

# COMMISSION OF THE EUROPEAN COMMUNITIES

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**REPORT FROM THE COMMISSION**  
**ON THE OPERATION OF DIRECTIVE 83/189/EEC**  
**IN 1990 AND 1991**

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**I. INTRODUCTION**

1. This report on the operation of Directive 83/189/EEC in 1990 and 1991 contains the information for Parliament called for by Article 11(2) of Directive 83/189/EEC, as amended by Directive 88/182/EEC.
2. Directive 83/189/EEC aims at preventing new barriers to trade and has proved a fundamental tool for completing the internal market, both by promoting cooperation between the Member States and by pinpointing areas where joint action is needed.
3. This report on the operation of this mechanism in 1990 and 1991 is divided into three chapters, as follows :
  - the information procedure for standards;
  - the information procedure in the field of technical regulations;
  - the Agreement on the exchange of information in the field of technical regulations between the EEC and the EFTA countries.
4. This analysis particularly highlights the factors which prompted the Commission to submit to the Council a proposal to amend the Directive<sup>(1)</sup>, so that it can play its full role in keeping the internal market running efficiently.

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(1) COM (92) 491 final, 27 November 1992.

## CHAPTER II

### The information procedure for standards

#### Introduction

5. This Chapter deals with the information procedure for standards, as laid down in Articles 2 to 7 of Directive 83/189/EEC. It begins with a brief recapitulation of the procedure before describing how it worked in 1990 and 1991 and analysing the statistics. Next, the use made of this information at each level is analysed, and details are given of requests for standardization from the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC) and the European Telecommunications Standards Institute (ETSI). Finally, possible short- and medium-term improvements and reforms of procedure are considered.

#### Brief description of the procedure

6. The information procedure for standards came into operation on 1 January 1985. Since then, the members of CEN and CENELEC (the national standards institutions in the EEC and EFTA countries) have sent appropriate information to the Control Unit of CEN/CENELEC, which reports to the CEN and CENELEC Central Secretariats. Notifications are made on the updating of national standardization programmes, as follows :

- New work started (Article 2 of the Directive);
- Drafts for public inspection (cf. Article 4 of the Directive);
- National standards adopted (cf. Article 2 of the Directive).

The information collected is regularly passed to all CEN and CENELEC members, who are responsible for appropriate distribution to all concerned to sound out their reactions. This information is examined by the relevant CEN/CENELEC bodies (central secretariats, programming committees, etc.), and by the services of the Commission.

7. Before the European Telecommunications Standards Institute could participate in the procedure, it had to be added to the list of standards institutions annexed to the Directive. This was not possible during the period covered by this report, because it entailed an amendment to the ETSI Rules of Procedure. Since the end of the period covered by this report, however, this Institute has been added to the list<sup>(1)</sup>.

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(1) Commission Decision of 15 July 1992 (OJ No L 221, 6.8.1992).

### Operation of the information procedure in 1990 and 1991

8. The mode of operation of the information procedure remained unchanged in 1990 and 1991, as in 1988 and 1989. The contract between the Commission and CEN/CENELEC stipulates that CEN/CENELEC are responsible for the technical operation of the information procedure ("INFOPRO" system). This task includes collecting and verifying notifications, processing and storing them in a data bank, and distributing the results. To complete the procedure, new work started at European and international level has also to be registered.
9. Statistics published by CEN/CENELEC in their annual reports give a general view of new standardization activities notified to the CEN/CENELEC Central Unit in 1990 and 1991.

The statistics on new work<sup>(1)</sup> reflect the latest trends in standardization activities. These latest statistics can be examined from three complementary angles :

- By level (national, European and international work) and progress at each level;
  - By country;
  - By sector and subsector of activity.
10. As indicated in the 1988/89 report, these statistics must be treated with a degree of caution, for the following reasons :
    - They do not include the relatively large number of new projects which have, contrary to CEN/CENELEC rules, been notified directly at the public comment stage. No figures are available for 1990 and 1991, but it can be assumed that the situation was similar to that in 1989, when one third of the activities declared at the public comment stage had not been notified earlier;
    - a new activity begun at European level sometimes covers a larger field than an activity at national level;
    - not all CEN/CENELEC members send their notifications of new standardization projects at the same stage.

### General trends in standardization activities

11. Despite these reservations, some conclusions can be drawn about the general trend in European and national standardization activities on the basis of Tables I, IIa, IIb, IIIa, IIIb, IVa and IVb (see the Annex).

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(1) "New work" means each new standardization activity in the standardization programme at national, European or international level.

- (i) The number of new activities started has increased significantly, from 3514 in 1988 to 10120 in 1991. This growth is attributable largely to the increase in new European initiatives and, to a lesser extent, to an upswing in international work. The relative shares of national and European work in these new activities have been reversed over this period. European work accounted for 60 % of these activities in 1991, compared with 20 % in 1988, while the national share contracted from 60 % to 20 % over the same period. The proportion of new international work held steady at around 20 %.
- (ii) At national level, the number of new activities now seems to be levelling off at an average of around 2150. However, the national share of all new activities was down from 75.8 % in 1987 to 21.5 % in 1991. Among these new national activities, purely national projects, as opposed to work related to international or European standards, continue to predominate, with almost 90 % of the total.
- (iii) As mentioned earlier, the number of new activities at European level has risen considerably year by year, by 35 % between 1989 and 1990 and by 140 % between 1990 and 1991. This vigorous expansion was particularly marked in the non-electrical sector in 1991.  
  
One point to note is that 1990 was the year in which the number of new activities at European level overtook the combined total for national activities in the twelve Member States. By 1991, European activities had already moved to a multiple of 2.7 times the national total.
- (iv) At international level, the number of new activities continued to rise in 1990, but levelled off in 1991. At present, the number of new international activities started each year is on a par with the purely national work by the twelve Member States, whereas in 1987 it stood at only one fifth of the national total.
- (v) As regards the breakdown of new national activities by Community country, Tables IIIa and IIIb reveal big differences between countries. Approximately one third of new national standardization activities in the Community are in France. National activities are declining in Germany and the United Kingdom but begin to revive in Italy and Spain in 1991. The EFTA countries' share of new national standardization activities in Europe has fallen sharply since 1990, increasing the European Community countries' share to around 90 %.
- (vi) Tables IVa and IVb show the ten leading subsectors for national standardization in 1990 and 1991. The most active fields were road building (208 new activities over the two years), tram and railway engineering (166 in two years) and food products (140 in 1991 alone). On the electrotechnical side, electric cable remains the leading subsector, with 60 new national activities started over the two years covered.

Quality of notifications received from the national standards institutions

12. The 1988/89 report stated that a study by the Central Unit of the CEN/CENELEC had highlighted the poor quality of the notifications that were received. It is difficult to judge the quality of those received in 1990 and 1991 since CEN/CENELEC has not been able to supply further information (inter alia, for lack of resources to repeat the study). A preliminary, detailed, country-by-country analysis of the statistics on notifications and progress suggests that in the case of some standards, institutions are still having problems with notification of new activities, either at entry into the programme or at the time of adoption. There appears to have been no great improvement in the intrinsic quality of the notifications (completeness, accuracy, etc.) since 1989, when the report cited above revealed fairly severe shortcomings in this area.
13. The Commission considers that the various units involved in collecting, transferring and processing notifications could do more. Firstly, it is up to CEN/CENELEC members to guarantee the quality of the data which they supply, inter alia by conducting a critical appraisal of their information channels, and by taking action accordingly. Secondly, it would be helpful for a quality assurance system to be set up under the auspices of CEN/CENELEC for notifications and for the purpose of writing regular reports for the appropriate organizations.

Exploitation of information from the procedure

14. The most recent analysis of circulation at national level of the information received under the procedure is a 1988 report by an outside consultant (note the previous report on the operation of the Directive), according to which there is no development in the distribution of this information in several countries. There are no more recent reports on this subject.
15. The use made of Article 3 of the Directive, which allows standards institutions to ask to be involved in national activities in other countries or to request that a European standard be drawn up, remains marginal. Table V confirms the findings of previous reports on the Directive, as follows :
  - The number of comments made by standards institutions remains very small in comparison with the number of notifications received;
  - The number of requests to be involved in the work of other members remains minimal;
  - No requests to draw up European standards have been made.

It may therefore be concluded that the arrangements provided for in Article 3 of the Directive are not being used.

16. However, the Commission notes that CENELEC has developed a voluntary, internal procedure for systematic examination of national drafts in the electrotechnical sector (the "Vilamoura" procedure, see also paragraph 23 below). Over half of the 158 new notifications received under this procedure in 1990 and 1991 resulted in other members asking for a European or international standard to be drawn up on the same subjects. Some 57 drafts were transferred directly to European level and seven to international level. A further 23 activities were continued at national level, but with the participation of other CENELEC members; the results will be submitted to the voting procedures of CENELEC with a view to adoption as European standards. This demonstrates that there is genuine concern, in this sector at least, that adoption of national standards on subjects of wider interest be avoided.
17. Contracts between the Community and the CEN/CENELEC indicate that one of the key tasks is the use of information from the European procedure to plan work at this level and to verify enforcement of the standstill ordered by Article 7. However, very little information has been received from CEN/CENELEC on the measures taken to achieve this. The CEN reported that it had detected no infringements of standstill in the areas of machinery and pressure vessels. However, the Commission has noticed a number of infringements in, for example, the information technology sector. The Commission repeats the request made in its previous report for the establishment of an effective mechanism within the CEN/CENELEC Central Unit for the systematic monitoring of standstill arrangements.

#### Standardization requests

18. As provided for by Article 6(3) of the Directive, the Standing Committee endorsed 33 requests in 1990 and 48 in 1991 (see Tables VIa and VIb). A number of these requests concerned application of New Approach Directives adopted as part of the programme of completing the internal market. Others were designed to back up other Community policies, such as requests relating to information technology and telecommunications, which form part of the programme of implementation of the policy for this industry and of the efficient operation of the common market, whereas requests concerning measurement methods for toxic products (for example, dioxins and furans) support the Directives on environmental protection. A request on upholstered furniture stems from draft technical regulations notified by national authorities.

#### Short-term improvements to the information procedure for standardization activities

19. Prime responsibility for ensuring that the procedure operates properly lies with the CEN/CENELEC members, who should be aware of the criticism of the quality of the data supplied to the Central Unit of CEN/CENELEC. No reports on the activities of members in this field are available, either from the Joint CEN/CENELEC Group or from the Committee set up by Directive 83/189/EEC.

20. Improvements made to the system in 1990 and 1991 were based on two recommendations by the Joint CEN/CENELEC Group to make information distributed by the CEN/CENELEC Central Unit clearer and more accessible. The first introduced a classification by sector of notifications received. For example, notifications referring to two different technologies are now listed on both the lists for the sectors concerned.

The second improvement was to cut down the volume of documentation circulated. Instead of publishing the complete programme every quarter, the new monthly records contain only the notifications received in the past month, analysed by stage (inclusion in the programme, public comment and adoption). Nevertheless, the full programme is still available on the CEN/CENELEC Central Unit database.

21. On a recommendation by an outside consultant, in 1990 and 1991 CEN/CENELEC conducted a preparatory study on the establishment of a European Standards Databank (ESD). In response to a proposal from the Commission to share the costs of the first two phases of the project, since CEN members had shown interest in a commercial project (PERINORM), CEN and CENELEC decided in 1991 to suspend the ESD project indefinitely.

PERINORM is a database on optical disk (CD-ROM) which was originally limited to information on the standardization work of the British, French and German standards institutions. Agreement was subsequently reached within CEN to consider extending the data base to other standards institutions in Europe, which had taken place by the end of 1991.

The Commission is in favour of development of PERINORM provided that it can satisfy multiple information requirements within a relatively short time, and provided that the data are accessible to all interested parties on reasonable terms.

#### Prospects for reform of the information procedure

22. Although the number of new national standardization projects is falling, it is still high in comparison with European and international figures. National standards are not mandatory, but they nevertheless have a decisive effect on the behaviour of economic operators, and hence on the operation of the internal market. It is therefore essential to retain a procedure that keeps the activities of national standards institutions fully transparent, open and accessible. Despite detailed criticisms and recommendations made in the study by an outside consultant in 1989, analyses show that the use made of the data has hardly improved. As is clear, for example, from the statistics on the application of Article 3, the information procedure is by no means effectively employed. After almost ten years, therefore, reforms are needed.



23. At the same time, experience has shown the benefit and potential of such a Europe-wide procedure. In particular, in May 1988 CENELEC introduced the "Vilamoura" procedure for notification of new national standardization activities. This imposes even stricter constraints than Directive 83/189/EEC.
- It allows other CENELEC members three months to ask to be involved in the work, or for the task to be transferred to the European level. Such a response from a single member suffices to begin a standstill period which may be ended only by the CENELEC Technical Board, the body responsible for programming and monitoring European work. Judging from the reports received, this procedure can be considered genuinely effective.
24. In the Green Paper on the development of European standardization, the Commission stressed the need for correct application of the information procedure. Reinforcement of the procedure was recommended, for example by the introduction of a three-month standstill period to give other members time to respond. A system drawing on the experience gained with CENELEC's "Vilamoura" procedure was called but, at that juncture, it was left to the standards institutions to take the initiative for the submission of proposals.
- In 1991 the assessment made by the Commission in the Green Paper was supported by various commentators on the document. Consequently, in July 1991 the Commission asked the CEN and CENELEC to draft proposals for a new procedure. In a second communication entitled "Standardization in the European Economy"<sup>(1)</sup> in December 1991, the Commission announced that, since no specific proposals had been made by the European standards institutions, it planned to draft a proposal amending Directive 83/189/EEC on the basis of its own view of the current situation.
25. The proposed amendment to the procedure for the provision of information in the field of technical standards is designed to simplify the tasks of the CEN/CENELEC members, above all by requiring notification only of new national standardization activities which could create barriers to trade. The new procedure places greater responsibility on the European standards institutions for organizing operating methods on the basis of their own rules of procedure and their own channels of communication, participation and dialogue. This includes the arrangements monitoring standstill, which the Commission considers are, in particular, entirely the responsibility of the European standards institutes, as they are dealt with under their rules of procedure. The Commission calls on all economic operators concerned with standardization to accept their share of responsibility for ensuring that this procedure is effectively applied. Finally, the Commission proposal amending Directive 83/189/EEC<sup>(2)</sup> includes a clause providing for penalties, in the form of non-recognition of a standard at national level, if the fundamental principles of the information procedure are not observed.

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(1) COM (91) 521 final, 16 December 1991.

(2) COM (92) 491 final, 27 November 1992.

Conclusions

26. The Commission notes a substantial increase in new standardization activities at European level. This is a clear sign of the standardizers' will to work at European level with a view to the completion of the internal market. However, the number of new national projects is no longer falling, but has levelled off at a lower rate. Whether or not this level corresponds to the requirements of the internal market is a matter for the economic operators concerned to judge. The Commission considers that the only amendments needed to the Directive are the definition of the essential requirements; the detailed operational arrangements should be left to the standards institutions themselves within the framework of their own rules of procedure. However, the economic operators concerned must be vigilant in ensuring the application of the system.

### CHAPTER III

#### Information procedure in the field of technical regulations

##### A. Introduction

27. This Chapter describes developments in the field of technical regulations and the potential impact of such draft regulations on the market. It analyses the flow of information, focusing on the specific points and problems raised by each type of measure.
28. Finally, Chapter IV analyses implementation, in 1990 and 1991, of the Agreement laying down a procedure for the exchange of information between the Community and the EFTA countries, which entered into force on 1 November 1990.

##### B. Outline of the procedure for technical regulations

29. Directive 83/189/EEC imposes an obligation on the Member States to communicate all draft technical regulations to the Commission (Article 8(1)) except where such technical regulation merely transposes the full text of an international or European standard.
30. Starting on the date of notification to the Commission a three-month standstill period begins during which the Member State concerned may not adopt the technical regulation.

This period was introduced to give other Member States and the Commission an opportunity to react to the notification. The next stage of the procedure depends on their reactions :

1. The Member States and/or the Commission could have no comments to make. In this case the Member State concerned can adopt the draft regulation immediately after completion of the three-month standstill period.
2. The Member States and/or the Commission could make comments based on Article 8(2) of the Directive. The notifying Member State is then expected to take these comments into account as far as possible in the subsequent drafting of the technical regulation.

The definitive text of the regulation must be communicated to other Member States or to the Commission on request.

3. The Member States and/or the Commission could, on the basis of Article 9(1), deliver a detailed opinion if they consider that the draft could create barriers to the free movement of goods. In that case the adoption of the technical regulation will be postponed for six months from the date of notification. The Member States must report to the Commission on the action which they propose to take in response to the detailed opinion.

4. The Commission could also react to a notification in two other ways :

- a) It could announce its intention of proposing or adopting a Directive that covers the same subject as the notified draft (Article 9(2) of the Directive). The Member State concerned would then have to postpone adoption of the technical regulation for 12 months from the date of notification.
- b) It could ascertain that a proposal for a Directive covering the same subject as the notified draft has already been submitted to the Council (Article 9(2a)). In this case the Member State must refrain from adoption of the technical regulation for 12 months from the date of the submission of proposal to the Council.

31. Article 9(3) of the Directive provides for an urgent adoption procedure. If a Member State wishes to adopt a certain technical regulation for urgent reasons, relating to the protection of public health or safety or the protection of the health and life of animals or plants, it may be allowed to do so without observing the standstill period. The reasons for the urgency must be specified in the notification, and the Commission then decides whether they are sufficient to justify urgent adoption of the draft.

32. The Commission plays a key role in running the procedure. It distributes to the Member States the notified drafts and the other messages that circulate between the Commission and the Member States and has these texts translated to facilitate the efficient operation of the procedure.

33. The Standing Committee of representatives of the Member States set up by Article 5 of the Directive is an advisory body that meets about six times a year and plays an important part in overseeing the procedure and addressing policy issues raised by the notifications.

#### C. Application of the procedure in 1990 and 1991

##### 1. Volume of notifications

34. The statistics in Tables VII and VIII show that the Commission received 386 draft technical regulations in 1990 and 435 in 1991. The total number of notifications over these two years (821) was up by 70 %, compared to the total in 1988 and 1989. Most of these draft regulations in 1990 and 1991 came from France, Germany and the United Kingdom.

A breakdown by sector (Tables IX and X) shows that the majority of these notifications concerned 'Electronic Engineering' (17 %), 'Food Products' (16 %), 'Transport, Mechanical Handling Equipment and Packaging' (14 %) and 'Building and Construction' (13 %).

35. The main problem posed by the obligation on the Member States' to notify in 1990 and 1991 arose in relation to the definition of the term "technical regulation". The first dispute on this subject was triggered in 1990 by tax incentives for "environmentally clean" vehicles. Some Member States sent notification of their drafts on this subject in 1989. However, in 1990 others refused to notify their measures which, they considered, could not be regarded as compulsory technical regulations. The Commission argued that, on the contrary, they were de facto compulsory technical regulations. Consequently, this experience prompted the Commission to clarify this concept. De facto compulsory regulations now means measures taken by the Member States which affects the behaviour of economic operators in the market place.
36. Similarly, in 1991 the same concept of de facto compulsory technical regulations lead to disputes about voluntary agreements between operators in certain sectors (e.g. the packaging industry) laying down technical specifications for certain products. The Member States considered that these did not have to be notified. However, although not initially compulsory, these can become de facto compulsory technical regulations if the public authorities intervene and make the specifications binding.
37. Also in 1991, a further problem arose with the definition of a technical regulation in Directive 83/189/EEC, this time in connection with national regulations imposing requirements on products after they are placed on the market. The draft national regulations requiring recyclable or reusable packaging are one example. The Member States involved considered that the current wording of the definition of technical regulation in the Directive covers technical specifications to be observed at the time of the placing of the product on the market and, therefore, in their view this type of draft measure was not notifiable.
38. In the light of this experience and to tailor the information procedure more closely to the new national product regulation methods, the Commission has submitted to the Council a proposal for a Directive amending Directive 83/189<sup>(1)</sup>. This will extend and define the scope of the Directive, clarify certain concepts and settle the situations which have given rise to disputes with some Member States.

## 2. Use of the urgent adoption procedure

39. In 1990 and 1991 the Member States made 39 requests for application of the urgent adoption procedure. This represented 5 % of the technical regulations notified in those two years, a similar order of magnitude to the 6 % of all notifications in 1988 and 1989. The Commission found only one third (13) of these requests justified; most of them (8) related to Agriculture and Food Products, of which four referred to the cholera epidemic in Peru in 1991.

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(1) COM (92) 491 final, 27 November 1992.

### **3. Reactions from the Commission**

#### **3.1 Comments**

40. In 1990 and 1991 the Commission made comments on 42 % of the total number of notifications. This percentage has more than doubled from 20 % in 1988 and 1989.

41. Generally, the comments made by the Commission seek the clarifications needed to allow its relevant departments to examine the drafts, express the Commission's position or remind the Member State concerned of commitments given in an infringement procedure or in an earlier notification.

The Commission also opted for this response where the other possibilities options were no longer open, particularly where proposals for Community measures had been before the Council for over one year, thus precluding recourse to Article 9(2(a)) of the Directive. Comments are also the only possible response open to the Commission departments should the Member States send notification of drafts contrary to EEC harmonization Directives adopted by the Council but still in the midst of the transition period.

#### **3.2 Detailed opinions (Article 9(1)) and follow-up**

##### **3.2.1 Detailed opinions**

42. In 1990 and 1991 the Commission gave 307 detailed opinions (i.e. on 37 % of the draft technical regulations; in 1988 and 1989 the figure was 30 %). As already mentioned, the Commission delivers detailed opinions if the draft regulation notified might create barriers to the free movement of goods. The most frequent reason for doing so (about 60 % of cases) is that the draft regulation contains no clause on mutual recognition of the regulations, standards and practices of other Member States which provide an equivalent assurance of attaining the objective of the technical regulation, or that the mutual recognition clause is incomplete. In many cases the Member States still fail to incorporate in their draft technical regulations this principle of mutual recognition, which remains fundamental for completion of the internal market.

To provide greater clarity and security for the economic operators concerned, where mutual recognition is or must be provided for in the text notified the Commission departments ask the other Member States to notify the Member States concerned of their equivalent provisions so that it can include a reference to them in the draft. More systematic use should be made of this procedure to facilitate the application of the principle of mutual recognition and to enable economic operators to become more readily aware of their rights.

43. Other reasons for issuing a detailed opinion could be that the notified draft conflicts with an EEC Directive or Regulation covering the same subject matter, that it is discriminatory or that the consequences of the measures for the free movement of goods are out of proportion to the aim of the draft.

Around 12 % of the notifications on which the Commission issued a detailed opinion conflicted with EEC legislation in the same field; 37 % of these cases concerned infringements of Directive 79/112/EEC on the Labelling, Presentation and Advertising of Foodstuffs for Sale to the Ultimate Consumer.

### 3.2.2 Follow-up

44. The Commission departments continued to follow up individual dossiers which could trigger disputes between the Member States and the economic circles concerned. In addition, the Commission organized *ad hoc* meetings to help to reach agreement on disputed points.
45. The Commission departments hold regular "package meetings" with the national authorities to examine groups of cases conflicting with Articles 30 *et seq.* of the EEC Treaty. The original purpose of these meetings was to examine complaints and infringements, but they also provide an opportunity to strengthen ties with the national authorities and ensure full implementation of Directive 83/189/EEC. These meetings are divided into three phases : a preliminary meeting, a follow-up meeting to ensure that the commitments are honoured and provide any data requested and a "final" meeting to draw conclusions.
46. In 1990 and 1991 Commission staff held package meetings of this type with the French, Greek, Italian, Portuguese and Spanish authorities to discuss a wide range of drafts on, in particular, telecommunications, agriculture and food products, medical devices, motor vehicles, measuring equipment and pressure vessels. The notifications provide a wide variety of fields for discussion.

Consequently, package meetings give Commission staff a chance to remind the Member States of their obligation to reply to the comments and detailed opinions sent to them. Often at these meetings the national authorities undertake to make the requested amendments to their drafts, to withdraw or not to adopt the drafts or else explain their counter arguments to the comments and detailed opinions received. The meeting provides a forum for taking note of these commitments or exchanging views.

47. The draft texts adopted can also be presented at these meetings to discuss the content and confirm that it is in line with the Community legislation. Satisfactory solutions can be sought together at these meetings.
48. Consequently, package meetings guarantee comprehensive follow-up of the drafts notified, not only at the meetings themselves but also, subsequently, via the contacts and cooperation built up with the national authorities on these occasions.

### **3.3 Intention to propose a Directive**

49. In 1990 and 1991 the Commission announced that it intended to propose a Directive covering the same subject as the notified draft in 60 cases (7 % of the notifications). Most of these notifications related to 'Mechanical Engineering' (53 %), 'Food Products (18 %) and 'Transport, Mechanical Handling Equipment and packaging' (15 %).

The Commission applied this procedure 46 times in 1991, although over half (29) of these cases involved a series of draft amendments, from a single Member State, to its measures implementing the basic Regulations on Dangerous Equipment, all of which were covered by one proposal for a Community Directive on Pressure Vessels planned by the Commission.

### **3.4 Submission of a proposal to the Council**

50. In 1990 and 1991 the Commission applied Article 9(2(a)) in twelve cases. Five of the Community proposals notified concerned Agriculture, two Food, four Electronic Engineering and the other Mechanical Engineering.

51. However, it must be added that in all five cases in which Article 9(2(a)) was applied in 1990 the period for which the Member States are required to refrain from adopting the drafts notified proved too short. In practice, it took longer than expected for the Council to adopt the Community proposal. In two cases the Council adopted the Community measure five months after the end of the standstill period provided for by Article 9(2(a)).

In the light of this experience the Commission put to the Council a proposal to extend the standstill period provided for by Article 9(2(a)). The Commission has proposed that the standstill should start on the date of notification of the national measure, instead of on the date of submission of the Community proposal, and should be extended from 12 to 18 months.

### **4. Reactions from the Member States in 1990 and 1991**

52. Often several Member States submit comments or detailed opinions on the same notification.

About 60 % of these controversial notifications in 1990 and 1991 related to Agriculture and Food Products. Two other controversial subjects were a ban on the use of CFCs and a general ban on the use of Cadmium.

Other Member States made comments on 36 % of all the drafts notified and submitted detailed opinions on 20 %, which was 5 % down on the two previous years.

### **5. Infringements**

53. On the basis of the monthly reports from the private institute entrusted with the task of detecting all the national technical regulations adopted in breach of Directive 83/189/EEC, the Commission scrutinized several hundred texts.



Following this review, 55 infringement procedures were initiated, 14 of them in the Agricultural sector. One case was referred to the Court of Justice. Some Member States, particularly Denmark, Greece, Portugal and Spain, suspended the disputed regulations and submitted fresh drafts under the notification procedure. Others, however, refused to suspend the texts in question.

**D. Problems with handling the procedure**

54. The most fundamental problems were discussed in the section on the obligation to notify (paragraph C.1). As mentioned earlier, the general wording of certain clauses of the Directive causes problems including, in some cases, diverging interpretations by the Commission and the Member States. Out of concern to increase transparency, to clarify certain obligations and to define them more closely, the Commission put to the Council the abovementioned proposal amending Directive 83/189.
55. The number of notified draft technical regulations has increased steadily since Directive 83/189 entered into force in 1984. It nearly doubled in 1990/91, compared with 1988/89, to total 946 cases (this figure includes 125 EFTA notifications). All concerned have become more familiar with the procedure and have stepped up their participation in it, thus complicating the management of the procedure.
56. Problems have occurred with processing the large volume of translations and with distributing and examining the drafts within the three-month standstill period. Solutions have had to be devised by the Commission services in order to cope with these tasks. These include :
  1. A "Vademecum on the functioning of the Procedure for the Provision of Information in the field of Technical Regulations" was adopted after consultation with the Member States. This document contains the nomenclature of the various telex messages applying the individual Articles of the Directive; it explains the details of the procedure which are essential if it is to work properly.
  2. Since the adoption of the Directive the Commission has been working on a database (PROTOS) which will give all the authorities involved (Commission services and Member States) direct access to information related to the procedure through a multilingual database. The final difficulties - creation of a user-friendly interface and finalization of the technical conditions for access - are expected to be resolved in the very near future.
  3. One of the main problems with the procedure has always been the need for quick translation of the draft texts and messages. In order to increase the success of the procedure it became necessary to free the Commission translation service from most of this work. During the reference period the notified draft texts were translated by an outside contractor, but the telexes were still translated by the Commission's service. (A call for tender for the renewal of the contract, including translation of the telexes, was published at the end of 1991).

4. The analysis of notifications within the Commission depends heavily on efficient communication between all the services involved. A twice-monthly interservice meeting introduced in 1990 has considerably improved this side of the procedure.

#### **E. Conclusions**

57. The net result in 1990 and 1991 shows a further substantial increase in the number of notifications registered, with the agricultural and food sector once again generating a large proportion.

However, it must be added that the number of notifications concerning Mechanical Engineering and Telecommunications rose sharply in 1991, overtaking the Agricultural and Food industry cases for the first time since the 1988 amendment.

58. The Commission welcomes the reduction in the proportion of draft technical regulations resulting in a detailed opinion. More specifically, the number of detailed opinions was equivalent to 43.5 % of the total number of notifications in 1990 but was down to 32.5 % in 1991. The total number of detailed opinions from the Member States was higher than in previous years but remains in the same order of magnitude as the number issued by the Commission. The Commission's foremost concern in its detailed opinions is to apply the principle of mutual recognition. For this reason, greater emphasis must be placed on exchanges of equivalent national regulations between the Member States and on ad hoc meetings for consultations and discussions on differences of opinion between the economic operators concerned and the national authorities.
59. As regards the problems with the notification obligation, the Commission has proposed measures to ensure the effective operation of the internal market by extending the field of application of the Directive. To this end, the proposed amendments to Directive 83/189 aim at clearer definition of the national measures to be notified under the procedure for the provision of information to ensure that this mechanism fully meets its basic objective of preventing all technical obstacles to operation of the single market.

## CHAPTER IV

### Exchange of information on technical regulations between the EEC and the EFTA countries

#### A. Introduction

60. The Agreement between the EFTA countries and the EEC laying down a Procedure for the Exchange of Information in the Field of Technical regulations entered into force in November 1990.

With a view to avoiding possible barriers to trade between the Member States of both associations, it links the information procedure based on Directive 83/189/EEC with the comparable procedure between the EFTA countries. The Agreement is laid down in Council Decision 90/518/EEC (1).

#### B. The operation of the procedure

61. All the messages relating to the information procedure between the EEC Member States and the EFTA countries are exchanged between the Commission of the European Communities and the EFTA Council.

From the date of receipt of a draft regulation by the EFTA Council (in the case of notifications from the EFTA countries) or the Commission (for notifications from the EEC Member States), a standstill period of three months begins during which the notifying State may not adopt the text.

The EFTA Council and the Community may comment on the draft technical regulations notified under this procedure. The Commission formulates the Community's comments in consultation with the Member States and communicates them to the EFTA Council, which forwards them to the EFTA countries.

62. The Agreement makes no provision for the extension of the standstill period. The one possibility for taking the procedure beyond comments is laid down in Article 13 of the Agreement which provides for regular consultations on the comments made by any Contracting Party or additional ad hoc meetings to deal with specific cases. No use was made of this option in 1990 or 1991.

#### C. Urgent Adoption Procedure

63. The Agreement between EFTA and the EEC on the Exchange of Information in the Field of Technical Regulations also contains a clause which provides for the immediate adoption of the draft for urgent reasons such as the protection of public health or safety or the protection of the health of animals and plants. One difference from the information procedure in Directive 83/189/EEC is that EFTA Member States which wish to adopt a draft for an urgent reason can do so without prior approval by the EFTA Council and the Commission.

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(1) O.J. L 291, 23 October 1990, page 1.

They simply announce that they intend to adopt the text without the three-month delay and add an explanation of the reasons for the urgency.

64. The Commission forwards to the EFTA Secretariat the requests for urgent adoption made by the Member States under the procedure introduced by Directive 83/189/EEC together with its decisions to accept or reject the requests.

**D. Application of the Procedure in 1990 and 1991**

65. Because the Agreement between the EEC and EFTA did not enter into force until the end of 1990, only five technical regulations were notified by the EFTA countries in that year. In 1991 the Commission received 120 notifications from the EFTA countries (see Tables XI and XII).

About 50 % of the 123 EFTA notifications in 1990 and 1991 came from Austria and Finland.

A significant proportion of the technical regulations (27 %) concerned chemical products; other important sectors were "Electronic Engineering" (15 %), "Building and Construction" (10 %), "Agriculture and Food Products" (10 %) and "Mechanical Engineering" (9 %) (see Tables XIII and XIV).

66. In 1991 the EFTA countries adopted four technical regulations for urgent reasons, immediately after notification. Two of them related to food products and the other two to plants.

**E. Comments**

**1. Comments from the Community on EFTA notifications**

67. In 1990 and 1991 the Community commented on 68 (55 %) of the EFTA notifications. These comments often included comments from the EEC Member States.

Above all, the comments made by the Community concerned compatibility with the existing Community legislation. If there is no Community legislation on the subject, the Commission bases its scrutiny on the potential risk of creating unwarranted, disproportionate barriers to trade.

Throughout 1990 and up to the adoption of the first version of the Agreement establishing a European Economic Area on 22 October 1991, the comments from the Community always included a reminder of the negotiations on this Agreement, which were based on the principle of acceptance of the existing Community legislation by all EFTA countries.

This commitment could force EFTA countries to make subsequent amendments to the draft notified were they to adopt it without taking account of the comments made by the Community.

2. Comments from EFTA on EEC notifications

68. EFTA made comments on two EEC notifications in 1990 and five in 1991.

In three of these cases, EFTA requested additional information. In the other four, the EFTA countries pointed out potential obstacles to trade. In two cases, their comments included a request for standardization at European level (by the CEN). Finally, in one other case they referred to the work being done at international level (by the ILMO).

Table I

Table I - Breakdown of the number of new standardization projects started each year between 1987 and 1991 CEN/CENELEC members which are also in the EC

Year	1987		1988		1989		1990		1991		
	No	%	No	%	No	%	No	%	No	%	
<b>a. National work</b>											
a.1. Related to European or international work	187	5,2	244	6,9	225	4,2	154	2,3	241	2,4	
a.2. Specific (*)	2537	70,6	1876	53,4	2096	39,2	1785	26,9	1952	19,1	
a.3. Total (a.1 + a.2)	2724	75,8	2120	60,3	2321	43,4	1939	29,2	2193	21,5	
b. European work	289	8,0	556	15,8	1816	33,9	2457	37,0	5887	57,6	
c. International work	579	16,1	838	23,8	1215	22,7	2243	33,8	2130	20,9	
d. Total (a+b+c)	3592	100	3514	100	5352	100	6639	100	10210	100	

Source : Notifications to CEN/CENELEC

(\*) - Note that these figures might be exaggerated since some CEN/CENELEC members do not systematically notify any link with European or international work.

Table II A

Table II - Breakdown of the number of new standardization projects started in 1990 CEN/CENELEC members which are also in the EC

Field	Non-electrical		Electrical		Total		Non-electrical share (%)
Level	No (1)	%	No (2)	%	No (3)=(1)+(2)	%	$\frac{(1) \times 100}{(3)}$
<b>a.National work</b>							
a.1.Related to European or international work	140	3,5	14	0,5	154	2,3	90,9
a.2.Specific (*)	1569	39,6	216	8,1	1785	26,9	87,9
<b>a.3.Total (a.1 + a.2)</b>							
	1709	43,1	230	8,6	1939	29,2	88,1
<b>b.European work</b>							
	1590	40,2	867	32,4	2457	37,0	64,7
<b>c.International work</b>							
	662	16,7	1581	59,0	2243	33,8	29,5
<b>d.Total (a+b+c)</b>							
	3961	100	2678	100	6639	100	59,7

Source : Notifications to CEN/CENELEC

- (\*) - Note that these figures might be exaggerated since some CEN/CENELEC members do not systematically notify any link with European or international work.
- (\*\*) - The figure of 1590 includes joint CEN/CENELEC projects on information technology.
- (\*\*\*)- The figure of 662 was supplied by the ISO Secretariat. The CEN/CENELEC recorded no figures in 1990 due to the change of database by the ISO

Table IIb

Table IIb - Breakdown of the number of new standardization projects started in 1991 CEN/CENELEC members which are also in the EC

Field Level	Non-electrical		Electrical		Total		Non-electrical share (%)
	No (1)	%	No (2)	%	No (3)=(1)+(2)	%	$\frac{(1) \times 100}{(3)}$
a.National work							
a.1.Related to European or international work	226	3,2	15	0,5	241	2,4	93,8
a.2.Specific (*)	1862	26,0	90	3,0	1952	19,1	95,4
a.3.Total (a.1 + a.2)	2088	29,2	105	3,5	2193	21,5	95,2
b.European work	4381	61,1	1506	49,4	5887	57,6	74,4
c.International work	694	9,7	1436	47,1	2130	20,9	32,6
d.Total (a+b+c)	7163	100	3047	100	10210	100	70,2

Source : Notifications to CEN/CENELEC

- (\*) - Note that these figures might be exaggerated since some CEN/CENELEC members do not systematically notify any link with European or international work.
- (\*\*) - The figure of 694 was supplied by the ISO Secretariat. The CEN/CENELEC recorded no figures in 1991 due to the change of database by the ISO



Table IIIa

Table IIIa - Breakdown by country of the new standardization projects started at national level in 1990

Country	Non-electrical		Electrical		Total	
	No	%	No	%	No	%
a) Germany	361	19,6	48	19,1	409	19,6
b) France	643	35,0	112	44,6	755	36,1
c) U.K.	244	13,3	47	18,7	291	13,9
d) Italy	226	12,3	2	0,8	228	10,9
e) Spain	182	9,9	14	5,6	196	9,4
f) Other EEC countries	53	2,9	7	2,8	60	2,9
g) Total	1709	93,0	230	91,6	1939	92,8
h) EFTA countries (of which Austria)	129	7,0	21	8,4	150	7,2
i) Grand total	1838	100	251	100	2089	100

Source : Notifications to CEN/CENELEC

Note - The various countries should be compared with caution: the point at which planned new work is required to be notified has not yet been harmonized.

**Table IIIb**

**Table IIIb - Breakdown by country of the new standardization projects started at national level in 1991**

Country	Non-electrical		Electrical		Total	
	No	%	No	%	No	%
a) Germany	381	16,8	20	13,9	401	16,6
b) France	779	34,0	9	6,3	779	32,3
c) U.K.	198	8,7	16	11,0	214	8,9
d) Italy	358	15,8	17	11,8	375	15,6
e) Spain	339	15,0	9	6,3	348	14,4
f) Other EEC countries	42	1,9	34	23,6	76	3,2
g) Total	2088	92,2	105	72,9	2193	91,0
h) EFTA countries (of which Austria)	177 (174)	7,8	39 (33)	27,1	216 (207)	9,0
i) Grand total	2265	100	144	100	2409	100

Source : Notifications to CEN/CENELEC

Note 1 - The various countries should be compared with caution: the point at which planned new work is required to be notified has not yet been harmonized.

Note 2 - The figures for France were supplied by AFNOR after it had established that several of the 1601 notifications processed concerned measures to implement international or European standards.

**Table IVa - The ten most important sectors in national standardization in 1990**

Code	SUBSECTOR Description	Number of new projects (EC + EFTA)
T20	Tram and railway engineering	87
M01	Steel	77
B03	Concrete	67
B26	Road building	65
I02	Fasteners	49
I18	Mining	44
S09	Water quality and supply	43
N03	Petroleum products	42
T02	Aerospace	41
N05	Textiles	41
<b>TOTAL</b>		<b>556</b>

Source: Notifications to CEN/CENELEC

Note 1: The two most important sectors in the electrical engineering sector in 1990 were:

- Electric cables (Code W08): 37 new projects
- Electromedical equipment (Code V15): 17 new projects

Note 2: In the absence of more detailed figures, the totals indicated are for the EEC countries plus EFTA.

**Table IVb - The ten most important sectors in national standardization in 1991**

Code	SUB-SECTOR Description	Number of new projects (EC + EFTA)
B26	Road building and maintenance	143
C01	Food products	140
I09	Small tools	114
T14	Packaging	99
H18	Central heating boilers	87
S09	Water quality and supply	85
T20	Tram and railway engineering	79
I13	Gas cylinders	77
F06	Terminology principles	76
T03	Road vehicles	73
<b>TOTAL</b>		<b>973</b>

Note 1: The two most important sectors in the electrical engineering sector in 1991 were:

- Electrical accessories (Code W11): 29 new projects
- Electric cables (Code W08): 23 new projects

Note 2: In the absence of more detailed figures, the totals indicated are for the EEC countries plus EFTA.

**Table V**

**Table V - Application of Article 3 (request to be involved in national standardization work and request for the drawing up of a European standard).**

<b>Year</b>	<b>Request for information</b>	<b>Comments</b>	<b>Request for involvement</b>	<b>Request for a European standard</b>
1985	5	14	5	0
1986	8	16	10	1
1987	5	74*	5	0
1988	0	67	15	0
1989	0	52	16	1
1990	20	78	7	0
1991	0	83	16	0

Source: Notification to CEN/CENELEC

Note: In the absence of detailed figures, the totals indicated are for the EEC countries plus EFTA.

(\*) Following the reminder sent out by CEN/CENELEC, some earlier comments (1985/86) have been included under 1987.

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**Table Via Standardization work entrusted to CEN, CENELEC or ETSI and approved by the 83/189 Committee in the course of 1990.**

1. Standardization work was entrusted to the European standards institutions in the following fields:
  1. Medical devices
  2. Active implantable medical devices
  3. Safety of toys - graphic symbols
  4. Construction products: timber
  5. Advanced ceramics
  6. Non-automatic weighing instruments
  7. Personal protective equipment:
    - head protection
    - eye protection
    - face and eye protection
    - respiratory tract protection
    - hand and arm protection
    - foot and leg protection
    - body protection
    - personal equipment for performance of certain activities incorporating one or several safety functions
  8. Eurocodes
  9. Upholstered furniture
  10. Analysis of cadmium in plastics
  
2. Standardization work in the field of information technology and telecommunications:
  1. Set of European standards for test specifications related to functional standards
  2. Requirements for the "Fieldbus" application
  3. CIM systems architecture
  4. Character sets and coding
  5. Common management environment
  6. Network management
  7. European standards defining the basic concepts and graphical representation for the various views defined in EN 40.003
  8. M-IT-04: Inventory of requirements with regard to European standardization for advanced manufacturing technology and programme for the development of such standards
  9. Computer graphics.
  10. Magnetic substrate
  11. Optical disks (Worm)

**Table Via: (continued)**

12. Systems interface
13. OSI test method
14. Computer graphics metafile
15. Primary set of Cyrillic characters
16. Multistandard videotex terminal on the public switched telephone network
17. Packet switching at 2 Mbps
18. Data transmission by radio
19. Mobile terminal equipment
20. Access to ISDN
21. Voice telephony services
22. Cryptographic algorithms

Table V1b Standardization work entrusted to CEN, CENELEC or ETSI and approved by the 83/189 Committee in the course of 1991.

A. Standardization work was entrusted to the European standards institutions in the following fields:

1. Upholstered furniture
2. Construction products:
  - \* protection against noise
  - \* glass in buildings
  - \* thermal performance of fabric materials and components
  - \* flexible sheeting for roofs
  - \* resilient floor coverings
3. Condoms
4. Toys (full revision)
5. Machinery (programming)
6. Mobile equipment
7. Steel (4th programme)
8. Child-resistant fastenings for non-reclosable packaging
9. Measurement method for dioxins and furans in gaseous emissions
10. Method allowing the calibration of automatic measuring equipment for hydrochloric acid
11. Physical characteristics of electricity supplied by distribution grids<sup>1</sup>.

B. Standardization work in the field of information technology and telecommunications:

1. Machine-readable identification cards
2. EWOS work resulting from the alignment
3. Health care Informatics
4. Information security (study)
5. Road transport Informatics (study)
6. Standard parts library for CAD
7. Model STEP draughting
8. Integrating infrastructure within the areas of CIM systems architecture
9. Implementation of the European system for conformity testing and certification
10. Functional specifications for home electronic systems
11. Lower layers of the OSI model
12. Alignment of the AECMA 2000 M - EDIFACT specifications
13. Test specifications for ISDN D-channel signalling
14. Application program interface (API) for ISDN
15. General architecture for API.

<sup>1</sup> CENELEC gave the Commission a direct undertaking to produce a standard on this subject, without formal approval by the 83/189 Committee.

16. European standards for telecommunications terminal equipment
17. Satellite news gathering terminals
18. Security in teleconferencing
19. New interactive services
20. Frame relay in ISDN
21. ISDN text telephone
22. Standard for type approval of complex premises equipment (CPE)
23. Digital audio broadcasting (DAB)
24. Test specifications for Q-signalling
25. Test specifications for ISDN telematic services
26. Test specifications for GSM terminals
27. Test specifications for ERMES terminals
28. ONP study on standards for broadband networks
29. Open test environment
30. Future standards concerning public networks
31. Study on requirements for standards in the audiotex domain
32. ONP study on network management standards
33. ONP study on standards for mobile services and paging
34. ONP study on intelligent network standards



**INFORMATION PROCEDURE FOR TECHNICAL REGULATIONS**

**Notifications (Article 8(1))**

**Comments (Article 8(2) + article 7 of the EEC/EFTA Agreement)**

**Detailed opinions (Article 9(1))**

**Intentions to prepare a Directive (Article 9(2) + 9(2a))**

**1990 STATISTICS**

Member States	Notifications	Comments			Detailed opinions		Intentions to prepare a Directive	
		MS (*)	EBC	EFTA	MS (*)	EBC	9(2)	9(2a)
BELGIUM	15	15	5	1	6	8	0	0
DENMARK	25	10	6	0	9	14	3	0
GERMANY	82	41	38	0	33	33	0	0
SPAIN	24	12	13	0	13	8	3	2
FRANCE	80	50	44	1	20	41	2	1
GREECE	12	6	5	0	1	5	1	0
IRELAND	11	3	2	0	1	2	1	0
ITALY	26	16	12	0	5	18	2	0
LUXEMBOURG	4	5	1	0	1	0	0	0
NETHERLANDS	26	20	12	0	8	7	1	1
PORTUGAL	10	7	2	0	2	1	0	0
UNITED KINGDOM	71	39	32	0	5	31	1	1
<b>TOTAL EEC</b>	<b>386</b>	<b>224</b>	<b>172</b>	<b>2</b>	<b>104</b>	<b>168</b>	<b>14</b>	<b>5</b>

(\*) The figures in this column show the number of comments or detailed opinions received by each Member State.

## INFORMATION PROCEDURE FOR TECHNICAL REGULATIONS

## Notifications (Article 8(1))

## Comments (Article 8(2) + article 7 of the EEC/EFTA Agreement)

## Detailed opinions (Article 9(1))

## Intentions to prepare a Directive (Article 9(2) + 9(2(a)))

## 1991 STATISTICS

Member States	Notifications	Comments			Detailed opinions		Intentions to prepare a Directive	
		MS (*)	EEC	EFTA	MS (*)	EEC	9.2	9(2a)
BELGIUM	11	4	4	0	4	4	1	0
DENMARK	18	9	9	0	5	8	0	0
GERMANY	116	23	29	3	59	49	33	5
SPAIN	18	6	12	0	1	6	1	0
FRANCE	72	20	43	1	12	12	3	0
GREECE	22	22	9	0	8	10	3	1
IRELAND	5	0	1	0	0	0	0	0
ITALY	24	12	9	0	3	11	1	1
LUXEMBOURG	2	2	0	0	1	0	0	0
NETHERLAND	30	19	16	1	9	6	2	0
PORTUGAL	30	18	24	0	7	21	1	0
UNITED KINGDOM	87	32	20	0	10	12	2	0
TOTAL EEC	435	167	176	5	119	139	47	7

(\*) The figures in this column show the number of comments or detailed opinions received by each Member State.

**BREAKDOWN OF NOTIFICATIONS BY SECTOR  
1990 STATISTICS**

SECTOR	B	D	DK	E	F	GR	IRL	I	L	NL	P	UK	TOTAL EBC
BUILDING AND CONSTRUCTION	-	9	3	2	3	4	1	1	-	2	2	25	52
AGRICULTURE AND FOOD PRODUCTS	4	3	-	11	21	3	-	2	1	16	2	7	70
CHEMICAL PRODUCTS	-	7	1	3	9	-	-	-	1	1	-	-	22
PHARMACEUTICAL PRODUCTS	1	1	1	-	12	1	-	-	-	-	-	4	20
OTHER PRODUCTS	-	3	1	1	-	-	-	-	1	1	-	-	7
BASIC STANDARDS	2	1	-	-	2	-	-	2	-	1	2	1	11
PRODUCTS FOR HOUSEHOLD AND LEISURE USE	-	-	1	-	2	-	1	-	-	-	-	2	6
MECHANICAL ENGINEERING	1	29	1	3	1	-	-	3	-	1	1	1	41
METALLIC MATERIALS	-	1	-	-	-	-	-	-	-	-	-	-	1
NON-METALLIC MATERIALS	2	1	-	-	1	2	-	-	-	-	-	-	6
HEALTH, ENVIRONMENT AND MEDICAL EQUIPMENT	-	7	-	-	1	-	-	-	1	-	-	-	9
TRANSPORT, MECHANICAL HANDLING AND PACKAGING	-	12	12	1	7	-	2	7	-	2	2	24	69
GENERAL ELECTROTECHNICAL STANDARDS	-	-	-	-	-	-	-	-	-	-	-	-	-
ELECTRONIC ENGINEERING	4	5	5	1	3	2	7	10	-	1	1	6	45
ELECTRICAL ENGINEERING	-	2	-	2	18	-	-	1	-	-	-	1	24
UNDETERMINED STANDARDIZATION AREA	-	-	-	-	-	-	-	-	-	-	-	-	-
INFORMATION TECHNOLOGY	1	1	-	-	-	-	-	-	-	1	-	-	3
<b>TOTAL BY COUNTRY</b>	<b>15</b>	<b>82</b>	<b>25</b>	<b>24</b>	<b>80</b>	<b>12</b>	<b>11</b>	<b>26</b>	<b>4</b>	<b>26</b>	<b>10</b>	<b>71</b>	<b>386</b>

TABLE X

**BREAKDOWN OF NOTIFICATIONS BY SECTOR  
1991 STATISTICS**

SECTOR	B	D	DK	E	F	GR	IRL	I	L	NL	P	UK	TOTAL EBC
BUILDING AND CONSTRUCTION	-	20	-	3	2	3	2	3	-	2	-	19	54
AGRICULTURE AND FOOD PRODUCTS	3	3	2	1	12	10	-	7	-	12	4	8	62
CHEMICAL PRODUCTS	-	5	5	3	7	3	3	-	1	3	1	3	34
PHARMACEUTICAL PRODUCTS	2	2	-	-	3	2	-	4	-	3	-	4	20
OTHER PRODUCTS	-	1	1	-	2	-	-	1	1	-	-	-	6
BASIC STANDARDS	2	1	-	-	-	-	-	-	-	-	4	2	9
PRODUCTS FOR HOUSEHOLD AND LEISURE USE	-	-	-	-	2	1	-	2	-	-	-	4	9
MECHANICAL ENGINEERING	-	59	-	2	2	2	-	3	-	-	1	2	71
METALLIC MATERIALS	-	2	1	-	-	-	-	-	-	-	-	-	3
NON-METALLIC MATERIALS	1	2	-	-	-	-	-	-	-	-	-	1	4
HEALTH, ENVIRONMENT AND MEDICAL EQUIPMENT	-	1	1	1	2	1	-	1	-	2	-	-	9
TRANSPORT, MECHANICAL HANDLING AND PACKAGING	1	13	6	1	9	-	-	1	-	2	1	15	49
GENERAL ELECTROTECHNICAL STANDARDS	-	-	-	-	-	-	-	-	-	-	-	-	0
ELECTRONIC ENGINEERING	1	6	2	7	31	-	-	-	-	4	18	29	98
ELECTRICAL ENGINEERING	1	1	-	-	-	-	-	2	-	2	1	-	7
UNDETERMINED STANDARDIZATION AREA	-	-	-	-	-	-	-	-	-	-	-	-	0
INFORMATION TECHNOLOGY	-	-	-	-	-	-	-	-	-	-	-	-	0
<b>TOTAL BY COUNTRY</b>	<b>11</b>	<b>116</b>	<b>18</b>	<b>18</b>	<b>72</b>	<b>22</b>	<b>5</b>	<b>24</b>	<b>2</b>	<b>30</b>	<b>30</b>	<b>87</b>	<b>435</b>

INFORMATION PROCEDURE FOR TECHNICAL REGULATIONS

Notifications

Comments (Article 7 of the EEC/EFTA Agreement)

1990 STATISTICS

Member States	Notifications	Comments
AUSTRIA	0	0
FINLAND	3	1
ICELAND	0	0
NORWAY	0	0
SWEDEN	2	1
SWISS CONFEDERATION	0	0
<b>TOTAL EFTA</b>	<b>5</b>	<b>2</b>

## INFORMATION PROCEDURE FOR TECHNICAL REGULATIONS

## Notifications

## Comments (Article 7 of the EEC/EFTA Agreement)

## 1991 STATISTICS

Member States	Notifications	Comments
AUSTRIA	36	11
FINLAND	27	14
ICELAND	0	0
NORWAY	20	12
SWEDEN	21	11
SWISS CONFEDERATION	16	13
TOTAL EFTA	120	61

**BREAKDOWN OF NOTIFICATIONS BY SECTOR  
1990 STATISTICS**

SECTOR	A	CH	IS	N	S	SF	TOTAL EFTA
BUILDING AND CONSTRUCTION	-	-	-	-	-	-	-
AGRICULTURE AND FOOD PRODUCTS	-	-	-	-	1	-	1
CHEMICAL PRODUCTS	-	-	-	-	-	-	-
PHARMACEUTICAL PRODUCTS	-	-	-	-	-	-	-
OTHER PRODUCTS	-	-	-	-	-	-	-
BASIC STANDARDS	-	-	-	-	-	-	-
PRODUCTS FOR HOUSEHOLD AND LEISURE USE	-	-	-	-	-	-	-
MECHANICAL ENGINEERING	-	-	-	-	-	1	1
METALLIC MATERIALS	-	-	-	-	-	-	-
NON-METALLIC MATERIALS	-	-	-	-	-	-	-
HEALTH, ENVIRONMENT AND MEDICAL EQUIPMENT	-	-	-	-	-	1	1
TRANSPORT, MECHANICAL HANDLING AND PACKAGING	-	-	-	-	1	1	2
GENERAL ELECTROTECHNICAL STANDARDS	-	-	-	-	-	-	-
ELECTRONIC ENGINEERING	-	-	-	-	-	-	-
ELECTRICAL ENGINEERING	-	-	-	-	-	-	-
UNDETERMINED STANDARDIZATION AREA	-	-	-	-	-	-	-
INFORMATION TECHNOLOGY	-	-	-	-	-	-	-
<b>TOTAL BY COUNTRY</b>	-	-	-	-	<b>2</b>	<b>3</b>	<b>5</b>

**BREAKDOWN OF NOTIFICATIONS BY SECTOR  
1991 STATISTICS**

SECTOR	A	CH	IS	N	S	SP	TOTAL EFTA
BUILDING AND CONSTRUCTION	6	2	-	2	1	1	12
AGRICULTURE AND FOOD PRODUCTS	4	2	-	2	4	-	11
CHEMICAL PRODUCTS	14	5	-	5	6	7	33
PHARMACEUTICAL PRODUCTS	-	-	-	-	-	-	2
OTHER PRODUCTS	1	-	-	-	1	3	6
BASIC STANDARDS	5	-	-	-	-	1	6
PRODUCTS FOR HOUSEHOLD AND LEISURE USE	1	1	-	1	1	-	4
MECHANICAL ENGINEERING	1	3	-	1	5	-	10
METALLIC MATERIALS	-	-	-	-	-	-	0
NON-METALLIC MATERIALS	-	-	-	-	-	1	1
HEALTH, ENVIRONMENT AND MEDICAL EQUIPMENT	1	1	-	-	-	4	6
TRANSPORT, MECHANICAL HANDLING AND PACKAGING	1	-	-	3	1	1	6
GENERAL ELECTROTECHNICAL STANDARDS	-	-	-	-	-	-	0
ELECTRONIC ENGINEERING	-	4	-	6	1	7	18
ELECTRICAL ENGINEERING	1	-	-	-	-	2	3
UNDETERMINED STANDARDIZATION AREA	-	-	-	-	-	-	0
INFORMATION TECHNOLOGY	-	-	-	-	-	-	0
<b>TOTAL BY COUNTRY</b>	<b>35</b>	<b>16</b>	<b>-</b>	<b>20</b>	<b>20</b>	<b>27</b>	<b>118</b>