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14318/18

Interinstitutional File: 2017/0354 (COD)

LIMITE

COMPET 797 ECO 102 MI 861 **ENT 211 CONSOM 328 GAF 56 AGRI 567 CODEC 2055**

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.

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The <u>objective of this Regulation</u> 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 <u>European Parliament</u>, this proposal was referred to the <u>Internal Market and Consumer Protection (IMCO) Committee</u>. 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.

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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 <u>mandated</u> 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.

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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 <u>online access</u> <u>electronic link</u> 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):

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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, https://example.com/having regard to Article 36 of the Treaty and the case law of the Court of Justice.

2) <u>Assessment of goods</u> (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) <u>Problem-solving (SOLVIT) procedure</u> (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.

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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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Interinstitutional files: 2017/0354(COD)

Brussels, 15 November 2018

WK 13942/2018 INTT

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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
	Member State - 4-column document (technical trilogue on 14 and 15 November 20

WK 13942/2018 INIT **LIMITE** ECOMP.3.A AR/ic

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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	
	FORMU	JLA				
G	1	2017/0354 (COD)	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)
	FORMU	JLA			
G	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	
	CITATIO	ON				
G	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,	G
	CITATIO	ON				
G	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,	G
	CITATIO	ON				

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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,
	CITATIO	ON			
G	7	Having regard to the opinion of the European Economic and Social Committee ¹ , Acting in accordance with the ordinary legislative procedure,	Having regard to the opinion of the European Economic and Social Committee ¹ , Acting in accordance with the ordinary legislative procedure,	Having regard to the opinion of the European Economic and Social Committee ¹ , Acting in accordance with the ordinary legislative procedure,	Having regard to the opinion of the European Economic and Social Committee ¹ , Acting in accordance with the ordinary legislative procedure,
		1. OJ C , , p			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	CITATIO	ИС			
G	8	THIS CITATION IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	deleted	deleted	THIS CITATION IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.
	FORMU	JLA			
G	9	Whereas:	Whereas:	Whereas:	Whereas:

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

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

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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, request for additional testing and/or duplication of tests. 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.
	RECITA	L 3			
G	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	(3) The principle of mutual recognition derives from the case-law of the Court of Justice of the

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			pursued. This regulation imposes the obligation to clearly justify why market access is refused. AM 3		free movement of goods, and which in either case are proportionate to the aim pursued. This regulation imposes the obligation to clearly justify why market access is refused. (related to the outcome of negotiations on article 1)
	RECITA	NL 4			
ū	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,	(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. This concept covers, inter alia, the effectiveness of fiscal supervision, the fairness of commercial transactions,

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

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

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		feedback on the guidance. AM 4		
RECI	AL 5			
G 14	(5) Regulation (EC) No 764/2008¹ 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 764/2008¹ 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 764/2008¹ 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 764/2008¹ 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

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

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		(6) In December 2013, the	(6) In December 2013, the	(6) In December 2013, the	(6) In December 2013, the	
		conclusions on the Single Market	conclusions on the Single Market	conclusions on the Single Market	conclusions on the Single Market	
		Policy adopted by the	Policy adopted by the	Policy adopted by the	Policy adopted by the	
		Competitiveness Council noted	Competitiveness Council noted	Competitiveness Council noted that	Competitiveness Council noted	
		that to improve framework	that to improve framework	to improve framework conditions for	that to improve framework	
		conditions for businesses and	conditions for businesses and	businesses and consumers in the	conditions for businesses and	
		consumers in the Single Market,	consumers in the Single Market,	Single Market, all relevant	consumers in the Single Market,	
		all relevant instruments should be	all relevant instruments should be	instruments should be appropriately	all relevant instruments should be	
	15	appropriately employed, including	appropriately employed, including	employed, including mutual	appropriately employed, including	
G	13	mutual recognition. The Council	mutual recognition. The Council	recognition. The Council invited the	mutual recognition. The Council	G
		invited the Commission to report	invited the Commission to report	Commission to report on the cases	invited the Commission to report	
		on the cases where the functioning	on the cases where the functioning	where the functioning of the mutual	on the cases where the functioning	
		of the mutual recognition	of the mutual recognition	recognition principle is still	of the mutual recognition	
		principle is still inadequate or	principle is still inadequate or	inadequate or problematic. In its	principle is still inadequate or	
		problematic. In its Conclusions on	problematic. In its Conclusions on	Conclusions on the Single Market	problematic. In its Conclusions on	
		the Single Market Policy of	the Single Market Policy of	Policy of February 2015 the	the Single Market Policy of	
		February 2015 the	February 2015 the	Competitiveness Council urged the	February 2015 the	
		Competitiveness Council urged	Competitiveness Council urged	Commission to take steps to ensure	Competitiveness Council urged	
		the Commission to take steps to	the Commission to take steps to	that the principle of mutual	the Commission to take steps to	
		ensure that the principle of mutual	ensure that the principle of mutual	recognition functioned effectively and	ensure that the principle of mutual	

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		recognition functioned effectively and to bring forward proposals to	recognition functioned effectively and to bring forward proposals to	to bring forward proposals to that effect.	recognition functioned effectively and to bring forward proposals to
		that effect.	that effect.		that effect.
	RECITA	L 7			
		(7) Regulation (EC) No 764/2008	(7) Regulation (EC) No 764/2008	(7) Regulation (EC) No 764/2008	(7) Regulation (EC) No 764/2008
		has several shortcomings, and	has several shortcomings, and	has several shortcomings, and should	has several shortcomings, and
		should therefore be revised and	should therefore be revised and	therefore be revised and strengthened.	should therefore be revised and
		strengthened. For the sake of	strengthened. For the sake of	For the sake of clarity, Regulation	strengthened. For the sake of
	16	clarity, Regulation (EC) No	clarity, Regulation (EC) No	(EC) No 764/2008 should be replaced	clarity, Regulation (EC) No
G	10	764/2008 should be replaced by	764/2008 should be replaced by	by this Regulation. This Regulation	764/2008 should be replaced by
		this Regulation. This Regulation	this Regulation. This Regulation	should establish clear procedures to	this Regulation. This Regulation
		should establish clear procedures	should establish clear procedures	ensure the free movement toof goods	should establish clear procedures
		to ensure the free movement to	to ensure the free movement to	lawfully marketed in another Member	to ensure the free movement toof
		goods lawfully marketed in	goods lawfully marketed in	State and to ensure that free	goods lawfully marketed in
		another Member State and to	another Member State and to	movement can be restricted only	another Member State and to
		ensure that free movement can be	ensure that free movement can be	where Member States have legitimate	ensure that free movement can be

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.	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.
	RECITA	L 8			
G	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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.
	RECITA	L 9			
G	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

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

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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. The same applies to voluntary prior authorisation of goods, where it exists.
	RECITA	L 11			
G	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. 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. AM 6	38(1) of the Treaty.	To help identify which types of goods are subject to this Regulation, Tthe 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.
	RECITA	L 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 the person who produces goods which were not obtained by a manufacturing process, including agricultural products, as well as the person who presents himself as the producer of goods, such as agricultural products, which were not obtained by a manufacturing process.
	RECITA	L 13			
G	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.
	RECITA	L 14			
G	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.	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 being made available to end users in that Member State.
	RECITA	NL 14A			
G	23a		14a 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		14a 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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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. AM 8		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.
	RECITA	AL 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	(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,	costs for economic operators,	operators, while preventing national	costs for economic operators,
	while preventing national	while preventing national	authorities from obtaining the	while preventing national
	authorities from obtaining the	authorities from obtaining the	information necessary for assessing	authorities from obtaining the
	information necessary for	information necessary for	the goods in a timely manner. This	information necessary for
	assessing the goods in a timely	assessing the goods in a timely	may inhibit application of the mutual	assessing the goods in a timely
	manner. This may inhibit	manner. This may inhibit	recognition principle. It is therefore	manner. This may inhibit
	application of the mutual	application of the mutual	essential to make it easier for	application of the mutual
	recognition principle. It is	recognition principle. It is	economic operators to demonstrate	recognition principle. It is
	therefore essential to make it	therefore essential to make it	that their goods are lawfully marketed	therefore essential to make it
	easier for economic operators to	easier for economic operators to	in another Member State. Economic	easier for economic operators to
	demonstrate that their goods are	demonstrate that their goods are	operators should be able to benefit	demonstrate that their goods are
	lawfully marketed in another	lawfully marketed in another	from a process of self-declaration,	lawfully marketed in another
	Member State. Economic	Member State. Economic	which should provide competent	Member State. Economic
	operators should be able to benefit	operators should be able to benefit	authorities with all necessary	operators should be able to benefit
	from a process of self-declaration,	from a process of self-declaration,	information on the goods and on their	from a process of self-declaration,
	which should provide competent	which should provide competent	compliance with the rules applicable	which should provide competent
	authorities with all necessary	authorities with all necessary	in that other Member State. The use	authorities with all necessary
	information on the goods and on	information on the goods and on	of the declaration does not prevent	information on the goods and on
	their compliance with the rules	their compliance with the rules	national authorities from taking aan	their compliance with the rules
	applicable in that other Member	applicable in that other Member	administrative decision restricting	applicable in that other Member
	State. The use of the declaration	State. The use of the <i>voluntary</i>	market access, on the condition that	State. The use of the <u>voluntary</u>
	does not prevent national	declaration does not prevent	such a decision is proportionate and	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, justified and respects the mutual recognition principle and this Regulation.	respects the mutual recognition principle and this Regulation.	national authorities from taking aan administrative decision restricting market access, on the condition that such a decision is proportionate, justified and respects the mutual recognition principle and this Regulation.	
	RECITA	L 16				
G	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 <i>authorised</i> 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	G

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

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
					declaration and is able to supply the necessary evidence to verify it.
	RECITA	L 17			
G	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
RECITA	AL 18	•		
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 <i>and truthful</i> , 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.	(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.
RECITA	AL 19			
28				

		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.	
	RECITA	L 20				
G	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	G

		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 <i>and encouraged</i> to make their declaration available online <i>and in a secure way</i> . 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.
	RECITA	L 20A			
G	29a		20a 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.		20a 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.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 13		
	RECITA	L 20B			
G	29b		20b 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.		EP text moved to recital 1a

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 14		
	RECITA	L 21			
		(21) This Regulation should also	(21) This Regulation should also	(21) This Regulation should also	(21) This Regulation should also
		apply to goods in respect of which	apply to goods in respect of which	apply to goods in respect of which	apply to goods in respect of which
		only some aspects are covered by	only some aspects are covered by	only some aspects are covered by	only some aspects are covered by
		Union harmonisation legislation.	Union harmonisation legislation.	Union harmonisation legislation.	Union harmonisation legislation.
		Where, pursuant to Union	Where, pursuant to Union	Where, pursuant to Union	Where, pursuant to Union
		harmonisation legislation,	harmonisation legislation,	harmonisation legislation, economic	harmonisation legislation,
G	30	economic operators are required	economic operators are required	operators are required to draw up an	economic operators are required 6
		to draw up an EU declaration of	to draw up an EU declaration of	EU declaration of conformity to	to draw up an EU declaration of
		conformity to demonstrate	conformity to demonstrate	demonstrate compliance with that	conformity to demonstrate
		compliance with that legislation, it	compliance with that legislation, it	legislation, it should be permissible	compliance with that legislation, it
		should be permissible for the	should be permissible for the	for the information provided in the	should be permissible for the
		information provided in the	information provided in the	mutual recognition declaration under	information provided in the
		mutual recognition declaration	mutual recognition declaration	this Regulation to be included as part	mutual recognition declaration
		under this Regulation to be	under this Regulation to be	of thatattached to the EU declaration	under this Regulation to be
		included as part of that EU	included as part of that EU	of conformity.	included as part of thatattached to

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Regulation. AM 15		
RECITA	AL 22A			
6 31a		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 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 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.

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the adoption of such a national	the adoption of such a national	the principle of mutual recognition is	that, following the adoption of
	technical regulation, the principle	technical regulation, the principle	correctly applied in individual cases	such a national technical
	of mutual recognition is correctly	of mutual recognition is correctly	to specific goods. This Regulation	regulation, the principle of mutual
	applied in individual cases to	applied in individual cases to	should lay down procedures for the	recognition is correctly applied in
	specific goods. This Regulation	specific goods. This Regulation	application of the mutual recognition	individual cases to specific goods.
	should lay down procedures for	should lay down procedures for	principle in individual cases by, for	This Regulation should lay down
	the application of the mutual	the application of the mutual	example, requiring Member States to	procedures for the application of
	recognition principle in individual	recognition principle in individual	indicate the national technical rules	the mutual recognition principle in
	cases by, for example, requiring	cases by, for example, requiring	on which the administrative decision	individual cases by, for example,
	Member States to indicate the	Member States to indicate the	is based and the legitimate public	requiring Member States to
	national technical rules on which	national technical rules on which	interest ground justifying the	indicate the national technical
	the administrative decision is	the administrative decision is	applicable national technical rule	rules on which the administrative
	based and the legitimate public	based and the legitimate public	on which the administrative decision	decision is based and the
	interest ground on which the	interest ground on which the	is justifiedbased. This requirement	legitimate public interest ground
	administrative decision is	administrative decision is	does not, however, oblige Member	on which the administrative
	justified. This requirement does	justified. This requirement does	States to justify the national technical	decision is justified justifying-
	not, however, oblige Member	not, however, oblige Member	rule itself, but rather the application	This requirement does not,
	States to justify the national	States to justify the national	of that national technical rule with	however, oblige Member States to
	technical rule itself, but rather the	technical rule itself, but rather the	respect to a productgood lawfully	justify the national technical rule
	application of that national	application of that national	marketed in another Member State.	itself, but rather the application of
	technical rule with respect to a	technical rule with respect to a	In most of the cases the	that national technical rule with
	product lawfully marketed in	product lawfully marketed in	proportionality of the national	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. 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. (addition depends on deletion of Council last sentence in article 1)
	RECITA	L 24			
G	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	goods already lawfully marketed	for goods already lawfully marketed	market access for goods already
	in another Member State should	in another Member State should	in another Member State should be an	lawfully marketed in another
	be an exception to the	be an exception to the	exception to the fundamental	Member State should be an
	fundamental principle of free	fundamental principle of free	principle of free movement of goods,	exception to the fundamental
	movement of goods, it is	movement of goods, it is	it is appropriate to establish a clear	principle of free movement of
	appropriate to establish a clear	appropriate to establish a clear	procedure-designed to ensure that	goods, it is necessary appropriate
	procedure designed to ensure that	procedure designed to ensure that	such decisions to determine whether	to establish a clear procedure
	such decisions observe the	such decisions observe the	such goods are lawfully marketed	designed to ensure that such
	existing obligations deriving from	existing obligations deriving from	in that Member State and, if so,	decisions observe the existing
	the mutual recognition principle.	the mutual recognition principle.	that Member States observe the	obligations deriving from the
	Such procedure ensures that	Such procedure ensures that	existing obligations deriving from the	mutual recognition principle. For
	decisions taken are proportionate	decisions taken are proportionate	mutual recognition principle. Such	this purpose it is appropriate to
	and respect the mutual recognition	and respect the mutual recognition	procedure ensures that should ensure	establish a clear procedure to
	principle and this Regulation.	principle and this Regulation.	that administrative decisions taken	determine whether goods are
			are proportionate and respect the	lawfully marketed in the <u>that</u>
			mutual recognition principle and this	Member State and, if so,
			Regulation. When observing those	whether the legitimate public
			obligations, Member States should	interests covered by the
			be able to ensure that their	applicable national technical
			legitimate public interests are	rule of the Member State of
			adequately protected, in	destination are adequately
			accordance with Article 36 of the	protected, in accordance with

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Treaty and the case law of the Court of Justice.	Article 36 of the Treaty and the case law of the Court of Justice. Such procedure ensures that should ensure that administrative decisions taken are proportionate and respect the mutual recognition principle and this Regulation.
	RECITA	L 25			
G	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 andor 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, 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. AM 17	userspersons 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.	andor health of 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.	
	RECITA	L 26				
G	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	G

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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).	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).
	RECITA	L 27			
G	36				6

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(27) Directive 2001/95/EC of the			
	European Parliament and of the			
	Council ¹ specifies that only safe			
	products may be placed on the	products may be placed on the	products may be placed on the market	products may be placed on the
	market and lays down the	market and lays down the	and lays down the obligations of	market and lays down the
	obligations of producers and	obligations of producers and	producers and distributors with	obligations of producers and
	distributors with respect to the	distributors with respect to the	respect to the safety of products. It	distributors with respect to the
	safety of products. It entitles the	safety of products. It entitles the	entitles the authorities to ban any	safety of products. It entitles the
	authorities to ban any dangerous	authorities to ban any dangerous	dangerous product with immediate	authorities to ban any dangerous
	product with immediate effect or,	product with immediate effect or,	effect or, for the period needed for the	product with immediate effect or,
	for the period needed for the	for the period needed for the	various safety evaluations, checks and	for the period needed for the
	various safety evaluations, checks	various safety evaluations, checks	controls, to ban temporarily a product	various safety evaluations, checks
	and controls, to ban temporarily a	and controls, to ban temporarily a	that could be dangerous. It also	and controls, to ban temporarily a
	product that could be dangerous.	product that could be dangerous.	describes the procedure for	product that could be dangerous.
	It also describes the procedure for	It also describes the procedure for	authorities to apply appropriate	It also describes the procedure for
	authorities to apply appropriate	authorities to apply appropriate	measures such as those referred to in	authorities to apply appropriate
	measures such as those referred to	measures such as those referred to	Article 8(1)(b) to (f) thereof, in case	measures such as those referred to
	in Article 8(1)(b) to (f) thereof, in	in Article 8(1)(b) to (f) thereof, in	of products posing a risk, and it also	in Article 8(1)(b) to (f) thereof, in
	case of products posing a risk, and	case of products posing a risk, and	establishes the obligation to notify	case of products posing a risk, and
	it also establishes the obligation to	it also establishes the obligation to	those measures to the Commission	it also establishes the obligation to
	notify those measures to the	notify those measures to the	and other Member States. Therefore,	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.
	RECITA	L 28			
G	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 Council ¹	Parliament and of the Council ¹	Council ¹ establishes, inter alia, a	Parliament and of the Council ¹
	establishes, inter alia, a rapid alert	establishes, inter alia, a rapid alert	rapid alert system for the notification	establishes, inter alia, a rapid alert
	system for the notification of a	system for the notification of a	of a direct or indirect risk to human	system for the notification of a
	direct or indirect risk to human	direct or indirect risk to human	health deriving from food or feed. It	direct or indirect risk to human
	health deriving from food or feed.	health deriving from food or feed.	obliges Member States to notify the	health deriving from food or feed.
	It obliges Member States to notify	It obliges Member States to notify	Commission immediately, under the	It obliges Member States to notify
	the Commission immediately,	the Commission immediately,	rapid alert system of any measure	the Commission immediately,
	under the rapid alert system of any	under the rapid alert system of any	they adopt which is aimed at	under the rapid alert system of any
	measure they adopt which is	measure they adopt which is	restricting the placing on the market	measure they adopt which is
	aimed at restricting the placing on	aimed at restricting the placing on	of, withdrawing or recalling food or	aimed at restricting the placing on
	the market of, withdrawing or	the market of, withdrawing or	feed in order to protect human health,	the market of, withdrawing or
	recalling food or feed in order to	recalling food or feed in order to	and which requires rapid action.	recalling food or feed in order to
	protect human health, and which	protect human health, and which	Competent authorities should be able	protect human health, and which
	requires rapid action. Competent	requires rapid action. Competent	to continue applying that Regulation	requires rapid action. Competent
	authorities should be able to	authorities should be able to	and in particular the provisions	authorities should be able to
	continue applying that Regulation	continue applying that Regulation	contained in Articles 50 (3) and 54 of	continue applying that Regulation
	and in particular the provisions	and in particular the provisions	that Regulation.	and in particular the provisions
	contained in Articles 50 (3) and	contained in Articles 50 (3) and		contained in Articles 50 (3) and
	54 of that Regulation.	54 of that Regulation.		54 of that Regulation.
			1. OJ L 31, 1.2.2002,p 1.	

		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.
	RECITA	L 29			
G	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.	(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.	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.	(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,	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,	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)	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, the Council, (EC) No 396/2005, (EC) No 1069/2009, 1/2005 and (EC) No 1107/2009, (EU) No 1151/2012, the Council Directives (EU) No 652/2014, (EU) 2016/429 and 43/EC, (EU) 2016/2031 of the European C, and repealing Parliament and of the Council, Council
1/2005 and (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European
(EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European
43/EC, (EU) 2016/2031 of the European
C and renealing Parliament and of the Council Council
C, and repeating Farnament and of the Council, Council
4 and (EC) No Regulations (EC) No 1/2005 and (EC) No
liament and of 1099/2009 and Council Directives
es 89/608/EEC, 98/58/EC, 1999/74/EC, 2007/43/EC,
/496/EEC, 2008/119/EC and 2008/120/EC, and
8/EC and repealing Regulations (EC) No 854/2004
C (Official and (EC) No 882/2004 of the European
5, 7.4.2017, p. 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
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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	RECITA	L 29A			
G	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 1308/201² 3in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Counc³ iland 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 1308/201² 3in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Counc³ iland 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
	Commission Proposal	EP Mandate	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	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
			Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No	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).
	RECITA	L 30			
G	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 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 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 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.
	RECITA	L 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	Ī
		economic operators wishing for a	economic operators wishing for a	operators wishing for a business	economic operators wishing for a	
		business friendly alternative when	business friendly alternative when	friendly alternative when challenging	business friendly alternative when	
		challenging administrative	challenging administrative	administrative decisions denying or	challenging administrative	
		decisions denying or restricting	decisions denying or restricting	restricting market access are essential	decisions denying or restricting	
		market access are essential to	market access are essential to	to ensure a correct and consistent	market access are essential to	
		ensure a correct and consistent	ensure a correct and consistent	application of the mutual recognition	ensure a correct and consistent	
		application of the mutual	application of the mutual	principle. In order to guarantee such	application of the mutual	
		recognition principle. In order to	recognition principle. In order to	solutions, and to avoid legal costs,	recognition principle. In order to	
		guarantee such solutions, and to	guarantee such solutions, and to	especially for SMEs, a non-judicial	guarantee such solutions, and to	
		avoid legal costs, especially for	avoid legal costs, especially for	problem -solving procedure should be	avoid legal costs, especially for	
		SMEs, a non-judicial problem -	SMEs, a non-judicial problem -	available for economic operators.	SMEs, a non-judicial problem -	
		solving procedure should be	solving procedure should be		solving procedure should be	
		available for economic operators.	available for economic operators.		available for economic operators.	
	RECITA	L 32				
		(32) The Internal Market Problem	(32) The Internal Market Problem	(32) The Internal Market Problem	(32) The Internal Market Problem	
G	41	Solving Network (SOLVIT) is a	Solving Network (SOLVIT) is a	Solving Network (SOLVIT) is a	Solving Network (SOLVIT) is a	G
		service provided by the national	service provided by the national	service provided by the national	service provided by the national	
		administration in each Member	administration in each Member	administration in each Member State	administration in each Member	
		State aiming to find solutions for	State aiming to find solutions for	aiming to find solutions for citizens	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/EU ¹ .	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/EU ¹ . Each Member State and the	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/EU ¹ .	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/EU ¹ ₂ according to which each
1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).	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	1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).	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.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).		1. Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).
	RECITA	L 33			
G	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 the potential to be an effective non-judicial, problem-solving mechanism that is	(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 is 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	provided free of charge. It works	under short deadlines and provides	charge. It works under short
	deadlines and provides practical	under short deadlines and	practical solutions to citizens and	deadlines and provides practical
	solutions to citizens and	provides practical solutions to	businesses when they are	solutions to citizens and
	businesses when they are	citizens and businesses when they	experiencing difficulties with their	businesses when they are
	experiencing difficulties with their	are experiencing difficulties with	Union rights being recognised by	experiencing difficulties with their
	Union rights being recognised by	their Union rights being	public authorities. Therefore,	Union rights being recognised by
	public authorities. Therefore,	recognised by public authorities.	economic operators should have to	public authorities. Therefore,
	economic operators should have	Therefore, economic operators	rely on SOLVIT first before the	economic operators should have
	to rely on SOLVIT first before the	should have to rely on SOLVIT	problem-solving mechanism under	to rely on SOLVIT first before the
	problem-solving mechanism	first before the problem-solving	this Regulation can be triggered.	problem-solving mechanism
	under this Regulation can be	mechanism under this Regulation	Where the economic operator, the	under this Regulation can be
	triggered. Where the economic	can be triggered. Where the	relevant SOLVIT centre and the	triggered. Where the economic
	operator, the relevant SOLVIT	economic operator, the relevant	involved Member States in question	operator, the relevant SOLVIT
	centre and the involved Member	SOLVIT centre and the involved	all agree on the appropriate outcome,	centre and the involved Member
	States in question all agree on the	Member States in question all	no further action should be required.	States in question all agree on the
	appropriate outcome, no further	agree on the appropriate outcome,		appropriate outcome, no further
	action should be required.	no further action should be		action should be required.
		required.	Recital 33 & 34 must be merged	
			necital 33 & 34 mast be merged	
		AM 21		

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

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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. AM 22		should not be included in the regular SOLVIT statistics.
	RECITA	L 34A			
R	43a		34a 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		Subject of the outcome of negotiations on Article 8

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.		
	RECITA	L 35			
G	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.
	RECITA	L 36			
G	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	internal market in goods that	market in goods that businesses, and	internal market in goods that
	businesses, and in particular	businesses, and in particular	in particular SMEs, can obtain	businesses, and in particular
	SMEs, can obtain reliable and	SMEs, can obtain reliable and	reliable and specific information	SMEs, can obtain reliable and
	specific information about the law	specific information about the law	about the law in force in a given	specific information about the law
	in force in a given Member State.	in force in a given Member State.	Member State. Product Contact	in force in a given Member State.
	Product Contact Points should	Product Contact Points should	Points should play an important role	Product Contact Points should
	play an important role in	play an important role in	in facilitating communication	play an important role in
	facilitating communication	facilitating communication	between national authorities and	facilitating communication
	between national authorities and	between national authorities and	economic operators, by disseminating	between national authorities and
	economic operators, by	economic operators, by	information about specific product	economic operators, by
	disseminating information about	disseminating information about	rules and how mutual recognition is	disseminating information about
	specific product rules and how	specific product rules and how	applied in their territory. Therefore, it	specific product rules and how
	mutual recognition is applied in	mutual recognition is applied in	is necessary to enhance the role of	mutual recognition is applied in
	their territory. Therefore, it is	their territory. Therefore, it is	Product Contact Points as the	their territory. Therefore, it is
	necessary to enhance the role of	necessary to enhance the role of	principal providers of information on	necessary to enhance the role of
	Product Contact Points as the	Product Contact Points as the	all product-related rules, including	Product Contact Points as the
	principal providers of information	principal providers of information	national rules covered by mutual	principal providers of information
	on all product-related rules,	on all product-related rules,	recognition.	on all product-related rules,
	including national rules covered	including national rules covered		including national rules covered
	by mutual recognition.	by mutual recognition.		by mutual recognition.

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

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
the quality criteria set out in that	that Regulation, and be subject to	the provision of any such	that Regulation, and be set out in
Regulation.	the quality criteria set out in that	information, including an	that Regulation. The tasks of
	Regulation.	electronic copy of or an electronic	Product Contact Points related
		link to the national technical rule,	to the provision of any such
		should be performed without	information, including an
	AM 24	prejudice to the national rules	electronic copy of or an
		governing their distribution.	electronic link online access to
		Furthermore, Product Contact	the national technical rule,
		Points should not be required to	should be performed without
		provide copies of or electronic links	prejudice to the national rules
		to standards which are subject to	governing their distribution.
		the quality criteria set out in that	Furthermore, Product Contact
		Regulationintellectual property	Points should not be required to
		rights of standardisation bodies	provide copies of or electronic
		and organisations.	links online access 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	L 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. The Union should finance activities aiming at enhancing this cooperation between competent authorities such as trainings and exchanges of good practices.	(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		
	RECITA	AL 39			
G	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.
	RECITA	AL 40			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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 Council ¹ .	(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 Council ¹ .	(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 Council ¹ .	(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 Council ¹ .
		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.	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.	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.	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
RECITA	NL 41			
6 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 Council¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council², 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 Council¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council², 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 Council¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council², 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 Council¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council², 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
	RECITA	L 42			
O	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.
	RECITA	L 43			
G	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. trade associations and economic operators. AM 26	recognition principle and ensuring that this Regulation is applied correctly and consistently, theprovision should be made for Union should financefinancing 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, theprovision should be made for Union should financefinancing of awareness-raising campaigns, trainings, exchange of officials and other related activities aiming at enhancing and supporting trust and cooperation between competent authorities, Product contact points, trade associations and economic operators.
	RECITA	L 44			
G	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.
	RECITA	L 45			
G	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
	RECITA	L 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
	RECITA	L 47			
G	56				

		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.	
	RECITA	L 48				
G	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	G

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

		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.
	RECITA	L 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	(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	(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	(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
G	30	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	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	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	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.	
	FORMU	JLA				
G	59	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	G
	CHAPTE	ER 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
	ARTICL	E 1			
R	61	Article 1 Subject matter			
	ARTICL	E 1-PARAGRAPH -1			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R	61a		-1 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. 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 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.
	ARTICL	E 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	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 subject to Articles 34 of the Treaty, which are lawfully marketed in another Member State and subject to Articles 34 and 36 of the Treaty.
ARTI	CLE 1-PARAGRAPH			
6 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
	ARTICL	E 2			
G	64	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope
	ARTICL	E 2-PARAGRAPH 1 - INTRODUCTORY	PART		
G	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 within the meaning of the second subparagraph of Article 38(1) of

		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 <i>both of</i> the following criteria:	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:	the Treaty, 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 administrative decision meets both of the following criteria:
	ARTICL	E 2-PARAGRAPH 1-POINT A			
G	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 administrative decision is a national technical rule applicable in the Member State of destination;

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	ARTICL	E 2-PARAGRAPH 1-POINT B]
G	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 <i>administrative</i> decision is to deny or restrict market access in the Member State of destination.	G
	ARTICL	E 2-PARAGRAPH 2				
G	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</u> <u>based on a national technical</u>	G

	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 decisionthat referred to in point (b) of paragraph 1.	rule and has the same or substantially the same legal effect as a decision that referred to in point (b) of paragraph 1.
ARTIC	CLE 2-PARAGRAPH 3 - INTRODUCTORY	PART		
G 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:
ARTIC	CLE 2-PARAGRAPH 3-POINT A			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	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 isgoods or aspects of goods that are 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;	G
	ARTICL	E 2-PARAGRAPH 3-POINT B				
G	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 <i>domestie</i> 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 <i>domestic</i> 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	G

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		available on that market;	available on that market; AM 29	market;	available on that market;
	ARTICL	E 2-PARAGRAPH 3-POINT C - INTROD	UCTORY PART		
G	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:
	ARTICL	E 2-PARAGRAPH 3-POINT C-POINT I			
G	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;
	ARTICL	E 2-PARAGRAPH 3-POINT C-POINT II			
G	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 <i>domestic</i> -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 <i>domestic</i> market in that Member State.	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 <i>domestie</i> -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 <i>domestie</i> market in that Member State.
	ARTICL	E 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

		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.	
	ARTICL	E 2-PARAGRAPH 4A				
Y	75a		4a This Regulation is without prejudice to the Directive (EU) 2015/1535 and the obligation to notify draft national technical regulations to the Commission		4a 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	¥

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and the Member States prior to their adoption. AM 31 In the EP Report Article 2 - Paragraph 4 - new subparagraph. Automatically renumbered - No change of substance.		Commission and the Member States prior to their adoption pursuant to Directive (EU) 2015/1535.
	ARTICL	E 2-PARAGRAPH 4B			
Ğ	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.	
Ī	ARTICLI	E 2-PARAGRAPH 5			
G	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 beshall 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 be shall be considered 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.
	ARTICL	E 2-PARAGRAPH 6 - INTRODUCTORY	PART		
G	77	6. This Regulation does not apply to:			
	ARTICL	E 2-PARAGRAPH 6-POINT A			
G	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			
(b) decisions of a judicial naturation 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.	taken by law enforcement authorities in the course of the	(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.

		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:	7. Articles 5 and 6 shall not affect the—application of the following provisions:	G
	ARTICL	E 2-PARAGRAPH 7-POINT A				
G	81	(a) Article 8(1)(d) to (f) or Article 8(3) of Directive 2001/95/EC;	(a) Article 8(1)(d) to (f) orand Article 8(3) of Directive 2001/95/EC; AM 32	(a) Article 8(1)(d) to (f) or8(1)(b) to (f) and Article 8(3) of Directive 2001/95/EC;	(a) Article 8(1)(d) to (f) or 8(1)(b) to (f) and Article 8(3) of Directive 2001/95/EC;	G
	ARTICL	E 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;
	ARTICL	E 2-PARAGRAPH 7-POINT C			
G	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- <u>;</u>
	ARTICL	E 2-PARAGRAPH 7 - INTRODUCTORY	PART-POINT CA		
G	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
	ARTICL	E 3			
G	84	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions
	ARTICL	E 3-PARAGRAPH - INTRODUCTORY PA	ART		
G	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
Δ	ARTICL	E 3-PARAGRAPH-POINT 1			
G 8	36	(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 or are not subject to any rules in that Member State, and are made available to end users in that Member State;
Δ	ARTICL	E 3-PARAGRAPH-POINT 2			
6 8	37				

		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;	(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;
	ARTICL	E 3-PARAGRAPH-POINT 3			
G	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 <i>domestie</i> 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 <i>domestie</i> 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;
	ARTICL	E 3-PARAGRAPH-POINT 4 - INTRODU	CTORY PART		
G	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
	ARTICL	E 3-PARAGRAPH-POINT 4-POINT A			
G	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;
	ARTICL	E 3-PARAGRAPH-POINT 4-POINT B			
G	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;	
	ARTICL	E 3-PARAGRAPH - INTRODUCTORY P.	ART-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
	ARTICL	E 3-PARAGRAPH - INTRODUCTORY PA	ART-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;
ARTIC	CLE 3-PARAGRAPH-POINT 5			
6 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;	(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 givegives 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
ARTIC	LE 3-PARAGRAPH-POINT 6			
	(6) 'producer' means any natural	(6) 'producer' means any natural	(6) 'producer' means: (a) any natural	(6) 'producer' means: (a) any
	or legal person who manufactures	or legal person who manufactures	or legal person who manufactures the	natural or legal person who
	the goods or has the goods	the goods or has the goods	goods or has the goods designed or	manufactures the goods or has the
	designed or manufactured, and	designed or manufactured, and	manufactured, or who produces	goods designed or manufactured,
	markets them under his name or	markets them under his name or	goods which were not obtained by a	or who produces goods which
	trademark, or any other natural or	trademark, <u>any natural or legal</u>	manufacturing process, and markets	were not obtained by a
93	legal person who, by putting his	person who modifies goods	them under his name or trademark, or	manufacturing process,
75	name, trademark or other	already lawfully marketed in a	(b) any natural or legal person who	including agricultural products,
	distinguishing feature on the	Member State in such a way that	modifies goods already lawfully	and markets them under his name
	goods presents himself as its	compliance with the relevant	marketed in a Member State in	or trademark, or (b) any natural
	producer;	rules applicable in that Member	such a way that compliance with	or legal person who modifies
		State might be affected, or any	the relevant rules applicable in that	goods already lawfully marketed
		other natural or legal person who,	Member State may be affected, or	in a Member State in such a way
		by putting his name, trademark or	(c) any other natural or legal person	that compliance with the relevant
		other distinguishing feature on the	who, by putting his name, trademark	rules applicable in that Member
		goods, including agricultural	or other distinguishing feature on the	State may be affected, or (c) any

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			products, which were not obtained by a manufacturing process, 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 <i>or on the accompanying documents</i> presents himself as its producer;
	ARTICL	E 3-PARAGRAPH-POINT 7			
G	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 <i>domestic</i> -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 <i>domestic</i> -market in question;

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 38		
	ARTICL	E 3-PARAGRAPH-POINT 8			
G	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 inwithin 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 inwithin the Union who makes the goods from a third country available on the Union market for the first time;
	ARTICL	E 3-PARAGRAPH-POINT 9			
G	96				G

	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 <i>domestic</i> -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;
AF	RTICLE 3-PARAGRAPH-POINT 10			
s 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
	ARTICL	E 3-PARAGRAPH-POINT 11			
G	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;
	ARTICL	E 3-PARAGRAPH-POINT 12			
G	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.
	ARTICL	E 3-PARAGRAPH - INTRODUCTORY PA	ART-POINT 12A		
G	99a		12a 'conformity assessment body' means conformity assessment body as defined in point 13 of Article 2 of Regulation (EC) 765/2008. AM 40		12a 'conformity assessment body' means conformity assessment body as defined in point 13 of Article 2 of Regulation (EC) 765/2008.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	ARTICL	E 3-PARAGRAPH - INTRODUCTORY PA	ART-POINT 12B			
G	99b		12b 'serious risk' means any serious risk, including those the effects of which are not immediate, requiring rapid intervention by the public authorities. AM 41		delete	G
	СНАРТ	ER II				
G	100	Chapter II	Chapter II	Chapter II	Chapter II	G

		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
	ARTICL	E 4			
G	101	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration	Article 4 Mutual recognition declaration
	ARTICL	E 4-PARAGRAPH 1-SUBPARAGRAPH :	1		

		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.
	ARTICL	E 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 provided that the mandate explicitly mentions it.	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.
	ARTICL	E 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.	Alternatively, within the mutual recognition declaration, or the specific information of that declaration related to the marketing of the goods or type of goods may, however, be filled in by any economic operator, provided that the relevant signatory can supply the evidence supporting the information of that declaration. AM 44	WithinWhere 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.	G
	ARTICL	E 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].
	ARTICL	E 4-PARAGRAPH 2-SUBPARAGRAPH 2	2		
G	105	2. The mutual recognition	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.	
ART	CLE 4-PARAGRAPH 2-SUBPARAGRAPH			
6 106	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 completeddrawn 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 thea language or languages required by the Member State of destination.	The declaration shall be eompleteddrawn 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 thea language—or languages—required by the Member State of destination.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 45		
AR	RTICLE 4-PARAGRAPH 3			
c 10	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 who complete the declaration shall be responsible for the content and accuracy of the information, including translated information, that they themselves provide in the mutual recognition declaration. With this regard, economic operators shall be liable in accordance with national laws for providing declarations containing false or misleading information.	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 who sign the declaration or a part of it 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. For the purpose of this paragraph, economic operators shall be liable in accordance with national laws.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 46		
	ARTICL	E 4-PARAGRAPH 4			
G	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.
	ARTICL	E 4-PARAGRAPH 5			
G	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</u> <u>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</u> <u>made available online</u> in accordance with the requirements of the Member State of destination.
	ARTICL	E 4-PARAGRAPH 6 - INTRODUCTORY	PART		
G	110	6. Economic operators may make the declaration available on a website, provided that the following conditions are satisfied:	6. Where economic operators may make the declaration available on a website online, provided that the following conditions are shall be satisfied:	6. Where economic operators may make the declaration available on a websiteonline, provided that the following conditions areshall be satisfied:	6. Where economic operators may make the declaration available on a websiteonline, provided that the following conditions are shall be satisfied:

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 48		
	ARTICL	E 4-PARAGRAPH 6-POINT A			
G	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;
	ARTICL	E 4-PARAGRAPH 6-POINT B			
G	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 istechnical means used ensure easy navigation and are monitored to ensure the availability of and access to the	(b) the website istechnical 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.;
	ARTICL	E 4-PARAGRAPH 6-POINT C			
G	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
	ARTICL	E 4-PARAGRAPH 7 - INTRODUCTORY	PART		
G	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:		
ARTI	CLE 4-PARAGRAPH 7-POINT A			
6 115	(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 supporting evidence 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	deleted Moved to Article 5	deleted Agreed to move to Article 5

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICL	E 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	deleted Agreed to move to Article 5
	ARTICL	E 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	deleted

		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 relevant economic operators operator 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:	Moved to Article 5	Agreed to move to Article 5
	ARTICL	E 4-PARAGRAPH 8-POINT A			
G	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 that is necessary for the assessment; AM 51	Moved to Article 5	Agreed to move to Article 5
	ARTICL	E 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 that is necessary for the assessment; AM 52	deleted Moved to Article 5	deleted Agreed to move to Article 5
	ARTICL	E 4-PARAGRAPH 8-POINT C			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	120	(c) any other information the competent authority considers useful for the purposes of its assessment.	(c) any other relevant information the competent authority considers useful necessary for the purposes of its assessment, provided that such requests are duly justified. AM 53	deleted Moved to Article 5	deleted Agreed to move to Article 5	G
	ARTICL	E 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	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	G

		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 thatattached to the EU declaration of conformity. AM 54	thatattached to the EU declaration of conformity.	may be <i>included as part of</i> thatattached to the EU declaration of conformity.
	ARTICL	E 5			
Y	122	Article 5 Assessment of goods	Article 5 Assessment of goods	Article 5 Assessment of goods	Article 5 Assessment of goods
	ARTICL	E 5-PARAGRAPH 1			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Υ	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 the goods.	1. Where a competent authority of a the Member State of destination has reasonable has doubts as regards to whether goods which the economic operator claims that are made available or are going to be made available on its market are lawfully marketed in another Member State, the competent authority shall contact the competent authority of that other Member State and the relevant economic operator without delay and shall carry out an assessment of the goods.	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 regards of 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 elaims without 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 the goods. (subject to general agreement on this article)

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				without delay and shall carry out an assessment the goods also inform the economic operator of the possibility to supply a mutual recognition declaration in accordance with the requirements of Article 4.	
	ARTICL	E 5-PARAGRAPH 1A			
G	123a		la 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		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
Commission Proposal	Protected having regard to the characteristics of the goods in question. AM 56 In the EP Report Article 5 - Paragraph 1 - new subparagraph. Automatically renumbered - No change of substance.	Council Mandate	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
ADTIG				the purpose of the abovementioned assessment.
ARTIC	LE 5-PARAGRAPH 1B			
6 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.	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 under paragraph 1 and may continue to do so unless an administrative decision to restrict or deny market access for those goods is received. This provision shall not apply 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.
ART	CLE 5-PARAGRAPH 1C			
G 123			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:

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTIC	LE 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 relevant economic operators operator to provide the following relevant documentation and relevant information, concerning that is necessary for the assessment, concerning in order to demonstrate for the

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				necessary for the purposes of its assessment, provided that such requests are duly justified.
ARTI	CLE 5-PARAGRAPH 1E			
6 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.	
Al	RTICLE	5-PARAGRAPH 1F			
G 12	23f			If 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.
	ARTICL	E 5-PARAGRAPH 2			
G	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.	
	ARTICL	E 5-PARAGRAPH 3				
G	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,	G

		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 without delay and no later than within 2015 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.	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 without delay within 20 working days to the relevant economic operator referred to in paragraph 1., to the Commission and to the other Member States. Notification It shall also notify its decision 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.
G	ARTICL	E 5-PARAGRAPH 4			
		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 enablefacilitate 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 enablefacilitate an assessment to be made of its compatibility with the mutual recognition principle and with the requirements of this Regulation.
	ARTICL	E 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
	ARTICL	E 5-PARAGRAPH 5-POINT A			
Ğ	128	(a) the national technical rule on which the decision is based;	(a) the national technical rule on which the decision is based, including the date and the number of the notification of the draft of that technical rule pursuant to Directive (EU) 2015/1535; 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;
	ARTICL	E 5-PARAGRAPH 5-POINT B			
Ğ	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 justifying the application of the national technical rule on which the administrative decision is justified based; AM 60	ground justifying the applicable national technical rule on which the administrative decision is justifiedbased;	ground justifying the application of the national technical rule on which the administrative decision is justified based;
	ARTICL	E 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 adoptedcame into force;

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICL	E 5-PARAGRAPH 5-POINT D			
G	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;
	ARTICL	E 5-PARAGRAPH 5-POINT E			
G	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 <i>administrative</i> 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.
	ARTICL	E 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 <i>clearly</i> 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 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
	ARTICL	E 5-PARAGRAPH 7			
G	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.	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.
	ARTICL	E 6			
G	135	Article 6	Article 6	Article 6	Article 6
		Temporary suspension of market			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		access	access	access	access
	ARTICL	E 6-PARAGRAPH 1 - INTRODUCTORY	PART		
G	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 <i>shall notmay</i> temporarily suspend the making available of those goods on the <i>domestie</i> -market in that Member State, <i>exceptonly</i> in one or the other of the following situations:	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 notmay 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 <i>shall not may</i> temporarily suspend the making available of those goods on the <i>domestie</i> -market in that Member State, <i>except only</i> in one or the other of the following situations:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTIC	CLE 6-PARAGRAPH 1-POINT A			
6 137	(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;	(a) under normal or reasonably foreseeable conditions of use, the goods pose a serious risk to safety or health of users, 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 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 to safety or health of users, persons or to the environment, including one where the effects are not immediate, which requires rapid intervention by the competent authority;
ARTIC	CLE 6-PARAGRAPH 1-POINT B	l		
g 138				

		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 <i>domestie</i> -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 <i>domestic</i> market in that Member State is generally prohibited in that Member State on grounds of public morality or public security.
	ARTICL	E 6-PARAGRAPH 2			
Ğ	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 temporary suspension pursuant to

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		1. The notification to the	1. The notification to the	The notification to the Commission	paragraph 1. The notification to	
		Commission and other Member	Commission and other Member	and other Member States shall be	the Commission and other	
		States shall be made by means of	States shall be made by means of	made by means of the system referred	Member States shall be made by	
		the system referred to in Article	the system referred to in Article	to in Article 11. In cases falling	means of the system referred to in	
		11. In cases falling within point	11. In cases falling within point	within point (a) of paragraph 1 of this	Article 11. In cases falling within	
		(a) of paragraph 1 of this Article,	(a) of paragraph 1 of this Article,	Article, the notification shall be	point (a) of paragraph 1 of this	i
		the notification shall be	the notification shall be	accompanied by a technical or	Article, the notification shall be	i
		accompanied by a technical or	accompanied by a <u>detailed</u>	scientific justification demonstrating	accompanied by a <u>detailed</u>	i
		scientific justification	technical or scientific justification	why the case is considered to fall	technical or scientific justification	i
		demonstrating why the case is	demonstrating why the case is	within that point.	demonstrating why the case is	i
		considered to fall within that	considered to fall within that		considered to fall within that	
		point.	pointthat the goods pose a serious		point.	i
			<u>risk</u> .			
			AM 66			
						i
	ARTICL	E 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) or Rapid Alert System for Food and Feed (RASFF)
	ARTICL	E 7-PARAGRAPH 1 - INTRODUCTORY	PART		
G	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 <i>Directive 2001/95/EC or through</i>

		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 and to the other Member States under this Regulation is not required, provided that the following conditions are met: AM 67	as referred to in Regulation (EC) No 178/2002the 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:	the RASFF as referred to in Regulation (EC) No 178/2002the 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:
	ARTICL	E 7-PARAGRAPH 1-POINT A			
G	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 <i>or RASFF</i> notification indicates that notification of the measure also counts as notification under this Regulation;

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICL	E 7-PARAGRAPH 1-POINT B			
G	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—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 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_for the administrative decision under Article 5 or for the temporary suspension under Article 6 is enclosed with the RAPEX <i>or RASFF</i> notification.
	ARTICL	E 8			
G	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
ARTIC	LE 8-PARAGRAPH 1			
G 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 or the Lead Centre asks the Commission to give an opinion to assist in solving the case. SOLVIT home and lead centres as well as the economic	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 or the Lead Centre asks the Commission to give an opinion to assist in solving the case. SOLVIT Home and Lead Centres shall provide the

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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. AM 68		Commission with all relevant documents relative to the decision at stake.
	ARTICL	E 8-PARAGRAPH 2			
G	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	2. The Commission shall, within three months of receipt of the request referred to in paragraph 1, enter into communication without undue delay, consider the documents	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	2. After receiving the request referred to in paragraph 1, the Commission shall, without undue delay, assess the compatibility of the administrative decision with the principle of mutual
		authorities who took the	and information provided within	the competent authorities who took	recognition and this Regulation.

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
administrative decision in order to	the SOLVIT procedure in order	the administrative decision in order to	
assess the compatibility of the	to assess the compatibility of the	the Commission shall, without	
administrative decision with the	administrative decision with the	undue delay, assess the compatibility	
principle of mutual recognition	relevant economic operator or	of the administrative decision with	
and this Regulation.	operators and the competent	the principle of mutual recognition	
	authorities who took the	and this Regulation.	
	administrative decision in order to		
	assess the compatibility of the		
	administrative decisionprinciple		
	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 with the principle		
	of mutual recognition and this		
	Regulation relevant economic		
	operator or operators and the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		competent authorities. AM 69		
ARTIC	LE 8-PARAGRAPH 2A			
s 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 provided within obtained during the SOLVIT procedure. Where additional information or documents are necessary needed 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.	completingthe purposes of the assessment referred to in paragraph 2, the Commission shall, without undue delay, 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.	
	ARTICL	E 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 Within two months of receipt of the request referred to in paragraph 1the Commission mayshall complete	3. Following completion of its assessmentWithin six weeks of receipt of the request referred to in paragraph 1, the Commission mayshall issue an opinion. Where	3. Within 45 working days of receipt of the request referred to in paragraph 1, the Commission shall complete its assessment and issue an opinion. Where	Y

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in paragraph 2, the Commission is informed that the case is solved, it may decide not to issue an opinion. 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.
	ARTICL	E 8-PARAGRAPH 4			
G	148	4. The Commission's opinion shall be considered during the SOLVIT procedure referred to in	4. The Commission's opinion shall be eonsidered communicated to all parties involved in the case as well as to the Member State's	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.	competent authorities responsible for market control activities by means of the system referred to in Article 11. The opinion shall be taken into account during the SOLVIT procedure referred to in paragraph 1.	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. <i>The opinion shall be taken into account</i> during the SOLVIT procedure referred to in paragraph 1.
	ARTICL	E 8-PARAGRAPH 4A			
R	148a		4a 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		

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			In the EP Report Article 8 - Paragraph 4 - new subparagraph. Automatically renumbered - no change of substance.		
	ARTICL	E 8-PARAGRAPH 4B			
R	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.	
	CHAPTE	ER III			
G	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
	ARTICLI	E 9			
G	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
	ARTICL	E 9-PARAGRAPH 1			
G	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).
	ARTICL	E 9-PARAGRAPH 2 - INTRODUCTORY	PART		
G	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:
	ARTICL	E 9-PARAGRAPH 2-POINT A			
G	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;
	ARTICL	E 9-PARAGRAPH 2-POINT B			
G	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	
	ARTICL	E 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.	(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.	G
	ARTICL	E 9-PARAGRAPH 2A				
G	155a			2a Where, due to the complexity of		G

		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	
	ARTICL	E 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	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	G

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
А	RTICL	E 9-PARAGRAPH 4			
1.1	57	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.
А	RTICL	E 9-PARAGRAPH 5			
1	58	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
ARTICI	LE 10			
150	Article 10	Article 10	Article 10	Article 10
159	Administrative cooperation	Administrative cooperation	Administrative cooperation	Administrative cooperation
ARTICI	LE 10-PARAGRAPH 1			
	1. The Commission shall provide	1. The Commission shall provide	1. The Commission shall provide for	1. The Commission shall provide
160	for and ensure efficient	for and ensure efficient	and ensure efficient cooperation and	for and ensure efficient
160	cooperation and exchange of information between the	cooperation and exchange of information between the	exchange of information between the competent authorities and the Product	cooperation and exchange of information between the
	competent authorities and the	competent authorities and the	Contact Points of the various Member	competent authorities and the
	Product Contact Points of the	Product Contact Points of the	States.	Product Contact Points of the
				various Member States, by the

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Various Member States.	various Member States.	Council Mandate	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
ARTICL	E 10-PARAGRAPH 2			
6 161	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 relevant 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 relevant informationfor 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, tThe 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).
	ARTICL	E 10-PARAGRAPH 2A			
G	161a		2a 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		delete

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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		

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			programmes for authorities and businesses. AM 75		
	ARTICL	E 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. Each Member State shall inform the Commission of the identity of the representatives appointed from that Member State to the Group. Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1 and paragraph 2a.	3. Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1.	3. Each Member State shall inform the Commission of the identity of the representatives appointed from that Member State to the Group. Member States shall ensure that their competent authorities and Product Contact Points participate in the activities referred to in paragraph 1 and paragraph 2a.

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			AM 76		
	ARTICL	E 11			
G	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
	ARTICL	E 11-PARAGRAPH 1			
G	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 enforcementenforcement/Article 23 of Regulation(EC) No 765/2008] shall be used, except as provided in Article 7.	lawyer-linguists
,	ARTICL	E 11-PARAGRAPH 2			
G .	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).
	CHAPTI	ER IV			
G	166	Chapter IV Financing	Chapter IV Financing	Chapter IV Financing	Chapter IV Financing
	ARTICL	E 12			
	ARTICL	E 12			
G	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
	ARTICL	E 12-PARAGRAPH 1 - INTRODUCTOR	Y PART		
G	168	1. The Union may finance the following activities in support of this Regulation:	The Union mayshall finance the following activities in support of this Regulation: AM 77	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
	ARTICL	E 12-PARAGRAPH 1-POINT A			
G	169	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:	(a) awareness-raising campaigns:
	ARTICL	E 12-PARAGRAPH 1-POINT B			
G	170	(b) education and training;			
	ARTICL	E 12-PARAGRAPH 1-POINT C			
G	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;
	ARTICL	E 12-PARAGRAPH 1-POINT D			
G	172	(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 the technical and logistic support for this cooperationexchange of good practices;	(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;
	ARTICL	E 12-PARAGRAPH 1-POINT E			
G	173				6

		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.
	ARTICL	E 12-PARAGRAPH 2			
G	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).	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).	
	ARTICL	E 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.
	ARTICL	E 13			
G	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
	ARTICL	E 13-PARAGRAPH 1			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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	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	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	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
		wrongly paid and, where appropriate, by effective,	wrongly paid and, where appropriate, by effective,	proportionate and dissuasive administrative and financial penalties.	wrongly paid and, where appropriate, by effective,
		proportionate and dissuasive administrative and financial penalties.	proportionate and dissuasive administrative and financial penalties.		proportionate and dissuasive administrative and financial penalties.
		1			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	ARTICL	E 13-PARAGRAPH 2				
G	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.	G
	ARTICL	E 13-PARAGRAPH 3				
G	179					G

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—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. 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 i	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in agreement or grant decision or a contract funded under this 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the establishing whether there has been fraud, corruption or any other illegal activity affecting the interests of the Union in agreement or grant decision or a contract funded under this 2185/96² with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agreement or grant decision or a contract funded under this connection with a grant agr	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 Council ¹ and Council 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 Council ¹ and—Council	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 Council ¹ and– Council Regulation (Euratom, EC) No 2185/96 ² with a	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 Council ¹ and—Council
1. Regulation (EU, Euratom) No 883/2013 of	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	2185/96 ² 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	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.	2185/96 ² 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

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 onthe-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
A	ARTICLI	E 13-PARAGRAPH 4			
s 1	80	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
	СНАРТ	ER V			
G	181	Chapter V Review and Committee procedure			
	ARTICL	E 14			
G	182	Article 14 Evaluation	Article 14 Evaluation	Article 14 Evaluation	Article 14 Evaluation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTIC	LE 44 DADA CDADU 4			
ARTIC	LE 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 <i>fivetwo</i> 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 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 five years after the date of application], and every four 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.
ARTIC	LE 14-PARAGRAPH 2			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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.
		Tonits.	Tomes.		T Office.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTIC	LE 15			
185	Article 15	Article 15	Article 15	Article 15
	Committee procedure	Committee procedure	Committee procedure	Committee procedure
ARTIC	LE 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
	ARTICL	E 15-PARAGRAPH 2			
O	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.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
	СНАРТ	ER VI			
G	188	Chapter VI	Chapter VI	Chapter VI	Chapter VI
		Final provisions	Final provisions	Final provisions	Final provisions

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ARTICL	E 16			
C	189	Article 16 Repeal	Article 16 Repeal	Article 16 Repeal	Article 16 Repeal
	ARTICL	E 16-PARAGRAPH			
١	190	Regulation (EC) No 764/2008 is repealed.	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.
	ARTICLI	E 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
	ARTICLI	E 17-PARAGRAPH			
Ğ	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.
	ARTICL	E 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] 1 January 2020.	It shall apply from [Publications office, please insert the date 1 year after the date of entry into force] 1 January 2020.
	ARTICL	E 17-PARAGRAPH			
G	194				G

		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.
	FORMU	JLA			
G	195	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
	FORMU	JLA			
G	196	For the European Parliament			

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	FORMU	JLA			
G	197	The President	The President	The President	The President
	FORMU	JLA			
G	198	For the Council	For the Council	For the Council	For the Council
	FORMU	JLA			
G	199				G

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		The President	The President	The President	The President
	ANNEX				
G	200	ANNEX	ANNEX	ANNEX	ANNEX
	PARAG	RAPH - 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 - add full title in a footnote]

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	PARAG	RAPH - 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
	PARAG	RAPH-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 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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
					type of goods]	
	PARAG	RAPH - INTRODUCTORY PART-POINT	1A			
C	a 202a		1a Name and address of the economic operator drawing up the mutual recognition declaration AM 80		delete	G
	PARAG	RAPH-POINT 2				
C	203	2. Name and address of the producer or his authorised	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	G

		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 orand, 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 orand, where applicable, his authorised representative; or the importer, or the distributor]
	PARAG	RAPH-POINT 3			
G	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	
PAI	RAGRAPH-POINT 4 - INTRODUCTORY PAI	RT			
6 205	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 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
PAI	RAGRAPH-POINT 4-POINT 41	I			
a 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, <i>including their characteristics</i> , comply with the relevant rules applicable in the Member State identified below: The title, in each case, of the relevant rules applicable in that	4.1. The goods or type of goods described above comply with the relevantfollowing 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, including their characteristics, comply with the relevantfollowing 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].	
	PARAG	RAPH-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	G

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

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	PARAG	RAPH - INTRODUCTORY PART-POINT	4B		
G	207ь			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.
	PARAG	RAPH - 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.		
	PARAG	RAPH - INTRODUCTORY PART-POINT	4D			1
G	207d			4d Part II In the Council GA new Part. Automatically renumbered - no change of substance.	4d Part II	G
	PARAG	RAPH-POINT 5 - INTRODUCTORY PAR	RT			
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:	G

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	PARAG	RAPH-POINT 5-POINT 51				
G	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 athe 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 athe Member State indicated in point 4.1 .	G
	PARAG	RAPH-POINT 5-POINT 52				
G	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 thatthe 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 thatthe Member State, including details of the relevant Member State and indicated in point 4.1,	G

		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:	
	PARAG	RAPH-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 thatthe 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 thatthe Member State indicated in point 4.1:	G
	PARAG	RAPH-POINT 7 - INTRODUCTORY PAR	RT			
G	212					G

		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].
	PARAG	RAPH-POINT 7-PARAGRAPH			
G	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
	PARAG	RAPH-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):
	PARAG	RAPH-POINT 7-PARAGRAPH			
G	215	(name, function) (signature):	(name, function) (signature):	(name, function) (signature):	(name, function) (signature):
	PARAG	RAPH-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
	PARAG	RAPH-POINT 7-PARAGRAPH			
G	217	Signed for and on behalf of:	Signed for and on behalf of:	deleted	deleted
	PARAG	RAPH-POINT 7-PARAGRAPH			
G	218	(place and date of issue)	(place and date of issue)	deleted	deleted
	PARAG	RAPH-POINT 7-PARAGRAPH			
G	219	(name, function) (signature)	(name, function) (signature)	deleted	deleted