



Council of the
European Union

Brussels, 20 November 2018
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NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State (first reading) - Preparation for the trilogue

I. INTRODUCTION

1. On 19 December 2017, the Commission transmitted the above-mentioned proposal for a Regulation to the European Parliament and to the Council. It is a part of the so-called "Goods package", which also contains the proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products.

The objective of this Regulation is to improve the application of the principle of mutual recognition, and thus to ensure that goods lawfully marketed in one Member State can be sold in any other Member State, as long as they are safe and respect the public interest. The current legislative framework does not ensure a reliable application of this principle as market access of goods, which are considered safe and in line with the public interest in one Member State, may be denied or restricted in another Member State. Consequently, businesses (in particular SMEs) are facing unwarranted costs and delays, because they have to adapt their goods to the requirements of (several) national markets.

2. In the European Parliament, this proposal was referred to the Internal Market and Consumer Protection (IMCO) Committee. Mr Ivan ŠTEFANEC (EPP – SK) has been appointed as a rapporteur. The IMCO Committee voted on 3 September 2018 its report that was confirmed at the plenary on 10 September.

II. STATE OF PLAY

3. On 28 May 2018, the Council (Competitiveness) agreed on a general approach¹ and mandated the Presidency to begin negotiations with the European Parliament with a view to reaching an agreement in first reading.
4. The first informal trilogue was held on 24 September 2018 and the Presidency provided a debrief on the outcome of the first trilogue on 26 September 2018 to COREPER.
5. In the second informal trilogue on 18 October 2018, an agreement was found on some technical issues (in Articles 7 (on the notification under the Rapid Information Exchange System or Rapid Alert System for Food and Feed) and 11 (on the information and communication system). The Presidency provided a debrief on the outcome of the second trilogue on 24 October 2018 to COREPER.

¹ Document 8674/18

6. On the basis of technical meetings with the European Parliament and Commission organised on 27 September 2018, 9 October 2018, 11 October 2018, and 23 October 2018, the Presidency presented compromise texts to the Working Party on Technical Harmonisation (Goods package) on 7 November. Taking account of delegations' comments on these texts as well as on the outcome of a further technical meeting organised on 14 and 15 November, the Presidency presented to the Working Party on Technical Harmonisation (Goods package) on 19 November a global compromise text, as set out in the fourth column of document WK 13942/2018.

Following delegations' positive reactions to this text, the Presidency decided to present this compromise text set out in the Annex of the present document to COREPER subject to the following adoptions:

- Article 1 – row 62: This Regulation lays down rules and procedures concerning the application by Member States of the principle of mutual recognition, in individual cases, in relation to goods subject to Article 34 of the Treaty, which are lawfully marketed in another Member State, **having regard to Article 36 of the Treaty and the case law of the Court of Justice.**
- Article 4 – row 104: The producer or his **mandated** authorised representative may fill in the mutual recognition declaration only with the information set out in Part I of the Annex. ...
- Article 5 – row 123f: For the purpose of the assessment referred to above, the competent authority of the Member State of destination may, **in accordance with Article 10(2),** contact the competent authorities or the Product Contact Points of the Member State in which an economic operator claims to be lawfully marketing his goods, if the verification of any information provided by the economic operator is needed.
- Article 8 – row 147a: Where the Commission is informed that the case is solved during the assessment referred to in paragraph 2, the Commission is ~~informed that the case is solved, it may decide~~ not required to issue an opinion.

- Article 9 – row 156: Where necessary to complement the information provided online under paragraph 2, Product Contact Points shall provide, at the request of an economic operator or a competent authority of another Member State, any useful information, such as an electronic copy of or an **online access** ~~electronic link~~ to the national technical rules ...

The Presidency is therefore asking for a mandate to negotiate with the European Parliament in the third informal trilogue on 22 November 2018 on this basis, with a view to reaching an overall agreement.

III. REVISED MANDATE

7. The text set out in Annex in the fourth column represents the changes to the text of the Commission proposal and form the compromise text to be agreed with the European Parliament, including the changes laid down in Section II above. Where the fourth column is marked in red or yellow, this indicates political open issues. The Presidency is asking delegations to focus on the four main issues highlighted below, as well as to approve the technical changes in the four column document including the adoptions above.
8. The Presidency is asking is asking delegations to focus on the proposals for a compromise on the following areas:

- 1) Subject matter (Article 1)

In this Article, the Council's General approach deleted the references to Articles 34 and 36 of the Treaty and inserted a reference to “Union law” for the protection of legitimate public interests, so that due account is taken both of Article 36 and the case law of the Court of Justice.

As the European Parliament rejects such changes and taking account of the opinion of delegations at the Working Party on 19 November 2018, the Presidency proposes the following text (see row 62):

This Regulation lays down rules and procedures concerning the application by Member States of the principle of mutual recognition, in individual cases, in relation to goods subject to Article 34 of the Treaty, which are lawfully marketed in another Member State, **having regard to Article 36 of the Treaty and the case law of the Court of Justice.**

2) Assessment of goods (Article 5)

The Presidency is ready to accept the text as it stands now in the fourth column in row 123. In exchange the Presidency will ask the European Parliament to delete letter (c) in row 123d.

3) Problem-solving (SOLVIT) procedure (Article 8 and Recital 34A)

The European Parliament has not substantially changed the procedure but has extended the timing regarding the issue of an opinion by the Commission (45 working days instead of six weeks in the general approach - see row 147). The Presidency considers that this modification is acceptable, in a spirit of compromise.

Regarding the recourse to remedies, the European Parliament considers that this is a very sensitive issue. As the European Parliament provisions (see row 148a) differs from the Council's ones (see row 148b), the Presidency suggests deleting both provisions. Consequently, the addition made by the European Parliament in Recital 34A (row 43a) has to be deleted as well.

4) Repeal (Article 16) and Entry into force and application (Article 17)

The European Parliament might be ready to accept the general approach on Article 17 (see row 193) and consequently on Article 16 (see row 190). In order to give Member States sufficient time to implement this Regulation, the Presidency will suggest to stay with the general approach.

IV. CONCLUSION

9. In the Working Party on 19 November 2018, a general agreement was reached on the draft agreement column in the fourth column document (WK 13942/2018), including the changes and modifications laid down in Sections II and III above.
 10. Therefore, COREPER is invited to agree on these proposals as the mandate of the Presidency, in view of the third informal trilogue with the European Parliament.
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Council of the European Union
General Secretariat

**Interinstitutional files:
2017/0354(COD)**

Brussels, 15 November 2018

WK 13942/2018 INIT

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WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Goods package)
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State - 4-column document (technical trilogue on 14 and 15 November 2018)

WK 13942/2018 INIT

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On the mutual recognition of goods lawfully marketed in another Member State

2017/0354(COD)

[provisional post-technical meeting 2018_11_14-15]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
FORMULA					
G	1	2017/0354 (COD)	2017/0354 (COD)	2017/0354 (COD)	G
PROPOSAL TITLE					
G	2				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mutual recognition of goods lawfully marketed in another Member State (Text with EEA relevance)
	FORMULA			
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
CITATION				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
CITATION				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
CITATION				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
CITATION				
7	Having regard to the opinion of the European Economic and Social Committee¹ , Acting in accordance with the ordinary legislative procedure, _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹ , Acting in accordance with the ordinary legislative procedure, _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹ , Acting in accordance with the ordinary legislative procedure, _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹ , Acting in accordance with the ordinary legislative procedure, _____ 1. OJ C , , p. .

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	CITATION			
8	THIS CITATION IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	deleted	deleted	THIS CITATION IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.
	FORMULA			
9	Whereas:	Whereas:	Whereas:	Whereas:

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	RECITAL 1			
10	(1) The internal market comprises an area without internal frontiers in which the free movement of goods is ensured in accordance with the provisions of the Treaties. Quantitative restrictions on imports and all measures having equivalent effect are prohibited between Member States. That prohibition covers any national measure which is capable of hindering, directly or indirectly, actually or potentially, intra-Union trade in goods. Free movement of goods is ensured in the internal market by	(1) The internal market comprises an area without internal frontiers in which the free movement of goods is ensured in accordance with the provisions of the Treaties. Quantitative restrictions on imports and all measures having equivalent effect are prohibited between Member States. That prohibition covers any national measure which is capable of hindering, directly or indirectly, actually or potentially, intra-Union trade in goods. Free movement of goods is ensured in the internal market by	(1) The internal market comprises an area without internal frontiers in which the free movement of goods is ensured in accordance with the provisions of the Treaties. Quantitative restrictions on imports and all measures having equivalent effect are prohibited between Member States. That prohibition covers any national measure which is capable of hindering, directly or indirectly, actually or potentially, intra-Union trade in goods. Free movement of goods is ensured in the internal market by harmonisation of rules at Union level setting common	(1) The internal market comprises an area without internal frontiers in which the free movement of goods is ensured in accordance with the provisions of the Treaties. Quantitative restrictions on imports and all measures having equivalent effect are prohibited between Member States. That prohibition covers any national measure which is capable of hindering, directly or indirectly, actually or potentially, intra-Union trade in goods. Free movement of goods is ensured in the internal market by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	harmonisation of rules at Union level setting common requirements for the marketing of certain goods or, for goods or aspects of goods not covered by Union harmonisation rules, by the application of the principle of mutual recognition.	harmonisation of rules at Union level setting common requirements for the marketing of certain goods or, for goods or aspects of goods not <u>fully</u> covered by Union harmonisation rules, by the application of the principle of mutual recognition <u>as defined by the Court of Justice of the European Union</u>. AM 1	requirements for the marketing of certain goods or, for goods or aspects of goods not exhaustively covered by Union harmonisation rules, by the application of the principle of mutual recognition.	harmonisation of rules at Union level setting common requirements for the marketing of certain goods or, for goods or aspects of goods not exhaustively covered by Union harmonisation rules, by the application of the principle of mutual recognition <u>as defined by the Court of Justice of the European Union</u>. Recital 1a [moved from EP recital 20b] <u><i>(1a) A well-functioning principle of mutual recognition is an essential complement to harmonisation at EU level,</i></u>

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				<u><i>especially when taking into consideration that many products have both harmonised and non-harmonised aspects.</i></u>
	RECITAL 2			
11	(2) Obstacles to the free movement of goods between Member States may be unlawfully created if, in the absence of Union harmonisation rules covering goods or a certain aspect of goods, a Member State's competent authority applies national rules to goods of that type lawfully marketed in another Member State, requiring the goods to meet certain technical requirements, for example requirements relating to designation, form, size, weight,	(2) Obstacles to the free movement of goods between Member States may be unlawfully created if, in the absence of Union harmonisation rules covering goods or a certain aspect of goods, a Member State's competent authority applies national rules to goods of that type lawfully marketed in another Member State, requiring the goods to meet certain technical requirements, for example requirements relating to designation, form, size, weight,	(2) Obstacles to the free movement of goods between Member States may be unlawfully created if, in the absence of Union harmonisation rules covering goods or a certain aspect of goods, a Member State's competent authority applies national rules to goods of that type lawfully marketed in another Member State, requiring the goods to meet certain technical requirements, for example requirements relating to designation, form, size, weight, composition, presentation, labelling or packaging.	(2) Obstacles to the free movement of goods between Member States may be unlawfully created if, in the absence of Union harmonisation rules covering goods or a certain aspect of goods, a Member State's competent authority applies national rules to goods of that type lawfully marketed in another Member State, requiring the goods to meet certain technical requirements, for example requirements relating to designation, form, size, weight,

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	composition, presentation, labelling or packaging. The application of such rules to goods lawfully marketed in another Member State could be contrary to Articles 34 and 36 of the Treaty even if the rules apply without distinction to all goods.	composition, presentation, labelling or packaging, <u>request for additional testing and/or duplication of tests</u> . The application of such rules to goods lawfully marketed in another Member State could be contrary to Articles 34 and 36 of the Treaty even if the rules apply without distinction to all goods. AM 2	The application of such rules to goods lawfully marketed in another Member State could be contrary to Articles 34 and 36 of the Treaty even if the rules apply without distinction to all goods.	composition, presentation, labelling or packaging. The application of such rules to goods lawfully marketed in another Member State could be contrary to Articles 34 and 36 of the Treaty even if the rules apply without distinction to all goods.
	RECITAL 3			
6	12	(3) The principle of mutual recognition derives from the case-law of the Court of Justice of the	(3) The principle of mutual recognition derives from the case-law of the Court of Justice of the	(3) The principle of mutual recognition derives from the case-law of the Court of Justice of the

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	European Union. According to this principle, Member States may not prohibit the sale on their territory of goods which are lawfully marketed in another Member State, even where the goods have been produced or manufactured in accordance with different technical rules. But the principle is not absolute. Member States can oppose the marketing of goods lawfully marketed elsewhere, when such restrictions are justified on the grounds set out in Article 36 of the Treaty or on the basis of other overriding reasons of public interest, and which in either case are proportionate to the aim pursued.	European Union. According to this principle, Member States may not prohibit the sale on their territory of goods which are lawfully marketed in another Member State, even where the goods have been produced or manufactured in accordance with different technical rules. But the principle is not absolute. Member States can oppose the marketing of goods lawfully marketed elsewhere, when such restrictions are justified on the grounds set out in Article 36 of the Treaty or on the basis of other overriding reasons of public interest, <u>recognised by the ECJ jurisprudence in relation to the free movement of goods</u> , and which in either case are proportionate to the aim	European Union. According to this principle, Member States may not prohibit the sale on their territory of goods which are lawfully marketed in another Member State, even where the goods have been produced, including through manufacturing process, or manufactured in accordance with different technical rules. But the principle is not absolute. Member States can oppose the marketing of goods lawfully marketed elsewhere, when such restrictions are justified on the grounds set out in Article 36 of the Treaty or on the basis of other overriding reasons of public interest, and which in either case are proportionate to the aim pursued.	European Union. According to this principle, Member States may not prohibit the sale on their territory of goods which are lawfully marketed in another Member State, even where the goods have been produced, or manufactured including the ones not obtained through manufacturing process, or manufactured in accordance with different technical rules. But the principle is not absolute. Member States can oppose the marketing of goods lawfully marketed elsewhere, when such restrictions are justified on the grounds set out in Article 36 of the Treaty or on the basis of other overriding reasons of public interest, <u>recognised by the ECJ jurisprudence in relation to the</u>

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		pursued. <u><i>This regulation imposes the obligation to clearly justify why market access is refused.</i></u> AM 3		<u><i>free movement of goods,</i></u> and which in either case are proportionate to the aim pursued. <u><i>This regulation imposes the obligation to clearly justify why market access is refused.</i></u> <i>(related to the outcome of negotiations on article 1)</i>
	RECITAL 4			
6	13	(4) The concept of overriding reasons of public interest is an evolving concept developed by the Court of Justice in its case-law in relation to Articles 34 and 36 of the Treaty. This concept covers, inter alia, the effectiveness of fiscal supervision, the fairness of commercial transactions,	(4) The concept of overriding reasons of public interest is an evolving concept developed by the Court of Justice in its case-law in relation to Articles 34 and 36 of the Treaty. This concept covers, inter alia, the effectiveness of fiscal supervision, the fairness of commercial transactions, protection	(4) The concept of overriding reasons of public interest is an evolving concept developed by the Court of Justice in its case-law in relation to Articles 34 and 36 of the Treaty. <i>This concept covers, inter alia, the effectiveness of fiscal supervision, the fairness of commercial transactions,</i>

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	protection of consumers, protection of the environment, the maintenance of press diversity and the risk of seriously undermining the financial balance of the social security system. Such overriding reasons, where legitimate differences exist from one Member State to another, may justify the application of national rules by the competent authorities. However, such decisions need to be duly justified, and the principle of proportionality must always be respected, regard being had to whether the competent authority has in fact made the least restrictive decision possible. Furthermore, administrative decisions restricting or denying market access in respect of goods lawfully marketed in another	protection of consumers, protection of the environment, the maintenance of press diversity and the risk of seriously undermining the financial balance of the social security system. Such overriding reasons, where legitimate differences exist from one Member State to another, may justify the application of national rules by the competent authorities. However, such decisions need to be duly justified. <u>Where legitimate differences exist from one Member State to another, they may justify the application of national rules by the competent authorities. However, administrative decisions need to be always duly justified, legitimate, appropriate and in respect with the principle of</u>	of consumers, protection of the environment, the maintenance of press diversity and the risk of seriously undermining the financial balance of the social security system. Such overriding reasons, where legitimate differences exist from one Member State to another, may justify the application of national rules by the competent authorities. However, such administrative decisions need to be duly justified, and the principle of proportionality must always be respected, regard being had to whether the competent authority has in fact made the least restrictive decision possible. Furthermore, administrative decisions restricting or denying market access in respect of goods lawfully marketed in another Member State must not be based on the mere fact that the goods under	protection of consumers, protection of the environment, the maintenance of press diversity and the risk of seriously undermining the financial balance of the social security system. Such overriding reasons, where legitimate differences exist from one Member State to another, may justify the application of national rules by the competent authorities. However, such decisions need to be duly justified. <u>Where legitimate differences exist from one Member State to another, such overriding reasons may justify the application of national rules by the competent authorities. However, administrative decisions need to be always duly justified, legitimate, appropriate and in</u>

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	Member State must not be based on the mere fact that the goods under assessment fulfil the legitimate public objective pursued by the Member State in a different way from the way that domestic goods in that Member State fulfil that objective.	<u>proportionality and the competent authority has to make the least restrictive decision possible. With the aim of reducing internal market barriers and improve the functioning of the internal market for goods, the Commission</u> and the principle of proportionality must always be respected, regard being had <u>Member States are encouraged to initiate an assessment process as</u> to whether <u>all the national rules are still fit for purpose and are not creating disproportionate non-tariff barriers</u> the competent authority has in fact made the least restrictive decision possible. Furthermore, administrative decisions restricting or denying market access in respect of goods	assessment fulfil the legitimate public objective pursued by the Member State in a different way from the way that domestic goods in that Member State fulfil that objective.	<u>respect with the principle of proportionality and the competent authority has to make the least restrictive decision possible.</u> <u>With the aim of improving the functioning of the internal market for goods, the national rules should be fit for purpose and not create disproportionate non-tariff barriers.</u> Furthermore, administrative decisions restricting or denying market access in respect of goods lawfully marketed in another Member State must not be based on the mere fact that the goods under assessment fulfil the legitimate public objective

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		lawfully marketed in another Member State must not be based on the mere fact that the goods under assessment fulfil the legitimate public objective pursued by the Member State in a different way from the way that domestic goods in that Member State fulfil that objective. <u><i>In order to assist Member States in their task of justifying restrictions to the principle of mutual recognition, the Commission should provide non-binding guidance reviewing the case law on the concept of overriding reasons of public interest and on how to apply the principle of mutual recognition. Competent authorities should have the ability and opportunity to provide contributions and deliver</i></u>		pursued by the Member State in a different way from the way that domestic goods in that Member State fulfil that objective. <u><i>In order to assist Member States in their task of justifying restrictions to the principle of mutual recognition, the Commission should provide non-binding guidance reviewing the case law on the concept of overriding reasons of public interest and on how to apply the principle of mutual recognition. Competent authorities should have the ability and opportunity to provide contributions and deliver feedback on the guidance.</i></u>

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		<u>feedback on the guidance.</u> AM 4		
	RECITAL 5			
14	(5) Regulation (EC) No 764/2008 ¹ was adopted in order to facilitate the application of the mutual recognition principle, by establishing procedures to minimise the possibility of creating unlawful obstacles to the free movement of goods which have already been lawfully marketed in another Member State. Despite the adoption of that Regulation, many problems still	(5) Regulation (EC) No 764/2008 ¹ was adopted in order to facilitate the application of the mutual recognition principle, by establishing procedures to minimise the possibility of creating unlawful obstacles to the free movement of goods which have already been lawfully marketed in another Member State. Despite the adoption of that Regulation, many problems still	(5) Regulation (EC) No 764/2008 ¹ was adopted in order to facilitate the application of the mutual recognition principle, by establishing procedures to minimise the possibility of creating unlawful obstacles to the free movement of goods which have already been lawfully marketed in another Member State. Despite the adoption of that Regulation, many problems still exist as regards the application of the mutual recognition	(5) Regulation (EC) No 764/2008 ¹ was adopted in order to facilitate the application of the mutual recognition principle, by establishing procedures to minimise the possibility of creating unlawful obstacles to the free movement of goods which have already been lawfully marketed in another Member State. Despite the adoption of that Regulation, many problems still

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	exist as regards the application of the mutual recognition principle. The evaluation carried out between 2014 and 2016 showed that the principle does not function as it should and Regulation (EC) No 764/2008 has had limited effect in facilitating its application. The tools and procedural guarantees put in place by Regulation (EC) No 764/2008 failed in their aim of improving the application of the mutual recognition principle. For example, the Product Contact Points network which was put in place in order to provide information to economic operators on applicable national rules and the application of mutual recognition is barely known or used by economic operators.	exist as regards the application of the mutual recognition principle. The evaluation carried out between 2014 and 2016 showed that the principle does not function as it should and Regulation (EC) No 764/2008 has had limited effect in facilitating its application. The tools and procedural guarantees put in place by Regulation (EC) No 764/2008 failed in their aim of improving the application of the mutual recognition principle. For example, the Product Contact Points network which was put in place in order to provide information to economic operators on applicable national rules and the application of mutual recognition is barely known or used by economic operators.	principle. The evaluation carried out between 2014 and 2016 showed that the principle does not function as it should and Regulation (EC) No 764/2008 has had limited effect in facilitating its application. The tools and procedural guarantees put in place by Regulation (EC) No 764/2008 failed in their aim of improving the application of the mutual recognition principle. For example, the Product Contact Points network which was put in place in order to provide information to economic operators on applicable national rules and the application of mutual recognition is barely known or used by economic operators. Within the network, national authorities do not cooperate sufficiently. The requirement to notify administrative decisions denying or restricting	exist as regards the application of the mutual recognition principle. The evaluation carried out between 2014 and 2016 showed that the principle does not function as it should and Regulation (EC) No 764/2008 has had limited effect in facilitating its application. The tools and procedural guarantees put in place by Regulation (EC) No 764/2008 failed in their aim of improving the application of the mutual recognition principle. For example, the Product Contact Points network which was put in place in order to provide information to economic operators on applicable national rules and the application of mutual recognition is barely known or used by economic operators.

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	Within the network, national authorities do not cooperate sufficiently. The requirement to notify administrative decisions denying or restricting market access is complied with rarely. As a result, obstacles to free movement of goods in the internal market remain. 1. OJ, L 218,13.8.2008, p.21	Within the network, national authorities do not cooperate sufficiently. The requirement to notify administrative decisions denying or restricting market access is complied with rarely. As a result, obstacles to free movement of goods in the internal market remain. 1. OJ, L 218,13.8.2008, p.21	market access is complied with rarely. As a result, obstacles to free movement of goods in the internal market remain. 1. OJ, L 218,13.8.2008, p.21	Within the network, national authorities do not cooperate sufficiently. The requirement to notify administrative decisions denying or restricting market access is complied with rarely. As a result, obstacles to free movement of goods in the internal market remain. 1. OJ, L 218,13.8.2008, p.21 Text Origin: EP Mandate
RECITAL 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15	(6) In December 2013, the conclusions on the Single Market Policy adopted by the Competitiveness Council noted that to improve framework conditions for businesses and consumers in the Single Market, all relevant instruments should be appropriately employed, including mutual recognition. The Council invited the Commission to report on the cases where the functioning of the mutual recognition principle is still inadequate or problematic. In its Conclusions on the Single Market Policy of February 2015 the Competitiveness Council urged the Commission to take steps to ensure that the principle of mutual	(6) In December 2013, the conclusions on the Single Market Policy adopted by the Competitiveness Council noted that to improve framework conditions for businesses and consumers in the Single Market, all relevant instruments should be appropriately employed, including mutual recognition. The Council invited the Commission to report on the cases where the functioning of the mutual recognition principle is still inadequate or problematic. In its Conclusions on the Single Market Policy of February 2015 the Competitiveness Council urged the Commission to take steps to ensure that the principle of mutual	(6) In December 2013, the conclusions on the Single Market Policy adopted by the Competitiveness Council noted that to improve framework conditions for businesses and consumers in the Single Market, all relevant instruments should be appropriately employed, including mutual recognition. The Council invited the Commission to report on the cases where the functioning of the mutual recognition principle is still inadequate or problematic. In its Conclusions on the Single Market Policy of February 2015 the Competitiveness Council urged the Commission to take steps to ensure that the principle of mutual recognition functioned effectively and	(6) In December 2013, the conclusions on the Single Market Policy adopted by the Competitiveness Council noted that to improve framework conditions for businesses and consumers in the Single Market, all relevant instruments should be appropriately employed, including mutual recognition. The Council invited the Commission to report on the cases where the functioning of the mutual recognition principle is still inadequate or problematic. In its Conclusions on the Single Market Policy of February 2015 the Competitiveness Council urged the Commission to take steps to ensure that the principle of mutual

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	recognition functioned effectively and to bring forward proposals to that effect.	recognition functioned effectively and to bring forward proposals to that effect.	to bring forward proposals to that effect.	recognition functioned effectively and to bring forward proposals to that effect.
RECITAL 7				
16	(7) Regulation (EC) No 764/2008 has several shortcomings, and should therefore be revised and strengthened. For the sake of clarity, Regulation (EC) No 764/2008 should be replaced by this Regulation. This Regulation should establish clear procedures to ensure the free movement to goods lawfully marketed in another Member State and to ensure that free movement can be	(7) Regulation (EC) No 764/2008 has several shortcomings, and should therefore be revised and strengthened. For the sake of clarity, Regulation (EC) No 764/2008 should be replaced by this Regulation. This Regulation should establish clear procedures to ensure the free movement to goods lawfully marketed in another Member State and to ensure that free movement can be	(7) Regulation (EC) No 764/2008 has several shortcomings, and should therefore be revised and strengthened. For the sake of clarity, Regulation (EC) No 764/2008 should be replaced by this Regulation. This Regulation should establish clear procedures to ensure the free movement to of goods lawfully marketed in another Member State and to ensure that free movement can be restricted only where Member States have legitimate	(7) Regulation (EC) No 764/2008 has several shortcomings, and should therefore be revised and strengthened. For the sake of clarity, Regulation (EC) No 764/2008 should be replaced by this Regulation. This Regulation should establish clear procedures to ensure the free movement to of goods lawfully marketed in another Member State and to ensure that free movement can be

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	restricted only where Member States have legitimate public interest grounds for doing so and the restriction is proportionate. It ensures that existing rights and obligations deriving from the mutual recognition principle are observed, by both economic operators and national authorities.	restricted only where Member States have <u>duly justified</u> legitimate public interest grounds for doing so and the restriction is proportionate. It ensures that existing rights and obligations deriving from the mutual recognition principle are observed, by both economic operators and national authorities. AM 5	public interest grounds for doing so and the restriction is proportionate. It ensures that existing rights and obligations deriving from the mutual recognition principle are observed, by both economic operators and national authorities.	restricted only where Member States have legitimate public interest grounds for doing so and the restriction is justified and proportionate. It ensures that existing rights and obligations deriving from the mutual recognition principle are observed, by both economic operators and national authorities.
	RECITAL 8			
17	(8) This Regulation should not prejudice further harmonisation of conditions for the marketing of	(8) This Regulation should not prejudice further harmonisation of conditions for the marketing of	(8) This Regulation should not prejudice further harmonisation of conditions for the marketing of	(8) This Regulation should not prejudice further harmonisation of conditions for the marketing of

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	goods, where appropriate, with a view to improving the functioning of the internal market.	goods, where appropriate, with a view to improving the functioning of the internal market.	goods, where appropriate, with a view to improving the functioning of the internal market.	goods, where appropriate, with a view to improving the functioning of the internal market.
	RECITAL 9			
18	(9) Trade barriers may also result from other types of measures falling under the scope of Articles 34 and 36 of the Treaty. Those measures may, for example, include technical specifications drawn up for public procurement procedures or requirements to use official languages in the Member States. However, such measures should not constitute national technical rules within the meaning	(9) Trade barriers may also result from other types of measures falling under the scope of Articles 34 and 36 of the Treaty. Those measures may, for example, include technical specifications drawn up for public procurement procedures or requirements to use official languages in the Member States. However, such measures should not constitute national technical rules within the meaning	(9) Trade barriers may also result from other types of measures falling under the scope of Articles 34 and 36 of the Treaty. Those measures may, for example, include technical specifications drawn up for public procurement procedures or requirements to use official languages in the Member States. However, such measures should not constitute national technical rules within the meaning of this Regulation and	(9) Trade barriers may also result from other types of measures falling under the scope of Articles 34 and 36 of the Treaty. Those measures may, for example, include technical specifications drawn up for public procurement procedures or requirements to use official languages in the Member States. However, such measures should not constitute national technical rules within the meaning

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	of this Regulation and should not fall within its scope.	of this Regulation and should not fall within its scope.	should not fall within its scope.	of this Regulation and should not fall within its scope.
RECITAL 10				
19	(10) National technical rules are sometimes given effect in a Member State by means of a prior authorisation procedure, under which formal approval must be obtained from a competent authority before the goods can be placed on the market there. The existence of a prior authorisation procedure in itself restricts the free movement of goods. Therefore, in order to be justified with regard to the fundamental	(10) National technical rules are sometimes given effect in a Member State by means of a prior authorisation procedure, under which formal approval must be obtained from a competent authority before the goods can be placed on the market there. The existence of a prior authorisation procedure in itself restricts the free movement of goods. Therefore, in order to be justified with regard to the fundamental	(10) National technical rules are sometimes given effect in a Member State by means of a prior authorisation procedure, under which formal approval must be obtained from a competent authority before the goods can be placed on the market there. The existence of a prior authorisation procedure in itself restricts the free movement of goods. Therefore, in order to be justified with regard to the fundamental principle of free movement of goods	(10) National technical rules are sometimes given effect in a Member State by means of a prior authorisation procedure, under which formal approval must be obtained from a competent authority before the goods can be placed on the market there. The existence of a prior authorisation procedure in itself restricts the free movement of goods. Therefore, in order to be justified with regard to the fundamental

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	principle of free movement of goods within the internal market, such a procedure must pursue a public interest objective recognised by Union law, and it must be proportionate and non-discriminatory. The compliance of such a procedure with Union law is assessed in the light of the considerations set out in the case-law of the Court of Justice. As a result, administrative decisions denying or restricting market access exclusively on the grounds that the goods do not have a valid prior authorisation should be excluded from the scope of this Regulation. When, however, an application for mandatory prior authorisation of goods is made, any intended administrative decision to reject the application	principle of free movement of goods within the internal market, such a procedure must pursue a public interest objective recognised by Union law, and it must be proportionate and non-discriminatory. The compliance of such a procedure with Union law is assessed in the light of the considerations set out in the case-law of the Court of Justice. As a result, administrative decisions denying or restricting market access exclusively on the grounds that the goods do not have a valid prior authorisation should be excluded from the scope of this Regulation. When, however, an application for mandatory prior authorisation of goods is made, any intended administrative decision to reject the application	within the internal market, such a procedure must pursue a public interest objective recognised by Union law, and it must be proportionate and non-discriminatory. The compliance of such a procedure with Union law is assessed in the light of the considerations set out in the case-law of the Court of Justice. As a result, administrative decisions denying or restricting market access exclusively on the grounds that the goods do not have a valid prior authorisation should be excluded from the scope of this Regulation. When, however, an application for mandatory prior authorisation of goods is made, any intended administrative decision to reject the application on the basis of a technical rule applicable in that Member State should be taken in accordance with	principle of free movement of goods within the internal market, such a procedure must pursue a public interest objective recognised by Union law, and it must be proportionate and non-discriminatory. The compliance of such a procedure with Union law is assessed in the light of the considerations set out in the case-law of the Court of Justice. As a result, administrative decisions denying or restricting market access exclusively on the grounds that the goods do not have a valid prior authorisation should be excluded from the scope of this Regulation. When, however, an application for mandatory prior authorisation of goods is made, any intended administrative decision to reject the application

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	on the basis of a technical rule applicable in that Member State should be taken in accordance with this Regulation, so that the applicant can benefit from the procedural protection which this Regulation provides.	on the basis of a technical rule applicable in that Member State should be taken in accordance with this Regulation, so that the applicant can benefit from the procedural protection which this Regulation provides.	this Regulation, so that the applicant can benefit from the procedural protection which this Regulation provides.	on the basis of a technical rule applicable in that Member State should be taken in accordance with this Regulation, so that the applicant can benefit from the procedural protection which this Regulation provides. <u>The same applies to voluntary prior authorisation of goods, where it exists.</u>
	RECITAL 11			
20	(11) It is important to clarify that the types of goods covered by this Regulation include agricultural products. The term 'agricultural products' includes products of fisheries, as provided for in	(11) It is important to clarify that the types of goods covered by this Regulation include agricultural products. The term 'agricultural products' includes products of fisheries, as provided for in	(11) It is important to clarify that the types of goods covered by this Regulation include agricultural products. The term 'agricultural products' includes products of fisheries, as provided for in Article	(11) It is important to clarify that the types of goods covered by this Regulation include agricultural products. The term 'agricultural products' includes products of fisheries, as provided for in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 38(1) of the Treaty.	Article 38(1) of the Treaty. <u><i>The Commission should keep and, when feasible, further develop an indicative and non-exhaustive list up to date online to help identify which types of goods are subject to this Regulation.</i></u> AM 6	38(1) of the Treaty.	Article 38(1) of the Treaty. <u><i>To help identify which types of goods are subject to this Regulation, The Commission should keep and, when feasible, further assess the feasibility and benefits of further developing an indicative and non-exhaustive product list for mutual recognition up to date online to help identify which types of goods are subject to this Regulation.</i></u>
	RECITAL 12			
G 21	(12) It is important to clarify that	(12) It is important to clarify that	(12) It is important to clarify that the	(12) It is important to clarify that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the term 'producer' includes not only the manufacturer of goods, but also the person who presents himself as the producer of goods, such as agricultural products, which were not obtained by a manufacturing process.	the term 'producer' includes not only the manufacturer of goods, but also the person who presents himself as the producer of goods, such as agricultural products, which were not obtained by a manufacturing process.	term 'producer' includes not only the manufacturer of goods, but also the person who presents himself as the producer of goods, such as agricultural products, which were not obtained by a manufacturing process.	the term 'producer' includes not only the manufacturer of goods, but also <u>the person who produces goods which were not obtained by a manufacturing process, including agricultural products, as well as</u> the person who presents himself as the producer of goods, such as agricultural products, which were not obtained by a manufacturing process.
	RECITAL 13			
22	(13) Decisions of national courts or tribunals assessing the legality of cases in which, on account of the application of a national	(13) Decisions of national courts or tribunals assessing the legality of cases in which, on account of the application of a national	(13) Decisions of national courts or tribunals assessing the legality of cases in which, on account of the application of a national technical	(13) Decisions of national courts or tribunals assessing the legality of cases in which, on account of the application of a national

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	technical rule, goods lawfully marketed in one Member State are not granted access to the market of another Member State, and decisions of national courts or tribunals applying penalties, should be excluded from the scope of this Regulation.	technical rule, goods lawfully marketed in one Member State are not granted access to the market of another Member State, and decisions of national courts or tribunals applying penalties, should be excluded from the scope of this Regulation.	rule, goods lawfully marketed in one Member State are not granted access to the market of another Member State, and decisions of national courts or tribunals applying penalties, should be excluded from the scope of this Regulation.	technical rule, goods lawfully marketed in one Member State are not granted access to the market of another Member State, and decisions of national courts or tribunals applying penalties, should be excluded from the scope of this Regulation.
	RECITAL 14			
23	(14) To benefit from the principle of mutual recognition, goods must be lawfully marketed in another Member State. It should be clarified that, for goods to be considered as lawfully marketed in another Member State, the	(14) To benefit from the principle of mutual recognition, goods must be lawfully marketed in another Member State. It should be clarified that, for goods to be considered as lawfully marketed in another Member State, the	(14) To benefit from the principle of mutual recognition, goods must be lawfully marketed in another Member State. It should be clarified that, for goods to be considered as lawfully marketed in another Member State, the goods need to comply with the	(14) To benefit from the principle of mutual recognition, goods must be lawfully marketed in another Member State. It should be clarified that, for goods to be considered as lawfully marketed in another Member State, the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	goods need to comply with the relevant rules applicable in that Member State, and to be being made available to end users in that Member State.	goods need to comply with the relevant rules applicable in that Member State, and to be <i>being</i> made available to end users in that Member State. AM 7	relevant rules applicable in that Member State, and to be being made available to end users in that Member State.	goods need to comply with the relevant rules applicable in that Member State, and to be <i>being</i> made available to end users in that Member State.
	RECITAL 14A			
G 23a		14a <u><i>To raise awareness on the part of national authorities and economic operators of the principle of mutual recognition, Member States are encouraged to provide for clear and unambiguous 'single market clauses' in their national</i></u>		14a <u><i>To raise awareness on the part of national authorities and economic operators of the principle of mutual recognition, Member States are encouraged to provide should consider providing for clear and unambiguous 'single market</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>technical rules which ensure that goods lawfully marketed in one Member State are presumed to be compatible with the national technical rules of another Member State.</u> AM 8		<u>clauses' in their national technical rules which ensure that goods lawfully marketed in one Member State are presumed to be compatible with the national technical rules of another Member State. with a view to facilitating the application of that principle.</u>
	RECITAL 15			
G	24	(15) The evidence required to demonstrate that goods are lawfully marketed in another Member State varies significantly from Member State to Member State. This causes unnecessary burdens delays and additional	(15) The evidence required to demonstrate that goods are lawfully marketed in another Member State varies significantly from Member State to Member State. This causes unnecessary burdens, delays and additional costs for economic	(15) The evidence required to demonstrate that goods are lawfully marketed in another Member State varies significantly from Member State to Member State. This causes unnecessary burdens delays and additional

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	costs for economic operators, while preventing national authorities from obtaining the information necessary for assessing the goods in a timely manner. This may inhibit application of the mutual recognition principle. It is therefore essential to make it easier for economic operators to demonstrate that their goods are lawfully marketed in another Member State. Economic operators should be able to benefit from a process of self-declaration, which should provide competent authorities with all necessary information on the goods and on their compliance with the rules applicable in that other Member State. The use of the declaration does not prevent national	costs for economic operators, while preventing national authorities from obtaining the information necessary for assessing the goods in a timely manner. This may inhibit application of the mutual recognition principle. It is therefore essential to make it easier for economic operators to demonstrate that their goods are lawfully marketed in another Member State. Economic operators should be able to benefit from a process of self-declaration, which should provide competent authorities with all necessary information on the goods and on their compliance with the rules applicable in that other Member State. The use of the <u>voluntary</u> declaration does not prevent	operators, while preventing national authorities from obtaining the information necessary for assessing the goods in a timely manner. This may inhibit application of the mutual recognition principle. It is therefore essential to make it easier for economic operators to demonstrate that their goods are lawfully marketed in another Member State. Economic operators should be able to benefit from a process of self-declaration, which should provide competent authorities with all necessary information on the goods and on their compliance with the rules applicable in that other Member State. The use of the declaration does not prevent national authorities from taking an administrative decision restricting market access, on the condition that such a decision is proportionate and	costs for economic operators, while preventing national authorities from obtaining the information necessary for assessing the goods in a timely manner. This may inhibit application of the mutual recognition principle. It is therefore essential to make it easier for economic operators to demonstrate that their goods are lawfully marketed in another Member State. Economic operators should be able to benefit from a process of self-declaration, which should provide competent authorities with all necessary information on the goods and on their compliance with the rules applicable in that other Member State. The use of the <u>voluntary</u> declaration does not prevent

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities from taking a decision restricting market access, on the condition that such a decision is proportionate and respects the mutual recognition principle and this Regulation.	national authorities from taking a decision restricting market access, on the condition that such a decision is proportionate, <u>justified</u> and respects the mutual recognition principle and this Regulation. AM 9	respects the mutual recognition principle and this Regulation.	national authorities from taking an administrative decision restricting market access, on the condition that such a decision is proportionate, <u>justified</u> and respects the mutual recognition principle and this Regulation.
	RECITAL 16			
25	(16) The producer, or the producer's representative, should be responsible for filling in the information in the mutual recognition declaration as the producer knows the goods best.	(16) The producer, or the producer's <u>authorised</u> representative, should be responsible for filling in the information in the mutual recognition declaration as the	(16) It should be possible for the producer, importer or distributor to draw up a declaration of lawful marketing of goods for the purposes of mutual recognition (or the producer's representative, mutual	(16) It should be possible for the producer, importer or distributor to draw up a declaration of lawful marketing of goods for the purposes of mutual recognition (or the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	However, the information that the goods are being made available to end users in the relevant Member State may be in the possession of an importer or a distributor, rather than the actual producer. It should therefore be permissible for another economic operator to fill in this information in place of the producer.	producer knows the goods best. However, the information that the goods are being made available to end users in the relevant Member State may be in the possession of an importer or a distributor, rather than the actual producer. It should therefore be permissible for another economic operator to fill in this information in place of the producer, <u>provided that the economic operator takes the responsibility for the information filled into the mutual recognition declaration</u>. AM 10	recognition declaration'). The producer should be responsible for filling in the information in the mutual recognition declaration on his authorised representative to draw up such declaration on his behalf and under his responsibility. As the producer knows the goods best. However, the information that the and is in a possession of the evidence that his goods are being made available to end users meet certain requirements, if an importer or a distributor draws up such a declaration, he should be able to supply the evidence necessary for verification of the information contained in the relevant Member State may be declaration. Where an economic operator is able to provide in the possession of an importer or a	producer's representative, mutual recognition declaration'). The producer should be responsible <u>is best placed</u> for filling in the information in the mutual recognition declaration as the producer <u>he</u> knows the goods best. However, the information that the and is in a possession of the evidence goods are being made available to end users necessary for verification of the information contained in the relevant Member State may be declaration. The producer should be able to mandate his authorised representative to draw up such declaration on his behalf and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			distributor, rather than the actual producer. declaration only the information on the lawfulness of the marketing of the goods, it should therefore be permissible be possible for another economic operator to fill in this provide the information in place of the producer that the goods are being made available to end users in the relevant Member State.	under his responsibility. However, where an economic operator is able to provide in the possession of an importer or a distributor, rather than the actual producer. declaration only the information on the lawfulness of the marketing of the goods, it should therefore be permissible be possible for another economic operator to fill in this provide the information in place of the producer that the goods are being made available to end users in the relevant Member State, <u>provided that this economic operator takes the responsibility for the information he filled into the mutual recognition</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>declaration</u> and is able to supply the necessary evidence to verify it.
	RECITAL 17			
26	(17) The mutual recognition declaration should continue to give accurate and complete information on the goods at any point in the future. The declaration should therefore be kept up to date, as necessary, to reflect changes, for example changes in the relevant technical rules.	(17) The mutual recognition declaration should continue to give accurate and complete information on the goods at any point in the future. The declaration should therefore be kept up to date, as necessary, to reflect changes, for example changes in the relevant technical rules.	(17) The mutual recognition declaration should continue to give accurate and complete information on the goods at any point in the future. The declaration should therefore be kept up to date, as necessary, in order to reflect changes, for example changes in the relevant technical rules.	(17) The mutual recognition declaration should continue to give accurate and complete information on the goods at any point in the future. The declaration should therefore be kept up to date, as necessary, in order to reflect changes, for example changes in the relevant technical rules.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 18			
G 27	(18) In order to ensure that the information provided in a mutual recognition declaration is comprehensive, a harmonised structure for such declarations should be laid down for use by economic operators wishing to make such declarations.	(18) In order to ensure that the information provided in a mutual recognition declaration is comprehensive <u>and truthful</u> , a harmonised structure for such declarations should be laid down for use by economic operators wishing to make such declarations. AM 11	(18) In order to ensure that the information provided in a mutual recognition declaration is comprehensive, a harmonised structure for such declarations should be laid down for use by economic operators wishing to make such declarations.	(18) In order to ensure that the information provided in a mutual recognition declaration is comprehensive, a harmonised structure for such declarations should be laid down for use by economic operators wishing to make such declarations.
	RECITAL 19			
G 28				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(19) It is important to ensure that the mutual recognition declaration is filled in truthfully and accurately. It is therefore necessary to provide for economic operators to be responsible for the information contained in the declaration.	(19) It is important to ensure that the mutual recognition declaration is filled in truthfully and accurately. It is therefore necessary to provide for economic operators to be responsible for the information contained in the declaration.	(19) It is important to ensure that the mutual recognition declaration is filled in truthfully and accurately. It is therefore necessary to provide for economic operators to be responsible for the information contained provided by them in the declaration.	(19) It is important to ensure that the mutual recognition declaration is filled in truthfully and accurately. It is therefore necessary to provide for economic operators to be responsible for the information contained provided by them in the declaration.
	RECITAL 20			
29	(20) In order to enhance the efficiency and competitiveness of businesses operating in the non-harmonised area, it should be possible to benefit from new information technologies for the purposes of facilitating the provision of the mutual	(20) In order to enhance the efficiency and competitiveness of businesses operating in the non-harmonised area, it should be possible to benefit from new information technologies for the purposes of facilitating the provision of the mutual	(20) In order to enhance the efficiency and competitiveness of businesses operating in the non-harmonised area, it should be possible to benefit from new information technologies for the purposes of facilitating the provision of the mutual recognition declaration.	(20) In order to enhance the efficiency and competitiveness of businesses operating in the non-harmonised area, it should be possible to benefit from new information technologies for the purposes of facilitating the provision of the mutual

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recognition declaration. Therefore, economic operators should be able to make their declaration available online.	recognition declaration. Therefore, economic operators should be able <u>and encouraged</u> to make their declaration available online <u>and in a secure way</u>. AM 12	Therefore, economic operators should be able to make their declaration publicly available online provided that it would be easily accessible.	recognition declaration. Therefore, economic operators should be able to make their declaration publicly available online provided that it would be easily accessible and in a reliable format.
	RECITAL 20A			
G	29a	20a <u>The Commission should ensure that a template for the mutual recognition declaration and relevant guidelines to complete the declaration are made available on the Single Digital Gateway in all of the official languages of the Union.</u>		20a <u>The Commission should ensure that a template for the mutual recognition declaration and relevant guidelines to complete the declaration are made available on the Single Digital Gateway in all of the official languages of the Union.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 13		
	RECITAL 20B			
G	29b	20b <u><i>A well-functioning principle of mutual recognition is an essential complement to harmonisation at EU level, especially when taking into consideration that many products have both harmonised and non-harmonised aspects following that a considerable number of products with non-harmonised aspects exist in the internal market.</i></u>		EP text moved to recital 1a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 14		
	RECITAL 21			
G 30	(21) This Regulation should also apply to goods in respect of which only some aspects are covered by Union harmonisation legislation. Where, pursuant to Union harmonisation legislation, economic operators are required to draw up an EU declaration of conformity to demonstrate compliance with that legislation, it should be permissible for the information provided in the mutual recognition declaration under this Regulation to be included as part of that EU	(21) This Regulation should also apply to goods in respect of which only some aspects are covered by Union harmonisation legislation. Where, pursuant to Union harmonisation legislation, economic operators are required to draw up an EU declaration of conformity to demonstrate compliance with that legislation, it should be permissible for the information provided in the mutual recognition declaration under this Regulation to be included as part of that EU	(21) This Regulation should also apply to goods in respect of which only some aspects are covered by Union harmonisation legislation. Where, pursuant to Union harmonisation legislation, economic operators are required to draw up an EU declaration of conformity to demonstrate compliance with that legislation, it should be permissible for the information provided in the mutual recognition declaration under this Regulation to be included as part of that attached to the EU declaration of conformity.	(21) This Regulation should also apply to goods in respect of which only some aspects are covered by Union harmonisation legislation. Where, pursuant to Union harmonisation legislation, economic operators are required to draw up an EU declaration of conformity to demonstrate compliance with that legislation, it should be permissible for the information provided in the mutual recognition declaration under this Regulation to be included as part of that attached to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	declaration of conformity.	declaration of conformity.		the EU declaration of conformity.
	RECITAL 22			
G 31	(22) Where producers decide not to make use of the mutual recognition declaration mechanism, it should be for the Member State to request the information that it considers necessary for the assessment of the goods, taking due account of the principle of proportionality.	(22) Where producers <u>economic operators</u> decide not to make use of the mutual recognition declaration mechanism, it should be for the Member State to request the <u>specific and clearly defined</u> information that it considers necessary for the assessment of the goods, taking due account in <u>respect</u> of the principle of proportionality. <u>The use of the declaration does not prevent national authorities from taking a decision restricting the access to market in accordance with this</u>	(22) Where producers <u>economic operators</u> decide not to make use of the mutual recognition declaration mechanism , it should be for the competent authorities of the Member State to request the <u>specific and clearly defined</u> information that it considers they consider necessary for the assessment of the goods, taking due account of the principle of proportionality.	22) Where producers <u>economic operators</u> decide not to make use of the mutual recognition declaration mechanism , it should be for the competent authorities of the Member State to request the <u>specific and clearly defined</u> information that it they considers necessary for the assessment of the goods, taking due account in <u>respect</u> of the principle of proportionality.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Regulation.</u> AM 15		
	RECITAL 22A			
31a		22a <u>The economic operator should be given appropriate time within which to submit documents or any other information requested by the competent authority of the Member State of destination, or to present any comments or arguments in relation to the assessment of the goods in question.</u>	22a The economic operator should be given appropriate time within which to submit documents or any other information requested by the competent authority of the Member State of destination, or to present any comments or arguments in relation to the assessment of the goods in question.	22a <u>The economic operator should be given appropriate time within which to submit documents or any other information requested by the competent authority of the Member State of destination, or to present any comments or arguments in relation to the assessment of the goods in question.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 16		
	RECITAL 23			
32	(23) Directive (EU) 2015/1535 of the European Parliament and of the Council requires Member States to communicate to the Commission and to the other Member States any draft national technical regulation concerning any product, including agricultural and fish products, and a statement of the grounds which make the enactment of that regulation necessary. It is necessary, however, to ensure that, following	(23) Directive (EU) 2015/1535 of the European Parliament and of the Council requires Member States to communicate to the Commission and to the other Member States any draft national technical regulation concerning any product, including agricultural and fish products, and a statement of the grounds which make the enactment of that regulation necessary. It is necessary, however, to ensure that, following	(23) Directive (EU) 2015/1535 of the European Parliament and of the Council requires Member States to communicate to the Commission and to the other Member States any draft national technical regulation concerning any product, including agricultural and fishfishery products, and a statement of the grounds which make the enactment of that regulation necessary. It is necessary, however, to ensure that, following the adoption of such a national technical regulation,	(23) Directive (EU) 2015/1535 of the European Parliament and of the Council requires Member States to communicate to the Commission and to the other Member States any draft national technical regulation concerning any product, including agricultural and fishfishery products, and a statement of the grounds which make the enactment of that regulation necessary. It is necessary, however, to ensure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the adoption of such a national technical regulation, the principle of mutual recognition is correctly applied in individual cases to specific goods. This Regulation should lay down procedures for the application of the mutual recognition principle in individual cases by, for example, requiring Member States to indicate the national technical rules on which the administrative decision is based and the legitimate public interest ground on which the administrative decision is justified. This requirement does not, however, oblige Member States to justify the national technical rule itself, but rather the application of that national technical rule with respect to a product lawfully marketed in	the adoption of such a national technical regulation, the principle of mutual recognition is correctly applied in individual cases to specific goods. This Regulation should lay down procedures for the application of the mutual recognition principle in individual cases by, for example, requiring Member States to indicate the national technical rules on which the administrative decision is based and the legitimate public interest ground on which the administrative decision is justified. This requirement does not, however, oblige Member States to justify the national technical rule itself, but rather the application of that national technical rule with respect to a product lawfully marketed in	the principle of mutual recognition is correctly applied in individual cases to specific goods. This Regulation should lay down procedures for the application of the mutual recognition principle in individual cases by, for example, requiring Member States to indicate the national technical rules on which the administrative decision is based and the legitimate public interest ground justifying the applicable national technical rule on which the administrative decision is justified based . This requirement does not, however, oblige Member States to justify the national technical rule itself, but rather the application of that national technical rule with respect to a product good lawfully marketed in another Member State. In most of the cases the proportionality of the national	that, following the adoption of such a national technical regulation, the principle of mutual recognition is correctly applied in individual cases to specific goods. This Regulation should lay down procedures for the application of the mutual recognition principle in individual cases by, for example, requiring Member States to indicate the national technical rules on which the administrative decision is based and the legitimate public interest ground on which the administrative decision is justified justifying- This requirement does not, however, oblige Member States to justify the national technical rule itself, but rather the application of that national technical rule with respect to a product good lawfully

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	another Member State.	another Member State.	technical rule should be sufficient by itself to demonstrate that the administrative decision which is based on that rule is proportionate. However, the means to demonstrate the proportionality of the administrative decision should be the result of a case by case evaluation.	marketed in another Member State. <u>The proportionality of the national technical rule is the basis for demonstrating that the administrative decision which is based on that rule is proportionate. However, the means to demonstrate the proportionality of the administrative decision should be the result of a case by case evaluation.</u> <i>(addition depends on deletion of Council last sentence in article 1)</i>
	RECITAL 24			
33	(24) As decisions denying or restricting market access for	(24) As decisions denying or restricting market access for	(24) As administrative decisions denying or restricting market access	(24) As administrative decisions denying or restricting

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	goods already lawfully marketed in another Member State should be an exception to the fundamental principle of free movement of goods, it is appropriate to establish a clear procedure designed to ensure that such decisions observe the existing obligations deriving from the mutual recognition principle. Such procedure ensures that decisions taken are proportionate and respect the mutual recognition principle and this Regulation.	goods already lawfully marketed in another Member State should be an exception to the fundamental principle of free movement of goods, it is appropriate to establish a clear procedure designed to ensure that such decisions observe the existing obligations deriving from the mutual recognition principle. Such procedure ensures that decisions taken are proportionate and respect the mutual recognition principle and this Regulation.	for goods already lawfully marketed in another Member State should be an exception to the fundamental principle of free movement of goods, it is appropriate to establish a clear procedure designed to ensure that such decisions to determine whether such goods are lawfully marketed in that Member State and, if so, that Member States observe the existing obligations deriving from the mutual recognition principle. Such procedure ensures that should ensure that administrative decisions taken are proportionate and respect the mutual recognition principle and this Regulation. When observing those obligations, Member States should be able to ensure that their legitimate public interests are adequately protected, in accordance with Article 36 of the	market access for goods already lawfully marketed in another Member State should be an exception to the fundamental principle of free movement of goods, it is necessary appropriate to establish a clear procedure designed to ensure that such decisions observe the existing obligations deriving from the mutual recognition principle. For this purpose it is appropriate to establish a clear procedure to determine whether goods are lawfully marketed in the that Member State and, if so, whether the legitimate public interests covered by the applicable national technical rule of the Member State of destination are adequately protected, in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Treaty and the case law of the Court of Justice.	<u>Article 36 of the Treaty and the case law of the Court of Justice.</u> Such procedure ensures that should ensure that administrative decisions taken are proportionate and respect the mutual recognition principle and this Regulation.
	RECITAL 25			
34	(25) While a competent authority is assessing goods before deciding whether or not it should deny or restrict market access, it should not be able to take decisions suspending market access, except where rapid intervention is required to prevent harm to safety	(25) While a competent authority is assessing goods before deciding whether or not it should deny or restrict market access, it should not be able to take decisions suspending market access, except where rapid intervention is required to prevent harm to safety	(25) While a competent authority is assessing goods before deciding whether or not it should deny or restrict market access, it should not be able to take decisions suspending market access, except where rapid intervention is required to prevent harm to safety and and/or health of	(25) While a competent authority is assessing goods before deciding whether or not it should deny or restrict market access, it should not be able to take decisions suspending market access, except where rapid intervention is required to prevent harm to safety

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and health of users or to prevent the goods being made available where the making available of such goods is generally prohibited on grounds of public morality or public security, including for example the prevention of crime.	and/or health of users, <u>persons or to the environment</u> , or to prevent the goods being made available where the making available of such goods is generally prohibited on grounds of public morality or public security, including for example the prevention of crime. AM 17	users persons or to the environment , or to prevent the goods being made available where the making available of such goods is generally prohibited on grounds of public morality or public security, including for example the prevention of crime.	and/or health of users , <u>persons or to the environment</u> , or to prevent the goods being made available where the making available of such goods is generally prohibited on grounds of public morality or public security, including for example the prevention of crime.
	RECITAL 26			
35	(26) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ establishes a system of accreditation which ensures the	(26) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ establishes a system of accreditation which ensures the	(26) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ establishes a system of accreditation which ensures the mutual acceptance of the level of	(26) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ establishes a system of accreditation which ensures the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	mutual acceptance of the level of competence of conformity assessment bodies. The competent authorities of Member States should therefore not refuse test reports and certificates issued by an accredited conformity assessment body on grounds related to the competence of that body. Furthermore, in order to avoid as far as possible the duplication of tests and procedures which have been already carried out in another Member State, Member States should also accept test reports and certificates issued by other conformity assessment bodies in accordance with Union law. Competent authorities should be required to take due account of the content of the test reports or	mutual acceptance of the level of competence of conformity assessment bodies. The competent authorities of Member States should therefore not refuse test reports and certificates issued by an accredited conformity assessment body on grounds related to the competence of that body. Furthermore, in order to avoid as far as possible the duplication of tests and procedures which have been already carried out in another Member State, Member States should also accept <u>take due account of</u> test reports and certificates issued by other conformity assessment bodies in accordance with Union law. Competent authorities should be required to take due account of the	competence of conformity assessment bodies. The competent authorities of Member States should therefore not refuse test reports and certificates issued by an accredited conformity assessment body on grounds related to the competence of that body. Furthermore, in order to avoid as far as possible the duplication of tests and procedures which have been already carried out in another Member State, Member States should also accept test reports and certificates issued by other conformity assessment bodies in accordance with Union law. Competent authorities should be required to take due account of the content of the test reports or certificates presented.	mutual acceptance of the level of competence of conformity assessment bodies. The competent authorities of Member States should therefore not refuse test reports and certificates issued by an accredited conformity assessment body on grounds related to the competence of that body. Furthermore, in order to avoid as far as possible the duplication of tests and procedures which have been already carried out in another Member State, Member States should also accept <u>shall not refuse</u> test reports and certificates issued by other conformity assessment bodies in accordance with Union law. Competent authorities should be required to take due account of the content of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	certificates presented. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	content of the test reports or certificates presented. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30). AM 18	_____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	the test reports or certificates presented. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).
	RECITAL 27			
G 36				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(27) Directive 2001/95/EC of the European Parliament and of the Council¹ specifies that only safe products may be placed on the market and lays down the obligations of producers and distributors with respect to the safety of products. It entitles the authorities to ban any dangerous product with immediate effect or, for the period needed for the various safety evaluations, checks and controls, to ban temporarily a product that could be dangerous. It also describes the procedure for authorities to apply appropriate measures such as those referred to in Article 8(1)(b) to (f) thereof, in case of products posing a risk, and it also establishes the obligation to notify those measures to the	(27) Directive 2001/95/EC of the European Parliament and of the Council¹ specifies that only safe products may be placed on the market and lays down the obligations of producers and distributors with respect to the safety of products. It entitles the authorities to ban any dangerous product with immediate effect or, for the period needed for the various safety evaluations, checks and controls, to ban temporarily a product that could be dangerous. It also describes the procedure for authorities to apply appropriate measures such as those referred to in Article 8(1)(b) to (f) thereof, in case of products posing a risk, and it also establishes the obligation to notify those measures to the	(27) Directive 2001/95/EC of the European Parliament and of the Council¹ specifies that only safe products may be placed on the market and lays down the obligations of producers and distributors with respect to the safety of products. It entitles the authorities to ban any dangerous product with immediate effect or, for the period needed for the various safety evaluations, checks and controls, to ban temporarily a product that could be dangerous. It also describes the procedure for authorities to apply appropriate measures such as those referred to in Article 8(1)(b) to (f) thereof, in case of products posing a risk, and it also establishes the obligation to notify those measures to the Commission and other Member States. Therefore,	(27) Directive 2001/95/EC of the European Parliament and of the Council¹ specifies that only safe products may be placed on the market and lays down the obligations of producers and distributors with respect to the safety of products. It entitles the authorities to ban any dangerous product with immediate effect or, for the period needed for the various safety evaluations, checks and controls, to ban temporarily a product that could be dangerous. It also describes the procedure for authorities to apply appropriate measures such as those referred to in Article 8(1)(b) to (f) thereof, in case of products posing a risk, and it also establishes the obligation to notify those measures to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission and other Member States. Therefore, competent authorities should be able to continue applying that Directive and in particular the provisions contained in Articles 8(1)(d) to (f) and Article 8(3) of that Directive. 1. OJ L 11, 15.1.2002, p. 4.	Commission and other Member States. Therefore, competent authorities should be able to continue applying that Directive and in particular the provisions contained in Articles 8(1)(d) to (f) and Article 8(3) of that Directive. 1. OJ L 11, 15.1.2002, p. 4.	competent authorities should be able to continue applying that Directive and in particular the provisions contained in Articles 8(1)(d)8(1)(b) to (f) and Article 8(3) of that Directive. 1. OJ L 11, 15.1.2002, p. 4.	Commission and other Member States. Therefore, competent authorities should be able to continue applying that Directive and in particular the provisions contained in Articles 8(1)(d)8(1)(b) to (f) and Article 8(3) of that Directive. 1. OJ L 11, 15.1.2002, p. 4.
	RECITAL 28			
37	(28) Regulation (EC) No 178/2002 of the European	(28) Regulation (EC) No 178/2002 of the European	(28) Regulation (EC) No 178/2002 of the European Parliament and of the	(28) Regulation (EC) No 178/2002 of the European

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council¹ establishes, inter alia, a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed. It obliges Member States to notify the Commission immediately, under the rapid alert system of any measure they adopt which is aimed at restricting the placing on the market of, withdrawing or recalling food or feed in order to protect human health, and which requires rapid action. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Articles 50 (3) and 54 of that Regulation.	Parliament and of the Council¹ establishes, inter alia, a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed. It obliges Member States to notify the Commission immediately, under the rapid alert system of any measure they adopt which is aimed at restricting the placing on the market of, withdrawing or recalling food or feed in order to protect human health, and which requires rapid action. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Articles 50 (3) and 54 of that Regulation.	Council¹ establishes, inter alia, a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed. It obliges Member States to notify the Commission immediately, under the rapid alert system of any measure they adopt which is aimed at restricting the placing on the market of, withdrawing or recalling food or feed in order to protect human health, and which requires rapid action. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Articles 50 (3) and 54 of that Regulation. _____ 1. OJ L 31, 1.2.2002,p 1.	Parliament and of the Council¹ establishes, inter alia, a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed. It obliges Member States to notify the Commission immediately, under the rapid alert system of any measure they adopt which is aimed at restricting the placing on the market of, withdrawing or recalling food or feed in order to protect human health, and which requires rapid action. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Articles 50 (3) and 54 of that Regulation.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	_____ 1. OJ L 31, 1.2.2002,p 1.	_____ 1. OJ L 31, 1.2.2002,p 1.		_____ 1. OJ L 31, 1.2.2002,p 1.
	RECITAL 29			
38	(29) Regulation (EU) 2017/625 of European Parliament and of the Council¹ establishes a harmonised Union framework for the organisation of official controls, and official activities other than official controls, along the entire agri-food chain, taking into account the rules on official controls laid down in Regulation	(29) Regulation (EU) 2017/625 of European Parliament and of the Council¹ establishes a harmonised Union framework for the organisation of official controls, and official activities other than official controls, along the entire agri-food chain, taking into account the rules on official controls laid down in Regulation	(29) Regulation (EU) 2017/625 of European Parliament and of the Council¹ establishes a harmonised Union framework for the organisation of official controls, and official activities other than official controls, along the entire agri-food chain, taking into account the rules on official controls laid down in Regulation (EC) No 882/2004 and in	(29) Regulation (EU) 2017/625 of European Parliament and of the Council¹ establishes a harmonised Union framework for the organisation of official controls, and official activities other than official controls, along the entire agri-food chain, taking into account the rules on official controls laid down in Regulation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(EC) No 882/2004 and in relevant sectoral legislation. It lays down a specific procedure to ensure that economic operators remedy a situation of non-compliance with feed and food law, animal health and animal welfare rules. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Article 138 of that Regulation. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products,	(EC) No 882/2004 and in relevant sectoral legislation. It lays down a specific procedure to ensure that economic operators remedy a situation of non-compliance with feed and food law, animal health and animal welfare rules. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Article 138 of that Regulation. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products,	relevant sectoral legislation. It lays down a specific procedure to ensure that economic operators remedy a situation of non-compliance with feed and food law, animal health and animal welfare rules. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Article 138 of that Regulation. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU)	(EC) No 882/2004 and in relevant sectoral legislation. It lays down a specific procedure to ensure that economic operators remedy a situation of non-compliance with feed and food law, animal health and animal welfare rules. Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Article 138 of that Regulation. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1). Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 29A			
38a			29a Regulation (EU) No 1306/2013 of the European Parliament and of the Council¹ establishes a harmonised Union framework for carrying out the checks in respect of the obligations laid down in Section II of Chapter I of Title II of Part 2 of Regulation (EU) No 1308/2013² in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council³ and shall ensure that any operator complying with those obligations is entitled to be covered by a system of checks. Competent authorities should be able to continue applying that Regulation	29a Regulation (EU) No 1306/2013 of the European Parliament and of the Council¹ establishes a harmonised Union framework for carrying out the checks in respect of the obligations laid down in Section II of Chapter I of Title II of Part 2 of Regulation (EU) No 1308/2013² in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council³ and shall ensure that any operator complying with those obligations is entitled to be covered by a system of checks.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and in particular the provisions contained in Article 90 of that Regulation. 1. Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549–607). 2. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No	Competent authorities should be able to continue applying that Regulation and in particular the provisions contained in Article 90 of that Regulation. 1. Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549–607). 2. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1234/2007 (OJ L 347, 20.12.2013, p. 671–854). 3. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).	the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671–854). 3. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).
	RECITAL 30			
39	(30) Any administrative decision taken by competent authorities of Member States pursuant to this Regulation should specify the	(30) Any administrative decision taken by competent authorities of Member States pursuant to this Regulation should specify the	(30) Any administrative decision taken by competent authorities of Member States pursuant to this Regulation should specify the	(30) Any administrative decision taken by competent authorities of Member States pursuant to this Regulation should specify the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	remedies available so that an economic operator can bring proceedings before the competent national court or tribunal. The decision should also refer to the problem-solving procedure provided for in this Regulation.	remedies available so that an economic operator can <u>appeal the decision or</u> bring proceedings before the competent national court or tribunal. The <u>administrative</u> decision should also refer to the <u>possibility of economic operators to use the SOLVIT network and to have access to the</u> problem-solving procedure provided for in this Regulation. AM 19	remedies available so that an economic operator can, according to the national legislation, appeal the decision or bring proceedings before the competent national court or tribunal. The administrative decision should also refer to the possibility of economic operators to use the SOLVIT network and to have access to the problem-solving procedure provided for in this Regulation.	remedies available so that an economic operator can, according to the national legislation, appeal the decision or bring proceedings before the competent national court or tribunal. The <u>administrative</u> decision should also refer to the <u>possibility of economic operators to use the SOLVIT network and to have access to the</u> problem-solving procedure provided for in this Regulation.
	RECITAL 31			
G 40	(31) Effective solutions for	(31) Effective solutions for	(31) Effective solutions for economic	(31) Effective solutions for

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		economic operators wishing for a business friendly alternative when challenging administrative decisions denying or restricting market access are essential to ensure a correct and consistent application of the mutual recognition principle. In order to guarantee such solutions, and to avoid legal costs, especially for SMEs, a non-judicial problem - solving procedure should be available for economic operators.	economic operators wishing for a business friendly alternative when challenging administrative decisions denying or restricting market access are essential to ensure a correct and consistent application of the mutual recognition principle. In order to guarantee such solutions, and to avoid legal costs, especially for SMEs, a non-judicial problem - solving procedure should be available for economic operators.	operators wishing for a business friendly alternative when challenging administrative decisions denying or restricting market access are essential to ensure a correct and consistent application of the mutual recognition principle. In order to guarantee such solutions, and to avoid legal costs, especially for SMEs, a non-judicial problem -solving procedure should be available for economic operators.	economic operators wishing for a business friendly alternative when challenging administrative decisions denying or restricting market access are essential to ensure a correct and consistent application of the mutual recognition principle. In order to guarantee such solutions, and to avoid legal costs, especially for SMEs, a non-judicial problem - solving procedure should be available for economic operators.
		RECITAL 32			
6	41	(32) The Internal Market Problem Solving Network (SOLVIT) is a service provided by the national administration in each Member State aiming to find solutions for	(32) The Internal Market Problem Solving Network (SOLVIT) is a service provided by the national administration in each Member State aiming to find solutions for	(32) The Internal Market Problem Solving Network (SOLVIT) is a service provided by the national administration in each Member State aiming to find solutions for citizens	(32) The Internal Market Problem Solving Network (SOLVIT) is a service provided by the national administration in each Member State aiming to find solutions for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	citizens and businesses when their rights are breached by public authorities in another Member State. The principles governing the functioning of SOLVIT are set out in the Commission Recommendation 2013/461/EU¹. 1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).	citizens and businesses when their rights are breached by public authorities in another Member State. The principles governing the functioning of SOLVIT are set out in the Commission Recommendation 2013/461/EU¹. <u><i>Each Member State and the Commission must ensure that a national SOLVIT centre is established and that adequate human and financial resources are available to guarantee that the SOLVIT centre takes part in the European SOLVIT network on the basis of the principles set out in the Recommendation 2013/461/EU. The Commission should increase awareness about the existence and benefits of SOLVIT, especially amongst</i></u>	and businesses when their rights are breached by public authorities in another Member State. The principles governing the functioning of SOLVIT are set out in the Commission Recommendation 2013/461/EU¹. 1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).	citizens and businesses when their rights are breached by public authorities in another Member State. The principles governing the functioning of SOLVIT are set out in the Commission Recommendation 2013/461/EU¹, <u>according to which each Member State should provide for a SOLVIT centre with adequate human and financial resources to ensure that the SOLVIT centre takes part in the European SOLVIT network. The Commission should increase awareness about the existence and benefits of SOLVIT, especially amongst businesses.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>businesses.</u> 1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10). AM 20		1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).
	RECITAL 33			
6	42	(33) The SOLVIT system has proved to be an effective non-judicial, problem-solving mechanism that is provided free of	(33) The SOLVIT system has proved to be an effective non-judicial, problem-solving mechanism that is provided free of charge. It works	(33) The SOLVIT system has proved to be <u>is</u> an effective non-judicial, problem-solving mechanism that is provided free of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	charge. It works under short deadlines and provides practical solutions to citizens and businesses when they are experiencing difficulties with their Union rights being recognised by public authorities. Therefore, economic operators should have to rely on SOLVIT first before the problem-solving mechanism under this Regulation can be triggered. Where the economic operator, the relevant SOLVIT centre and the involved Member States in question all agree on the appropriate outcome, no further action should be required.	provided free of charge. It works under short deadlines and provides practical solutions to citizens and businesses when they are experiencing difficulties with their Union rights being recognised by public authorities. Therefore, economic operators should have to rely on SOLVIT first before the problem-solving mechanism under this Regulation can be triggered. Where the economic operator, the relevant SOLVIT centre and the involved Member States in question all agree on the appropriate outcome, no further action should be required. AM 21	under short deadlines and provides practical solutions to citizens and businesses when they are experiencing difficulties with their Union rights being recognised by public authorities. Therefore, economic operators should have to rely on SOLVIT first before the problem-solving mechanism under this Regulation can be triggered. Where the economic operator, the relevant SOLVIT centre and the involved Member States in question all agree on the appropriate outcome, no further action should be required. Recital 33 & 34 must be merged	charge. It works under short deadlines and provides practical solutions to citizens and businesses when they are experiencing difficulties with their Union rights being recognised by public authorities. Therefore, economic operators should have to rely on SOLVIT first before the problem-solving mechanism under this Regulation can be triggered. Where the economic operator, the relevant SOLVIT centre and the involved Member States in question all agree on the appropriate outcome, no further action should be required.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 34			
43	(34) However, where the SOLVIT's informal approach fails, and serious doubts remain regarding the compatibility of the administrative decision with the mutual recognition principle the Commission should be empowered to look into the matter and provide an assessment to be taken into account by the competent national authorities at the request of the SOLVIT centre. The Commission's intervention should be subject to a reasonable time-limit, in compliance with the European Code of Good	(34) However, where the SOLVIT's informal approach fails, and serious doubts remain regarding the compatibility of the administrative decision with the mutual recognition principle the Commission should be empowered to look into the matter and provide an assessment to be taken into account by the competent national authorities at the request of <u>any of the SOLVIT centres. For the purposes of collecting additional information or documents necessary for completing its assessment, the</u>	(34) However, where the SOLVIT's informal approach fails, and serious doubts remain regarding the compatibility of the administrative decision with the mutual recognition principle the Commission should be empowered to look into the matter and provide at the request of any of the SOLVIT centres involved. Following an assessment, the Commission should issue an opinion to be taken into account by the competent national authorities at the request of communicated through the relevant SOLVIT centre to the economic operator	34) However, where the SOLVIT's informal approach fails, and serious doubts remain regarding the compatibility of the administrative decision with the mutual recognition principle the Commission should be empowered to look into the matter and provide at the request of any of the SOLVIT centres involved. Following an assessment, the Commission should issue an opinion to be taken into account by the competent national authorities at the request of communicated through the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Administrative Behaviour.	<u>Commission should inform the relevant SOLVIT centres about its communications with the economic operator or competent authority concerned. When completing an assessment, the Commission should issue an opinion to be communicated through the relevant SOLVIT centre to the economic operator concerned and to the competent authorities and to be considered during the SOLVIT procedure.</u> The Commission's intervention should be subject to a reasonable<u>two-months'</u> time-limit, in compliance with the European Code of Good Administrative Behaviour. <u>The two months period does not include the time necessary for receiving the additional</u>	concerned and to the competent authorities and to be considered during the SOLVIT centre<u>procedure</u>. The Commission's intervention should be subject to a reasonable time-limit, in compliance with the European Code of Good Administrative Behaviour. These SOLVIT cases should be subject to a separate workflow in the SOLVIT database and should not be included in the regular SOLVIT statistics. Recital 33 & 34 must be merged	relevant SOLVIT centre to the economic operator concerned and to the competent authorities and to be considered during the SOLVIT centre<u>procedure</u>. The Commission's intervention should be subject to a reasonable time-limit <u>of 45 working days</u>, in compliance with the European Code of Good Administrative Behaviour<u>that would not include the time necessary for receiving the additional information and documents that might be deemed necessary. If the case is solved during this period, the Commission would not be required to issue an opinion.</u> These SOLVIT cases should be subject to a separate workflow in the SOLVIT database and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>information and documents that might be deemed necessary. If the case is solved during this two months period, the Commission should be able to decide not to issue an opinion.</u> AM 22		should not be included in the regular SOLVIT statistics.
	RECITAL 34A			
R	43a	34a <u>Where the Commission assesses an administrative decision, it is important for economic operators to be able to use such assessment if they bring proceedings before a national court or tribunal. Therefore, in</u>		Subject of the outcome of negotiations on Article 8

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>the particular case of administrative decisions subject to this Regulation, bringing proceedings before a national court or tribunal should not prevent the economic operator from using SOLVIT.</i></u> AM 23		
	RECITAL 35			
44	(35) The opinion of the Commission as regards an administrative decision denying or restricting market access should only cover the questions of whether the administrative	(35) The opinion of the Commission as regards an administrative decision denying or restricting market access should only cover the questions of whether the administrative	(35) The opinion of the Commission as regards an administrative decision denying or restricting market access should only cover the questions of whether the administrative decision is compatible with the mutual	(35) The opinion of the Commission as regards an administrative decision denying or restricting market access should only cover the questions of whether the administrative

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	decision is compatible with the mutual recognition principle and whether it complies with the requirements of this Regulation. This is without prejudice to the Commission's powers under article 258 of the Treaty and the Member States' obligation to comply with the provisions of Union law, where systemic problems identified as regards the application of the mutual recognition principle can be further addressed.	decision is compatible with the mutual recognition principle and whether it complies with the requirements of this Regulation. This is without prejudice to the Commission's powers under article 258 of the Treaty and the Member States' obligation to comply with the provisions of Union law, where systemic problems identified as regards the application of the mutual recognition principle can be further addressed.	recognition principle and whether it complies with the requirements of this Regulation. This is without prejudice to the Commission's powers under article 258 of the Treaty and the Member States' obligation to comply with the provisions of Union law, where systemic problems identified as regards the application of the mutual recognition principle can be further addressed.	decision is compatible with the mutual recognition principle and whether it complies with the requirements of this Regulation. This is without prejudice to the Commission's powers under article 258 of the Treaty and the Member States' obligation to comply with the provisions of Union law, where systemic problems identified as regards the application of the mutual recognition principle can be further addressed.
	RECITAL 36			
45	(36) It is important for the	(36) It is important for the	(36) It is important for the internal	(36) It is important for the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	internal market in goods that businesses, and in particular SMEs, can obtain reliable and specific information about the law in force in a given Member State. Product Contact Points should play an important role in facilitating communication between national authorities and economic operators, by disseminating information about specific product rules and how mutual recognition is applied in their territory. Therefore, it is necessary to enhance the role of Product Contact Points as the principal providers of information on all product-related rules, including national rules covered by mutual recognition.	internal market in goods that businesses, and in particular SMEs, can obtain reliable and specific information about the law in force in a given Member State. Product Contact Points should play an important role in facilitating communication between national authorities and economic operators, by disseminating information about specific product rules and how mutual recognition is applied in their territory. Therefore, it is necessary to enhance the role of Product Contact Points as the principal providers of information on all product-related rules, including national rules covered by mutual recognition.	market in goods that businesses, and in particular SMEs, can obtain reliable and specific information about the law in force in a given Member State. Product Contact Points should play an important role in facilitating communication between national authorities and economic operators, by disseminating information about specific product rules and how mutual recognition is applied in their territory. Therefore, it is necessary to enhance the role of Product Contact Points as the principal providers of information on all product-related rules, including national rules covered by mutual recognition.	internal market in goods that businesses, and in particular SMEs, can obtain reliable and specific information about the law in force in a given Member State. Product Contact Points should play an important role in facilitating communication between national authorities and economic operators, by disseminating information about specific product rules and how mutual recognition is applied in their territory. Therefore, it is necessary to enhance the role of Product Contact Points as the principal providers of information on all product-related rules, including national rules covered by mutual recognition.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 37			
46	(37) In order to facilitate the free movement of goods, Product Contact Points should be required to provide information, free of charge, on their national technical rules and the application of the principle of mutual recognition. Product Contact Points should be adequately equipped and resourced. In accordance with Regulation [Single Digital Gateway – COM(2017)256] they should provide information through a website and be subject to the quality criteria required by that Regulation, and be subject to	(37) In order to facilitate the free movement of goods, Product Contact Points should be required to provide, <u>up to a reasonable level</u> , information, free of charge, on their national technical rules and the application of the principle of mutual recognition. Product Contact Points should be adequately equipped and resourced. In accordance with Regulation [Single Digital Gateway – COM(2017)256] they should provide information through a website and be subject to the quality criteria required by	(37) In order to facilitate the free movement of goods, Product Contact Points should be required to provide information, free of charge, on their national technical rules and the application of the principle of mutual recognition. Product Contact Points should be adequately equipped and resourced. In accordance with Regulation [Single Digital Gateway – COM(2017)256] they should provide information through a website and be subject to the quality criteria required by that Regulation, and be set out in that Regulation. The tasks of Product Contact Points related to	(37) In order to facilitate the free movement of goods, Product Contact Points should be required to provide, <u>up to a reasonable level</u> , information, free of charge, on their national technical rules and the application of the principle of mutual recognition. Product Contact Points should be adequately equipped and resourced. In accordance with Regulation [Single Digital Gateway – COM(2017)256] they should provide information through a website and be subject to the quality criteria required by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the quality criteria set out in that Regulation.	that Regulation, and be subject to the quality criteria set out in that Regulation. AM 24	the provision of any such information, including an electronic copy of or an electronic link to the national technical rule, should be performed without prejudice to the national rules governing their distribution. Furthermore, Product Contact Points should not be required to provide copies of or electronic links to standards which are subject to the quality criteria set out in that Regulation intellectual property rights of standardisation bodies and organisations.	that Regulation, and be set out in that Regulation. The tasks of Product Contact Points related to the provision of any such information, including an electronic copy of or an electronic link <u>online access</u> to the national technical rule, should be performed without prejudice to the national rules governing their distribution. Furthermore, Product Contact Points should not be required to provide copies of or electronic links <u>online access</u> to standards which are subject to the quality criteria set out in that Regulation intellectual property rights of standardisation bodies and organisations.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 38			
47	(38) Cooperation between competent authorities is essential for the smooth functioning of the mutual recognition principle and for creating a mutual recognition culture. Product Contact Points and national competent authorities should therefore be required to cooperate and exchange information and expertise in order to ensure a correct and consistent application of the principle and of this Regulation.	(38) Cooperation between competent authorities is essential for the smooth functioning of the mutual recognition principle and for creating a mutual recognition culture. Product Contact Points and national competent authorities should therefore be required to cooperate and exchange information and expertise in order to ensure a correct and consistent application of the principle and of this Regulation. <u><i>The Union should finance activities aiming at enhancing this cooperation between competent authorities such as trainings and exchanges of good practices.</i></u>	(38) Cooperation between competent authorities is essential for the smooth functioning of the mutual recognition principle and for creating a mutual recognition culture. Product Contact Points and national competent authorities should therefore be required to cooperate and exchange information and expertise in order to ensure a correct and consistent application of the principle and of this Regulation.	(38) Cooperation between competent authorities is essential for the smooth functioning of the mutual recognition principle and for creating a mutual recognition culture. Product Contact Points and national competent authorities should therefore be required to cooperate and exchange information and expertise in order to ensure a correct and consistent application of the principle and of this Regulation. [EP text moved to recital 43]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 25		
RECITAL 39				
48	(39) For the purposes of notifying administrative decisions denying or restricting market access, of allowing communication between Product Contact Points and of ensuring administrative cooperation, it is necessary to provide Member States with access to an information and communication support system.	(39) For the purposes of notifying administrative decisions denying or restricting market access, of allowing communication between Product Contact Points and of ensuring administrative cooperation, it is necessary to provide Member States with access to an information and communication support system.	(39) For the purposes of notifying administrative decisions denying or restricting market access, of allowing communication between Product Contact Points and of ensuring administrative cooperation, it is necessary to provide Member States with access to an information and communication support system.	(39) For the purposes of notifying administrative decisions denying or restricting market access, of allowing communication between Product Contact Points and of ensuring administrative cooperation, it is necessary to provide Member States with access to an information and communication support system.
RECITAL 40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6 49	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ . 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ . 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ . 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ . 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 41			
50	(41) Where for the purposes of this Regulation it is necessary to process personal data, this should be carried out in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ² , as the case may be.	(41) Where for the purposes of this Regulation it is necessary to process personal data, this should be carried out in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ² , as the case may be.	(41) Where for the purposes of this Regulation it is necessary to process personal data, this should be carried out in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ² , as the case may be.	(41) Where for the purposes of this Regulation it is necessary to process personal data, this should be carried out in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ² , as the case may be.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).	1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).	1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).	1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
RECITAL 42				
51	(42) Reliable and efficient monitoring mechanisms should be established to provide information on the application of the Regulation and on its impact on the free movement of goods. Such mechanisms should not go beyond what is necessary to achieve these objectives.	(42) Reliable and efficient monitoring mechanisms should be established to provide information on the application of the Regulation and on its impact on the free movement of goods. Such mechanisms should not go beyond what is necessary to achieve these objectives.	(42) Reliable and efficient monitoring mechanisms should be established to provide information on the application of the Regulation and on its impact on the free movement of goods. Such mechanisms should not go beyond what is necessary to achieve these objectives.	(42) Reliable and efficient monitoring mechanisms should be established to provide information on the application of the Regulation and on its impact on the free movement of goods. Such mechanisms should not go beyond what is necessary to achieve these objectives.
RECITAL 43				
52	(43) For the purposes of raising awareness about the mutual	(43) For the purposes of raising awareness about the mutual	(43) For the purposes of raising awareness about the mutual	(43) For the purposes of raising awareness about the mutual

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recognition principle and ensuring that this Regulation is applied correctly and consistently, the Union should finance awareness-raising campaigns and other related activities aiming at enhancing trust and cooperation between competent authorities and economic operators.	recognition principle and ensuring that this Regulation is applied correctly and consistently, the Union should finance awareness-raising campaigns and other related activities aiming at enhancing trust and cooperation between competent authorities, <u>trade associations</u> and economic operators. AM 26	recognition principle and ensuring that this Regulation is applied correctly and consistently, the provision should be made for Union should finance financing of awareness-raising campaigns and other related activities aiming at enhancing trust and cooperation between competent authorities and economic operators.	recognition principle and ensuring that this Regulation is applied correctly and consistently, the provision should be made for Union should finance financing of awareness-raising campaigns, <u>trainings, exchange of officials</u> and other related activities aiming at enhancing <u>and supporting</u> trust and cooperation between competent authorities, <u>Product contact points, trade associations</u> and economic operators.
	RECITAL 44			
53	(44) In order to remedy the lack of accurate data related to the	(44) In order to remedy the lack of accurate data related to the	(44) In order to remedy the lack of accurate data related to the	(44) In order to remedy the lack of accurate data related to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	functioning of the mutual recognition principle and its impacts on the single market for goods, Union should finance collection of such data.	functioning of the mutual recognition principle and its impacts on the single market for goods, Union should finance collection of such data.	functioning of the mutual recognition principle and its impacts on the single market for goods, Union should finance collection of such data.	functioning of the mutual recognition principle and its impacts on the single market for goods, Union should finance collection of such data.
	RECITAL 45			
54	(45) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.	(45) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.	(45) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.	(45) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITAL 46			
G 55	(46) The Commission should carry out an evaluation of this Regulation. The evaluation should be based on the five criteria of effectiveness, efficiency, relevance, coherence and added value and should provide the basis for impact assessments of possible further measures.	(46) The Commission should carry out an evaluation of this Regulation. The evaluation should be based on the five criteria of effectiveness, efficiency, relevance, coherence and added value and should provide the basis for impact assessments of possible further measures.	deleted Deleted - Covered by Recital (48)	deleted
	RECITAL 47			
G 56				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(47) It is appropriate to defer the application of this Regulation in order to allow competent authorities and economic operators sufficient time to adapt to the requirements laid down in it.	(47) It is appropriate to defer the application of this Regulation in order to allow competent authorities and economic operators sufficient time to adapt to the requirements laid down in it.	(47) It is appropriate to defer the application of this Regulation in order to allow competent authorities and economic operators sufficient time to adapt to the requirements laid down in it.	(47) It is appropriate to defer the application of this Regulation in order to allow competent authorities and economic operators sufficient time to adapt to the requirements laid down in it.
	RECITAL 48			
57	(48) The Commission should carry out an evaluation of this Regulation against the objectives it pursues. Commission should use the data collected on the functioning of the mutual recognition principle and its	(48) The Commission should carry out an evaluation of this Regulation against the objectives it pursues. Commission should use the data collected on the functioning of the mutual recognition principle and its	(48) The Commission should carry out an evaluation of this Regulation against the objectives it pursues. The Commission should use the data collected on the functioning of the mutual recognition principle and its impacts on the single market for	(48) The Commission should carry out an evaluation of this Regulation against the objectives it pursues. The Commission should use the data collected on the functioning of the mutual recognition principle and its

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	impacts on the single market for goods as well as information available in the information and communication support system to evaluate this Regulation. Commission should be able to ask Member States request for additional information necessary for the evaluation. Pursuant to point 22 of the Interinstitutional Agreement of 13 April 2016 on Better Law Making¹, the evaluation, based on efficiency, effectiveness, relevance, coherence and value added, should provide the basis for impact assessments of options for further action. _____	impacts on the single market for goods as well as information available in the information and communication support system to evaluate this Regulation. Commission should be able to ask Member States request for additional information necessary for the evaluation. Pursuant to point 22 of the Interinstitutional Agreement of 13 April 2016 on Better Law Making¹, the evaluation, based on efficiency, effectiveness, relevance, coherence and value added, should provide the basis for impact assessments of options for further action. _____	goods as well as information available in the information and communication support system to evaluate this Regulation. The Commission should be able to askrequest Member States requestrequest forto provide additional information necessary for the evaluation. Pursuant to point 22 of the Interinstitutional Agreement of 13 April 2016 on Better Law Making¹, the evaluation, based on efficiency, effectiveness, relevance, coherence and value added, should provide the basis for impact assessments of options for further action. _____ 1. OJ L 123, 12.5.2016, p. 1.	impacts on the single market for goods as well as information available in the information and communication support system to evaluate this Regulation. The Commission should be able to askrequest Member States requestrequest forto provide additional information necessary for the evaluation. Pursuant to point 22 of the Interinstitutional Agreement of 13 April 2016 on Better Law Making¹, the evaluation, based on efficiency, effectiveness, relevance, coherence and value added, should provide the basis for impact assessments of options for further action. _____

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ L 123, 12.5.2016, p. 1.	1. OJ L 123, 12.5.2016, p. 1.		1. OJ L 123, 12.5.2016, p. 1.
	RECITAL 49			
58	(49) Since the objectives of this Regulation, namely to ensure a smooth, consistent and correct application of the mutual recognition principle, cannot be sufficiently achieved by the Member States and can, therefore, by reason of their scale and effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European	(49) Since the objectives of this Regulation, namely to ensure a smooth, consistent and correct application of the mutual recognition principle, cannot be sufficiently achieved by the Member States and can, therefore, by reason of their scale and effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European	(49) Since the objectives of this Regulation, namely to ensure a smooth, consistent and correct application of the mutual recognition principle, cannot be sufficiently achieved by the Member States and can, therefore, by reason of their scale and effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with	(49) Since the objectives of this Regulation, namely to ensure a smooth, consistent and correct application of the mutual recognition principle, cannot be sufficiently achieved by the Member States and can, therefore, by reason of their scale and effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
		FORMULA			
G	59	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
		CHAPTER I			
G	60				G

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Chapter I	Chapter I	Chapter I	Chapter I
		General provisions	General provisions	General provisions	General provisions
		ARTICLE 1			
		Article 1	Article 1	Article 1	Article 1
	61	Subject matter	Subject matter	Subject matter	Subject matter
		ARTICLE 1-PARAGRAPH -1			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R	61a	-1 <u><i>The aim of this Regulation is to strengthen the functioning of the internal market by improving the application of the mutual recognition principle and by removing unjustified barriers to trade.</i></u> AM 27	-1 The aim of this Regulation is to strengthen the functioning of the internal market by improving the application of the principle of mutual recognition.	-1 <u><i>The aim of this Regulation is to strengthen the functioning of the internal market by improving the application of the mutual recognition principle and by removing unjustified barriers to trade.</i></u>
	ARTICLE 1-PARAGRAPH			
R	62	This Regulation lays down rules and procedures concerning the application by Member States of the principle of mutual	This Regulation lays down rules and procedures concerning the application by Member States of the principle of mutual recognition, in individual	This Regulation lays down rules and procedures concerning the application by Member States of the principle of mutual

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recognition, in individual cases, in relation to goods lawfully marketed in another Member State and subject to Articles 34 and 36 of the Treaty.	recognition, in individual cases, in relation to goods lawfully marketed in another Member State and subject to Articles 34 and 36 of the Treaty.	cases, in relation to goods lawfully marketed in another Member State and subject to Articles 34 and 36 of the Treaty. It shall not affect the legitimate public interests that may be protected by national measures in accordance with Union law.	recognition, in individual cases, in relation to goods <u>subject to Articles 34 of the Treaty, which are</u> lawfully marketed in another Member State and subject to Articles 34 and 36 of the Treaty.
	ARTICLE 1-PARAGRAPH			
63	This Regulation also provides for the establishment and maintenance of Product Contact Points in Member States and for cooperation and exchange of information in the context of the principle of mutual recognition.	This Regulation also provides for the establishment and maintenance of Product Contact Points in Member States and for cooperation and exchange of information in the context of the principle of mutual recognition.	This Regulation also provides for the establishment and maintenance of Product Contact Points in Member States and for cooperation and exchange of information in the context of the principle of mutual recognition.	This Regulation also provides for the establishment and maintenance of Product Contact Points in Member States and for cooperation and exchange of information in the context of the principle of mutual recognition.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 2			
64	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope
	ARTICLE 2-PARAGRAPH 1 - INTRODUCTORY PART			
65	1. This Regulation applies to goods of any type, including agricultural products, and to administrative decisions taken or to be taken by a competent	1. This Regulation applies to goods of any type, including agricultural products, and to administrative decisions taken or to be taken by a competent	1. This Regulation applies to goods of any type, including agricultural products within the meaning of the second subparagraph of Article 38(1) of the Treaty, and to	1. This Regulation applies to goods of any type, including agricultural products <u>within the meaning of the second subparagraph of Article 38(1) of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authority of a Member State ('the Member State of destination') in relation to any such goods lawfully marketed in another Member State, where the decision meets the following criteria:	authority of a Member State ('the Member State of destination') in relation to any such goods lawfully marketed in another Member State, where the decision meets <u>both of</u> the following criteria: AM 28	administrative decisions taken or to be taken by a competent authority of a Member State ('the Member State of destination') in relation to any such goods lawfully marketed in another Member State, where the administrative decision meets both of the following criteria:	<u>the Treaty</u> , and to administrative decisions taken or to be taken by a competent authority of a Member State ('the Member State of destination') in relation to any such goods lawfully marketed in another Member State, where the <u>administrative</u> decision meets <u>both of</u> the following criteria:
	ARTICLE 2-PARAGRAPH 1-POINT A			
66	(a) the basis for the decision is a national technical rule applicable in the Member State of destination;	(a) the basis for the decision is a national technical rule applicable in the Member State of destination;	(a) the basis for the administrative decision is a national technical rule applicable in the Member State of destination;	(a) the basis for the <u>administrative</u> decision is a national technical rule applicable in the Member State of destination;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 2-PARAGRAPH 1-POINT B			
67	(b) the direct or indirect effect of the decision is to deny or restrict market access in the Member State of destination.	(b) the direct or indirect effect of the decision is to deny or restrict market access in the Member State of destination.	(b) the direct or indirect effect of the administrative decision is to deny or restrict market access in the Member State of destination.	(b) the direct or indirect effect of the <u>administrative</u> decision is to deny or restrict market access in the Member State of destination.
	ARTICLE 2-PARAGRAPH 2			
68	2. The reference in paragraph 1 to 'administrative decisions' includes any administrative step that has the same or substantially the same	2. The reference in paragraph 1 to 'administrative decisions' includes any administrative step that has the same or substantially the same	2. The reference in paragraph 1 to 'administrative decisions' includes any administrative step that is based on a national technical rule and has	2. The reference in paragraph 1 to 'administrative decisions' includes any administrative step that <u>is based on a national technical</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	legal effect as a decision.	legal effect as a decision.	the same or substantially the same legal effect as a decision referred to in point (b) of paragraph 1.	<u>rule and</u> has the same or substantially the same legal effect as a decision <u>that referred to in point (b) of paragraph 1.</u>
ARTICLE 2-PARAGRAPH 3 - INTRODUCTORY PART				
69	3. For the purposes of this Regulation, a 'national technical rule' is any provision of a law, regulation or other administrative provision of a Member State, which has the following elements:	3. For the purposes of this Regulation, a 'national technical rule' is any provision of a law, regulation or other administrative provision of a Member State, which has the following elements:	3. For the purposes of this Regulation, a 'national technical rule' is any provision of a law, regulation or other administrative provision of a Member State, which has the following elements:	3. For the purposes of this Regulation, a 'national technical rule' is any provision of a law, regulation or other administrative provision of a Member State, which has the following elements:
ARTICLE 2-PARAGRAPH 3-POINT A				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
70	(a) the provision covers an area or aspect that is not the subject of harmonisation at Union level;	(a) the provision covers an area or aspect that is not the subject of harmonisation at Union level;	(a) the provision covers an area or aspect that is goods or aspects of goods that are not the subject of harmonisation at Union level;	(a) the provision covers an area or aspect that is <u>goods or aspects of goods that are</u> not the subject of harmonisation at Union level;
ARTICLE 2-PARAGRAPH 3-POINT B				
71	(b) the provision either prohibits the making available of goods, or a type of goods, on the domestic market in that Member State or else it makes compliance with the provision compulsory, de facto or de jure, whenever goods, or goods of a given type, are being made	(b) the provision either prohibits the making available of goods, or a type of goods, on the domestic market in that Member State or else it makes compliance with the provision compulsory, de facto or de jure, whenever goods, or goods of a given type, are being made	(b) the provision either prohibits the making available of goods, or a type of goods, on the domestic market in that Member State or else it makes compliance with the provision compulsory, de facto or de jure, whenever goods, or goods of a given type, are being made available on that	(b) the provision either prohibits the making available of goods, or a type of goods, on the domestic market in that Member State or else it makes compliance with the provision compulsory, de facto or de jure, whenever goods, or goods of a given type, are being made

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	available on that market;	available on that market; AM 29	market;	available on that market;
ARTICLE 2-PARAGRAPH 3-POINT C - INTRODUCTORY PART				
72	(c) the provision does at least one of the following:	(c) the provision does at least one of the following:	(c) the provision does at least one of the following:	(c) the provision does at least one of the following:
ARTICLE 2-PARAGRAPH 3-POINT C-POINT I				
73	(i) it lays down the characteristics required of those goods, or goods of that type, such as their levels of	(i) it lays down the characteristics required of those goods, or goods of that type, such as their levels of	(i) it lays down the characteristics required of those goods, or goods of that type, such as their levels of	(i) it lays down the characteristics required of those goods, or goods of that type, such as their levels of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	quality, performance or safety, or dimensions, including the requirements applicable to the goods or type of goods as regards the name under which they are sold, terminology, symbols, testing and test methods, packaging, marking or labelling, and conformity assessment procedures;	quality, performance or safety, or dimensions, including the requirements applicable to the goods or type of goods as regards the name under which they are sold, terminology, symbols, testing and test methods, packaging, marking or labelling, and conformity assessment procedures;	quality, performance or safety, or dimensions, including the requirements applicable to the goods or type of goods as regards the name under which they are sold, terminology, symbols, testing and test methods, packaging, marking or labelling,– and conformity assessment procedures;	quality, performance or safety, or dimensions, including the requirements applicable to the goods or type of goods as regards the name under which they are sold, terminology, symbols, testing and test methods, packaging, marking or labelling, and conformity assessment procedures;
	ARTICLE 2-PARAGRAPH 3-POINT C-POINT II			
74	(ii) it imposes on those goods, or goods of that type, other requirements that are imposed for the purposes of protecting consumers or the environment and	(ii) it imposes on those goods, or goods of that type, other requirements that are imposed for the purposes of protecting consumers or the environment and	(ii) it imposes on those goods, or goods of that type, other requirements that are imposed for the purposes of protecting consumers or the environment and that affect the life-	(ii) it imposes on those goods, or goods of that type, other requirements that are imposed for the purposes of protecting consumers or the environment and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that affect the life-cycle of the goods after they have been made available on the domestic market in that Member State, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence either the composition or nature of the goods, or type of goods, or the making available of them on the domestic market in that Member State.	that affect the life-cycle of the goods after they have been made available on the domestic -market in that Member State, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence either the composition or nature of the goods, or type of goods, or the making available of them on the domestic market in that Member State. AM 30	cycle of the goods after they have been made available on the domestic market in that Member State, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence either the composition or nature of the goods, or type of goods, or the making available of them on the domestic market in that Member State.	that affect the life-cycle of the goods after they have been made available on the domestic -market in that Member State, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence either the composition or nature of the goods, or type of goods, or the making available of them on the domestic market in that Member State.
	ARTICLE 2-PARAGRAPH 4			
G 75	4. Paragraph 3(c)(i) also covers	4. Paragraph 3(c)(i) also covers	4. Paragraph 3(c)(i) also covers	4. Paragraph 3(c)(i) also covers G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	production methods and processes used in respect of agricultural products, as referred to in the second subparagraph of Article 38(1) of the Treaty or products intended for human and animal consumption, as well as production methods and processes relating to other products, where these have an effect on their characteristics.	production methods and processes used in respect of agricultural products, as referred to in the second subparagraph of Article 38(1) of the Treaty or products intended for human and animal consumption, as well as production methods and processes relating to other products, where these have an effect on their characteristics.	production methods and processes used in respect of agricultural products, as referred to in the second subparagraph of Article 38(1) of the Treaty, or products intended for human and animal consumption, as well as production methods and processes relating to other products, where these have an effect on their characteristics.	production methods and processes used in respect of agricultural products, as referred to in the second subparagraph of Article 38(1) of the Treaty, or products intended for human and animal consumption, as well as production methods and processes relating to other products, where these have an effect on their characteristics.
	ARTICLE 2-PARAGRAPH 4A			
75a		4a <u><i>This Regulation is without prejudice to the Directive (EU) 2015/1535 and the obligation to notify draft national technical regulations to the Commission</i></u>		4a <u><i>This Regulation is without prejudice to does not affect the Directive (EU) 2015/1535 and the obligation to notify draft national technical regulations to the</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and the Member States prior to their adoption.</u> AM 31 In the EP Report Article 2 - Paragraph 4 - new subparagraph. Automatically renumbered - No change of substance.		<u>Commission and the Member States prior to their adoption pursuant to Directive (EU) 2015/1535.</u>
	ARTICLE 2-PARAGRAPH 4B			
G	75b		4b Technical specifications drawn up for public procurement procedures and requirements to use an official language of the Member State of destination shall not constitute national technical	delete

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			rules within the meaning of this Regulation. In the Council GA Article 2 - Paragraph 4a. Automatically renumbered - No change of substance.	
	ARTICLE 2-PARAGRAPH 5			
76	5. A requirement for prior authorisation does not itself constitute a national technical rule for the purposes of this Regulation, but a decision to refuse prior authorisation based on a national technical rule may be a decision to which this Regulation applies if it fulfils the other	5. A requirement for prior authorisation does not itself constitute a national technical rule for the purposes of this Regulation, but a decision to refuse prior authorisation based on a national technical rule may be a decision to which this Regulation applies if it fulfils the other	5. A requirement for prior authorisation does not itself constitute a national technical rule for the purposes of this Regulation, but a decision to refuse prior authorisation based on a national technical rule may be shall be considered a decision to which this Regulation applies if it fulfils the other requirements of	5. A requirement for prior authorisation does not itself constitute a national technical rule for the purposes of this Regulation, but a decision to refuse prior authorisation based on a national technical rule may <u>shall be considered</u> a decision to which this Regulation applies if

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	requirements of paragraph 1.	requirements of paragraph 1.	paragraph 1.	it fulfils the other requirements of paragraph 1.	
ARTICLE 2-PARAGRAPH 6 - INTRODUCTORY PART					
77	6. This Regulation does not apply to:	6. This Regulation does not apply to:	6. This Regulation does not apply to:	6. This Regulation does not apply to:	
ARTICLE 2-PARAGRAPH 6-POINT A					
78	(a) decisions of a judicial nature taken by national courts or tribunals;	(a) decisions of a judicial nature taken by national courts or tribunals;	(a) decisions of a judicial nature taken by national courts or tribunals;	(a) decisions of a judicial nature taken by national courts or tribunals;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 2-PARAGRAPH 6-POINT B			
79	(b) decisions of a judicial nature taken by law enforcement authorities in the course of the investigation or prosecution of a criminal offence as regards the terminology, symbols or any material reference to unconstitutional or criminal organisations or offences of a racist, discriminatory or xenophobic nature.	(b) decisions of a judicial nature taken by law enforcement authorities in the course of the investigation or prosecution of a criminal offence as regards the terminology, symbols or any material reference to unconstitutional or criminal organisations or offences of a racist, discriminatory or xenophobic nature.	(b) decisions of a judicial nature taken by law enforcement authorities in the course of the investigation or prosecution of a criminal offence as regards the terminology, symbols or any material reference to unconstitutional or criminal organisations or offences of a racist, discriminatory or xenophobic nature.	(b) decisions of a judicial nature taken by law enforcement authorities in the course of the investigation or prosecution of a criminal offence as regards the terminology, symbols or any material reference to unconstitutional or criminal organisations or offences of a racist, discriminatory or xenophobic nature.
	ARTICLE 2-PARAGRAPH 7 - INTRODUCTORY PART			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
g	80	7. Articles 5 and 6 shall not affect the application of the following provisions:	7. Articles 5 and 6 shall not affect the application of the following provisions:	7. Articles 5 and 6 shall not affect the application of the following provisions:	g
ARTICLE 2-PARAGRAPH 7-POINT A					
g	81	(a) Article 8(1)(d) to (f) or Article 8(3) of Directive 2001/95/EC; AM 32	(a) Article 8(1)(d) to (f) or <u>and</u> Article 8(3) of Directive 2001/95/EC;	(a) Article 8(1)(d) to (f) or <u>8(1)(b) to (f) and</u> Article 8(3) of Directive 2001/95/EC;	g
ARTICLE 2-PARAGRAPH 7-POINT B					
g	82				g

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) Article 50(3)(a) and Article 54 of Regulation (EC) No 178/2002;	(b) Article 50(3)(a) and Article 54 of Regulation (EC) No 178/2002;	(b) Article 50(3)(a) and Article 54 of Regulation (EC) No 178/2002;	(b) Article 50(3)(a) and Article 54 of Regulation (EC) No 178/2002;
	ARTICLE 2-PARAGRAPH 7-POINT C			
83	(c) Article 138 of Regulation (EU) 2017/625.	(c) Article 138 of Regulation (EU) 2017/625.	(c) Article 138 of Regulation (EU) 2017/625;	(c) Article 138 of Regulation (EU) 2017/625;
	ARTICLE 2-PARAGRAPH 7 - INTRODUCTORY PART-POINT CA			
83a			ca Article 90 of Regulation (EU) 1306/2013.	ca Article 90 of Regulation (EU) 1306/2013.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3				
	84	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions
	ARTICLE 3-PARAGRAPH - INTRODUCTORY PART				
	85	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3-PARAGRAPH-POINT 1			
G 86	(1) 'lawfully marketed in another Member State' means that the goods or type of goods comply with the relevant rules applicable in that Member State and are made available to end users in that Member State;	(1) 'lawfully marketed in another Member State' means that the goods or type of goods comply with the relevant rules applicable in that Member State and are made available to end users in that Member State;	(1) 'lawfully marketed in another Member State' means that the goods or type of goods comply with the relevant rules applicable in that Member State or are not subject to any rules in that Member State , and are made available to end users in that Member State;	(1) 'lawfully marketed in another Member State' means that the goods or type of goods comply with the relevant rules applicable in that Member State <u>or are not subject to any rules in that Member State</u> , and are made available to end users in that Member State;
	ARTICLE 3-PARAGRAPH-POINT 2			
G 87				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(2) 'making available on the domestic market in a Member State' means any supply of the goods for distribution, consumption or use on the market within the territory of that Member State in the course of a commercial activity, whether in return for payment or free of charge;	(2) 'making available on the domestic market in a Member State' means any supply of the goods for distribution, consumption or use on the market within the territory of that Member State in the course of a commercial activity, whether in return for payment or free of charge; AM 33	(2) 'making available on the domestic market in a Member State' means any supply of the goods for distribution, consumption or use on the market within the territory of that Member State in the course of a commercial activity, whether in return for payment or free of charge;	(2) 'making available on the domestic market in a Member State' means any supply of the goods for distribution, consumption or use on the market within the territory of that Member State in the course of a commercial activity, whether in return for payment or free of charge;
	ARTICLE 3-PARAGRAPH-POINT 3			
88	(3) 'restricting market access' means imposing conditions to be fulfilled before the goods can be	(3) 'restricting market access' means imposing conditions to be fulfilled before the goods can be	(3) 'restricting market access' means imposing conditions to be fulfilled before the goods can be made	(3) 'restricting market access' means imposing conditions to be fulfilled before the goods can be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	made available on the domestic market in the relevant Member State, or conditions for keeping the goods on that market, which in either case require the modification of one or more of the characteristics of those goods, as described in Article 2(3)(c)(i), or the performance of additional testing;	made available on the domestic market in the relevant Member State, or conditions for keeping the goods on that market, which in either case require the modification of one or more of the characteristics of those goods, as described in Article 2(3)(c)(i), or the performance of additional testing; AM 34	available on the domestic market in the relevant Member State, or conditions for keeping the goods on that market, which in either case require the modification of one or more of the characteristics of those goods, as described in Article 2(3)(c)(i), or the performance of additional testing;	made available on the domestic market in the relevant Member State, or conditions for keeping the goods on that market, which in either case require the modification of one or more of the characteristics of those goods, as described in Article 2(3)(c)(i), or the performance of additional testing;
	ARTICLE 3-PARAGRAPH-POINT 4 - INTRODUCTORY PART			
89	(4) 'denying market access' means any of the following:	(4) 'denying market access' means any of the following:	(4) 'denying market access' means any of the following:	(4) 'denying market access' means any of the following:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3-PARAGRAPH-POINT 4-POINT A			
90	(a) prohibiting the goods from being made available on the domestic market in the relevant Member State or from being kept on that market;	(a) prohibiting the goods from being made available on the domestic -market in the relevant Member State or from being kept on that market; AM 35	(a) prohibiting the goods from being made available on the domestic market in the relevant Member State or from being kept on that market;	(a) prohibiting the goods from being made available on the domestic -market in the relevant Member State or from being kept on that market;
	ARTICLE 3-PARAGRAPH-POINT 4-POINT B			
91	(b) requiring the withdrawal or	(b) requiring the withdrawal or	(b) requiring the withdrawal or recall	(b) requiring the withdrawal or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	recall of the goods from that market;	recall of the goods from that market;	of the goods from that market;	recall of the goods from that market;	
ARTICLE 3-PARAGRAPH - INTRODUCTORY PART-POINT 4A					
G	91a		4a 'withdrawal' means any measure aimed at preventing goods in the supply chain from being made available on the market;	4a 'withdrawal' means any measure aimed at preventing goods in the supply chain from being made available on the market;	G
ARTICLE 3-PARAGRAPH - INTRODUCTORY PART-POINT 4B					
G	91b		4b 'recall' means any measure aimed at achieving the return of	4b 'recall' means any measure aimed at achieving the return of	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			goods that have already been made available to the end-user;	goods that have already been made available to the end-user;
ARTICLE 3-PARAGRAPH-POINT 5				
92	(5) 'prior authorisation' means an administrative procedure under the law of a Member State whereby the competent authority of that Member State is required, on the basis of an application by an economic operator, to give its formal approval before goods may be made available on the domestic market in that Member State;	(5) 'prior authorisation' means an administrative procedure under the law of a Member State whereby the competent authority of that Member State is required, on the basis of an application by an economic operator, to give its formal approval before goods may be made available on the <i>domestic</i> market in that Member State; AM 36	(5) 'prior authorisation' means ana mandatory or voluntary administrative procedure under the law of a Member State whereby the competent authority of that Member State is required , on the basis of an application by an economic operator, to give gives its formal approval before goods may be made available on the domestic market in that Member State;	(5) 'prior authorisation' means an administrative procedure under the law of a Member State whereby the competent authority of that Member State is required, on the basis of an application by an economic operator, to give its formal approval before goods may be made available on the <i>domestic</i> market in that Member State;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3-PARAGRAPH-POINT 6			
93	(6) 'producer' means any natural or legal person who manufactures the goods or has the goods designed or manufactured, and markets them under his name or trademark, or any other natural or legal person who, by putting his name, trademark or other distinguishing feature on the goods presents himself as its producer;	(6) 'producer' means any natural or legal person who manufactures the goods or has the goods designed or manufactured, and markets them under his name or trademark, <u>any natural or legal person who modifies goods already lawfully marketed in a Member State in such a way that compliance with the relevant rules applicable in that Member State might be affected</u> , or any other natural or legal person who, by putting his name, trademark or other distinguishing feature on the goods, <u>including agricultural</u>	(6) 'producer' means: (a) any natural or legal person who manufactures the goods or has the goods designed or manufactured, or who produces goods which were not obtained by a manufacturing process , and markets them under his name or trademark, or (b) any natural or legal person who modifies goods already lawfully marketed in a Member State in such a way that compliance with the relevant rules applicable in that Member State may be affected , or (c) any other natural or legal person who, by putting his name, trademark or other distinguishing feature on the	(6) 'producer' means: <u>(a)</u> any natural or legal person who manufactures the goods or has the goods designed or manufactured, <u>or who produces goods which were not obtained by a manufacturing process</u> , <u>including agricultural products</u> , and markets them under his name or trademark, or <u>(b) any natural or legal person who modifies goods already lawfully marketed in a Member State in such a way that compliance with the relevant rules applicable in that Member State may be affected</u> , or <u>(c)</u> any

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>products, which were not obtained by a manufacturing process</u>, presents himself as its producer; AM 37	goods or on the accompanying documents presents himself as its producer;	other natural or legal person who, by putting his name, trademark or other distinguishing feature on the goods <u>or on the accompanying documents</u> presents himself as its producer;
	ARTICLE 3-PARAGRAPH-POINT 7			
94	(7) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from the producer to act on the producer's behalf with regard to the making available of the goods on the domestic market in question;	(7) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from the producer to act on the producer's behalf with regard to the making available of the goods on the domestic market in question;	(7) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from the producer to act on the producer's behalf with regard to the making available of the goods on the domestic market in question;	(7) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from the producer to act on the producer's behalf with regard to the making available of the goods on the domestic market in question;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 38		
ARTICLE 3-PARAGRAPH-POINT 8				
95	(8) 'importer' means any natural or legal person established in the Union who makes the goods from a third country available on the Union market for the first time;	(8) 'importer' means any natural or legal person established in the Union who makes the goods from a third country available on the Union market for the first time;	(8) 'importer' means any natural or legal person established in within the Union who makes the goods from a third country available on the Union market for the first time;	(8) 'importer' means any natural or legal person established in within the Union who makes the goods from a third country available on the Union market for the first time;
ARTICLE 3-PARAGRAPH-POINT 9				
96				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(9) 'distributor' means any natural or legal person in the supply chain established in the Union, other than the producer or the importer, who makes the goods available on the domestic market in the relevant Member State;	(9) 'distributor' means any natural or legal person in the supply chain established in the Union, other than the producer or the importer, who makes the goods available on the domestic market in the relevant Member State; AM 39	(9) 'distributor' means any natural or legal person in the supply chain established in the Union , other than the producer or the importer, who makes the goods available on the domestic market in the relevant Member State;	(9) 'distributor' means any natural or legal person in the supply chain established in the Union , other than the producer or the importer, who makes the goods available on the domestic market in the relevant Member State;
	ARTICLE 3-PARAGRAPH-POINT 10			
97	(10) 'economic operator' means any of the following in relation to the goods: the producer, the authorised representative, the importer or the distributor;	(10) 'economic operator' means any of the following in relation to the goods: the producer, the authorised representative, the importer or the distributor;	(10) 'economic operator' means any of the following in relation to the goods: the producer, the authorised representative, the importer or the distributor;	(10) 'economic operator' means any of the following in relation to the goods: the producer, the authorised representative, the importer or the distributor;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3-PARAGRAPH-POINT 11			
98	(11) 'end user' means any natural or legal person, residing or established in the Union, to whom the goods have been or are being made available either as a consumer, outside any trade, business, craft or profession, or as a professional end user in the course of his industrial or professional activities;	(11) 'end user' means any natural or legal person, residing or established in the Union, to whom the goods have been or are being made available either as a consumer, outside any trade, business, craft or profession, or as a professional end user in the course of his industrial or professional activities;	(11) 'end user' means any natural or legal person, residing or established in the Union, to whom the goods have been or are being made available either as a consumer, outside any trade, business, craft or profession, or as a professional end user in the course of his industrial or professional activities;	(11) 'end user' means any natural or legal person, residing or established in the Union, to whom the goods have been or are being made available either as a consumer, outside any trade, business, craft or profession, or as a professional end user in the course of his industrial or professional activities;
	ARTICLE 3-PARAGRAPH-POINT 12			
99				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(12) 'legitimate public interest ground' means any of the grounds set out in Article 36 of the Treaty or any other overriding reasons of public interest.	(12) 'legitimate public interest ground' means any of the grounds set out in Article 36 of the Treaty or any other overriding reasons of public interest.	(12) 'legitimate public interest ground' means any of the grounds set out in Article 36 of the Treaty or any other overriding reasons of public interest.	(12) 'legitimate public interest ground' means any of the grounds set out in Article 36 of the Treaty or any other overriding reasons of public interest.
	ARTICLE 3-PARAGRAPH - INTRODUCTORY PART-POINT 12A			
G	99a	12a <u>'conformity assessment body' means conformity assessment body as defined in point 13 of Article 2 of Regulation (EC) 765/2008.</u> AM 40		12a <u>'conformity assessment body' means conformity assessment body as defined in point 13 of Article 2 of Regulation (EC) 765/2008.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 3-PARAGRAPH - INTRODUCTORY PART-POINT 12B			
99b		12b <u>'serious risk' means any serious risk, including those the effects of which are not immediate, requiring rapid intervention by the public authorities.</u> AM 41		delete
	CHAPTER II			
100	Chapter II	Chapter II	Chapter II	Chapter II

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Procedures concerning application of the mutual recognition principle in individual cases	Procedures concerning application of the mutual recognition principle in individual cases	Procedures concerning application of the mutual recognition principle in individual cases	Procedures concerning application of the mutual recognition principle in individual cases
ARTICLE 4				
101	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration
ARTICLE 4-PARAGRAPH 1-SUBPARAGRAPH 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
102	1. The producer of goods, or goods of a given type, that are being or are to be made available on the domestic market in a Member State ('the Member State of destination') may draw up a declaration (a 'mutual recognition declaration') in order to demonstrate to the competent authorities of the Member State of destination that the goods, or goods of that type, are lawfully marketed in another Member State.	1. The producer of goods, or goods of a given type, that are being or are to be made available on the domestic market in a Member State ('the Member State of destination') may draw up a <u>voluntary declaration of lawful marketing for the purposes of mutual recognition</u> (and hereinafter referred to as 'mutual recognition declaration') in order to demonstrate to the competent authorities of the Member State of destination <u>during the assessment of goods pursuant to Article 5,</u> that the goods, or goods of that type, are lawfully marketed in another Member State.	1. The producer of goods, or goods of a given type, that are being or are to be made available on the domestic market in a Member State ('the Member State of destination') may draw up a declaration of lawful marketing for the purposes of mutual recognition (and hereinafter referred to as 'mutual recognition declaration') in order to demonstrate to the competent authorities of the Member State of destination that the goods, or goods of that type, are lawfully marketed in another Member State.	1. The producer of goods, or goods of a given type, that are being or are to be made available on the domestic market in a Member State ('the Member State of destination') may draw up a <u>voluntary declaration of lawful marketing for the purposes of mutual recognition</u> (and hereinafter referred to as 'mutual recognition declaration') in order to demonstrate to the competent authorities of the Member State of destination <u>for the purpose of the assessment of goods pursuant to Article 5,</u> that the goods, or goods of that type, are lawfully marketed in another Member State.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 42		The mutual recognition declaration shall follow the structure and contain all the information specified in Part I and Part II of the Annex.
	ARTICLE 4-PARAGRAPH 1-SUBPARAGRAPH			
G 103	Alternatively, the producer may mandate his authorised representative to draw up the declaration on his behalf.	Alternatively, The producer may mandate his authorised representative to draw up the declaration on his behalf <u>provided that the mandate explicitly mentions it.</u> AM 43	Alternatively, The producer may mandate his authorised representative to draw up the declaration on his behalf.	Alternatively, The producer may mandate his authorised representative to draw up the declaration on his behalf.
	ARTICLE 4-PARAGRAPH 1-SUBPARAGRAPH			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 104	Within the mutual recognition declaration, the specific information related to the marketing of the goods or type of goods may, however, be filled in by any economic operator.	<u>Alternatively</u> , within the mutual recognition declaration, <u>or</u> the specific information <u>of that declaration</u> related to the marketing of the goods or type of goods may, however, be filled in by any economic operator, <u>provided that the relevant signatory can supply the evidence supporting the information of that declaration</u> . AM 44	Within Where the mutual recognition declaration drawn up by the producer contains only the information set out in Part I of the Annex, in order the declaration to be considered during the assessment under Article 5 , the specific information related to the marketing of the goods or that type of goods may, however, set out in Part II of the Annex shall be filled in by any economic operator the importer or by the distributor .	Within The producer or his authorised representative may fill in the mutual recognition declaration only with the information set out in Part I of the Annex. In this case the specific information related to the marketing of the goods or that type of goods may, however, set out in Part II of the Annex shall be filled in by any economic operator the importer or by the distributor .
ARTICLE 4-PARAGRAPH 1 - INTRODUCTORY PART-SUBPARAGRAPH A				
G 104a				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			a Alternatively, the mutual recognition declaration may be drawn up by an importer and/or a distributor provided that all the information required under the Annex is included in the declaration and that the relevant signatory can supply the evidence referred to in point (a) of Article 5(1a). In the Council GA Article 4 - Paragraph 1 - new subparagraph - Automatically renumbered - No change of substance.	Alternatively, both parts of the mutual recognition declaration may be drawn up by the importer and/or by the distributor, provided that the relevant signatory can supply the evidence referred to in point (a) of Article 5[insert relevant paragraph].
	ARTICLE 4-PARAGRAPH 2-SUBPARAGRAPH 2			
G	105	2. The mutual recognition	2. The mutual recognition	[moved to paragraph 1]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	declaration shall follow the structure and contain the information specified in the Annex.	declaration shall follow the structure and contain the information specified in the Annex.	declaration shall follow the structure and contain the information specified in Part I and Part II of the Annex.	
	ARTICLE 4-PARAGRAPH 2-SUBPARAGRAPH			
106	The declaration shall be completed in one of the official languages of the Union and, where that language is not the language required by the Member State of destination, it shall be translated by the economic operators into the language or languages required by the Member State of destination.	The declaration shall be completed in one of the official languages of the Union and, where that language is not the language required by the Member State of destination, it shall be translated by the economic operators into the language or languages required by the Member State of destination.	The declaration shall be completed drawn up in one of the official languages of the Union and, where that language is not the language required by the Member State of destination, it shall be translated by the economic operators into the a language or languages required by the Member State of destination.	The declaration shall be completed drawn up in one of the official languages of the Union and, where that language is not the language required by the Member State of destination, it shall be translated by the economic operators into the a language or languages required by the Member State of destination.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 45		
	ARTICLE 4-PARAGRAPH 3			
G 107	3. Economic operators shall be responsible for the content and accuracy of the information that they themselves provide in the mutual recognition declaration.	3. Economic operators <u>who complete the declaration</u> shall be responsible for the content and accuracy of the information, <u>including translated information,</u> that they themselves provide in the mutual recognition declaration. <u>With this regard, economic operators shall be liable in accordance with national laws for providing declarations containing false or misleading information.</u>	3. Economic operators shall be responsible for the content and accuracy of the information that they themselves provide in the mutual recognition declaration.	3. Economic operators <i>who sign the declaration or a part of it</i> shall be responsible for the content and accuracy of the information that they themselves provide in the mutual recognition declaration, including the correctness of the information they translate. <u>For the purpose of this paragraph, economic operators shall be liable in accordance with national laws.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 46		
ARTICLE 4-PARAGRAPH 4				
108	4. Economic operators shall ensure that the declaration is kept up to date at all times to reflect any changes in the information provided by them in the declaration.	4. Economic operators shall ensure that the declaration is kept up to date at all times to reflect any changes in the information provided by them in the declaration.	4. Economic operators shall ensure that the declaration is kept up to date at all times to reflect any changes in the information provided by them in the declaration.	4. Economic operators shall ensure that the declaration is kept up to date at all times to reflect any changes in the information provided by them in the declaration.
ARTICLE 4-PARAGRAPH 5				
109	5. The mutual recognition declaration may be supplied to the	5. The mutual recognition declaration may be supplied to the	5. The mutual recognition declaration may be supplied to the	5. The mutual recognition declaration may be supplied to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competent authority of the Member State of destination for the purposes of an assessment to be carried out under Article 5. It may be supplied either in paper form or by electronic means.	competent authority of the Member State of destination for the purposes of an assessment to be carried out under Article 5. It may be supplied either in paper form or by electronic means <u>or be made available online</u> . AM 47	competent authority of the Member State of destination for the purposes of an assessment to be carried out under Article 5. It may be supplied either in paper form or , by electronic means or be made available online, in accordance with the requirements of the competent authority of the Member State of destination.	competent authority of the Member State of destination for the purposes of an assessment to be carried out under Article 5. It may be supplied either in paper form or by electronic means <u>or be made available online</u> in accordance with the requirements of the Member State of destination.
ARTICLE 4-PARAGRAPH 6 - INTRODUCTORY PART				
110	6. Economic operators may make the declaration available on a website, provided that the following conditions are satisfied:	6. <u>Where</u> economic operators may make the declaration available on a website <u>online</u> , provided that the following conditions are <u>shall be</u> satisfied:	6. Where economic operators may make the declaration available on a website <u>online</u> , provided that the following conditions are shall be satisfied:	6. <u>Where</u> economic operators may make the declaration available on a website <u>online</u> , provided that the following conditions are <u>shall be</u> satisfied:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 48		
	ARTICLE 4-PARAGRAPH 6-POINT A			
111	(a) the goods type or series to which the declaration applies are easily identifiable on the website;	(a) the goods type or series to which the declaration applies are easily identifiable on the website;	(a) the goods type or series to which the declaration applies are easily identifiable on the website ;	(a) the goods type or series to which the declaration applies are easily identifiable on the website ;
	ARTICLE 4-PARAGRAPH 6-POINT B			
112	(b) the website is monitored to ensure the availability of and access to the declaration;	(b) the website is monitored to ensure the availability of and access to the declaration;	(b) the website is technical means used ensure easy navigation and are monitored to ensure the availability of and access to the	(b) the website is technical means used ensure easy navigation and are monitored to ensure the availability of and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			declaration;	access to the declaration.;
	ARTICLE 4-PARAGRAPH 6-POINT C			
113	(c) there are instructions provided on how to navigate the website and access the declaration.	(c) there are instructions provided on how to navigate the website and access the declaration.	deleted	deleted
	ARTICLE 4-PARAGRAPH 7 - INTRODUCTORY PART			
114	7. If a mutual recognition declaration is supplied to a competent authority of the Member State of destination in accordance with the requirements of this Article, then for the	7. If a mutual recognition declaration is supplied to a competent authority of the Member State of destination in accordance with the requirements of this Article, then for the	deleted Moved to Article 5	deleted Agreed to move to Article 5

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	purposes of any assessment of the goods under Article 5:	purposes of any assessment of the goods under Article 5:		
	ARTICLE 4-PARAGRAPH 7-POINT A			
G 115	(a) the declaration, together with any evidence reasonably required by the competent authority to verify the information contained in it, shall be accepted by the competent authority as sufficient to demonstrate that the goods are lawfully marketed in another Member State; and	(a) the declaration, together with any <u>supporting</u> evidence reasonably required <u>in response to a reasoned request</u> by the competent authority to verify the information contained in it, shall be accepted by the competent authority as sufficient to demonstrate that the goods are lawfully marketed in another Member State; and AM 49	deleted Moved to Article 5	deleted Agreed to move to Article 5

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	ARTICLE 4-PARAGRAPH 7-POINT B				
G	116	(b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State.	(b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State. deleted Moved to Article 5	(b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State. deleted Agreed to move to Article 5	G
	ARTICLE 4-PARAGRAPH 8 - INTRODUCTORY PART				
G	117	8. If a mutual recognition declaration is not supplied to a competent authority of the Member State of destination in	8. If a mutual recognition declaration is not supplied to a competent authority of the Member State of destination in deleted	8. If a mutual recognition declaration is not supplied to a competent authority of the Member State of destination in deleted	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with the requirements of this Article, the competent authority may request any of the economic operators to provide the following documentation and information in order to demonstrate for the purposes of an assessment under Article 5 that the goods are lawfully marketed in another Member State:	accordance with the requirements of this Article, the competent authority may request any of the <u>relevant</u> economic operators <u>operator</u> to provide the following documentation and information in order to demonstrate for the purposes of an assessment under Article 5 that the goods are lawfully marketed in another Member State: AM 50	Moved to Article 5	Agreed to move to Article 5
	ARTICLE 4-PARAGRAPH 8-POINT A			
118	(a) any relevant information concerning the characteristics of	(a) any relevant information concerning the characteristics of	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the goods or type of goods in question;	the goods or type of goods in question <u>that is necessary for the assessment</u> ; AM 51	Moved to Article 5	Agreed to move to Article 5
ARTICLE 4-PARAGRAPH 8-POINT B				
G 119	(b) any relevant information on the lawful marketing of the goods in another Member State;	(b) any relevant information on the lawful marketing of the goods in another Member State <u>that is necessary for the assessment</u> ; AM 52	deleted Moved to Article 5	deleted Agreed to move to Article 5
ARTICLE 4-PARAGRAPH 8-POINT C				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	120	(c) any other <u>relevant</u> information the competent authority considers useful for the purposes of its assessment. useful<u>necessary</u> for the purposes of its assessment, <u>provided that such requests are duly justified</u>. AM 53	deleted Moved to Article 5	deleted Agreed to move to Article 5
ARTICLE 4-PARAGRAPH 9				
G	121	9. Where the goods for which the mutual recognition declaration is being supplied are also subject to a Union act requiring an EU declaration of conformity, the mutual recognition declaration	9. Where the goods for which the mutual recognition declaration is being supplied are also subject to a Union act requiring an EU declaration of conformity, the mutual recognition declaration may be included as part of	9. Where the goods for which the mutual recognition declaration is being supplied are also subject to a Union act requiring an EU declaration of conformity, the mutual recognition declaration

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	may be included as part of that EU declaration of conformity.	may be included as part of <u>that attached to the</u> EU declaration of conformity. AM 54	that attached to the EU declaration of conformity.	may be included as part of <u>that attached to the</u> EU declaration of conformity.
ARTICLE 5				
y 122	Article 5 Assessment of goods	Article 5 Assessment of goods	Article 5 Assessment of goods	Article 5 Assessment of goods
ARTICLE 5-PARAGRAPH 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
y 123	1. Where a competent authority of a Member State has doubts as regards goods which the economic operator claims are lawfully marketed in another Member State, the competent authority shall contact the relevant economic operator without delay and shall carry out an assessment of the goods.	1. Where a competent authority of a <u>the</u> Member State <u>of destination has reasonable</u>has doubts as regards<u>to whether</u> goods which the economic operator claims<u>that are made available or are going to be made available on its market</u> are lawfully marketed in another Member State, the competent authority shall contact the <u>competent authority of that other Member State and the</u> relevant economic operator without delay and shall carry out an assessment <u>of</u> the goods. AM 55	1. Where, in the framework of the implementation of a national technical rule or a prior authorisation procedure, a competent authority of athe Member State has doubts as regardsof destination intends to take an administrative decision in relation to goods which are subject to this Regulation, the competent authority shall contact the relevant the economic operator claimswithout delay and shall carry out an assessment of the goods. The purpose of the assessment is to establish whether the goods or that type of goods are lawfully marketed	1. Where a competent authority of a the Member State of destination has doubts as intends to assess the goods subject to this Regulation, regards goods which the economic operator claims are lawfully marketed in another Member State, the competent authority it shall contact the relevant economic operator without delay and shall carry out an assessment of the goods. <i>(subject to general agreement on this article)</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			in another Member State and, if so, whether the public interests covered by the applicable national technical rule of the Member State of destination are adequately protected having regard to the characteristics of the goods in question. When the the competent authority shall enters into contact with the relevant economic operator, it shall inform the economic operator of the goods that are subject to that assessment and of the applicable national technical rule. The competent authority of the Member State of destination	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			without delay and shall carry out an assessment of the goods also inform the economic operator of the possibility to supply a mutual recognition declaration in accordance with the requirements of Article 4.	
	ARTICLE 5-PARAGRAPH 1A			
G	123a	1a <u>The purpose of the assessment is to establish whether the goods or that type of goods are lawfully marketed in another Member State and, if so, whether the legitimate public interests covered by the applicable national technical rule of the Member State of destination are adequately</u>		The purpose of the assessment is to establish whether the goods or that type of goods are lawfully marketed in another Member State and, if so, whether the legitimate public interests covered by the applicable national technical rule of the Member State of destination are adequately

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>protected having regard to the characteristics of the goods in question.</i></u> AM 56 In the EP Report Article 5 - Paragraph 1 - new subparagraph. Automatically renumbered - No change of substance.		protected having regard to the characteristics of the goods in question. When entering into contact with the relevant economic operator, the competent authority of the Member State of destination shall inform the economic operator about the assessment, indicating the goods that are subject to that assessment and of the applicable national technical rule or prior authorisation procedure. It shall also inform the economic operator of the possibility to supply a mutual recognition declaration in accordance with the requirements of Article 4 for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				the purpose of the abovementioned assessment.
	ARTICLE 5-PARAGRAPH 1B			
G	123b		1b Except where the assessment under paragraph 1 is carried out in the framework of a prior authorisation procedure, the economic operator shall be allowed to make the goods available on the market of the Member State of destination while the competent authority carries out the assessment and may continue to do so unless an administrative decision to restrict or deny market access for those goods is received.	<u>The</u> economic operator shall be allowed to make the goods available on the market of the Member State of destination while the competent authority carries out the assessment under paragraph 1 and may continue to do so unless an administrative decision to restrict or deny market access for those goods is received. ; except <u>This provision shall not apply</u> where the assessment is carried out in the framework of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			In the Council GA Article 5 - Paragraph 1aa. Automatically renumbered - no change of substance.	a prior authorisation procedure, or where the competent authority temporary suspend the making available of these goods on the market in accordance with Article 6.
	ARTICLE 5-PARAGRAPH 1C			
G	123c		1c If a mutual recognition declaration is supplied to the competent authority of the Member State of destination in accordance with the requirements of Article 4, then for the purposes of any assessment of the goods under paragraph 1: (a) the declaration, together with	If a mutual recognition declaration is supplied to a competent authority of the Member State of destination in accordance with the requirements of this Article 4, then for the purposes of any assessment of the goods under Article 5 paragraph 1: (a) the declaration, together with

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			any evidence reasonably required by the competent authority to verify the information contained in it, shall be accepted by the competent authority as sufficient to demonstrate that the goods are lawfully marketed in another Member State; and (b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State. In the Council GA Article 5 - Paragraph 1a. Automatically renumbered - no change of substance.	any supporting evidence necessary to verify the information contained in it, reasonably required in response to a reasoned request by the competent authority to verify the information contained in it, shall be accepted by the competent authority as sufficient to demonstrate that the goods are lawfully marketed in another Member State; and (b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 5-PARAGRAPH 1D			
y	123d		1d If a mutual recognition declaration is not supplied to the competent authority of the Member State of destination in accordance with the requirements of Article 4, for the purposes of the assessment under paragraph 1 the competent authority may request the relevant economic operators to provide information as follows: (a) on the characteristics of the goods or type of goods in question;	If a mutual recognition declaration is not supplied to a competent authority of the Member State of destination in accordance with the requirements of this Article 4, for the purposes of the assessment under paragraph 1 the competent authority may request any of the <i>relevant</i> economic operators<i>operator</i> to provide the following <u>relevant</u> documentation and relevant information, concerning that is necessary for the assessment, concerning in order to demonstrate for the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(b) on the lawful marketing of the goods in another Member State. In the Council GA Article 5 - Paragraph 1b. Automatically renumbered - no change of substance.	purposes of an assessment under Article 5 that the goods are lawfully marketed in another Member State: (a) any relevant information concerning the characteristics of the goods or type of goods in question <i>that is necessary for the assessment</i>; (b) any relevant information on the lawful marketing of the goods in another Member State <i>that is necessary for the assessment</i>; (c) other <i>relevant</i> information the competent authority considers

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<i>necessary</i> for the purposes of its assessment, <i>provided that such requests are duly justified.</i>
	ARTICLE 5-PARAGRAPH 1E			
G	123e		1e The economic operator concerned shall be allowed at least 20 working days following the request of the competent authority of the Member State of destination in which to submit the documents and information under point (a) of paragraph 1a or paragraph 1b, or to submit any arguments or comments the economic operator may have.	The economic operator concerned shall be allowed at least 10 15 working days following the request of the competent authority of the Member State of destination in which to submit the documents and information under point (a) of [insert relevant paragraph] or [insert relevant paragraph], or to submit any arguments or comments the economic operator may have.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			In the Council GA Article 5 - Paragraph 1c. Automatically renumbered - no change of substance.	
	ARTICLE 5-PARAGRAPH 1F			
123f			1f Where, after the economic operator has submitted the documents and information under point (a) of paragraph 1a or paragraph 1b, the competent authority of the Member State of destination still has doubts that the goods have been lawfully marketed in another Member State, it may request the competent authorities or the Product Contact Points of that Member State to provide any information relevant for verifying	For the purpose of the assessment referred to above, the competent authority of the Member State of destination may contact the competent authorities or the Product Contact Points of the Member State in which an economic operator claims to be lawfully marketing his goods if the verification of any information provided by the economic operator in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			data and documents supplied by the economic operator, as referred to in Article 10. In the Council GA Article 5 - Paragraph 1d. Automatically renumbered - no change of substance.	Article 10(2) is needed.
	ARTICLE 5-PARAGRAPH 2			
124	2. In carrying out assessments under paragraph 1, the competent authorities of Member States shall take due account of the content of test reports or certificates issued by a conformity assessment body and provided by any economic operator as part of the assessment.	2. In carrying out assessments under paragraph 1, the competent authorities of Member States shall take due account of the content of test reports or certificates issued by a conformity assessment body and provided by any economic operator as part of the assessment.	2. In carrying out assessments under paragraph 1, the competent authorities of Member States shall take due account of the content of test reports or certificates issued by a conformity assessment body and provided by any economic operator as part of the assessment. Competent	2. In carrying out assessments under paragraph 1, the competent authorities of Member States shall take due account of the content of test reports or certificates issued by a conformity assessment body and provided by any economic operator as part of the assessment.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Competent authorities of Member States shall not refuse certificates or test reports issued by a conformity assessment body accredited for the appropriate field of conformity assessment activity in accordance with Regulation (EC) No 765/2008 on grounds related to the competence of that body.	Competent authorities of Member States shall not refuse certificates or test reports issued by a conformity assessment body accredited for the appropriate field of conformity assessment activity in accordance with Regulation (EC) No 765/2008 on grounds related to the competence of that body.	authorities of Member States shall not refuse certificates or test reports issued by a conformity assessment body accredited for the appropriate field of conformity assessment activity in accordance with Regulation (EC) No 765/2008 on grounds related to the competence of that body.	Competent authorities of Member States shall not refuse certificates or test reports issued by a conformity assessment body accredited for the appropriate field of conformity assessment activity in accordance with Regulation (EC) No 765/2008 on grounds related to the competence of that body.
		ARTICLE 5-PARAGRAPH 3			
6	125	3. Where, on completion of an assessment under paragraph 1, the competent authority of a Member State takes an administrative decision with respect to the goods,	3. Where, on completion of an assessment under paragraph 1, the competent authority of a Member State takes an administrative decision with respect to the goods,	3. Where, on completion of an assessment under paragraph 1, the competent authority of a Member State takes an administrative decision with respect to the goods, it shall	3. Where, on completion of an assessment under paragraph 1, the competent authority of a Member State takes an administrative decision with respect to the goods,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	it shall communicate its decision within 20 working days to the relevant economic operator referred to in paragraph 1, to the Commission and to the other Member States. Notification to the Commission and to the other Member States shall be done by means of the system referred to in Article 11.	it shall communicate its decision <u>without delay and no later than</u> 20 ¹⁵ working days to the relevant economic operator referred to in paragraph 1, to the Commission and to the other Member States. Notification to the Commission and to the other Member States shall be done by means of the system referred to in Article 11. AM 57	communicate ^{notify} its decision within 20 working days to the relevant economic operator referred to in paragraph 1, to the Commission and to the other Member States, without undue delay and no more than 20 working days after the decision has been taken. Notification to the Commission and to the other Member States shall be done by means of the system referred to in Article 11.	it shall communicate its decision <u>without delay</u> within 20 working days to the relevant economic operator referred to in paragraph 1, to the Commission and to the other Member States. Notification <u>It shall also notify its decision</u> to the Commission and to the other Member States no later than 20 working days after the decision has been taken shall be done by means of the system referred to in Article 11.
	ARTICLE 5-PARAGRAPH 4			
126	4. The administrative decision referred to in paragraph 3 shall set	4. The administrative decision referred to in paragraph 3 shall set	4. The administrative decision referred to in paragraph 3 shall set out	4. The administrative decision referred to in paragraph 3 shall set

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	out the reasons for the decision in a manner that is sufficiently detailed and reasoned to enable an assessment to be made of its compatibility with the mutual recognition principle and with the requirements of this Regulation.	out the reasons for the decision in a manner that is sufficiently detailed and reasoned to enable <i>facilitate</i> an assessment to be made of its compatibility with the mutual recognition principle and with the requirements of this Regulation. AM 58	the reasons for the decision in a manner that is sufficiently detailed and reasoned to enable an assessment to be made of its compatibility with the mutual recognition principle and with the requirements of this Regulation.	out the reasons for the decision in a manner that is sufficiently detailed and reasoned to enable <i>facilitate</i> an assessment to be made of its compatibility with the mutual recognition principle and with the requirements of this Regulation.
	ARTICLE 5-PARAGRAPH 5 - INTRODUCTORY PART			
G 127	5. In particular, the following information shall be included:	5. In particular, the following information shall be included:	5. In particular, the following information shall be included in the administrative decision referred to in paragraph 3:	5. In particular, the following information shall be included in the administrative decision referred to in paragraph 3:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 5-PARAGRAPH 5-POINT A			
128	(a) the national technical rule on which the decision is based;	(a) the national technical rule on which the decision is based, <u><i>including the date and the number of the notification of the draft of that technical rule pursuant to Directive (EU) 2015/1535;</i></u> AM 59	(a) the national technical rule on which the administrative decision is based;	(a) the national technical rule on which the administrative decision is based;
	ARTICLE 5-PARAGRAPH 5-POINT B			
129	(b) the legitimate public interest	(b) the legitimate public interest	(b) the legitimate public interest	(b) the legitimate public interest

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ground on which the decision is justified;	ground <u>justifying the application of the national technical rule</u> on which the <u>administrative</u> decision is justified <u>based</u> ;	ground justifying the applicable national technical rule on which the administrative decision is justified based ;	ground <u>justifying the application of the national technical rule</u> on which the <u>administrative</u> decision is justified <u>based</u> ;
		AM 60		
	ARTICLE 5-PARAGRAPH 5-POINT C			
G 130	(c) the technical or scientific evidence considered, including any technical or scientific developments that have occurred since the national technical rule was adopted;	(c) the technical or scientific evidence considered, including any technical or scientific developments that have occurred since the national technical rule was adopted;	(c) the technical or scientific evidence considered, including, where applicable, any relevant changes in the state of the art any technical or scientific developments that have occurred since the national technical rule was adopted came into force ;	(c) the technical or scientific evidence considered, including, where applicable, any relevant changes in the state of the art any technical or scientific developments that have occurred since the national technical rule was adopted came into force ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 5-PARAGRAPH 5-POINT D			
131	(d) a summary of the arguments put forward by the relevant economic operator;	(d) a summary of the arguments put forward by the relevant economic operator;	(d) a summary of the arguments relevant for the assessment put forward by the relevant economic operator, if such were provided ;	(d) a summary of the arguments relevant for the assessment put forward by the relevant economic operator, if such were provided ;
	ARTICLE 5-PARAGRAPH 5-POINT E			
132	(e) the evidence demonstrating that the decision is appropriate for the purpose of achieving the objective pursued and that it does not go beyond what is necessary in order to attain that objective.	(e) the evidence demonstrating that the <u>administrative</u> decision is appropriate for the purpose of achieving the objective pursued and that it does not go beyond what is necessary in order to attain	(e) the evidence demonstrating that the administrative decision is appropriate for the purpose of achieving the objective pursued and that it does not go beyond what is necessary in order to attain that	(e) the evidence demonstrating that the <u>administrative</u> decision is appropriate for the purpose of achieving the objective pursued and that it does not go beyond what is necessary in order to attain

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		that objective. AM 61	objective.	that objective.
	ARTICLE 5-PARAGRAPH 6			
G 133	6. The administrative decision referred to in paragraph 3 shall specify the remedies available under the law in force in the Member State concerned and the time limits applicable to those remedies, and it shall also include a reference to the procedure under Article 8.	6. The administrative decision referred to in paragraph 3 shall <u>clearly</u> specify the remedies available under the law in force in the Member State concerned and the time limits applicable to those remedies, and it shall also include a reference to the procedure under Article 8. AM 62	6. The administrative decision referred to in paragraph 3 shall specify the remedies available under the law in force in the Member State concerned and the time limits applicable to those remedies, and it shall also include a reference to the possibility of economic operators to use the SOLVIT network and to have access to the procedure under Article 8.	6. The administrative decision referred to in paragraph 3 shall specify the remedies available under the law in force in the Member State concerned and the time limits applicable to those remedies, and it shall also include a reference to the possibility of economic operators to use the SOLVIT network and to have access to the procedure under Article 8.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 5-PARAGRAPH 7			
6	134	7. The administrative decision referred to in paragraph 3 shall not take effect before it has been notified to the relevant economic operator under that paragraph.	7. The administrative decision referred to in paragraph 3 shall not take effect before it has been notified to the relevant economic operator under that paragraph.	7. The administrative decision referred to in paragraph 3 shall not take effect before it has been notified to the relevant economic operator under that paragraph.
	ARTICLE 6			
6	135	Article 6 Temporary suspension of market	Article 6 Temporary suspension of market	Article 6 Temporary suspension of market

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	access	access	access	access
ARTICLE 6-PARAGRAPH 1 - INTRODUCTORY PART				
136	1. While the competent authority of a Member State is carrying out an assessment of goods pursuant to Article 5, it shall not temporarily suspend the making available of those goods on the domestic market in that Member State, except in one or the other of the following situations:	1. While the competent authority of a Member State is carrying out an assessment of goods pursuant to Article 5, it shall not<u>may</u> temporarily suspend the making available of those goods on the domestic market in that Member State, except<u>only</u> in one or the other of the following situations: AM 63	1. By way of derogation from Article 5(1aa), while the competent authority of a Member State is carrying out an assessment of goods pursuant to Article 5, it shall not<u>may</u> temporarily suspend the making available of those goods on the domestic market in that Member State, except only in one or the other of the following situations:	1. While the competent authority of a Member State is carrying out an assessment of goods pursuant to Article 5, it shall not<u>may</u> temporarily suspend the making available of those goods on the domestic market in that Member State, except<u>only</u> in one or the other of the following situations:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	ARTICLE 6-PARAGRAPH 1-POINT A				
G	137	(a) under normal or reasonably foreseeable conditions of use, the goods pose a serious risk, including one where the effects are not immediate, which requires rapid intervention by the competent authority; <i>AM 64</i>	(a) under normal or reasonably foreseeable conditions of use, the goods pose or could pose a serious risk to safety or health of persons or to the environment, including one where the effects are not immediate, which requires rapid intervention by the competent authority;	(a) under normal or reasonably foreseeable conditions of use, the goods pose posing a serious risk <u><i>to safety or health of users, persons or to the environment</i></u>, including one where the effects are not immediate, which requires rapid intervention by the competent authority;	G
	ARTICLE 6-PARAGRAPH 1-POINT B				
G	138				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) the making available of the goods, or goods of that type, on the domestic market in that Member State is generally prohibited in that Member State on grounds of public morality or public security.	(b) the making available of the goods, or goods of that type, on the domestic market in that Member State is generally prohibited in that Member State on grounds of public morality or public security. AM 65	(b) the making available of the goods, or goods of that type, on the domestic market in that Member State is generally prohibited in that Member State on grounds of public morality or public security.	(b) the making available of the goods, or goods of that type, on the domestic market in that Member State is generally prohibited in that Member State on grounds of public morality or public security.
	ARTICLE 6-PARAGRAPH 2			
139	2. The competent authority of the Member State shall immediately notify the relevant economic operator, the Commission and the other Member States of any suspension pursuant to paragraph	2. The competent authority of the Member State shall immediately notify the relevant economic operator, the Commission and the other Member States of any suspension pursuant to paragraph	2. The competent authority of the Member State shall immediately notify the relevant economic operator, the Commission and the other Member States of any temporary suspension pursuant to paragraph 1.	2. The competent authority of the Member State shall immediately notify the relevant economic operator, the Commission and the other Member States of any <u>temporary</u> suspension pursuant to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. The notification to the Commission and other Member States shall be made by means of the system referred to in Article 11. In cases falling within point (a) of paragraph 1 of this Article, the notification shall be accompanied by a technical or scientific justification demonstrating why the case is considered to fall within that point.	1. The notification to the Commission and other Member States shall be made by means of the system referred to in Article 11. In cases falling within point (a) of paragraph 1 of this Article, the notification shall be accompanied by a <u>detailed</u> technical or scientific justification demonstrating why the case is considered to fall within that point <u>that the goods pose a serious risk</u> . AM 66	The notification to the Commission and other Member States shall be made by means of the system referred to in Article 11. In cases falling within point (a) of paragraph 1 of this Article, the notification shall be accompanied by a technical or scientific justification demonstrating why the case is considered to fall within that point.	paragraph 1. The notification to the Commission and other Member States shall be made by means of the system referred to in Article 11. In cases falling within point (a) of paragraph 1 of this Article, the notification shall be accompanied by a <u>detailed</u> technical or scientific justification demonstrating why the case is considered to fall within that point.
	ARTICLE 7			
G	140			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 7 Notification under the Rapid Information Exchange System (RAPEX)	Article 7 Notification under the Rapid Information Exchange System (RAPEX)	Article 7 Notification under the Rapid Information Exchange System (RAPEX) or Rapid Alert System for Food and Feed (RASFF)	Article 7 Notification under the Rapid Information Exchange System (RAPEX) <u>or Rapid Alert System for Food and Feed (RASFF)</u>
	ARTICLE 7-PARAGRAPH 1 - INTRODUCTORY PART			
141	1. If the administrative decision referred to in Article 5 or the temporary suspension referred to in Article 6 is also a measure which is required to be notified through RAPEX as referred to in the General Product Safety	1. If the administrative decision referred to in Article 5 or the temporary suspension referred to in Article 6 is also a measure which is required to be notified through RAPEX as referred to in the General Product Safety	1. If the administrative decision referred to in Article 5 or the temporary suspension referred to in Article 6 is also a measure which is required to be notified through RAPEX as referred to in Directive 2001/95/EC or through the RASFF	1. If the administrative decision referred to in Article 5 or the temporary suspension referred to in Article 6 is also a measure which is required to be notified through RAPEX as referred to in <u>Directive 2001/95/EC or through</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive 2001/95/EC, a separate notification to the Commission under this Regulation is not required, provided that the following conditions are met:	Directive 2001/95/EC, a separate notification to the Commission <u>and to the other Member States</u> under this Regulation is not required, provided that the following conditions are met: AM 67	as referred to in Regulation (EC) No 178/2002 the General Product Safety Directive 2001/95/EC, a separate notification to the Commission and the other Member States under this Regulation is not required, provided that the following conditions are met:	<u>the RASFF as referred to in Regulation (EC) No 178/2002</u> the General Product Safety Directive 2001/95/EC, a separate notification to the Commission <u>and the other Member States</u> under this Regulation is not required, provided that the following conditions are met:
ARTICLE 7-PARAGRAPH 1-POINT A				
142	(a) the RAPEX notification indicates that notification of the measure also counts as notification under this Regulation;	(a) the RAPEX notification indicates that notification of the measure also counts as notification under this Regulation;	(a) the RAPEX or RASFF notification indicates that notification of the measure also counts as notification under this Regulation;	(a) the RAPEX <u>or RASFF</u> notification indicates that notification of the measure also counts as notification under this Regulation;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 7-PARAGRAPH 1-POINT B			
143	(b) the supporting evidence required for the administrative decision under Article 5 or for the temporary suspension under Article 6 is enclosed with the RAPEX notification.	(b) the supporting evidence required— <u>for</u> the administrative decision under Article 5 or for the temporary suspension under Article 6 is enclosed with the RAPEX notification.	(b) the supporting evidence required for the administrative decision under Article 5 or for the temporary suspension under Article 6 is enclosed with the RAPEX or RASFF notification.	(b) the supporting evidence required— <u>for</u> the administrative decision under Article 5 or for the temporary suspension under Article 6 is enclosed with the RAPEX <u>or RASFF</u> notification.
	ARTICLE 8			
144	Article 8	Article 8	Article 8	Article 8

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Problem-solving procedure	Problem-solving procedure	Problem-solving procedure	Problem-solving procedure
	ARTICLE 8-PARAGRAPH 1			
145	1. This Article applies if an economic operator affected by an administrative decision has submitted the decision to the Internal Market Problem Solving Network (SOLVIT) and, during the SOLVIT procedure, the Home Centre asks the Commission to give an opinion to assist in solving the case.	1. This Article applies if an economic operator affected by an administrative decision has submitted the decision to the Internal Market Problem Solving Network (SOLVIT) and, during the SOLVIT procedure, the Home Centre <u>or the Lead Centre</u> asks the Commission to give an opinion to assist in solving the case. <u>SOLVIT home and lead centres as well as the economic</u>	1. This Article applies if an economic operator affected by an administrative decision has submitted the decision to the Internal Market Problem Solving Network (SOLVIT) and, during the SOLVIT procedure, the Home Centre or the Lead Centre asks the Commission to give an opinion to assist in solving the case.	1. This Article applies if an economic operator affected by an administrative decision has submitted the decision to the Internal Market Problem Solving Network (SOLVIT) and, during the SOLVIT procedure, the Home Centre <u>or the Lead Centre</u> asks the Commission to give an opinion to assist in solving the case. <u>SOLVIT Home and Lead Centres shall provide the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>operator shall provide the Commission with all relevant documents relative to the decision at stake. The Commission may also give an opinion on its own initiative.</u> AM 68		<u>Commission with all relevant documents relative to the decision at stake.</u>
	ARTICLE 8-PARAGRAPH 2			
146	2. The Commission shall, within three months of receipt of the request referred to in paragraph 1, enter into communication with the relevant economic operator or operators and the competent authorities who took the	2. The Commission shall, within three months of receipt of the request referred to in paragraph 1, enter into communication <u>without undue delay, consider the documents and information provided within</u>	2. The Commission shall, within three months of receipt of After receiving the request referred to in paragraph 1, enter into communication with the relevant economic operator or operators and the competent authorities who took	2. After receiving the request referred to in paragraph 1, the Commission shall, <u>without undue delay, assess the compatibility of the administrative decision</u> with the principle of mutual recognition and this Regulation.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administrative decision in order to assess the compatibility of the administrative decision with the principle of mutual recognition and this Regulation.	<u>the SOLVIT procedure in order to assess the compatibility of the administrative decision</u> with the relevant economic operator or operators and the competent authorities who took the administrative decision in order to assess the compatibility of the administrative decision <u>principle of mutual recognition and this Regulation. Where additional information is needed for the purposes of the assessment referred to above, the Commission shall, without undue delay, request the relevant SOLVIT Centre to enter into communication</u> with the principle of mutual recognition and this Regulation <u>relevant economic operator or operators and the</u>	the administrative decision in order to the Commission shall, without undue delay, assess the compatibility of the administrative decision with the principle of mutual recognition and this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>competent authorities.</u> AM 69		
	ARTICLE 8-PARAGRAPH 2A			
G	146a		2a For the purposes of the assessment referred to in paragraph 2, the Commission shall consider the administrative decision notified in accordance with Article 5(3) and the documents and information obtained during the SOLVIT procedure. Where additional information or documents are necessary for completing the assessment referred to in paragraph 2, the Commission	2a For the purposes of the assessment referred to in paragraph 2, the Commission shall consider the administrative decision notified in accordance with Article 5(3) and the documents and information <u>provided within</u> obtained during the SOLVIT procedure. Where additional information or documents are necessary <u>needed</u> for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall request the relevant SOLVIT Centre to enter into communication with the economic operator concerned or with the competent authorities who took the administrative decision in order to provide such additional information or documents.	completing <u>the purposes of</u> the assessment referred to in paragraph 2, the Commission shall, <u>without undue delay</u> , request the relevant SOLVIT Centre to enter into communication with the economic operator concerned or with the competent authorities who took the administrative decision in order to provide such additional information or documents.
	ARTICLE 8-PARAGRAPH 3			
y	147	3. Following completion of its assessment, the Commission may issue an opinion identifying concerns that should, in its view, be addressed in the SOLVIT case	3. Following completion of its assessment, the <u>Within two months of receipt of the request referred to in paragraph 1</u> the Commission may <u>shall complete</u>	3. Within 45 working days of receipt of the request referred to in paragraph 1, the Commission <u>shall complete its assessment and</u> issue an opinion. Where

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and, where appropriate, making recommendations to assist in solving the case.	<u>its assessment and</u> issue an opinion identifying concerns that should, in its view, be addressed in the SOLVIT case and, where appropriate, making recommendations to assist in solving the case. <u>The two months period does not include the time necessary for receiving the additional information and documents as provided for in paragraph 2.</u> AM 70	appropriate, the Commission's opinion shall identify any concerns that should identify concerns that should, in its view, be addressed in the SOLVIT case and, where appropriate, making or shall make recommendations to assist in solving the case. The six weeks period does not include the time necessary for receiving the additional information and documents as provided for in paragraph 2a.	appropriate, the Commission's opinion shall identify any concerns that should be addressed in the SOLVIT case or shall make recommendations to assist in solving the case. The 45 working days period does not include the time necessary for receiving the additional information and documents as provided for in paragraph 2a. <i>(pending assessment from EC).</i>
	ARTICLE 8-PARAGRAPH 3A			
G	147a	3a <u>Where, during the assessment</u>	3a Where during the assessment	3a Where the Commission is

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>referred to in paragraph 2, the Commission is informed that the case is solved, it may decide not to issue an opinion.</u> AM 71 In the EP Report Article 8 - Paragraph 3 - new subparagraph. Automatically renumbered - no change of substance..	referred to in paragraph 2, the Commission is informed that the case is solved, an opinion need not be given. In the Council GA Article 8 - Paragraph 3 - new subparagraph. Automatically renumbered - no change of substance.	informed that the case is solved during the assessment referred to in paragraph 2, the Commission is informed that the case is solved, it may decide not required to issue an opinion.
	ARTICLE 8-PARAGRAPH 4			
148	4. The Commission's opinion shall be considered during the SOLVIT procedure referred to in	4. The Commission's opinion shall be considered <u>communicated to all parties involved in the case as well as to the Member State's</u>	4. The Commission's opinion shall be communicated through the relevant SOLVIT centre to the economic operator concerned and to the	4. The Commission's opinion shall be communicated through the relevant SOLVIT Centre to the economic operator

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1.	<u>competent authorities responsible for market control activities by means of the system referred to in Article 11. The opinion shall be taken into account</u> during the SOLVIT procedure referred to in paragraph 1. AM 72	relevant competent authorities. It shall be notified by the Commission to all Member States by means of the system referred to in Article 11. The opinion shall be considered during the SOLVIT procedure referred to in paragraph 1.	concerned and to the relevant competent authorities. It shall be notified by the Commission to all Member States by means of the system referred to in Article 11. <u>The opinion shall be taken into account</u> during the SOLVIT procedure referred to in paragraph 1.
	ARTICLE 8-PARAGRAPH 4A			
R	148a	4a <u>Recourse to national remedies by economic operators shall neither affect their possibility to use SOLVIT nor the Home Centre's possibility to seek an opinion as referred to in</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>paragraph 1.</u> AM 73 In the EP Report Article 8 - Paragraph 4 - new subparagraph. Automatically renumbered - no change of substance.		
	ARTICLE 8-PARAGRAPH 4B			
148b			4b The problem solving procedure under this Article shall apply without prejudice to the relevant remedies procedures available under national law.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			In the Council GA Article 8 - Paragraph 4a. Automatically renumbered - no change of substance.	
	CHAPTER III			
149	Chapter III Administrative cooperation, monitoring and communication	Chapter III Administrative cooperation, monitoring and communication	Chapter III Administrative cooperation, monitoring and communication	Chapter III Administrative cooperation, monitoring and communication
	ARTICLE 9			
150	Article 9	Article 9	Article 9	Article 9

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Tasks of the Product Contact Points	Tasks of the Product Contact Points	Tasks of the Product Contact Points	Tasks of the Product Contact Points
ARTICLE 9-PARAGRAPH 1				
151	1. Member States shall designate and maintain Product Contact Points on their territory and ensure that their Product Contact Points have sufficient powers and are adequately resourced for the proper performance of their tasks. They shall ensure that Product Contact Points deliver their	1. Member States shall designate and maintain Product Contact Points on their territory and ensure that their Product Contact Points have sufficient powers and are adequately resourced for the proper performance of their tasks. They shall ensure that Product Contact Points deliver their	1. Member States shall designate and maintain Product Contact Points on their territory and ensure that their Product Contact Points have sufficient powers and are adequately resourced for the proper performance of their tasks. They shall ensure that Product Contact Points deliver their services in accordance with	1. Member States shall designate and maintain Product Contact Points on their territory and ensure that their Product Contact Points have sufficient powers and are adequately resourced for the proper performance of their tasks. They shall ensure that Product Contact Points deliver their

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	services in accordance with Regulation (Single Digital Gateway – COM(2017)256).	services in accordance with Regulation (Single Digital Gateway – COM(2017)256).	Regulation (Single Digital Gateway – COM(2017)256).	services in accordance with Regulation (Single Digital Gateway – COM(2017)256).	
ARTICLE 9-PARAGRAPH 2 - INTRODUCTORY PART					
152	2. Product Contact Points shall provide the following information online:	2. Product Contact Points shall provide the following information online:	2. Product Contact Points shall provide the following information online:	2. Product Contact Points shall provide the following information online:	
ARTICLE 9-PARAGRAPH 2-POINT A					
153	(a) information on the principle	(a) information on the principle	(a) information on the principle of	(a) information on the principle	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of mutual recognition and the application of this Regulation in the territory of that Member State, including information on the procedure set out in Article 5;	of mutual recognition and the application of this Regulation in the territory of that Member State, including information on the procedure set out in Article 5;	mutual recognition and the application of this Regulation in the territory of that Member State, including information on the procedure set out in Article 5;	of mutual recognition and the application of this Regulation in the territory of that Member State, including information on the procedure set out in Article 5;
	ARTICLE 9-PARAGRAPH 2-POINT B			
154	(b) the contact details of the competent authorities within that Member State by means of which they may be contacted directly, including the particulars of the authorities responsible for supervising the implementation of the national technical rules applicable in the territory of that Member State;	(b) the contact details of the competent authorities within that Member State by means of which they may be contacted directly, including the particulars of the authorities responsible for supervising the implementation of the national technical rules applicable in the territory of that Member State;	(b) the contact details of the competent authorities within that Member State by means of which they may be contacted directly, including the particulars of the authorities responsible for supervising the implementation of the national technical rules applicable in the territory of that Member State;	(b) the contact details of the competent authorities within that Member State by means of which they may be contacted directly, including the particulars of the authorities responsible for supervising the implementation of the national technical rules applicable in the territory of that Member State;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 9-PARAGRAPH 2-POINT C			
G	155	(c) the remedies and procedures available in the territory of that Member State in the event of a dispute between the competent authority and an economic operator, including the procedure described in Article 8.	(c) the remedies and procedures available in the territory of that Member State in the event of a dispute between the competent authority and an economic operator, including the procedure described in Article 8.	(c) the remedies and procedures available in the territory of that Member State in the event of a dispute between the competent authority and an economic operator, including the procedure described in Article 8.
	ARTICLE 9-PARAGRAPH 2A			
G	155a		2a Where, due to the complexity of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			organisation and distribution of functions among competent authorities in a Member State, not all of the required information under point (b) of the first subparagraph can be provided online the remaining information shall be provided upon request. In the Council GA Article 9 - Paragraph 2 - new subparagraph. Automatically renumbered - no change of substance.	delete
	ARTICLE 9-PARAGRAPH 3			
G	156	3. Where necessary to complement the information provided online under paragraph	3. Where necessary to complement the information provided online under paragraph 2, Product Contact Points	3. Where necessary to complement the information provided online under paragraph

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2, Product Contact Points shall provide, at the request of an economic operator or a competent authority of another Member State, any useful information, such as an electronic copy of or an electronic link to the national technical rules applicable to specific goods or a specific type of goods in the territory in which the Product Contact Point is established and information as whether that the goods or goods of that type are subject to a requirement for prior authorisation under national law.	2, Product Contact Points shall provide, at the request of an economic operator or a competent authority of another Member State, any useful information, such as an electronic copy of or an electronic link to the national technical rules <u>and national administrative procedures</u> applicable to specific goods or a specific type of goods in the territory in which the Product Contact Point is established and information as whether that the goods or goods of that type are subject to a requirement for prior authorisation under national law. AM 74	shall provide, at the request of an economic operator or a competent authority of another Member State, any useful information, such as an electronic copy of or an electronic link to the national technical rules applicable to specific goods or a specific type of goods in the territory in which the Product Contact Point is established and information as whether that the goods or goods of that type are subject to a requirement for prior authorisation under national law. See Recital (37)	2, Product Contact Points shall provide, at the request of an economic operator or a competent authority of another Member State, any useful information, such as an electronic copy of or an electronic link to the national technical rules <u>and national administrative procedures</u> applicable to specific goods or a specific type of goods in the territory in which the Product Contact Point is established and information as whether that the goods or goods of that type are subject to a requirement for prior authorisation under national law.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 9-PARAGRAPH 4				
157	4. Product Contact Points shall respond within 15 working days of receiving any request under paragraph 3.	4. Product Contact Points shall respond within 15 working days of receiving any request under paragraph 3.	4. Product Contact Points shall respond within 15 working days of receiving any request under the second subparagraph of paragraph 2 and under paragraph 3.	4. Product Contact Points shall respond within 15 working days of receiving any request under paragraph 3.
ARTICLE 9-PARAGRAPH 5				
158	5. Product Contact Points shall not charge any fee for the provision of the information under paragraph 3.	5. Product Contact Points shall not charge any fee for the provision of the information under paragraph 3.	5. Product Contact Points shall not charge any fee for the provision of the information under the second subparagraph of paragraph 2 and under paragraph 3.	5. Product Contact Points shall not charge any fee for the provision of the information under paragraph 3.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 10				
159	Article 10 Administrative cooperation	Article 10 Administrative cooperation	Article 10 Administrative cooperation	Article 10 Administrative cooperation
ARTICLE 10-PARAGRAPH 1				
160	1. The Commission shall provide for and ensure efficient cooperation and exchange of information between the competent authorities and the Product Contact Points of the	1. The Commission shall provide for and ensure efficient cooperation and exchange of information between the competent authorities and the Product Contact Points of the	1. The Commission shall provide for and ensure efficient cooperation and exchange of information between the competent authorities and the Product Contact Points of the various Member States.	1. The Commission shall provide for and ensure efficient cooperation and exchange of information between the competent authorities and the Product Contact Points of the various Member States, by the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	various Member States.	various Member States.		following means: (a) facilitating and coordinating the exchange and collection of information and best practices with regard to the application of mutual recognition principle; (b) supporting the functioning of the Product Contact Points and enhancing their cross-border cooperation; (c) facilitating and coordinating the exchange of officials among Member States and the organisation of common training and awareness raising programmes for authorities and businesses.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 10-PARAGRAPH 2			
161	2. Product Contact Points in the Member State in which an economic operator claims to be lawfully marketing his goods shall provide the competent authorities of other Member States, upon request and within 15 working days, with any relevant information relating to those goods.	2. Product Contact Points in the Member State in which an economic operator claims to be lawfully marketing his goods shall provide the competent authorities of other Member States, upon request and within 15 working days, with any relevant information relating to those goods.	2. Product Contact Points Competent authorities in the Member State in which an economic operator claims to be lawfully marketing his goods shall provide the competent authorities of other Member States, upon request and within 15 working days, with any information information for verifying data and documents supplied during the assessment under Article 5 relating to those goods. Without prejudice to the time limit for providing the requested information, the Product Contact Points may facilitate the contacts between the relevant competent authorities.	2. Product Contact Points Upon request by competent authorities of the Member State pursuant to Article 5 [insert relevant paragraph], competent authorities in the Member State in which an economic operator claims to be lawfully marketing his goods shall provide the competent authorities of that other Member States, upon request and within 15 working days, with any information information for verifying data and documents supplied by the economic operator during the assessment under Article 5 relating to those goods. Without

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				prejudice to the time limit for providing the requested information, † The Product Contact Points may facilitate the contacts between the relevant competent authorities in accordance with time limits for providing the requested information set out in Article 9(4).
	ARTICLE 10-PARAGRAPH 2A			
6	161a	2a <u>For the purpose of paragraph 1, the Commission shall establish a Coordination Group (the ‘Group’). The Group shall be composed of representatives from the competent authorities and the Product Contact Points of the Member States. The tasks of the</u>		delete

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Group shall include: (a) facilitate the exchange of information, best practices and other relevant aspects of control activities in Member States; (b) support the functioning of the Product Contact Points and enhance their cross-border cooperation; (c) provide Commission contributions and feedback to any guidance on the concept of overriding reasons of public interest and recommendations, as well as best practices in order to encourage consistent application of this Regulation; (d) facilitate and coordinate exchange of officials among Member States, especially with regard to particularly problematic sectors; (e) facilitate and coordinate the organisation of common training</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>programmes for authorities and businesses.</i></u> AM 75		
	ARTICLE 10-PARAGRAPH 3			
G 162	3. Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1.	3. <u><i>Each Member State shall inform the Commission of the identity of the representatives appointed from that Member State to the Group.</i></u> Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1 <u><i>and paragraph 2a.</i></u>	3. Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1.	3. <u><i>Each Member State shall inform the Commission of the identity of the representatives appointed from that Member State to the Group.</i></u> Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1 <u><i>and paragraph 2a.</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 76		
ARTICLE 11				
163	Article 11 Information and communication support system	Article 11 Information and communication support system	Article 11 Information and communication support system	Article 11 Information and communication support system
ARTICLE 11-PARAGRAPH 1				
164	1. For the purposes of Articles 5,	1. For the purposes of Articles 5,	1. For the purposes of Articles 5, 6,	reference to be checked by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6, and 10, the Union information and communication support system set out in [Regulation on compliance and enforcement] shall be used, except as provided in Article 7.	6, and 10, the Union information and communication support system set out in [Regulation on compliance and enforcement] shall be used, except as provided in Article 7.	and 10, the Union information and communication support system set out in [Article 34 of Regulation on compliance and enforcement/enforcement/Article 23 of Regulation(EC) No 765/2008] shall be used, except as provided in Article 7.	lawyer-linguists
ARTICLE 11-PARAGRAPH 2				
165	2. The Commission shall adopt implementing acts specifying the details of the system referred to in paragraph 1 and its functionalities for the purposes of this Regulation. Those implementing acts shall be adopted in accordance with the examination	2. The Commission shall adopt implementing acts specifying the details of the system referred to in paragraph 1 and its functionalities for the purposes of this Regulation. Those implementing acts shall be adopted in accordance with the examination	2. The Commission shall adopt implementing acts specifying the details of the system referred to in paragraph 1 and its functionalities for the purposes of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in	2. The Commission shall adopt implementing acts specifying the details of the system referred to in paragraph 1 and its functionalities for the purposes of this Regulation. Those implementing acts shall be adopted in accordance with the examination

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		procedure referred to in Article 15(2).	procedure referred to in Article 15(2).	Article 15(2).	procedure referred to in Article 15(2).
		CHAPTER IV			
	166	Chapter IV Financing	Chapter IV Financing	Chapter IV Financing	Chapter IV Financing
		ARTICLE 12			
	167	Article 12	Article 12	Article 12	Article 12

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Financing of activities in support of this Regulation	Financing of activities in support of this Regulation	Financing of activities in support of this Regulation	Financing of activities in support of this Regulation
ARTICLE 12-PARAGRAPH 1 - INTRODUCTORY PART				
168	1. The Union may finance the following activities in support of this Regulation:	1. The Union may <u>shall</u> finance the following activities in support of this Regulation: AM 77	1. The Union may finance the following activities in support of this Regulation:	1. The Union may finance the following activities in support of this Regulation:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 12-PARAGRAPH 1-POINT A			
169	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:
	ARTICLE 12-PARAGRAPH 1-POINT B			
170	(b) education and training;	(b) education and training;	(b) education and training;	(b) education and training;
	ARTICLE 12-PARAGRAPH 1-POINT C			
171	(c) exchange of officials;	(c) exchange of officials;	(c) exchange of officials;	(c) exchange of officials and of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				good practices;
	ARTICLE 12-PARAGRAPH 1-POINT D			
G	172	(d) <i>the functioning of cooperation amongst Product Contact Points and the technical and logistic support for this cooperation</i> AM 78 <u>exchange of good practices;</u>	(d) the functioning of cooperation amongst Product Contact Points and the technical and logistic support for this cooperation;	(d) the functioning of cooperation amongst Product Contact Points and competent authorities, and the technical and logistic support for this cooperation;
	ARTICLE 12-PARAGRAPH 1-POINT E			
G	173			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) collection of data related to the functioning of the mutual recognition principle and its impacts on the single market for goods.	(e) collection of data related to the functioning of the mutual recognition principle and its impacts on the single market for goods.	(e) collection of data related to the functioning of the mutual recognition principle and its impacts on the single market for goods.	(e) collection of data related to the functioning of the mutual recognition principle and its impacts on the single market for goods.
	ARTICLE 12-PARAGRAPH 2			
174	2. The Union's financial assistance with respect to activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹ , either directly or by delegating budget implementation	2. The Union's financial assistance with respect to activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹ , either directly or by delegating budget implementation	2. The Union's financial assistance with respect to activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹ , either directly or by delegating budget implementation tasks to the entities listed in Article 58(1)(c) of	2. The Union's financial assistance with respect to activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹ , either directly or by delegating budget implementation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	tasks to the entities listed in Article 58(1)(c) of that Regulation. 1. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).	tasks to the entities listed in Article 58(1)(c) of that Regulation. 1. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).	that Regulation. 1. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).	tasks to the entities listed in Article 58(1)(c) of that Regulation. 1. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).
	ARTICLE 12-PARAGRAPH 3			
G	175			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	3. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	3. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	3. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.
ARTICLE 13				
176	Article 13 Protection of the financial interests of the Union	Article 13 Protection of the financial interests of the Union	Article 13 Protection of the financial interests of the Union	Article 13 Protection of the financial interests of the Union
ARTICLE 13-PARAGRAPH 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
177	1. The Commission shall take appropriate measures to ensure that, when activities financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	1. The Commission shall take appropriate measures to ensure that, when activities financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	1. The Commission shall take appropriate measures to ensure that, when activities financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	1. The Commission shall take appropriate measures to ensure that, when activities financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 13-PARAGRAPH 2				
178	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.
ARTICLE 13-PARAGRAPH 3				
179				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹ and Council Regulation (Euratom, EC) No 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Regulation. _____	3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹ and the Council Regulation (Euratom, EC) No 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Regulation. _____	3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹ and– Council Regulation (Euratom, EC) No 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Regulation. _____ 1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of	3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹ and the Council Regulation (Euratom, EC) No 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Regulation. _____

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities, OJ L292, 14.11.1996, p.2.	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities, OJ L292, 14.11.1996, p.2.	11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities, OJ L292, 14.11.1996, p.2.	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities, OJ L292, 14.11.1996, p.2.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 13-PARAGRAPH 4				
180	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
CHAPTER V					
G	181	Chapter V Review and Committee procedure	Chapter V Review and Committee procedure	Chapter V Review and Committee procedure	G
ARTICLE 14					
G	182	Article 14 Evaluation	Article 14 Evaluation	Article 14 Evaluation	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 14-PARAGRAPH 1			
183	1. By (...), and every five years thereafter, the Commission shall carry out an evaluation of this Regulation against the objectives it pursues and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.	1. By (...), and every five<u>two</u> years thereafter, the Commission shall carry out an evaluation of this Regulation against the objectives it pursues and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee. AM 79	1. By (...) [Publications office, please insert the date 4 years after the date of entry into force], and every five years thereafter, the Commission shall carry out an evaluation of this Regulation against the objectives it pursues and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.	1. By (...) [Publications office, please insert the date <u>five years after the date of application</u>], and every <u>four</u> five years thereafter, the Commission shall carry out an evaluation of this Regulation against the objectives it pursues and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.
	ARTICLE 14-PARAGRAPH 2			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184	2. For the purposes of paragraph 1, the Commission shall use the information available in the system referred to in Article 11 and the data collected as referred to in Article 12(1) (e). The Commission may also ask Member States to submit any relevant information for evaluating the free movement of goods lawfully marketed in another Member State and of the effectiveness of this Regulation, as well as an assessment of the functioning of the Product Contact Points.	2. For the purposes of paragraph 1, the Commission shall use the information available in the system referred to in Article 11 and the data collected as referred to in Article 12(1) (e). The Commission may also ask Member States to submit any relevant information for evaluating the free movement of goods lawfully marketed in another Member State and of the effectiveness of this Regulation, as well as an assessment of the functioning of the Product Contact Points.	2. For the purposes of paragraph 1, the Commission shall use the information available in the system referred to in Article 11 and the data collected as referred to in Article 12(1) (e). The Commission may also ask Member States to submit any relevant information for evaluating the free movement of goods lawfully marketed in another Member State and of the effectiveness of this Regulation, as well as an assessment of the functioning of the Product Contact Points.	2. For the purposes of paragraph 1, the Commission shall use the information available in the system referred to in Article 11 and the data collected as referred to in Article 12(1) (e). The Commission may also ask Member States to submit any relevant information for evaluating the free movement of goods lawfully marketed in another Member State and of the effectiveness of this Regulation, as well as an assessment of the functioning of the Product Contact Points.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 15				
185	Article 15 Committee procedure	Article 15 Committee procedure	Article 15 Committee procedure	Article 15 Committee procedure
ARTICLE 15-PARAGRAPH 1				
186	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 15-PARAGRAPH 2			
G	187	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
	CHAPTER VI			
G	188	Chapter VI Final provisions	Chapter VI Final provisions	Chapter VI Final provisions

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICLE 16			
G	189	Article 16 Repeal	Article 16 Repeal	Article 16 Repeal
	ARTICLE 16-PARAGRAPH			
Y	190	Regulation (EC) No 764/2008 is repealed.	Regulation (EC) No 764/2008 is repealed with effect from ... [Publications office, please insert the date 1 year after the date of	Regulation (EC) No 764/2008 is repealed with effect from ... [Publications office, please insert the date 1 year after the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			entry into force]. References to the repealed Regulation shall be construed as references to this Regulation.	date of entry into force]. References to the repealed Regulation shall be construed as references to this Regulation.
ARTICLE 17				
191	Article 17 Entry into force and application	Article 17 Entry into force and application	Article 17 Entry into force and application	Article 17 Entry into force and application
ARTICLE 17-PARAGRAPH				
192	This Regulation shall enter into	This Regulation shall enter into	This Regulation shall enter into force	This Regulation shall enter into

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	force on the twentieth day following that of its publication in the Official Journal of the European Union.	force on the twentieth day following that of its publication in the Official Journal of the European Union.	on the twentieth day following that of its publication in the Official Journal of the European Union.	force on the twentieth day following that of its publication in the Official Journal of the European Union.
	ARTICLE 17-PARAGRAPH			
193	It shall apply from 1 January 2020.	It shall apply from 1 January 2020.	It shall apply from ... [Publications office, please insert the date 1 year after the date of entry into force] + January 2020.	It shall apply from ... [Publications office, please insert the date 1 year after the date of entry into force] + January 2020.
	ARTICLE 17-PARAGRAPH			
194				

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
		FORMULA			
	195	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
		FORMULA			
	196	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	FORMULA			
197	The President	The President	The President	The President
	FORMULA			
198	For the Council	For the Council	For the Council	For the Council
	FORMULA			
199				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The President	The President	The President	The President
	ANNEX			
G 200	ANNEX	ANNEX	ANNEX	ANNEX
	PARAGRAPH - INTRODUCTORY PART			
G 201	Mutual recognition declaration for the purposes of Regulation [XXX/YYYY]	Mutual recognition declaration for the purposes of Regulation [XXX/YYYY]	Mutual recognition declaration Declaration of lawful marketing of goods for the purposes of mutual recognition (Regulation [XXX/YYYY])	Mutual recognition declaration for the purposes of Article 4 of Regulation [XXX/YYYY - <i>add full title in a footnote</i>]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	PARAGRAPH - INTRODUCTORY PART-POINT -1				
G	201a		-1 Part I In the Council GA new Part I. Automatically renumbered - no change of substance	-1 Part I	G
	PARAGRAPH-POINT 1				
G	202	1. Unique identifier for the goods or type of goods: [Note: insert the goods number or other reference marker that uniquely identifies the goods or type of goods]	1. Unique identifier for the goods or type of goods: [Note: insert the goods identification number or other reference marker that uniquely identifies the goods or type of goods]	1. Unique identifier for the goods or type of goods: [Note: insert the goods identification number or other reference marker that uniquely identifies the goods or	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				type of goods]
	PARAGRAPH - INTRODUCTORY PART-POINT 1A			
6	202a	1a <u>Name and address of the economic operator drawing up the mutual recognition declaration</u> AM 80		delete
	PARAGRAPH-POINT 2			
6	203	2. Name and address of the producer or his authorised	2. Name and address of the economic operator: [Note: insert	2. Name and address of the economic operator: [Note: insert

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative:	representative:	the name and address of the signatory of Part I of the declaration: the producer or and, where applicable, his authorised representative, or the importer, or the distributor]	the name and address of the signatory of Part I of the declaration: the producer or and, where applicable, his authorised representative, or the importer, or the distributor]
	PARAGRAPH-POINT 3			
204	3. Description of the goods or type of goods subject of the declaration: [Note: the description should be sufficient to enable the goods to be identified for traceability reasons. It may be accompanied by a photograph, where appropriate]	3. Description of the goods or type of goods subject of the declaration: [Note: the description should be sufficient to enable the goods to be identified for traceability reasons. It may be accompanied by a photograph, where appropriate]	3. Description of the goods or type of goods subject of the declaration: [Note: the description should be sufficient to enable the goods to be identified for traceability reasons. It may be accompanied by a photograph, where appropriate]	3. Description of the goods or type of goods subject of the declaration: [Note: the description should be sufficient to enable the goods to be identified for traceability reasons. It may be accompanied by a photograph, where appropriate]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	PARAGRAPH-POINT 4 - INTRODUCTORY PART				
G	205	4. Declaration and information on the lawfulness of the marketing of the goods or type of goods:	4. Declaration and information on the lawfulness of the marketing of the goods or that type of goods:	4. Declaration and information on the lawfulness of the marketing of the goods or that type of goods:	G
	PARAGRAPH-POINT 4-POINT 41				
G	206	4.1. The goods or type of goods described above comply with the relevant rules applicable in the Member State identified below: The title, in each case, of the relevant rules applicable in that Member State:	4.1. The goods or type of goods described above comply with the relevant following rules applicable in [Note: identify the Member State identified below: in which the goods or that type of goods are claimed to be lawfully marketed]: [Note: insert the title and official	4.1. The goods or type of goods described above, <u>including their characteristics</u> , comply with the relevant following rules applicable in [Note: identify the Member State identified below: in which the goods or that type of goods are claimed to be lawfully	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Member State: AM 81	publication reference , in each case, of the relevant rules applicable in that Member State and reference of the administrative decision if the goods were subject to a prior authorisation] , or The goods or type of goods described above are not subject to any rules in [Note: identify the Member State in which the goods or that type of goods are claimed to be lawfully marketed].	marketed] : [Note: insert the title and official publication reference, in each case, of the relevant rules applicable in that Member State and reference of the administrative decision if the goods were subject to a prior authorisation] , or The goods or type of goods described above are not subject to any rules in [Note: identify the Member State in which the goods or that type of goods are claimed to be lawfully marketed].
	PARAGRAPH-POINT 4-POINT 42			
G 207	4.2. Reference of the conformity	4.2. Reference of the conformity	4.2. Reference of the conformity	4.2. Reference of the conformity

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessment procedure applicable to the goods or type of goods, and/or of any tests performed by a conformity assessment body (if such procedure was carried out or if such tests were performed):	assessment procedure applicable to the goods or type of goods, and/or of any tests performed by a conformity assessment body (if such procedure was carried out or if such tests were performed):	assessment procedure applicable to the goods or that type of goods, and/or reference of test reports for of any tests performed by a conformity assessment body , including the name and address of that body (if such procedure was carried out or if such tests were performed):	assessment procedure applicable to the goods or that type of goods, and/or reference of test reports for of any tests performed by a conformity assessment body , including the name and address of that body (if such procedure was carried out or if such tests were performed):
	PARAGRAPH - INTRODUCTORY PART-POINT 4A			
G 207a			4a Any additional information considered relevant to an assessment of whether the goods or that type of goods are lawfully marketed in the Member State indicated in point 4.1:	4a Any additional information considered relevant to an assessment of whether the goods or that type of goods are lawfully marketed in the Member State indicated in point 4.1:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	PARAGRAPH - INTRODUCTORY PART-POINT 4B			
G	207b		4b This part of the declaration is issued under the sole responsibility of the economic operator identified under point 2.	4b This part of the declaration is issued under the sole responsibility of the economic operator identified under point 2.
	PARAGRAPH - INTRODUCTORY PART-POINT 4C			
G	207c		4c Signed for and on behalf of: (place and date of issue): (name, function) (signature): In the Council GA new Paragraph.	4c Signed for and on behalf of: (place and date of issue): (name, function) (signature):

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Automatically renumbered - no change of substance.	
	PARAGRAPH - INTRODUCTORY PART-POINT 4D			
G 207d			4d Part II In the Council GA new Part. Automatically renumbered - no change of substance.	4d Part II
	PARAGRAPH-POINT 5 - INTRODUCTORY PART			
G 208	5. Declaration and information on the marketing of the goods or type of goods:	5. Declaration and information on the marketing of the goods or type of goods:	5. Declaration and information on the marketing of the goods or that type of goods:	5. Declaration and information on the marketing of the goods or that type of goods:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	PARAGRAPH-POINT 5-POINT 51			
209	5.1. The goods or type of goods are made available to end users on the domestic market in a Member State.	5.1. The goods or type of goods are made available to end users on the domestic market in a Member State.	5.1. The goods or that type of goods are made available to end users on the domestic market in at the Member State indicated in point 4.1.	5.1. The goods or that type of goods are made available to end users on the domestic market in at the Member State indicated in point 4.1.
	PARAGRAPH-POINT 5-POINT 52			
210	5.2. Information that the goods or type of goods are made available to the end users in that Member State, including details of the relevant Member State and of the date of when the goods were first	5.2. Information that the goods or type of goods are made available to the end users in that Member State, including details of the relevant Member State and of the date of when the goods were first	5.2. Information that the goods or that type of goods are made available to the end users in that the Member State, including details of the relevant Member State and indicated in point 4.1, including details of the date of	5.2. Information that the goods or that type of goods are made available to the end users in that the Member State, including details of the relevant Member State and indicated in point 4.1,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	made available to end users on the domestic market in that Member State:	made available to end users on the domestic market in that Member State:	when the goods were first made available to end users on the domestic market in that Member State:	including details of the date of when the goods were first made available to end users on the domestic market in that Member State:
	PARAGRAPH-POINT 6			
G 211	6. Any additional information considered relevant to an assessment of whether the goods or type of goods are lawfully marketed in that Member State	6. Any additional information considered relevant to an assessment of whether the goods or type of goods are lawfully marketed in that Member State	6. Any additional information considered relevant to an assessment of whether the goods or that type of goods are lawfully marketed in that the Member State indicated in point 4.1:	6. Any additional information considered relevant to an assessment of whether the goods or that type of goods are lawfully marketed in that the Member State indicated in point 4.1:
	PARAGRAPH-POINT 7 - INTRODUCTORY PART			
G 212				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	7. This declaration is issued under the sole responsibility of the signatories:	7. This declaration is issued under the sole responsibility of the signatories:	7. This part of the declaration is issued under the sole responsibility of [Note: insert the name and address of the signatory of Part II of the declarationthe signatories: the producer and, where applicable, his authorised representative, or the importer, or the distributor].	7. This part of the declaration is issued under the sole responsibility of [Note: insert the name and address of the signatory of Part II of the declarationthe signatories: the producer and, where applicable, his authorised representative, or the importer, or the distributor].
	PARAGRAPH-POINT 7-PARAGRAPH			
213	Signed for and on behalf of	Signed for and on behalf of	Signed for and on behalf of	Signed for and on behalf of
	PARAGRAPH-POINT 7-PARAGRAPH			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 214	(place and date of issue):	(place and date of issue):	(place and date of issue):	(place and date of issue):
	PARAGRAPH-POINT 7-PARAGRAPH			
G 215	(name, function) (signature) :	(name, function) (signature) :	(name, function) (signature) :	(name, function) (signature) :
	PARAGRAPH-POINT 7-PARAGRAPH			
G 216	And if another economic operator fills in point 5 :	And if another economic operator fills in point 5 :	deleted	deleted

	Commission Proposal		EP Mandate	Council Mandate	Draft Agreement	
PARAGRAPH-POINT 7-PARAGRAPH						
G	217	Signed for and on behalf of:	Signed for and on behalf of:	deleted	deleted	G
PARAGRAPH-POINT 7-PARAGRAPH						
G	218	(place and date of issue)	(place and date of issue)	deleted	deleted	G
PARAGRAPH-POINT 7-PARAGRAPH						
G	219	(name, function) (signature)	(name, function) (signature)	deleted	deleted	G