



EUROPEAN COMMISSION

*Brussels, 8.10.2018
C(2018) 6571 final*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Communication on the Goods Package: Reinforcing trust in the single market {COM(2017) 787 final}.

By presenting the 'Goods Package', the Commission is delivering on its promise in the Single Market Strategy of 28 October 2015 to strengthen the Single Market for goods.

The Commission welcomes Camera Deputaților's overall support to the Communication. It has taken due note of the views expressed by the Camera Deputaților and considers that several of these have been addressed in the proposals accompanying the Communication, namely: the proposal for a Regulation of the European Parliament and of the Council laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products {COM(2017) 795 final}, and the proposal for a Regulation of the European Parliament and of the Council on the mutual recognition of goods lawfully marketed in another Member State {COM(2017) 796 final}.

These proposals also take into account the situation of small and medium-sized enterprises, e.g. by enhancing the application of the principle of mutual recognition and by providing a dispute resolution mechanism as an alternative to procedures in courts (the proposal on mutual recognition), by providing a level-playing field for business (the proposal on compliance and enforcement) and by free-of-charge information for businesses from national product contact points (both proposals).

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The Commission would like to recall the various options included in the proposals to reduce the number of non-compliant products, including those sold online. The inclusion of a provision for a person responsible for compliance information is an effective and proportionate way to achieve this while avoiding unnecessary restrictions to trade. As a matter of fact, it is a generally accepted feature of the Union's market surveillance framework that the smooth cooperation and good contacts between manufacturers and market surveillance authorities are key to ensuring that products comply with the European Union harmonisation legislation. It is therefore important that there is a contact person established in the Union so that market surveillance authorities have someone to whom questions could be addressed regarding a product's compliance with Union harmonisation legislation. For most product sectors, the provision for a person responsible for compliance information merely updates the existing legal framework, which already requires a person responsible for compliance information on product legislation in the EU (a manufacturer in the EU, an importer or an authorised representative) but which no longer achieved this effect due to new types of supply chains.

As regards the Camera Deputaţilor's suggestion to set up a pan-European injury database, the Commission is of the opinion that such a database would not be helpful in relation to the enforcement of legislation on products. It would entail significant costs and carry the risk of unreliable data as it can be difficult to consistently establish links between actual injuries and non-compliance of products. Further, the proposal on compliance and enforcement already provides for setting up a database in which authorities would be able to enter information on non-compliant products.

As regards the insertion of a single market clause, the Commission considers that the insertion of such a clause on national technical rules, which are adopted in the non-harmonised area, is essential to the smooth functioning of the internal market in this area. As the clause would remain a non-legislative tool to raise awareness and ensure legal certainty as regards the application of the mutual recognition principle, the Commission considers that it is not necessary to wait for the adoption by legislation of the proposal on mutual recognition. The clause can therefore be used after the adoption of the Communication, and release its benefits immediately.

The Commission takes note of the Camera Deputaţilor's consideration that some provisions in the proposal need further clarification. The proposals are currently being discussed by the European Parliament and the Council, and the Commission trusts that these provisions will be clarified within the on-going discussions.

The Commission hopes that these clarifications address the issues raised by the Camera Deputaţilor and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bienkowska
Member of the Commission*