



**The Parliament of Romania
Senate**

Bucharest, 20 March 2018

Courtesy translation

**OPINION of the ROMANIAN SENATE
on the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL on the mutual recognition of legally marketed goods in another member
state - COM (2017) 796 final**

The Romanian Senate, pursuant to art. 67, art. 148 (2) and (3) of the Romanian Constitution and the Protocol no. 2 annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty on the Functioning of the European Union, signed in Lisbon in 13rd December 2007, has examined **the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of legally marketed goods in another member state - COM (2017) 796 final**.

Having in view the report of the Committee for European Affairs from 13th March 2018, **the Romanian Senate**, issued on 19th March 2018 an OPINION, as follows:

(1) Considers that the proposed Regulation respects the principle of subsidiarity, since action taken at member states level can not solve problems related to the application of the principle of mutual recognition in the single market. Only procedures at EU level can guarantee that national authorities apply the principle in the same way, thus allowing companies to benefit from equal treatment, regardless of the country in which these companies try to market their product.

The proposal respects the principle of proportionality by ensuring a balance between the regulatory autonomy that member states have in establishing the level of protection they deem necessary to achieve legitimate public interests and the need to address the remaining obstacles in the way of free movement of legally marketed goods in other member states.

(2) Calls for clarification on the following issues:

a) the relationship between the proposal for a regulation on mutual recognition of goods and partially harmonized goods sectors.

b) the prior authorization procedure. In Romania, mandatory certification systems for cash registers are not, in themselves, administrative procedures, so it is not clear wheaer or not they are subject to the prior authorization procedure.

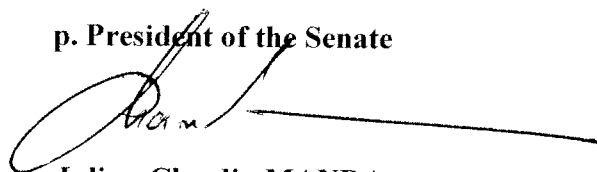
(3) Proposes:

a) postponing the implementation period by two years, given the need for a period of compliance for economic operators, as well as for public authorities, as well as the need to develop the national legislative framework for the implementation of the adopted Regulation.

b) that the EU declaration of conformity is separated from the mutual recognition declaration, respectively the mutual recognition declaration is attached to the EU compliance declaration, because the inclusion of the mutual recognition declaration in the EU compliance declaration may confuse the market surveillance authorities at the time of the performed control.

c) the inclusion in the content of the declaration of mutual recognition of information on aspects not covered by the community legislation applicable to the marketed product which is partially harmonized.

p. President of the Senate

A handwritten signature in black ink, appearing to read 'Iulian-Claudiu MANDA', with a long horizontal line extending to the right.

Iulian-Claudiu MANDA