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WORKING PAPER

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REQUEST FOR INFORMATION

From:	IR delegation
To:	Working Party on Technical Harmonisation (Goods package)
Subject:	IR comments (following the WP meeting on 21 January)

Ireland Comments following Working Party Meeting 21 January 2019

WK-859-2019 – Article 4

Line 100 – Maintain Council General Approach.

Line 110A – Align the text with that in Decision 768/2008.

Line 111 – Maintain Council General Approach – cannot see the rationale behind narrowing the scope to only manufacturers or importers.

Line 113A – Delete as there should be no distinction between the market surveillance of products sold online or offline.

WK-860-2019 – Article 8

We would prefer to maintain the Council General Approach for this Article. However, we could accept the Presidency compromise text if the reference to products sold online was removed from Line 130. In addition, it may be better to use “highlighting” rather than “promoting” in Line 130 as the word “promoting” may be understood as encouraging non-compliance when the opposite is the case.

WK-861-2019 – Articles 11 and 12

Line 151 – Maintain the Council General Approach. The Single Liaison Office should not be responsible for national strategies but only for representing the coordinated position.

Line 152 – Maintain the Council General Approach – as with Article 4 there should not be a distinction between the market surveillance of products sold online or offline.

Line 154 – We can accept the Presidency compromise text.

Line 156 – Maintain the Council General Approach – as with Article 4 there should not be a distinction between the market surveillance of products sold online or offline.

Line 159 – We can accept the Presidency compromise text.

Line 164A and 164B – We could accept this provision as a “may” provision but, as stated previously, we would prefer the use of guidelines.

Line 168A – Delete.

Line 168B – Delete.

WK-862-2019 – Article 12b

We prefer the deletion of this Article but can accept the Swedish proposal to make this a “may” provision.

WK-864-2019 – Article 14

Line 195 – Delete the reference to “including access to software that controls the product”.

Line 201 – We can accept the Presidency compromise text.

Line 209K – Delete.

WK-884-2019 – Counterfeit Products

It is not the task of market surveillance authorities to deal with counterfeit products and any mention of counterfeit products should be removed from this Regulation.

WK-681-2019 – EP Compromise Text Article 9

As Germany mentioned in the Working Party, this Regulation deals only with harmonised products and products covered by Directive 2001/95/EC are not within the scope of the Regulation. Therefore this Article can be deleted unless Directive 2001/95/EC is added to the Annex.

WK-682-2019 – EP Compromise Text Article 13

Line 176 – Delete the wording, “take into account the priorities set out within the work programme of the Network established under Article 31”. Market surveillance strategies are a Member State competence and should not be dictated by the priorities of the Network. Also delete the reference to products sold online.

Line 177 – Maintain Council General Approach.

Line 178 – Maintain Council General Approach.

Line 179 – Maintain Council General Approach.

Line 179A – Maintain Council General Approach.

Line 181 – Maintain Council General Approach.

Line 182 – Maintain Council General Approach.

Line 183 – Maintain Council General Approach.

Line 184 – We can accept the compromise text apart from making market surveillance strategies public.