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NOTE

From: Presidency
To: Delegations
Subject: Presidency Discussion paper on the scope of SMEI Omnibus acts

With a view to the meeting of the Working Party on Technical Harmonisation (SMEI Omnibus) on 21 April 2023, delegations will find a Presidency NOTE in the Annex.

**Presidency Discussion paper on the scope of SMEI Omnibus acts
Summary of written submissions on included legal acts**

The Presidency appreciates the written positions and questions on scope submitted by Member States after the Working Party on 15 March 2023. The submissions have been circulated through Delegates Portal.

The Presidency has received specific feedback on the following legal acts:

- Cableway installations – Regulation (EU) 2016/424
- MS which questioned its inclusion cited, among other things, safety concerns.
- Fertilisers – Regulation (EU) 2019/1009
- MS which questioned its inclusion cited, among other things, proportionality and end-goal doubts in light of the legal act being selective harmonisation where governments still have the right to set national rules in parallel.
- Construction products – Regulation (EU) 305/2011
- MS which questioned its inclusion cited, among other things, sectorial specificities such as the long life-span of the products and the safety risks inherent in that, but also the different approach in the legal act which only harmonises performance measurement with MS setting national rules on usage.

- Transportable pressure equipment – Directive 2010/35/EU
- MS which questioned its inclusion cited, among other things, safety concerns.
- Pyrotechnic Articles – Directive 2013/29/EU
- MS which questioned its inclusion cited, among other things, safety concerns but also doubts about its crisis-relevance.
- Civil Explosives – Directive 2014/28/EU
- MS which questioned its inclusion cited, among other things, safety concerns.
- Non-automatic Weighing Instruments – Directive 2014/31/EU
- MS which questioned its inclusion cited doubts as to its crisis-relevance.
- Measuring Instruments – Directive 2014/32/EU
- MS which questioned its inclusion cited doubts as to its crisis-relevance.
- Lifts – Directive 2014/33/EU
- MS which provided feedback on its inclusion questioned whether it was possible to be more granular in which products would be subject to the application of the provisions.

Additionally, the Presidency received general questions from Member States about the method for selecting legal acts and one delegation has flagged questions about legal acts currently being revised (e.g. machinery).

The Presidency received no specific feedback from Member States on the following legal acts:

- Personal protective equipment (Regulation (EU) 2016/425)
- Gas appliances (Regulation (EU) 2016/426)
- Noise emission in the environment by equipment for use outdoors (Directive 2000/14/EC)
- Simple Pressure Vessels (Directive 2014/29/EU)

- Electromagnetic Compatibility (Directive 2014/30/EU)
- Equipment for potentially explosive atmospheres – ATEX (Directive 2014/34/EU)
- Low Voltage (Directive 2014/35/EU)
- Radio equipment (Directive 2014/53/EU)
- Pressure equipment (Directive 2014/68/EU).

The Presidency has not received any requests from Member States to include additional legal acts in the scope.