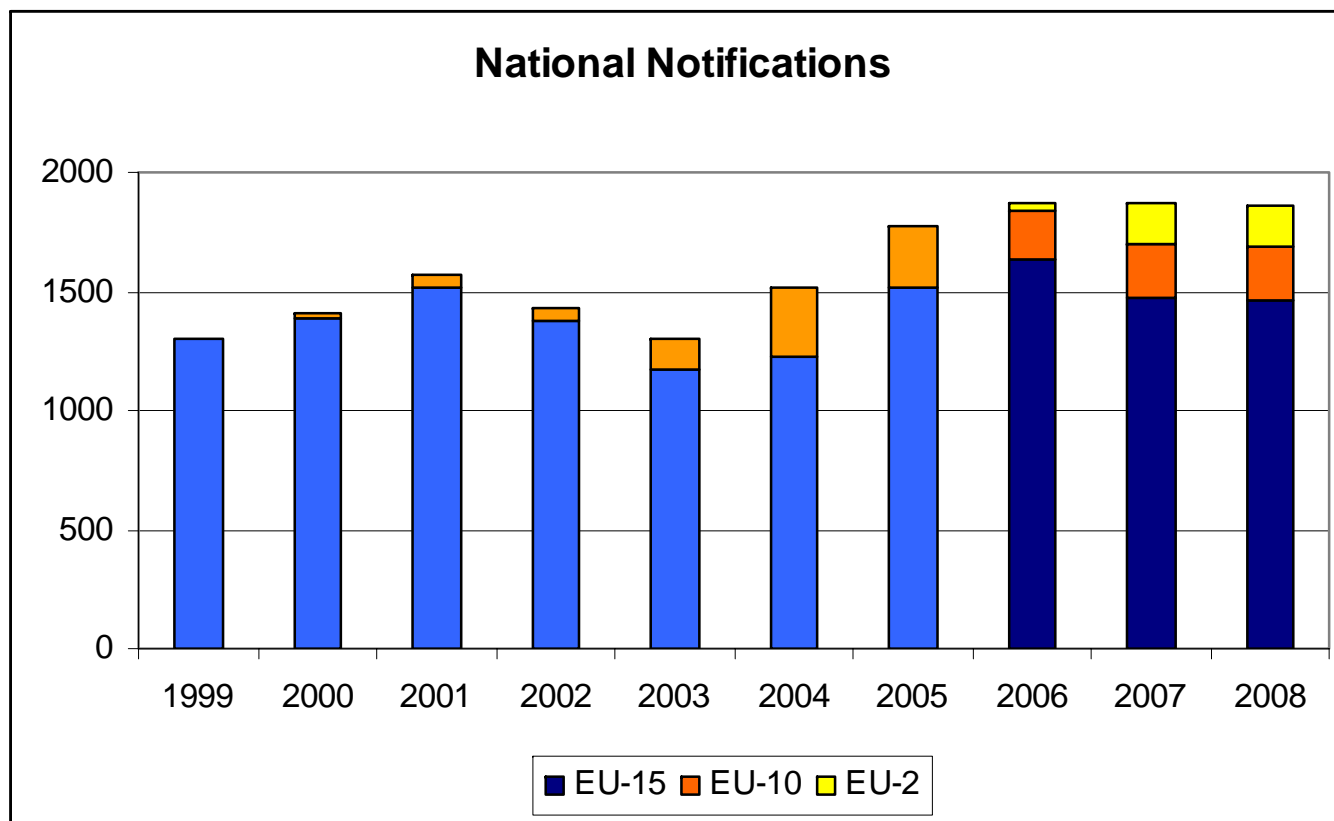
The procedure begins with the formal objection either being received by the Commission through the Permanent Representation or being launched by the Commission itself. The documents are then circulated to the Committee, and normally a Member State expert group is consulted for opinion also. Once a draft Commission Decision is ready, this is consulted with the Committee. After receiving a positive opinion, the Decision is processed further.

ANNEX 2 BREAKDOWN OF NEW NATIONAL STANDARDISATION ACTIVITIES FROM NOTIFICATIONS (CEN AND CENELEC) 2006-2008 BY STATE

Country	2006	2007	2008	Total
AT	357	219	219	795
BE	6	50	50	106
BG	na	25	25	50
CH	27	34	14	75
CY	na	0	0	0
CZ	23	55	56	134
DE	503	450	448	1401
DK	8	9	9	26
EE	16	10	10	36
ES	190	131	129	450
FI	10	11	11	32
FR	238	243	242	723
GR	3	2	0	5
HU	11	11	11	33
IE	3	1	1	5
IS	0	0	0	0
IT	107	132	133	372
LU	0	0	0	0
LT	19	18	18	55
LV	14	18	18	50
MT	1	0	0	1
NL	64	56	56	176
NO	20	19	19	58
PL	69	65	65	199
PT	13	1	1	15
RU	32	150	150	332
SE	9	14	14	37
SI	6	28	28	62
SK	45	19	19	83
UK	127	153	145	425

CEN	1905	1904	1835	5644
CENELEC	16	20	56	92
From EU-15	1638	1472	1458	4568
From EU-12	236	399	400	1035
From EFTA	47	53	33	133
TOTAL	1921	1924	1891	5736

ANNEX 3 BREAKDOWN OF NEW NATIONAL STANDARDISATION ACTIVITIES FROM NOTIFICATIONS (CEN AND CENELEC) 1999-2008 BY GROUP OF COUNTRIES



ANNEX 4 **SECTORAL BREAKDOWN OF NOTIFICATIONS**

2006		2007		2008	
CEN					
Building and construction - Structures 115	115	Building and construction – Structures	135	Food products	192
Water quality and water supply	73	Surgical instruments	126	Building and constructin - Structures	123
Building and construction - Undetermined	70	Food products	78	Building and constructin - Fire protection	77
Building and construction - Fire protection	57	Air quality	77	Aerospace	71
Food products	55	Waterproofing materials	59	Building and construction – Undetermined	67
Small tools	39	Road Building and Maintenance	54	Road Building and Maintenance	55
Furniture	38	Building and construction – Undetermined	52	Fasteners	47
Road Building and Maintenance	35	Building and construction – Fire protection	51	Small tools	46
Building and construction - Thermal matters	34	Petroleum products	36	Light alloys	45
Chemicals and chemical engineering	30	Water quality and water supply	35	Water quality and water supply	39

ANNEX 5 MANDATES 2006-2008 – TOTAL

Type	2006	2007	2008	Total
After formal objection (New Approach)	4	2	0	6
Amendments (New Approach)	4	0	1	5
New Approach mandates	5	7	2	14
Mandates under other legislation	7	5	9	21
Mandates under Community policy	4	6	6	16
Total	24	20	18	62

ANNEX 6 MANDATES BY SUBJECT AREA

Subject	2006	2007	2008	Total
Services	1	0	0	1
ICT	0	1	1	2
Energy	2	1	1	4
Transport	3	1	1	5
Environment	2	2	3	7
Consumer protection	4	0	4	8
Other	0	6	5	11
New Approach	12	9	3	24
Total	24	20	18	62

ANNEX 7 COMMISSION DECISIONS ON FORMAL OBJECTIONS 2006-2008

	Standard	Directive	Decision	Date	Decision number	O.J. Reference
1	EN 143:2000 -“Respiratory protective device – Particle filters - Requirements, testing, marking”	89/686/EEC Personal Protective Equipment	Presumption of conformity partially withdrawn	16.03.2006	2006/216/EC	L 080/76 17.03.2006
2	EN 13000 - Cranes	98/37/CE Machinery	Presumption of conformity partially withdrawn	24.11.2005	2006/731/EC	L 299/26 28.10.2006
3	EN 13683 :2003 - Garden equipment - Integrally powered shredders/chippers	98/37/CE Machinery	Non publication of the reference on the OJ	24.11.2005	2006/732/EC	L 299/29 28.10.2006
4	EN ISO 14122-4 - Safety of machinery - Permanent means of access to machinery - Part 4: Fixed ladders (ISO 14122-4:2004)	98/37/CE Machinery	Non publication of the reference on the OJ	24.11.2005	2006/733/EC	L 299/30 28.10.2006
5	EN 848-3 - Safety of woodworking machines - One side moulding machines with rotating tool - Part 3 : numerical control boring machines and routing machines	98/37/CE Machinery	Presumption of conformity partially withdrawn	02.03.2006	2006/704/EC	L 343/102 08.12.2006
6	EN 10080:2005 – Steel for the reinforcement of concrete	89/106 Construction Products	Presumption of conformity withdrawn	15.09.2006	2006/893/EC	L 291/35 21.10.2007
7	EN 71-1:2005 - Hemispheric toys - 5.12 first indent (former A 10)	88/378/EEC Toys	Presumption of conformity partially withdrawn	25.09.2006	2007/184/EC	L 85/7 27.03.2007
8	EN 71-1:2005 - Suction cups - 8.4.2.3 (former A 11)	88/378/EEC Toys	Presumption of conformity partially withdrawn	25.09.2006	2007/224/EC	L 96/18 11.04.2007

9	EN 12929-2:2004 - Safety requirements for cableway installations designed to carry persons — General requirements — Part 2: Additional requirements for reversible bicable aerial ropeways without carrier truck brakes	200/9/EC cableway installations designed to carry persons	Presumption of conformity non withdrawn	26.11.2008	Decision in the communication C(2008)7289	No published
10	EN 3-8:2006 - Portable fire extinguishers - Part 8: Additional requirements to EN 3-7 for the construction; resistance to pressure and mechanical tests for extinguishers with a maximum allowable pressure equal to or lower than 30 bar	97/23/EC Pressure Equipment	Publication of the reference on the OJ	13.11.2008	2009/111/EC	L 48/13 19.02.2009
11	EN 3-9:2006 - Portable fire extinguishers — Part 9: Additional requirements to EN 3-7 for pressure resistance of CO2 extinguishers	97/23/EC Pressure Equipment	Non publication of the reference on the OJ	13.11.2009	2009/140/EC	L 40/33 11.02.2010

ANNEX 8 **BRIEF DESCRIPTION OF THE NOTIFICATION PROCEDURE**

This annex gives a general overview of the notification procedure for products and indicates the specific procedural characteristics that apply to Information Society services. For a more detailed description of the procedure, please refer to the information brochure *Guide to the procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services*, available on the following website: <http://ec.europa.eu/enterprise/tris>.

Legal bases

Introduced in 1984 by Directive 83/189/EEC¹, the notification procedure in the field of technical regulations has gradually been extended to all industrial, agricultural and fishery products. In 1998, Directive 83/189/EEC was repealed and codified by Directive 98/34/EC², which in turn was amended by Directive 98/48/EC³ in order to extend the notification procedure to Information Society services, with the adaptations needed to take account of the demands of the sector.

Obligation to notify and the standstill period

Article 8(1) of Directive 98/34/EC (hereinafter "the Directive") stipulates that the Member States shall inform the Commission of any draft technical regulation prior to its adoption. The simple transposition of a Community act does not require prior notification, unless the national authorities adopt national provisions that go beyond mere compliance with Community acts and that contain technical regulations within the meaning of the Directive (Article 10 of the Directive).

Starting from the date of notification of the draft, a **three-month standstill** period – during which the notifying Member State cannot adopt the technical regulation in question – enables the Commission and the other Member States to examine the notified text and to respond appropriately. The only derogation to this rule is linked to the nature of the measure in question: for technical specifications linked to fiscal or financial measures, there is no standstill period. This also applies to technical regulations that have to be adopted urgently (see below).

Possible reactions and consequences

Where it emerges that the notified drafts are liable to create barriers to the free movement of goods or to the free provision of Information Society services (Articles 28-30, 43 and 49 of the EC Treaty) or to secondary legislation, the Commission and the other Member States may submit a **detailed opinion** to the Member State that has prepared the draft (Article 9(2) of the Directive). The detailed opinion has the effect of extending the standstill period by an additional three months. The Commission and the Member States can also make **comments** about a notified draft that appears to comply with Community law but that requires clarification in its interpretation (Article 8(2)). The Commission can also block a draft for a period of 12 months if Community harmonisation work is due to be undertaken or is already underway in the same field (Article 9(3) to (5)).

¹ Directive of 28 March 1983, OJ L 109/8 of 26.4.1983

² O L 204/37 of 21.7.1998.

³ O L 217/18 of 5.8.1998.

In the event of a detailed opinion being issued, the Member State concerned informs the Commission of the action that it intends to take in response to the detailed opinion, and the Commission comments on that reaction (Article 9(2)). With regard to the comments, even though the Directive does not lay down any legal obligation for the Member State receiving the comments to indicate what follow-up action it intends to take, the Member States are inclined to respond, thus making the procedure a genuine instrument of dialogue.

Urgency procedure

Article 9(7) of the Directive describes an emergency procedure, which is designed to allow the immediate adoption of a national draft, subject to a closed list of certain conditions that must be clearly indicated at the time of notification (*'serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants'*). The aim of the emergency procedure is to enable a notifying Member State faced with serious or unforeseeable circumstances immediately to adopt the draft technical regulation, without having to wait for the three-month standstill. The Commission decides on the justification for the emergency procedure as soon as possible. If the request to apply the emergency procedure is accepted by the Commission, the time limit for the 98/34 procedure does not apply, and the notified text can be adopted. Nevertheless, any examination of the substance of the text can subsequently be carried out, as part of infringement proceedings for breach of Community law.

Communication of final texts

At the end of the 98/34 procedure, the Member States are bound to inform the Commission of final texts as soon as those texts have been adopted and to indicate cases in which the notified draft has been abandoned, in order to allow the 98/34 procedure to be closed (Article 8(3) of the Directive).

'Technical standards and regulations' committee

The Standing Committee laid down in Article 5 of the Directive consists of representatives appointed by the Member States and is chaired by a representative of the Commission. In its 'Technical standards and regulations' configuration, the Committee meets regularly and constitutes a forum for discussing all issues connected with the application of the directive.

Application of the 98/34 procedure to Information Society services

The 98/34 procedure also applies to Information Society services, with the following adaptations: a) in the event of a detailed opinion being issued, the total standstill period is four months from the date of the communication, instead of the six months stipulated for products; b) the Commission can only block the draft for a maximum of 12 months if the subject of the draft is already covered by an EU Council proposal and if the notified text contains provisions that do not comply with the proposal drafted by the Commission; c) the emergency procedure can be invoked not only under the circumstances stipulated for products (*'serious and unforeseeable circumstances'*) but also *'for urgent reasons ...relating to public safety'*.

The simplified procedure

EFTA countries that are contracting parties to the Agreement on the European Economic Area ('EEA'), namely Norway, Iceland and Liechtenstein, apply the 98/34 procedure with the necessary adaptations⁴: they notify their drafts via the EFTA Surveillance Authority and can comment on the drafts notified by the 27 Member States. The same kind of reaction is provided for the entire European Community to drafts notified by the three countries signatory to the EEA Agreement.

Switzerland (which is part of EFTA, but which does apply the EEA Agreement) also participates in the system. This country applies the 98/34 procedure on a voluntary basis following an informal agreement to exchange information in the field of technical regulations: it submits its drafts to the Commission and can make and receive comments on the notified drafts.

Turkey, which transposed the Directive in 2002, participates in the procedure in the same manner as the EFTA countries. The decision to have Turkey participate in the notification system was taken in 1997 as part of the implementation of the final phase of the Customs Union between Turkey and the European Community.

ANNEX 9 DEVELOPMENTS IN COURT OF JUSTICE CASE-LAW ON THE MATTER 2006-2008

The two Court of Justice judgments delivered on the Directive during the 2006-2008 period are presented below in chronological order: the first of them was delivered following proceedings for failure to fulfil an obligation launched by the Commission against a Member State (Article 226 of the EC Treaty) and the other under the preliminary ruling procedure (Article 234 of the EC Treaty). The common feature of these judgments: they clarify the notion of technical regulation and the obligation to notify, and confirm the Court's previous case-law regarding the unenforceability of technical regulations not notified prior to their adoption.

It should be pointed out that, like the other Court judgments on the notification procedure, these judgments can be consulted on the following website: http://curia.europa.eu/jcms/jcms/Jo1_6308/).

Judgment of 26 October 2006, Case C-65/05, Commission versus Hellenic Republic (JO C 326 of 30 December 2006, page 8)

In the field of games of chance, the judgment *Commission v Hellenic Republic* stated that national measures prohibiting the use of all electric, electromechanical and electronic games, including all computer games, on all public or private premises apart from casinos, and the use of games on computers in undertakings providing internet services, and making the operation of such undertakings subject to the issue of a special authorisation, must be considered technical regulations in the meaning of Directive 98/34/EC.

In addition, the judgment has a bearing on the issue of urgency provided for by the Directive. In fact, the Court adds (logically) that the obligation to notify cannot be called into question by the need to adopt national legislation urgently in order to deal rapidly and directly with a social problem.

⁴ Annex II, Chapter XIX, point 1 to the EEA Agreement, which includes Article 8(2) of the Directive

Judgment of 8 November 2007, Case C-20/05, Schwibbert

(JO C 315 of 22 December 2007, page 4)

In its most recent judgment, *Schwibbert*, the Court provides another example of a technical regulation notifiable under the Directive. In this instance, it concerned the obligation to affix the distinctive sign « SIAE » to compact discs of works of figurative art for the purposes of marketing them in Italy.

The Court clarifies that this obligation constitutes a technical regulation which, if not notified to the Commission, cannot be invoked against an individual (Judgment *CIA Security*).

ANNEX 10 APPLICATION OF THE PROCEDURE 2006-2008: NOTIFICATIONS OF TECHNICAL REGULATIONS SUBMITTED BY THE MEMBER STATES

Annexes 10.1, 10.2 and 10.3 give a statistical overview of the development of the number of draft technical regulations notified by the Member States between 2006 and 2008, and of their breakdown by Member State and by sector. It should be pointed out that, in accordance with Article 11 of the Directive, ‘statistics concerning communications received’ as part of the notification procedure are published once a year in the Official Journal, C series⁵.

The reactions to the notified drafts – in the form of comments or detailed opinions from the Commission or the Member States, or of blockages on the part of the Commission – are illustrated in Annexes 10.4 to 10.6.

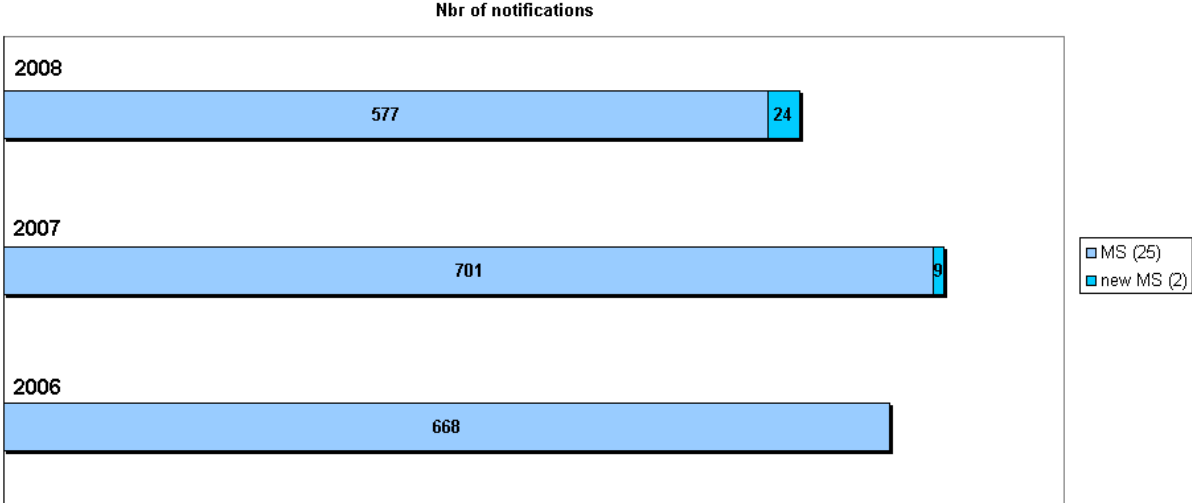
Annex 10.7 refers to the requests to apply the urgency procedure that the Member States addressed to the Commission pursuant to Article 9(7) of the Directive.

Annex 10.8 shows the action taken by the Member States in response to the Commission’s reactions.

⁵ For 2006: OJ C 151/10 of 5.7.2007; for 2007: OJ C 132/7 of 30.5.2008; for 2008: OJ C 131/3 of 10.06.2009.

10.1 VOLUME OF NOTIFICATIONS DURING THE 2006-2008 PERIOD

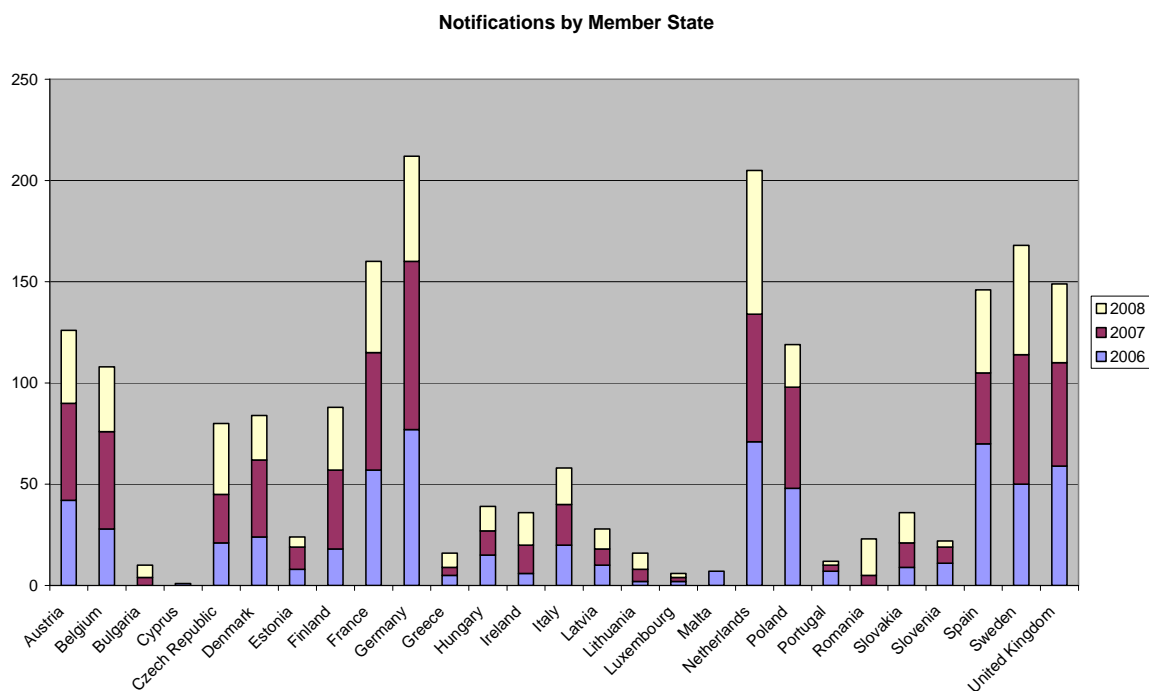
Figure 1



The statistics in figure 1 show that the Member States notified to the Commission 668 draft regulations in 2006, 710 in 2007 and 601 in 2008.

10.2 BREAKDOWN BY COUNTRY

Figure 2



During the 2006-2008 period, two Member States each notified more than 200 draft technical regulations: they were Germany (212) and the Netherlands (205). A group of five other countries (Sweden, France, United Kingdom, Austria and Belgium) come next with a total number of notifications of between 100 and 160. As far as the two “new” Member States are concerned, Bulgaria and Romania submitted 33 notifications (10 and 23 respectively) between 2007 and 2008.

Table 1 – Number of notifications of technical regulations submitted by the Member States from 2006 to 2008

Member States	2006	2007	2008
Austria	42	48	36
Belgium	28	48	32
Bulgaria	-	4	6
Cyprus	1	0	0
Czech Rep.	21	24	35
Denmark	24	38	22
Estonia	8	11	5
Finland	18	39	31
France	57	58	45
Germany	77	83	52
Greece	5	4	7
Hungary	15	12	12
Ireland	6	14	16
Italy	20	20	18
Latvia	10	8	10
Lithuania	2	6	8
Luxembourg	2	2	2
Malta	7	0	0
Netherlands	71	63	71
Poland	48	50	21
Portugal	7	3	2
Romania	-	5	18
Slovakia	9	12	15
Slovenia	11	8	3
Spain	70	35	41
Sweden	50	64	54

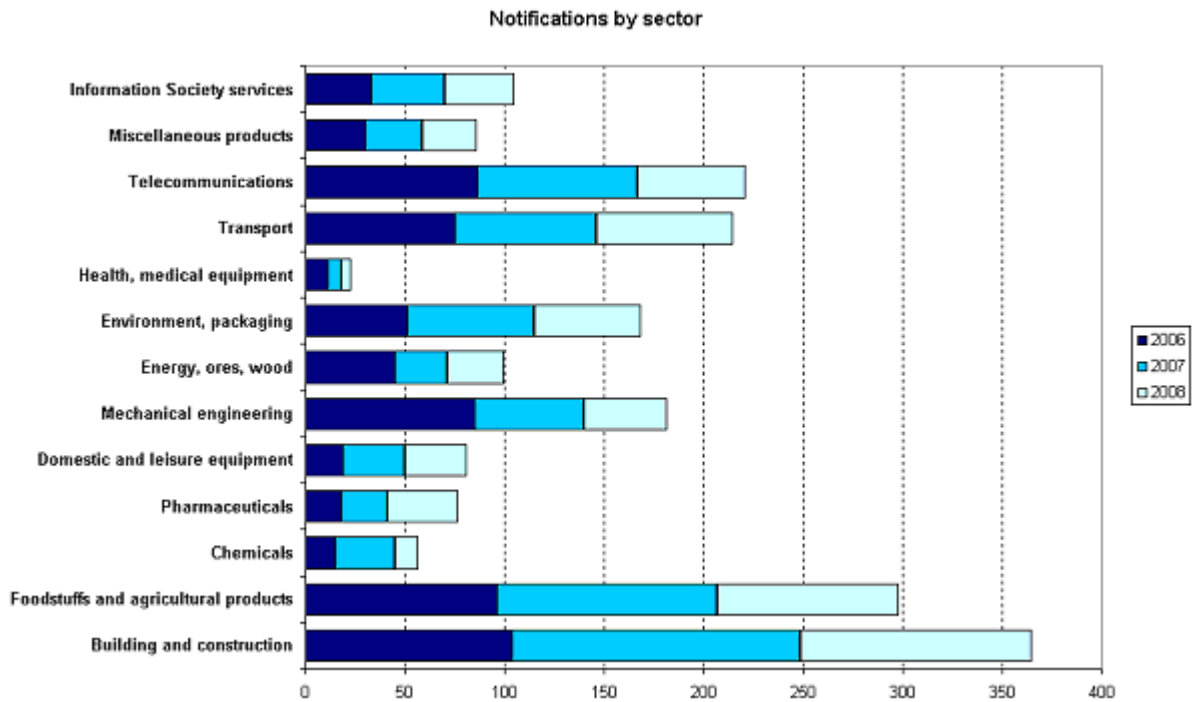
United Kingdom	59	51	39
Total EC	668	710	601

Table 2 – Percentages of notifications submitted by the Member States from 2006 to 2008

Member States	2006	2007	2008
Austria	8,3%	9,9%	6,5%
Belgium	5,5%	9,9%	5,7%
Bulgaria	0,0%	0,8%	1,1%
Cyprus	0,2%	0,0%	0,0%
Czech Rep.	4,1%	4,9%	6,3%
Denmark	4,7%	7,8%	3,9%
Estonia	1,6%	2,3%	0,9%
Finland	3,5%	8,0%	5,6%
France	11,2%	11,9%	8,1%
Germany	15,2%	17,1%	9,3%
Greece	1,0%	0,8%	1,3%
Hungary	3,0%	2,5%	2,2%
Ireland	1,2%	2,9%	2,9%
Italy	3,9%	4,1%	3,2%
Latvia	2,0%	1,6%	1,8%
Lithuania	0,4%	1,2%	1,4%
Luxembourg	0,4%	0,4%	0,4%
Malta	1,4%	0,0%	0,0%
Netherlands	14,0%	13,0%	12,7%
Poland	9,4%	10,3%	3,8%
Portugal	1,4%	0,6%	0,4%
Romania	0,0%	1,0%	3,2%
Slovakia	1,8%	2,5%	2,7%
Slovenia	2,2%	1,6%	0,5%
Spain	13,8%	7,2%	7,4%
Sweden	9,8%	13,2%	9,7%
United Kingdom	11,6%	10,5%	7,0%

10.3 BREAKDOWN BY SECTOR

Figure 3



Building and construction are constantly increasing and represent the sector with the highest number of notifications during the period in question (365 notifications). They are followed by the **foodstuffs and agricultural products** sector (298 notifications). Between 2006 and 2008, two other sectors grew significantly: **telecommunications** (221 notifications) and **transport** (215 notifications). **Information Society** services represent on average 5,3% of the total number of notifications.

Tables 3 and 4 – Breakdown by sector of the drafts notified by the Member States of the European Union in 2006 and 2007

Sectors	2006	
Building and construction	104	15,6%
Foodstuffs and agricultural products	96	14,4%
Chemicals	15	2,2%
Pharmaceuticals	18	2,7%
Domestic and leisure equipment	18	2,8%
Mechanical engineering	85	12,7%
Energy, ores, wood	45	6,7%
Environment, packaging	51	7,6%
Health, medical equipment	11	1,6%
Transport	75	11,2%
Telecommunications	86	12,9%
Miscellaneous products	30	4,5%
Information Society services	34	4,9%

Sectors	2007	
Building and construction	145	20,4%
Foodstuffs and agricultural products	111	15,6%
Chemicals	30	4,2%
Pharmaceuticals	23	3,2%
Domestic and leisure equipment	31	4,4%
Mechanical engineering	55	7,7%
Energy, ores, wood	26	3,7%
Environment, packaging	64	9,0%
Health, medical equipment	7	1,0%
Transport	71	10,0%
Télécommunications	81	11,4%
Miscellaneous products	29	4,1%
Information Society services	37	5,2%

Tables 5 and 6 – Breakdown by sector of the drafts notified by the Member States of the European Union in 2008

Sectors	2008	
Building and construction	116	19,3%
Foodstuffs and agricultural products	91	15,1%
Chemicals	12	2,0%
Pharmaceuticals	36	6,0%
Domestic and leisure equipment	31	5,2%
Mechanical engineering	42	7,0%
Energy, ores, wood	29	4,8%
Environment, packaging	54	9,0%
Health, medical equipment	5	0,8%
Transport	69	11,5%
Télécommunications	54	9,0%
Miscellaneous products	27	4,5%
Information Society services	35	5,8%

10.4 COMMISSION REACTIONS: COMMENTS AND DETAILED OPINIONS 2006-2008 (ARTICLES 8(2) AND 9(2) OF THE DIRECTIVE)

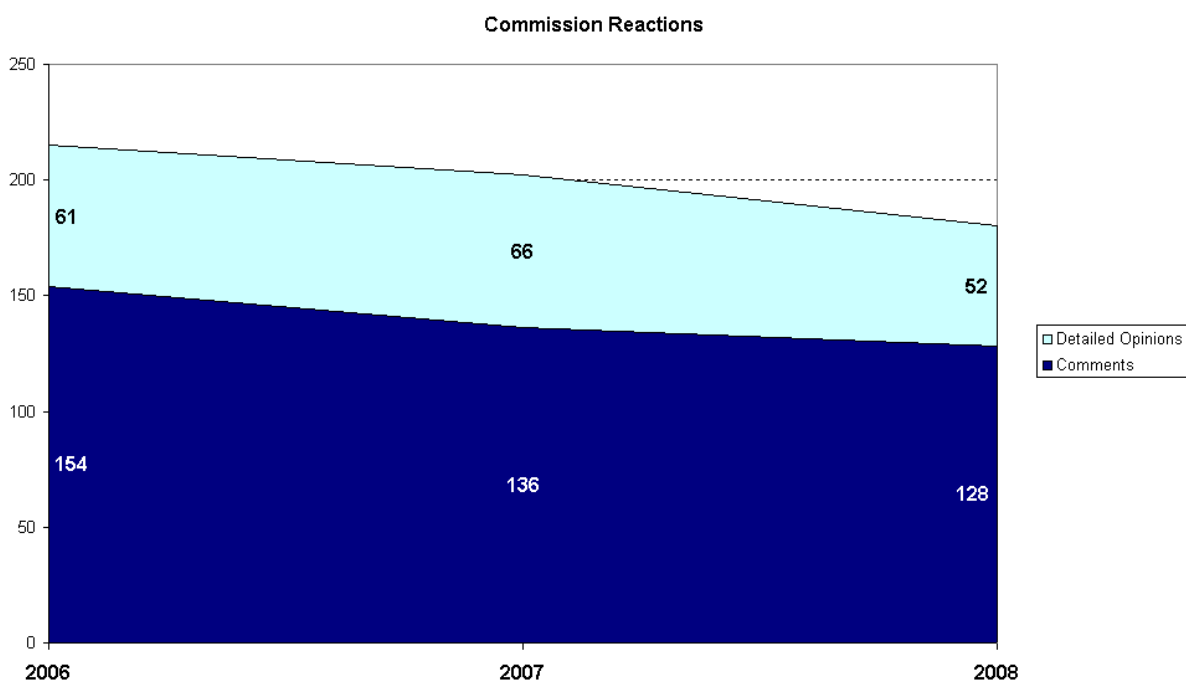
Table 7

Year	Comments	Detailed opinions
2006	154	61
2007	136	66
2008	128	52

The number of **detailed opinions** issued by the Commission during the period in question did not vary significantly: 61 detailed opinions in 2006 on the total number of 668 notifications (10.9%); in 2007, 66 detailed opinions on the total number of 710 notifications (9.29%). On the 601 notifications of 2008 the Commission issued 52 detailed opinions, corresponding to 8.65% of the total number.

On the other hand, the number of **comments** made by the Commission decreased at a constant rate from 154 in 2006 to 128 in 2008.

Figure 4



10.5 COMMISSION REACTIONS: BLOCKAGES 2006-2008 (ARTICLES 9(3) AND 9(4) OF THE DIRECTIVE)

During the 2006-2008 period, the Commission requested a 12-month postponement of the adoption of 22 draft regulations notified by the Member States, because they concerned a subject on which Community harmonisation work had already been announced or was underway.

Table 8

Year	Standstills		Total
	Announcement of a Community text (Article 9(3))	Presentation to the Council of a Community text (Article 9(4))	
2006	1	2	3
2007	7	4	11
2008	5	3	8

10.6 MEMBER STATE REACTIONS

Table 9 Comments and detailed opinions issued by the Member States 2006-2008 (Articles 8(2) and 9(2))

	2006		2007		2008	
	Com.	D.O.	Com.	D.O.	Com.	D.O.
Austria	13	8	13	4	13	5
Belgium	3	2	1	0	0	6
Bulgaria			0	0	0	0
Cyprus	0	0	0	0	0	0
Czech Rep.	12	0	8	0	5	0
Denmark	0	2	0	1	0	2
Estonia	1	1	0	0	0	1
Finland	2	0	5	0	2	8
France	14	2	12	8	16	12
Germany	30	8	42	6	27	2
Greece	0	0	1	0	2	1
Hungary	11	2	4	0	6	0
Ireland	0	0	1	1	1	1
Italy	21	6	22	5	6	2
Latvia	4	0	7	0	3	0
Lithuania	0	0	0	0	0	0
Luxembourg	0	1	0	1	0	0
Malta	0	1	0	3	3	2
Netherlands	8	2	9	3	3	2
Poland	10	2	6	0	4	1
Portugal	2	1	0	1	1	0
Romania			1	0	2	1
Slovakia	3	2	0	0	2	0
Slovenia	6	0	5	0	7	0
Spain	18	6	19	2	18	3
Sweden	4	0	1	0	4	0
United Kingdom	12	6	10	4	10	2
Total	174	52	167	39	135	51

10.7 URGENCY PROCEDURE (ARTICLE 9(7) OF THE DIRECTIVE)**Table 10 Requests to apply the urgency procedure received 2006-2008**

YEAR	2006		2007		2008	
	Requests	Favourable opinion	Requests	Favourable opinion	Requests	Favourable opinion
Austria	0	0	0	0	0	0
Belgium	3	2	4	1	0	0
Bulgaria	0	0	0	0	0	0
Cyprus	0	0	0	0	0	0
Czech Rep.	0	0	0	0	0	0
Denmark	0	0	0	0	0	0
Estonia	1	0	0	0	0	0
Finland	0	0	2	0	0	0
France	8	0	3	3	3	0
Germany	0	0	1	1	0	0
Greece	1	0	0	0	0	0
Hungary	0	0	1	0	1	0
Ireland	0	0	0	0	1	0
Italy	1	0	1	0	1	1
Latvia	1	0	1	0	1	0
Lithuania	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0
Malta	0	0	0	0	0	0
Netherlands	1	1	1	0	2	1
Poland	0	0	0	0	0	0
Portugal	0	0	3	0	0	0
Romania	0	0	1	0	1	0
Slovakia	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0
Spain	1	0	0	0	1	0

Sweden	1	1	1	1	2	2
United Kingdom	0	0	0	0	0	0
Total	17	4	19	6	13	4

Table 10 provides an overview of the number of requests to apply the emergency procedure, by Member State and by year; it also shows the number of requests to which the Commission gave a favourable opinion (14 out of the 49 made during the entire 2006-2008 period).

Table 11 – Breakdown by sector of the requests to apply the urgency procedure 2006-2008.

	Belgium		Germany		Eesti		Ireland		Greece		Spain		France		Italy		Latvia		Hungary		Netherlands		Portugal		Romania		Finland		Sweden		Total R	Total A	
	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A	R	A					
98/48/Ec Services	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	3	0
Agriculture, Fishing And Foodstuffs	1	0	0	0	0	0	1	0	0	0	1	0	2	1	0	0	1	0	0	0	4	2	0	0	0	0	0	0	1	1	11	4	
Chemicals	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	5	0	
Construction	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	4	1		
Domestic And Leisure Equipment	0	0	1	1	0	0	0	0	0	0	1	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4	2		
Energy, Minerals, Wood	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Environment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Goods And Miscellaneous Products	4	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	5	2		
Health, Medical Equipment	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0		
Mechanics	0	0	0	0	0	0	0	0	0	0	0	0	2	1	0	0	1	0	0	0	0	0	2	0	0	0	0	0	0	5	1		
Pharmaceuticals And Cosmetics	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	3	3	4	3	
Telecoms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Transport	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1			
TOTAL	7	3	1	1	1	0	1	0	1	0	2	0	14	3	2	1	3	0	2	0	4	2	3	0	2	0	2	0	4	4	49	14	

Table 11, which gives a sectoral breakdown of the requests to apply the urgency procedure received by the Commission during the 2006-2008 period, shows that the application of this exceptional procedure was invoked mainly in the foodstuffs and agricultural products sector (11 requests) and in the health and medical equipment sector (7).

10.8 FOLLOW-UP TO COMMISSION REACTIONS

Table 12 shows that, in **2006**, the recipient Member States responded to 53 of the 61 detailed opinions issued by the Commission (86.8%) and that 41 responses were deemed satisfactory by the Commission (67,2%). In **2007**, they responded to 54 of the 66 detailed opinions (81,8%); 45 were satisfactory (68,1%). In **2008**, 52 detailed opinions were issued by the Commission. Of the 43 responses from the Member States (82.6%), 30 were deemed satisfactory by the Commission (57,6%).

Table 12*

Year	Detailed opinions	Responses from the Member States	Satisfactory	Closures
2006	61	53	41	8
2007	66	54	45	8
2008	52	43	30	5

*Data at 04/06/2009

Table 13

Year	Observations COM	Responses from the Member States
2006	154	114
2007	136	80
2008	128	67

Table 13 shows that, in **2006**, the recipient Member States responded to 114 of the 154 observations issued by the Commission (74 %). In **2007**, they responded to 80 of the 136 (58,8 %) and, in **2008**, Member States responded to 67 of the 128 observations made by the Commission (52,3 %).

ANNEX 11 APPLICATION OF THE PROCEDURE 2006-2008: PARTICIPATION OF EFTA COUNTRIES SIGNATORY TO THE EEA AGREEMENT, OF SWITZERLAND AND OF TURKEY

Table 13 – Number of notifications from EFTA countries and comments issued to them by the European Community

		2006		2007		2008	
		Notifications	Com. EC	Notifications	Com. EC	Notifications	Com. EC
EFTA	Norway	21	9	21	5	16	8
	Liechtenstein	1	0	1	0	0	0
	Iceland	1	0	6	2	9	0

Table 14 – Number of notifications submitted by Switzerland and Turkey and comments issued to them by the Commission or the Member States

	2006		2007		2008	
	Notifications	Com.	Notifications	Com.	Notifications	Com.
Switzerland	13	5	12	3	3	0
Turkey	19	15	2	1	5	2

Table 15 – Number of comments from EFTA, Switzerland and Turkey regarding the notifications from the Member States

	2006	2007	2008
EFTA	1	0	1
Switzerland	0	8	1
Turkey	0	1	0

ANNEX 12 – INTERNET CONSULTATIONS 2006-2008

Figure 5

