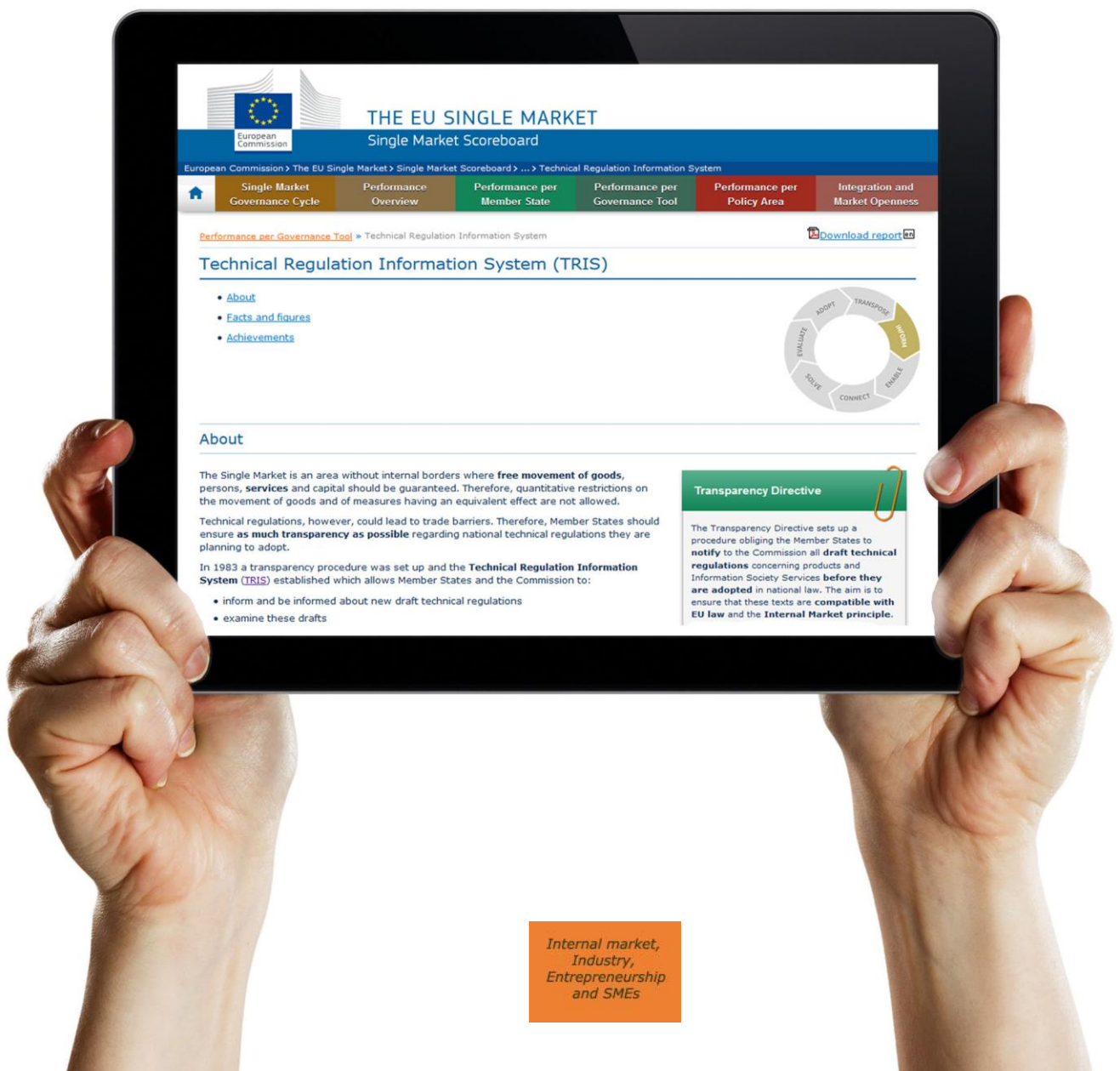


Single Market Scoreboard

Performance per governance tool

Technical Regulations Information System

(Reporting period: 01/2017 - 12/2017)



About

In the Single Market, quantitative restrictions on the movement of goods and measures having an equivalent effect are not allowed. As the Single Market is an area without internal borders, the **free movement of goods, persons, services and capital** should be guaranteed.

Technical regulations can lead to trade barriers. Therefore, Member States should ensure **as much transparency as possible** over national technical regulations they are planning to adopt.

In 1983 a transparency procedure was set up and the **Technical Regulation Information System (TRIS)** established. TRIS enables Member States and the Commission to:

- inform and be informed about new draft technical regulations
- examine these drafts
- detect potential barriers to trade before they have any negative effects
- pinpoint protectionist measures
- comment on the draft regulations
- have an effective dialogue when assessing the notified drafts and
- identify the need for harmonisation at EU level.

In this way they can ensure that:

- these texts are compatible with EU law and the Single Market principles.

At the same time **Member States** can:

- draw on the ideas of their partners to solve common problems over technical regulations, using TRIS as a benchmarking and better regulation tool.

TRIS is also accessible to the public, so that anyone can access all notified draft technical regulations and send contributions with their views on any notification.

Single Market Transparency Directive

This directive sets up a procedure obliging the Member States to **notify** to the Commission all **draft technical regulations** on products and information society services **before they are adopted** in national law.

The aim is to ensure that these texts are **compatible with EU law** and the **Single Market principles**.

For details of the products and services concerned, the exceptions and the applicable deadlines see the [Single Market Transparency Directive \(EU\) 2015/1535](#).

Facts and Figures

Under the **Transparency procedure** Member States are obliged to notify to the Commission all draft **technical regulations** concerning **products** and **information society services** before they are adopted in national law. It is essential that the Member State sends the **notification at a draft stage** (i.e. when the text can still be amended).

The notification triggers a **standstill period** of **3 months** during which the technical regulation **cannot be adopted**.

The Commission and the other Member States can use this time to examine the notified draft technical regulation to determine whether it complies with EU law and the principles of the free movement of goods and services. If necessary, they can issue **comments** or **detailed opinions**.

- If there is **no reaction**, the draft can be adopted after the 3-month standstill period has expired.
- If the Commission or a Member State issues a **comment**, the notifying Member State has no formal obligation to reply. However, it must take the comments into account as far as possible in its subsequent work on the draft technical regulation. It can then adopt the technical regulation after the 3-month standstill period has expired.
- The Commission or a Member State can send a **detailed opinion** if it considered that the technical regulation may create obstacles to:
 - the free movement of goods
 - the freedom to provide information society services

The aim of a detailed opinion is to prevent barriers to trade in the Single Market at source.

If a detailed opinion is delivered, the **standstill period** is **extended** to:

- **6 months** for products
- **4 months** for information society services and voluntary agreements.

The Member State concerned **must take into account the detailed opinion** and reply to it, explaining the actions it intends to take in response. For example it may:

- propose revoking the draft text
- give justification for retaining it
- propose amending certain provisions so that they are compatible with EU law.

The extended standstill period allows for a **dialogue** with the notifying Member State. This dialogue can continue as long as the notified draft technical regulation has not been adopted.

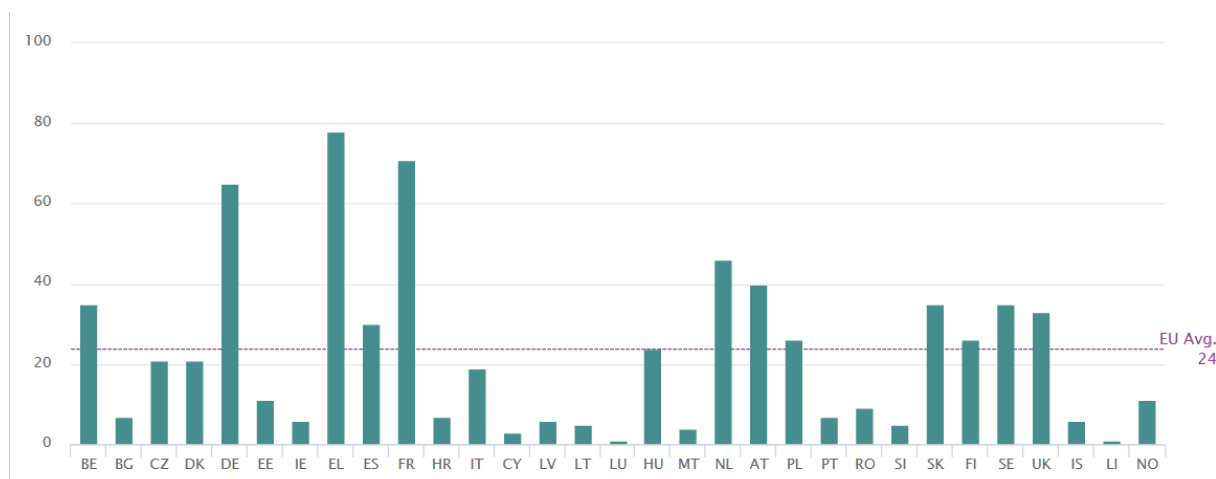
The Commission can also **block a draft technical regulation** if:

- it announces its intention of proposing or adopting an EU act (directive, regulation or decision), or
- finds that the draft legislation concerns a matter covered by a proposal for an EU act presented to the European Parliament and the Council.

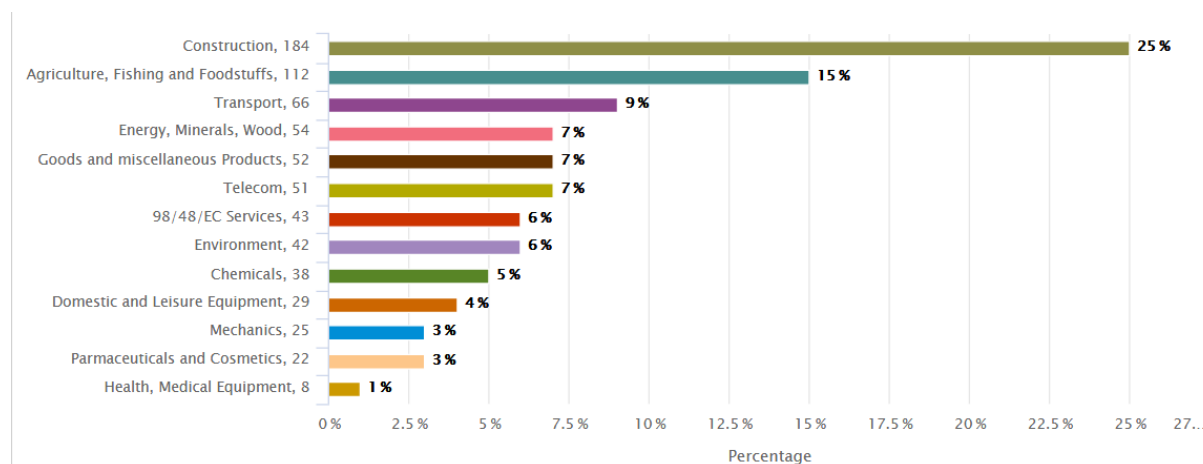
In that case, the standstill period is extended to **12 months** starting from the notification date. It may be **further extended to 18 months** if the Council adopts a common position during the 12-month standstill period.

The **notification procedure ends** when the technical regulation is adopted and communicated to the Commission.

Number of notifications



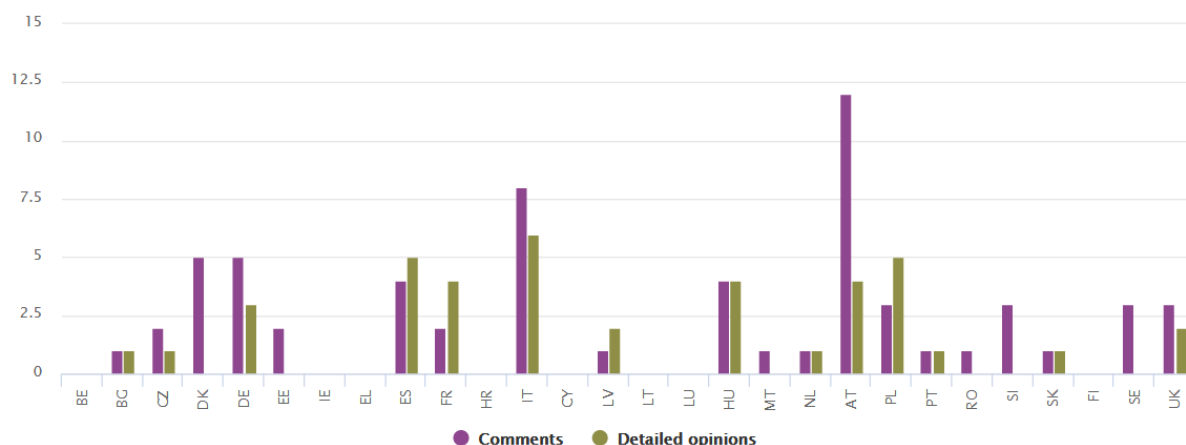
Number of notifications by sector



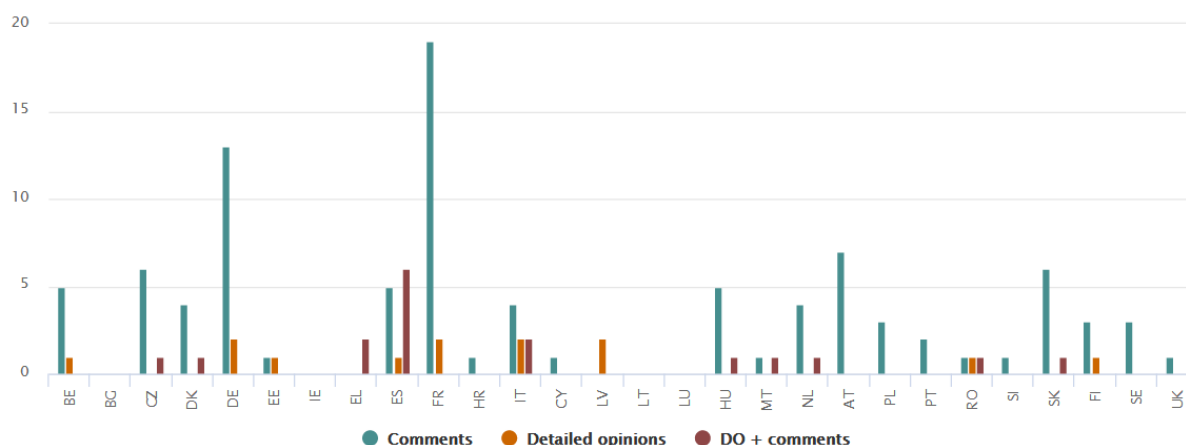
The total number of notifications slightly decreased compared to 2016: from 757 to 726.

There have been some relevant changes in the number of notifications per sector compared to 2016. There is an important increase of notifications in the 'construction' sector which took the lead over the 'agriculture, fishing and foodstuffs' sector (which decreased compared to 2016). A decrease in the 'transport', 'mechanics', 'environment' and in the 'information society services' sectors is partially compensated by an increase in the 'energy, minerals and wood' and in the 'telecoms' sectors, besides the above-mentioned increase in the 'construction' sector.

Number of reactions sent by Member States



Number of reactions received from the European Commission



In 2017, the **Commission** issued **13 detailed opinions** and **17 detailed opinions and comments**. This is a decrease of 50% on 2016.

The **Member States** issued **40 detailed opinions**. This is a decrease of 49% on 2016.

Of the **159 comments** issued during the reporting period, **96** were made **by the Commission** and **63** **by the Member States**.

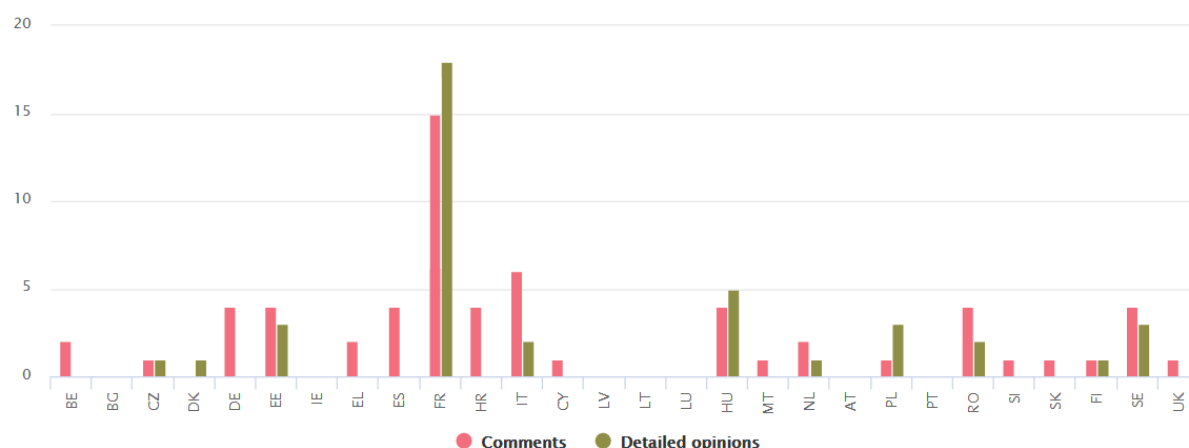
As in 2016, the Commission did not invite a Member State to **postpone the adoption** of a regulation for 12 months because European Union harmonisation work was already under way in that field.

In 2017, Member States **responded to 22** detailed opinions issued by the Commission. This number is the main indicator used to assess **Member States' commitment** to meeting their obligations under the procedure.

32 notified draft technical regulations were withdrawn by Member States.

For several notifications the dialogue is still ongoing and Member States have not yet sent their reply.

Number of reactions received from the other Member States



Use of TRIS

The [TRIS system](#) can be accessed free of charge, with no further formalities and is updated daily.

- database searches 134 737 (151 202 in 2016)
- displayed notifications 1 200 779 (1 289 598 in 2016)
- mailing list subscribers 7 141 (6 689 in 2016)

Top ten notifications viewed

Notification number	Notification title	Number of views
2017/127/D	Act improving law enforcement on social networks	13153
2017/159/F	Decree regulating the use of vegetable substances and preparations in food supplements, replacing the Decree of the Minister for Health of 9 July 2012	10375
2017/276/I	Decree regulating the use of vegetable substances and preparations in food supplements, replacing the Decree of the Minister for Health of 9 July 2012	7562
2017/433/DK	Order on the 2018 Building Regulations (BR18)	7364
2016/653/FIN	Alcohol Act (Overall reform of the Alcohol Act)	7295
2017/160/F	Decree prohibiting all types of alert as to police activity in certain areas issued from electronic driver-assistance or navigation systems	7273
2017/39/F	Decree on the definition of neonicotinoid active substances contained in plant protection products	6748
2017/43/I/	Decree updating the new technical standards for buildings	5340
2017/135/I	Draft legislative decree laying down rules for the mandatory indication of the name and address of the production facility or, if different, of the packing facility on labels, in accordance with Article 5 of Law No 170 of 12 August 2016 – European Delegation Law 2015	5259
2016/582/S	Draft Act concerning tax levied on chemicals in certain electronic items	5210

As in 2016, the majority of the most viewed notifications came from larger EU Member States and concern issues which usually raise the interest of stakeholders.

Achievements

In **4 cases** Member States provided **completely satisfactory** responses (18% of replies to detailed opinions issued by the Commission). Member States also **withdrew 32** notified draft technical regulations, in some cases following a Commission detailed opinion. This helped **prevent breaches of Single Market rules**.

For several notifications where the dialogue is still ongoing and for all other cases where **potential breaches have not been entirely ruled out**, the Commission may conduct **further investigations**. These could eventually lead, in some cases, to enquiries under the [EU Pilot scheme](#) or to [infringement proceedings](#).

As part of its ongoing effort to **improve transparency** and **efficiency**, the Commission has set up a **new TRIS functionality** which allows anyone to submit contributions via the website on any notification during the standstill period.

All contributions submitted through this **new mechanism** are immediately forwarded to the relevant Commission service to increase the efficiency of the contribution process. In the meantime, contributors receive a quick acknowledgement through the Contribution Acceptance receipt sent by email. Contributors have the possibility to make their contribution confidential and available only to the Commission.

In 2017, **421 contributions** were sent via this functionality.