Single Market Scoreboard

Technical Regulation Information System (TRIS)

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** in relation to national technical regulations, which 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:

---

**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 information society services concerned, the exceptions and the applicable deadlines see the **Single Market Transparency Directive (EU) 2015/1535**.
• draw on the ideas of their partners to solve common problems over technical regulations, using TRIS as a benchmarking and a tool for better regulation.

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.

Facts and Figures

Under the Single Market Transparency Directive 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 information society 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:
  o the free movement of goods;
  o the freedom to provide information society services.

The aim of a detailed opinion is to prevent barriers to trade in the Single Market at its source. If a detailed opinion is delivered, the standstill period is extended to:
  o 6 months for products;
  o 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:
  o propose revoking the draft text;
  o give justification for retaining it; or
  o 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 request postponement of adoption of 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](image-url)
The total number of notifications slightly decreased compared to 2017: from 726 to 713.

Number of notifications by sector

- Construction, 156: 22%
- Agriculture, Fishing and Foodstuffs, 151: 21%
- Transport, 71: 10%
- Energy, Minerals, Wood, 39: 5%
- Goods and miscellaneous Products, 47: 7%
- Telecom, 31: 4%
- 98/48/EC Services, 34: 5%
- Environment, 32: 4%
- Chemicals, 28: 4%
- Domestic and Leisure Equipment, 37: 5%
- Mechanics, 57: 8%
- Pharmaceuticals and Cosmetics, 24: 3%
- Health, Medical Equipment, 6: 1%

Number of reactions sent by Member States
In 2018, the Commission issued 13 detailed opinions and 27 detailed opinions and comments. This represents a 30% increase compared to 2017. This is a decrease of 50% on 2016. The Member States issued 38 detailed opinions.

Out of the 294 comments issued during the reporting period, 217 were made by the Commission and 77 by the Member States.

In 2018, the Commission invited Member States to postpone the adoption of draft national regulations for 12 months in 2 cases because European Union harmonisation work was already under way in those fields.

In 2018, Member States responded to 34 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.

33 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.

In general terms, in 2018, the number of reactions from the Commission in the context of the notification procedure under the Single Market Transparency Directive has increased compared to 2017. The same goes for reactions from Member States, although in a smaller proportion.

Member States have been active in addressing the concerns identified.
Use of TRIS

The TRIS system can be accessed free of charge, with no further formalities and is updated daily.

- database searches 669,776 (642,996 in 2017)
- displayed notifications 4,190,814 (4,135,990 in 2017)
- mailing list subscribers 7,550 (7,141 in 2016)
As in 2017, the majority of the most viewed notifications came from larger EU Member States and concern issues which usually raise the interest of stakeholders.

### Achievements

Member States withdrew 33 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 services to increase the efficiency of the contribution process. In the meantime, contributors receive an 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 2018, **164 contributions** were sent via this functionality (compared to 421 contributions in 2017).