ACTION PLAN FOR THE FREE MOVEMENT OF INDUSTRIAL PRODUCTS

(approved by Trade Ministers
at the Euro-Mediterranean Conference of Palermo on 7 July 2003)

A/ OBJECTIVES

The following action plan defines a series of activities aimed at helping Mediterranean partners take up and implement the EC legislation in the field of technical regulations, standardisation, and conformity assessment.

The implementation of these activities will be monitored by the working group in charge of trade measures relevant to regional integration, in liaison with the working group on Euro-Mediterranean industrial co-operation.

The action plan should be put in the perspective of the creation of the Euro-Mediterranean Free Trade Area. It should also be seen in the light of the Commission Communication of 11 March 2003 on the new neighbourhood policy. The Communication is proposing to extend the benefits of the internal market to its neighbours, including Mediterranean partners.

To facilitate the access of Mediterranean partners to the internal market, the medium-term objective, if all necessary conditions are met, is to conclude bilateral agreements on specific sectors with the interested countries. The products covered by the agreements could enter the internal market freely, without additional testing and certification.

Agreements of this type were concluded with candidate countries over the past few years. The benefits were both economic and political. For the candidate countries, access to the internal market was improved, as their products were more competitive with those from EU Member States. The adoption of established common principles, which is in line with WTO objectives, was also an advantage for facilitating regional trade.

The conclusion of arrangements of this type is already envisaged in most bilateral Association Agreements concluded with the Mediterranean countries. It presupposes the approximation and implementation of the EC product legislation in the areas covered by the agreements.

B/ ACTION PLAN

The basic requirements for action in the field of the recognition of conformity assessment procedures cover two essential aspects:

- **legislative alignment**, and
- **infrastructure capacity**.

The following **six steps** should help focus co-operation in this area and maximise its impact on trade, both between the Mediterranean partners and EU Member States, and among the Mediterranean partners.

Step 1: Identify priority sectors

This first activity should be carried out in collaboration between the public authorities and the business community. It involves:

- Analysing the **structure of the trade** between the Mediterranean partners and the EU and identify the key sectors, for which a simpler market access could foster trade.

- Identifying the sectors, where **problems related to technical barriers to trade** have been met.

- Identifying the categories of products, for which the **conformity assessment procedures** for getting access to the markets are the most costly and/or complex for exporters.

- Identifying the **priority sectors** based on the analyses above.

- Checking whether the priority sectors fall under the **areas regulated at EU level**.

Step 2: Get acquainted with the applicable EC legislation and make a gap analysis on the basis of the existing legislation

Most Mediterranean partners are already familiar with several aspects of the EC approach to technical regulations, standardisation and conformity assessment procedures.

However, as the legislation and the requirements in terms of implementation are quite complex and wide-ranging (in volume, it is the second biggest area of the *acquis communautaire*), there may be a need for more systematic **awareness raising and training**, both in the public administration and among economic operators. Needs in this area can be covered, either by the Commission services (demands have to be specific, so as to rationalise the use of human resources) or by technical assistance programmes.

The priority sectors can fall under the two types of EC legislation that regulates industrial products, namely 'New Approach' directives or 'Old Approach' directives:

- **New Approach directives** (see list in annex) define, for families of products, essential requirements with regard to public safety, health and environment protection, the relevant conformity assessment procedures and the rules for the manufacturer to affix the CE marking before marketing the product.

  Under the "New Approach", manufacturers are obliged to ensure that their products meet the essential requirements set down in the applicable directives. Member States' authorities have the responsibility of ensuring that products placed on the market do not endanger health and safety, which is the role of market surveillance.

  The European standardisation bodies, in which the interests of industrialists, consumers, regulators, certifiers and accreditors are represented, develop detailed technical specifications in compliance with the essential requirements. The EU harmonised standards remain voluntary, but, if applied, give a presumption of conformity with the essential requirements.

- **Old Approach directives** define, for individual products, very detailed common technical specifications applying to those specific products and their testing requirements.

  For most products, Member State authorities are responsible for issuing certificates of conformity before placing the products on the EU market in accordance with the procedures established in the directives.

  The "Old Approach" is for example still in use in the areas of foodstuffs, chemicals, pharmaceuticals, cosmetics, motor vehicles, and labelling.

An analysis of the **existing national legislation and quality infrastructure and its compatibility with the EC legislation** should be carried out.

Step 3: Transpose the necessary framework legislation and sectoral legislation

On the basis of the gap analysis, the relevant **sectoral legislation** has to be aligned and implemented.

All relevant **European harmonised standards** should be adopted as national standards and conflicting national standards should be repealed.

The necessary parts of the **horizontal EC legislation** should be transposed and implemented, in particular those related to the implementation of New Approach directives (measures governing standards, metrology, conformity assessment, accreditation, and market surveillance).

Step 4: Create or reform the institutions necessary for implementing the New and the Global Approach

This basically refers to the so called "**quality infrastructure**", namely:

- Standardisation bodies
- Accreditation bodies
- Conformity assessment bodies
- Metrology organisations, and
- Market surveillance authorities.

This infrastructure should be in place and operational. Each of these bodies must comply with certain key characteristics, including membership of or **co-operation agreements with European and international bodies**.

The **separation of the regulatory, standardisation, accreditation and certification functions** is necessary. Ideally, public authorities should retain solely legislative and enforcement (market surveillance) functions and ensure that the system of third party certification to regulatory requirements has sufficient technical competence and independence by means, preferably, of accreditation.

Wherever possible, the **creation of regional quality infrastructure institutions** (accreditation bodies, metrology institutes and conformity assessment bodies) should be investigated.

Step 5: Set up the necessary certification and conformity assessment bodies

Under the EC legislation **conformity assessment procedures** are proportionate to the levels of risks, ranging from a self-declaration from the manufacturer to the involvement of a third party (conformity assessment body) that performs certification, testing and inspection.

The specific institution building needs can be deduced from the analysis of the sectoral legislation. It will not always be necessary to establish **conformity assessment bodies** in all the sectors covered by the aligned legislation. It is perfectly acceptable to use conformity assessment bodies from a third country if an agreement exists and provided that the competence of these bodies can be proved. Sharing facilities on a regional basis could prove cost-efficient.

Step 6: Identify technical assistance needs and make the most of existing programmes

In theory, technical assistance can be provided **at all levels**:

- Support for awareness raising about the EC approach among the public administration and economic operators.
- Assessment of the legislation and implementation infrastructure and gap analysis with the EC requirements.
- Support for transposing the EC legislation and EN standards.
- Support for developing the necessary quality infrastructure (standardisation, accreditation, metrology and market surveillance), both in terms of institution building and investment.
- Support for targeted training of experts in the different fields of the quality infrastructure.
- Support for proficiency tests and other benchmarking activities.
- Support for participation in the work of European, international and regional bodies for standardisation, accreditation, metrology, etc.
- Support for multi-country and regional co-operation and the setting up of joint facilities.

It is provided either bilaterally or on a regional basis under the **MEDA programme**:

- Bilateral programmes are managed locally by the Commission Delegations in the partner countries. Most partner countries have already requested assistance in this field.
- Two regional programmes have been designed to provide assistance in this area. The EuroMed Market programme, which started in the summer 2002 and should end in the summer 2005, mainly consists of general information, training and networking activities on internal market. The second project, which has a budget of € 7.5 million is entirely devoted to the implementation of the product legislation. It will be co-ordinated by CEN.

It is important to ensure the co-ordination of all these programmes and to agree on what should be best carried out at national and at regional level.

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Annex: Directives based on the New Approach or the Global Approach

I	**NEW APPROACH DIRECTIVES**
1.	Low voltage equipment (73/23/EEC, as amended by 93/68/EEC)
2.	Simple pressure vessels (87/404/EEC, as amended by 90/488/EEC and 93/68/EEC)
3.	Toys (88/378/EEC, as amended by 93/68/EEC)
4.	Construction products (89/106/EEC, as amended by 93/68/EEC)
5.	Electromagnetic compatibility (89/336/EEC, as amended by 92/31/EEC and 93/68/EEC)
6.	Machinery (98/37/EC, as amended by 98/79/EC)
7.	Personal protective equipment (89/686/EEC, as amended by 93/68/EEC, 93/95/EEC and 96/58/EC)
8.	Non-automatic weighing instruments (90/384/EEC, as amended by 93/68/EEC)
9.	Active implantable medical devices (90/385/EEC, as amended by 93/42/EEC and 93/68/EEC)
10.	Gas appliances (90/396/EEC, as amended by 93/68/EEC)
11.	Hot water boilers (92/42/EEC, as amended by 93/68/EEC)
12.	Civil explosives (93/15/EEC)
13.	Medical devices (93/42/EEC, as amended by 98/79/EC)
14.	Potentially explosive atmospheres (94/9/EC)
15.	Recreational craft (94/25/EC)
16.	Lifts (95/16/EC)
17.	Refrigeration appliances (96/57/EC)
18.	Pressure equipment (97/23/EC)
20.	*In vitro* diagnostic medical devices (98/79/EC)
21.	Radio and telecommunications terminal equipment (99/5/EC)
22.	Cableway installations (2000/9/EC)

II	**DIRECTIVES BASED ON THE GLOBAL APPROACH**
1.	Transportable pressure equipment (1999/36/EC)
2.	Noise from equipment for outdoor use (2000/14/EC)
3.	Fluorescent lighting (2000/55/EC)
III	**DIRECTIVES BASED ON THE PRINCIPLES OF THE NEW APPROACH OR THE GLOBAL APPROACH, BUT WHICH DO NOT PROVIDE FOR THE CE MARKING**
1.	Packaging and packaging waste (94/62/EC)
2.	High-speed rail systems (96/48/EC)
3.	Marine equipment (96/98/EC)
4.	Conventional rail system (2001/16/EC)
IV	**PROPOSALS FOR DIRECTIVES BASED ON THE PRINCIPLES OF THE NEW APPROACH OR THE GLOBAL APPROACH**
1.	Articles of precious metal (COM/93/322 final, as amended by COM/94/267 final)
2.	Marking of packaging (COM/96/191 final)
3.	Measuring instruments (COM/2000/566 final)
4.	Revision of the recreational crafts directive (COM/2000/639 final)
5.	Revision of the machinery directive (COM/2000/899 final)