STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1. Project number: SI0202.08
    Twinning Number: SI/IB/EC/06
1.2. Title: Technical Legislation and Enforcement Mechanisms on Harmonised and Related Non-harmonised Areas
1.3. Sector: Internal Market
1.4. Location: Slovenia

2. Objectives

2.1. Overall Objective(s):

Overall objectives for this project are twofold:

- To promote the de-facto implementation of specified New Approach Directives in all aspects and to ensure that the outcomes of Twinning SL/99/IB/EC-01, Horizontal Framework Legislation and Institutional Infrastructure are further developed.
- To promote the compliance with the principles in Article 28 to 30 in the EC Treaty concerning the non-harmonized area

2.2. Project purpose:

First objective concerns the harmonised area and will aim to establish functional enforcement mechanisms, technical qualifications at conformity assessment level and administrative procedures, on a sectoral basis in each legislative area covered by the project. This twinning will focus on the whole process in each New Approach area. Legislators, conformity assessment bodies as well as enforcement bodies are to be involved. The project shall also pay attention to the need for cooperation and co-ordination between different public and non-public institutions, directly or indirectly involved in the process.

Second objective is to establish procedures and functions necessary to avoid TBT in the non-harmonised area. To achieve this objective it is necessary to fully implement Directive 98/34/EC on notification procedures, and to ensure that the legislation in the non-harmonised area is not in conflict with that for the harmonised area. It is also essential to address the so-called Cassis de Dijon Principle, and the principles of mutual recognition. It should also be necessary to identify legislation policy and national legislation needed to ensure safe products and their use.

2.3. Accession Partnership and NPAA priority:

The priorities, relevant for this project are identified in the Slovenian Accession Partnership (2001). The Accession Partnership (Free movement of goods) indicates that the priorities and intermediate objectives include the assumption of membership obligations and in particular the complete adoption of sectoral legislation and the complete adoption of the New Approach directives.
The priorities, relevant to this project are identified in the National Programme for Adoption of the Acquis (NPAA) in chapter 4: Ability to assume the obligations of membership with respect to the Free movement of goods.

3. Description

3.1. Background and justification:

Slovenia has adopted and incorporated into national legislation the New Approach directives covered by the project. Responsibilities for the maintenance and enforcement of the legislation rest with a number of public institutions. Presently the co-ordination and co-operation between these bodies exist only to a limited extent. In each product area the project should aim to establish better co-operation between different entities and to create a system in which the different tasks are co-ordinated.

In the non-harmonised area, Directive 98/34/EC has been implemented. The legislation is the responsibility of the Ministry of the Economy. An interministerial group has been formally established to co-ordinate the procedures. This group has not yet started to operate and there is a need to establish procedures and forms for the work. The relations to harmonised legislation in relevant areas are still not properly addressed.

There are a number of non-public institutions (conformity assessment bodies: testing laboratories, inspection bodies, certification bodies; economic operators), which should be involved in the process of implementation. Presently not all parties are totally aware of all tasks that follow from the new legislation. In order to be able to carry out their duties and take responsibility for their tasks, those parties should be addressed by the project, with the aim to make those parties aware of the proper understanding of legislation and related topics. In the non-harmonised area there is a need for further assistance on notification procedures, assistance to scrutinise national legislation to ensure that it covers necessary safety aspects and mutual recognition clauses. Awareness about the principle of Cassis de Dijon, etc. must also be improved. There is also a need to establish a clear understanding of how to apply the Directive on General Product Safety and its relations to the New Approach legislation.

3.2. Linked activities:

This twinning aims to develop the recommendations from Twinning SL/99/IB/EC-01, Horizontal Framework Legislation and Institutional Infrastructure. Conclusions from this previous project indicate that the awareness of certain responsibilities within Slovene public administration could be improved. It was also concluded that co-operation and co-ordination necessary for the fulfilment of duties could be improved. Experiences from the project also indicated that Market Surveillance bodies and legislators need more assistance in interpretation of practical cases, co-ordination with respective responsible persons and experts in Member States. In addition, further assistance is required in the practical handling of law cases, including the choice of products for tests, testing of products, assessments of test results, risks and notification of banned products. Other conclusions were that the links between legislator and enforcement bodies and between different enforcement bodies could be improved. The links between harmonised and non-harmonised areas should be further developed in order to improve the de-facto implementation.
A new twinning project entitled *Market Surveillance-Conformity Assessment Bodies* SI2000/IBFI-01 is under preparation. It is predicted that the twinning will commence in 2002. This Twinning (Technical Legislation, Conformity Assessment and Enforcement mechanisms on harmonised and related non-harmonised areas) will complement the other projects.

3.3. Results:

The project will have the following results in the harmonised area:

- Functioning sectoral systems for maintenance and enforcement of the New Approach Directives in relevant product areas
- Trained legislators, inspectors and other relevant staff to carry through the whole process
- Improved awareness among economic operators and relevant public institutions

The project will have the following results in the non-harmonised area:

- Functioning system for Notification Procedures and exchange of information
- RAPEX procedures prepared for operation
- Functioning interministerial group for co-ordination of different product areas

3.4. Activities:

Training of staff in:

- The implementation process in each product area
- The enforcement process
  - assessments of potentially dangerous products
  - risk assessments
  - handling of law cases
  - banning of dangerous products
  - notification of dangerous products
- Notification procedures in accordance with Directive 98/34/EC

Information and awareness seminars on the following topics:

- Administrative co-operation (AdCo)
- Mutual information system ICSMS
- Roles of different bodies in the system
- Risks assessments
- Notification procedures in accordance with Directive 98/34/EC

Member State short-term experts will be required with specific technical knowledge in the legislation covered by the project. There will also be a need for experts that have an overall knowledge on New Approach/Global Approach and on the application of concerned parts of the EC Treaty. The PAA shall undertake the role of project manager and thus co-ordinate the work and ensure that appropriate member state experts will be made available. PAA shall have a general knowledge of New Approach/Global Approach system and about the EC Treaty in relevant fields. The PAA shall be prepared to be resident in Slovenia for the period of twelve months.
Institutions from which staff will be trained are:

- Ministry of the Economy (about 10 people)
- Market inspectorate and other inspectorates, as appropriate (about 10 people)
- Conformity assessment bodies (about 20 people)

3.5 Lessons learned:

In the Interim Evaluation of the European Union Phare Programme Report on Twinning SL/99/IB/EC-01 Horizontal Framework Legislation and Institutional Infrastructure has been indicated that co-ordination and co-operation in the field of enforcement of the relevant Slovenian legislation, transposing relevant EC, should be improved to assure »de facto« enforcement of treated regulations, taking into account the obligations of the member country to participate and co-operate in the European work on this particular topics.

During the implementation of the above mentioned project, it has been recognised that it is necessary to establish functioning the relevant organisation and other mechanisms (notification, mutual-recognition close) to assure the free movement of goods (Art. 28 – 30 of the EC Treaty).

4. Institutional Framework

The Ministry of the Economy has overall responsibility for the Internal Market and will retain overall responsibility for the project. Dr. Saša Prešern has been appointed to act as the contact person.

5. Detailed Budget

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<tr>
<td>Technical Legislation</td>
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<td>and Enforcement mechanisms</td>
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<td>on harmonised and related</td>
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<td>non-harmonised areas</td>
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</table>

The Slovenian Government will provide office space, office support, salaries and travel tickets for the counterpart staff in the framework of the study visits in the EU countries. The amount shall be in accordance with the twinning project rules. The estimated cost will be approximately 20 % of the project total.
6. Implementation Arrangements

6.1 Implementing Agency:

CFCU, Ministry of Finance
Beethovenova 11
1502 Ljubljana, Slovenia

Responsible person:
Mr. Peter Škofic, PAO
Tel: +386 1 478 6203
Fax: +386 1 478 6304
e-mail: peter.skofic@mf-rs.si

6.2. Implementing Authority:

Ministry of the Economy
Kotnikova 5
1000 Ljubljana, Slovenia

Responsible person:
Dr. Boštjan Antoncic, State Secretary
Tel: +386 1 478 3564
Fax: +386 1 478 3622
e-mail: bostjan.antoncic@gov.si

Contact person:
Mrs. Tanja Kurnik, State Undersecretary
Tel: +386 1 478 3524
Fax: +386 1 478 3588
e-mail: tanja.kurnik@gov.si

6.3. Contracting Authority:

Ministry of the Economy
Kotnikova 5
1000 Ljubljana, Slovenia

Responsible person:
Dr. Boštjan Antoncic, State Secretary
Tel: +386 1 478 3564
Fax: +386 1 478 3622
e-mail: bostjan.antoncic@gov.si

Contact person:
Dr. Saša Prešern, Counsellor to the Government
Tel: +386 1 478 3524
6.4. Final Beneficiary:

Ministry of the Economy
Kotnikova 5
1000 Ljubljana, Slovenia

Responsible person:
Dr. Boštjan Antoncic, State Secretary
Tel: +386 1 478 3564
Fax: +386 1 478 3622
e-mail: bostjan.antoncic@gov.si

Contact person:
Dr. Saša Prešern, Counsellor to the Government
Tel: +386 1 478 3524
Fax: +386 1 478 3588
e-mail: sasa.preser@gov.si

The steering committee, designated for monitoring the project, shall consist of members from the Ministry of the Economy, and observers from the Government Office for European Affairs.

6.5. Non-standard aspects:

Provisions as regards twinning project will be strictly followed.

6.6. Contracts:

There will be one Twinning contract in total amount of 0.40 MEUR.

7. Implementation Schedule

7.1. Start of tendering/call for proposals: May 2002

7.2. Start of project activity: September 2002

7.3. Project Completion: September 2003

8. Equal Opportunity

Participation in this programme is open to members of either sex or any ethnic origin. Records of staff participating in training and other project activities will reflect this statement.
9. Environment
   Not relevant

10. Rates of return
    Not relevant.

11. Investment criteria
    Not relevant.

12. Conditionality and sequencing

   • A pre-condition for the start of the project is the successful start of the Phare 2000 project (Market Surveillance and Conformity assessment bodies) in 2002. The above-mentioned project will be completed by the end of 2003.
   • With regard to the same project, it is expected that the necessary appropriate national legislative act transposing Community technical legislation will be in place.

The Ministry of the Economy shall ensure the availability of sufficient and adequate staffing. The department within the Ministry of the Economy responsible for the implementation of the project has been already nominated. A defined structure has been established and staff appointed.
Annexes to project Fiche

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. List of the regulations
## LOG FRAME PLANNING MATRIX FOR PROJECT:

**Programme name and number**
SI0202.08

**Technical Legislation and Enforcement mechanisms on harmonised and related non-harmonised areas**

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators at the end of project</th>
<th>Sources of Verification</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To promote the de-facto implementation of specified New Approach Directives in all aspects and to ensure that the outcomes of Twinning SL/99/IB/EC-01, are further developed</td>
<td>The number of products purchased on the market for testing and test performed: LVD – 300, EMC – 100, machinery – 70, medical devices – 30, PPE – 30, constructional products – 60, ATEX – 50, RT&amp;TE – 100. Different from any other type of current testing within other assistance.</td>
<td>Nomination of national CABs and Notified Bodies when applicable.</td>
<td>National budget</td>
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<tr>
<td>To promote the compliance with the principles in Article 28 to 30 in the EC Treaty concerning the non-harmonised area</td>
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<tr>
<td>Well functioning market surveillance</td>
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<td>Trained and well organised CABs</td>
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**Contracting period expires:**
30 June 2004

**Disbursement period expires:**
30 June 2005

Total budget: 0.50 MEUR
Phare contribution: 0.40 MEUR

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**ANNEX 1 to Project Fiche**

**Date of drafting:**
November 2001
- To establish functional enforcement mechanisms, technical qualifications at conformity assessment level and administrative procedures on a sectoral basis in each legislative area covered by the project

- To establish procedures and functions necessary to avoid TBT in the non-harmonised area

<table>
<thead>
<tr>
<th>RESULTS</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Preconditions</th>
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</thead>
<tbody>
<tr>
<td>• Results in the harmonised area:</td>
<td>• 40 qualified members of staff within 10 - 12 months after signing of the contract</td>
<td>• Final report from twinning leader 12 months after signing of the contract</td>
<td>• The allocation of a sufficient number of staff</td>
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<tr>
<td>➢ Functioning sectoral system for maintenance and enforcement of New Approach directives in relevant product areas,</td>
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<tr>
<td>➢ Trained legislators, inspectors and other relevant staff to carry through the whole process (about 40 people from Ministry of the Economy, Inspectorates and CABs),</td>
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<td>➢ Improved awareness among economic operators and relevant public institutions</td>
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<tr>
<td>• Results in the non-harmonised area:</td>
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<tr>
<td>➢ Functioning system for Notification Procedures and exchange of information</td>
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<td>➢ RAPEX procedures prepared for operation</td>
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<tr>
<td>➢ Functioning interministerial group for coordination of different product areas</td>
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<td>• Assessment by the twinning partner of the responsible staff</td>
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<td>• Report from twinning leader 9 months after signing of the contract</td>
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<td>• The trained staff could leave the NRA</td>
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<td>Activities</td>
<td>Means</td>
<td>Assumptions</td>
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<tr>
<td>• Training of staff in:</td>
<td>• Twinning project arrangements</td>
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<td>➢ The implementation process in each product area</td>
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<tr>
<td>➢ The enforcement process</td>
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<tr>
<td>➢ Notification procedures in accordance with Directive 98/34/EC</td>
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<tr>
<td>• Information and awareness seminars</td>
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ANNEX 2

IMPLEMENTATION TIME CHART

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<td>J</td>
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ANNEX 3

CONTRACTING AND DISBURSEMENT SCHEDULE

CUMULATIVE CONTRACTING SCHEDULE (MEUR)

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<th>9/30/01</th>
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CUMULATIVE DISBURSEMENT SCHEDULE (MEUR)

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<th>9/30/03</th>
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CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE (MEUR)

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ANNEX 4

LIST OF THE REGULATIONS

This project includes the following New Approach directives and GPS directive:

1. Low voltage equipment: - 73/23/EEC
   - 93/68/EEC

2. Simple pressure vessels: - 87/404/EEC
   - 90/488/EEC
   - 93/68/EEC

   - 93/68/EEC

   - 92/31/EEC
   - 93/68/EEC

5. Machinery: - 89/392/EEC
   - 91/368/EEC
   - 93/44/EEC
   - 93/68/EEC
   - 98/37/EC
   - 98/79/EC

   - 93/68/EEC
   - 93/95/EEC
   - 96/58/EC

   - 93/68/EEC

8. Medical devices: - 93/42/EEC
   - 98/79/EC

9. Potentially explosive atmospheres: - 94/9/EC

10. Lifts: - 95/16/EC

11. Pressure equipment: - 97/23/EC

12. Radio and telecommunications terminal equipment: - 99/5/EC