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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE  
COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**THE OPERATION OF DIRECTIVE 98/34/EC FROM 2011 TO 2013**

{COM(2015) 338 final}

## TABLE OF CONTENTS – ANNEXES

Annex 1 – Procedures for standardisation .....	1
1. Information procedure .....	1
1.1. <i>Role of ESOs</i> .....	1
2. Mandates .....	1
2.1. <i>The consultation process</i> .....	1
2.2. <i>Role of ESOs</i> .....	1
3. Formal objections .....	2
Annex 2 – Breakdown of new national standardisation activities from notifications (CEN and CENELEC) in 2011 and 2012 by state .....	3
Annex 3 – Sectoral breakdown of notifications .....	4
Annex 4 – Mandates from 2006 to 2012 – total .....	6
Annex 5 – Commission Decisions on formal objections in 2011 and 2012 .....	7
Annex 6 – Brief description of the notification procedure .....	8
Annex 7 – Developments in Court of Justice case-law on the matter 2011-2013 .....	10
Annex 8 – Application of the procedure between 2011-2013: notifications of technical regulations submitted by the member states .....	11
8.1 Volume of notifications during the 2011-2013 period .....	12
8.2 Breakdown by country .....	13
8.3 Breakdown by sector .....	16
8.4 Commission reactions: comments and detailed opinions in 2011, 2012 and 2013 (articles 8(2) and 9(2) of the directive) .....	19
8.5 Commission reactions: blockages in 2011, 2012 and 2013 (articles 9(3) and 9(4) of the directive) .....	20
8.6 Member States reactions .....	21
8.7 Urgency Procedure (Article 9(7) of the Directive) .....	22
8.8 Follow-up to Commission reactions .....	24
Annex 9 – Application of the procedure in 2011-2013: participation of efta countries signatory to the eea agreement, of switzerland and of turkey .....	25
Annex 10 – Internet consultations 2011-2013 .....	27

## **ANNEX 1 – PROCEDURES FOR STANDARDISATION**

### **1. INFORMATION PROCEDURE**

#### **1.1. *Role of ESOs***

The NSBs, which are members of CEN and CENELEC (including bodies from the EFTA countries), send the necessary information to the CEN Management Centre and the Central Secretariat of CENELEC. The information gathered is sent monthly (except in the summer and over the end of year period) by CEN and quarterly by CENELEC to the Commission (DG Enterprise and Industry), all the members of CEN and CENELEC and to ETSI.

Within the Commission, DG Enterprise and Industry disseminates both the regular returns and the annual reports of CEN and CENELEC to the relevant services.

ETSI takes part in the information procedure, although its role is limited to receiving and examining the information submitted by CEN and CENELEC members via the secretariats of these two bodies.

### **2. MANDATES**

#### **1.2. *The consultation process***

The Commission requests the political and technical endorsement of its policy in a particular area from the Member States. This is achieved by means of a consultation, firstly informally with the standardisation bodies, stakeholders and Member States through sectoral committees or expert groups and then formally with the Member States through the Standing Committee. The consultation process is co-ordinated by DG Enterprise and Industry. The Committee gives its opinion on the draft mandate, an opinion that is fully respected by the Commission services and that is acted upon wherever reasonable and possible. Following this consultation – and any amendment arising from it – the mandates are forwarded to the relevant ESOs for acceptance.

#### **1.3. *Role of ESOs***

The ESOs may accept the mandate as issued by the Commission services, or indeed not accept it if they so wish, by a decision made at Technical Board level. In practice, as mandates are discussed with the ESOs prior to their being issued, refusal is very rare and mandates are usually only not accepted if the work is outside the scope of the ESO.

The mandates can be addressed to any one of the ESOs, or any combination of them, as the work envisaged requires.

It is common for the ESOs to request co-funding for the mandated work following acceptance – by means of action grants – although the issuance of the mandate itself does not mean funding will necessarily be available and the request for funding must undergo a thorough evaluation process by the Commission services.

### **3. FORMAL OBJECTIONS**

The procedure begins with the formal objection either being received by the Commission through the Permanent Representation or being launched by the Commission itself. The documents are then circulated to the Committee, and normally a Member State expert group is also consulted for its opinion. Once a draft Commission Decision is ready, the Committee is consulted. After receiving a positive opinion, the Decision is processed further.

**ANNEX 2 – BREAKDOWN OF NEW NATIONAL STANDARDISATION ACTIVITIES FROM NOTIFICATIONS (CEN AND CENELEC) IN 2011 AND 2012 BY STATE**

<b>Country</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
<b>AT</b>	173	211	384
<b>BE</b>	10	7	17
<b>BG</b>	8	1	9
<b>CH</b>	28	17	45
<b>CY</b>	0	0	0
<b>CZ</b>	34	63	97
<b>DE</b>	343	353	696
<b>DK</b>	2	6	8
<b>EE</b>	15	14	29
<b>ES</b>	184	246	430
<b>FI</b>	16	7	23
<b>FR</b>	231	244	475
<b>GR</b>	0	1	1
<b>HU</b>	57	53	110
<b>IE</b>	8	20	28
<b>IS</b>	0	0	0
<b>IT</b>	99	93	192
<b>LU</b>	0	0	0
<b>LT</b>	30	7	37
<b>LV</b>	7	14	21
<b>MT</b>	0	4	4
<b>NL</b>	35	135	170
<b>NO</b>	18	12	30
<b>PL</b>	21	62	83
<b>PT</b>	0	0	0
<b>RO</b>	25	65	90
<b>SE</b>	22	27	49
<b>SI</b>	2	4	6
<b>SK</b>	23	25	48
<b>UK</b>	131	103	234

<b>Country</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
<b>CEN</b>	1458	1693	3151
<b>CENELEC</b>	64	101	165
<b>EU-15</b>	1476	1765	3241
<b>EFTA</b>	46	29	75
<b>TOTAL</b>	1522	1794	3316

**ANNEX 3 – SECTORAL BREAKDOWN OF NOTIFICATIONS**

<b>2011</b>		<b>2012</b>	
<b>CEN (Subsectors with more than 50 Notifications)</b>			
Food products	122	Food products	150
Building and construction – Structures	96	Petroleum products	101
Building and construction – Undetermined	67	Building and construction – Structures	93
Petroleum products	59	Fire protection	79
Services - Undetermined	52	Building and construction – Undetermined	73
Mechanical Engineering - Fasteners	51	Shipbuilding and maritime structures	53

2011		2012	
<b>CENELEC (Subsectors with more than 5 Notifications)</b>			
Electrical accessories	16	Telephony, telegraphy for IT	16
Electric cables	9	Electric rotating machines	13
Electrical installations in buildings	7	Electric cables	11
Undetermined	6	Electrical installations in buildings	9
		Electrical accessories	6
		Undetermined	5

**ANNEX 4 – MANDATES FROM 2006 TO 2012 – TOTAL**

<b>Type</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
After formal objection (New Approach)	4	2	0	0	0	0	1
Amendments (New Approach)	4	0	1	4	0	0	8
New Approach mandates	5	7	2	5	4	5	8
Mandates under other legislation	7	5	9	10	12	9	7
Mandates under Community policy	4	6	6	2	4	5	0
<b>Total</b>	<b>24</b>	<b>20</b>	<b>18</b>	<b>21</b>	<b>20</b>	<b>19</b>	<b>24</b>



**ANNEX 5 – COMMISSION DECISIONS ON FORMAL OBJECTIONS IN 2011 AND 2012**

	<b>Standard</b>	<b>Directive</b>	<b>Decision</b>	<b>Date Decision</b>	<b>Decision number</b>	<b>O.J. Reference decision publication</b>	<b>Date of reception</b>	<b>Days to close the case (aprox)</b>
<b>1</b>	EN 15947, Pyrotechnic articles - Fireworks, Categories 1, 2 and 3	2007/23/EC	Publication of the reference in the OJ with a restriction	28/07/2011	C(2011)5310	L197/23 29.07.2011	20/09/2010	300
<b>2</b>	EN 15947, Pyrotechnic articles - Fireworks, Categories 1, 2 and 3	2007/23/EC	Publication of the reference in the OJ with a restriction	28/07/2011	C(2011)5310	L197/23 29.07.2011	27/09/2010	300

## ANNEX 6 – BRIEF DESCRIPTION OF THE NOTIFICATION PROCEDURE

This annex gives a general overview of the notification procedure for products and indicates the specific procedural characteristics that apply to Information Society services. For a more detailed description of the procedure, please refer to the information brochure *Guide to the procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services*, available on the following website: <http://ec.europa.eu/enterprise/tris>.

### *Legal bases*

Introduced in 1984 by Directive 83/189/EEC<sup>1</sup>, the notification procedure in the field of technical regulations has gradually been extended to all industrial, agricultural and fishery products. In 1998, Directive 83/189/EEC was repealed and codified by Directive 98/34/EC<sup>2</sup>, which in turn was amended by Directive 98/48/EC<sup>3</sup> in order to extend the notification procedure to Information Society services, with the adaptations needed to take account of the demands of the sector.

### *Obligation to notify and standstill period*

Article 8(1) of Directive 98/34/EC (hereinafter "the Directive") stipulates that the Member States shall inform the Commission of any draft technical regulation prior to its adoption. The simple transposition of a European Union act does not require prior notification, unless the national authorities adopt national provisions that go beyond mere compliance with European Union acts and that contain technical regulations within the meaning of the Directive (Article 10 of the Directive).

Starting from the date of notification of the draft, a **three-month standstill** period – during which the notifying Member State cannot adopt the technical regulation in question – enables the Commission and the other Member States to examine the notified text and to respond appropriately. The only derogation to this rule is linked to the nature of the measure in question: for technical specifications linked to fiscal or financial measures, there is no standstill period. This also applies to technical regulations that have to be adopted urgently (see below).

### *Possible reactions and consequences*

Where it emerges that the notified drafts are liable to create barriers to the free movement of goods or to the free provision of Information Society services (Articles 34-36, 49 and 56 of the Treaty on the Functioning of the European Union) or to secondary legislation, the Commission and the other Member States may submit a **detailed opinion** to the Member State that has notified the draft (Article 9(2) of the Directive). The detailed opinion has the

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<sup>1</sup> Directive of 28 March 1983, OJ L 109/8 of 26.4.1983

<sup>2</sup> O L 204/37 of 21.7.1998.

<sup>3</sup> O L 217/18 of 5.8.1998.

effect of extending the standstill period by an additional three months. The Commission and the Member States can also make **comments** about a notified draft that appears to comply with European Union law but that requires clarification in its interpretation (Article 8(2)). The Commission can also block a draft for a period of 12 months if European Union harmonisation work is due to be undertaken or is already underway in the same field (Article 9(3) to (5)).

In the event of a detailed opinion being issued, the Member State concerned informs the Commission of the action that it intends to take in response to the detailed opinion, and the Commission comments on that reaction (Article 9(2)). With regard to the comments, even though the Directive does not lay down any legal obligation for the Member State receiving the comments to indicate what follow-up action it intends to take, the Member States are inclined to respond, thus making the procedure a genuine instrument of dialogue.

### ***Urgency procedure***

Article 9(7) of the Directive describes an urgency procedure, which is designed to allow the immediate adoption of a national draft, subject to a closed list of certain conditions that must be clearly indicated at the time of notification (*'serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants'*). The aim of the urgency procedure is to enable a notifying Member State faced with serious or unforeseeable circumstances immediately to adopt the draft technical regulation, without having to wait for the expiry of the three-month standstill period. The Commission decides on the justification for the urgency procedure as soon as possible. If the request to apply the urgency procedure is accepted by the Commission, the three-month standstill period does not apply and the notified text can be adopted. Nevertheless, any examination of the substance of the text can subsequently be carried out, as part of infringement proceedings for breach of European Union law.

### ***Communication of final texts***

At the end of the 98/34 procedure, the Member States are bound to inform the Commission of final texts as soon as those texts have been adopted and to indicate cases in which the notified draft has been abandoned, in order to allow the 98/34 procedure to be closed (Article 8(3) of the Directive).

### ***'Technical standards and regulations' committee***

The Standing Committee laid down in Article 5 of the Directive consists of representatives appointed by the Member States and is chaired by a representative of the Commission. In its *'Technical standards and regulations'* configuration, the Committee meets regularly and constitutes a forum for discussing all issues connected with the application of the Directive.

### ***Application of the 98/34 procedure to Information Society services***

The 98/34 procedure also applies to Information Society services, with the following adaptations: a) in the event of a detailed opinion being issued, the total standstill period is four months from the date of the communication, instead of the six months stipulated for

products; b) the Commission can only block the draft for a maximum of 12 months if the subject of the draft is already covered by an EU Council proposal and if the notified text contains provisions that do not comply with the proposal drafted by the Commission; c) the urgency procedure can be invoked not only under the circumstances stipulated for products ('serious and unforeseeable circumstances') but also 'for urgent reasons ... relating to public safety'.

### ***The simplified procedure***

**EFTA** countries that are contracting parties to the Agreement on the European Economic Area ('EEA'), namely Norway, Iceland and Liechtenstein, apply the 98/34 procedure with the necessary adaptations<sup>4</sup>: they notify their drafts via the EFTA Surveillance Authority and can comment on the drafts notified by the 27 Member States. On the other hand the entire European Union can comment on drafts notified by the three countries signatory to the EEA Agreement.

**Switzerland** (which is part of EFTA, but which does apply the EEA Agreement) also participates in the system. This country applies the 98/34 procedure on a voluntary basis following an informal agreement to exchange information in the field of technical regulations: it submits its drafts to the Commission and can make and receive comments on the notified drafts.

**Turkey**, which transposed the Directive in 2002, participates in the procedure in the same manner as the EFTA countries. The decision to have Turkey participate in the notification system was taken in 1997 as part of the implementation of the final phase of the Customs Union between Turkey and the European Community.

## **ANNEX 7 – DEVELOPMENTS IN COURT OF JUSTICE CASE-LAW ON THE MATTER 2011-2013**

During the reporting period the European Court of Justice (ECJ) delivered two important judgements concerning Directive 98/34/EC.

The first judgment was rendered on 14 April 2011 in case C-42/10, *Vlaamse Dierenartsenvereniging and Janssens*. According to the judgement, national provisions concerning the pet passport and its use as proof of identification and registration as well as the use of self-adhesive stickers to amend the identity details of the owner and the animal, on the one hand, and those relating to the determination of a unique number for pets, on the other, do not constitute technical regulations in the meaning of Directive 98/34/EC.

The second judgment was rendered on 19 July 2012 in case C-213/11, *Fortuna and Others*. In this case the ECJ decided that national provisions, which could have the effect of limiting, or even gradually rendering impossible, the running of gaming on low-prize machines anywhere other than in casinos and gaming arcades are capable of constituting 'technical

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<sup>4</sup> Annex II, Chapter XIX, point 1 to the EEA Agreement, which includes Article 8(2) of the Directive

*regulations*’ in so far as it is established that those provisions constitute conditions which can significantly influence the nature or the marketing of the product concerned.

It should be pointed out that, like the other Court judgments on the notification procedure, these judgments can be consulted on the following website: [http://curia.europa.eu/jcms/jcms/Jo1\\_6308/](http://curia.europa.eu/jcms/jcms/Jo1_6308/)).

## **ANNEX 8 – APPLICATION OF THE PROCEDURE BETWEEN 2011-2013: NOTIFICATIONS OF TECHNICAL REGULATIONS SUBMITTED BY THE MEMBER STATES**

Annexes 8.1, 8.2 and 8.3 give a statistical overview of the development of the number of draft technical regulations notified by the Member States between 2011 and 2013, and of their breakdown by Member State and by sector. It should be pointed out that, in accordance with Article 11 of the Directive, ‘statistics concerning communications received’ as part of the notification procedure are published once a year in the Official Journal, C series<sup>5</sup>.

The reactions to the notified drafts – in the form of comments or detailed opinions from the Commission or the Member States, or of blockages on the part of the Commission – are illustrated in Annexes 8.4 to 8.6.

Annex 8.7 refers to the requests to apply the urgency procedure that the Member States addressed to the Commission pursuant to Article 9(7) of the Directive.

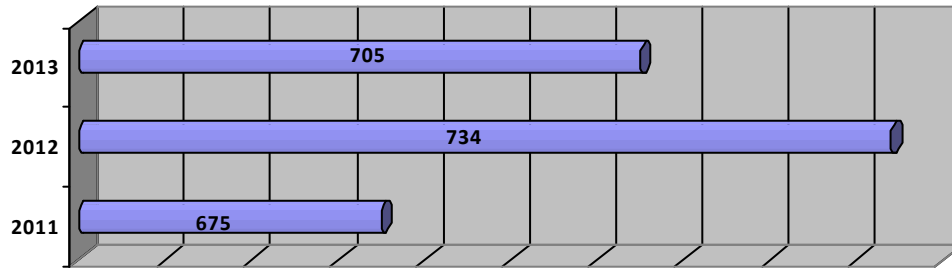
Annex 8.8 shows the action taken by the Member States in response to the Commission’s reactions.

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<sup>5</sup> For 2011: OJ 2012/C 160/05 of 6 June 2012; for 2012: OJ 2013/C 165/07 of 11.06.2013 ; for 2013: OJ 2014/C 145/06 of 15 May 2014

## 8.1 Volume of notifications during the 2011-2013 period

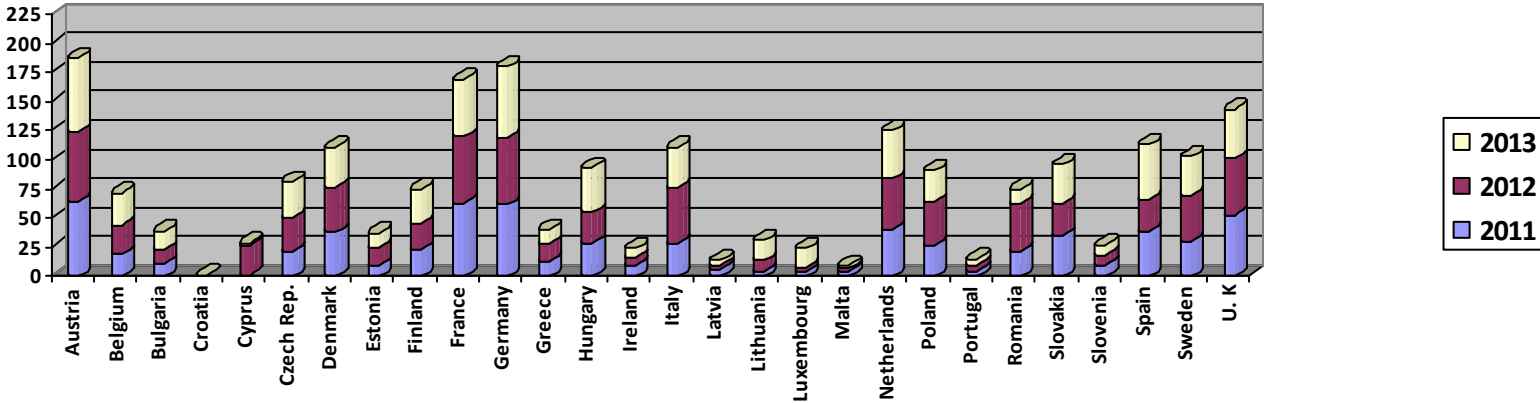
**Figure 1: Number of Notifications**



The statistics in Figure 1 show that the Member States notified 675 draft regulations in 2011, 734 draft regulations in 2012 and 705 draft regulations in 2013 to the Commission.

8.2 Breakdown by country

Figure 2: Notifications by Member States



During the 2011-2013 period, three Member States which notified the highest number of draft technical regulations were Austria (187), Germany (180) and France (169). A group of five other countries (Denmark, Italy, Netherlands, Sweden, Spain and United Kingdom) come next with a total number of notifications of between 103 and 143.

**Table 1 – Number of notifications of technical regulations submitted by the Member States in 2011, 2012 and 2013**

<b>Member States</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Austria	65	59	63
Belgium	19	25	27
Bulgaria	11	12	16
Croatia	0	0	1
Cyprus	1	26	2
Czech Republic	22	29	30
Denmark	38	39	34
Estonia	9	16	12
Finland	23	23	29
France	63	57	49
Germany	62	57	61
Greece	13	15	12
Hungary	28	27	38
Ireland	10	6	8
Italy	29	48	34
Latvia	6	3	5
Lithuania	5	9	17
Luxembourg	4	4	16
Malta	5	2	2
Netherlands	41	43	41
Poland	27	37	27
Portugal	5	5	5
Romania	22	41	12
Slovakia	35	28	33
Slovenia	10	8	9
Spain	39	27	47
Sweden	30	40	33
United Kingdom	53	48	42
<b>Total</b>	<b>675</b>	<b>734</b>	<b>705</b>



**Table 2 – Percentage of notifications submitted by the Member States in 2011, 2012 and 2013**

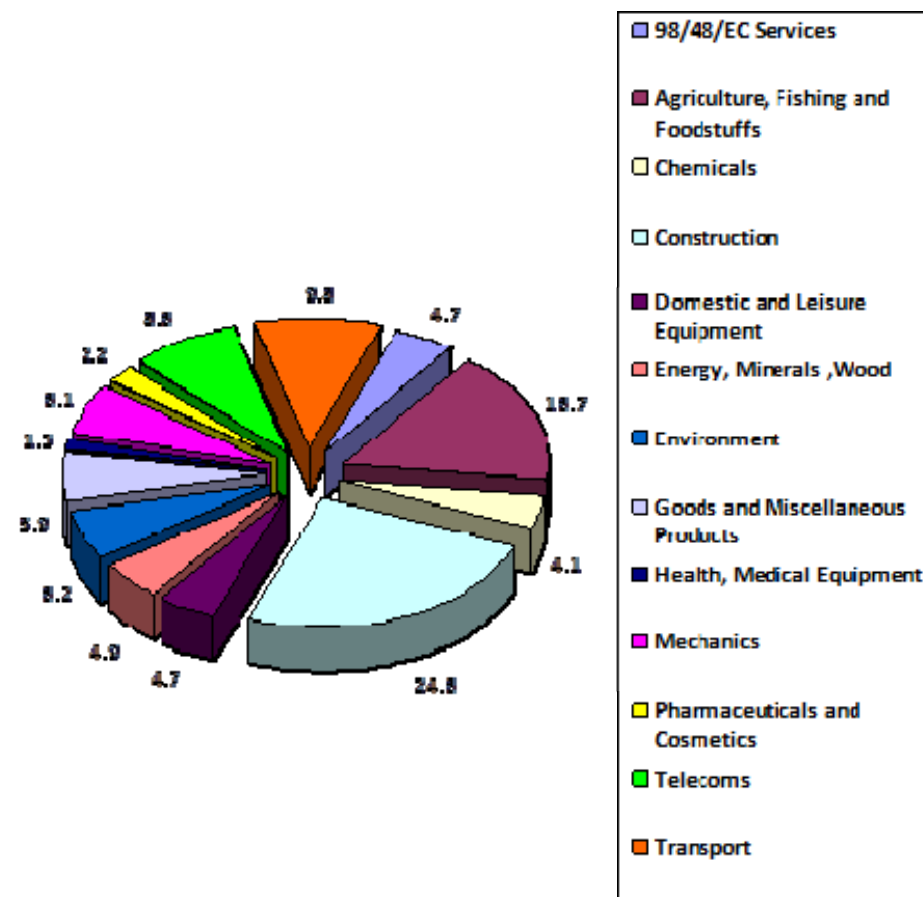
<b>Member States</b>	<b>2011 (%)</b>	<b>2012 (%)</b>	<b>2013 (%)</b>
Austria	9.6%	8.0%	8.9%
Belgium	2.8%	3.4%	3.8%
Bulgaria	1.6%	1.6%	2.3%
Croatia	0.0%	0.0%	0.1%
Cyprus	0.1%	3.5%	0.3%
Czech Republic	3.3%	4.0%	4.3%
Denmark	5.6%	5.3%	4.8%
Estonia	1.3%	2.2%	1.7%
Finland	3.4%	3.1%	4.1%
France	9.3%	7.8%	7.0%
Germany	9.2%	7.8%	8.7%
Greece	1.9%	2.0%	1.7%
Hungary	4.1%	3.7%	5.4%
Ireland	1.5%	0.8%	1.1%
Italy	4.3%	6.5%	4.8%
Latvia	0.9%	0.4%	0.7%
Lithuania	0.7%	1.2%	2.4%
Luxembourg	0.6%	0.5%	2.3%
Malta	0.7%	0.3%	0.3%
Netherlands	6.1%	5.9%	5.8%
Poland	4.0%	5.0%	3.8%
Portugal	0.7%	0.7%	0.7%
Romania	3.3%	5.6%	1.7%
Slovakia	5.2%	3.8%	4.7%
Slovenia	1.5%	1.1%	1.3%
Spain	5.8%	3.7%	6.7%
Sweden	4.4%	5.4%	4.7%
United Kingdom	7.9%	6.5%	6.0%

### 8.3 Breakdown by sector

**Table 3: Breakdown by sector of the drafts notified by the Member States of the European Union in 2011**

Sectors	2011
Construction	166
Agriculture, Fishing and Foodstuffs	113
Transport	66
Telecoms	58
Environment	42
Mechanics	41
Goods and Miscellaneous Products	40
Energy, Minerals, Wood	33
98/48/EC Services	32
Domestic and Leisure Equipment	32
Chemicals	28
Pharmaceuticals and Cosmetics	15
Health, Medical Equipment	9
<b>Total</b>	<b>675</b>

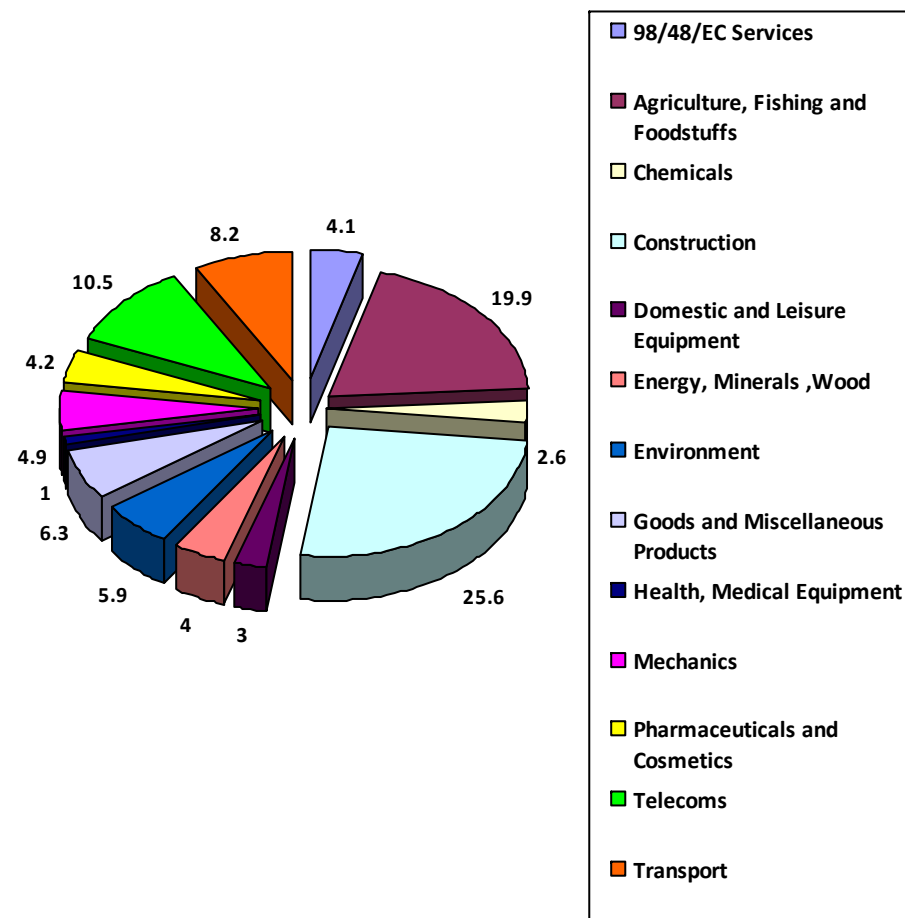
**Figure 3: Percentage of the sectors of the drafts notified by the Member States of the European Union in 2011**



**Table 4: Breakdown by sector of the drafts notified by the Member States of the European Union in 2012**

Sectors	2012
Construction	188
Agriculture, Fishing and Foodstuffs	146
Telecoms	77
Transport	60
Goods and Miscellaneous Products	46
Environment	43
Mechanics	36
Pharmaceuticals and Cosmetics	31
98/48/EC Services	30
Energy, Minerals, Wood	29
Domestic and Leisure Equipment	22
Chemicals	19
Health, Medical Equipment	7
<b>Total</b>	<b>734</b>

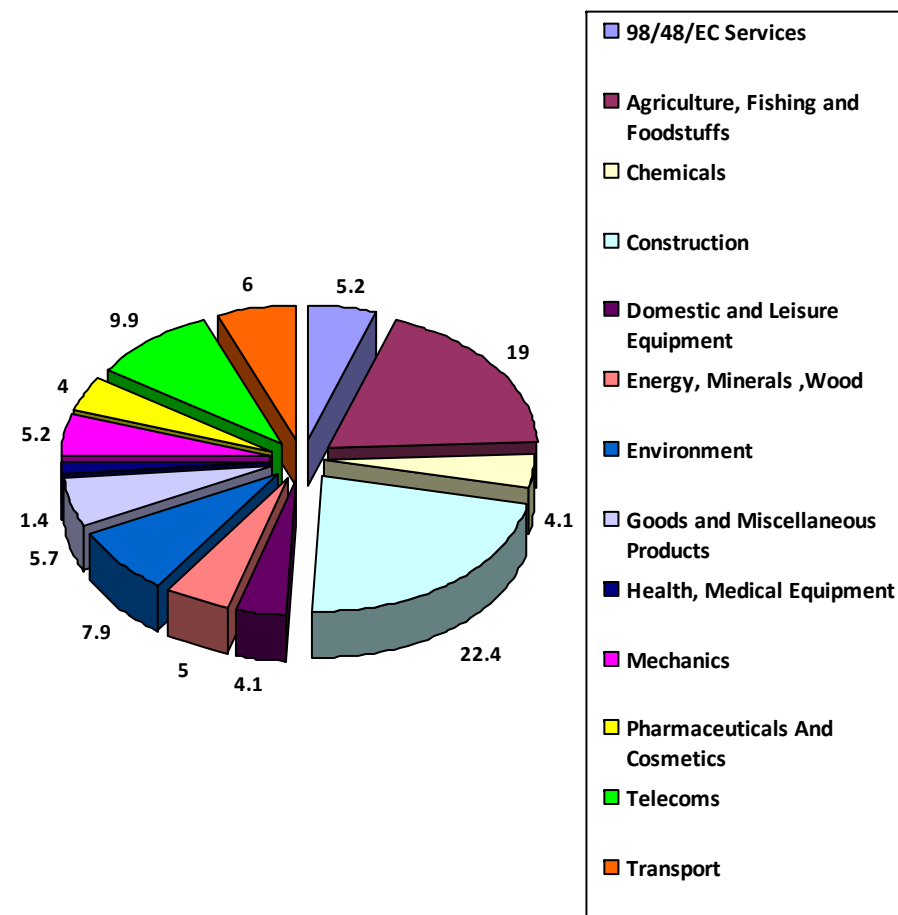
**Figure 4: Percentage of the sectors of the drafts notified by the Member States of the European Union in 2012**



**Table 5: Breakdown by sector of the drafts notified by the Member States of the European Union in 2013**

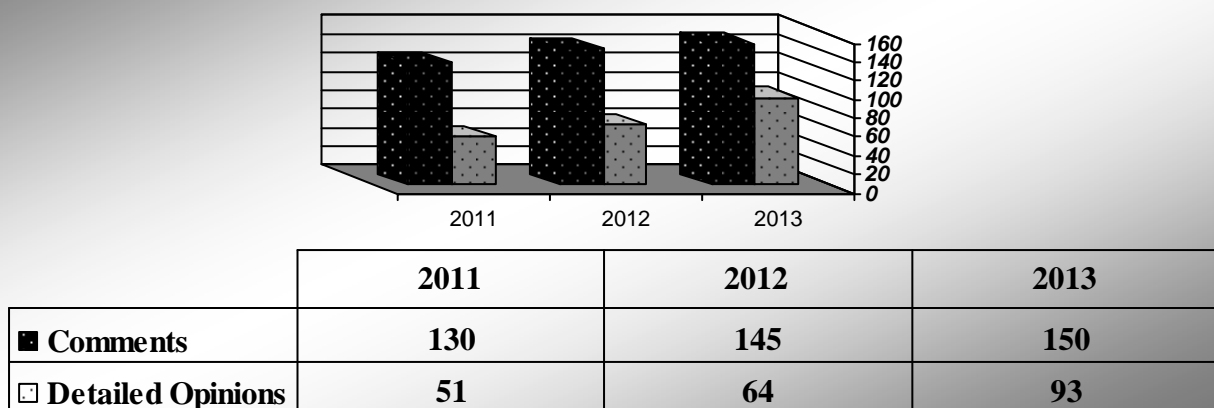
Sectors	2013
Construction	158
Agriculture, Fishing and Foodstuffs	134
Telecoms	70
Environment	56
Transport	42
Goods and Miscellaneous Products	40
Mechanics	37
98/48/EC Services	37
Energy, Minerals, Wood	35
Domestic and Leisure Equipment	29
Chemicals	29
Pharmaceuticals and Cosmetics	28
Health, Medical Equipment	10
<b>Total</b>	<b>705</b>

**Figure 5: Percentage of the sectors of the drafts notified by the Member States of the European Union in 2013**



**8.4 Commission reactions: comments and detailed opinions in 2011, 2012 and 2013 (articles 8(2) and 9(2) of the directive)**

**Figure 6: Commission Reactions to Notifications in 2011, 2012 and 2013**



The number of **comments** made by the Commission increased from 130 in 2011 to 145 in 2012 and to 150 in 2013.

The number of **detailed opinions** issued by the Commission during the period in question increased between 2011 and 2012: 51 detailed opinions in 2011 on the total number of 675 notifications (7.5%) and in 2012, 64 detailed opinions on the total number of 734 notifications (8.7%).

The percentage of detailed opinions increased to the level of 13.1% in 2013 (93 detailed opinions were issued by the Commission on the total number of 705 notifications).

**8.5 Commission reactions: blockages in 2011, 2012 and 2013 (articles 9(3) and 9(4) of the directive)**

During the 2011-2013 period, the Commission requested a 12-month postponement of the adoption of 12 draft regulations notified by the Member States, because they concerned a subject on which Union harmonisation work had already been announced or was underway.

**Table 6**

<b>Year</b>	<b>Standstills (Blockages)</b>		<b>Total</b>
	<b>Announcement of a Community text (Article 9(3))</b>	<b>Presentation to the Council of a Community text (Article 9(4))</b>	
2011	2	1	3
2012	2	2	4
2013	4	1	5

## 8.6 Member States reactions

**Table 7 - Comments and detailed opinions issued by the Member States 2011, 2012 and 2013 (Articles 8(2) and 9(2))**

	2011		2012		2013	
	Comments	Detailed Opinions	Comments	Detailed Opinions	Comments	Detailed Opinions
<b>Austria</b>	6	5	7	9	5	11
<b>Belgium</b>	1	0	2	2	0	1
<b>Bulgaria</b>	0	0	2	1	0	0
<b>Croatia</b>	0	0	0	0	6	0
<b>Cyprus</b>	0	0	0	0	0	0
<b>Czech Republic</b>	7	1	23	6	6	6
<b>Denmark</b>	2	0	1	1	2	0
<b>Estonia</b>	0	0	0	0	0	0
<b>Finland</b>	4	0	3	1	2	0
<b>France</b>	12	7	17	11	15	5
<b>Germany</b>	34	1	57	4	27	2
<b>Greece</b>	0	3	0	2	1	0
<b>Hungary</b>	1	1	7	1	0	1
<b>Ireland</b>	0	1	1	1	2	0
<b>Italy</b>	16	5	23	10	14	9
<b>Latvia</b>	0	0	0	0	0	0
<b>Lithuania</b>	2	0	0	0	0	1
<b>Luxembourg</b>	0	0	0	1	0	0
<b>Malta</b>	3	10	1	5	2	6
<b>Netherlands</b>	4	4	3	2	1	8
<b>Poland</b>	4	0	6	1	10	1
<b>Portugal</b>	3	4	4	2	1	1
<b>Romania</b>	4	0	5	2	7	1
<b>Slovakia</b>	15	1	11	2	3	6
<b>Slovenia</b>	5	0	9	0	3	0
<b>Spain</b>	11	3	22	16	13	9
<b>Sweden</b>	1	0	1	0	2	0
<b>UK</b>	11	2	4	5	8	4
<b>Total</b>	<b>146</b>	<b>48</b>	<b>209</b>	<b>85</b>	<b>130</b>	<b>72</b>

## 8.7 Urgency Procedure (Article 9(7) of the Directive)

**Table 8 - Requests to apply the urgency procedure received in 2011, 2012 and 2013**

	2011		2012		2013	
	Requests	Favourable opinion	Requests	Favourable opinion	Requests	Favourable opinion
<b>Austria</b>	4	4	0	0	0	0
<b>Belgium</b>	0	0	3	0	1	0
<b>Bulgaria</b>	0	0	1	0	0	0
<b>Croatia</b>	0	0	0	0	0	0
<b>Cyprus</b>	0	0	0	0	0	0
<b>Czech R.</b>	1	0	2	2	8	2
<b>Denmark</b>	1	1	0	0	0	0
<b>Estonia</b>	0	0	1	1	1	1
<b>Finland</b>	1	1	7	6	1	1
<b>France</b>	1	0	1	1	1	1
<b>Germany</b>	0	0	1	1	1	1
<b>Greece</b>	1	0	5	2	0	0
<b>Hungary</b>	3	1	2	2	2	2
<b>Ireland</b>	1	1	0	0	0	0
<b>Italy</b>	1	1	0	0	0	0
<b>Latvia</b>	0	0	0	0	1	0
<b>Lithuania</b>	0	0	0	0	0	0
<b>Luxembourg</b>	0	0	0	0	0	0
<b>Malta</b>	0	0	0	0	0	0
<b>Netherlands</b>	2	2	2	0	2	1
<b>Poland</b>	2	2	1	0	0	0
<b>Portugal</b>	0	0	1	0	1	1
<b>Romania</b>	1	1	0	0	2	1
<b>Slovakia</b>	2	0	0	0	0	0
<b>Slovenia</b>	0	0	0	0	0	0
<b>Spain</b>	2	1	0	0	1	0
<b>Sweden</b>	3	3	8	8	4	4
<b>UK</b>	0	0	0	0	0	0
<b>Total</b>	<b>26</b>	<b>18</b>	<b>35</b>	<b>23</b>	<b>26</b>	<b>15</b>

Table 8 provides an overview of the number of requests to apply the emergency procedure, by Member State and by year; it also shows the number of requests to which the Commission gave a favourable opinion.



**Table 9 - Breakdown by sector of the requests to apply the urgency procedure in 2011, 2012 and 2013**

	AT		BE		BG		CZ		DK		EE		FI		FR		DE		EL		HU		IE		IT		LV		NL		PL		PT		RO		SK		ES		SE			
	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F	R	F		
98/48/EC Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	
Agr. Fishing and Foodstuffs	0	0	0	0	1	0	4	3	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	4	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Chemical	3	3	3	0	0	0	3	0	1	1	1	1	1	1	0	0	0	0	0	1	1	1	1	0	0	0	0	1	0	0	0	0	0	0	2	2	0	0	0	0	0	6	6	
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	0	0	0	0		
Domestic and Leisure Equip.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0		
Energy, Min. Wood	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Environment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3	3	
Goods & Misc. Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2	0	0	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
Health, Medi. Equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mechanics	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pharmac. and Cosmetics	1	1	0	0	0	0	3	1	0	0	1	1	8	7	0	0	2	2	0	0	4	4	0	0	0	0	0	0	2	2	1	1	0	0	0	0	0	0	1	1	6	6		
Telecoms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Transport	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>15</b>	<b>15</b>		

**R: Requests F: Favorable Opinions**

Table 9, which gives a sectoral breakdown of the requests to apply the urgency procedure received by the Commission during the 2011-2013 period, shows that the application of this exceptional procedure was invoked mainly in the pharmaceutical and cosmetics sector (29 requests) and in the chemicals sector (23).

## 8.8 Follow-up to Commission reactions

Table 10 shows that, in **2011**, the recipient Member States responded to 47 of the 51 detailed opinions issued by the Commission (92,1%) and that 23 responses were deemed satisfactory by the Commission (46%).

In **2012**, they responded to 59 of the 64 detailed opinions (92.1%); 27 were satisfactory (45.7%).

In **2013**, they responded to 73 of the 93 detailed opinions (75.2); 39 were satisfactory (53,4 %).

**Table 10**

Year	Detailed Opinions	Responses from the MS	Satisfactory	Closures
2011	51	47	23	9
2012	64	59	27	6
2013	93	73	39	7

**Table 11**

Year	Comments	Responses from MS
2011	130	83
2012	145	93
2013	150	79

Table 11 shows that, in **2011**, the recipient Member States responded to 83 of the 130 comments issued by the Commission (63,8 %) and in **2012**, they responded to 93 of the 145 (64.1 %). In **2013** they responded to 79 of the 150 (52.6 %).

**ANNEX 9 – APPLICATION OF THE PROCEDURE IN 2011-2013: PARTICIPATION OF EFTA COUNTRIES SIGNATORY TO THE EEA AGREEMENT, OF SWITZERLAND AND OF TURKEY**

**Table 12 – Number of notifications from EFTA countries and comments issued to them by the European Union**

		2011		2012		2013	
		Notifications	Comments	Notifications	Comments	Notifications	Comments
<b>EFTA</b>	<b>Iceland</b>	6	4	4	1	3	1
	<b>Liechtenstein</b>	1	0	2	2	0	0
	<b>Norway</b>	6	6	4	0	13	5

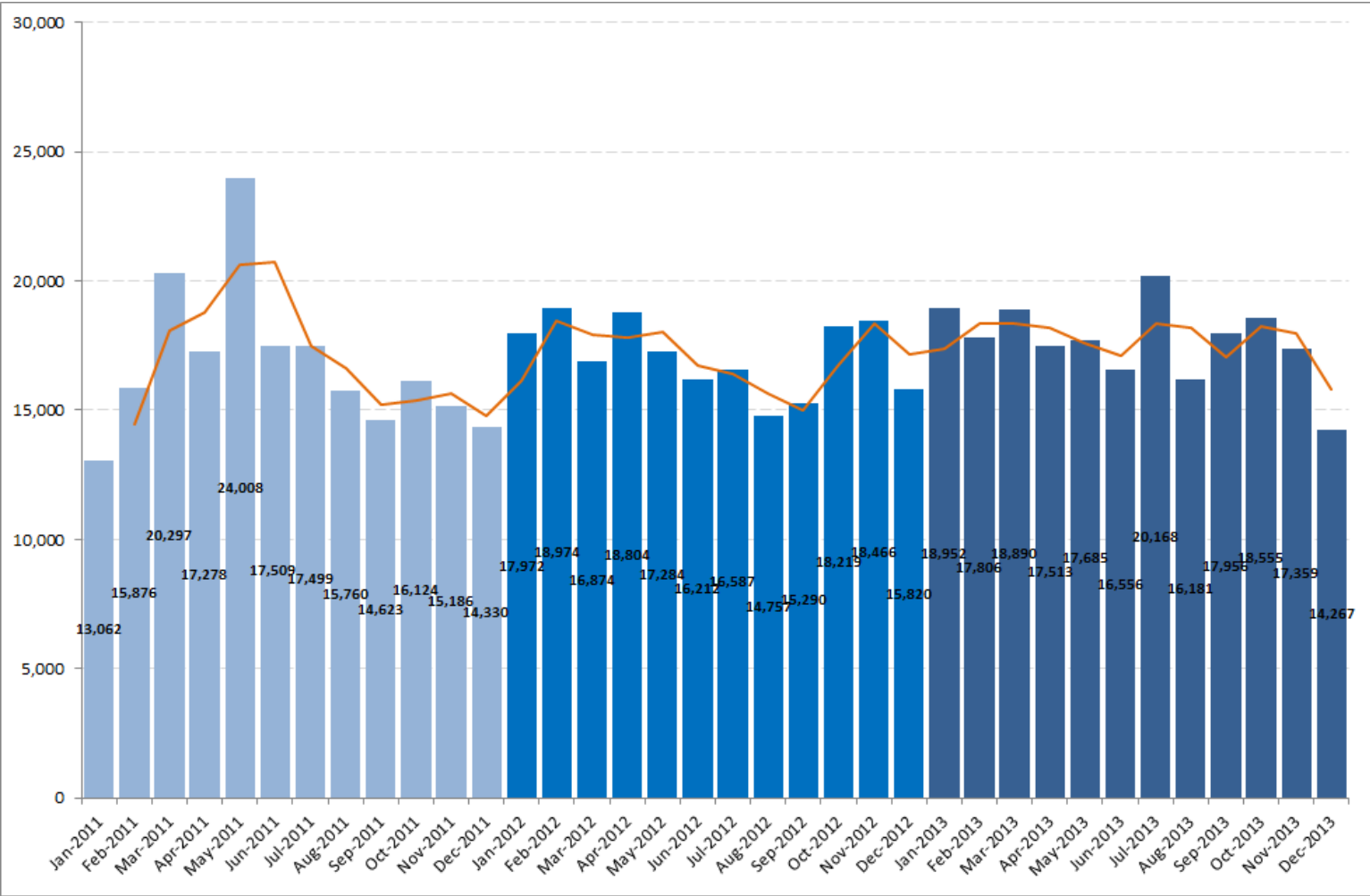
**Table 13 – Number of notifications submitted by Switzerland and Turkey and comments issued to them by the Commission or the Member States**

	<b>2011</b>		<b>2012</b>		<b>2013</b>	
	<b>Notifications</b>	<b>Comments</b>	<b>Notifications</b>	<b>Comments</b>	<b>Notifications</b>	<b>Comments</b>
<b>Switzerland</b>	7	2	11	2	7	1
<b>Turkey</b>	2	0	0	0	6	0

**Table 14 – Number of comments from EFTA, Switzerland and Turkey regarding the notifications from the Member States**

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>EFTA</b>	0	1	0
<b>Switzerland</b>	0	0	0
<b>Turkey</b>	0	0	0

**ANNEX 10 – INTERNET CONSULTATIONS 2011-2013**



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