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NOTE

From: Presidency
To: Permanent Representatives Committee

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on market surveillance and compliance of products and amending Council Directive 2004/42/EC, Regulations (EC) No 765/2008 and (EU) No 305/2011 of the European Parliament and of the Council
- 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 part of the so-called Goods package.

The objective of this Regulation is to improve the functioning of the internal market by strengthening market surveillance of products subject to the EU harmonisation legislation set out in the Annex I to this Regulation, and thus to ensure that non-compliant products are kept from being placed on the Union market.

2. In the European Parliament, this proposal was referred to the Internal Market and Consumer Protection Committee (IMCO). Mr Nicola DANTI (S&D – IT) has been appointed as a rapporteur. IMCO adopted its report on 3 September 2018. EP confirmed its decision to enter into negotiations with the Council on 12 September 2018.

II. STATE OF PLAY

3. Following seventeen Working Party meetings under the Bulgarian and Austrian Presidencies, COREPER mandated the Austrian Presidency on 23 November 2018 to start negotiations with the European Parliament, with a view to reaching an agreement in the first reading.

On 6 December 2018, a Working Party meeting was organised to examine EP amendments.
4. Under the Austrian Presidency, technical meetings with the European Parliament and the Commission were held on 27 and 30 November, as well as on 5, 7, 11 and 17 December 2018. The first and second informal trilogues took place on 10 and 18 December 2018. The Austrian Presidency provided a debrief on the outcome of the trilogues on 12 and 19 December 2018.
5. Following the Working Party meetings on 9 and 15 January 2019, as well as technical meetings on 8 and 10 January 2019, a revised mandate was given to the Romanian Presidency by COREPER on 16 January 2019. The third trilogue took place on 17 January 2019 and COREPER was debriefed on the outcome of the trilogue on 23 January 2019.
6. Taking into consideration the positions of delegations following the Working Party and attachés meetings on 21, 25 and 28 January 2019, as well as of the European Parliament and the Commission in the technical meetings on 17, 21, 23, 24 and 29 January 2019, a revised mandate was given to the Romanian Presidency by COREPER on 30 January 2019. The fourth trilogue took place on 30 January 2019 and COREPER was debriefed on the outcome of the trilogue on 1 February 2019.

7. Following the Working Party meeting on 1 February, as well as technical meetings on 31 January and 4 February 2019, and taking into account delegations' comments, the Romanian Presidency has prepared a third revised compromise text presented in Annex to this note.

III. REVISED MANDATE

8. The text marked in blue and set out in Annex – in the fourth column – represents RO Presidency compromise proposals on Articles 3, 6, 12, 12b, 13, 14, 14a, 16, 18, 20, 22-24, 26, 27, 32.
9. The Presidency is asking delegations to focus on the following issues:

a) Definitions (Article 3)

As regards row 79A, taking into consideration delegations' comments the Presidency proposes a new definition of a "fulfilment service provider", namely: *(10a) 'fulfilment service provider' means any natural or legal person offering, in the course of commercial activity, at least two of the following services of warehousing, packaging, addressing and dispatching without having ownership of the products involved, excluding services provided according to Article 2(1) of Directive 97/67/EC (Community postal services), Article 2(2) of Regulation (EU) 2018/644 (cross-border parcel delivery services), and freight transport services.*

In addition, the Presidency would like to draw attention to an updated definition of a "product presenting a serious risk" in row 92.

b) Information to economic operators (Article 6)

The Presidency proposes, taking into account delegations' comments, to accept the text in rows 122 and 122B, which is a compromise text based on both – the Council mandate and the EP mandate.

c) Activities of market surveillance authorities (Article 12)

As regards row 163, the Presidency proposes to accept the latest EP proposal in letter (d). As regards letter (e) in the same row, the Presidency suggests deleting "and the status of an authorised economic operator" from the wording in the EP proposal.

As regards row 168B, the Presidency has deleted the first and the last subparagraph, and it has kept only the obligation to participate in ADCOs.

As regards row 168C, the Presidency proposes to eliminate letter (b) following the requests from delegations.

d) Peer reviews (Article 12b)

The Presidency proposes to take on board the EP proposal in row 174K, namely to replace "may" with "shall" in paragraph 1.

e) National market surveillance strategies (Article 13)

The Presidency proposes to show flexibility on rows 176 and 184, taking on board the EP proposals.

f) Market surveillance powers and measures (Article 14)

Taking into consideration the Commission proposal to optimise row 206, RO Presidency proposes to replace the word "ensure" with "order", in order to provide for a gradual approach in relation to row 205.

As regards row 208 (the power to order the restitutions of profits), the Presidency proposes to insert into the text a new recital.

g) Recovery of costs by market surveillance authorities (Article 14a)

The Presidency has decided not to take on board the EP proposal in row 254A.

h) Use of information, professional and commercial secrecy (Article 16)

As regards row 220, the Presidency proposes to accept the latest EP proposal, which is a compromise text based on both – the Council mandate and the EP mandate.

i) Products presenting a serious risk (Article 18)

Taking into account concerns raised by several delegations, the Presidency proposes to take on board the latest COM proposal in row 227.

j) Union testing facilities (Article 20)

As regards row 244B, the Presidency has taken on board delegations' proposal, in order to accommodate concerns of the European Parliament, when it comes to interpretation of "Designated Union testing facilities may not compete commercially with other testing facilities".

k) Mutual assistance (Articles 22-24)

The Presidency suggests taking on board the latest COM proposal in row 262E and the latest EP proposal in row 266A. Both proposals are based on the Council mandate.

l) Controls on products entering the Union market (Article 26)

In row 304A, the Presidency proposes to change the wording from “may adopt implementing acts” to “shall adopt implementing acts” in order to show flexibility, provided that the EP is ready to give up its request for delegated acts.

m) Suspension of release for free circulation (Article 27)

As regards row 315A, the Presidency proposes to insert into the text a new recital.

n) Composition and functioning of the Network (Article 32)

In row 345, the Presidency proposes a rewording of the second paragraph following the request of the EP to delete this sentence. The text proposed is: “*ADCO meetings are destined only to the members of the Market surveillance authorities*”.

As regards row 347, the Presidency proposes to move the second paragraph in the recitals.

Other technical issues

The Presidency has technically and linguistically adjusted text in the following rows: 129, 149, 192, 211E, 215E, 232, 311, 347O, 394A, 551A.

V. CONCLUSION

10. The Presidency invites delegations to be as flexible as possible on the issues presented in paragraph 9 (above), as well as on the RO Presidency compromise proposals (marked in blue) presented in Annex to this note, with a view to reaching an agreement with the European Parliament.
11. COREPER is invited to revise the mandate of the Presidency along the lines set out in paragraph 9.

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council

6 February 2019

Text in **green** Agreed

Text in **yellow** For possible agreement

Text in **red** For further discussion

Text in **blue** RO Presidency compromise proposal

Text in **grey** Changes to the previous versions made by the RO Presidency

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	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
68	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions
ARTICLE 3-PARAGRAPH 1- INTRODUCTORY PART				
69	For the purposes of this	For the purposes of this	For the purposes of this	For the purposes of this

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	Regulation, the following definitions shall apply:	Regulation, the following definitions shall apply:	Regulation, the following definitions shall apply:	Regulation, the following definitions shall apply:
ARTICLE 3-PARAGRAPH 1- POINT 1				
70	(1) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(1) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(1) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(1) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
ARTICLE 3-PARAGRAPH 1- POINT 2				
71	(2) ‘placing on the market’ means the first making available of a product on the Union market;	(2) ‘placing on the market’ means the first making available of a product on the Union market;	(2) ‘placing on the market’ means the first making available of a product on the Union market;	(2) ‘placing on the market’ means the first making available of a product on the Union market;
ARTICLE 3-PARAGRAPH 1- POINT 3				
72	(3) ‘market surveillance’ means the activities carried out and measures	(3) ‘market surveillance’ means the activities carried out and	(3) ‘market surveillance’ means the activities carried out and measures taken by	(3) ‘market surveillance’ means the activities carried out and measures

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	taken by market surveillance authorities to ensure that products comply with the requirements under Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;	measures taken by market surveillance authorities to ensure that products comply with the requirements under Union harmonisation legislation and do not endanger health, <i>and safety in general, health and safety in the workplace, the protection of consumers, public</i> safety or any other aspect of public interest protection; AM 44	market surveillance authorities to ensure that products comply with the requirements under <u>set out in the applicable</u> Union harmonisation legislation and do not endanger <u>ensure</u> health, safety or any other aspect of public interest protection <u>of the public interest covered by that legislation</u> ;	taken by market surveillance authorities to ensure that products comply with the requirements under <u>set out in the applicable</u> Union harmonisation legislation and do not endanger <u>ensure</u> health, safety or any other aspect of public interest protection <u>of the public interest covered by that legislation</u> ;
ARTICLE 3-PARAGRAPH 1- POINT 4				
73	(4) ‘market surveillance authority’ means an authority designated by a Member State under Article 11 as a market surveillance authority in the territory of that Member State;	(4) ‘market surveillance authority’ means an authority designated by a Member State under Article 11 as a market surveillance authority in the territory of that Member State;	(4) ‘market surveillance authority’ means an authority designated by a Member State under Article 11 as a <u>responsible for carrying out</u> market surveillance authority in the territory of that Member State;	(4) ‘market surveillance authority’ means an authority designated by a Member State under Article 11 as a <u>responsible for carrying out</u> market surveillance <u>activities</u> authority in the territory of that Member State;
ARTICLE 3-PARAGRAPH 1- POINT 5				

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
74	(5) ‘applicant authority’ means the market surveillance authority that makes a request for mutual assistance;	(5) ‘applicant authority’ means the market surveillance authority that makes a request for mutual assistance;	(5) ‘applicant authority’ means the market surveillance authority that makes a request for mutual assistance;	(5) ‘applicant authority’ means the market surveillance authority that makes a request for mutual assistance;
ARTICLE 3-PARAGRAPH 1- POINT 6				
75	(6) ‘requested authority’ means the market surveillance authority that receives a request for mutual assistance;	(6) ‘requested authority’ means the market surveillance authority that receives a request for mutual assistance;	(6) ‘requested authority’ means the market surveillance authority that receives a request for mutual assistance;	(6) ‘requested authority’ means the market surveillance authority that receives a request for mutual assistance;
ARTICLE 3-PARAGRAPH 1- POINT 7				
76	(7) ‘non-compliance’ means any failure to comply with any of the requirements under the Union harmonisation legislation applicable to the product in question;	(7) ‘non-compliance’ means any failure to comply with any of the requirements under the Union harmonisation legislation applicable to the product in question;	(7) ‘non-compliance’ means any failure to comply with any of the requirements under the Union harmonisation legislation applicable to the product in question or the requirements of this Regulation;	(7) ‘non-compliance’ means any failure to comply with any of the requirements under the Union harmonisation legislation applicable to the product in question or the requirements of this Regulation;
ARTICLE 3-PARAGRAPH 1 - POINT 8				
77	(8) ‘manufacturer’ means any natural or legal person who	(8) ‘manufacturer’ means any natural or legal person who manufactures a	(8) ‘manufacturer’ means any natural or legal person who manufactures a product	(8) ‘manufacturer’ means any natural or legal person who manufactures a

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	manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;	product or has a product designed or manufactured, and markets that product under his name or trademark;	or has a product designed or manufactured, and markets that product under his name or trademark;	product or has a product designed or manufactured, and markets that product under his name or trademark;
ARTICLE 3-PARAGRAPH 1- POINT 9				
78	(9) 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	(9) 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	(9) 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	(9) 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;
ARTICLE 3-PARAGRAPH 1- POINT 10				
79	(10) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	(10) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	(10) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	(10) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;
ARTICLE 3-PARAGRAPH 1- POINT 10a (new)				

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79A			<p><u>(10a) 'fulfilment service provider' means any natural or legal person offering any two of the following services of warehousing, picking, packaging and shipping without having ownership of the products involved. Services provided according to Article 1(1) of Directive 97/67/EC (Community postal services), Article 2(2) of Regulation (EU) 2018/644 (cross-border parcel delivery services), any other postal services or freight transport services are not considered fulfilment services;</u></p>	<p>(10a) 'fulfilment service provider' means any natural or legal person offering, in the course of commercial activity at least any two of the following services of warehousing, packaging, picking addressing, and shipping dispatching without having ownership of the products involved; excluding services provided according to Article 12(1) of Directive 97/67/EC (Community postal services), Article 2(2) of Regulation (EU) 2018/644 (cross-border parcel delivery services), any other postal services or freight transport services are not considered fulfilment services;</p>
ARTICLE 3-PARAGRAPH 1- POINT 11				
80	(11) 'authorised representative' means	(11) 'authorised representative' means any	(11) 'authorised representative' means any	(11) 'authorised representative' means any

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	any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regards to the manufacturer's obligations under the relevant Union harmonisation legislation;	natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regards to the manufacturer's obligations under the relevant Union harmonisation legislation;	natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regards to the manufacturer's obligations under the relevant Union harmonisation legislation;	natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regards to the manufacturer's obligations under the relevant Union harmonisation legislation <u>or the requirements of this Regulation;</u>
ARTICLE 3-PARAGRAPH 1- POINT 12				
81	(12) 'economic operator' means the manufacturer, the authorised representative, the importer or the distributor, and including:	(12) 'economic operator' means the manufacturer, the authorised representative, the importer or the distributor; <i>and any other person subject to obligations in relation to the making available of products on the market in accordance with the relevant Union harmonisation legislation, and including:</i>	(12) 'economic operator' means the manufacturer, the authorised representative, the importer or the distributor, and including:	(12) 'economic operator' means the manufacturer, the authorised representative, the importer or the distributor, <u>and including: fulfilment service providers and any other natural or legal person subject to obligations in relation to the manufacture of products, making them available on the market</u>

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
		AM 45		<u>or putting them into service in accordance with the relevant Union harmonisation legislation;</u>
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT a				
82	(a) any of the economic operators as referred to in Directives 2006/66/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU, 2014/90/EU, Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2017/745 and (EU) 2017/746;	(a) any of the economic operators as referred to in Directives 2006/66/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU, 2014/90/EU, Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2017/745 and (EU) 2017/746;	(a) any of the economic operators as referred to in Directives 2006/66/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU, 2014/90/EU, Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2017/745 and (EU) 2017/746;	Deleted

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	2016/426, (EU) 2017/745 and (EU) 2017/746;			
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT b				
83	(b) the operators as defined in Regulation (EC) No 273/2004;2017/745 and (EU) 2017/746;	(b) the operators as defined in Regulation (EC) No 273/2004;2017/745 and (EU) 2017/746;	(b) the operators as defined in Regulation (EC) No 273/2004;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT c				
84	(c) the producer of an article and the downstream user as defined in each case in Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008;	(c) the producer of an article and the downstream user as defined in each case in Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008;	(e) the producer of an article and the downstream user as defined in each case in Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT d				
85	(d) the private importer as defined in Directive 2013/53/EU;	(d) the private importer as defined in Directive 2013/53/EU;	(d) the private importer as defined in Directive 2013/53/EU;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT e				

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
86	(e) the installer as defined in Directives 2006/42/EC and 2014/33/EU;	(e) the installer as defined in Directives 2006/42/EC and 2014/33/EU;	(e) the installer as defined in Directives 2006/42/EC and 2014/33/EU;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT f				
87	(f) the supplier and the distributor as defined in Regulation (EC) No 1222/2009;	(f) the supplier and the distributor as defined in Regulation (EC) No 1222/2009;	(f) the supplier and the distributor as defined in Regulation (EC) No 1222/2009;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT g				
88	(g) the dealer as defined in Regulation (EU) 2017/1369;	(g) the dealer as defined in Regulation (EU) 2017/1369;	(g) the dealer as defined in Regulation (EU) 2017/1369;	Deleted
ARTICLE 3-PARAGRAPH 1- POINT 12 - POINT h				
89	(h) any other natural or legal person established in the Union and other than a distributor, who warehouses, packages and ships products to or within the Union market;	(h) any other natural or legal person established in the Union and other than a distributor, who warehouses, packages and ships products to or within the Union market;	(h) any other natural or legal person established in the Union and other than a distributor, who warehouses, packages and ships products to or within the Union market fulfilment service providers and any other natural or legal person established in the Union and other than a distributor, who warehouses, packages and ships products to or within the Union market subject to obligations in relation to	Deleted <i>Council's text reflected in row 81</i>

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			<u>the manufacture of products, making them available on the market or putting them into service in accordance with the relevant Union harmonisation legislation;</u>	
ARTICLE 3-PARAGRAPH 1 - POINT 12a (new)				
89A			<u>(12a) ‘information society service provider’ means a provider of a service within the meaning of Article 1(1)(b) of Directive 2015/1535/EU;</u>	(12a) ‘information society service provider’ means a provider of a service within the meaning of Article 1(1)(b) of Directive 2015/1535/EU;
ARTICLE 3-PARAGRAPH 1 - POINT 12b				
89B			<u>(12b) ‘online interface’ means any software, including a website, part of a website or an application, that is operated by or on behalf of an economic operator, and which serves to give end-users access to the economic operator’s products;</u>	(12b) ‘online interface’ means any software, including a website, part of a website or an application, that is operated by or on behalf of an economic operator, and which serves to give end-users access to the economic operator’s products;

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ARTICLE 3-PARAGRAPH 1 - POINT 13				
90	(13) ‘corrective action’ means any action taken by an economic operator to bring any non-compliance to an end, including action to restrict the making available of products on the market or to destroy a product on the market;	(13) ‘corrective action’ means any action taken by an economic operator to bring any non-compliance to an end, including action to restrict the making available of products on the market or to destroy a product on the market;	(13) ‘corrective action’ means any action taken by an economic operator to bring any non-compliance to an end, including action to restrict the making available of products on the market or to destroy a product on the market <u>where required by a market surveillance authority or on his own initiative;</u>	(13) ‘corrective action’ means any action taken by an economic operator to bring any non-compliance to an end, including action to restrict the making available of products on the market or to destroy a product on the market where required by a market surveillance authority or on his own initiative;
ARTICLE 3-PARAGRAPH 1- POINT 14				
91	(14) ‘temporary measure’ means any temporary measure taken by a market surveillance authority aimed at suspending or restricting the making available of products on the market pending a final assessment on non-compliance, without	(14) ‘temporary measure’ means any temporary measure taken by a market surveillance authority aimed at suspending or restricting the making available of products on the market pending a final assessment on non-compliance, without	(14) ‘temporary measure’ means any temporary measure taken by a market surveillance authority aimed at suspending or restricting the making available of products on the market pending a final assessment on non-compliance, without prejudging any subsequent decisions;	

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	prejudging any subsequent decisions;	prejudging any subsequent decisions;		
ARTICLE 3-PARAGRAPH 1- POINT 14a				
91A			<u>(14a) ‘voluntary measure’ means a corrective action where not required by a market surveillance authority;</u>	(14a) ‘voluntary measure’ means a corrective action where not required by a market surveillance authority;
ARTICLE 3-PARAGRAPH 1- POINT 14b				
91B			<u>(14b) ‘risk’ means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;</u>	(14b) ‘risk’ means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;
ARTICLE 3-PARAGRAPH 1- POINT 14c				
91C			<u>(14c) ‘product presenting a risk’ means a product having the potential to affect adversely health and safety of persons in general, health and safety</u>	(14c) ‘product presenting a risk’ means a product having the potential to affect adversely health and safety of persons in general, health and safety

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			<u>in the workplace, protection of consumers, the environment, public security and other public interests, protected by the applicable Union harmonisation legislation. This to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements;</u>	in the workplace, protection of consumers, the environment, public security and other public interests, protected by the applicable Union harmonisation legislation to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements;
ARTICLE 3-PARAGRAPH 1- POINT 15				
92	(15) ‘serious risk’ means any serious risk, including a serious risk where the effects are not immediate, requiring rapid intervention by the	(15) ‘serious risk’ means any serious risk, including a serious risk where <i>those</i> the effects <i>of which</i> are not immediate, requiring rapid intervention <i>and</i>	(15) ‘ <u>product presenting a serious risk</u> ’ means any serious <u>a product presenting a risk, -for which the combination of the probability of occurrence</u>	(15) ‘product presenting a serious risk’ means a product presenting a risk, for which, <u>based on a risk assessment, the combination of the</u>

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	market surveillance authorities;	<i>follow-up</i> by the market surveillance authorities; AM 46	<u>of a hazard causing harm and the degree of severity of the harm is considered serious. This based on a risk assessment,</u> including a serious-risk <u>cases</u> where the effects are not immediate, <u>and thus</u> requiring rapid intervention by the market surveillance authorities;	probability of occurrence of a hazard causing harm and the degree of severity of the harm is considered serious. This based on a risk assessment, including cases where the effects are not immediate, and thus requiring rapid intervention by the market surveillance authorities;
ARTICLE 3-PARAGRAPH 1- POINT 16				
93	(16) ‘end-user’ means any natural or legal person, residing or established in the Union, to whom a product was 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;	(16) ‘end-user’ means any natural or legal person, residing or established in the Union, to whom a product was 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;	(16) ‘end-user’ means any natural or legal person, residing or established in the Union, to whom a product was 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;	(16) ‘end-user’ means any natural or legal person, residing or established in the Union, to whom a product was 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;
ARTICLE 3-PARAGRAPH - POINT 17				
94	(17) ‘recall’ means any	(17) ‘recall’ means any	(17) ‘recall’ means any	(17) ‘recall’ means any

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	measure aimed at achieving the return of a product that has already been made available to the end-user;	measure aimed at achieving the return of a product that has already been made available to the end-user;	measure aimed at achieving the return of a product that has already been made available to the end-user;	measure aimed at achieving the return of a product that has already been made available to the end-user;
ARTICLE 3-PARAGRAPH - POINT 18				
95	(18) 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	(18) 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	(18) 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	(18) 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;
ARTICLE 3-PARAGRAPH - POINT 19				
96	(19) 'customs authorities' means customs authorities as defined in Article 5(1) of Regulation (EU) No 952/2013;	(19) 'customs authorities' means customs authorities as defined in Article 5(1) of Regulation (EU) No 952/2013;	(19) 'customs authorities' means customs authorities as defined in Article 5 point 1 of Regulation (EU) No 952/2013;	(19) 'customs authorities' means customs authorities as defined in Article 5 point 1 of Regulation (EU) No 952/2013;
ARTICLE 3-PARAGRAPH - POINT 20				
97	(20) 'release for free circulation' means the procedure laid down in Article 201 of	(20) 'release for free circulation' means the procedure laid down in Article 201 of Regulation	(20) 'release for free circulation' means the procedure laid down in Article 201 of Regulation	(20) 'release for free circulation' means the procedure laid down in Article 201 of Regulation

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	Regulation (EU) No 952/2013;	(EU) No 952/2013;	(EU) No 952/2013;	(EU) No 952/2013;
ARTICLE 3-PARAGRAPH - POINT 21				
98	(21) ‘products entering the Union market’ means products from third countries intended to be placed on the Union market or intended for private use or consumption within the customs territory of the Union and placed under the customs procedure ‘release for free circulation’;	(21) ‘products entering the Union market’ means products from third countries intended to be placed on the Union market or intended for private use or consumption within the customs territory of the Union and placed under the customs procedure ‘release for free circulation’;	(21) ‘products entering the Union market’ means products from third countries intended to be placed on the Union market or intended for private use or consumption within the customs territory of the Union and placed under the customs procedure ‘release for free circulation’;	(21) ‘products entering the Union market’ means products from third countries intended to be placed on the Union market or intended for private use or consumption within the customs territory of the Union and placed under the customs procedure ‘release for free circulation’
ARTICLE 3-PARAGRAPH - POINT 22				
99	(22) ‘authorised economic operator’ means an economic operator enjoying the status granted pursuant to Article 38(1) of Regulation (EU) No 952/2013.	(22) ‘authorised economic operator’ means an economic operator enjoying the status granted pursuant to Article 38(1) of Regulation (EU) No 952/2013.	(22) ‘authorised economic operator’ means an economic operator enjoying the status granted pursuant to Article 38(1) of Regulation (EU) No 952/2013.	<i>Depends on the outcome of Customs Chapter and/or Article 12.</i>

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
120	Chapter III Assistance to and cooperation with economic operators	Chapter III Assistance to and cooperation with economic operators	Chapter III Assistance to and cooperation with economic operators	Chapter III Assistance to and cooperation with economic operators
ARTICLE 6				
121	Article 6 Information to economic operators	Article 6 Information to economic operators	Article 6 Information to economic operators	Article 6 Information to economic operators
ARTICLE 6 - PARAGRAPH 1				
122	The Product Contact Points referred to in [Regulation (EC) No 764/2008 of the European Parliament and the Council / Regulation (EU).... of the European Parliament and the Council] shall provide economic operators, at their request and free of	The Product Contact Points referred to in [Regulation (EC) No 764/2008 of the European Parliament and the Council / Regulation (EU).... of the European Parliament and the Council] shall provide economic operators, at their request and free of	The Product Contact Points referred to in [Regulation (EC) No 764/2008 of the European Parliament and the Council / Regulation (EU).... of the European Parliament and the Council] shall provide economic operators, at their request and free of charge, with information with respect to	1. The Commission shall, in accordance with Regulation (EU) 2018/1724, ensure that the Your Europe portal provides users with easy, online access to information regarding the product requirements and rights, obligations and rules

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
	charge, with information with respect to the Union harmonisation legislation applicable to a product.	charge, with information with respect to the Union harmonisation legislation applicable to a product.	the Union harmonisation legislation applicable to a product.	derived from the Union harmonisation legislation.
ARTICLE 6 - PARAGRAPH 1 (new)				
122 A			<u>1. The Commission shall be responsible for making available relevant information on Union harmonisation legislation to economic operators. For this purpose, the Commission shall establish a system accessible in accordance with Article 4(2) of Regulation xxxx/2019 (Single digital gateway regulation). This system shall enable the economic operator to identify the relevant acts of Union harmonisation legislation applicable to his product, and its requirements.</u>	See paragraph 1, row 122
ARTICLE 6 - PARAGRAPH 2 (new)				
122				

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
B			<u>2. Notwithstanding the provisions of Article 4(1) of Regulation xxxx/2019, Member States shall have procedures in place for providing economic operators at their request with specific information in respect to the national transposition and implementation of Union harmonisation legislation applicable to a product. This information shall be provided generally within 15 working days and free of charge.</u>	2. Member States shall have put in place procedures in place for providing economic operators, at their request and free of charge, with specific information in with respect to the national transposition and implementation of Union harmonisation legislation applicable to a products. This information shall be provided generally within 15 working days and free of charge. For this purpose, Article 9(1), (4) and (5) of [new Regulation on Mutual Recognition] shall apply.
ARTICLE 6 - PARAGRAPH 1 a (new)				
122C		<i>1a. For the purpose of paragraph 1 of this Article, Article 10 of the [Regulation (EC) No 764/2008 of the European Parliament and the Council / Article</i>		See paragraph 2, row 122B

	Commission Proposal	EP Mandate	Council General Approach	Draft Agreement
		<p><i>9 of Regulation (EU).... of the European Parliament and the Council on Mutual Recognition Principle] shall apply with regard to the tasks of the Product Contact Points.</i></p> <p>AM 63</p>		
ARTICLE 6 - PARAGRAPH 1 b (new)				

122D		<p><i>1b. Member States shall ensure the visibility of Product Contact Points and provide them with sufficient powers and adequate resources for the proper performance of their tasks. Product Contact Points shall deliver their services in accordance with [Regulation on Single Digital Gateway].</i></p> <p>AM 64</p>		<p>Covered by new Mutual Recognition Regulation (and reference to it in paragraph 2, row 122B)</p>
ARTICLE 6 - PARAGRAPH 1 c (new)				
122E		<p><i>1c. The Commission shall prepare the general information regarding the product requirements set in the Union harmonisation legislation which the Product Contact Points shall provide to economic operators and publish online in a uniform, transparent, accessible</i></p>		<p>See paragraph 1, row 122</p>

		<i>and user-friendly way in order to raise awareness about the Union harmonisation legislation.</i>		
		AM 65		
ARTICLE 6 - PARAGRAPH 1 d (new)				
122F		<i>1d. The Commission shall provide for and ensure efficient cooperation and exchange of information between the competent authorities and the Product Contact Points of the various Member States.</i>		Covered by new Mutual Recognition Regulation
		AM 66		
129	Article 8 Memoranda of understanding with stakeholders	Article 8 Memoranda of understanding with stakeholders <i>Cooperation between market surveillance authorities</i>	Article 8 Memoranda of understanding with stakeholders <u>Joint awareness raising and information campaigns</u>	Article 8 <u>Joint awareness raising and information campaigns activities to promote compliance</u>

		<i>and economic operators</i>		
		AM 68		
ARTICLE 8 - PARAGRAPH 1 - SUBPARAGRAPH 1				
130	1. Market surveillance authorities may enter into memoranda of understanding with businesses or organisations representing businesses or end-users for the carrying out, or financing, of joint activities aimed at identifying non-compliance or promoting compliance in specific geographical areas or with respect to specific categories of product.	Market surveillance authorities may enter into memoranda of understanding with businesses <i>economic operators</i> or organisations representing businesses <i>economic operators, other relevant authorities</i> or end-users for the carrying out, or financing, of joint activities aimed at <i>raising awareness, providing advice and guidance in relation to the Union harmonisation legislation, promoting voluntary actions,</i> identifying non-compliance or promoting compliance in specific geographical areas or with respect to specific <i>products, including the products sold online, or</i> categories of products, <i>in</i>	1. Market surveillance authorities may, <u>in compliance with national legislation,</u> enter into memoranda of understanding <u>agree</u> with businesses <u>other relevant authorities,</u> or organisations representing businesses <u>economic operators</u> or end-users for <u>on</u> the carrying out, or financing, of joint activities aimed at identifying non-compliance or promoting compliance, <u>raising awareness and providing advice and guidance in relation to the Union harmonisation legislation</u> in specific geographical areas or with respect to specific categories of products, <u>in particular the ones that are often found to be presenting a serious risk, including the</u>	1. Market surveillance authorities may, in compliance with national legislation, agree with other relevant authorities, organisations representing economic operators or end-users on carrying out joint activities aimed at promoting compliance or <u>identifying non-compliance,</u> raising awareness and providing advice and guidance in relation to the Union harmonisation legislation and with respect to specific categories of products, in particular the ones that are often found to be presenting a serious risk, including the products sold online. <u>2. The market surveillance authority in question and the parties referred to in paragraph 1 shall ensure</u>

		<p><i>particular the ones that are often found to be presenting a serious risk.</i></p> <p>AM 69</p>	<p><u>products sold online.</u></p>	<p><u>that the agreement on joint activities does not create unfair competition between economic operators, does not affect the objectivity, independence and impartiality of the parties.</u></p> <p>1. <u>3. A market surveillance authority may use any information resulting from joint activities carried out as part of any investigation undertaken by it into non-compliance.</u></p> <p>4. <u>The market surveillance authority in question shall make the agreement on joint activities, including the names of the parties involved, available to the general public and shall enter it in the system referred to in Article 34.</u></p> <p>2. <u>The Network established under Article 31 shall, at the request of a Member State, assist in the drawing up of the agreement on joint</u></p>
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				<u>activities.</u>
ARTICLE 8 - PARAGRAPH 1 - SUBPARAGRAPH 1 a (new)				
130A		<p><i>Where a memorandum of understanding is concluded with economic operators directly, it shall not preclude other economic operators who make available on the market products of the same category to request to join that memorandum.</i></p> <p>AM 70</p>		Deleted
ARTICLE 8 - PARAGRAPH 1 - SUBPARAGRAPH 2				
131	The market surveillance authority in question shall make the memorandum available to the general public and shall enter it in the system referred to in Article 34.	The market surveillance authority in question shall make the memorandum available to the general public, <i>the Commission and Member States</i> and shall enter it in the system referred to in Article 34-, <i>along with the details of the scope of the memorandum and the names and the addresses</i>	The market surveillance authority in question shall make the memorandum available to the general public and shall enter it in the system referred to in Article 34.	Deleted

		<i>of the parties involved.</i>		
		AM 71		
ARTICLE 8 - PARAGRAPH 1 - SUBPARAGRAPH 2 a (new)				
131A		<i>The Network established under Article 31 shall, at the request of a Member State, assist in the drawing up and implementation of the memoranda of understanding.</i>		Deleted
		AM 72		
ARTICLE 8 - PARAGRAPH 1 a (new)				
131B		<i>A market surveillance authority and the parties referred to in paragraph 1 entering into memoranda of understanding, shall ensure that such memoranda do not create unfair competition between economic operators and contain provisions so as to safeguard the</i>		Deleted

		<p><i>confidentiality, the objectivity, independence and impartiality of the parties, the information and the activities concerned. Where any of the parties breach any of these provisions, a memorandum of understanding shall be terminated.</i></p> <p>AM 73</p>		
ARTICLE 8 - PARAGRAPH 2				
132	<p>2. A market surveillance authority may use any information resulting from activities carried out or financed by other parties to a memorandum of understanding entered into by it under paragraph 1 as part of any investigation undertaken by it into non-compliance, but only if the activity in question was carried out independently, impartially and without</p>	<p>2. A market surveillance authority may use any information resulting from activities carried out or financed by other parties to a memorandum of understanding entered into by it under paragraph 1 as part of any investigation undertaken by it into non-compliance, but only if the activity in question was carried out independently, impartially and without bias.</p>	<p>2. A market surveillance authority may use any information resulting from activities carried out or financed by other parties to a memorandum of understanding entered into by it under paragraph 1 as part of any investigation undertaken by it into non-compliance, but only if the activity in question was carried out independently, impartially and without bias.</p>	Deleted

	bias.			
ARTICLE 8 - PARAGRAPH 3				
133	3. Any exchange of information between market surveillance authorities and businesses or organisations referred to in paragraph 1 for the purposes of preparing or implementing a memorandum of understanding entered into by them under that paragraph shall be deemed not to infringe the requirements of professional secrecy.	3. Any exchange of information between market surveillance authorities and businesses or organisations <i>the parties</i> referred to in paragraph 1 for the purposes of preparing or implementing a memorandum of understanding entered into by them under that paragraph shall be deemed not to infringe the requirements of professional secrecy. AM 74	3. Any exchange of information between market surveillance authorities and businesses or organisations referred to in paragraph 1 for the purposes of preparing or implementing a memorandum of understanding entered into by them under that paragraph shall be deemed not to infringe the requirements of professional secrecy.	Deleted
134	Article 9 Publication of voluntary measures	Article 9 Publication of voluntary measures	Article 9 Publication of voluntary measures	Maintain Council mandate
ARTICLE 9 - PARAGRAPH 1				
135	1. The Commission shall	1. The Commission shall	1. The Commission shall	Maintain Council mandate

	develop and maintain an on-line portal on which economic operators may publish information about measures voluntarily taken by them in relation to a product as defined in Directive 2001/95/EC or a product made available by them on the market, where the risks posed by the product go beyond the territory of one Member State.	develop and maintain an on-line portal on which economic operators may publish information about measures voluntarily taken by them in relation to a product as defined in Directive 2001/95/EC or a product made available by them on the market, where the risks posed by the product go beyond the territory of one Member State.	develop and maintain an on-line portal on which economic operators may publish information about measures voluntarily taken by them in relation to a product as defined in Directive 2001/95/EC or a product made available by them on the market, where the risks posed by the product go beyond the territory of one Member State.	
ARTICLE 9 - PARAGRAPH 1				
136	The on-line portal shall be one to which end-users and market surveillance authorities are able to have access.	1. The on-line portal shall be one to which end-users and market surveillance authorities are able to have access.	The on-line portal shall be one to which end-users and market surveillance authorities are able to have access.	<i>Maintain Council mandate</i>
ARTICLE 9 - PARAGRAPH 2				
137	2. If an economic operator chooses to publish information on the portal referred to in paragraph 1, it shall ensure that the product	2. If an economic operator chooses to publish information on the portal referred to in paragraph 1, it shall ensure that the product can be precisely	2. If an economic operator chooses to publish information on the portal referred to in paragraph 1, it shall ensure that the product can be precisely identified	<i>Maintain Council mandate</i>

	can be precisely identified from the information published and that the risks are explained such that end-users can assess what action it might be appropriate for them to take in response to the risks. The information published shall be provided in all of the official languages of the Member States where the products are made available on the market and the economic operator shall be responsible for the provision and accuracy of the information.	identified from the information published and that the risks are explained such that end-users can assess what action it might be appropriate for them to take in response to the risks. The information published shall be provided in all of the official languages of the Member States where the products are made available on the market and the economic operator shall be responsible for the provision and accuracy of the information.	from the information published and that the risks are explained such that end-users can assess what action it might be appropriate for them to take in response to the risks. The information published shall be provided in all of the official languages of the Member States where the products are made available on the market and the economic operator shall be responsible for the provision and accuracy of the information.	
ARTICLE 9 - PARAGRAPH 3				
138	3. Publication referred to in paragraph 1 is without prejudice to any obligations of economic operators under the applicable Union harmonisation legislation or under Directive	3. Publication referred to in paragraph 1 is without prejudice to any obligations of economic operators under the applicable Union harmonisation legislation or under Directive	3. Publication referred to in paragraph 1 is without prejudice to any obligations of economic operators under the applicable Union harmonisation legislation or under Directive 2001/95/EC.	<i>Maintain Council mandate</i>

	2001/95/EC.	2001/95/EC.		
ARTICLE 9 - PARAGRAPH 3 a (new)				
138A		<p><i>3a. Consumers must be informed, through an online portal, of rights relating to non-compliant products which they have acquired, such as the right to obtain a replacement for a product or to receive compensation, the right of recourse and contacts from which all appropriate information can be obtained.</i></p> <p>AM 75</p>		Maintain Council mandate
ARTICLE 11				
148	Article 11 Market surveillance authorities and single liaison offices	Article 11 Market surveillance authorities and single liaison offices	Article 11 Designation of M market surveillance authorities and the single liaison offices	Article 11 Designation of M market surveillance authorities and the single liaison offices
ARTICLE 11 - PARAGRAPH 1				
149				-1. Member States shall

	1. Each Member State shall designate one or more market surveillance authorities in its territory. It shall inform the Commission, through the Network established under Article 31, and the other Member States of the market surveillance authorities designated by it and the areas of competence of each of those authorities, using the information and communication system referred to in Article 34.	1. Each Member State shall designate one or more market surveillance authorities in its territory. It shall inform the Commission through the Network established under Article 31, and the other Member States of the <i>its</i> market surveillance authorities designated by it and the areas of competence of each of those authorities, using the information and communication system referred to in Article 34. AM 77	1. Each Member State shall designate one or more market surveillance authorities in its territory. It shall inform the Commission, through the Network established under Article 31, and the other Member States of the market surveillance authorities designated by it and the areas of competence of each of those authorities, using the information and communication system referred to in Article 34.	<u>organise and carry out market surveillance as provided for in this Regulation.</u> <i>moved from Council's Article 10a paragraph 1</i> <u>1. For the purpose of paragraph -1, Each</u> Member State shall designate one or more market surveillance authorities in its territory. It shall inform the Commission through the Network established under Article 31, and the other Member States of the <i>its</i> market surveillance authorities designated by it and the areas of competence of each of those authorities, using the information and communication system referred to in Article 34.
ARTICLE 11 - PARAGRAPH 2				
150	2. Each Member State shall designate one of its market surveillance authorities or any other	2. Each Member State shall designate one of its market surveillance authorities or any other	2. Each Member State shall designate one of its market surveillance authorities or any other competent	<i>Maintain Council mandate</i>

	competent authority as a single liaison office.	competent authority as a single liaison office.	authority as appoint a single liaison office.	
ARTICLE 11 - PARAGRAPH 3				
151	3. The single liaison office of a Member State shall be responsible for coordinating the enforcement and market surveillance activities of the market surveillance authorities designated by that Member State.	3. The single liaison office of a Member State shall be responsible for coordinating the enforcement and market surveillance activities of the market surveillance authorities <i>and other authorities, in particular, with customs authorities responsible for the control of products entering the Union market</i> designated by that Member State. AM 78	3. The single liaison office of a Member State shall at least be responsible for coordinating the enforcement and market surveillance activities representing the coordinated position of the market surveillance authorities and the market surveillance authorities designated by that Member State under Article 26(1) and for the national strategies as set out in Article 13. It shall also assist in the cooperation between market surveillance authorities in different Member States as set out in Chapter VI.	<i>Maintain Council mandate</i>
ARTICLE 11 - PARAGRAPH 4				
152	4. Member States shall ensure that their market surveillance authorities and single liaison office	4. Member States shall ensure that their market surveillance authorities and single liaison office	4. Member States shall ensure that their market surveillance authorities and single liaison office have the	4. In order to carry out market surveillance of products made available online and offline with the

	have the necessary resources, including sufficient budgetary and other resources, expertise, procedures and other arrangements for the proper performance of their duties.	have the necessary resources, including sufficient budgetary and other resources, expertise, procedures and other arrangements <i>as well as a sufficient number of competent personnel at its disposal</i> for the proper performance of their duties. AM 79	necessary resources, including sufficient budgetary and other resources, expertise, procedures and other arrangements for the proper performance of their duties.	<u>same effectiveness for all distribution channels,</u> Member States shall ensure that their market surveillance authorities and single liaison office have the necessary resources, including sufficient budgetary and other resources, <u>including sufficient number of competent personnel,</u> expertise, procedures and other arrangements for the proper performance of their duties.
ARTICLE 11 - PARAGRAPH 5				
153	5. Where there is more than one market surveillance authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that those authorities collaborate closely so that they can discharge their duties effectively.	5. Where there is more than one market surveillance authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that <i>appropriate communication and coordination mechanism are established to enable those authorities to</i>	5. Where there is more than one market surveillance authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that <u>appropriate communication and coordination mechanisms are established to enable those authorities to</u> collaborate closely so that	5. Where there is more than one market surveillance authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that <i>appropriate communication and coordination mechanisms are established to enable those authorities to</i> collaborate closely so that they can discharge <i>and</i>

		collaborate closely so that they can discharge and exercise their duties effectively. AM 80	they can and discharge their duties effectively	exercise their duties effectively.
ARTICLE 12				
154	Article 12 Activities of market surveillance authorities	Article 12 Activities of market surveillance authorities	Article 12 Activities of market surveillance authorities and use of findings	Article 12 Activities of market surveillance authorities and use of findings
ARTICLE 12 - PARAGRAPH 1				
155	1. Market surveillance authorities shall conduct their activities in order to ensure the following:	1. Market surveillance authorities shall conduct their activities in order to ensure the following:	1. Market surveillance authorities shall conduct their activities in order to ensure the following:	1. Market surveillance authorities shall conduct their activities in order to ensure the following:
ARTICLE 12 - PARAGRAPH 1 - POINT a				
156	(a) the effective surveillance of the market within their territory with respect to any products that are subject to the Union harmonisation legislation set out in the Annex;	(a) the effective surveillance of the market within their territory with respect to any products that are subject to the Union harmonisation legislation set out in the Annex;	(a) the effective surveillance of the market within their territory with respect to any products that are subject to the Union harmonisation legislation set out in the Annex;	(a) the effective surveillance of the market surveillance within their territory with respect to of products made available online and offline with respect to products that are subject to Union harmonisation

				legislation;
ARTICLE 12 - PARAGRAPH 1 - POINT b				
157	(b) the taking by them of appropriate and proportionate <i>temporary</i> measures and the taking by economic operators of appropriate and proportionate corrective action in relation to compliance with that legislation and this Regulation.	(b) the taking by them of appropriate and proportionate measures and the taking by economic operators of appropriate and proportionate corrective action in relation to compliance with that legislation and this Regulation. AM 81	(b) the taking by them of appropriate and proportionate temporary measures and the taking by economic operators of appropriate and proportionate corrective action in relation to compliance with that legislation and this Regulation;	b) the taking by them of appropriate and proportionate temporary measures and the taking by economic operators of appropriate and proportionate corrective action in relation to compliance with that legislation and this Regulation;
ARTICLE 12 - PARAGRAPH 1 - POINT c (new)				
157 A			<u>(c) when the economic operator fails to take corrective action, the taking of appropriate measures.</u>	<u>(c) the taking of appropriate and proportionate measures if the economic operator fails to take corrective action.</u>
ARTICLE 12 - PARAGRAPH 1 a (new)				
157C		<i>1a. Market surveillance authorities shall exercise their powers and carry out</i>		<u>1a. Market surveillance authorities shall exercise their powers and carry out their duties independently,</u>

		<p><i>their duties independently, impartially and without bias.</i></p> <p>AM 82</p>		<p><u>impartially and without bias.</u></p> <p><i>[corresponds to Council's text in paragraph 5, row 174]</i></p>
ARTICLE 12 - PARAGRAPH 1 b (new)				
157D		<p><i>1b. Market surveillance authorities shall establish appropriate and effective communication and cooperation mechanisms with other market surveillance authorities and other relevant authorities within the Union.</i></p> <p><i>With this regard, market surveillance authorities shall also develop appropriate and effective communication and cooperation mechanisms with customs authorities for the identification and examination of potential risks related to counterfeit products and withdrawal of such</i></p>		<p>Text moved to paragraph 3b</p>

		<i>products from the market.</i>		
		AM 83		
ARTICLE 12 - PARAGRAPH 2				
158	2. Market surveillance authorities shall perform controls as part of their activities set out in paragraph 1, on a risk-based approach, taking into account, as a minimum, the following factors:	2. Market surveillance authorities shall perform controls as part of their activities set out in paragraph 1, on a risk-based approach, <i>prioritising their resources and actions to ensure the effective surveillance of the market and</i> taking into account as a minimum, the following factors: AM 84	2. Market surveillance authorities shall perform controls as part of their activities set out in paragraph 1, on a risk-based approach, taking into account, as a minimum, the following factors:	<u>2. Market surveillance authorities, as part of their activities set out in paragraph 1, shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks based on adequate samples, prioritising their resources and actions to ensure the effective market surveillance and taking into account the national market surveillance strategy referred to in Article 13.</u> <u>In deciding what checks to perform, on what types of products and on what scale, market surveillance</u>

				<u>authorities shall follow a risk based approach taking into account the following factors:</u>
ARTICLE 12 - PARAGRAPH 2 - POINT a				
159	(a) the identified risks associated with:	(a) the identified risks, <i>which have the potential to affect adversely health and safety of persons in general, health and safety in the workplace, consumer protection, the environment and public security</i> , associated with: AM 85	(a) the identified risks associated with:	<u>(a) possible hazards and non-compliances associated with the product and when available, its occurrence on the market;</u>
ARTICLE 12 - PARAGRAPH 2 - POINT a - POINT i				
160	(i) the product, such as the number of products on the market and any hazards associated with that product;	(i) the product, such as the number of products on the market and any hazards associated with that product;	(i) the product, such as the number of products on the market and any hazards associated with that product;	
ARTICLE 12 - PARAGRAPH 2 - POINT a - POINT ii				
162	(ii) the activities and operations under the	(ii) the activities and operations under the	(ii) the activities and operations under the control	

	control of the economic operator;	control of the economic operator;	of the economic operator;	
ARTICLE 12 - PARAGRAPH 2 - POINT b				
163	(b) the economic operator's past record of non-compliance, including the risk profiling and the status of an authorised economic operator;	(b) the economic operator's past record of non-compliance, including the risk profiling and the status of an authorised economic operator;	(b) the economic operator's past record of non-compliance, including the risk profiling and the status of an authorised economic operator;	<u>(c) activities and operations under the control of economic operator;</u> <u>(d) the economic operator's past record of non-compliance;</u> <u>(e) if relevant, the risk profiling performed by the authorities designated under article 26(1) and the status of an authorised economic operator;</u>
ARTICLE 12 - PARAGRAPH 2 - POINT c				
164	(c) any further information that might indicate non-compliance in relation to a particular product.	(c) any further information that might indicate non-compliance in relation to a particular product.	(c) any further information that might indicate non-compliance in relation to a particular product.	<u>(f) consumer complaints and other information received from other authorities, economic operators, media and other sources that might indicate non-compliance.</u>
ARTICLE 12 - PARAGRAPH 2 - SUBPARAGRAPH 1 a (new)				

164A		<p><i>The methodology and criteria for assessing risks shall be harmonised in all Member States in order to ensure a level playing field for all economic operators.</i></p> <p>AM 86</p>		<p><i>Maintain Council mandate</i></p>
ARTICLE 12 - PARAGRAPH 2 a (new)				
164B				<p>2a. For certain products or category of products, where specific risks or serious breaches with applicable Union harmonisation legislation have been continuously identified, and in order to ensure high level of protection of health and safety or other public interests protected by that legislation, the Commission, after consultation of the Network established under Article 31, may adopt implementing acts in accordance with the examination procedure referred to in Article 63(3) determining the uniform</p>

				conditions of checks, criteria for determination of the frequency of checks and amount of samples to be checked in relation to these products or category of products on the Union level.
ARTICLE 12 - PARAGRAPH 2 b (new)				
164C				2b. Where economic operators present test reports or certificates attesting conformity of their products with Union harmonisation legislation issued by an an accredited a conformity assessment body, accredited pursuant to Regulation 765/2008 , market surveillance authorities shall take due account of such reports or certificates.
ARTICLE 12 - PARAGRAPH 2 c (new)				
164D				2c. The evidence that is used by a market surveillance authority in one Member State may be used as part of investigations to verify product compliance

				carried out by market surveillance authorities in another Member State without any further formal requirements.
ARTICLE 12 - PARAGRAPH 3				
165	3. Market surveillance authorities shall ensure that a product is withdrawn or recalled from the market or that the making available of the product on the market is prohibited or restricted if, when it is being used either in accordance with its intended purpose or under conditions that can be reasonably foreseen and it is properly installed and maintained, either of the following conditions would be met:	3. Market surveillance authorities shall ensure that a product is withdrawn or recalled from the market or that the making available of the product on the market is prohibited or restricted if, when it is being used either in accordance with its intended purpose or under conditions that can be reasonably foreseen and it is properly installed and maintained, either of the following conditions would be met: AM 87	3. Market surveillance authorities shall ensure that a product is withdrawn or recalled from the market or that the making available of the product on the market is prohibited or restricted if, when it is being used either in accordance with its intended purpose or under conditions that can be reasonably foreseen and it is properly installed and maintained, either of the following conditions would be met:	
ARTICLE 12 - PARAGRAPH 3 - POINT a				
166	(a) the product is liable to compromise the health or safety of end-users;	(a) the product is liable to compromise the health or safety of end-users;	(a) the product is liable to compromise the health or safety of end-users;	

		AM 87		
ARTICLE 12 - PARAGRAPH 3 - POINT b				
167	(b) the product does not conform to applicable requirements under Union harmonisation legislation.	(b) the product does not conform to applicable requirements under Union harmonisation legislation. AM 87	(b) the product does not conform to applicable requirements under Union harmonisation legislation.	
ARTICLE 12 - PARAGRAPH 3				
168	Where the products are withdrawn, recalled, prohibited or restricted, the market surveillance authority shall ensure that the Commission through the Network established under Article 31, the other Member States and end-users are informed accordingly.	Where the products are withdrawn, recalled, prohibited or restricted, the market surveillance authority shall ensure that the Commission through the Network established under Article 31, the other Member States and end-users are informed accordingly. AM 87	Where the products are withdrawn, recalled, prohibited or restricted, the market surveillance authority shall ensure that the Commission through the Network established under Article 31, the other Member States and end-users are informed accordingly.	
ARTICLE 12 - PARAGRAPH 3 a (new)				
168A		<i>3a. In connection with products subject to the Union harmonisation legislation set out in the</i>		3a. Market surveillance authorities shall establish the following procedures in connection with products subject to the Union

		<p><i>Annex, market surveillance authorities shall establish the following procedures:</i></p> <ul style="list-style-type: none"><i>(a) procedures for following up of complaints or reports on issues relating to non-compliance and risks arising in connection with products subject to Union harmonisation legislation;</i><i>(b) procedures for monitoring and collecting the information on accidents or harm to the health or safety of end-users, which are suspected of having been caused by the products, and making this information available to the general public via the centralised database for the collection of the information on the accidents and injuries or by other means;</i><i>(c) procedures for verifying that corrective</i>		<p>harmonisation legislation:</p> <ul style="list-style-type: none">(a) procedures for following up of complaints or reports on issues relating to risks or non-compliances;(b) procedures for verifying that corrective action to be taken by economic operators has been taken;(c) — procedures for communication with online platforms and marketplaces.
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		<p><i>action to be taken by economic operators has been taken;</i></p> <p><i>(d) procedures for following up scientific and technical knowledge concerning safety issues;</i></p> <p><i>(e) procedures for cooperation with online platforms and marketplaces.</i></p> <p>AM 88</p>		
ARTICLE 12 - PARAGRAPH 3 b (new)				
168 B				<p><u>3b. Market surveillance authorities shall establish appropriate and effective communication and cooperation mechanisms with other market surveillance authorities and other relevant authorities, in particular, authorities designated under Article 26(1), in other Member States.</u></p> <p><u>With a view to ensuring communication and coordination with their counterparts in other</u></p>

				<p><u>Member States, market surveillance authorities shall actively participate in administrative coordination groups referred to in Article 32(6).</u></p> <p><u>Market surveillance authorities shall also develop communication and cooperation mechanisms with customs authorities for the identification and examination of potential risks related to counterfeit products and withdrawal of such products from the market.</u></p>
ARTICLE 12 - PARAGRAPH 3 c (new)				
168 C				<p>3c. Products deemed to be non-compliant on the basis of a decision of a market surveillance authority in one Member State, shall be presumed to be non-compliant by market surveillance authorities in another Member State, unless: economic operator can provide evidence</p> <p>(a) a relevant market</p>

				<p><u>surveillance authority in another Member State concluded the contrary based on its own investigation taking into account the input provided by an economic operator, if any, or</u> (b) a Member State has raised objections considered justified by the Commission in accordance with the applicable Union safeguard procedure.</p>
ARTICLE 12 - PARAGRAPH 4				
169	<p>4. Market surveillance authorities shall perform their activities with a high level of transparency and shall make available to the general public any information that they deem relevant for the general public. They shall also ensure that the following information is entered in the system referred to in Article 34:</p>	<p>4. Market surveillance authorities shall perform their activities with a high level of transparency and shall make available to the general public any information that they deem relevant for the general public. <i>They while respecting the principle of confidentiality in order to protect professional and commercial secrets or to preserve personal data.</i></p>	<p>4. Market surveillance authorities shall perform their activities with a high level of transparency and shall make available to the general public any information that they deem relevant for the general public. They shall also ensure that the following information is entered in the system referred to in Article 34:</p>	<p><i>Maintain Council mandate</i></p>

		<i>Market surveillance authorities</i> shall also ensure that the following information is entered in the system referred to in Article 34: AM 89		
ARTICLE 12 - PARAGRAPH 4 - POINT a				
170	(a) the type, number and outcome of the checks performed by them;	(a) the type, number and outcome of the checks performed by them;	(a) the type, number and outcome of the checks performed by them;	<i>Maintain Council mandate</i>
ARTICLE 12 - PARAGRAPH 4 - POINT b				
171	(b) the type and the number of non-compliances detected by them;	(b) the type and the number of non-compliances detected by them;	(b) the type and the number of non-compliances detected by them;	<i>Maintain Council mandate</i>
ARTICLE 12 - PARAGRAPH 4 - POINT c				
172	(c) the nature of the temporary measures taken by them against economic operators and of the corrective action taken by economic operators;	(c) the nature of the temporary <i>details</i> of the measures taken by them against economic operators, <i>commitments given to them by economic operators and the details</i> of the	(c) the nature of the temporary measures taken by them against economic operators and of the corrective action taken by economic operators;	<i>Maintain Council mandate</i>

		corrective action taken by economic operators; AM 90		
ARTICLE 12 - PARAGRAPH 4 - POINT d				
173	(d) details of the cases of non-compliance where penalties were imposed by them.	(d) details of the cases of non-compliance where penalties were imposed by them.	(d) details of the cases of non-compliance where penalties were imposed by them.	<i>Maintain Council mandate</i>
ARTICLE 12 - PARAGRAPH 5				
174	5. Market surveillance authorities shall exercise their powers and carry out their duties independently, impartially and without bias.	5. Market surveillance authorities shall exercise their powers and carry out their duties independently, impartially and without bias. AM 91	5. Market surveillance authorities shall exercise their powers and carry out their duties independently, impartially and without bias.	Text moved to row 157C
ARTICLE 12 - PARAGRAPH 6 (new)				
174 A			6. Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and	See text in row 158

			<p>laboratory controls on the basis of <u>based on a representative an adequate sample taking into account the national market surveillance strategy referred to in Article 13.</u></p> <p>[moved from Art. 15(1)]</p>	
ARTICLE 12 - PARAGRAPH 7 (new)				
174 B			<p>7. In deciding what checks to perform and on what scale, market surveillance authorities shall <u>follow a risk based approach takeing</u> into account; in particular; established principles of risk assessment <u>the possible hazards and non-compliances associated with the product and when available, its occurrence on the market, activities and operations under the control of economic operator, and complaints and other information.</u></p> <p>[moved from Art. 15(1)]</p>	See text in row 158

ARTICLE 12 - PARAGRAPH 8 (new)				
174 C			<p>8. Where economic operators present test reports or certificates attesting conformity of their products with Union harmonisation legislation issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates.</p> <p>[moved from Art. 15(1)]</p>	See text in row 164C
ARTICLE 12 - PARAGRAPH 9 (new)				
174 D			<p>9. The evidence referred to in paragraph 1 that is used by a market surveillance authority in one Member State may be used as part of investigations to verify product compliance carried out by market surveillance authorities in another Member State without any further formal requirements.</p> <p>[moved from Art. 25(2)]</p>	See text in row 164D

ARTICLE 12 - PARAGRAPH 10 (new)				
174E			<u>10. Market surveillance authorities shall actively participate in administrative coordination groups according to Article 32(6) to ensure communication and coordination with their counterparts in other Member States.</u>	See text in row 168B
ARTICLE 12 - PARAGRAPH 11 (new)				
174F			<u>11. Market surveillance authorities shall establish adequate procedures in connection with products subject to the Union harmonisation legislation as follows:</u>	See text in row 168A
ARTICLE 12 - PARAGRAPH 11 - POINT a (new)				
174 G			<u>(a) procedures for following up of complaints or reports on issues relating to risks or non-compliances;</u>	See text in row 168A

ARTICLE 12 - PARAGRAPH 11 - POINT b (new)				
174 H			<u>(b) procedures for verifying that corrective action to be taken by economic operators has been taken.</u>	See text in row 168A
ARTICLE 12 - PARAGRAPH 12 (new)				
174I			<p><u>12.</u> Products deemed to be non-compliant on the basis of a decision of a market surveillance authority in one Member State, shall be presumed to be non-compliant by market surveillance authorities in another Member State, unless economic operator can provide evidence <u>justification is provided or a Member State has raised objections considered justified by the Commission in accordance with the applicable Union safeguard procedure.</u></p> <p>[moved from Art. 25(3)]</p>	See text in row 168C

ARTICLE 12 a (new)				
174J		<p><i>Article 12a</i></p> <p><i>Activities of market surveillance authorities with regard to products sold online</i></p> <p><i>1. Without prejudice to Article 12, Member States shall ensure the effective organisation of market surveillance activities with regard to the products offered for sale online to end-users within the Union.</i></p> <p><i>2. For the purpose of paragraph 1, Member State shall allocate the resources accordingly and ensure, that there is an appropriate number of inspectors, dealing with products sold online (“online inspectors”), within their national market surveillance authorities, having a specific knowledge and</i></p>		<p><i>Maintain Council mandate</i></p>

		<p><i>awareness of the online environment and investigations in order to detect non-compliant products sold online.</i></p> <p><i>3. Member States shall ensure that their national market surveillance authorities carry out their activities with regard to the products offered for sale online in following ways:</i></p> <p><i>(a) proactively, by controlling certain categories of products or certain economic operators, based on risk-related criteria and priorities set in a national strategy, referred to in Article 13; and</i></p> <p><i>(b) reactively, by monitoring information on potential non-compliance of products sold online, taking into account consumer complaints, information received from other</i></p>		
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		<p><i>authorities, economic operators and the media, as well as other information sources.</i></p> <p>AM 92</p>		
ARTICLE 12 b (new)				
174K		<p><i>Article 12b</i></p> <p><i>Monitoring and evaluation of the market surveillance authorities</i></p> <p><i>1. Member States shall monitor their national market surveillance authorities at regular intervals in order to ensure that they fulfil the requirements laid down in this Regulation on a continuing basis.</i></p> <p><i>2. Where a national market surveillance authority does not meet the requirements of this Regulation or fails to fulfil its obligations, the Member State concerned</i></p>		<p>Article 12b</p> <p>Peer reviews</p> <p>1. Peer reviews may shall be organised for market surveillance authorities wishing to participate in such reviews, in order to strengthen consistency in market surveillance activities in relation to the implementation of this Regulation.</p> <p>2. The Network shall develop the methodology and the rolling plan for peer reviews among participating Member States. When establishing the methodology and the rolling plan, the Network</p>

		<p><i>shall take appropriate actions or shall ensure that proper actions are taken.</i></p> <p><i>3. National market surveillance authorities shall be subject to peer evaluation in respect of activities of market surveillance of products which they carry out pursuant to this Regulation in order to assess whether these market surveillance authorities meet the requirements of this Regulation, assist them and provide guidance in order to strengthen their activities and ensure the uniform application of this Regulation.</i></p> <p><i>4. Peer evaluations shall cover the assessments of the procedures put in place by market surveillance authorities, in particular the procedures for checking</i></p>		<p>shall take into consideration, at least, the number and the size of market surveillance authorities in the Member States, the number of personnel available and other resources for performing the review, and other relevant criteria.</p> <p>3. Peer reviews shall cover best practices developed by some market surveillance authorities which may be of benefit for other authorities, and other relevant aspects related to the effectiveness of market surveillance activities.</p> <p>4. The outcome of the peer reviews shall be reported to the Network.</p>
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		<p><i>the compliance of the products that are subject to Union harmonisation legislation, communication and cooperation mechanisms with other market surveillance authorities and other relevant authorities, the competence of the personnel, the correctness of the checks and the inspection methodology as well as the correctness of the results. Peer evaluation shall also assess whether market surveillance authorities in question have sufficient recourses for the proper performance of their duties as required by Article 11(4).</i></p> <p><i>5. Peer evaluation of a market surveillance authority shall be carried out by two market surveillance authorities of other Member States</i></p>		
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		<p><i>and the Commission and shall be carried out at least once every five years.</i></p> <p><i>6. Taking duly into account the considerations of the Network established under Article 31, the Commission shall adopt delegated acts in accordance with Article 62a concerning setting out a plan for the peer evaluations covering a period of at least five years, laying down criteria regarding the composition of the peer evaluation team, the methodology used for the peer evaluation, the schedule, periodicity and the other tasks related to the peer evaluation.</i></p> <p><i>7. The outcome of the peer evaluations shall be examined by the Network. The Commission shall draw</i></p>		
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		<p><i>up a summary of the outcome and make it public.</i></p> <p><i>8. Member States shall report to the Commission and the Network on how they address the recommendations included in the outcome of the assessment.</i></p> <p>AM 93</p>		
ARTICLE 13				
175	<p>Article 13</p> <p>National market surveillance strategies</p>	<p>Article 13</p> <p>National market surveillance strategies</p>	<p>Article 13</p> <p>National market surveillance strategies</p>	<p>Article 13</p> <p>National market surveillance strategies</p>
ARTICLE 13 - PARAGRAPH 1				
176	<p>1. Each Member State shall draw up a national market surveillance strategy, as a minimum, every 3 years. The strategy shall promote a consistent, comprehensive and integrated approach to market surveillance and</p>	<p>1. Each Member State shall draw up a national market surveillance strategy, as a minimum, every 3 years. The <i>national</i> strategy shall <i>take into account the priorities set out within the work programme of the Network established</i></p>	<p>1. Each Member State shall draw up an <u>overarching</u> national market surveillance strategy, as a minimum, every 3 <u>4</u> years, <u>at first after 3 years after coming into force of this Regulation.</u> The strategy shall promote a consistent, comprehensive and</p>	<p>1. Each Member State shall draw up an <u>overarching</u> national market surveillance strategy, as a minimum, every 4 years, at first after 3 years after coming into force of this Regulation. The <u>national</u> strategy shall promote a consistent, comprehensive and</p>

	enforcement of Union harmonisation legislation within the territory of the Member State and shall include all sectors and stages of the product supply chain, including imports and digital supply chains.	<i>under Article 31 and</i> promote a consistent, comprehensive and integrated approach to market surveillance and enforcement of Union harmonisation legislation within the territory of the Member State, <i>including the market surveillance of products sold online</i> , and shall include all sectors and stages of the product supply chain, including imports and digital supply chains. AM 94	integrated approach to market surveillance and enforcement of Union harmonisation legislation within the territory of the Member State. <u>When drawing up the strategy and shall include all sectors falling within the Union harmonisation legislation</u> and stages of the product supply chain, including imports and digital supply chains, <u>shall be considered.</u>	integrated approach to market surveillance and enforcement of Union harmonisation legislation within the territory of the Member State. When drawing up the strategy, all sectors falling within the Union harmonisation legislation and stages of the product supply chain, including imports, digital supply chains, shall be considered. <u>The priorities set out within the work programme of the Network established under Article 31 may also be considered.</u>
ARTICLE 13 - PARAGRAPH 2				
177	2. The national market surveillance strategy shall include, as a minimum, the following elements:	2. The national market surveillance strategy shall include, as a minimum <i>at least</i> , the following elements: AM 95	2. The national market surveillance strategy shall include, as a minimum, the following elements, <u>when this information does not compromise market surveillance activities:</u>	2. The national market surveillance strategy shall include, as a minimum at least, the following elements when this information does not compromise market surveillance activities:

ARTICLE 13 - PARAGRAPH 2 - POINT a				
178	(a) an assessment of the occurrence of non-compliant products, in particular taking into account the risk-based controls referred to in Articles 12(2) and 26(3), and market trends that may affect non-compliance rates in the categories of product;	(a) an assessment of the occurrence of non-compliant products, in particular taking into account the risk-based controls referred to in Articles 12(2) and 26(3), <i>products that were subject to an emergency decision under Article 13 of Directive 2001/95/EC,</i> and market trends that may affect non-compliance rates in the categories of product, <i>including, in particular, threats and risks related to Internet of Things and Artificial Intelligence enabled devices;</i> AM 96	(a) an assessment <u>the available information</u> of the occurrence of non-compliant products, in particular taking into account the risk-based controls referred to in Articles 12(3) and 26(3), and, <u>where applicable,</u> market trends that may affect non-compliance rates in the categories of product;	(a) the available information of occurrence of non-compliant products, in particular taking into account the controls referred to in Articles 12(2) and 26(3), and, where applicable, market trends that may affect non-compliance rates in the categories of product, and possible threats and risks related to emerging technologies;
ARTICLE 13 - PARAGRAPH 2 - POINT b				
179	(b) the areas identified as a priority for the enforcement of Union harmonisation legislation;	(b) the areas identified as a priority for the enforcement of Union harmonisation legislation;	(b) the areas identified <u>by the Member States</u> as a priority for the enforcement of Union harmonisation legislation;	(b) the areas identified <u>by the Member States</u> as a priority for the enforcement of Union harmonisation legislation;

ARTICLE 13 - PARAGRAPH 2 - POINT b a (new)				
179A		<p><i>(ba) the areas identified as a priority for the surveillance activities of products offered for sale online, taking into account proactive and reactive market surveillance actions;</i></p> <p>AM 97</p>		Covered by letter (b), row 179
ARTICLE 13 - PARAGRAPH 2 - POINT c				
180	<p>(c) the enforcement actions planned in order to reduce the occurrence of non-compliance in those areas identified as a priority, including, where relevant, the minimum control levels envisaged for categories of product which have significant levels of non-compliance;</p>	<p>(c) the <i>specific</i> enforcement actions planned in order to reduce the occurrence of non-compliance in those areas identified as a priority <i>under points (b) and (ba)</i>, including, where relevant, the minimum control levels envisaged for categories of product which have significant levels of non-compliance;</p>	<p>(c) the enforcement actions activities planned in order to reduce the occurrence of non-compliance in those areas identified as a priority, including, where relevant, the minimum control levels envisaged for categories of product which have significant levels of non-compliance;</p>	<p>(c) the enforcement actions activities planned in order to reduce the occurrence of non-compliance in those areas identified as a priority, including, where relevant, the minimum control levels envisaged for categories of product which have significant levels of non-compliance;</p>

		AM 98		
ARTICLE 13 - PARAGRAPH 2 - POINT d				
181	(d) an assessment of the effective performance and coordination of market surveillance activities pursuant to this Regulation, and, where applicable, the identification of capacity building needs and measures;	(d) an assessment of the effective performance and coordination of market surveillance activities pursuant to this Regulation, and, where applicable, the identification of capacity building needs and measures;	(d) an assessment of the effective performance and coordination of market surveillance activities pursuant to this Regulation, and, where applicable, the identification of capacity building needs and measures;	<i>deleted</i>
ARTICLE 13 - PARAGRAPH 2 - POINT e				
182	(e) an assessment of the cooperation with market surveillance authorities in other Member States and of joint actions, where applicable;	(e) an assessment of the cooperation with market surveillance authorities in other Member States and of joint actions, where applicable;	(e) an assessment of the cooperation with market surveillance authorities in other Member States and of joint actions, where applicable;	<i>deleted</i>
ARTICLE 13 - PARAGRAPH 2 - POINT f				
183	(f) a monitoring programme for the purposes of measuring progress in the implementation of the strategy and verifying compliance with this	(f) a monitoring programme for the purposes of measuring progress in the implementation of the strategy and verifying compliance with this	(f) a monitoring programme for the purposes of measuring progress in the implementation of the strategy and verifying compliance with this Regulation.	<i>deleted</i>

	Regulation.	Regulation.		
ARTICLE 13 - PARAGRAPH 3				
184	3. Member States shall communicate their national market surveillance strategy through the system referred to under Article 34.	3. Member States shall communicate their national market surveillance strategy <i>to the Commission and other Member States</i> through the system referred to under Article 34. <i>Member States shall make the information contained in their national market surveillance strategies public at the full extent or partially, in accordance with Article 16 of this Regulation.</i> AM 99	3. Member States shall communicate their national market surveillance strategy through the system referred to under Article 34.	3. Member States shall communicate their national market surveillance strategy <u>to the Commission and other Member States</u> through the system referred to under Article 34. <u>Member States shall may publish the strategies, while excluding information that compromises market surveillance activities.</u>
CHAPTER V				
185	Chapter IV Market surveillance powers and measures	Chapter IV Market surveillance powers and measures	Chapter IV Market surveillance powers and measures	Chapter IV Market surveillance powers and measures
ARTICLE 14				

186	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities
ARTICLE 14 - PARAGRAPH 1				
187	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, including the market surveillance of counterfeit products and products sold online , investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation: and shall provide them with the necessary resources in that regard. AM 100	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.
ARTICLE 14 - PARAGRAPH 1 a (new)				

187A		<p><i>1a. Market surveillance authorities shall exercise the powers set out in this Article in accordance with the principle of proportionality, to the extent that relates to the subject matter, the purpose of the actions and the nature and the overall actual or potential harm of the instance of non-compliance, efficiently and effectively and in accordance with Union and national law, including the principles of the Charter of Fundamental Rights of the European Union, applicable procedural safeguards and the Union rules on data protection, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.</i></p> <p>AM 101</p>	<p><u>1a. Market surveillance authorities shall exercise their powers and duties set out in this Article efficiently and effectively and in accordance with the principle of proportionality, to the extent that relates to the subject matter, and the purpose of the measures and the nature and the overall actual or potential harm of the instance of non-compliance. Powers shall be implemented and exercised in accordance with Union and national law, including the principles of the Charter of Fundamental Rights of the European Union, as well as principles in national law relating to freedom of expression and the freedom and pluralism of the media, applicable procedural safeguards and the Union rules on data protection, in particular Regulation (EU) 2016/679 of the European</u></p>	<p><u>1a. Market surveillance authorities shall exercise their powers and duties set out in this Article efficiently and effectively and in accordance with the principle of proportionality, to the extent that relates to the subject matter, and the purpose of the measures and the nature and the overall actual or potential harm of the instance of non-compliance. Powers shall be implemented and exercised in accordance with Union and national law, including the principles of the Charter of Fundamental Rights of the European Union, as well as principles in national law relating to freedom of expression and the freedom and pluralism of the media, applicable procedural safeguards and the Union rules on data protection, in particular Regulation (EU) 2016/679</u></p>
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ARTICLE 14 - PARAGRAPH 1 b (new)				
187B		<p><i>1b. Notwithstanding paragraph 1, Member States may decide not to confer all the powers on every competent authority, provided that each of those powers can be exercised effectively in accordance with paragraph 2.</i></p> <p>AM 102</p>		Maintain Council mandate
ARTICLE 14 - PARAGRAPH 2				
188	<p>2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:</p>	<p>2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:</p> <p>AM 103</p>	<p>2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:</p>	Maintain Council mandate 3.

ARTICLE 14 - PARAGRAPH 2 - POINT a				
189	(a) directly by the market surveillance authorities under their own authority;	(a) directly by the market surveillance authorities under their own authority;	(a) directly by the market surveillance authorities under their own authority;	<i>Maintain Council mandate</i>
ARTICLE 14 - PARAGRAPH 2 - POINT b				
190	(b) by recourse to other public authorities;	(b) by <i>where appropriate, upon recourse to other public authorities, in accordance with the division of powers and the institutional and administrative organisation of the Member State in question;</i> AM 104	<u>(b) where appropriate,</u> by recourse to other public authorities, <u>in accordance with the division of powers and the institutional and administrative organisation of the Member State in question;</u>	<i>Maintain Council mandate</i>
ARTICLE 14 - PARAGRAPH 2 - POINT c				
191	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power.	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power, <i>including, where appropriate, by appeal, if the application</i>	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power, <u>including, where appropriate, by appeal, if the application to grant</u>	<i>Maintain Council mandate</i>

		<i>to grant the necessary decision is not successful.</i>	<u>the necessary decision is not successful.</u>	
		AM 105		
ARTICLE 14 - PARAGRAPH 3				
192	3. The powers conferred on market surveillance authorities under paragraph 1 shall include the following powers as a minimum:	3. The powers conferred on market surveillance authorities under paragraph 1 shall include at least the following powers as a minimum:	3. The powers conferred on market surveillance authorities under paragraph 1 shall include the following powers as a minimum:	3. The powers conferred on market surveillance authorities under paragraph 1 shall include at least the following powers as a minimum:
		AM 106		
ARTICLE 14 - PARAGRAPH 3 - POINT a				
193	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	<i>See text in row 195</i>
ARTICLE 14 - PARAGRAPH 3 - POINT b				
194				

	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with this Regulation and with applicable Union harmonisation legislation;	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with this Regulation and with applicable Union harmonisation legislation; AM 107	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with this Regulation and with applicable Union harmonisation legislation;	Maintain Council mandate
ARTICLE 14 - PARAGRAPH 3 - POINT c				
195	(c) the power to have access to any relevant document, data or information related to an instance of non-compliance, in any form or format and irrespective of its storage medium or the place where it is stored;	(c) the power to have access to any relevant documents, <i>technical specifications</i> , data or information related to an instance of non-compliance, <i>including access to software and algorithms that control the product, insofar as necessary to assess compliance of the product with applicable Union product harmonisation legislation</i> in any form or format and irrespective of its storage medium or the place	(e) the power to have access to any relevant document, data or information related to an instance of non-compliance, in any form or format and irrespective of its storage medium or the place where it is stored;	<u>(a) the powers to require economic operators to provide relevant documents, technical specifications, data or information on compliance and technical aspects of the product, including access to embedded software insofar as necessary to assess compliance of the product with applicable Union harmonisation legislation, in any form or format and irrespective of its storage medium or the place where it is stored, and to take or</u>

		where it is stored; AM 108		<u>obtain copies of this information;</u>
ARTICLE 14 - PARAGRAPH 3 - POINT d				
196	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows,	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any relevant information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows,	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the identity and contact details of persons involved in	<u>(c) the powers to require economic operators to provide relevant information required for the purpose of ascertaining the ownership of websites, when the information in question is related to the subject matter of the investigation;</u>

	ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites;	ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites, <i>when the information, data or document in question is related to the subject matter of the investigation;</i>	financial and data flows and ascertaining bank account information and the ownership of websites;	
	ARTICLE 14 - PARAGRAPH 3 - POINT e			
197	(e) the power to do any of the following, or to request another public authority to do any of the following, for the purposes of an investigation by the market surveillance authority or at the request of an applicant authority:	(e) the power to do any of the following, or to request another public authority to do any of the following, for the purposes of an investigation by the market surveillance authority or at the request of an applicant authority:	(e) the power to do any of the following, or to request another public authority to do any of the following, for the purposes of an investigation by the market surveillance authority or at the request of an applicant authority:	<u>(e) the powers to carry out, without prior announcement, on-site inspections and physical checks;</u>
	ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 1			
198	(1) to carry out on-site	(1) to carry out on-site	(1) to carry out on-site	<u>(ea) the powers to enter</u>

	inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	<u>any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to detect non-compliance and obtain evidence;</u>
ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 2				
199	(2) to seal any premises or seize any information, data or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	(2) to seal any premises or seize any information, data or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	(2) to seal any premises or seize any information, data or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	<i>Maintain Council mandate</i>
ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 3				
200	(3) to request any representative or member of staff of the	(3) to request any a representative or of economic operator or a	(3) to request any representative or member of staff of the economic	<i>Maintain Council mandate</i>

	economic operator to give explanations of facts, information or documents relating to the subject-matter of the inspection and to record their answers;	relevant member of staff of the economic operator to give explanations of or provide facts, information or documents relating to the subject-matter of the inspection and to record their answers; AM 110	operator to give explanations of facts, information or documents relating to the subject-matter of the inspection and to record their answers;	
ARTICLE 14 - PARAGRAPH 3 - POINT f				
201	(f) the power to take samples of products free of charge in order to detect non-compliance and obtain evidence;	(f) the power to take samples of products free of charge in order to detect non-compliance and obtain evidence to the extent that this is proportionate with regard to the value of the product and the severity of non-compliance; AM 111	(f) the power to take samples of products free of charge in order to detect non-compliance and obtain evidence;	<i>Maintain Council mandate</i>
ARTICLE 14 - PARAGRAPH 3 - POINT g				
202	(g) the power to purchase products as test purchases, including under a cover identity, in	(g) the power to purchase products, also the ones sold online , as test purchases, including	(g) the power to purchase products as test purchases, including under a cover identity, in order to detect	<i>Maintain Council mandate</i>

	order to detect non-compliance and obtain evidence;	under a cover identity, <i>to inspect them and to reverse-engineer them</i> in order to detect non-compliance <i>under this Regulation</i> and obtain evidence; AM 112	non-compliance and obtain evidence;	
ARTICLE 14 - PARAGRAPH 3 - POINT h				
203	(h) the power to take temporary measures, where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified domain name on hold for a specific period of time;	(h) the power to take temporary <i>adopt</i> measures, <i>when duly justified and proportionate and</i> where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict <i>fully or partially</i> access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified	(h) the power to take temporary measures, where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified domain name on hold for a specific period of time;	<i>Maintain Council mandate</i>

		domain name on hold for a specific period of time; AM 113		
ARTICLE 14 - PARAGRAPH 3 - POINT i				
204	(i) the power to start investigations or proceedings on their own initiative in order to bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34;	(i) the power to start investigations or proceedings on their own initiative in order to bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34;	(i) the powers to start investigations or proceedings on their own initiative in order to identify non-compliances and bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34 them to an end;	<i>Maintain Council mandate</i>
ARTICLE 14 - PARAGRAPH 3 - POINT j				
205	(j) the power to seek to obtain a commitment from an economic operator to bring an instance of non-compliance to an end;	(j) the power to seek to obtain, or to accept , a commitment from an economic operator responsible for non-compliance to bring an instance of non-compliance to an end;	(j) the power to seek to obtain a commitment from an economic operator to bring an instance of non-compliance to an end;	<u>(i) the powers to require economic operators to take appropriate action to bring an instance of non-compliance or the risk to an end;</u>

		AM 114		
ARTICLE 14 - PARAGRAPH 3 - POINT k				
206	(k) the power to prohibit the making available of products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	(k) the power to prohibit the making available of products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	(k) the power to prohibit the making available of products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	<u>(k) the powers to take appropriate measures, including powers to prohibit or restrict the making available of products on the market or to ensure order that the product is withdrawn or recalled, where an economic operator fails to take appropriate action or where the non-compliance or the risk persists;</u>
ARTICLE 14 - PARAGRAPH 3 - POINT l				
207	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority;	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority;	<u>(l) the powers to impose penalties in accordance with Article 61;</u>

	authority;	AM 115		
ARTICLE 14 - PARAGRAPH 3 - POINT m				
208	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	<p><i>PCY proposal to insert recital</i></p> <p>Recital 20a: The minimum power assigned to market surveillance authorities by virtue of this Regulation should not preclude Member States from conferring additional power on their market surveillance authorities in order to contribute to achieving the objectives of this Regulation, such as powers to perform systems audits of economic operators' organisations and to order the restitution of profits, according to national law, obtained as a result of an instance of non-compliance.</p>
ARTICLE 14 - PARAGRAPH 3 - POINT n				
209	(n) the power to publish any final decisions, final	(n) the power to publish any final decisions, final	(n) the power to publish any final decisions, final	<i>Maintain Council mandate</i>

	measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	
ARTICLE 14 - PARAGRAPH 3 - POINT o (new)				
209 A			(o) powers <u>to carry out, without prior announcement, on-site inspections and physical checks;</u> [moved from (e)]	<i>Council mandate as in row 197</i>
ARTICLE 14 - PARAGRAPH 3 - POINT p (new)				
209 B			(p) powers <u>to take acquire product samples, including under a cover identity;</u> [moved from (f)]	(f) powers to acquire product samples, including under a cover identity, <u>to inspect them and to reverse-engineer them in order to detect non-compliance and obtain evidence;</u>

ARTICLE 14 - PARAGRAPH 3 - POINT r (new)				
209 C			<p>(r) <u>powers</u> to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to detect non-compliance and obtain evidence;</p> <p>[moved from (e)]</p>	Council mandate as in row 198
ARTICLE 14 - PARAGRAPH 3 - POINT s (new)				
209 D			<p>(s) the powers to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, <u>economic operators</u> to provide any information, data or document, <u>on compliance and physical aspects as well as on the supply chain, the details of distribution network and on quantities</u> in any form or format and irrespective of its storage medium or the place</p>	<p>(b) the powers to require economic operators to provide <u>any relevant information on the supply chain, the details of distribution network, on quantities of products on the market and on other product models, that have the same technical characteristics as a product in question, where relevant for compliance with the applicable requirements under Union harmonisation legislation;</u></p>

			<p>where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites <u>and to take or obtain copies of this information;</u></p> <p>[moved from (d)]</p>	
ARTICLE 14 - PARAGRAPH 3 - POINT t (new)				
209E			<p><u>(t) powers to take appropriate measures for mitigating risks or when compliance cannot be established, including</u></p>	<p><i>See rows 205-206</i></p>

			<u>powers to prohibit or restrict the making available on the market or to order withdrawal or recall;</u>	
ARTICLE 14 - PARAGRAPH 3 - POINT u (new)				
209F			<u>(u) powers, where there are no other effective means available to prevent a serious risk:</u>	(ka) the powers, where there are no other effective means available to prevent remove a serious risk:
ARTICLE 14 - PARAGRAPH 3 - POINT u - POINT i (new)				
209G			<u>(i) to require operators of online interfaces to remove content from the online interface referring to the related products and/or to order the explicit display of a related warning to end-users when they access the online interface;</u>	(i) to require operators of online interfaces to remove <u>the removal of</u> content from the <u>an</u> online interface referring to the related products and/or to order the explicit display of a warning to end-users when they access the online interface; <u>or</u>
ARTICLE 14 - PARAGRAPH 3 - POINT u - POINT ii (new)				
209H			<u>(ii) where a request according to (i) is not</u>	<u>(ii) where a request according to (i) is not</u>

			<u>observed, to require information society service providers to restrict access to the online interface, including by requesting a third party to implement such measures;</u>	<u>observed, to require information society service providers to restrict access to the online interface, including by requesting a third party to implement such measures;</u>
ARTICLE 14 - PARAGRAPH 3 - POINT v (new)				
209I			(v) the powers to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority <u>according to Article 61.</u> [moved from (l)]	<i>See row 207</i>
ARTICLE 14 - PARAGRAPH 3 - SUBPARAGRAPH 1 a (new)				
209K		<i>The powers set out in point (h) of this paragraph shall be exercised by the application to courts in</i>		<i>Maintain Council mandate</i>

		<i>accordance with point (c) of paragraph 2 of this Article.</i>		
		AM 116		
ARTICLE 14 - PARAGRAPH 4				
210	4. Market surveillance authorities shall publish any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to this Regulation.	4. Market surveillance authorities shall publish, <i>when they deem it relevant for the general public</i> , any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to <i>first subparagraph of Article 12(4) of this Regulation, ensuring the economic operators a possibility to comment the information, related to them, prior to its publication.</i>	4. Market surveillance authorities shall publish any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to this Regulation.	<i>Maintain Council mandate</i>

		AM 117		
ARTICLE 14 - PARAGRAPH 5				
211	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality.	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality. AM 118	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality.	<i>See row 187A</i>
ARTICLE 14 - PARAGRAPH 6 (new)				
211 A			<u>6.</u> Market surveillance authorities may use any information, document or a certified true copy of a document , finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored. [moved from Art. 25(1)]	<i>Maintain Council mandate</i>
ARTICLE 14a (new)				

211 B			Article 14a Financing and r Recovery of costs by market surveillance authorities	Article 14a <i>Maintain Council mandate</i>
ARTICLE 14a - PARAGRAPH 1 (new)				
211 C			1. Member States shall ensure that market surveillance authorities within their territory are provided with the necessary financial resources for the proper performance of their tasks may authorise their	<i>Maintain Council mandate</i>
ARTICLE 14a - PARAGRAPH 2 (new)				
211 D			2. M Market surveillance authorities may charge to reclaim from the relevant economic operators administrative fees in relation to instances of non-compliance by that economic operator in order to enable the authorities to recover the totality of the costs of their activities with respect to these instances of non-compliance.	2. Market surveillance authorities may charge reclaim from the relevant economic operators administrative fees in relation to instances of non-compliance by that economic operator in order to enable the authorities to recover the totality of the costs of their activities with respect to these instances of non-compliance by that

				economic operator.
ARTICLE 14a - PARAGRAPH 2a (new)				
211E			<p>2a. Those costs may include the costs of carrying out testing for the purposes of risk assessment, the costs of taking measures in accordance with Article 30(1) and (2) and the costs for storage of their activities relating to products that are found to be non-compliant and subject to corrective action prior to their release for free circulation or their placing on the market.</p> <p>[moved from Art. 21]</p>	<p>Those costs shall be proportionate in relation to the instance of non-compliance and may include the costs of carrying out testing for the purposes of risk assessment, the costs of taking measures in accordance with Article 30(1) and (2) and the costs for storage and of their activities relating to products that are found to be non-compliant and subject to corrective action prior to their release for free circulation or their placing on the market.</p>
ARTICLE 14a - PARAGRAPH 2b (new)				
211F				<p>Maintain Council mandate</p> <p><i>[Alternatively, possible recital with reference to national law regarding point 2a]</i></p> <p>2a. Member States shall ensure that administrative</p>

				<p><i>fees referred to in paragraph 2, charged by the market surveillance authorities, are used for financing further market surveillance activities of these authorities.</i></p> <p><i>[EP text from Article 21 paragraph 2a]</i></p>
ARTICLE 15				
212	Article 15 Market surveillance measures	Article 15 Market surveillance measures	Article 15 Market surveillance measures	Article 15 Market surveillance measures
ARTICLE 15 - PARAGRAPH 1 - SUBPARAGRAPH 1				
213	1. Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory controls on the basis of a representative sample.	Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale and with adequate frequency , by means of documentary checks and, where appropriate, sufficient physical and laboratory controls on the basis of a sufficient representative sample samples .	1. Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory controls on the basis of a representative sample.	See text in rows 158 and 164C

		AM 119		
ARTICLE 15 - PARAGRAPH 1 - SUBPARAGRAPH 2				
214	In deciding what checks to perform and on what scale, market surveillance authorities shall take into account, in particular, established principles of risk assessment and complaints.	In deciding what checks to perform, <i>on what types of products</i> and on what scale, market surveillance authorities shall take into account, in particular, established principles of risk assessment and , complaints <i>and other relevant information</i> . AM 120	In deciding what checks to perform and on what scale, market surveillance authorities shall take into account, in particular, established principles of risk assessment and complaints.	<i>See text in rows 158 and 164C</i>
ARTICLE 15 - PARAGRAPH 1 - SUBPARAGRAPH 3				
215	Where economic operators present test reports or certificates attesting conformity of their products with Union harmonisation legislation issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or	Where economic operators present test reports or certificates attesting conformity of their products with Union harmonisation legislation issued by an accredited <i>a</i> conformity assessment body, <i>accredited pursuant to Regulation 765/2008</i> , market surveillance authorities	Where economic operators present test reports or certificates attesting conformity of their products with Union harmonisation legislation issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates.	<i>See row 164C</i>

	certificates.	shall take due account of such reports or certificates. AM 121		
ARTICLE 15 - PARAGRAPH 1 a (new)				
215A		<i>1a. For the purpose of paragraph 1, in the context of evaluation of the product, market surveillance authorities shall take into account the extent to which the product complies with the following: (a) any requirements laid down in or pursuant to Union harmonisation legislation that apply to the product and relate to the potential risk under consideration; (b) any relevant European standards or other technical specifications the references to which have been published in the Official Journal of the European Union.</i>		<i>Deleted</i>

		<p><i>Compliance with the requirements referred to in points (a) and (b) shall raise a presumption that the product adequately safeguards the public interests to which those requirements relate. However, this shall not prevent market surveillance authorities from taking action under this Regulation where there is evidence that, despite such compliance, the product presents a risk.</i></p> <p><i>The feasibility of obtaining higher level of protection of the public interests concerned or the availability of other products providing higher level of protection shall not be a reason, in itself, to consider that a product presents a risk.</i></p> <p>AM 122</p>		
ARTICLE 15 - PARAGRAPH -1 (new)				
215B				-1. Market surveillance

				<p><u>authorities shall take appropriate measures if a product, subject to Union harmonisation legislation, when used in accordance with its intended purpose or under conditions which can be reasonably foreseen and when properly installed and maintained:</u></p> <p><u>(a) is liable to compromise the health or safety of users, or</u></p> <p><u>(b) does not conform to applicable requirements set out in Union harmonisation legislation.</u></p> <p><i>[drafted on the basis of Council's text in Article 10a paragraph 2, row 147C, and EP text in Article 17 paragraph -1]</i></p>
ARTICLE 15 - PARAGRAPH 1 a (new)				
215C			<p><u>1a. Where market surveillance authorities find that a product is non-compliant and/or presents a risk, they shall without</u></p>	<p><u>1a. Where market surveillance authorities make findings referred to in points (a) or (b) of paragraph 1, they shall</u></p>

			<u>delay require the relevant economic operator or where applicable, information society service provider to take appropriate and proportionate action to bring, as applicable, the non-compliance and/or the risk to an end within a period they specify.</u>	<u>without delay require the relevant economic operator to take appropriate and proportionate action to bring, as applicable, the non-compliance or the risk to an end within a period they specify.</u>
ARTICLE 15 - PARAGRAPH 1 b (new)				
215D		<i>1b. For certain products or category of products, where specific risks or serious breaches with applicable Union harmonisation legislation have been continuously identified, and in order to ensure high level of protection of health and safety or other public interests protected by that legislation, the Commission, taking duly into account the considerations of the Network established</i>		<i>To be dealt with in row 164B</i>

		<p><i>under Article 31, shall adopt delegated acts in accordance with Article 62a determining the uniform conditions of checks, criteria for determination of the frequency of checks and amount of samples to be checked in relation to these products or category of products on the Union level.</i></p> <p>AM 123</p>		
ARTICLE 15 - PARAGRAPH 1 b (new)				
215E			<p><u>1b. For the purpose of paragraph 1a action may include inter alia:</u></p> <p><u>(a) bringing the product into compliance and/or ensuring that the product no longer presents a risk;</u></p> <p><u>(b) preventing the product from being made available on the market;</u></p> <p><u>(c) withdrawing or recalling immediately the product and</u></p>	<p><u>1b. For the purpose of paragraph 1a action, required to take by economic operator, may include inter alia:</u></p> <p><u>(a) bringing the product into compliance, including rectifying formal non-compliance as defined by the applicable Union harmonisation legislation, or ensuring that the product no longer presents a risk;</u></p> <p><u>(b) preventing the product from being made</u></p>

			<p><u>alerting the public to the risk presented;</u> <u>(d) destroying the product or otherwise rendering it inoperable;</u> <u>(e) affixing to the product suitable, clearly worded, easily comprehensible warnings of the risks it may present, in the language or languages determined by the Member State in which the product is made available on the market;</u> <u>(f) setting prior conditions for making the product concerned available on the market;</u> <u>(g) alerting the persons at risk immediately and in an appropriate form, including by publication of special warnings in the language or languages determined</u></p>	<p><u>available on the market;</u> <u>(c) withdrawing or recalling immediately the product and alerting the public to the risk presented;</u> <u>(d) destroying the product or otherwise rendering it inoperable;</u> <u>(e) affixing to the product suitable, clearly worded, easily comprehensible warnings of the risks it may present, in the language or languages determined by the Member State in which the product is made available on the market;</u> <u>(f) setting prior conditions for making the product concerned available on the market;</u> <u>(g) alerting the persons endusers at risk immediately and in an appropriate form, including by publication of special warnings in the language or languages determined by the Member State in which the product</u></p>
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			<u>by the Member State in which the product is made available on the market.</u>	<u>is made available on the market.</u>
ARTICLE 15 - PARAGRAPH 1 c (new)				
215F			<u>1c. Actions referred to in points (e), (f) and (g) may only be required in cases where a product is liable to present a risk only in certain conditions or only to certain persons and where such risk is not addressed by requirements of Union harmonisation legislation.</u>	<u>1c. Actions referred to in points (e), (f) and (g) may only be required in cases where a product is liable to present a risk only in certain conditions or only to certain persons.</u> <u>1ca. If the economic operator fails to take corrective action referred to in paragraph 1b or where the non-compliance or the risk referred to in paragraphs -1 persist, market surveillance authorities shall ensure that the product is withdrawn or recalled or its being made available on the market is prohibited or restricted, and that the public, the Commission and the other Member States are informed accordingly.</u>

				<i>[corresponds to Council's text in Article 10a paragraph 2 (second part) and EP text in Article 17 paragraph -I]</i>
ARTICLE 15 - PARAGRAPH 1 d (new)				
215 G			<u>1d. Where products are withdrawn, recalled, prohibited or restricted, and where the non-compliance is not restricted to its national territory, market surveillance authorities shall ensure that the Commission and the other Member States are informed accordingly through the system referred to in Article 34. This information also fulfils notification requirements for the applicable safeguard procedures of Union harmonisation legislation.</u>	<u>1d. The information to the Commission and the other Member States pursuant to paragraph 1ca shall be communicated through the system referred to in Article 34. This information also fulfils notification requirements for the applicable safeguard procedures of Union harmonisation legislation.</u>
ARTICLE 15 - PARAGRAPH 1 e (new)				
215H			<u>1e. If a national measure is considered justified according to Article 12(12) or the applicable safeguard procedure, the</u>	<u>1e. If a national measure is considered justified according to the applicable safeguard procedure, or no market surveillance</u>

			<u>competent market surveillance authorities in the other Member States shall take the measures necessary in respect to the non-compliant product and where applicable the economic operator or information society service provider, and shall enter the related information in the system referred to in Article 34.</u>	<u>authority of another Member State concluded the contrary pursuant to point (a) of Article 12(3c), the competent market surveillance authorities in the other Member States shall take the measures necessary in respect to the non-compliant product and shall enter the related information in the system referred to in Article 34.</u>
ARTICLE 15 - PARAGRAPH 2				
216	2. Market surveillance authorities shall take appropriate measures, without delay, to alert end-users within their territories to hazards that they have identified relating to any product so as to reduce the risk of injury or other damage.	2. Market surveillance authorities shall take appropriate measures, without delay, to alert end-users within their territories to hazards that they have identified relating to any product so as to reduce the risk of injury or other damage.	2. Market surveillance authorities shall take appropriate measures, without delay, to alert end-users within their territories to hazards that they have identified relating to any product so as to reduce the risk of injury or other damage.	<i>Deleted</i>
ARTICLE 15 - PARAGRAPH 2				
217	The authorities shall cooperate with economic	The authorities shall cooperate with economic	The authorities shall cooperate with economic	<i>Covered by Council's text in Article 4b</i>

	operators regarding actions which could prevent or reduce risks that are caused by products made available by those operators.	operators regarding actions which could prevent or reduce risks that are caused by products made available by those operators.	operators regarding actions which could prevent or reduce risks that are caused by products made available by those operators.	
ARTICLE 15 - PARAGRAPH 3				
218	3. Where the market surveillance authorities of one Member State decide to withdraw a product manufactured in another Member State, they shall inform the economic operator concerned without delay.	3. Where the market surveillance authorities of one Member State decide to withdraw a product manufactured in another Member State, or placed on the market in another Member State , they shall inform the economic operator concerned without delay. AM 124	3. Where the market surveillance authorities of one Member State decide to withdraw a product manufactured in another Member State, they shall inform the economic operator concerned without delay.	Deleted Considered as covered by paragraph 1d and Article 17
ARTICLE 16				
219	Article 16 Use of information, professional and commercial secrecy	Article 16 Use of information, professional and commercial secrecy	Article 16 Use of information, professional and commercial secrecy	Article 16 Use of information, professional and commercial secrecy

ARTICLE 16 - PARAGRAPH 1			
220	<p>Market surveillance authorities shall observe the principle of confidentiality where necessary in order to protect professional and commercial secrets or to preserve personal data pursuant to national legislation, subject to the requirement that information be made public to the fullest extent possible in order to protect the interests of end-users in the Union.</p>	<p>Market surveillance authorities shall observe the principle ensure the strictest guarantees of confidentiality where necessary in order to protect and of secrecy and shall preserve personal data pursuant to national legislation, subject to the requirement that information be made public to the fullest extent possible in order to protect the interests of end-users in the Union.</p> <p>AM 125</p>	<p>Market surveillance authorities shall observe the principle of confidentiality where necessary in order to protect professional and commercial secrets or to preserve protect personal data pursuant to Union and national legislation, subject to the requirement that information be made public to the fullest extent possible necessary in order to protect the interests of end-users in the Union.</p> <p>Market surveillance authorities shall perform their activities with a high level of transparency and shall make available to the general public any information that they deem relevant in order to protect the interests of end-users in the Union.</p> <p>Market surveillance authorities shall observe the principle ensure the strictest guarantees respect the principle of confidentiality where necessary in order to protect and of professional and commercial secrets or to secrecy and shall preserve protect personal data pursuant to Union and national legislation. subject to the requirement that information be made public to the fullest extent possible in order to protect the interests of end-users in the Union.</p>
ARTICLE 17			

221	Article 17 Restrictive measures	Article 17 Restrictive measures	Article 17 Restrictive measures <u>Judicial protection and due process</u>	Article 17 Restrictive measures Procedural rights of economic operators
ARTICLE 17 - PARAGRAPH -1 (new)				
221A		<i>-1. Market surveillance authorities shall take appropriate measures, including ensuring that the making available of the product on the market is prohibited or restricted or that a product is withdrawn or recalled from the market if, when it is being used either in accordance with its intended purpose or under conditions that can be reasonably foreseen and it is properly installed and maintained, either of the following conditions would be met: (a) the product is liable to compromise the health</i>		<i>See Article 15 paragraphs - 1 and 1cb</i>

		<p><i>or safety of end-users; (b) the product does not conform to applicable requirements under Union harmonisation legislation; (c) the product is a counterfeit.</i></p> <p><i>For the purpose of this paragraph, market surveillance authorities may ask economic operator to provide information on which other product models have the same technical characteristics as a product in question that are relevant for compliance with the applicable requirements under Union harmonisation legislation.</i></p> <p>AM 126</p>		<p><i>This part is moved to Article 14 (powers of economic operators)</i></p>
ARTICLE 17 - PARAGRAPH 1 a (new)				
221B		-1a. Without prejudice to paragraph -1, market		<p><i>See Article 15 paragraph 1ca</i></p>

		<p><i>surveillance authorities shall require the relevant economic operator to put an end to the formal non-compliance with the administrative requirements set out in the applicable Union harmonisation legislation that does not lead to the breach of the essential requirements set out in this legislation. However, where this formal non-compliance persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market.</i></p> <p>AM 127</p>		
ARTICLE 17 - PARAGRAPH 1				
222	1. Any measure, decision or order taken or made	1. Any measure, decision or order taken or made by	1. Any measure, decision or order taken or made by market surveillance	1. Any measure, decision or order taken or made by market surveillance

	by market surveillance authorities pursuant to Union harmonisation legislation or this Regulation to prohibit or restrict the making available of products on the market or to withdraw, recall or destroy products on the market shall be proportionate and shall state the exact grounds on which it is based.	market surveillance authorities pursuant to Union harmonisation legislation or this Regulation to prohibit or restrict the making available of products on the market or to withdraw, recall or destroy products on the market shall be proportionate and shall state the exact grounds on which it is based.	authorities pursuant to Union harmonisation legislation or this Regulation to prohibit or restrict the making available of products on the market or to withdraw, recall or destroy products on the market shall be proportionate and shall state the exact grounds on which it is based.	authorities pursuant to Union harmonisation legislation or this Regulation to prohibit or restrict the making available of products on the market or to withdraw, recall or destroy products on the market shall be proportionate and shall state the exact grounds on which it is based.
ARTICLE 17 - PARAGRAPH 2				
223	2. Any such measures, decisions or order shall be communicated without delay to the relevant economic operator, who shall at the same time be informed of the remedies available to him under the law of the Member State concerned and of the time limits to which those remedies are subject.	2. Any such measures, decisions or order shall be communicated without delay to the relevant economic operator, who shall at the same time be informed of the remedies available to him under the law of the Member State concerned and of the time limits to which those remedies are subject.	2. Any such measures, decisions or order shall be communicated without delay to the relevant economic operator, who shall at the same time be informed of the remedies available to him under the law of the Member State concerned and of the time limits to which those remedies are subject.	2. Any such measures, decisions or order shall be communicated without delay to the relevant economic operator, who shall at the same time be informed of the remedies available to him under the law of the Member State concerned and of the time limits to which those remedies are subject.

ARTICLE 17 - PARAGRAPH 3				
224	<p>3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 days, unless it is not possible to give him that opportunity because of the urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by the relevant Union harmonisation legislation.</p>	<p>3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless it is not possible to give him that opportunity because of the urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by the relevant Union harmonisation legislation.</p> <p>AM 128</p>	<p>3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless it is not possible to give him that opportunity because of the urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by the relevant Union harmonisation legislation.</p>	<p>3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless it is not possible to give him that opportunity because of the urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by the relevant Union harmonisation legislation.</p> <p>If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, he shall be given that opportunity as soon as possible thereafter and the measure, decision or order shall be reviewed promptly by the authority.</p>

ARTICLE 17 - PARAGRAPH 3a (new)				
224A			3a. If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, he shall be given that opportunity as soon as possible thereafter and the measure, decision or order shall be reviewed promptly by the authority.	<i>See row 224</i>
ARTICLE 17 - PARAGRAPH 3a (new)				
224B		<i>3a. Without prejudice to Article 18(1), where the products are withdrawn, recalled, prohibited or restricted, the market surveillance authority shall ensure that the Commission, the other Member States and end-users are informed accordingly, also through the system referred to in Article 34.</i>		<i>Could be considered as covered by Article 15 paragraph 1d</i>
		AM 129		
ARTICLE 17 - PARAGRAPH 4				
225				<i>Maintain Council mandate</i>

	4. The market surveillance authority shall promptly withdraw or amend any measure, decision or order referred to in paragraph 1 where the economic operator can demonstrate that he has taken effective corrective action.	4. The market surveillance authority shall promptly withdraw or amend any measure, decision or order referred to in paragraph 1 where the economic operator can demonstrate that he has taken effective corrective action.	4. The market surveillance authority shall promptly withdraw or amend any measure, decision or order where the economic operator can demonstrate that he has taken effective corrective action.	
ARTICLE 18				
226	Article 18 Products presenting a serious risk	Article 18 Products presenting a serious risk	Article 18 Products presenting a serious risk	Article 18 Products presenting a serious risk
ARTICLE 18 - PARAGRAPH 1				
227	1. Market surveillance authorities shall take measures to recall or withdraw products which present a serious risk or to prohibit the making available of them on the market. They shall inform the Commission of such measures without delay, in accordance with Article 19.	1. Market surveillance authorities shall immediately take measures to recall or withdraw products which present a serious risk to safety or health of persons, or other public interests protected by the relevant Union harmonisation legislation with regard to these	1. Market surveillance authorities shall take measures to recall or withdraw products which present a serious risk or to prohibit the making available of them on the market. They shall inform the Commission of such measures without delay, in accordance with Article 19.	1. Market surveillance authorities shall ensure that products which present a serious risk are recalled and withdrawn, when there is no other effective means available to remove the serious risk, and that their being made available on the market is prohibited. They shall inform the Commission of such measures without

		<p>products, or to prohibit the making available of them on the market. They shall inform the Commission of such measures without delay, in accordance with Article 19.</p> <p>AM 130</p>		<p>delay, in accordance with Article 19.</p> <p><i>(consistent with definition of serious risk as in Council text row 92)</i></p>
ARTICLE 18 - PARAGRAPH 1a (new)				
228 A			<p><u>1a. Where a product presents a serious risk, market surveillance authorities shall require the relevant economic operator to take appropriate actions to remove the risk.</u></p>	Deleted
ARTICLE 18 - PARAGRAPH 1b (new)				
228 B			<p><u>1b. When the relevant economic operator fails to do so, market surveillance authorities shall ensure that such products are recalled, withdrawn, or that their being made available on the market is</u></p>	Deleted

			<u>prohibited. Market surveillance authorities shall inform the Commission of such measures without delay, in accordance with Article 19.</u>	
ARTICLE 18 - PARAGRAPH 2				
229	2. The decision whether or not a product presents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering that a product presents a serious risk.	2. The decision whether or not a product presents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering that a product presents a serious risk.	2. The decision whether or not a product presents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering that a product presents a serious risk.	2. The decision whether or not a product presents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering that a product presents a serious risk.
ARTICLE 19				
230	Article 19	Article 19	Article 19	Article 19

	Exchange of information — Union Rapid Alert System	Exchange of information — Union Rapid Alert System	Exchange of information — Union Rapid Alert System (RAPEX)	Exchange of information — Union Rapid Alert System (RAPEX)
ARTICLE 19 - PARAGRAPH 1				
231	1. Where a market surveillance authority takes or intends to take a measure in accordance with Article 18 and considers that the reasons which prompted the measure or the effects of the measure go beyond the territory of its Member State, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.	1. Where a market surveillance authority takes or intends to take a measure in accordance with Article 18 and considers that the reasons which prompted the measure or the effects of the measure go beyond the territory of its Member State, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.	1. Where a market surveillance authority takes or intends to take a measure in accordance with Article 18 and considers that the reasons which prompted the measure or the effects of the measure go beyond the territory of its Member State, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.	1. Where a market surveillance authority takes or intends to take a measure in accordance with Article 18 and considers that the reasons which prompted the measure or the effects of the measure go beyond the territory of its Member State, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.
ARTICLE 19 - PARAGRAPH 2				
232	2. If a product presenting a serious risk has been	2. If a product presenting a serious risk	2. If a product presenting a serious risk has been made	2. If a product presenting a serious risk has been made

	made available on the market, market surveillance authorities shall notify the Commission of any voluntary measures taken and communicated by an economic operator.	has been made available on the market, market surveillance authorities shall immediately notify the Commission of any voluntary measures taken and communicated by an economic operator. AM 131	available on the market, market surveillance authorities shall notify the Commission of any voluntary measures taken and communicated by an economic operator.	available on the market, market surveillance authorities shall immediately notify the Commission of any voluntary measures taken and communicated by an economic operator.
ARTICLE 19 - PARAGRAPH 3				
233	3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.	3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.	3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.	3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.
ARTICLE 19 - PARAGRAPH 4				
234				

	4. For the purposes of paragraphs 1, 2 and 3, the market surveillance and information exchange system provided for in Article 12 of Directive 2001/95/EC shall be used. Paragraphs 2, 3 and 4 of Article 12 of that Directive shall apply mutatis mutandis.	4. For the purposes of paragraphs 1, 2 and 3, the market surveillance and information exchange system provided for in Article 12 of Directive 2001/95/EC shall be used. Paragraphs 2, 3 and 4 of Article 12 of that Directive shall apply mutatis mutandis.	4. For the purposes of paragraphs 1, 2 and 3, the market surveillance and information exchange system provided for in Article 12 of Directive 2001/95/EC shall be used. Paragraphs 2, 3 and 4 of Article 12 of that Directive shall apply mutatis mutandis.	4. For the purposes of paragraphs 1, 2 and 3, the market surveillance and information exchange system provided for in Article 12 of Directive 2001/95/EC shall be used. Paragraphs 2, 3 and 4 of Article 12 of that Directive shall apply mutatis mutandis.
ARTICLE 19 - PARAGRAPH 5				
235			<u>5. The Commission shall provide and maintain a data interface between the RAPEX system to the system referred to in Article 34 so that the need for double data entry is reliably avoided.</u>	<u>5. The Commission shall provide and maintain a data interface between the RAPEX system to the system referred to in Article 34 so that the need for double data entry is reliably avoided.</u>
ARTICLE 20				
236	Article 20 Union testing facilities	Article 20 Union testing facilities	Article 20 Union Testing facilities <u>support</u>	Article 20 <u>Union testing facilities</u>

ARTICLE 20 - PARAGRAPH 1 (New)				
236 A				<u>1. The objective of the Union testing facilities is to contribute to enhancing sufficient laboratory capacity, as well as reliability and consistency of testing, for the purposes of market surveillance within the Union.</u>
ARTICLE 20 - PARAGRAPH 1				
237	1. The Commission may designate Union testing facilities for specific products or a specific category or group of products or for specific risks related to a category or group of products which are made available on the market.	1. The Commission, <i>after consulting the Network established under Article 31</i> , may designate Union testing facilities for specific products or a specific category or group of products or for specific risks related to a category or group of products which are made available on the market, <i>including for which Member States do not have facilities to perform testing within their territory.</i> AM 132	1. The Commission may designate Union testing facilities for specific products or a specific category or group of products or for specific risks related to a category or group of products which are made available on the market.	<u>2. For the purpose of paragraph 1, the Commission may designate a public testing facility of a Member State as a Union testing facility for specific categories of products or for specific risks related to a category of products.</u> <u>The Commission may also designate one of its own testing facilities as a Union testing facility for specific categories of products or for specific risks related to a category of products, or</u>

				<u>for products for which testing capacity is missing or is not sufficient.</u>
ARTICLE 20 - PARAGRAPH 1 a (new)				
237A		<i>1a. The Union testing facilities shall serve the purpose of ensuring sufficient laboratory capacity, reliability and consistency of testing for the purposes of market surveillance within the Union.</i> AM 133		
ARTICLE 20 - PARAGRAPH 2				
238	2. The Union testing facilities referred to in paragraph 1 shall satisfy the following criteria:	2. The Union testing facilities referred to in paragraph 1 shall satisfy the following criteria:	2. The Union testing facilities referred to in paragraph 1 shall satisfy the following criteria:	
ARTICLE 20 - PARAGRAPH 2 - point a				
239	(a) they must have suitably qualified staff with adequate training in the analytical techniques	(a) they must have suitably qualified staff with adequate training in the analytical techniques	(a) they must have suitably qualified staff with adequate training in the analytical techniques used in their area	

	used in their area of competence and an adequate knowledge of standards and practices;	used in their area of competence and an adequate knowledge of standards and practices;	of competence and an adequate knowledge of standards and practices;	
ARTICLE 20 - PARAGRAPH 2 - point b				
240	(b) they must be equipped to carry out the tasks assigned to them under paragraph 4;	(b) they must be equipped to carry out the tasks assigned to them under paragraph 4;	(b) they must be equipped to carry out the tasks assigned to them under paragraph 4;	
ARTICLE 20 - PARAGRAPH 2 - point c				
241	(c) they must act in the public interest in an impartial and independent manner;	(c) they must act in the public interest in an impartial and independent manner;	(c) they must act in the public interest in an impartial and independent manner;	
ARTICLE 20 - PARAGRAPH 2 - point d				
242	(d) they must ensure, where appropriate, the confidential nature of topics, results or communications;	(d) they must ensure, where appropriate, the confidential nature of topics, results or communications;	(d) they must ensure, where appropriate, the confidential nature of topics, results or communications;	
ARTICLE 20 - PARAGRAPH 2 - point e				
243	(e) they must be accredited in accordance with Chapter II of	(e) they must be accredited in accordance with Chapter II of	(e) they must be accredited in accordance with Chapter II of Regulation (EC) No	<u>3. Union testing facilities must be accredited in accordance with Chapter</u>

	Regulation (EC) No 765/2008.	Regulation (EC) No 765/2008.	765/2008.	<u>II of Regulation (EC) No 765/2008.</u>
ARTICLE 20 - PARAGRAPH 3				
244	3. A notified body or any other conformity assessment body designated pursuant to Union harmonisation legislation may not be designated as a Union testing facility.	3. A notified body or any other conformity assessment body designated pursuant to Union harmonisation legislation may not be designated as a Union testing facility.	3. A notified body or any other conformity assessment body designated pursuant to Union harmonisation legislation may not be designated as a Union testing facility.	
ARTICLE 20 - PARAGRAPH 3 a (new)				
244A		<i>3a. The establishment of Union testing facilities shall not affect the freedom of the market surveillance authorities to choose testing facilities for the purpose of their market surveillance activities.</i> AM 134		<u>4. The designation of Union testing facilities shall not affect the freedom of the market surveillance authorities, the Network and the Commission to choose testing facilities for the purpose of their market surveillance activities.</u>
ARTICLE 20 - PARAGRAPH 3 B (new)				
244B				Designated Union testing

				facilities shall solely offer their services to Market Surveillance authorities and other government or intergovernmental entities.
ARTICLE 20 - PARAGRAPH 4				
245	4. Union testing facilities shall, within the area of their competence, perform the following tasks as a minimum:	4. Union testing facilities shall, within the area of their competence, perform at least the following tasks <i>as a minimum</i> : AM 135	4. Union testing facilities shall, within the area of their competence, perform the following tasks as a minimum:	<u>6. Union testing facilities shall, within the area of their competence, perform the following tasks:</u>
ARTICLE 20 - PARAGRAPH 4 - POINT a				
246	(a) carry out product-testing in relation to market surveillance activities and investigations;	(a) carry out <i>product testing of specific products or a specific category or group of products or specific risks related to a category or group of products</i> in relation to market surveillance activities and investigations at the request of the Commission, the Network established under Article 31 or market surveillance	(a) carry out product-testing in relation to market surveillance activities and investigations;	<u>(a) carry out testing of products at the request of market surveillance authorities, the Network or the Commission;</u>

		<i>authorities;</i> AM 136		
ARTICLE 20 - PARAGRAPH 4 - POINT b				
247	(b) contribute to the resolution of disputes between the market surveillance authorities of Member States, economic operators and conformity assessment bodies;	(b) contribute to the resolution of disputes between the market surveillance authorities of Member States, economic operators and conformity assessment bodies; AM 137	(b) contribute to the resolution of disputes between the market surveillance authorities of Member States, economic operators and conformity assessment bodies;	Deleted
ARTICLE 20 - PARAGRAPH 4 - POINT c				
248	(c) provide independent technical or scientific advice to the Commission including, the Network established under Article 31, and to the Member States;	(c) provide independent technical or scientific advice to the Commission including, the Network established under Article 31, and to the Member States;	(c) provide independent technical or scientific advice to the Commission including, the Network established under Article 31, and to the Member States;	<u>(b) provide independent technical or scientific advice on request of the Network established under Article 31;</u>
ARTICLE 20 - PARAGRAPH 4 - POINT d				
249	(d) develop new techniques and methods of analysis;	(d) develop new techniques and methods of analysis;	(d) develop new techniques and methods of analysis;	<u>(c) develop new techniques and methods of analysis;</u> "Presidency proposal 16/01"

ARTICLE 20 - PARAGRAPH 4 - POINT e				
250	(e) disseminate information to testing facilities in the Member States and provide training for such testing facilities.	(e) disseminate information to testing facilities in the Member States and provide training for such testing facilities.	(e) disseminate information to testing facilities in the Member States and provide training for such testing facilities.	<i>Deleted</i>
ARTICLE 20 - PARAGRAPH 4 a (new)				
250A		<i>4a. Market surveillance authorities shall accept, in accordance with Article 11(2) of Regulation (EC) 765/2008, the test reports issued by the Union testing facilities.</i> AM 138	<u>4a. Objective of the testing facility support is ensuring sufficient laboratory capacity, as well as reliability and consistency of testing, for the purposes of market surveillance within the Union.</u>	<i>Deleted</i> <i>Equivalent in row 236A</i>
ARTICLE 20 - PARAGRAPH 4 b (new)				
250B			<u>4b. When the Commission determines on its own initiative or on request of the Network, that testing capacity for specific harmonisation legislation or product categories is</u>	<i>Deleted</i> <i>Equivalent in row 237</i>

			<p><u>missing or not sufficient, it shall set up a programme for the establishment of new testing facilities or to encourage existing facilities to increase their scope or capacity. All testing facilities under this programme shall be accredited in accordance with the requirements of Chapter II of Regulation (EC) No 765/2008.</u></p>	
ARTICLE 20 - PARAGRAPH 4 c (new)				
250C			<p><u>4c. The establishment of new testing facilities or the increase of the scope or capacity of existing facilities and request of tests by market surveillance authorities may be financed by the Union in conformance with the Article 36(2).</u></p>	<p><u>7. Activities referred to in paragraph 6 shall be remunerated and may be financed by the Union in accordance with Article 36(2) of this Regulation.</u></p> <p><u>8. Union testing facilities may receive financing by the Union in accordance with Article 36(2) in order to increase their testing capacity or create new testing capacity for specific categories of products or for specific risks related to a category of products for</u></p>

				<u>which the testing capacity is missing or is insufficient.</u>
ARTICLE 20 - PARAGRAPH 5				
251	5. The Commission shall adopt implementing acts specifying the procedures for designating Union testing facilities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	5. The Commission shall adopt implementing acts specifying the procedures for <i>designating the designation, functioning and financing of</i> Union testing facilities, <i>and establishing the appropriate appeal procedure with regard to their tasks pursuant to paragraph 4.</i> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63. AM 139	5. The Commission shall adopt implementing acts specifying the procedures for designating Union testing facilities <u>on testing facility support programmes.</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3).	9. The Commission shall adopt implementing acts <u>specifying the procedures for the designation of Union testing facilities</u> on testing facility support programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3).
ARTICLE 21				
252	Article 21 Financing and recovery of costs by market	Article 21 Financing and recovery of costs by market	Article 21 Financing and recovery of costs by market surveillance	<i>See row 211B</i>

	surveillance authorities	surveillance authorities	authorities	
ARTICLE 21 - PARAGRAPH 1				
253	1. Member States shall ensure that market surveillance authorities within their territory are provided with the necessary financial resources for the proper performance of their tasks.	1. Member States shall ensure that market surveillance authorities within their territory are provided with the necessary financial resources for the proper performance of their tasks.	Member States shall ensure that market surveillance authorities within their territory are provided with the necessary financial resources for the proper performance of their tasks.	<i>See row 211C</i>
ARTICLE 21 - PARAGRAPH 2				
254	2. Market surveillance authorities may charge economic operators administrative fees in relation to instances of non-compliance by that economic operator in order to enable the authorities to recover the costs of their activities with respect to these instances of non-compliance. Those costs may include the costs of carrying out testing for the purposes of a risk	2. Market surveillance authorities may charge economic operators administrative fees in relation to instances of non-compliance by that economic operator in order to enable the authorities to recover totality of the costs of their activities with respect to these instances of non-compliance. Where the market surveillance authority considers this to be	2. Market surveillance authorities may charge economic operators administrative fees in relation to instances of non-compliance by that economic operator in order to enable the authorities to recover the costs of their activities with respect to these instances of non-compliance. Those costs may include the costs of carrying out testing for the purposes of a risk assessment, the costs of	<i>See row 211D and 211E</i>

	assessment, the costs of taking measures in accordance with Article 30(1) and (2) and the costs of their activities relating to products that are found to be non-compliant and subject to corrective action prior to their release for free circulation.	<p><i>disproportionate, it may decide that the costs shall be borne only partially by the economic operator.</i></p> <p>Those costs <i>shall be proportionate in relation to the non-compliance and</i> may include the costs of carrying out testing for the purposes of a risk assessment, the costs of taking measures in accordance with Article 30(1) and (2) and the costs of their activities relating to products that are found to be non-compliant and subject to corrective action prior to their release for free circulation.</p> <p>AM 140</p>	<p>taking measures in accordance with Article 30(1) and (2) and the costs of their activities relating to products that are found to be non-compliant and subject to corrective action prior to their release for free circulation.</p>	
ARTICLE 21 - PARAGRAPH 2 a (new)				
254A		<p><i>2a. Member States shall ensure that administrative fees referred to in paragraph 2, charged by the market surveillance authorities,</i></p>		<p><i>Maintain Council mandate Related to Row 164 A</i></p>

		<i>are used for financing further market surveillance activities of these authorities.</i>		
		AM 141		
CHAPTER VI				
255	Chapter VI Cooperation and procedure for mutual assistance	Chapter VI Cooperation and procedure for mutual assistance	Chapter VI Cooperation and procedure for Cross-border mutual assistance	Chapter VI Cooperation and procedure for Cross-border mutual assistance
ARTICLE 22				
256	Article 22 Requests for information	Article 22 Requests for information	Article 22 Requests for information	<i>deleted</i> <i>Text of Article 22 moved to Article 22a</i>
ARTICLE 22 - PARAGRAPH -1 (new)				
257		<i>-1. There shall be efficient cooperation and exchange of information among the market</i>		<i>deleted</i>

		<i>surveillance authorities within the Member States and the Union, and between market surveillance authorities and the Commission.</i>		
		AM 142		
ARTICLE 22 - PARAGRAPH 1				
258	1. At the request of an applicant authority, the requested authority shall supply any information that the requested authority deems relevant to establish whether a product is non-compliant and to ensure that the non-compliance can be brought to an end.	1. At the <i>duly motivated</i> request of an applicant authority, the requested authority shall supply <i>to the applicant authority without delay, and in any event within 30 days</i> , any information that the requested authority deems relevant to establish whether a product is non-compliant and to ensure that the non-compliance can be brought to an end.	1. At the request of an applicant authority, the requested authority shall supply any information that the requested authority deems relevant to establish whether a product is non-compliant and to ensure that the non-compliance can be brought to an end.	<i>deleted</i>
		AM 143		
ARTICLE 22 - PARAGRAPH 2				
259	2. The requested authority shall undertake	2. The requested authority shall undertake	2. The requested authority shall undertake appropriate	<i>deleted</i>

	appropriate investigations or take any other measures that are appropriate in order to gather the required information. Where necessary, those investigations shall be carried out with the assistance of other market surveillance authorities.	appropriate investigations or take any other measures that are appropriate in order to gather the required information. Where necessary, those investigations shall be carried out with the assistance of other market surveillance authorities. <i>The requested authority shall keep the applicant authority informed about the actions undertaken with regard to its request.</i> AM 144	investigations or take any other measures that are appropriate in order to gather the required information. Where necessary, those investigations shall be carried out with the assistance of other market surveillance authorities.	
ARTICLE 22 - PARAGRAPH 3				
260	3. At the request of the applicant authority, the requested authority may allow officials of the applicant authority to accompany their counterparts in the requested authority during the course of their investigations.	3. At the request of the applicant authority, the requested authority may allow officials of the applicant authority to accompany their counterparts in the requested authority during the course of their investigations.	3. At the request of the applicant authority, the requested authority may allow officials of the applicant authority to accompany their counterparts in the requested authority during the course of their investigations.	<i>deleted</i>

ARTICLE 22 - PARAGRAPH 3 a (new)				
260A		<p><i>3a. While supplying the information to the applicant authority pursuant to paragraph 1, the requested authority shall observe the principle of confidentiality in order to protect professional and commercial secrets or to preserve personal data pursuant to national legislation.</i></p> <p>AM 145</p>		<i>deleted</i>
ARTICLE 22 - PARAGRAPH 4				
261	<p>4. The requested authority shall reply to the request under paragraph 1 using the procedure and within the time limits specified by the Commission under paragraph 5.</p>	<p>deleted</p> <p>AM 146</p>	<p>4. The requested authority shall reply to the request under paragraph 1 using the procedure and within the time limits specified by the Commission under paragraph 5.</p>	<i>deleted</i>
ARTICLE 22 - PARAGRAPH 5				
262	<p>5. The Commission shall</p>	<p>deleted</p>	<p>5. The Commission shall</p>	<i>deleted</i>

	adopt implementing acts specifying the time limits, standard forms and further details of the procedure to be used for making and responding to requests for information under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	AM 147	adopt implementing acts specifying the time limits, standard forms and further details of the procedure to be used for making and responding to requests for information under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	
ARTICLE 22a (new)				
262 A			<u>Article 22a</u> <u>Mutual Assistance</u>	<u>Article 22a</u> <u>Mutual Assistance</u>
ARTICLE 22a - PARAGRAPH 1 (new)				
262 B			<u>1. There shall be efficient cooperation and exchange of information among the market surveillance authorities of the Member States, and between market surveillance authorities and the</u>	<u>1. There shall be efficient cooperation and exchange of information among the market surveillance authorities of the Member States, and between market surveillance authorities and the</u>

			<u>Commission and the relevant Union agencies.</u>	<u>Commission and the relevant Union agencies.</u>
ARTICLE 22a - PARAGRAPH 2 (new)				
262 C			<p><u>2. When an authority has undertaken all appropriate efforts to obtain information itself, and nevertheless cannot conclude its investigations, it may put forward a motivated request to the authority of another Member State where access to this information can be enforced.</u></p>	<p><u>1. When a market surveillance</u> authority has undertaken all appropriate efforts to obtain information itself, and nevertheless cannot conclude its investigations, it may <u>submit</u> a motivated request to the <u>market surveillance</u> authority of another Member State where access to this information can be enforced. <u>In this case the requested authority shall supply to the applicant authority without delay, and in any event within 30 days, any information that the requested authority deems relevant to establish whether a product is non-compliant.</u></p>
ARTICLE 22a - PARAGRAPH 3 (new)				
262 D			<p><u>3. The applicant authority remains responsible for the investigation it has</u></p>	<p><u>2. The requested authority shall undertake appropriate investigations</u></p>

			<p><u>initiated, unless the requested authority expressly agrees to take over responsibility.</u></p>	<p><u>or take any other measures that are appropriate in order to gather the requested information. Where necessary, those investigations shall be carried out with the assistance of other market surveillance authorities.</u></p> <p><u>2a.</u> The applicant authority remains responsible for the investigation it has initiated, unless the requested authority agrees to take over responsibility.</p>
ARTICLE 22a - PARAGRAPH 4 (new)				
262E			<p><u>4. In well justified cases, a requested authority may refuse to comply with a request for information under paragraph 1, when own duties would be substantially impaired, or when the applicant authority does not agree that the information is subject to the rules on confidentiality and on</u></p>	<p><u>4. In well justified cases, a requested authority may refuse to comply with a request for information under paragraph 1;</u> <u>(a) when its own duties would be substantially impaired;</u> <u>(ba) when the applicant authority has not sufficiently substantiated that the requested information is</u></p>

			<u>professional and commercial secrecy as laid down in Article 16.</u>	necessary to establish non-compliance. <u>(ab) when the requested authority demonstrates reasonable grounds showing that the request would substantially impair the execution of its own activities;</u>
ARTICLE 23				
263	Article 23 Requests for enforcement measures	Article 23 Requests for enforcement measures	Article 23 Requests for enforcement measures	<u>Article 23</u> <u>Requests for enforcement measures</u>
ARTICLE 23 - PARAGRAPH 1				
264	1. At the request of an applicant authority, the requested authority shall without delay take all necessary enforcement measures using the powers conferred on it under this Regulation in order to bring an instance of non-compliance to an end.	1. At the <i>In case where bringing a non-compliance with regard to the product to an end requires measures within the jurisdiction of another Member State, a duly motivated request for enforcement measures may be made by an applicant authority to a requested authority in that Member State. In</i>	1. At the request of an applicant authority, the requested authority shall without delay take all necessary enforcement measures using the powers conferred on it under this Regulation in order to bring an instance of non-compliance to an end.	<u>1. In case where bringing a non-compliance with regard to the product to an end requires measures within the jurisdiction of another Member State and where such measures do not result from the requirements of Article 15(1e), a duly motivated request for enforcement measures may be made by an applicant authority to a</u>

		<p><i>this case</i>, the requested authority shall without delay take all necessary enforcement measures using the powers conferred on it under this Regulation in order to bring an instance of non-compliance to an end <i>by exercising the powers laid down in Article 14 and any additional powers granted to it under the national law, including the imposition of penalties.</i></p> <p>AM 148</p>		<p><u>requested authority in that Member State.</u></p>
ARTICLE 23 - PARAGRAPH 2				
265	<p>2. The requested authority shall determine the appropriate enforcement measures required to bring an instance of non-compliance to an end. Where necessary, enforcement measures shall be determined and implemented with the</p>	<p>2. The requested authority shall determine the appropriate enforcement measures required to bring an instance of non-compliance to an end. Where necessary, enforcement measures shall be determined and implemented with the assistance of other public</p>	<p>2. The requested authority shall determine the appropriate enforcement measures required to bring an instance of non-compliance to an end. Where necessary, enforcement measures shall be determined and implemented with the assistance of other public</p>	<p><u>2. The requested authority shall without delay determine and take all appropriate necessary enforcement measures using the powers conferred on it under this Regulation in order to bring the instance of non-compliance to an end by exercising the powers laid down in</u></p>

	assistance of other public authorities.	authorities.	authorities.	<u>Article 14 and any additional powers granted to it under the national law.</u>
ARTICLE 23 - PARAGRAPH 3 - SUBPARAGRAPH 1				
266	3. The requested authority shall regularly and without undue delay inform and consult the applicant authority about the measures referred to in paragraph 2 that have been taken or which are intended to be taken.	The requested authority shall regularly and without undue delay inform and consult the applicant authority about the measures referred to in paragraph 2 that have been taken or which are intended to be taken. <i>The requested authority may consult the applicant authority on these measures when considers it necessary.</i> AM 149	3. The requested authority shall regularly and without undue delay inform and consult the applicant authority about the measures referred to in paragraph 2 that have been taken or which are intended to be taken.	<u>3. The requested authority shall inform the applicant authority about the measures referred to in paragraph 2 that have been taken or which are intended to be taken.</u>
ARTICLE 23 - PARAGRAPH 3 - SUBPARAGRAPH 1a (new)				
266A				<u>4. A requested authority may refuse to comply with a request for enforcement measures if one or more of the following applies:</u> <u>(a) when its own duties</u>

				<p><u>would be substantially impaired;</u> <u>(b) when the requested authority concludes that the applicant authority has not provided sufficient information;</u> <u>(c) when the requested authority considers the request to be contrary to Union harmonisation legislation.</u> <u>(ca) when the requested authority demonstrates reasonable grounds showing that the request would substantially impair the execution of its own activities.</u></p>
ARTICLE 23 - PARAGRAPH 3 -SUBPARAGRAPH 2				
267	The requested authority shall without delay notify the applicant authority, the market surveillance authorities of other Member States, and the Commission of the measures taken by it and of their effect on the non-compliance in	The requested authority shall notify the applicant authority, the market surveillance authorities of other Member States, and the Commission of the measures taken by it and of their effect on the non-compliance in question. The notification shall be	The requested authority shall without delay notify the applicant authority, the market surveillance authorities of other Member States, and the Commission of the measures taken by it and of their effect on the non-compliance in question. The notification shall be	<i>deleted</i>

	question. The notification shall be made using the system referred to in Article 34 and shall include the following information as a minimum:	made using the system referred to in Article 34. and shall include the following information as a minimum: AM 150	made using the system referred to in Article 34 and shall include the following information as a minimum:	
ARTICLE 23 - PARAGRAPH 3 - POINT a				
268	(a) whether temporary measures have been imposed;	(a) whether temporary measures have been imposed; AM 151	(a) whether temporary measures have been imposed;	<i>deleted</i>
ARTICLE 23 - PARAGRAPH 3 - POINT b				
269	(b) whether the non-compliance has ceased;	(b) whether the non-compliance has ceased; AM 152	(b) whether the non-compliance has ceased;	<i>deleted</i>
ARTICLE 23 - PARAGRAPH 3 - POINT c				
270	(c) whether penalties have been imposed and, if so, what;	(e) whether penalties have been imposed and, if so, what; AM 153	(e) whether penalties have been imposed and, if so, what;	<i>deleted</i>
ARTICLE 23 - PARAGRAPH 3 - POINT d				
271	(d) whether other	(d) whether other	(d) whether other measures	<i>deleted</i>

	measures taken by the requested authority or the economic operator have been implemented.	measures taken by the requested authority or the economic operator have been implemented. AM 154	taken by the requested authority or the economic operator have been implemented.	
ARTICLE 23 - PARAGRAPH 4				
272	4. The requested authority shall reply to the request under paragraph 1 using the procedure and within the time limits specified by the Commission under paragraph 5.	4. The requested authority shall reply to the request under paragraph 1 using the procedure and within the time limits specified by the Commission under paragraph 5. AM 155	4. The requested authority shall reply to the request under paragraph 1 using the procedure and within the time limits specified by the Commission under paragraph 5.	<i>deleted</i>
ARTICLE 23 - PARAGRAPH 5				
273	5. The Commission shall adopt implementing acts specifying the time limits, standard forms and further details of the procedures to be used for making and responding to requests for enforcement measures under paragraph 1. Those implementing acts shall be adopted in accordance with the	5. The Commission shall adopt implementing acts specifying the time limits, standard forms and further details of the procedures to be used for making and responding to requests for enforcement measures under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in	5. The Commission shall adopt implementing acts specifying the time limits, standard forms and further details of the procedures to be used for making and responding to requests for enforcement measures under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	<i>deleted</i>

	examination procedure referred to in Article 63.	Article 63. AM 156		
ARTICLE 24				
274	Article 24 Procedure for mutual assistance requests	Article 24 Procedure for mutual assistance requests	Article 24 Procedure for mutual assistance requests	Article 24 Procedure for mutual assistance requests
ARTICLE 24 - PARAGRAPH 1				
275	1. The applicant authority shall provide sufficient information, in the case of requests for mutual assistance under Article 22 or 23, to enable the requested authority to fulfill the request, including any necessary evidence obtainable only in the Member State of the applicant authority.	1. The applicant authority shall provide sufficient <i>all available</i> information, in the case of requests for mutual assistance under Article 22 or 23, to enable the requested authority to fulfill the request, including any necessary evidence obtainable only in the Member State of the applicant authority. AM 157	1. The applicant authority shall provide sufficient information, in the case of requests for mutual assistance under Article 22 or 23, to enable the requested authority to fulfill the request, including any necessary evidence obtainable only in the Member State of the applicant authority.	<u>1. The applicant authority shall provide all available information, in the case of requests under Articles 22a and 23, to enable the requested authority to fulfil the request, including any necessary evidence obtainable only in the Member State of the applicant authority.</u>
ARTICLE 24 - PARAGRAPH 2				
276	2. Requests for mutual assistance under Article	2. Requests for mutual assistance under Article	2. Requests for mutual assistance under Article 22	<i>deleted</i>

	22 or 23 shall be sent by the applicant authority to the single liaison office of the Member State of the requested authority and also to the single liaison office of the Member State of the applicant authority for information purposes. The single liaison office of the Member State of the requested authority shall pass the requests on to the appropriate competent authority, without undue delay.	22 or 23 shall be sent by the applicant authority to the single liaison office of the Member State of the requested authority and also to the single liaison office offices of the Member State States of both the applicant authority and the requested authority for information purposes. The single liaison office of the Member State of the requested authority shall pass the requests on to the appropriate competent authority, without undue delay.	or 23 shall be sent by the applicant authority to the single liaison office of the Member State of the requested authority and also to the single liaison office of the Member State of the applicant authority for information purposes. The single liaison office of the Member State of the requested authority shall pass the requests on to the appropriate competent authority, without undue delay.	
	ARTICLE 24 - PARAGRAPH 2a (new)			
276 A			<u>2a. The applicant authority shall carry out itself all investigations reasonable possible before launching a request for assistance.</u>	<u>-1. Before launching a request under Articles 22a and 23</u> the applicant authority shall <u>endeavour to</u> carry out itself all reasonable possible investigations.
	ARTICLE 24 - PARAGRAPH 2b (new)			
276				

B			<u>2b. The requested authority shall without delay, and in any event within 4 weeks unless otherwise agreed, give assistance on an adequate scale by supplying information or documentation, by carrying out appropriate investigations or any other appropriate measures, and by participating in investigations initiated by the applicant authority.</u>	<i>Covered by paragraph 1 of Article 22a</i>
ARTICLE 24 - PARAGRAPH 3				
277	3. Requests for mutual assistance under Article 22 or 23 and all communication linked to them shall be made using electronic standard forms by means of the the system referred to in Article 34.	3. Requests for mutual assistance under Article 22 or 23 and all communication linked to them shall be made using electronic standard forms by means of the the system referred to in Article 34.	3. Requests for mutual assistance under Article 22 or 23 and all communication linked to them shall be made using electronic standard forms by means of the system referred to in Article 34.	3. Requests for mutual assistance <u>under Articles 22a and 23</u> and all communication linked to them shall be made using electronic standard forms by means of the system referred to in Article 34.
ARTICLE 24 - PARAGRAPH 3 a (new)				
277 A			<u>3a. Communication shall take place either directly</u>	3a. Communication shall take place either directly

			<u>between the involved authorities or through the single liaison office.</u>	between the involved authorities or through the single liaison office <u>of the Member States concerned.</u>
ARTICLE 24 - PARAGRAPH 4				
278	4. The languages to be used for requests for mutual assistance under Article 22 or 23 and for all communication linked to them shall be agreed upon by the competent authorities concerned.	4. The languages to be used for requests for mutual assistance under Article 22 or 23 and for all communication linked to them shall be agreed upon by the competent authorities concerned.	4. The languages to be used for requests for mutual assistance under Article 22 or 23 and for all communication linked to them shall be agreed upon by the competent authorities concerned.	4. The languages to be used for requests for mutual assistance <u>under Articles 22a and 23</u> and for all communication linked to them shall be agreed upon by the competent authorities concerned.
ARTICLE 24 - PARAGRAPH 5				
279	5. Where no agreement about the languages to be can be reached between the competent authorities concerned, the requests for mutual assistance under Article 22 or 23 shall be sent in the official language of the Member State of the applicant authority and the replies to such requests in the official	5. Where no agreement about the languages to be can be reached between the competent authorities concerned, the requests for mutual assistance under Article 22 or 23 shall be sent in the official language of the Member State of the applicant authority and the replies to such requests in the official language of the	5. Where no agreement about the languages to be can be reached between the competent authorities concerned, the requests for mutual assistance under Article 22 or 23 shall be sent in the official language of the Member State of the applicant authority and the replies to such requests in the official language of the Member State of the	5. Where no agreement about the languages to be can be reached between the competent authorities concerned, the requests for mutual assistance <u>under Articles 22a and 23</u> shall be sent in the official language of the Member State of the applicant authority and the replies to such requests in the official language of the Member State of the

	language of the Member State of the requested authority. In that instance, the applicant authority and the requested authority shall arrange for the translation of the requests, replies or other documents that it receives from the other.	Member State of the requested authority. In that instance, the applicant authority and the requested authority shall arrange for the translation of the requests, replies or other documents that it receives from the other.	requested authority. In that instance, the applicant authority and the requested authority shall arrange for the translation of the requests, replies or other documents that it receives from the other.	requested authority. In that instance, the applicant authority and the requested authority shall arrange for the translation of the requests, replies or other documents that it receives from the other.
ARTICLE 24 - PARAGRAPH 6				
280	6. The requested authority shall reply directly to the applicant authority and also to the single liaison offices of the Member States of both the applicant authority and the requested authority.	6. The requested authority shall reply directly to the applicant authority and also to the single liaison offices of the Member States of both the applicant authority and the requested authority.	6. The requested authority shall reply directly to the applicant authority and also to the single liaison offices of the Member States of both the applicant authority and the requested authority.	<i>Deleted</i>
ARTICLE 24 - PARAGRAPH 7 (new)				
280 A			<u>7. The system referred to in Article 34 shall provide structured information on mutual assistance cases to the single liaison offices involved. Utilising this</u>	<u>7. The system referred to in Article 34 shall provide structured information on mutual assistance cases to the single liaison offices involved. Utilising this</u>

			<u>information, single liaison offices shall give any support necessary to facilitate assistance.</u>	<u>information, single liaison offices shall give any support necessary to facilitate assistance.</u>
ARTICLE 25				
281	Article 25 Use of evidence and investigation findings	Article 25 Use of evidence and investigation findings	Article 25 Use of evidence and investigation findings	
ARTICLE 25 - PARAGRAPH 1				
282	1. Market surveillance authorities may use any information, document or a certified true copy of a document, finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored.	1. Market surveillance authorities may use any information, document or a certified true copy of a document, finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored.	1. Market surveillance authorities may use any information, document or a certified true copy of a document, finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored.	See text in row 211A
ARTICLE 25 - PARAGRAPH 2				
283	2. The evidence referred to in paragraph 1 that is	2. The evidence referred to in paragraph 1 that is	2. The evidence referred to in paragraph 1 that is used	See text in row 164D

	used by a market surveillance authority in one Member State may be used as part of investigations to verify product compliance carried out by market surveillance authorities in another Member State without any further formal requirements.	used by a market surveillance authority in one Member State may be used as part of investigations to verify product compliance carried out by market surveillance authorities in another Member State without any further formal requirements.	by a market surveillance authority in one Member State may be used as part of investigations to verify product compliance carried out by market surveillance authorities in another Member State without any further formal requirements.	
ARTICLE 25 - PARAGRAPH 3				
284	3. Products deemed to be non-compliant on the basis of a decision of a market surveillance authority in one Member State, shall be presumed to be non-compliant by market surveillance authorities in another Member State, unless economic operators can provide evidence to the contrary.	3. <i>Without prejudice to any Union safeguard procedure pursuant to the applicable Union harmonisation legislation</i> , products deemed to be non-compliant on the basis of a decision of a market surveillance authority in one Member State, shall be presumed to be non-compliant by market surveillance authorities in another Member State, unless economic operators can provide <i>a relevant market surveillance</i>	3. Products deemed to be non-compliant on the basis of a decision of a market surveillance authority in one Member State, shall be presumed to be non-compliant by market surveillance authorities in another Member State, unless economic operators can provide evidence to the contrary.	See text in row 168C Task of the Network from EP text to be discussed together with Network tasks.

		<i>authority in another Member State has clear evidence to the contrary obtained from its own investigation or provided by an economic operator. The Network, established under Article 31, shall discuss, without delay, diverging interpretations of the different Member States with regard to the same product.</i>		
		AM 159		
ARTICLE 25 - PARAGRAPH 4				
285	4. The decisions of a market surveillance authority referred to in paragraph 3 shall be published in the information and communication system referred to in Article 34.	4. The decisions of a market surveillance authority referred to in paragraph 3 shall be published in the information and communication system referred to in Article 34.	4. The decisions of a market surveillance authority referred to in paragraph 3 shall be published in the information and communication system referred to in Article 34.	Publishing obligations to be covered in Article 16.
CHAPTER VII				
286	Chapter VII Products entering the	Chapter VII Products entering the	Chapter VII Products entering the Union	Chapter VII Products entering the Union market

	Union market	Union market	market	
ARTICLE 26				
287	Article 26 Controls on products entering the Union market	Article 26 Controls on products entering the Union market	Article 26 Controls on products entering the Union market	Article 26 Controls on products entering the Union market
ARTICLE 26 - PARAGRAPH 1				
288	1. Member States shall designate customs authorities, one or more market surveillance authorities or any other authority in their territory as the authorities in charge of the control on products entering the Union market.	1. Member States shall designate customs authorities, one or more market surveillance authorities or any other authority in their territory as the authorities in charge of the control on products entering the Union market.	1. Member States shall designate customs authorities, one or more market surveillance authorities or any other authority in their territory as the authorities in charge of the control on products entering the Union market.	1. Member States shall designate customs authorities, one or more market surveillance authorities or any other authority in their territory as the authorities in charge of the control on products entering the Union market.
ARTICLE 26 - PARAGRAPH 1				
289	Each Member State shall inform the Commission and the other Member States of the authorities designated under the first	Each Member State shall inform the Commission and the other Member States of the authorities designated under the first	Each Member State shall inform the Commission and the other Member States of the authorities designated under the first subparagraph	Each Member State shall inform the Commission and the other Member States of the authorities designated under the first subparagraph

	subparagraph and of their areas of competence through the system referred to in Article 34.	subparagraph and of their areas of competence through the system referred to in Article 34.	and of their areas of competence through the system referred to in Article 34.	and of their areas of competence through the system referred to in Article 34.
ARTICLE 26 - PARAGRAPH 2				
290	2. The authorities designated under paragraph 1 shall have the necessary powers and resources for the proper performance of their tasks as referred to in that paragraph.	2. The authorities designated under paragraph 1 shall have the necessary powers and resources for the proper performance of their tasks as referred to in that paragraph.	2. The authorities designated under paragraph 1 shall have the necessary powers and resources for the proper performance of their tasks as referred to in that paragraph.	2. The authorities designated under paragraph 1 shall have the necessary powers and resources for the proper performance of their tasks as referred to in that paragraph.
ARTICLE 26 - PARAGRAPH 3				
291	3. Products subject to Union harmonisation legislation that are to be placed under the customs procedure 'release for free circulation' shall be subject to controls performed by the authorities designated under paragraph 1. They shall perform those controls on the basis of risk analysis in	3. Products subject to Union harmonisation legislation that are to be placed under the customs procedure 'release for free circulation' shall be subject to controls performed by the authorities designated under paragraph 1. They shall perform those controls on the basis of risk analysis in	3. Products subject to Union harmonisation legislation that are to be placed under the customs procedure 'release for free circulation' shall be subject to controls performed by the authorities designated under paragraph 1. They shall perform those controls on the basis of risk analysis in accordance with Articles 46 and 47 of Regulation (EU) No	3. Products subject to Union harmonisation legislation that are to be placed under the customs procedure 'release for free circulation' shall be subject to controls performed by the authorities designated under paragraph 1. They shall perform those controls on the basis of risk analysis in accordance with Articles 46 and 47 of Regulation (EU) No

	accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	952/2013 <u>and where relevant on the basis of risk-based approach as referred to in Article 12(7).</u>	952/2013 <u>and where relevant on the basis of risk-based approach as referred to in Article 12(7).</u>
ARTICLE 26 - PARAGRAPH 4				
292	4. Products entering the Union market that require further processing in order to be in compliance with the Union harmonisation legislation applicable to them shall be placed under the appropriate customs procedure allowing such processing.	4. Products entering the Union market that require further processing in order to be in compliance with the Union harmonisation legislation applicable to them shall be placed under the appropriate customs procedure allowing such processing.	4. Products entering the Union market that require further processing in order to be in compliance with the Union harmonisation legislation applicable to them shall be placed under the appropriate customs procedure allowing such processing.	<i>Deleted</i>
ARTICLE 26 - PARAGRAPH 5				
293	5. Risk-related information shall be exchanged between:	5. Risk-related information shall be exchanged between:	5. Risk-related information shall <u>may, if appropriate in accordance with national legislation,</u> be exchanged between:	5. Risk-related information shall be exchanged between:
ARTICLE 26 - PARAGRAPH 5 - POINT a				
294	(a) the authorities designated under	(a) the authorities designated under	(a) the authorities designated under paragraph 1 in	(a) the authorities designated under paragraph 1 in

	paragraph 1 in accordance with Article 47(2) of Regulation (EU) No 952/2013;	paragraph 1 in accordance with Article 47(2) of Regulation (EU) No 952/2013;	accordance with Article 47(2) of Regulation (EU) No 952/2013;	accordance with Article 47(2) of Regulation (EU) No 952/2013;
ARTICLE 26 - PARAGRAPH 5 - POINT b				
295	(b) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013.	(b) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013.	(b) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013.	(b) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013.
ARTICLE 26 - PARAGRAPH 5				
296	Where, in relation to products subject to Union harmonisation legislation that are either in temporary storage or placed under a customs procedure other than release for free circulation, customs authorities at the first point of entry have reason to believe that those products present a risk, they shall transmit all relevant information to the competent customs office of destination.	Where, in relation to products subject to Union harmonisation legislation that are either in temporary storage or placed under a customs procedure other than release for free circulation, customs authorities at the first point of entry have reason to believe that those products are not compliant with applicable Union legislation or present a risk, they shall transmit all relevant information to the	Where, in relation to products subject to Union harmonisation legislation that are either in temporary storage or placed under a customs procedure other than release for free circulation, customs authorities at the first point of entry have reason to believe that those products present a risk, they shall transmit all relevant information to the competent customs office of destination.	Where, in relation to products subject to Union harmonisation legislation that are either in temporary storage or placed under a customs procedure other than release for free circulation, customs authorities at the first point of entry have reason to believe that those products are not compliant with applicable Union legislation or present a risk, they shall transmit all relevant information to the competent customs office of destination.

		competent customs office of destination. AM 160		
ARTICLE 26 - PARAGRAPH 5 a (new)				
296A		<i>5a. Where customs authorities of one Member State have reason to believe that potentially non-compliant product might be entering Union's market in another Member State, they shall transmit, without delay, all relevant information to the competent customs offices of other Member States.</i> AM 161		<i>Maintain Council Mandate reference to article 46(5) UCC - row 295</i>
ARTICLE 26 - PARAGRAPH 6				
297	6. Market surveillance authorities shall provide authorities designated under paragraph 1 with information on categories of product or	6. Market surveillance authorities shall provide authorities designated under paragraph 1 with information on categories of product or the identity	6. Market surveillance authorities shall provide authorities designated under paragraph 1 with information on categories of product or the identity of	6. Market surveillance authorities shall provide authorities designated under paragraph 1 with information on categories of product or the identity of economic

	the identity of economic operators where a higher risk of non-compliance has been identified.	of economic operators where a higher risk of non-compliance has been identified.	economic operators where a higher risk of non-compliance has been identified.	operators where a higher risk of non-compliance has been identified.
ARTICLE 26 - PARAGRAPH 7				
298	7. By 31 March each year, Member States shall submit to the Commission statistical data covering controls performed by the authorities designated under paragraph 1 with respect to products subject to Union harmonisation legislation during the previous calendar year, including data covering:	7. By 31 March each year, Member States shall submit to the Commission detailed statistical data covering controls performed by the authorities designated under paragraph 1 with respect to products subject to Union harmonisation legislation during the previous calendar year, including data covering: AM 162	7. By 31 March each year, Member States shall submit to the Commission statistical data by means of the system referred to in Article 34 covering controls performed by the authorities designated under paragraph 1 with respect to products subject to Union harmonisation legislation during the previous calendar year with respect to products subject to Union legislation performed by the authorities designated under paragraph 1, including data covering: The statistical data shall cover	7. By 31 March each year, Member States shall submit to the Commission detailed statistical data by means of the system referred to in Article 34 covering controls during the previous calendar year with respect to products subject to Union legislation performed by the authorities designated under paragraph 1. The statistical data shall cover:
ARTICLE 26 - PARAGRAPH 7 - POINT a				
299	(a) the number of interventions in the field	(a) the number and types of interventions in the	(a) the number of interventions in the field of	(a) the number of interventions in the field of

	of controls on such products, including product safety and compliance;	field of controls on such products, including product safety and compliance; AM 163	controls on such products; including with regard to product safety and compliance;	controls on such products; including with regard to product safety and compliance;
ARTICLE 26 - PARAGRAPH 7 - POINT b				
300	(b) the number of cases communicated to the market surveillance authorities;	(b) the number of cases communicated to the market surveillance authorities;	(b) the number of cases communicated to the market surveillance authorities;	Maintain Council mandate
ARTICLE 26 - PARAGRAPH 7 - POINT c				
301	(c) the results of controls on such products;	(c) the results of controls on such products;	(c) the results of controls on such products;	Maintain Council mandate
ARTICLE 26 - PARAGRAPH 7 - POINT d				
302	(d) the characteristics of any product found to be non-compliant	(d) the <i>types and</i> characteristics of any product found to be non-compliant. AM 164	(d) the characteristics of any product found to be non-compliant.	Maintain Council mandate
ARTICLE 26 - PARAGRAPH 7				
303	The Commission shall draw up a report each	The Commission shall draw up a report each year	The Commission shall draw up a report each year by 30	The Commission shall draw up a report each year by 30

	year by 30 June, containing the information submitted by the Member States for the previous calendar year. The report shall be published in the system referred to in Article 34.	by 30 June, containing the information submitted by the Member States for the previous calendar year <i>including an analysis of customs operations and enforcement procedures in force in the Member States</i> . The report shall be published in the system referred to in Article 34. AM 165	June, containing the information submitted by the Member States for the previous calendar year. The report shall be published in the system referred to in Article 34.	June, containing the information submitted by the Member States for the previous calendar year <u>and the analysis of the provided data</u> . The report shall be published in the system referred to in Article 34.
ARTICLE 26 - PARAGRAPH 8				
304	8. Where the Commission becomes aware of a serious risk posed in a Member State by products subject to Union harmonisation legislation that are imported from a third country, it shall recommend to the Member State concerned that it takes appropriate market surveillance measures.	8. Where the Commission becomes aware of a serious risk posed in a Member State by products subject to Union harmonisation legislation that are imported from a third country, it shall recommend to <i>request</i> the Member State concerned that it takes <i>to take</i> appropriate market surveillance measures. AM 166	8. Where the Commission becomes aware of a serious risk posed in a Member State by products subject to Union harmonisation legislation that are imported from a third country, it shall recommend to <u>inform</u> the Member States concerned that it takes appropriate <u>market surveillance</u> measures.	8. Where the Commission becomes aware of a serious risk posed in a Member State by products subject to Union harmonisation legislation that are imported from a third country, it shall recommend to the Member State concerned that it <u>to</u> takes appropriate market surveillance measures.

ARTICLE 26 - PARAGRAPH 8 a (new)				
304A		<p><i>8a. In order to ensure a consistent enforcement of Union harmonisation legislation, to strengthen the controls on products entering the Union market and to ensure an effective and uniform level of such controls, the Commission, taking duly into account the considerations of the Network established under Article 31, shall adopt delegated acts in accordance with Article 62a determining common objectives, benchmarks and techniques for checks on the basis of common risk analysis on the Union level.</i></p> <p>AM 167</p>		<p><u>8a. In order to ensure a consistent enforcement of Union harmonisation legislation, to strengthen the controls on products entering the Union market and to ensure an effective and uniform level of such controls, the Commission, taking duly into account the considerations of the Network established under Article 31, shall may adopt delegated-implementing acts in accordance with the examination procedure referred to in Article 63(3) Article 62a determining common objectives, benchmarks and techniques for checks on the basis of common risk analysis on the Union level.</u></p>
ARTICLE 26 - PARAGRAPH 9				
305	9. The Commission shall specify further by means	9. The Commission shall specify further by means	9. The Commission shall specify further by means of	9. The Commission shall specify further by means of

	of implementing acts the details of the data to be submitted by Member States under paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	of implementing acts the details of the data to be submitted by Member States under paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	implementing acts the details of the data to be submitted by Member States under paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(2).	implementing acts the details of the data to be submitted under paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(2).
ARTICLE 27				
306	Article 27 Suspension of release for free circulation	Article 27 Suspension of release for free circulation	Article 27 Suspension of release for free circulation	Article 27 Suspension of release for free circulation
ARTICLE 27 - PARAGRAPH 1				
307	1. Authorities designated under Article 26(1) shall suspend the release of a product for free circulation if, in the course of controls referred to in Article 26, it is established that:	1. Authorities designated under Article 26(1) shall suspend the release of a product for free circulation if, in the course of controls referred to in Article 26, it is established that:	1. Authorities designated under Article 26(1) shall suspend the release of a product for free circulation, if, in the course of controls referred to in pursuant to Article 26(3), it is established that:	1. Authorities designated under Article 26(1) shall suspend the release of a product for free circulation, if, in the course of controls pursuant to Article 26(3), it is established that:
ARTICLE 27 - PARAGRAPH 1 - POINT a				
308	(a) the product is not accompanied by the	(a) the product is not accompanied by the	(a) the product is not accompanied by the	(a) the product is not accompanied by the

	documentation required by the Union harmonisation legislation applicable to it;	documentation required by the Union harmonisation legislation applicable to it;	documentation required by the Union harmonisation legislation applicable to it <u>or the documentation accompanying the product is false;</u>	documentation required by the Union harmonisation legislation applicable to it <u>or there is a reasonable doubt as to the authenticity, accuracy or completeness of such documentation;</u>
ARTICLE 27 - PARAGRAPH 1 - POINT b				
309	(b) the product is not marked or labelled in accordance with that Union harmonisation legislation;	(b) the product is not marked or labelled in accordance with that Union harmonisation legislation;	(b) the product is not marked or labelled in accordance with that Union harmonisation legislation;	(b) the product is not marked or labelled in accordance with that Union harmonisation legislation;
ARTICLE 27 - PARAGRAPH 1 - POINT c				
310	(c) the product bears a CE marking or other marking required by that Union harmonisation legislation which has been affixed in a false or misleading manner;	(c) the product bears a CE marking or other marking required by that Union harmonisation legislation which has been affixed in a false or misleading manner;	(c) the product bears a CE marking or other marking required by that Union harmonisation legislation which has been affixed in a false or misleading manner;	(c) the product bears a CE marking or other marking required by that Union harmonisation legislation which has been affixed in a false or misleading manner;
ARTICLE 27 - PARAGRAPH 1 - POINT d				
311	(d) the identity and contact details of a person responsible for compliance information with respect to the	(d) the identity <i>name, registered trade name or registered trade mark and the contact details, including the postal</i>	(d) the identity and contact details of a person <u>an economic operator</u> responsible for compliance information with respect to	(d) the <u>name, registered trade name or registered trade mark and the contact details, including the postal address, and contact details</u>

	product is not indicated or identifiable in accordance with Article 4(5);	address , and contact details of a reference person responsible for compliance information with respect to the product is not indicated or identifiable in accordance with Article 4(5); AM 168	the product is not indicated or identifiable in accordance with Article 4(5a); the name, registered trade name or registered trade mark and the contact details, including the postal address, of the economic operator referred to in paragraph 1 shall be indicated on the product or on its packaging, the parcel or an accompanying document.	of a person an economic operator with tasks regarding the product subject to certain Union harmonisation legislation is not indicated or identifiable in accordance with Article 4(5); <i>(the wording aligned to agreed Article 4)</i>
ARTICLE 27 - PARAGRAPH 1 - POINT d a (new)				
311A		<i>(da) the product is a counterfeit and is subject to the procedures pursuant to Regulation (EU) 608/2013;</i> AM 169		Maintain Council mandate
ARTICLE 27 - PARAGRAPH 1 - POINT e				
312	(e) for any other reason, there is cause to believe that the product will not comply with the requirements set out in the Union harmonisation	(e) for any other reason, when there is cause are reasonable grounds to believe that the product will does not comply with the requirements set out in	(e) for any other reason, there is cause to believe that the product will does not comply with the requirements set out in the Union harmonisation	(e) for any other reason, when there is cause to believe that the product does not comply with the requirements set out in the Union legislation applicable

	legislation applicable to it when it is placed on the market or that it will pose a serious risk.	the Union harmonisation legislation applicable to it when it is placed on the market or that it will pose <i>poses a</i> risk. AM 170	legislation applicable to it when it is placed on the market or that it will poses a serious risk <u>to health, safety, the environment or any other public interest referred to in Article 1.</u>	to it or that it poses a serious risk <u>to health, safety, the environment or any other public interest referred to in Article 1.</u>
ARTICLE 27 - PARAGRAPH 2				
313	2. Authorities designated under Article 26(1) shall immediately notify the market surveillance authorities of any suspension of release referred to in paragraph 1.	2. Authorities designated under Article 26(1) shall immediately notify the market surveillance authorities of any suspension of release referred to in paragraph 1.	2. Authorities designated under Article 26(1) shall immediately notify the market surveillance authorities of any suspension of release referred to in paragraph 1.	2. Authorities designated under Article 26(1) shall immediately notify the market surveillance authorities of any suspension of release referred to in paragraph 1.
ARTICLE 27 - PARAGRAPH 3				
314	3. Where the market surveillance authorities have reason to believe that a product will not comply with the Union harmonisation legislation applicable to it or will pose a serious risk, they shall require the authorities designated under Article 26(1) to	3. Where the market surveillance authorities have reason <i>reasonable grounds</i> to believe that a product will not comply with the Union harmonisation legislation applicable to it or will pose a serious risk, they shall require the authorities designated	3. Where the market surveillance authorities have reason to believe that a product will <u>does</u> not comply with the Union harmonisation legislation applicable to it or will poses a serious risk, they shall require <u>request</u> the authorities designated under Article 26(1) to suspend the	3. Where the market surveillance authorities have <u>reasonable grounds</u> to believe that a product <u>does</u> not comply with the Union harmonisation legislation applicable to it or poses a serious risk, they shall <u>request</u> the authorities designated under Article 26(1) to suspend the process

	suspend the process for its release for free circulation.	under Article 26(1) to suspend the process for its release for free circulation. AM 171	process for its release for free circulation.	for its release for free circulation.
ARTICLE 27 - PARAGRAPH 4				
315	4. During any suspension of the process for release of a product for free circulation, Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	4. During any suspension of the process for release of a product for free circulation, Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	4. During any suspension of the process for release of a product for free circulation, Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	<i>Deleted</i>
ARTICLE 27 - PARAGRAPH 4a (new)				
315 A			<u>4a. Notifications according to paragraph 2 and requests according to paragraph 3 may take place by means of the system referred to in Article 34 including utilisation of electronic interfaces between this system and systems used by customs, when they are available.</u>	<u>Maintain Council mandate</u> <i>A recital to be added to avoid misunderstandings on the use of ICSMS (for this and other purposes in the Regulation) by customs, which does not replace their use of CRMS (the risk management system used by customs). Add at the end of Recital 41b: "This does not replace the risk management system used by</i>

				<i>customs (CRMS). These two systems can work in parallel since they fulfil different, complementary roles with ICSMS facilitating communication between customs and market surveillance authorities in order to allow for a smooth treatment of customs declarations in the scope of the product safety and compliance framework while CRMS is for customs common risk management and controls."</i>
ARTICLE 28				
316	Article 28 Release of products	Article 28 Release of products	Article 28 Release of products	Article 28 Release of products
ARTICLE 28 - PARAGRAPH				
317	Where the release of a product for free circulation of a product has been suspended in accordance with Article 27, that product shall be released for free circulation where all the other requirements and formalities relating to	Where the release of a product for free circulation of a product has been suspended in accordance with Article 27, that product shall be released for free circulation where all the other requirements and formalities relating to	Where the release of a product for free circulation of a product has been suspended in accordance with Article 27, that product shall be released for free circulation where all the other requirements and formalities relating to such a release have been fulfilled and if any of the following	Where the release of a product for free circulation of a product has been suspended in accordance with Article 27, that product shall be released for free circulation where all the other requirements and formalities relating to such a release have been fulfilled and if any of the following

	such a release have been fulfilled and if any of the following conditions is satisfied:	such a release have been fulfilled and if any of the following conditions is satisfied:	conditions is satisfied:	conditions is satisfied:
ARTICLE 28 - PARAGRAPH – POINT 0a				
317 A			<u>(0a) the non-compliance established according to Article 27(1) has been rectified through corrective actions allowed for under the applicable customs procedure;</u>	<i>Deleted Content moved to row 319</i>
ARTICLE 28 - PARAGRAPH - POINT a				
318	(a) within five working days of the suspension, the authorities designated under Article 26(1) have not been requested by the market surveillance authorities to maintain the suspension;	(a) within five working days of the suspension, the authorities designated under Article 26(1) have not been requested by the market surveillance authorities to maintain the suspension;	(a) within five four working days of the suspension, the authorities designated under Article 26(1) have not been requested by the market surveillance authorities to maintain the suspension;	(a) within four working days of the suspension, the authorities designated under Article 26(1) have not been requested by the market surveillance authorities to maintain the suspension;
ARTICLE 28 - PARAGRAPH - POINT b				
319	(b) the authorities designated under Article 26(1) have been	(b) the authorities designated under Article 26(1) have been informed	(b) the authorities designated under Article 26(1) have been informed by the market surveillance	<u>(b) the non-compliance established according to Article 27(1) has been rectified through</u>

	informed by the market surveillance authorities that there is cause to believe that the product, when it is placed on the market, will comply with the Union harmonisation legislation applicable to it.	by the market surveillance authorities that there is cause to believe that the product, when it is placed on the market, will comply with the Union harmonisation legislation applicable to it.	authorities that there is cause to believe that the product, when it is placed on the market, will comply with the Union harmonisation legislation applicable to it <u>of its approval for release for free circulation.</u>	<u>corrective actions allowed for under the applicable customs procedure and</u> the authorities designated under Article 26(1) have been informed by the market surveillance authorities <u>of its approval for release for free circulation.</u>
ARTICLE 28 - PARAGRAPH 1				
320	A product released for free circulation in accordance with point (a) shall not be deemed to be in compliance with Union harmonisation legislation merely by reason of having been released for free circulation.	A product released for free circulation in accordance with point (a) shall not be deemed to be in compliance with Union harmonisation legislation merely by reason of having been released for free circulation.	A product released for free circulation in accordance with point (a) shall not be deemed to be in compliance with Union harmonisation legislation merely by reason of having been released for free circulation. <u>The release for free circulation shall not be deemed as proof of conformity with Union legislation.</u>	<u>The release for free circulation shall not be deemed as proof of conformity with Union legislation.</u>
ARTICLE 29				
321	Article 29 Cooperation with authorised economic operators	Article 29 Cooperation with authorised economic operators	Article 29 Cooperation with authorised economic operators	<i>(deletion subject to possible redrafting in article 12)</i>

ARTICLE 29 - PARAGRAPH 1				
322	1. Market surveillance authorities shall treat as a matter of priority products declared free for circulation by an authorised economic operator as set out in Article 38(2) of Regulation (EU) No 952/2013, the release of which is suspended in accordance with Article 28(1) of this Regulation.	1. Market surveillance authorities shall treat as a matter of priority products declared free for circulation by an authorised economic operator as set out in Article 38(2) of Regulation (EU) No 952/2013, the release of which is suspended in accordance with Article 28(1) of this Regulation.	1. Market surveillance authorities shall treat as a matter of priority products declared free for circulation by an authorised economic operator as set out in Article 38(2) of Regulation (EU) No 952/2013, the release of which is suspended in accordance with Article 28(1) of this Regulation.	
ARTICLE 29 - PARAGRAPH 2				
323	2. Market surveillance authorities may notify the customs authorities to release such products for free circulation at the request of the authorised economic operator, provided that all the other requirements and formalities pertaining to their release have been fulfilled.	2. Market surveillance authorities may notify the customs authorities to release such products for free circulation at the request of the authorised economic operator, provided that all the other requirements and formalities pertaining to their release have been fulfilled.	2. Market surveillance authorities may notify the customs authorities to release such products for free circulation at the request of the authorised economic operator, provided that all the other requirements and formalities pertaining to their release have been fulfilled.	
ARTICLE 29 - PARAGRAPH 2				

324	Without prejudice to Article 47 of Regulation (EU) No 952/2013, on the basis of a request by an authorised economic operator market surveillance authorities may carry out controls on such products at a place other than the place where products have been presented to customs.	Without prejudice to Article 47 of Regulation (EU) No 952/2013, on the basis of a request by an authorised economic operator market surveillance authorities may carry out controls on such products at a place other than the place where products have been presented to customs.	Without prejudice to Article 47 of Regulation (EU) No 952/2013, on the basis of a request by an authorised economic operator market surveillance authorities may carry out controls on such products at a place other than the place where products have been presented to customs.	
ARTICLE 29 - PARAGRAPH 3				
325	3. Market surveillance authorities and the customs authorities shall exchange information on the status of the authorised economic operators and their record of compliance related to product safety.	3. Market surveillance authorities and the customs authorities shall exchange information on the status of the authorised economic operators and their record of compliance related to <i>Union harmonisation legislation and product safety. The information exchanged shall also be communicated, where appropriate, to the European Anti-Fraud</i>	3. Market surveillance authorities and the customs authorities shall exchange information on the status of the authorised economic operators and their record of compliance related to product safety.	

		<i>Office (OLAF).</i> AM 172		
ARTICLE 29 - PARAGRAPH 4				
326	4. Where any non-compliance is identified in the course of controls described in the second subparagraph of paragraph 2, the market surveillance authorities shall suspend the favourable treatment provided for in paragraph 1 and the first subparagraph of paragraph 2 and shall enter details of the non-compliance in the system referred to in Article 34.	4. Where any non-compliance is identified in the course of controls described in the second subparagraph of paragraph 2, the market surveillance authorities shall suspend the favourable treatment provided for in paragraph 1 and the first subparagraph of paragraph 2. <i>They shall inform the relevant customs authorities about the identified non-compliance</i> and shall enter details of the non-compliance in the system referred to in Article 34. AM 173	4. Where any non-compliance is identified in the course of controls described in the second subparagraph of paragraph 2, the market surveillance authorities shall suspend the favourable treatment provided for in paragraph 1 and the first subparagraph of paragraph 2 and shall enter details of the non-compliance in the system referred to in Article 34.	
ARTICLE 29 - PARAGRAPH 5				
327	5. The Commission shall	5. The Commission shall	5. The Commission shall	

	specify by means of implementing acts the data to be exchanged and the procedure to be followed for the exchange of information between customs authorities and market surveillance authorities on the status of authorised economic operators and their compliance related to product safety. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	specify by means of implementing acts the data to be exchanged and the procedure to be followed for the exchange of information between customs authorities and market surveillance authorities on the status of authorised economic operators and their compliance related to product safety. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	specify by means of implementing acts the data to be exchanged and the procedure to be followed for the exchange of information between customs authorities and market surveillance authorities on the status of authorised economic operators and their compliance related to product safety. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	
ARTICLE 30				
328	Article 30 Refusal to release	Article 30 Refusal to release	Article 30 Refusal to release	Article 30 Refusal to release
ARTICLE 30 - PARAGRAPH 1				
329	1. Where the market surveillance authorities conclude that a product presents a serious risk,	1. Where the market surveillance authorities conclude that a product presents a serious risk,	1. Where the market surveillance authorities conclude that a product presents a serious risk, they	1. Where the market surveillance authorities conclude that a product presents a serious risk, they shall take measures to

	they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system:	they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system:	shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system, <u>as appropriate</u> :	prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice in the customs data-processing system, and, where appropriate, on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system:
ARTICLE 30 - PARAGRAPH 1				
330	‘Dangerous product – release for free circulation not authorised – Regulation [Reference to this Regulation to be added]’;	‘Dangerous product – release for free circulation not authorised – Regulation [Reference to this Regulation to be added]’;	‘Dangerous product – release for free circulation not authorised – Regulation [Reference to this Regulation to be added]’;	‘Dangerous product – release for free circulation not authorised – Regulation [Reference to this Regulation to be added]’;
ARTICLE 30 - PARAGRAPH 1				
331	Market surveillance authorities shall immediately enter that	Market surveillance authorities shall immediately enter that	Market surveillance authorities shall immediately enter that	Market surveillance authorities shall immediately enter that information into

	information into the system referred to in Article 34.	information into the system referred to in Article 34.	information into the system referred to in Article 34.	the system referred to in Article 34.
ARTICLE 30 - PARAGRAPH 2				
332	2. Where market surveillance authorities conclude that a product may not be placed on the market as it does not comply with the Union harmonisation legislation applicable to it, they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system:	2. Where market surveillance authorities conclude that a product may not be placed on the market as it does not comply with the Union harmonisation legislation applicable to it, they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system:	2. Where market surveillance authorities conclude that a product may not be placed on the market as it does not comply with the Union harmonisation legislation applicable to it, they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system, as appropriate :	2. Where market surveillance authorities conclude that a product may not be placed on the market as it does not comply with the Union harmonisation legislation applicable to it, they shall take measures to prohibit the placing of the product on the market and shall require the authorities designated under Article 26(1) not to release it for free circulation. They shall also require these authorities to include the following notice in the customs data-processing system, and, where appropriate, on the commercial invoice accompanying the product and on any other relevant accompanying document, including in the customs data-processing system;

ARTICLE 30 - PARAGRAPH 2				
333	‘Product not in conformity – release for free circulation not authorised – Regulation [Reference to this Regulation to be added].’	‘Product not in conformity – release for free circulation not authorised – Regulation [Reference to this Regulation to be added].’	‘Product not in conformity – release for free circulation not authorised – Regulation [Reference to this Regulation to be added].’	‘Product not in conformity – release for free circulation not authorised – Regulation [Reference to this Regulation to be added].’
ARTICLE 30 - PARAGRAPH 2				
334	Market surveillance authorities shall immediately enter that information into the system referred to in Article 34.	Market surveillance authorities shall immediately enter that information into the system referred to in Article 34.	Market surveillance authorities shall immediately enter that information into the system referred to in Article 34.	Market surveillance authorities shall immediately enter that information into the system referred to in Article 34.
ARTICLE 30 - PARAGRAPH 3				
335	3. Where the product referred to in paragraph 1 or 2 is subsequently declared for a customs procedure other than release for free circulation and provided that the market surveillance authorities do not object, the notices required by paragraph 1 or 2 shall also be	3. Where the product referred to in paragraph 1 or 2 is subsequently declared for a customs procedure other than release for free circulation and provided that the market surveillance authorities do not object, the notices required by paragraph 1 or 2 shall also be included, under the	3. Where the product referred to in paragraph 1 or 2 is subsequently declared for a customs procedure other than release for free circulation and provided that the market surveillance authorities do not object, the notices required by paragraph 1 or 2 shall also be included, under the same conditions as required by	3. Where the product referred to in paragraph 1 or 2 is subsequently declared for a customs procedure other than release for free circulation and provided that the market surveillance authorities do not object, the notices required by paragraph 1 or 2 shall also be included, under the same conditions as required by

	included, under the same conditions as required by that paragraph, on the documents used in connection with that procedure.	same conditions as required by that paragraph, on the documents used in connection with that procedure.	that paragraph, on the documents used in connection with that procedure.	that paragraph, on the documents used in connection with that procedure.
ARTICLE 30 - PARAGRAPH 4				
336	4. Authorities designated under Article 26(1) may destroy or otherwise render inoperable a product which presents a risk to the health and safety of end-users where it is deemed, by the authority in question, necessary and proportionate to do so. The cost of such action shall be borne by the person declaring the product for free circulation.	4. Authorities designated under Article 26(1) may destroy or otherwise render inoperable a product which presents a risk to the health and safety of end-users where it is deemed, by the authority in question, necessary and proportionate to do so. The cost of such action shall be borne by the person declaring the product for free circulation.	4. Member States' A authorities designated under Article 26(1) may destroy or otherwise render inoperable a product which presents a risk to the health and safety of end-users where it is deemed, by the authority in question, necessary and proportionate to do so. The cost of such action measure shall be borne by the natural or legal person declaring the product for free circulation.	4. Authorities designated under Article 26(1) may destroy or otherwise render inoperable a product which presents a risk to the health and safety of end-users where it is deemed, by the authority in question, necessary and proportionate to do so. The cost of such action measure shall be borne by the natural or legal person declaring the product for free circulation.
ARTICLE 30 - PARAGRAPH 4				
337	Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	Articles 197, 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.	Articles 197 and 198 and 199 of Regulation (EU) No 952/2013 shall apply accordingly.

CHAPTER VIII				
338	Chapter VIII Coordinated enforcement and international cooperation	Chapter VIII Coordinated enforcement and international cooperation	Chapter VIII Coordinated enforcement and international cooperation	Chapter VIII Coordinated enforcement and international cooperation
ARTICLE 31				
339	Article 31 Union Product Compliance Network	Article 31 Union Product Compliance Network	Article 31 Union Product Compliance Network	Article 31 Union Product Compliance Network
ARTICLE 31 - PARAGRAPH 1				
340	An Union Product Compliance Network ('the Network') is hereby established.	An Union Product Compliance Network ('the Network') is hereby established.	<u>1.</u> An Union Product Compliance Network ('the Network') is hereby established.	<u>1.</u> An Union Product Compliance Network ('the Network') is hereby established.
ARTICLE 31 - PARAGRAPH 2 (new)				
341			<u>2. The purpose of the Network is to serve as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission, and to</u>	<u>2. The purpose of the Network is to serve as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission, and to</u>

			<u>streamline the practices of market surveillance within the Union making market surveillance activities more effective.</u>	<u>streamline the practices of market surveillance within the Union making market surveillance activities more effective.</u>
ARTICLE 32				
342	Article 32 Composition of the Union Product Compliance Network	Article 32 Composition of the Union Product Compliance Network	Article 32 Composition and operation of the Union Product Compliance Network	Article 32 Composition and operation functioning of the Network
ARTICLE 32 - PARAGRAPH 1				
343	1. The Network shall be composed of a Union Product Compliance Board ('EUPC Board'), administrative coordination groups and a secretariat.	1. The Network shall be composed of a Union Product Compliance Board ('EUPC Board') <i>one representative from each of the single liaison offices referred to in Article 11, two representatives from the Commission, and their respective alternates,</i> administrative coordination groups and a secretariat. AM 175	1. The Network shall be composed of a Union Product Compliance Board ('EUPC Board') <u>representatives from each Member State, including a representative of the single liaison offices according to Article 11, and an optional national expert, the chairs of</u> administrative coordination groups <u>of market surveillance authorities (ADCOs), and a secretariat</u> <u>representatives from the Commission.</u>	1. The Network shall be composed of representatives from each Member State, including a representative of the single liaison offices <u>according to referred to in Article 11,</u> and an optional national expert, the chairs of administrative coordination groups of market surveillance authorities (ADCOs), and representatives from the Commission.

		<p><i>The purpose of the Network is to serve as a platform for structured cooperation between authorities of the Member States and the Commission and to streamline the practices of market surveillance within the Union making market surveillance activities more effective.</i></p> <p>AM 174</p>		
ARTICLE 32 - PARAGRAPH 2				
344	<p>2. The EUPC Board shall consist of one representative from each of the single liaison offices referred to in Article 11, and two representatives from the Commission, and their respective alternates.</p>	<p>2. The EUPC Board shall consist of one representative from each of the single liaison offices referred to in Article 11, and two representatives from the Commission, and their respective alternates.</p> <p>AM 176</p>	<p>2. The EUPC Board shall consist of one representative from each of the single liaison offices referred to in Article 11, and two representatives from the Commission, and their respective alternates.</p>	Deleted
ARTICLE 32 - PARAGRAPH 3				

345	<p>3. The Commission shall establish separate or joint administrative coordination groups for all the instruments of Union harmonisation legislation listed in the Annex to this Regulation. Each administrative coordination group shall be composed of representatives of the competent national market surveillance authorities and, if appropriate, representatives of the single liaison offices, and representatives of the relevant business associations and of consumer associations.</p>	<p>3. The Commission shall establish separate or joint administrative coordination groups for all the instruments of Union harmonisation legislation listed in the Annex to this Regulation. Each administrative coordination group shall be composed of representatives of the competent national market surveillance authorities and, if appropriate, representatives of the single liaison offices, and representatives of the relevant business associations and of consumer associations.</p> <p><i>The Commission shall organise and attend the meetings of the administrative coordination groups as an observer.</i></p> <p>AM 177</p>	<p>3. The Commission shall establish separate or joint administrative coordination groups for all the instruments of Union harmonisation legislation listed in the Annex to this Regulation. Each administrative coordination group shall be composed of representatives of the competent national market surveillance authorities and, if appropriate, representatives of the single liaison offices, and representatives of the relevant business associations and of consumer associations.</p> <p>relevant paragraph, row 347F:</p> <p><u>6. Administrative cooperation groups of market surveillance authorities (ADCOs), set up by the Member States for the implementation of Union harmonisation legislation are composed of</u></p>	<p><u>3. Separate or joint administrative coordination groups (ADCOs) shall be established for all the instruments implementation of Union harmonisation legislation. Administrative coordination groups shall be composed of representatives of the national market surveillance authorities and, if appropriate, representatives of the single liaison offices.</u></p> <p><u>ADCO meetings are destined only to the members of the Market Surveillance authorities closed meetings.</u></p> <p><u>Relevant stakeholders such as organisations representing the interests at Union level of industry, small and medium-sized enterprises, consumers, testing laboratories,</u></p>
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			<p><u>representatives of the national market surveillance authorities.</u></p> <p>Relevant text, Article 32a, row 347ZI:</p> <p><u>2. ADCO meetings are closed meetings. Relevant stakeholders such as organisations representing the interests at Union level of industry, small and medium-sized enterprises, consumers, testing laboratories, standardisation and conformity assessment bodies may be invited to attend the ADCO meetings in accordance with the subject matter of discussion.</u></p>	<p><u>standardisation and conformity assessment bodies may be invited to attend the ADCO meetings on the basis of the subject matter of discussion.</u></p>
ARTICLE 32 - PARAGRAPH 3 - SUBPARAGRAPH 1 a (new)				
345A		<p><i>In the meetings of the Network, the administrative coordination groups shall be represented on the basis of the particular knowledge and experience required</i></p>		Deleted

		<i>in accordance with the subject matter in question.</i> AM 178		
ARTICLE 32 - PARAGRAPH 3 - SUBPARAGRAPH 1 a (new)				
345B		Relevant text, row 345: <i>The Commission shall organise and attend the meetings of the administrative coordination groups as an observer.</i>	Relevant text, Article 33, row 348B: <u>0. The Commission shall support and encourage cooperation between market surveillance authorities via the Network and participate in the meetings of the Network, its sub-groups and the ADCOs</u>	<u>4. The Commission shall support and encourage cooperation between market surveillance authorities via the Network and participate in the meetings of the Network, its sub-groups and the ADCOs</u>
ARTICLE 32 - PARAGRAPH 4				
346	4. The secretariat shall be composed of Commission staff.	4. The secretariat shall be composed of Commission staff. <i>It shall organise the meetings of the Network and provide it with technical and logistical support.</i> AM 179	4. The secretariat shall be composed of Commission staff.	Deleted

ARTICLE 32 - PARAGRAPH 5				
347	5. The Commission may attend the meetings of the administrative coordination groups.	5. The Commission may attend the meetings of the administrative coordination groups. AM 180	5. The Commission may attend the meetings of the administrative coordination groups.	Deleted
ARTICLE 32 - PARAGRAPH 5 a (new)				
347A		<i>5a. The Network shall meet at regular intervals and, where necessary, at the duly justified request of the Commission or a Member State.</i> AM 181	relevant paragraph, row 347G: <u>7. The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.</u>	<u>5. The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.</u>
ARTICLE 32 - PARAGRAPH 5 b (new)				
347B		<i>5b. The Network may establish standing or temporary sub-groups dealing with specific questions and tasks.</i> AM 182	relevant paragraph, row 347J: <u>10. The Network may establish standing or temporary sub-groups.</u>	<u>5b. The Network may establish standing or temporary sub-groups dealing with specific questions and tasks.</u>
ARTICLE 32 - PARAGRAPH 5 c (new)				
347C		<i>5c. The Network shall</i>	relevant paragraph, row 347H:	relevant paragraph, row 347H

		<i>use its best endeavours to reach decisions by consensus. If consensus cannot be reached, the Network shall adopt its position by a simple majority of its members.</i>	<u>8. The Network shall use its best endeavours to reach consensus. Decisions taken by the Network shall be legally non-binding recommendations.</u>	
		AM 183		
ARTICLE 32 - PARAGRAPH 5 d (new)				
347D		<i>5d. The Network may invite experts and other third parties, including the organisations representing the interests of industry, small and medium enterprises, consumers, laboratories and conformity assessment bodies at Union level, to attend meetings as observers or provide written contributions.</i>	relevant paragraph, row 347I: <u>9. The Network may invite experts and other third parties to attend meetings or provide written contributions.</u>	<u>5d. The Network may invite experts and other third parties, including the organisations representing the interests of industry, small and medium enterprises, consumers, laboratories and conformity assessment bodies at Union level, to attend meetings as observers or provide written contributions.</u>
		AM 184		
ARTICLE 32 - PARAGRAPH 5 e (new)				
347E		<i>5e. The meeting of the</i>		<i>Maintain Council mandate</i>

		<i>Network as well as the meetings of the administrative coordination groups shall be held in a transparent manner.</i>		
		AM 185		
ARTICLE 32 – PARAGRAPH 6 (new)				
347F			<u>6. Administrative cooperation groups of market surveillance authorities (ADCOs), set up by the Member States for the implementation of Union harmonisation legislation are composed of representatives of the national market surveillance authorities.</u>	<i>Integrated in paragraph 3, row 345</i>
ARTICLE 32 – PARAGRAPH 7 (new)				
347G			<u>7. The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.</u>	<i>Council mandate identical to AM 181, paragraph 5a, row 347A</i>

ARTICLE 32 – PARAGRAPH 8 (new)				
347H			<u>8. The Network shall use its best endeavours to reach consensus. Decisions taken by the Network shall be legally non-binding recommendations.</u>	<p><u>8. The Network shall use its best endeavours to reach consensus.</u></p> <p><i>Possible to move the second sentence to recital</i></p> <p><i>Decisions taken by the Network shall be legally non-binding recommendations.</i></p>
ARTICLE 32 – PARAGRAPH 9 (new)				
347I			<u>9. The Network may invite experts and other third parties to attend meetings or provide written contributions.</u>	<i>Integrated in paragraph 5d, row 347D</i>
ARTICLE 32 – PARAGRAPH 10 (new)				
347J			<u>10. The Network may establish standing or temporary sub-groups.</u>	<i>Integrated in paragraph 5b, row 347B</i>
ARTICLE 32 – PARAGRAPH 11 (new)				
347K			<u>11. The Network shall establish its rules of procedure.</u>	<u>11. The Network shall establish its rules of</u>

				<u>procedure.</u>
ARTICLE 32 a (new)				
347L			<u>Article 32a</u> <u>Role and tasks of the Network</u>	<u>Article 32a</u> <u>Role and tasks of the Network</u>
ARTICLE 32 a - PARAGRAPH 1 (new)				
347 M			<u>1. In carrying out the tasks set out in paragraph 2, the Network shall address general horizontal issues of market surveillance with a view to facilitating the cooperation among Single Liaison Offices as well as the Commission.</u>	<u>1. In carrying out the tasks set out in paragraph 2, the Network shall address general horizontal issues of market surveillance with a view to facilitating the cooperation among Single Liaison Offices as well as the Commission.</u>
ARTICLE 32 a - PARAGRAPH 2 (new)				
347 N			<u>2. The Network shall have the following tasks:</u>	<u>1. The Network shall have the following tasks:</u>
ARTICLE 32 a - PARAGRAPH 2 a (new)				
347 NA		relevant EP text: Article 33, paragraph -1, row 348A: <i>(a) to adopt its biennial</i>	<u>(a) to prepare, adopt and monitor the implementation of its work programme;</u>	<u>(a) to prepare, adopt and monitor the implementation of its work programme;</u>

		<i>work programme, which, inter alia, defines the priorities for common market surveillance actions, including the common actions with regard to the online market surveillance, and priority areas or categories of products;</i>		
ARTICLE 32 a - PARAGRAPH 2 a (new)				
347 NB		<p>EP text: Article 33, paragraph -1, row 348A:</p> <p><i>(b) to adopt rules of procedure for itself and for the functioning of the administrative coordination groups;</i></p> <p><i>(h) to assist, by request of a Member State, in the drawing up and implementation of the memoranda of understanding referred to in Article 8;</i></p> <p><i>(i) to facilitate an effective functioning of a peer evaluation system between market</i></p>		<p><i>Deleted</i></p> <p><i>Already mentioned in Article 8;</i></p> <p><i>Already mentioned in in Article 12b</i></p>

		<i>surveillance authorities and the Commission, as referred to in Article 12b, and to examine and monitor the results of those evaluations;</i>		
ARTICLE 32 a - PARAGRAPH 2 b (new)				
347 O		relevant EP text: Article 33, paragraph -1, row 348A: <i>(f) to facilitate the exchange of information on non-compliant products, recent scientific developments and new technologies, emerging risks and other aspects relevant to control activities and on the implementation of market surveillance strategies and activities;</i>	<u>(b) to facilitate evaluations of products including risk assessment, test methods and results, recent scientific developments and other aspects relevant to control activities;</u>	<u>(b) to facilitate the identification of common priorities for market surveillance activities and the exchange of information cross-sector on evaluations of products, including risk assessment, test methods and results, recent scientific developments and new technologies, emerging risks and other aspects relevant to control activities and on the implementation of market surveillance strategies and activities;</u>
ARTICLE 32 a - PARAGRAPH 2 c (new)				
347P		relevant EP text: Article 33, paragraph -1, row 348A: <i>(g) to ensure the</i>	<u>(c) to provide coordination of ADCOs and their activities;</u>	<u>(c) to provide coordination of ADCOs and their activities;</u>

		<i>coordination and monitoring of the administrative coordination groups and their activities;</i>		
ARTICLE 32 a - PARAGRAPH 2 d (new)				
347 Q			<u>(d) to provide input to the Commission, in particular by identifying the needs of specific testing facility support according to Article 20;</u>	<i>Should be deleted as it is covered by the implementing acts in Article 20(5)</i> [(d) to provide input to the Commission by identifying the needs of specific testing facility <u>in accordance with Article 20;</u>]
ARTICLE 32 a - PARAGRAPH 2 e (new)				
347R			<u>(e) to organise cross-sector joint market surveillance and testing projects and define their priorities;</u>	<u>(e) to organise cross-sector joint market surveillance and testing projects and define their priorities;</u>
ARTICLE 32 a - PARAGRAPH 2 f (new)				
347S			<u>(f) to exchange expertise and best practices, in particular regarding the implementation of market surveillance strategies;</u>	<u>(f) to exchange expertise and best practices, in particular regarding the implementation of market surveillance strategies;</u>

	ARTICLE 32 a - PARAGRAPH 2 g (new)			
347T			<u>(g) to facilitate the organisation of training programmes and exchanges of national officials;</u>	<u>(g) to facilitate the organisation of training programmes and exchanges of national officials;</u>
	ARTICLE 32 a - PARAGRAPH 2 h (new)			
347 U			<u>(h) in collaboration with the Commission, to organise information campaigns and voluntary mutual visit programmes between market surveillance authorities;</u>	<u>(h) in collaboration with the Commission, to organise information campaigns and voluntary mutual visit programmes between market surveillance authorities;</u>
	ARTICLE 32 a - PARAGRAPH 2 i (new)			
347V			<u>(i) to discuss questions arising from cross-border mutual assistance mechanism;</u>	<u>(i) to discuss questions arising from cross-border mutual assistance mechanism;</u>
	ARTICLE 32 a - PARAGRAPH 2 j (new)			
347 W		relevant EP text: Article 33, paragraph -1, row 348A: <i>(j) to analyse disputes</i>	<u>(j) to contribute to the development of guidance to ensure the effective and</u>	Maintain Council mandate

		<p><i>between market surveillance authorities on the application of this Regulation, examine any other question in this regard and adopt guidelines, recommendations and best practices in order to encourage consistent application and uniform interpretation of this Regulation, including by creating a common methodology for defining and setting penalties;</i></p> <p><i>(d) to prepare sectorial guidelines for checks on the characteristic of products subject to this Regulation;</i></p>	<p><u>uniform implementation of this Regulation;</u></p>	
ARTICLE 32 a - PARAGRAPH 2 k (new)				
347Z		<p>relevant EP text: Article 33, paragraph -1, row 348A:</p> <p><i>(k) to discuss how to ensure adequate ways of financing and recovery of costs of market surveillance in the Union</i></p>	<p><u>(k) to propose the financing of activities foreseen in Article 36;</u></p>	<p><u>(k) to propose the financing of activities foreseen in Article 36;</u></p>

		<i>and to propose the financing of activities provided for in Article 36;</i>		
ARTICLE 32 a - PARAGRAPH 2 I (new)				
347 ZA		<p>relevant EP text: Article 33, paragraph -1, row 348A:</p> <p><i>(e) to discuss the uniform conditions of checks, criteria for determination of the frequency of checks or amount of samples to be checked in relation to certain products, as referred to in Article 15(1), in accordance with the priorities laid down in paragraph -1(a), as well as the common objectives, benchmarks and techniques for checks with regard to control of products entering the Union market in accordance with Article 26(8a);</i></p> <p><i>(c) to regularly review</i></p>	<p><u>(l) to contribute to uniform administrative practices with regard to market surveillance in the Member States;</u></p>	<p><u>(l) to contribute to uniform administrative practices with regard to market surveillance in the Member States;</u></p>

		<i>and discuss a general risk assessment methodology with a view to ensuring a uniformity of its application;</i>		
ARTICLE 32 a - PARAGRAPH 2 m (new)				
347 ZB		relevant EP text: Article 33, paragraph -1, row 348A: <i>(m) to provide advice and assist the Commission with issues related to the further development of RAPEX and ICSMS.</i>	<u>(m) to provide advice and assist the Commission with issues related to the further development of RAPEX and the information system referred to in Article 34;</u>	<u>(m) to provide advice and assist the Commission with issues related to the further development of RAPEX and the information system referred to in Article 34;</u>
ARTICLE 32 a - PARAGRAPH 2 n (new)				
347 ZC			<u>(n) to define processing of collected data as referred to in Article 34;</u>	<i>Should be deleted as it is covered by the implementing acts in Article 34(6)</i>
ARTICLE 32 a - PARAGRAPH 2 o (new)				
347 ZD			<u>(o) to prepare system approvals for the execution by a third country related to pre-export product controls as referred to in Article 35 to ensure that these products comply with applicable</u>	<i>Should be deleted as it is covered by the implementing acts in Article 35(8a)</i>

			<u>Union harmonisation legislation;</u>	
ARTICLE 32 a - PARAGRAPH 2 p (new)				
347 ZE		<p>relevant EP text: Article 33, paragraph -1, row 348A:</p> <p><i>(l) to promote and facilitate collaboration with other relevant networks and groups, notably EU blockchain Observatory and Forum, with a view to explore possibilities on using new technologies, especially blockchain, for the purposes of market surveillance and traceability of products;</i></p>	<p><u>(p) to promote the cooperation and exchange of expertise and best practices between market surveillance authorities and authorities in charge of controls at the external borders;</u></p>	<p>l) to promote the cooperation and exchange of expertise and best practices between market surveillance authorities and authorities in charge of controls at the external borders;</p> <p><u>(la) to promote and facilitate collaboration with other relevant networks and groups, with a view to explore possibilities on using new technologies for the purposes of market surveillance and traceability of products;</u></p>
ARTICLE 32 a - PARAGRAPH 2 q (new)				
347 ZF			<p><u>(q) to take up any other issues in activities under the purview of the Network aimed at contributing to the effective functioning of</u></p>	<p><u>(q) to take up any other issues in activities under the purview of the Network aimed at contributing to the effective functioning of market surveillance within</u></p>

			<u>market surveillance within the Union.</u>	<u>the Union.</u>
ARTICLE 32 b (new)				
345 ZG			<u>Article 32b</u> <u>Role and tasks of administrative coordination groups</u>	<u>Article 32b</u> <u>Role and tasks of administrative coordination groups</u>
ARTICLE 32 b - PARAGRAPH 1 (new)				
347 ZH			<u>1. In carrying out the tasks set out in paragraph 3, ADCOs shall address specific matters of market surveillance and sector specific issues.</u>	<u>1. In carrying out the tasks set out in paragraph 3, ADCOs shall address specific matters of market surveillance and sector specific issues.</u>
ARTICLE 32 b - PARAGRAPH 2 (new)				
347 ZI			<u>2. ADCO meetings are closed meetings. Relevant stakeholders such as organisations representing the interests at Union level of industry, small and medium-sized enterprises, consumers, testing laboratories, standardisation and conformity assessment bodies may be invited to</u>	<i>Integrated in the compromise in row 345</i>

			<u>attend the ADCO meetings in accordance with the subject matter of discussion.</u>	
ARTICLE 32 b - PARAGRAPH 3				
347 ZJ			<u>3. ADCOs shall have the following tasks:</u> (moved from Art. 33(3))	<u>1. ADCOs shall have the following tasks:</u>
ARTICLE 32 b - PARAGRAPH 3 a				
347 ZK		relevant EP text: Article 33, paragraph 3, row 369: (a) to coordinate the enforcement of Union harmonisation legislation within their area of competence;	(a) to coordinate facilitate the enforcement uniform application of Union harmonisation legislation within their area of competence; (moved from Art. 33(3))	(a) to facilitate the uniform application of Union harmonisation legislation within their area of competence <u>with a view to increasing the efficiency of market surveillance throughout the single market;</u>
ARTICLE 32 b - PARAGRAPH 3 b				
347 ZL		relevant EP text: Article 33, paragraph 3, row 370: (b) to ensure that the enforcement action taken by national market	(b) to ensure that the enforcement action taken by national market surveillance authorities is followed up across the Union;	<i>deleted</i>

		surveillance authorities is followed up across the Union;		
ARTICLE 32 b - PARAGRAPH 3 c				
347 ZM		relevant EP text: Article 33, paragraph 3, row 371: (c) to increase the efficiency of market surveillance throughout the single market bearing in mind the existence of different systems of market surveillance in the Member States;	(e) to increase the efficiency of market surveillance throughout the single market bearing in mind the existence of different systems of market surveillance in the Member States;	<i>Added to Council mandate in row 347ZK</i>
ARTICLE 32 b - PARAGRAPH 3 d				
347 ZN		relevant EP text: Article 33, paragraph 3, row 372: (d) to establish appropriate communication channels between national market surveillance authorities and the Network;	(d) to establish appropriate communication channels between national market surveillance authorities and the Network;	<i>Added to Council mandate in row 347ZO</i>
ARTICLE 32 b - PARAGRAPH 3 da (new)				
347			<u>(da) to promote informal</u>	

ZO			<u>contacts and develop mutual confidence between national market surveillance authorities;</u>	(da) to promote communication <u>between national market surveillance authorities and the Network</u> and develop mutual confidence between national market surveillance authorities;
ARTICLE 32 b - PARAGRAPH 3 e				
347 ZP		relevant EP text: Article 33, paragraph 3, row 373: (e) to establish and coordinate common actions such as cross-border market surveillance activities;	(e) to establish and coordinate common actions <u>projects</u> , such as cross-border <u>(joint)</u> market surveillance activities; (moved from Art. 33(3))	(e) to establish and coordinate common actions <u>projects</u> , such as cross-border <u>(joint)</u> market surveillance activities;
ARTICLE 32 b - PARAGRAPH 3 f				
347 ZQ		relevant EP text: Article 33, paragraph 3, row 374: (f) to develop common practices and methodologies for effective market surveillance;	(f) to develop common practices and methodologies for effective market surveillance; (moved from Art. 33(3))	(f) to develop common practices and methodologies for effective market surveillance;

ARTICLE 32 b - PARAGRAPH 3 g				
347 ZR		relevant EP text: Article 33, paragraph 3, row 375: (g) to inform each other of national market surveillance methods and activities and to develop and promote best practices;	(g) to inform each other of national market surveillance methods and activities and to develop and promote best practices; (moved from Art. 33(3))	(g) to inform each other of national market surveillance methods and activities and to develop and promote best practices;
ARTICLE 32 b - PARAGRAPH 3 h				
347 ZS		relevant EP text: Article 33, paragraph 3, row 376: (h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted.	(h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted; (moved from Art. 33(3))	(h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted;
ARTICLE 32 b - PARAGRAPH 3 i (new)				
347 ZT			<u>(i) to facilitate evaluations of products including risk assessment, test methods and results, recent scientific developments and other aspects relevant to control activities.</u>	(i) to facilitate <u>sector-specific</u> evaluations of products including risk assessment, test methods and results, recent scientific developments and other aspects relevant to control activities.

ARTICLE 33				
348	Article 33 Coordinated enforcement tasks	Article 33 Coordinated enforcement tasks	Article 33 Coordinated enforcement tasks <u>Role and tasks of the Commission</u>	Article 33 Coordinated enforcement tasks <u>Role and tasks of the Commission</u>
ARTICLE 33 - PARAGRAPH -1 (new)				
348A		<p><i>-1. The Network shall have the following tasks:</i></p> <p><i>(a) to adopt its biennial work programme, which, inter alia, defines the priorities for common market surveillance actions, including the common actions with regard to the online market surveillance, and priority areas or categories of products;</i> (covered in row 347NA)</p> <p><i>(b) to adopt rules of procedure for itself and for the functioning of the administrative coordination groups;</i> (added in row 347NB)</p>		<i>deleted</i>

		<p><i>(c) to regularly review and discuss a general risk assessment methodology with a view to ensuring a uniformity of its application;</i> (covered in row 347ZA)</p> <p><i>(d) to prepare sectorial guidelines for checks on the characteristic of products subject to this Regulation;</i> (covered in row 347W)</p> <p><i>(e) to discuss the uniform conditions of checks, criteria for determination of the frequency of checks or amount of samples to be checked in relation to certain products, as referred to in Article 15(1), in accordance with the priorities laid down in paragraph -1(a), as well as the common objectives, benchmarks and techniques for checks with regard to control of products</i></p>		
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		<p><i>entering the Union market in accordance with Article 26(8a);</i> (covered in row 347ZA)</p> <p><i>(f) to facilitate the exchange of information on non-compliant products, recent scientific developments and new technologies, emerging risks and other aspects relevant to control activities and on the implementation of market surveillance strategies and activities;</i> (covered in row 347O)</p> <p><i>(g) to ensure the coordination and monitoring of the administrative coordination groups and their activities;</i> (covered in row 347P)</p> <p><i>(h) to assist, by request of a Member State, in the drawing up and implementation of the memoranda of</i></p>		
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		<p><i>understanding referred to in Article 8;</i> (added in row 347NB)</p> <p><i>(i) to facilitate an effective functioning of a peer evaluation system between market surveillance authorities and the Commission, as referred to in Article 12b, and to examine and monitor the results of those evaluations;</i> (added in row 347NB)</p> <p><i>(j) to analyse disputes between market surveillance authorities on the application of this Regulation, examine any other question in this regard and adopt guidelines, recommendations and best practices in order to encourage consistent application and uniform interpretation of this Regulation, including by creating a common methodology for defining</i></p>		
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		<p><i>and setting penalties; (covered in row 347W)</i></p> <p><i>(k) to discuss how to ensure adequate ways of financing and recovery of costs of market surveillance in the Union and to propose the financing of activities provided for in Article 36; (covered in row 347Z)</i></p> <p><i>(l) to promote and facilitate collaboration with other relevant networks and groups, notably EU blockchain Observatory and Forum, with a view to explore possibilities on using new technologies, especially blockchain, for the purposes of market surveillance and traceability of products; (covered in row 347ZE)</i></p> <p><i>(m) to provide advice and assist the Commission with issues related to the</i></p>		
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		<i>further development of RAPEX and ICSMS.</i> (covered in row 347ZB)		
		AM 186		
ARTICLE 33 - PARAGRAPH 0				
348 B			<u>0. The Commission shall support and encourage cooperation between market surveillance authorities via the Network and participate in the meetings of the Network, its sub-groups and the ADCOs</u>	<i>See compromise proposal in row 345B</i>
ARTICLE 33 - PARAGRAPH 1				
349	1. The Commission shall have the following tasks:	1. The Commission shall have the following tasks:	1. The Commission shall have the following tasks:	1. The Commission shall have the following tasks:
ARTICLE 33 - PARAGRAPH 1 - POINT a				
350	(a) to adopt and monitor the implementation of the work programme of the Network on the basis of a proposal from the Secretariat;	(a) to adopt and monitor the implementation of the work programme of the Network on the basis of a proposal from the Secretariat and to inform the Network about the	(a) to adopt and monitor the implementation of the work programme of the Network on the basis of a proposal from the Secretariat;	<i>deleted</i>

		<i>conclusion of that monitoring;</i> AM 187		
ARTICLE 33 - PARAGRAPH 1 - POINT a a (new)				
350 A		Relevant text, Article 32, paragraph 4, row 346: 4. The secretariat shall be composed of Commission staff. <i>It shall organise the meetings of the Network and provide it with technical and logistical support.</i>	<u>(aa) to assist the Network, its sub-groups, and the ADCOs by means of an executive secretariat that provides technical and logistic support;</u>	<u>(aa) to assist the Network, its sub-groups, and the ADCOs by means of an executive secretariat that provides technical and logistic support;</u>
ARTICLE 33 - PARAGRAPH 1 - POINT a b (new)				
350 B			<u>(ab) to keep and make available to the single liaison offices and ADCO-chairs an updated list of ADCO chairs including their contact information;</u>	<u>(ab) to keep and make available to the single liaison offices and ADCO-chairs an updated list of ADCO chairs including their contact information;</u>
ARTICLE 33 - PARAGRAPH 1 - POINT a c (new)				
350 C		Relevant text, row 350: (a) to adopt and monitor the implementation of the work programme of the	<u>(ac) to assist the Network in preparing and monitoring its work programme;</u>	<u>(ac) to assist the Network in preparing and monitoring its work programme;</u>

		Network on the basis of a proposal from the Secretariat and to inform the Network about the conclusion of that monitoring;		
ARTICLE 33 - PARAGRAPH 1 - POINT b				
351	(b) to support the functioning of the Product Contact Points referred to in Article 6;	(b) to support the functioning of the Product Contact Points referred to in Article 6;	(b) to support the functioning of Product Contact Points having duties assigned by Member States referred to in according to Article 6(2);	(b) to support the functioning of the Product Contact Points having duties assigned by Member States according to Article 6(2) in relation to Union harmonisation legislation;
ARTICLE 33 - PARAGRAPH 1 - POINT c				
352	(c) to coordinate the activities of the single liaison offices referred to in Article 11;	(c) to coordinate the activities of the single liaison offices referred to in Article 11;	(c) to coordinate the activities of the single liaison offices referred to in Article 11;	<i>deleted</i>
ARTICLE 33 - PARAGRAPH 1 - POINT d				
353	(d) to support the establishment and functioning of Union testing facilities referred to in Article 20;	(d) to support the establishment and functioning of Union testing facilities referred to in Article 20;	(d) to support the establishment and functioning of Union testing facilities referred to in Article 20;	<i>deleted</i>

ARTICLE 33 - PARAGRAPH 1 - POINT d e (new)				
353 A			<u>(de) to determine the need for additional testing capacity in accordance with Article 20 and to propose tailored solutions for this purpose;</u>	(d) to determine, <u>in consultation with the Network</u>, the need for additional testing capacity <u>and to propose solutions for this purpose</u> in accordance with Article 20 and to propose tailored solutions for this purpose;
ARTICLE 33 - PARAGRAPH 1 - POINT e				
354	(e) to apply the instruments of international cooperation referred to in Article 35;	(e) to apply the instruments of international cooperation referred to in Article 35;	(e) to apply the instruments of international cooperation referred to in Article 35;	(e) to apply the instruments of international cooperation referred to in Article 35;
ARTICLE 33 - PARAGRAPH 1 - POINT f				
355	(f) to organise cooperation and the effective exchange of information and best practices between market surveillance authorities;	(f) to organise cooperation and the effective exchange of information and best practices between market surveillance authorities as well as with customs authorities; AM 188	(f) to organise cooperation and the effective exchange of information and best practices between market surveillance authorities;	<i>deleted</i>

ARTICLE 33 - PARAGRAPH 1 - POINT f a (new)				
355A			<u>(fa) to provide support for the establishment of separate or joint ADCOs for the instruments of Union harmonisation legislation;</u>	<u>(fa) to provide support for the establishment of separate or joint ADCOs for the instruments of Union harmonisation legislation;</u>
ARTICLE 33 - PARAGRAPH 1 - POINT f a (new)				
355B		<i>(fa) to facilitate the organisation of joint market surveillance and joint testing projects, including joint projects with regard to the products sold online;</i> AM 189		<i>deleted</i>
ARTICLE 33 - PARAGRAPH 1 - POINT f b (new)				
355C		<i>(fb) to facilitate the organisation of common training programmes and exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance</i>		<i>deleted</i>

		<i>authorities of third countries or with international organisations;</i>		
		AM 190		
ARTICLE 33 - PARAGRAPH 1 - POINT g				
356	(g) to develop and maintain the system referred to in Article 34, including the interface with the EU Single Window referred to in paragraph 4 of that Article, and provide information to the general public by means of that system;	(g) to develop and maintain the system referred to in Article 34, including the interface with the EU Single Window referred to in paragraph 4 of that Article, and provide information to the general public by means of that system;	(g) to develop and maintain the system referred to in Article 34, including the interface with the EU Single Window referred to in paragraph 3a of that Article, <u>as well as the interface with national market surveillance databases,</u> and provide information to the general public by means of that system;	(g) to develop and maintain the system referred to in Article 34, including the interface with the EU Single Window referred to in paragraph 3a of that Article, <u>as well as the interface with national market surveillance databases,</u> and provide information to the general public by means of that system;
ARTICLE 33 - PARAGRAPH 1 - POINT g a (new)				
356 A			<u>(ga) to provide for the processing of collected data referred to in Article 34 in collaboration with the Network;</u>	<i>Should be deleted as it is covered by the implementing acts in Article 34(6)</i>
ARTICLE 33 - PARAGRAPH 1 - POINT h				
357				

	(h) to organise the meetings of the EUPC Board and administrative coordination groups referred to in Articles 32;	(h) to organise the meetings of the EUPC Board and administrative coordination groups referred to in Articles 32;	(h) to organise the meetings of the EUPC Board and administrative coordination groups referred to in Articles 32;	<i>deleted</i>
ARTICLE 33 - PARAGRAPH 1 - POINT i				
358	(i) to assist the Network to perform preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes, evaluations, guidelines, comparative analyses, mutual joint visits, research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work, and to prepare and assist in the	(i) to assist the Network to perform preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes, evaluations, guidelines, comparative analyses, mutual joint visits, research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work, and to prepare and assist in the implementation of Union market surveillance	(i) to assist the Network to perform preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes, evaluations, guidelines , comparative analyses, mutual joint visits <u>and visit programmes, exchange of personnel,</u> research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work and;	(i) to assist the Network to perform preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes, evaluations, guidelines , comparative analyses, mutual joint visits <u>and visit programmes, exchange of personnel,</u> research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work and;

	implementation of Union market surveillance campaigns and similar activities;	campaigns and similar activities;		
ARTICLE 33 - PARAGRAPH 1 - POINT i a (new)				
358 A			(ia) to prepare and assist in the implementation of Union market surveillance campaigns and similar activities;	(ia) to prepare and assist in the implementation of Union market surveillance campaigns and similar activities;
ARTICLE 33 - PARAGRAPH 1 - POINT j				
359	(j) to organise peer reviews, common training programmes and facilitate exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations;	(j) to organise peer reviews, common training programmes and facilitate exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations; AM 191 Relevant text, rows 355B and 355C:	(j) to organise peer reviews, common training programmes and facilitate exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations;	(j) to organise <u>joint market surveillance and testing projects,</u> common training programmes, and facilitate exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations, <u>organise information campaigns and voluntary mutual visit programmes between market surveillance authorities;</u>

		<p><i>(fa) to facilitate the organisation of joint market surveillance and joint testing projects, including joint projects with regard to the products sold online;</i></p> <p><i>(fb) to facilitate the organisation of common training programmes and exchanges of personnel between market surveillance authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations;</i></p>		
ARTICLE 33 - PARAGRAPH 1 - POINT k				
360	(k) to carry out activities under programmes of technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems	(k) to carry out activities under programmes of technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems	(k) to carry out activities under programmes of technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems among interested parties at Union	(k) to carry out activities under programmes of technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems among interested parties at Union

	among interested parties at Union and international levels;	among interested parties at Union and international levels;	and international levels;	and international levels;
ARTICLE 33 - PARAGRAPH 1 - POINT I				
361	(l) to facilitate technical or scientific expertise for the purpose of implementing market surveillance administrative cooperation;	(l) to facilitate technical or scientific expertise for the purpose of implementing market surveillance administrative cooperation;	(l) to facilitate technical or scientific expertise for the purpose of implementing market surveillance administrative cooperation;	(l) to facilitate technical or scientific expertise for the purpose of implementing market surveillance administrative cooperation;
ARTICLE 33 - PARAGRAPH 1 - POINT m				
362	(m) to examine, on its own initiative or at the request of the EUPC Board, any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation, including by setting standards for minimum penalties.	(m) to examine, on its own initiative or at the request of the EUPC Board, any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation, including by setting standards for minimum penalties. AM 192	(m) to examine, on its own initiative or at the request of the EUPC Board Network or on its own initiative , any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation, including by setting standards for minimum penalties.	(m) to examine, on its own initiative or at the request of the EUPC Board Network or on its own initiative , any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation, including by setting standards for minimum penalties.

ARTICLE 33 - PARAGRAPH 1 - POINT m a (new)				
362A		<i>(ma) to facilitate cooperation between market surveillance authorities, customs authorities and, where appropriate, with the market surveillance authorities of third countries or with international organisations on investigations linked to the compliance of products offered for sale online to end-users within the Union.</i>		<i>deleted</i>
		AM 193		
ARTICLE 33 - PARAGRAPH 2				
363	2. The EUPC Board shall have the following tasks:	2. The EUPC Board shall have the following tasks:	2. The EUPC Board shall have the following tasks:	<i>deleted</i>
		AM 194		
ARTICLE 33 - PARAGRAPH 2 - POINT a				
364	(a) to define the priorities for common	(a) to define the priorities for common market	(a) to define the priorities for common market	<i>deleted</i>

	market surveillance actions;	surveillance actions; AM 194	surveillance actions;	
ARTICLE 33 - PARAGRAPH 2 - POINT b				
365	(b) to ensure the coordination and monitoring of the administrative coordination groups and their activities;	(b) to ensure the coordination and monitoring of the administrative coordination groups and their activities; AM 194	(b) to ensure the coordination and monitoring of the administrative coordination groups and their activities;	<i>deleted</i>
ARTICLE 33 - PARAGRAPH 2 - POINT c				
366	(c) to assist in the drawing up and implementation of the memoranda of understanding referred to in Article 8;	(e) to assist in the drawing up and implementation of the memoranda of understanding referred to in Article 8; AM 194	(e) to assist in the drawing up and implementation of the memoranda of understanding referred to in Article 8;	<i>deleted</i>
ARTICLE 33 - PARAGRAPH 2 - POINT d				
367	(d) to adopt rules of procedure for itself and for the functioning of the administrative coordination groups.	(d) to adopt rules of procedure for itself and for the functioning of the administrative coordination groups. AM 194	(d) to adopt rules of procedure for itself and for the functioning of the administrative coordination groups.	<i>deleted</i>

ARTICLE 33 - PARAGRAPH 3				
368	3. The administrative coordination groups shall have the following tasks:	3. The administrative coordination groups shall have the following tasks:	3. The administrative coordination groups shall have the following tasks:	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT a				
369	(a) to coordinate the enforcement of Union harmonisation legislation within their area of competence;	(a) to coordinate the enforcement of Union harmonisation legislation within their area of competence;	(a) to coordinate the enforcement of Union harmonisation legislation within their area of competence;	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT b				
370	(b) to ensure that the enforcement action taken by national market surveillance authorities is followed up across the Union;	(b) to ensure that the enforcement action taken by national market surveillance authorities is followed up across the Union;	(b) to ensure that the enforcement action taken by national market surveillance authorities is followed up across the Union;	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT c				
371	(c) to increase the efficiency of market surveillance throughout the single market bearing in mind the existence of different systems of market surveillance in	(c) to increase the efficiency of market surveillance throughout the single market bearing in mind the existence of different systems of market surveillance in the	(c) to increase the efficiency of market surveillance throughout the single market bearing in mind the existence of different systems of market surveillance in the Member	See Article 32b, rows 347ZJ-347ZT

	the Member States;	Member States;	States;	
ARTICLE 33 - PARAGRAPH 3 - POINT d				
372	(d) to establish appropriate communication channels between national market surveillance authorities and the Network;	(d) to establish appropriate communication channels between national market surveillance authorities and the Network;	(d) to establish and coordinate common actions such as cross-border market surveillance activities and the Network;	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT e				
373	(e) to establish and coordinate common actions such as cross-border market surveillance activities;	(e) to establish and coordinate common actions such as cross-border market surveillance activities;	(e) to establish and coordinate common actions such as cross-border market surveillance activities;	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT f				
374	(f) to develop common practices and methodologies for effective market surveillance;	(f) to develop common practices and methodologies for effective market surveillance;	(f) to develop common practices and methodologies for effective market surveillance;	See Article 32b, rows 347ZJ-347ZT
ARTICLE 33 - PARAGRAPH 3 - POINT g				
375	(g) to inform each other of national market surveillance methods and	(g) to inform each other of national market surveillance methods and	(g) to inform each other of national market surveillance methods and activities and	See Article 32b, rows 347ZJ-347ZT

	activities and to develop and promote best practices;	activities and to develop and promote best practices;	to develop and promote best practices;	
ARTICLE 33 - PARAGRAPH 3 - POINT h				
376	(h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted.	(h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted.	(h) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted.	See Article 32b, rows 347ZJ-347ZT
ARTICLE 34				
377	Article 34 Information and communication system	Article 34 Information and communication system	Article 34 Information and communication system	Article 34 Information and communication system
ARTICLE 34 - PARAGRAPH 1				
378	1. The Commission shall develop and maintain an information and communication system for the collection and storage of information, in a structured form, on issues relating to the enforcement of Union harmonisation	1. The Commission shall develop and maintain an information and communication system for the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of Union	1. The Commission shall further develop and maintain an information and communication system for the collection and storage of information, in a structured form, on issues relating to the enforcement of Union harmonisation legislation, with the aim of improving	1. The Commission shall further develop and maintain an information and communication system for the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of Union harmonisation legislation,

	<p>legislation. The Commission, single liaison offices, and authorities designated in accordance with Article 26(1) shall have access to that system.</p>	<p>harmonisation legislation <i>with the aim of sharing this data among Member States and allow the Commission to monitor market surveillance activities.</i></p> <p><i>This system shall have a public interface with key information in all Union languages and inform end-users about market surveillance activities and their results.</i></p> <p>The Commission, single liaison offices, <i>market surveillance authorities</i> and authorities designated in accordance with Article 26(1) shall have access to that system.</p> <p>AM 195</p>	<p><u>the sharing of data between Member States and providing a comprehensive overview of market surveillance activities, results and trends.</u> The Commission, <u>market surveillance authorities,</u> single liaison offices, and authorities designated in accordance with Article 26(1) shall have access to that system.</p>	<p>with the aim of improving the sharing of data between <u>among</u> Member States, <u>including for the purpose of requests for information,</u> and providing a comprehensive overview of market surveillance activities, results and trends. The Commission, market surveillance authorities, single liaison offices, and authorities designated in accordance with Article 26(1) shall have access to that system.</p> <p><u>The Commission shall develop and maintain the public user interface of this system where key information for end users about market surveillance activities shall be provided.</u></p>
ARTICLE 34 - PARAGRAPH 1 a (new)				
378 A			<p><u>1a. The Commission shall further develop and maintain an IT interface to national systems.</u></p>	<p>1a. The Commission shall further develop and maintain an IT interface <u>electronic interfaces between the</u></p>

				<u>system referred to in paragraph 1 and to national systems.</u>
ARTICLE 34 - PARAGRAPH 2				
379	2. Single liaison offices shall enter the following information in the system:	2. Single liaison offices shall enter the following information in the system:	2. Single liaison offices shall enter the following information in the system:	2. Single liaison offices shall enter the following information in the system:
ARTICLE 34 - PARAGRAPH 2 - POINT a				
380	(a) the identity of the market surveillance authorities in their Member State and areas of competence of those authorities pursuant to Article 11(1);	(a) the identity of the market surveillance authorities in their Member State and areas of competence of those authorities pursuant to Article 11(1);	(a) the identity of the market surveillance authorities in their Member State and areas of competence of those authorities pursuant to Article 11(1);	(a) the identity of the market surveillance authorities in their Member State and areas of competence of those authorities pursuant to Article 11(1);
ARTICLE 34 - PARAGRAPH 2 - POINT b				
381	(b) the identity of the authorities designated by their Member States as authorities in charge of controls on products at the external borders of the Union.	(b) the identity of the authorities designated by their Member States as authorities in charge of controls on products at the external borders of the Union.	(b) the identity of the authorities designated by their Member States as authorities in charge of controls on products at the external borders of the Union;	(b) the identity of the authorities designated by their Member States as authorities in charge of controls on products at the external borders of the Union

ARTICLE 34 - PARAGRAPH 2 - POINT b a (new)				
381A		<i>(ba) the national market surveillance strategy drawn up by their Member State pursuant to Article 13.</i>		<i>deleted</i>
		AM 196		
ARTICLE 34 - PARAGRAPH 2 - POINT c (new)				
381B			<u>(c) the national market surveillance strategy drawn up by their Member State under Article 13 and the results from the review and assessment of the market surveillance strategy drawn up by their Member State.</u>	<u>(c) the national market surveillance strategy drawn up by their Member State under Article 13 and the results from the review and assessment of the market surveillance strategy drawn up by their Member State.</u>
ARTICLE 34 - PARAGRAPH 3				
382	3. Market surveillance authorities shall enter the following information into the system:	3. Market surveillance authorities shall enter the following information into the system:	3. Market surveillance authorities shall enter the following information into the system:	3. Market surveillance authorities shall enter the following information into the system:
ARTICLE 34 - PARAGRAPH 3 - POINT a				
383				

	(a) details of the national market surveillance strategies strategy drawn up by their Member State under Article 13;	(a) details of the national market surveillance strategies strategy drawn up by their Member State under Article 13;	(a) details of the national market surveillance strategies strategy drawn up by their Member State under Article 13;	<i>deleted</i> See row 381B
ARTICLE 34 - PARAGRAPH 3 - POINT b				
384	(b) any partnership arrangements entered into by them under Article 7	(b) any partnership arrangements entered into by them under Article 7 AM 197	(b) any partnership arrangements entered into by them under Article 7;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT c				
385	(c) the results from the monitoring, review and assessment of the market surveillance strategy drawn up by their Member State;	(c) the results from the monitoring, review and assessment of the market surveillance strategy drawn up by their Member State;	(c) the results from the monitoring, review and assessment of the market surveillance strategy drawn up by their Member State;	<i>deleted</i> <i>see row 381B</i>
ARTICLE 34 - PARAGRAPH 3 - POINT d				
386	(d) all complaints received by them and reports made by them about issues relating to non-compliant products;	(d) all complaints received by them and reports made by them about issues relating to non-compliant products;	(d) all complaints received by them and reports made by them about issues relating to non-compliant products;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e				

387	(e) in relation to products made available on the market in their territory, without prejudice to Article 12 of Directive 2001/95/EC and Article 19 of this Regulation, the following information:	(e) in relation to products made available on the market in their territory, without prejudice to Article 12 of Directive 2001/95/EC and Article 19 of this Regulation, the following information:	(e) in relation to products made available on the market in their territory, <u>for which an in-depth check of compliance has been carried out</u> without prejudice to Article 12 of Directive 2001/95/EC and Article 19 of this Regulation, <u>and where applicable, in relation to products entering the Union market for which the process for the release for free circulation has been suspended in accordance with Article 27, in their territory,</u> the following information <u>concerning:</u>	(e) in relation to products made available on the market in their territory, <u>for which an in-depth check of compliance has been carried out</u> without prejudice to Article 12 of Directive 2001/95/EC and Article 19 of this Regulation, <u>and where applicable, in relation to products entering the Union market for which the process for the release for free circulation has been suspended in accordance with Article 27, in their territory,</u> the following information <u>concerning:</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT i				
388	(i) any non-compliance;	(i) any non-compliance;	(i) any non-compliance;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT ii				
389	(ii) the identification of hazards and the economic operator concerned;	(ii) the identification of hazards and the economic operator concerned;	(ii) the identification of hazards and the economic operator concerned;	<i>deleted</i>

ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT iii				
390	(iii) any possible risks not restricted to their territory;	(iii) any possible risks not restricted to their territory;	(iii) any possible risks not restricted to their territory;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT iv				
391	(iv) the results of testing carried out by them or the concerned economic operator;	(iv) the results of testing carried out by them or the concerned economic operator;	(iv) the results of testing carried out by them or the concerned economic operator;	<i>deleted</i> <i>see row 394B Council text</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT v				
392	(v) details of voluntary measures taken by economic operators;	(v) details of voluntary measures taken by economic operators;	(v) details of voluntary measures taken by economic operators;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vi				
393	(vi) details of restrictive measures taken by that market surveillance authority, where applicable, the penalties imposed;	(vi) details of restrictive measures taken by that market surveillance authority, where applicable, the penalties imposed;	(vi) details of restrictive measures taken by that market surveillance authority, where applicable, the penalties imposed;	<i>deleted</i> <i>see row 394A Council text</i>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii				
394	(vii) the outcome of	(vii) the outcome of	(vii) the outcome of contacts	<i>deleted</i>

	contacts with an economic operator and the follow up by that economic operator;	contacts with an economic operator and the follow up by that economic operator;	with an economic operator and the follow up by that economic operator;	
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii a				
394 A			<u>(vii a) measures according to Article 15(4) taken by that market surveillance authority;</u>	<u>(vii a) measures according to Article 15(1)(d) taken by that market surveillance authority;</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii b				
394 B			<u>(vii b) reports of testing carried out by them;</u>	<u>(vii b) reports of testing carried out by them;</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii c				
394 C			<u>(vii c) corrective action taken by economic operators concerned;</u>	<u>(vii c) corrective action taken by economic operators concerned;</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii d				
394 D			<u>(vii d) readily available reports on injuries caused by the product in question;</u>	<u>(vii d) readily available reports on injuries caused by the product in question;</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT vii e				

394E			<u>(vii) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up;</u>	<u>(vii) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up;</u>
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT viii				
395	(viii) failures by a person responsible for compliance information to comply with Article 4 (3);	(viii) failures by a person responsible for compliance information to comply with Article 4 (3);	(viii) <u>when applicable</u> , failures by a person responsible for compliance information <u>authorised representatives</u> to comply with Article 4(3) <u>4a(2) and (3)</u> ;	(viii) <u>when applicable</u> , failures by a person responsible for compliance information <u>authorised representatives</u> to comply with Article 4(3) <u>4a(2) and (3)</u> ;
ARTICLE 34 - PARAGRAPH 3 - POINT e - POINT ix				
396	(ix) failures by manufacturers to comply with Article 4(4).	(ix) failures by manufacturers to comply with Article 4(4).	(ix) <u>when available</u> , failures by manufacturers to comply with Article 4(4) <u>4a(1)</u> .	(ix) <u>when available</u> , failures by manufacturers to comply with Article 4(4) <u>4a(1)</u> .
ARTICLE 34 - PARAGRAPH 3 - POINT f				
397	(f) in relation to products entering the Union	(f) in relation to products entering the Union market	(f) in relation to products entering the Union market	<i>deleted</i>

	market for which the process for the release for free circulation has been suspended in accordance with Article 27, in their territory, the following information:	for which the process for the release for free circulation has been suspended in accordance with Article 27, in their territory, the following information:	for which the process for the release for free circulation has been suspended in accordance with Article 27, in their territory, the following information:	
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT i				
398	(i) any non-compliance;	(i) any non-compliance;	(i) any non-compliance;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT ii				
399	(ii) the identification of any hazards and the economic operator concerned;	(ii) the identification of any hazards and the economic operator concerned;	(ii) the identification of any hazards and the economic operator concerned;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT iii				
400	(iii) the results of testing carried out by them or the concerned economic operator;	(iii) the results of testing carried out by them or the concerned economic operator;	(iii) the results of testing carried out by them or the concerned economic operator;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT iv				
401	(iv) details of restrictive measures taken by that market surveillance authority and, where	(iv) details of restrictive measures taken by that market surveillance authority and, where	(iv) details of restrictive measures taken by that market surveillance authority and, where	<i>deleted</i>

	applicable, the penalties imposed;	applicable, the penalties imposed;	applicable, the penalties imposed;	
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT v				
402	(v) the outcome of contacts with an economic operator and the follow up by that economic operator;	(v) the outcome of contacts with an economic operator and the follow up by that economic operator;	(v) the outcome of contacts with an economic operator and the follow up by that economic operator;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT vi				
403	(vi) any other control or test reports carried out by or at the request of the market surveillance authority;	(vi) any other control or test reports carried out by or at the request of the market surveillance authority;	(vi) any other control or test reports carried out by or at the request of the market surveillance authority;	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 - POINT f - POINT vii				
404	(vii) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up.	(vii) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up.	(vii) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up.	<i>deleted</i>
ARTICLE 34 - PARAGRAPH 3 a (new)				

404 A			<u>3a. Where market surveillance authorities consider it useful, they may enter any additional information related to the checks they perform and results of testing carried out by or at their request.</u>	<u>3a. Where market surveillance authorities consider it useful, they may enter any additional information related to the checks they perform and results of testing carried out by them or at their request.</u>
ARTICLE 34 - PARAGRAPH 4				
405	4. Where relevant for the enforcement of Union harmonisation legislation and for the purposes of minimising risk and combating fraud, customs authorities shall extract from national customs systems and transmit to the information and communication system data relating to the placing of products under the customs procedure 'release for free circulation' and the results of controls related to product safety.	4. Where relevant for the enforcement of Union harmonisation legislation and for the purposes of minimising risk and combating fraud, customs authorities shall extract from national customs systems and transmit to the information and communication system data relating to the placing of products under the customs procedure 'release for free circulation' and the results of controls related to product safety.	4. Where relevant for the enforcement of Union harmonisation legislation and for the purposes of minimising risk and combating fraud, customs authorities shall extract from national customs systems and transmit to the information and communication system data relating to <u>products</u> the placing of products under the customs procedure 'release for free circulation' and the results of controls related to product safety <u>the enforcement of Union harmonisation legislation</u>	4. Where relevant for the enforcement of Union harmonisation legislation and for the purposes of minimising risk and combating fraud, customs authorities shall extract from national customs systems and transmit to the information and communication system data relating to <u>products</u> the placing of products under the customs procedure 'release for free circulation' and the results of controls related to product safety <u>the enforcement of Union harmonisation legislation</u>

			<u>and transmit it to the information and communication system.</u>	<u>and transmit it to the information and communication system.</u>
ARTICLE 34 - PARAGRAPH 4				
406	The Commission, in the context of the EU Single Window environment for customs, shall develop an electronic interface to enable the transmission of such data. This interface shall be in place [four years] from the date of adoption of the implementing acts.	The Commission, in the context of the EU Single Window environment for customs, shall develop an electronic interface to enable the transmission of such data. This interface shall be in place [four years] from the date of adoption of the implementing acts.	The Commission, in the context of the EU Single Window environment for customs, shall develop an electronic interface to enable the transmission of such data. This interface shall be in place [four years] from the date of adoption of the implementing acts.	deleted
ARTICLE 34 - PARAGRAPH 5				
407	5. Market surveillance authorities shall recognise the validity of and shall make use of test reports prepared by or for their counterparts in other Member States and which have been entered into the information and communication system.	5. Market surveillance authorities shall recognise the validity of and shall make use of test reports prepared by or for their counterparts in other Member States and which have been entered into the information and communication system.	5. Market surveillance authorities shall recognise the validity of and shall make use of test reports prepared by or for their counterparts in other Member States and which have been entered into the information and communication system.	deleted

ARTICLE 34 - PARAGRAPH 5 a (new)				
407A		<p><i>5a. The information system shall allow file transmission between market surveillance authorities, and shall be the preferred instrument for requests for information referred to in Article 22.</i></p> <p>AM 198</p>	<p><u>5a. The Commission shall develop an electronic interface to enable the transmission of data between national custom systems and the information and communication system. This interface shall be in place [four years] from the date of adoption of the implementing acts.</u></p>	<p><u>5a. The Commission shall develop an electronic interface to enable the transmission of data between national custom systems and the information and communication system. This interface shall be in place [four years] from the date of adoption of the implementing acts.</u></p>
ARTICLE 34 - PARAGRAPH 6				
408	<p>6. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 to 4 and defining the data to be transmitted in accordance with paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.</p>	<p>6. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 to 4 and defining the data to be transmitted in accordance with paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.</p>	<p>6. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 to 4 <u>5a, in particular on the data processing that will be applied on data collected in accordance with paragraph 1</u> and defining the data to be transmitted in accordance with paragraphs 4 <u>and 5a</u>. Those implementing acts shall be adopted in accordance with the</p>	<p>6. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 to 4 <u>5a, in particular on the data processing that will be applied on data collected in accordance with paragraph 1</u> and defining the data to be transmitted in accordance with paragraphs 4 <u>and 5a</u>. Those implementing acts shall be adopted in accordance with the</p>

			examination procedure referred to in Article 63(2).	examination procedure referred to in Article 63(2).
ARTICLE 35				
409	Article 35 International cooperation	Article 35 International cooperation	Article 35 International cooperation	Article 35 International cooperation
ARTICLE 35 - PARAGRAPH 1				
410	1. The Commission may exchange confidential market surveillance related information with regulatory authorities of third countries or international organisations where it has concluded confidentiality arrangements based on reciprocity with those authorities or organisations.	1. <i>In order to improve the efficiency of market surveillance in the Union</i> , the Commission may exchange confidential market surveillance related information with regulatory authorities of third countries or international organisations where it has concluded confidentiality arrangements based on reciprocity with those authorities or organisations. AM 199	<u>1. In order to improve the efficiency of market surveillance in the Union</u> , the Commission may exchange confidential market surveillance related information with regulatory authorities of third countries or international organisations where it has concluded confidentiality arrangements based on reciprocity with those authorities or organisations <u>a framework for cooperation and information exchange of selected information has been established in accordance with paragraph 1a.</u>	1. In order to improve the efficiency of market surveillance in the Union, the Commission may <u>cooperate with and</u> exchange market surveillance related information with regulatory authorities of third countries or international organisations where <u>within the</u> framework for cooperation and information exchange of selected information has been established in accordance with paragraph 1a. <u>of agreements between the Union and third countries or international organisations.</u> <u>Any such agreements shall</u>

				<u>be based on reciprocity, include provisions on confidentiality corresponding to those applicable in the Union, and ensure that any exchange of information is in accordance with applicable Union legislation.</u>
ARTICLE 35 - PARAGRAPH 1 a (new)				
410A		<i>1a. The Commission shall ensure that any exchange of information under paragraph 1 is in accordance with applicable Union legislation.</i> AM 200		<i>(Covered by row 410)</i>
ARTICLE 35 - PARAGRAPH 2				
411	The Commission may set up a framework for cooperation and exchange of selected information contained in the information	The Commission may set up a framework for cooperation and exchange of selected information contained in the information exchange	The Commission may set up a framework for cooperation and exchange of selected information contained in the information exchange system provided for in	The cooperation or exchange of information may relate, inter alia, to the following:

	exchange system provided for in Article 12 of Directive 2001/95/EC, with applicant countries, third countries or international organisations. The cooperation or exchange of information may relate, inter alia, to the following:	system provided for in Article 12 of Directive 2001/95/EC, with applicant countries, third countries or international organisations. The cooperation or exchange of information may relate, inter alia, to the following:	Article 12 of Directive 2001/95/EC, with applicant countries, third countries or international organisations. The cooperation or exchange of information may relate, inter alia, to the following:	
ARTICLE 35 - PARAGRAPH 2 - POINT a				
412	(a) risk assessment methods used and the results of product-testing;	(a) risk assessment methods used and the results of product-testing;	(a) risk assessment methods used and the results of product-testing;	(a) risk assessment methods used and the results of product-testing;
ARTICLE 35 - PARAGRAPH 2 - POINT b				
413	(b) coordinated product recalls or other similar actions;	(b) coordinated product recalls or other similar actions;	(b) coordinated product recalls or other similar actions;	(b) coordinated product recalls or other similar actions;
ARTICLE 35 - PARAGRAPH 2 - POINT c				
414	(c) the measures taken by market surveillance authorities under Article 15.	(c) the measures taken by market surveillance authorities under Article 15.	(c) the measures taken by market surveillance authorities under Article 15.	(c) the measures taken by market surveillance authorities under Article 15.

ARTICLE 35 - PARAGRAPH 2 a (new)				
414 A			<u>2a. The Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 63(3) in order to establish each framework for cooperation and information exchange.</u>	<i>(Covered by row 410)</i>
ARTICLE 35 - PARAGRAPH 3				
415	The Commission may approve a specific system of product-related pre-export control carried out by a third country on products immediately prior to their export into the Union in order to verify that those products satisfy the requirements of the Union harmonisation legislation applicable to them. The approval may be granted in respect of one or more products, in respect of one or more categories	The Commission may approve a specific system of product-related pre-export control carried out by a third country on products immediately prior to their export into the Union in order to verify that those products satisfy the requirements of the Union harmonisation legislation applicable to them. The approval may be granted in respect of one or more products, in respect of one or more categories of product or in respect of products or	The Commission may approve a specific system of product-related pre-export control carried out by a third country on products immediately prior to their export into the Union in order to verify that those products satisfy the requirements of the Union harmonisation legislation applicable to them. The approval may be granted in respect of one or more products, in respect of one or more categories of product or in respect of products or categories of	The Commission may approve a specific system of product-related pre-export control carried out by a third country on products immediately prior to their export into the Union in order to verify that those products satisfy the requirements of the Union harmonisation legislation applicable to them. The approval may be granted in respect of one or more products, in respect of one or more categories of product or in respect of products or categories of product

	of product or in respect of products or categories of product manufactured by certain manufacturers.	categories of product manufactured by certain manufacturers.	product manufactured by certain manufacturers.	manufactured by certain manufacturers.
ARTICLE 35 - PARAGRAPH 3 a (new)				
415 A			<u>3a. The Commission shall produce and maintain a list of those products or categories of products with regard to which approval has been granted as referred to in paragraph 3 and shall make this list available to the public.</u>	<u>3a. The Commission shall produce and maintain a list of those products or categories of products with regard to which approval has been granted as referred to in paragraph 3 and shall make this list available to the public.</u>
ARTICLE 35 - PARAGRAPH 3 b (new)				
415 B			<u>3b. Approval may only be granted to a third country under paragraph 3 if following conditions are satisfied:</u>	<u>3b. Approval may only be granted to a third country under paragraph 3 if following conditions are satisfied:</u>
ARTICLE 35 - PARAGRAPH 3 b POINT A (new)				
415 C			<u>(a) the third country possesses an efficient verification system of the</u>	<u>(a) the third country possesses an efficient verification system of the</u>

			<u>compliance of products exported to the Union and the controls carried out in that third country are sufficiently effective and efficient to replace or reduce import controls;</u>	<u>compliance of products exported to the Union and the controls carried out in that third country are sufficiently effective and efficient to replace or reduce import controls;</u>
ARTICLE 35 - PARAGRAPH 3 b POINT B (new)				
415 D			<u>(b) audits within the Union demonstrate that products exported to the Union from that third country satisfy the requirements set out in Union harmonisation legislation.</u>	(b) audits within the Union and, <u>if relevant, in the third country</u> demonstrate that products exported to the Union from that third country satisfy the requirements set out in Union harmonisation legislation.
ARTICLE 35 - PARAGRAPH 4				
416	Where such an approval has been granted, the number and frequency of import controls for those products or categories of product entering the Union market, referred to in paragraph 3, may	Where such an approval has been granted, the number and frequency of import controls for those products or categories of product entering the Union market, referred to in paragraph 3, may be	Where such an approval has been granted, the number and frequency of <u>risk assessment applied</u> to import controls for those products or categories of product entering the Union market, referred to in	Where such an approval has been granted, the risk assessment applied to import controls for those products or categories of product entering the Union market, referred to in paragraph 3, <u>shall</u> will include the granted

	be reduced.	reduced.	paragraph 3, may be reduced <u>will include the granted approvals.</u>	approvals.
ARTICLE 35 - PARAGRAPH 4				
417	Customs authorities may however carry out controls those products or categories of product entering the Union market, in order to ensure that the pre-export controls carried out by the third country are effective to determine compliance with Union harmonisation legislation.	Customs authorities may however carry out controls those products or categories of product entering the Union market, in order to ensure that the pre-export controls carried out by the third country are effective to determine compliance with Union harmonisation legislation.	Customs Authorities <u>designated under Article 26(1)</u> may however carry out controls of on those products or categories of product entering the Union market, <u>including</u> in order to ensure that the pre-export controls carried out by the third country are effective to determine compliance with Union harmonisation legislation.	<u>Customs Authorities designated under Article 26(1)</u> may however carry out controls of on those products or categories of product entering the Union market, <u>including</u> in order to ensure that the pre-export controls carried out by the third country are effective to determine compliance with Union harmonisation legislation.
ARTICLE 35 - PARAGRAPH 5				
418	5. Approval may only be granted to a third country under paragraph 3 following an audit within the Union demonstrating that the following conditions are satisfied:	5. Approval may only be granted to a third country under paragraph 3 following an audit <i>audits</i> within the <i>relevant third country and</i> Union demonstrating that the following conditions are satisfied:	5. Approval may only be granted to a third country under paragraph 3 following an audit within the Union demonstrating that the following conditions are satisfied:	Deleted

		AM 201		
ARTICLE 35 - PARAGRAPH 5 - POINT a				
419	(a) products exported to the Union from that third country satisfy the requirements set out in Union harmonisation legislation;	(a) products exported to the Union from that third country satisfy the requirements set out in Union harmonisation legislation;	(a) products exported to the Union from that third country satisfy the requirements set out in Union harmonisation legislation;	Deleted
ARTICLE 35 - PARAGRAPH 5 - POINT -a (new)				
419A		<i>(-a) the third country possesses an efficient verification system of the compliance of the products exported to the Union;</i> AM 202		Deleted
ARTICLE 35 - PARAGRAPH 5 - POINT b				
420	(b) the controls carried out in that third country are sufficiently effective and efficient to replace or reduce the documentary and physical controls laid down in such legislation.	(b) the controls carried out in that third country are sufficiently effective and efficient to replace or reduce the documentary and physical controls laid down in such legislation.	(b) the controls carried out in that third country are sufficiently effective and efficient to replace or reduce the documentary and physical controls laid down in such legislation.	Deleted

ARTICLE 35 - PARAGRAPH 6				
421	6. The approval referred to in paragraph 3 shall specify the competent authority of the third country under whose responsibility the pre-export controls are to be performed and that competent authority shall be the counterpart for all contacts with the Union.	6. The approval referred to in paragraph 3 shall specify the competent authority of the third country under whose responsibility the pre-export controls are to be performed and that competent authority shall be the counterpart for all contacts with the Union.	6. The approval referred to in paragraph 3 shall specify the competent authority of the third country under whose responsibility the pre-export controls are to be performed and that competent authority shall be the counterpart for all contacts with the Union.	6. The approval referred to in paragraph 3 shall specify the competent authority of the third country under whose responsibility the pre-export controls are to be performed and that competent authority shall be the counterpart for all contacts with the Union.
ARTICLE 35 - PARAGRAPH 7				
422	7. The competent authority, referred to in paragraph 6, shall ensure the official verification of the products prior to their entry into the Union.	7. The competent authority, referred to in paragraph 6, shall ensure the official verification of the products prior to their entry into the Union.	7. The competent authority, referred to in paragraph 6, shall ensure the official verification of the products prior to their entry into the Union.	7. The competent authority, referred to in paragraph 6, shall ensure the official verification of the products prior to their entry into the Union.
ARTICLE 35 - PARAGRAPH 8				
423	8. Where controls on products entering the Union market referred to in paragraph 3 reveal significant non-	8. Where controls on products entering the Union market referred to in paragraph 3 reveal significant non-	8. Where controls on products entering the Union market referred to in paragraph 3 reveal significant non-compliance,	8. Where controls on products entering the Union market referred to in paragraph 3 reveal significant non-compliance,

	compliance, the market surveillance authorities shall notify immediately the Commission through the system referred to in Article 34 and increase the number of controls on such products.	compliance, the market surveillance authorities shall notify immediately the Commission through the system referred to in Article 34 and increase the number of controls on such products.	the market surveillance authorities shall notify immediately the Commission through the system referred to in Article 34 and increase the number adapt the level of controls on such products.	the market surveillance authorities shall notify immediately the Commission through the system referred to in Article 34 and increase the number adapt the level of controls on such products.
ARTICLE 35 - PARAGRAPH 8 a (new)				
423 A			8a. The Commission shall adopt implementing acts for the implementation of the to approve each specific system of product-related pre-export controls, referred to in paragraph 3, for specifying a model for the certificates of compliance or verification to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3). (moved from (10))	8a. The Commission shall adopt implementing acts for the implementation of the to approve each specific system of product-related pre-export controls, referred to in paragraph 3, for specifying a model for the certificates of compliance or verification to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3).
ARTICLE 35 - PARAGRAPH 9				
424	9. The Commission shall	9. The Commission shall	9. The Commission shall by	9. The Commission shall regularly monitor the

	withdraw an approval granted under paragraph 3 where it is revealed that the products entering the Union market do not comply with Union harmonisation legislation in a significant number of instances.	<i>regularly monitor the correct functioning of the approval and</i> shall withdraw an approval granted under paragraph 3 where it is revealed that the products entering the Union market do not comply with Union harmonisation legislation in a significant number of instances. <i>The Commission shall immediately inform Member States and the affected third country.</i> AM 203	<u>means of an implementing act</u> withdraw an approval granted under paragraph 3 where it is revealed that the products entering the Union market do not comply with Union harmonisation legislation in a significant number of instances. <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3). The Commission shall inform the affected third country of the outcome of the decision of the committee accordingly.</u>	<u>correct functioning of the approval and</u> , by means of an implementing act withdraw an approval granted under paragraph 3 where it is revealed that the products entering the Union market do not comply with Union harmonisation legislation in a significant number of instances. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63(3). The Commission shall <u>immediately</u> inform the affected third country of the outcome of the decision of the committee accordingly.
ARTICLE 35 - PARAGRAPH 10				
425	10. The Commission shall adopt implementing acts for the implementation of the system of product-related pre-export controls, referred to in paragraph 3, for	10. The Commission shall adopt implementing acts for the implementation of the system of product-related pre-export controls, referred to in paragraph 3, for specifying a model for the	10. The Commission shall adopt implementing acts for the implementation of the system of product-related pre-export controls, referred to in paragraph 3, for specifying a model for the certificates of compliance or	Deleted

	specifying a model for the certificates of compliance or verification to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	certificates of compliance or verification to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	verification to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 63.	
ARTICLE 35 - PARAGRAPH 11 (new)				
425 A			<u>11. The system of product-related pre-export control shall be evaluated in accordance with Article 62(4) in this Regulation.</u>	<u>11. The system of product-related pre-export control shall be evaluated in accordance with Article 62(4) in this Regulation.</u>
CHAPTER IX				
426	Chapter IX Financial provisions	Chapter IX Financial provisions	Chapter IX Financial provisions	Chapter IX Financial provisions
ARTICLE 36				
427	Article 36 Financing activities	Article 36 Financing activities	Article 36 Financing activities	Article 36 Financing activities
ARTICLE 36 - PARAGRAPH 1				

428	1. The Union shall finance performance of the tasks of the Network referred to in Article 34.	1. The Union shall finance performance of the tasks of the Network referred to in Article 34.	1. The Union shall finance performance of the tasks of the Network referred to in Article 34 .	1. The Union shall finance performance of the tasks of the Network referred to in Article 31 and the peer reviews referred to in Article 12b.
ARTICLE 36 - PARAGRAPH 2				
429	2. The Union may finance the following activities in relation to the application of this Regulation:	2. The Union may finance the following activities in relation to the application of this Regulation:	2. The Union may finance the following activities in relation to the application of this Regulation:	2. The Union may finance the following activities in relation to the application of this Regulation:
ARTICLE 36 - PARAGRAPH 2 - POINT a				
430	(a) the functioning of the Product Contact Points referred to in Article 6;	(a) the functioning of the Product Contact Points referred to in Article 6;	(a) the functioning of the Product Contact Points referred to in having duties according to Article 6(2) assigned by Member States;	Maintain Council mandate
ARTICLE 36 - PARAGRAPH 2 - POINT b				
431	(b) the establishment and functioning of Union testing facilities referred to in Article 20;	(b) the establishment and functioning of Union testing facilities referred to in Article 20;	(b) the establishment and functioning provision of Union testing facilities support referred to in Article 20;	(b) the establishment and functioning of Union testing facilities support referred to in Article 20;

ARTICLE 36 - PARAGRAPH 2 - POINT c				
432	(c) the development of instruments of international cooperation referred to in Article 35;	(c) the development of instruments of international cooperation referred to in Article 35;	(c) the development of instruments of international cooperation referred to in Article 35;	(c) the development of instruments of international cooperation referred to in Article 35;
ARTICLE 36 - PARAGRAPH 2 - POINT d				
433	(d) the drawing up and updating of contributions to guidelines on market surveillance;	(d) the drawing up and updating of contributions to guidelines on market surveillance;	(d) the drawing up and updating of contributions to guidelines on market surveillance;	(d) the drawing up and updating of contributions to guidelines on market surveillance;
ARTICLE 36 - PARAGRAPH 2 - POINT e				
434	(e) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	(e) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	(e) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	(e) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;

ARTICLE 36 - PARAGRAPH 2 - POINT f				
435	(f) the implementation of national market surveillance strategies referred to in Article 13 and Member States' and Union market surveillance campaigns;	(f) the implementation of national market surveillance strategies referred to in Article 13 and Member States' and Union market surveillance campaigns;	(f) the implementation of national market surveillance strategies referred to in Article 13 and;	(f) the implementation of national market surveillance strategies referred to in Article 13 and;
ARTICLE 36 - PARAGRAPH 2 - POINT f a (new)				
435 A			(fa) Member States' and Union market surveillance campaigns <u>and similar activities, including means, IT tools and training;</u>	(fa) Member States' and Union market surveillance campaigns <u>and similar activities, including means, IT tools and training;</u>
ARTICLE 36 - PARAGRAPH 2 - POINT f a (new)				
435 B			(fb) <u>the performance of preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes, evaluations,</u>	(fb) <u>the performance of preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of Union harmonisation legislation such as studies, programmes,</u>

			<u>guidelines, comparative analyses, mutual joint visits and visit programmes, exchange of personnel, research work, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work;</u>	<u>evaluations, guidelines, comparative analyses, mutual joint visits and visit programmes, exchange of personnel, research work, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work;</u>
ARTICLE 36 - PARAGRAPH 2 - POINT g				
436	(g) activities carried out under programmes providing technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems amongst interested parties at Union and international levels.	(g) activities carried out under programmes providing technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems amongst interested parties at Union and international levels.	(g) activities carried out under programmes providing technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems amongst interested parties at Union and international levels.	(g) activities carried out under programmes providing technical assistance, cooperation with third countries and the promotion and enhancement of Union market surveillance policies and systems amongst interested parties at Union and international levels.
ARTICLE 36 - PARAGRAPH 3				
437				

	3. The financing of the electronic interface referred to in Article 34(4) shall be shared between the Union and the Member States. The Union shall be responsible for financing the central module and link to the Network. Member States shall be responsible for financing the adaptation of their national systems.	3. The financing of the electronic interface referred to in Article 34(4) shall be shared between the Union and the Member States. The Union shall be responsible for financing the central module and link to the Network. Member States shall be responsible for financing the adaptation of their national systems.	3. The <u>Union shall finance</u> financing of the electronic interface referred to in Article 34(5a) shall be shared between the Union and the Member States. The Union shall be responsible for financing the central module and <u>including</u> link to the Network <u>the development allowing that the system referred to in Article 34 can receive automatic flows of electronic data from national customs systems according to Article 34(5a).</u> Member States shall be responsible for financing the adaptation of their national systems.	3. The <u>Union shall finance</u> financing of the electronic interface referred to in Article 34(5a) shall be shared between the Union and the Member States. The Union shall be responsible for financing the central module and <u>including</u> link to the Network <u>the development allowing that the system referred to in Article 34 can receive automatic flows of electronic data from national customs systems according to Article 34(5a).</u> Member States shall be responsible for financing the adaptation of their national systems.
ARTICLE 36 - PARAGRAPH 3 a (new)				
437 A			<u>3a. The Union shall finance the interface according to Article 34(1b) allowing the exchange of data with national market surveillance systems.</u>	<u>3a. The Union shall finance the interface according to Article 34(1b) allowing the exchange of data with national market surveillance systems.</u>

ARTICLE 36 - PARAGRAPH 4				
438	4. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council , either directly, or by delegating budget implementation tasks to the entities listed in Article 58(1)(c) of that Regulation.	4. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council , either directly, or by delegating budget implementation tasks to the entities listed in Article 58(1)(c) of that Regulation.	4. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council , either directly, or by delegating budget implementation tasks to the entities listed in Article 58(1)(c) of that Regulation.	4. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council , either directly, or by delegating budget implementation tasks to the entities listed in Article 58(1)(c) of that Regulation.
ARTICLE 36 - PARAGRAPH 5				
439	5. 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	5. 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	5. 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.	5. 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

	framework in force.	force.		force.
ARTICLE 36 - PARAGRAPH 6				
440	6. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses relating to preparatory work, monitoring, control, audit and evaluation activities which are required for the management of the activities set out in this Regulation and for the achievement of their objectives. These expenses shall include the costs of conducting studies, arranging meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union insofar as far as	6. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses relating to preparatory work, monitoring, control, audit and evaluation activities which are required for the management of the activities set out in this Regulation and for the achievement of their objectives. These expenses shall include the costs of conducting studies, arranging meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union insofar as far as they are related to the general objectives of market	6. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses relating to preparatory work, monitoring, control, audit and evaluation activities which are required for the management of the activities set out in this Regulation and for the achievement of their objectives. These expenses shall include the costs of conducting studies, arranging meetings of experts, information and communication actions activities , including corporate communication of the political priorities of the Union insofar as far as they are related to the general objectives of market surveillance activities, expenses linked to	6. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses relating to preparatory work, monitoring, control, audit and evaluation activities which are required for the management of the activities set out in this Regulation and for the achievement of their objectives. These expenses shall include the costs of conducting studies, arranging meetings of experts, information and communication actions activities , including corporate communication of the political priorities of the Union insofar as far as they are related to the

	they are related to the general objectives of market surveillance activities, expenses linked to information technology networks focusing on information processing and exchange together with all other related technical and administrative assistance expenses incurred by the Commission.	surveillance activities, expenses linked to information technology networks focusing on information processing and exchange together with all other related technical and administrative assistance expenses incurred by the Commission.	information technology networks focusing on information processing and exchange together with all other related technical and administrative assistance expenses incurred by the Commission.	general objectives of market surveillance activities, expenses linked to information technology networks focusing on information processing and exchange together with all other related technical and administrative assistance expenses incurred by the Commission.
ARTICLE 37				
441	Article 37 Protection of the Union's financial interests of the Union	Article 37 Protection of the Union's financial interests of the Union	Article 37 Protection of the Union's financial interests of the Union	Article 37 Protection of the Union's financial interests of the Union
ARTICLE 37 - PARAGRAPH 1				
442	1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the	1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial	1. The Commission shall take appropriate measures to ensure that, when actions activities financed under this Regulation are implemented, the financial	1. The Commission shall take appropriate measures to ensure that, when actions 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 controls and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective controls and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective controls and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective controls and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.
ARTICLE 37 - PARAGRAPH 2				
443	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	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.

	funds under this Regulation.			
ARTICLE 37 - PARAGRAPH 3				
444	<p>3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot controls and inspections, in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 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.</p>	<p>3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot controls and inspections, in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 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.</p>	<p>3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot controls and inspections, in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 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.</p>	<p>3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot controls and inspections, in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 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.</p>

ARTICLE 37 - PARAGRAPH 4				
445	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.
CHAPTER X				
446	Chapter X Final provisions	Chapter X Final provisions	Chapter X Final provisions	Chapter X Final provisions
ARTICLE 38				

447	Article 38 Applicability of Regulation (EC) 765/2008 and amendments to Union harmonisation legislation	Article 38 <i>Amendments to</i> Regulation (EC) 765/2008 AM 204	Article 38 Applicability of Regulation (EC) 765/2008 and amendments to Union harmonisation legislation	Agreement in principle on Rows 447-536 (Council's text) with a condition of mentioning a future review of the scope of the Regulation in revision clause/recital
ARTICLE 38 - PARAGRAPH				
448	Articles 15 to 29 of Regulation (EC) 765/2008 shall not apply to Union harmonisation legislation set out in the Annex.	Articles 15 to 29 of Regulation (EC) 765/2008 <i>are deleted.</i> AM 205	Articles 15 to 29 of Regulation (EC) 765/2008 shall not apply to Union harmonisation legislation set out in the Annex.	
ARTICLE 39				
449	Article 39 Amendments to Directive 2004/42/EC	Article 39 Amendments to Directive 2004/42/EC	Article 39 Amendments to Directive 2004/42/EC	
ARTICLE 39 - PARAGRAPH				
450	Articles 6 and 7 of Directive 2004/42/EC	Articles 6 and 7 of Directive 2004/42/EC are	Articles 6 and 7 of Directive 2004/42/EC are deleted	

	are deleted	deleted		
ARTICLE 39a (new)				
450 A			<p><u>Article 39a</u></p> <p><u>Amendments to Regulation (EC) No 765/2008</u></p>	
ARTICLE 39a – PARAGRAPH 1 (new)				
450 B			<p><u>1. The words in the title "and market surveillance relating to the marketing of products", Articles 1(2), 1(3), 2(1), (2), (14), (15), (17) to (19), Articles 15 to 29, the words "and market surveillance" in Article 32(1)(c) and Article 32(1)(d) and Article 32(1)(e), the words "and market surveillance activities" and ", as well as European market surveillance campaigns and similar activities" in Article 32(1)(g) of</u></p>	

			<u>Regulation (EC) No 765/2008 are deleted.</u>	
ARTICLE 39a – PARAGRAPH 2 (new)				
450 C			<u>2. References to the repealed articles shall be construed as references to the respective articles of this Regulation and shall be read in accordance with the correlation table in Annex III.</u>	
ARTICLE 40				
451	Article 40 Amendments to Directive 2009/48/EC	Article 40 Amendments to Directive 2009/48/EC	Article 40 Amendments to Directive 2009/48/EC	
ARTICLE 40 - PARAGRAPH				
452	Directive 2009/48/EC is amended as follows:	Directive 2009/48/EC is amended as follows:	Directive 2009/48/EC is amended as follows:	
ARTICLE 40 - PARAGRAPH - POINT 1				
453	(1) Article 40 is deleted;	(1) Article 40 is deleted;	(1) Article 40 is deleted;	

ARTICLE 40 - PARAGRAPH - POINT 2				
454	(2) In Article 42, paragraph 1 is deleted;	(2) In Article 42, paragraph 1 is deleted;	(2) In Article 42, paragraph 1 is deleted;	
ARTICLE 40 - PARAGRAPH - POINT 3				
455	(3) Article 44 is deleted.	(3) Article 44 is deleted.	(3) Article 44 is deleted.	
ARTICLE 41				
456	Article 41 Amendments to Directive 2010/35/EU	Article 41 Amendments to Directive 2010/35/EU	Article 41 Amendments to Directive 2010/35/EU	
ARTICLE 41 - PARAGRAPH				
457	Directive 2010/35/EU is amended as follows:	Directive 2010/35/EU is amended as follows:	Directive 2010/35/EU is amended as follows:	
ARTICLE 41 - PARAGRAPH - POINT 1				
458	(1) Article 16 is deleted;	(1) Article 16 is deleted;	(1) Article 16 is deleted;	
ARTICLE 40 - PARAGRAPH - POINT 2				
459	(2) In Article 30, paragraph 1 is deleted.	(2) In Article 30, paragraph 1 is deleted.	(2) In Article 30, paragraph 1 is deleted.	

ARTICLE 42				
460	Article 42 Amendments to Regulation (EU) No 305/2011	Article 42 Amendments to Regulation (EU) No 305/2011	Article 42 Amendments to Regulation (EU) No 305/2011	
ARTICLE 42 - PARAGRAPH				
461	In Article 56 of Regulation (EU) No 305/2011, paragraph 1 is deleted.	In Article 56 of Regulation (EU) No 305/2011, paragraph 1 is deleted.	In <u>the first subparagraph of Article 56(1) of (EU) No 305/2011, paragraph 1</u> <u>the words "have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they"</u> is <u>are</u> deleted.	
ARTICLE 43				
462	Article 43 Amendments to Regulation (EU) No 528/2012	Article 43 Amendments to Regulation (EU) No 528/2012	Article 43 Amendments to Regulation (EU) No 528/2012	
ARTICLE 43 - PARAGRAPH				
463	In Article 65 of	In Article 65 of Regulation	In Article 65 of Regulation	

	Regulation (EU) No 528/212 of the European Parliament and of the Council, the second sentence of paragraph 1 is replaced by the following:	(EU) No 528/212 of the European Parliament and of the Council, the second sentence of paragraph 1 is replaced by the following:	(EU) No 528/212 of the European Parliament and of the Council, the second sentence of paragraph 1 is replaced by the following:	
ARTICLE 43 - PARAGRAPH				
464	'Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council* shall apply accordingly.'	'Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council* shall apply accordingly.'	'Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council* shall apply accordingly.'	
ARTICLE 43 - PARAGRAPH				
465	* Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council of [Please insert date and full title of this Regulation and the OJ reference in brackets].	* Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council of [Please insert date and full title of this Regulation and the OJ reference in brackets].	* Regulation (EU) 2018/[XX Please insert number of this Regulation] of the European Parliament and of the Council of [Please insert date and full title of this Regulation and the OJ reference in brackets].	

ARTICLE 44				
466	Article 44 Amendments to Directive 2013/29/EU	Article 44 Amendments to Directive 2013/29/EU	Article 44 Amendments to Directive 2013/29/EU	
ARTICLE 44 - PARAGRAPH				
467	Directive 2013/29/EU is amended as follows:	Directive 2013/29/EU is amended as follows:	Directive 2013/29/EU is amended as follows:	
ARTICLE 44 - PARAGRAPH - POINT 1				
468	(1) In Article 38, paragraph 2 is deleted;	(1) In Article 38, paragraph 2 is deleted;	(1) In Article 38, paragraph 2 is deleted;	
ARTICLE 44 - PARAGRAPH - POINT 2				
469	(2) In Article 39(1), the fourth subparagraph is deleted.	(2) In Article 39(1), the fourth subparagraph is deleted.	(2) In Article 39(1), the fourth subparagraph is deleted.	
ARTICLE 45				
470	Article 45 Amendments to Directive 2013/53/EU	Article 45 Amendments to Directive 2013/53/EU	Article 45 Amendments to Directive 2013/53/EU	

ARTICLE 45 - PARAGRAPH				
471	Directive 2013/53/EU is amended as follows:	Directive 2013/53/EU is amended as follows:	Directive 2013/53/EU is amended as follows:	
ARTICLE 45 - PARAGRAPH - POINT 1				
472	(1) Article 43 is deleted;	(1) Article 43 is deleted;	(1) Article 43 is deleted;	
ARTICLE 45 - PARAGRAPH - POINT 2				
473	(2) In Article 44(1), the fifth subparagraph is deleted.	(2) In Article 44(1), the fifth subparagraph is deleted.	(2) In Article 44(1), the fifth subparagraph is deleted.	
ARTICLE 46				
474	Article 46 Amendments to Directive 2014/28/EU	Article 46 Amendments to Directive 2014/28/EU	Article 46 Amendments to Directive 2014/28/EU	
ARTICLE 46 - PARAGRAPH				
475	Directive 2014/28/EU is amended as follows:	Directive 2014/28/EU is amended as follows	Directive 2014/28/EU is amended as follows	
ARTICLE 46 - PARAGRAPH - POINT 1				

476	(1) In Article 41, the first paragraph is deleted;	(1) In Article 41, the first paragraph is deleted;	(1) In Article 41, the first paragraph is deleted;	
ARTICLE 46 - PARAGRAPH - POINT 2				
477	(2) In Article 42(1), the fourth subparagraph is deleted.	(2) In Article 42(1), the fourth subparagraph is deleted.	(2) In Article 42(1), the fourth subparagraph is deleted.	
ARTICLE 47				
478	Article 47 Amendments to Directive 2014/29/EU	Article 47 Amendments to Directive 2014/29/EU	Article 47 Amendments to Directive 2014/29/EU	
ARTICLE 47 - PARAGRAPH				
479	Directive 2014/29/EU is amended as follows:	Directive 2014/29/EU is amended as follows:	Directive 2014/29/EU is amended as follows:	
ARTICLE 47 - PARAGRAPH - POINT 1				
480	(1) Article 34 is deleted;	(1) Article 34 is deleted	(1) Article 34 is deleted	
ARTICLE 47 - PARAGRAPH - POINT 2				
481	(2) In Article 35(1), the	(2) In Article 35(1), the	(2) In Article 35(1), the	

	fourth subparagraph is deleted.	fourth subparagraph is deleted	fourth subparagraph is deleted	
ARTICLE 48				
482	Article 48 Amendments to Directive 2014/30/EU	Article 48 Amendments to Directive 2014/30/EU	Article 48 Amendments to Directive 2014/30/EU	
ARTICLE 48 - PARAGRAPH				
483	Directive 2014/30/EU is amended as follows:	Directive 2014/30/EU is amended as follows:	Directive 2014/30/EU is amended as follows:	
ARTICLE 48 - PARAGRAPH - POINT 1				
484	(1) Article 37 is deleted;	(1) Article 37 is deleted;	(1) Article 37 is deleted;	
ARTICLE 48 - PARAGRAPH - POINT 2				
485	(2) In Article 38(1), the fourth subparagraph is deleted.	(2) In Article 38(1), the fourth subparagraph is deleted.	(2) In Article 38(1), the fourth subparagraph is deleted.	
ARTICLE 49				
486	Article 49	Article 49	Article 49	

	Amendments to Directive 2014/31/EU	Amendments to Directive 2014/31/EU	Amendments to Directive 2014/31/EU	
ARTICLE 49 - PARAGRAPH				
487	Directive 2014/31/EU is amended as follows:	Directive 2014/31/EU is amended as follows:	Directive 2014/31/EU is amended as follows:	
ARTICLE 49 - PARAGRAPH - POINT 1				
488	(1) Article 36 is deleted;	(1) Article 36 is deleted;	(1) Article 36 is deleted;	
ARTICLE 49 - PARAGRAPH - POINT 2				
489	(2) In Article 37(1), the fourth subparagraph is deleted.	(2) In Article 37(1), the fourth subparagraph is deleted.	(2) In Article 37(1), the fourth subparagraph is deleted.	
ARTICLE 50				
490	Article 50 Amendments to Directive 2014/32/EU	Article 50 Amendments to Directive 2014/32/EU	Article 50 Amendments to Directive 2014/32/EU	
ARTICLE 50 - PARAGRAPH				
491	Directive 2014/32/EU is amended as follows:	Directive 2014/32/EU is amended as follows:	Directive 2014/32/EU is amended as follows:	

ARTICLE 50 - PARAGRAPH - POINT 1				
492	(1) Article 41 is deleted;	(1) Article 41 is deleted;	(1) Article 41 is deleted;	
ARTICLE 50 - PARAGRAPH - POINT 2				
493	(2) In Article 42(1), the fourth subparagraph is deleted.	(2) In Article 42(1), the fourth subparagraph is deleted.	(2) In Article 42(1), the fourth subparagraph is deleted.	
ARTICLE 51				
494	Article 51 Amendments to Directive 2014/33/EU	Article 51 Amendments to Directive 2014/33/EU	Article 51 Amendments to Directive 2014/33/EU	
ARTICLE 51 - PARAGRAPH				
495	Directive 2014/33/EU is amended as follows:	Directive 2014/33/EU is amended as follows:	Directive 2014/33/EU is amended as follows:	
ARTICLE 51 - PARAGRAPH - POINT 1				
496	(1) Article 37 is deleted;	(1) Article 37 is deleted;	(1) Article 37 is deleted;	

ARTICLE 51 - PARAGRAPH - POINT 2				
497	(2) In Article 38(1), the fifth subparagraph is deleted.	(2) In Article 38(1), the fifth subparagraph is deleted.	(2) In Article 38(1), the fifth subparagraph is deleted.	
ARTICLE 52				
498	Article 52 Amendments to Directive 2014/34/EU	Article 52 Amendments to Directive 2014/34/EU	Article 52 Amendments to Directive 2014/34/EU	
ARTICLE 52 - PARAGRAPH				
499	Directive 2014/34/EU is amended as follows:	Directive 2014/34/EU is amended as follows:	Directive 2014/34/EU is amended as follows:	
ARTICLE 52 - PARAGRAPH - POINT 1				
500	(1) Article 34 is deleted;	(1) Article 34 is deleted;	(1) Article 34 is deleted;	
ARTICLE 52 - PARAGRAPH - POINT 2				
501	(2) In Article 35(1), the fourth subparagraph is deleted.	(2) In Article 35(1), the fourth subparagraph is deleted.	(2) In Article 35(1), the fourth subparagraph is deleted.	

ARTICLE 53				
502	Article 53 Amendments to Directive 2014/35/EU	Article 53 Amendments to Directive 2014/35/EU	Article 53 Amendments to Directive 2014/35/EU	
ARTICLE 53 - PARAGRAPH				
503	Directive 2014/35/EU is amended as follows:	Directive 2014/35/EU is amended as follows:	Directive 2014/35/EU is amended as follows:	
ARTICLE 53 - PARAGRAPH - POINT 1				
504	(1) Article 18 is deleted;	(1) Article 18 is deleted;	(1) Article 18 is deleted;	
ARTICLE 53 - PARAGRAPH - POINT 2				
505	(2) In Article 19(1), the third subparagraph is deleted.	(2) In Article 19(1), the third subparagraph is deleted.	(2) In Article 19(1), the third subparagraph is deleted.	
ARTICLE 54				
506	Article 54 Amendments to	Article 54 Amendments to Directive	Article 54 Amendments to Directive	

	Directive 2014/53/EU	2014/53/EU	2014/53/EU	
ARTICLE 54 - PARAGRAPH				
507	Directive 2014/53/EU is amended as follows:	Directive 2014/53/EU is amended as follows:	Directive 2014/53/EU is amended as follows:	
ARTICLE 54 - PARAGRAPH - POINT 1				
508	(1) Article 39 is deleted;	(1) Article 39 is deleted;	(1) Article 39 is deleted;	
ARTICLE 54 - PARAGRAPH - POINT 2				
509	(2) In Article 40(1), the fourth subparagraph is deleted.	(2) In Article 40(1), the fourth subparagraph is deleted.	(2) In Article 40(1), the fourth subparagraph is deleted.	
ARTICLE 55				
510	Article 55 Amendments to Directive 2014/68/EU	Article 55 Amendments to Directive 2014/68/EU	Article 55 Amendments to Directive 2014/68/EU	
ARTICLE 55 - PARAGRAPH				
511	Directive 2014/68/EU is amended as follows:	Directive 2014/68/EU is amended as follows:	Directive 2014/68/EU is amended as follows:	

ARTICLE 55 - PARAGRAPH - POINT 1				
512	(1) Article 39 is deleted;	(1) Article 39 is deleted;	(1) Article 39 is deleted;	
ARTICLE 55 - PARAGRAPH - POINT 2				
513	(2) In Article 40(1), the third subparagraph is deleted.	(2) In Article 40(1), the third subparagraph is deleted.	(2) In Article 40(1), the third subparagraph is deleted.	
ARTICLE 56				
514	Article 56 Amendments to Directive 2014/90/EU	Article 56 Amendments to Directive 2014/90/EU	Article 56 Amendments to Directive 2014/90/EU	
ARTICLE 56 - PARAGRAPH				
515	Directive 2014/90/EU is amended as follows:	Directive 2014/90/EU is amended as follows:	Directive 2014/90/EU is amended as follows:	
ARTICLE 56 - PARAGRAPH - POINT 1				
516	(1) In Article 12, paragraph 10 is deleted;	(1) In Article 12, paragraph 10 is deleted;	(1) In Article 12, paragraph 10 is deleted;	
ARTICLE 56 - PARAGRAPH - POINT 2				

517	(2) In Article 25, paragraph 1 is replaced by the following:	(2) In Article 25, paragraph 1 is replaced by the following:	(2) In Article 25, paragraph 1 is replaced by the following:	
ARTICLE 56 - PARAGRAPH - POINT 2				
518	'As regards marine equipment, the Member States shall undertake market surveillance in accordance with the EU market surveillance framework laid down in Regulation [number of the new Enforcement Regulation], subject to paragraph 2 and 3 of this Article.'	'As regards marine equipment, the Member States shall undertake market surveillance in accordance with the EU market surveillance framework laid down in Regulation [number of the new Enforcement Regulation], subject to paragraph 2 and 3 of this Article.'	'As regards marine equipment, the Member States shall undertake market surveillance in accordance with the EU market surveillance framework laid down in Regulation [number of the new Enforcement Regulation], subject to paragraph 2 and 3 of this Article.'	
ARTICLE 56 - PARAGRAPH - POINT 3				
519	(3) In Article 25, paragraph 4 is deleted;	(3) In Article 25, paragraph 4 is deleted;	(3) In Article 25, paragraph 4 is deleted;	
ARTICLE 56 - PARAGRAPH - POINT 4				
520	(4) In Article 26(1), the fourth subparagraph is	(4) In Article 26(1), the fourth subparagraph is	(4) In Article 26(1), the fourth subparagraph is	

	deleted.	deleted.	deleted.	
ARTICLE 57				
521	Article 57 Amendments to Regulation (EU) 2016/424	Article 57 Amendments to Regulation (EU) 2016/424	Article 57 Amendments to Regulation (EU) 2016/424	
ARTICLE 57 - PARAGRAPH				
522	Regulation (EU) 2016/424 is amended as follows:	Regulation (EU) 2016/424 is amended as follows:	Regulation (EU) 2016/424 is amended as follows:	
ARTICLE 57 - PARAGRAPH- POINT 1				
523	(1) Article 39 is deleted;	(1) Article 39 is deleted;	(1) Article 39 is deleted;	
ARTICLE 57 - PARAGRAPH- POINT 2				
524	(2) In Article 40(1), the fourth subparagraph is deleted.	(2) In Article 40(1), the fourth subparagraph is deleted.	(2) In Article 40(1), the fourth subparagraph is deleted.	
ARTICLE 58				
525	Article 58	Article 58	Article 58	

	Amendments to Regulation (EU) 2016/425	Amendments to Regulation (EU) 2016/425	Amendments to Regulation (EU) 2016/425	
ARTICLE 57 - PARAGRAPH				
526	Regulation (EU) 2016/425 is amended as follows:	Regulation (EU) 2016/425 is amended as follows:	Regulation (EU) 2016/425 is amended as follows:	
ARTICLE 57 - PARAGRAPH - POINT 1				
527	(1) Article 37 is deleted;	(1) Article 37 is deleted;	(1) Article 37 is deleted;	
ARTICLE 57 - PARAGRAPH - POINT 2				
528	(2) In Article 38(1), the fourth subparagraph is deleted.	(2) In Article 38(1), the fourth subparagraph is deleted.	(2) In Article 38(1), the fourth subparagraph is deleted.	
ARTICLE 59				
529	Article 59 Amendments to Regulation (EU) 2016/426	Article 59 Amendments to Regulation (EU) 2016/426	Article 59 Amendments to Regulation (EU) 2016/426	

ARTICLE 59 - PARAGRAPH				
530	Regulation (EU) 2016/426 is amended as follows:	Regulation (EU) 2016/426 is amended as follows:	Regulation (EU) 2016/426 is amended as follows:	
ARTICLE 59 - PARAGRAPH - POINT 1				
531	(1) Article 36 is deleted;	(1) Article 36 is deleted;	(1) Article 36 is deleted;	
ARTICLE 59 - PARAGRAPH - POINT 2				
532	(2) In Article 37(1), the fourth subparagraph is deleted.	(2) In Article 37(1), the fourth subparagraph is deleted.	(2) In Article 37(1), the fourth subparagraph is deleted.	
ARTICLE 60				
533	Article 60 Amendments to Regulation (EU) 2017/1369	Article 60 Amendments to Regulation (EU) 2017/1369	Article 60 Amendments to Regulation (EU) 2017/1369	
ARTICLE 60 - PARAGRAPH				
534	Regulation (EU) 2017/1369 is amended as follows:	Regulation (EU) 2017/1369 is amended as follows:	Regulation (EU) 2017/1369 is amended as follows:	

ARTICLE 60 - PARAGRAPH - POINT 1				
535	(1) In Article 8, paragraphs 1 and 3 are deleted;	(1) In Article 8, paragraphs 1 and 3 are deleted;	(1) In Article 8, paragraphs 1 and 3 are deleted;	
ARTICLE 60 - PARAGRAPH - POINT 2				
536	(2) In Article 9(2), the second subparagraph is deleted.	(2) In Article 9(2), the second subparagraph is deleted.	(2) In Article 9(2), the second subparagraph is deleted.	
CHAPTER XI				
537	Chapter XI Penalties, evaluation, committee procedure and entry into force and application	Chapter XI Penalties, evaluation, committee procedure and entry into force and application	Chapter XI Penalties, evaluation, committee procedure and entry into force and application	
ARTICLE 61				
538	Article 61 Penalties	Article 61 Penalties	Article 61 Penalties	
ARTICLE 61 - PARAGRAPH 1				
539	1. The Member States	1. The Member States shall	1. The Member States shall	Maintain Council mandate

	<p>shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation that impose obligations on economic operators and to infringements of provisions of any Union harmonisation legislation on products covered by this Regulation that impose obligations on economic operators where that legislation does not provide for penalties, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. The Member States shall notify those provisions to Commission, by [31 March 2020], notify the Commission of those rules and of those</p>	<p>lay down the rules on penalties applicable to infringements of the provisions of this Regulation that impose obligations on economic operators and to infringements of provisions of any Union harmonisation legislation on products covered by this Regulation that impose obligations on economic operators where that legislation does not provide for penalties, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. The Member States shall notify those provisions to Commission, by [31 March 2020], notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.</p>	<p>lay down the rules on penalties applicable to infringements of the provisions of this Regulation that impose obligations on economic operators and to infringements of provisions of and of any Union harmonisation legislation on products covered by this Regulation listed in Annex II that impose obligations on economic operators where that legislation does not provide for penalties, and shall take all measures necessary to ensure that they are implemented according to national legislation.</p>	
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	measures and shall notify it without delay of any subsequent amendment affecting them.			
ARTICLE 61 - PARAGRAPH 1a (new)				
539 A			1a. The penalties provided for shall be effective, proportionate and dissuasive.	Maintain Council mandate
ARTICLE 61 - PARAGRAPH 1b (new)				
539 B			1b. The Member States shall notify those provisions to <u>the Commission, where they have not previously been notified,</u> by [31 March 2020] <u>[insert date three months after date of application according to Article 64],</u> notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.	Maintain Council mandate
ARTICLE 61 - PARAGRAPH 2				
540				

	2. When a decision is being made whether to impose a penalty in each individual case, due regard shall be given to the following:	2. When a decision is being made whether to impose a penalty in each individual case, due regard shall be given to the following:	2. When a decision is being made whether to impose a penalty in each individual case, due regard shall be given to the following:	Maintain Council mandate
ARTICLE 61 - PARAGRAPH 2 - POINT a				
541	<i>(a) the financial situation of small and medium-sized enterprises;</i>	deleted AM 206	(a) the financial situation of small and medium-sized enterprises;	
ARTICLE 61 - PARAGRAPH 2 - POINT b				
542	(b) the nature, gravity and duration of the non-compliance taking into account the harm caused to end-users;	(b) the nature, gravity and duration of the non-compliance taking into account the harm caused to end-users <i>or to public interests protected by the relevant Union harmonisation legislation;</i> AM 207	(b) the nature, gravity and duration of the non-compliance taking into account the harm caused to end-users;	
ARTICLE 61 - PARAGRAPH 2 - POINT c				
543	(c) the intentional or negligent character of the infringement;	(c) the intentional or negligent character of the infringement;	(c) the intentional or negligent character of the infringement;	

ARTICLE 61 - PARAGRAPH 2 - POINT d				
544	(d) the level of cooperation shown by the economic operator during the period of the investigation carried out by the market surveillance authorities;	(d) the level of cooperation shown by the economic operator during the period of the investigation carried out by the market surveillance authorities;	(d) the level of cooperation shown by the economic operator during the period of the investigation carried out by the market surveillance authorities;	
ARTICLE 61 - PARAGRAPH 2 - POINT e				
545	(e) any relevant similar infringements previously committed by the economic operator.	(e) any relevant similar infringements previously committed by the economic operator.	(e) any relevant similar infringements previously committed by the economic operator.	
ARTICLE 61 - PARAGRAPH 2 - POINT e a (new)				
545A		<i>(ea) the financial situation of small and medium-sized enterprises.</i> AM 208		
ARTICLE 61 - PARAGRAPH 3				
546	3. The penalties may be increased where the	3. The penalties may be increased where the	3. The penalties may be increased where the	

	economic operator has previously committed a similar infringement and may include criminal penalties for serious infringements of Union harmonisation legislation.	economic operator has previously committed a similar infringement and may include criminal penalties for serious infringements of Union harmonisation legislation.	economic operator has previously committed a similar infringement and may include criminal penalties for serious infringements of Union harmonisation legislation.	
ARTICLE 61 - PARAGRAPH 4				
547	4. The Member States shall ensure that financial penalties for intentional infringements of Union harmonisation legislation shall as a minimum offset the economic advantage arising from the infringement.	4. The Member States shall ensure that financial penalties for intentional infringements of Union harmonisation legislation shall as a minimum offset the economic advantage arising from the infringement.	4. The Member States shall ensure that financial penalties for intentional infringements of Union harmonisation legislation shall as a minimum offset the economic advantage arising from the infringement.	
ARTICLE 61 - PARAGRAPH 5				
548	5. Member States shall ensure, in particular, that penalties can be imposed where the economic operator fails or refuses to cooperate during market	5. Member States shall have the possibility not to apply any penalties in cases of minor formal infringements and where the non-compliance is corrected by the economic	5. Member States shall ensure, in particular, that penalties can be imposed where the economic operator fails or refuses to cooperate during market surveillance controls and	

	surveillance controls and activities.	<i>operator in a timely manner. However,</i> Member States shall ensure, in particular, that penalties can be imposed where the economic operator fails or refuses to cooperate during market surveillance controls and activities. AM 209	activities.	
ARTICLE 61 - PARAGRAPH 5 a (new)				
548A		<i>5a. Member States shall ensure, that financial penalties imposed for infringements of Union harmonisation legislation are used for financing further market surveillance activities.</i> AM 210		
ARTICLE 62				
549	Article 62	Article 62	Article 62	Maintain Council mandate

	Evaluation	Evaluation	Evaluation, <u>review and guidelines</u>	
ARTICLE 62 - PARAGRAPH 1				
550	By [31 December 2024] and every five years thereafter, the Commission <i>shall</i> carry out an evaluation of this Regulation against the objectives it pursues and present a report on the main findings to the European Parliament, to the Council and to the European Economic and Social Committee.	<i>By [31 December 2024] and every five years thereafter, the Commission shall carry out an evaluation of this Regulation against the objectives it pursues and present a report on the main findings to the European Parliament, to the Council and to the European Economic and Social Committee.</i> AM 211	<u>1.</u> By [31 December 2024 6] and every five years thereafter, the Commission shall shall carry out an evaluation of this Regulation against the objectives it pursues and present a report on the main findings to the European Parliament, to the Council and to the European Economic and Social Committee.	Maintain Council mandate
ARTICLE 62 - PARAGRAPH 1a (new)				
550 A			<u>1a.</u> The report shall assess whether this Regulation achieved its objectives, in particular with regard to reducing the number of non-compliant products on the	Maintain Council mandate

			<p>Union market, ensuring effective and efficient enforcement of Union harmonisation legislation within the Union, improving cooperation between competent authorities and strengthening the controls on products entering the Union market, whilst taking into account the impact on business and in particular on small and medium-sized enterprises. In addition, the evaluation should also assess the effectiveness of the market surveillance activities that receive Union financing in the light of the requirements of Union policies and legislation <u>and the possibilities to further improve the cooperation between the market surveillance institutions and custom authorities.</u></p>	
ARTICLE 62 - PARAGRAPH 1b (new)				
550 B			<p><u>1b. Two years after the date of application of this Regulation, the</u></p>	Maintain Council mandate

			<u>Commission shall prepare an evaluation report on the implementation of the provisions on Article 4. The report shall particularly evaluate the scope of application of this Article, its effects and the costs and benefits of the related provisions. The report shall be accompanied, where appropriate, by a legislative proposal for its review.</u>	
ARTICLE 62 - PARAGRAPH 2				
551	The report shall assess whether this Regulation achieved its objectives, in particular with regard to reducing the number of non-compliant products on the Union market, ensuring effective and efficient enforcement of Union harmonisation legislation within the Union, improving cooperation between	The report shall assess whether this Regulation achieved its objectives, in particular with regard to reducing the number of non-compliant products on the Union market, ensuring effective and efficient enforcement of Union harmonisation legislation within the Union, improving cooperation between competent authorities and	<u>2. By the latest [four years] after the first approval of a system for product-related pre-export control according to Article 35(3), the Commission shall carry out an evaluation of its effects and cost efficiency. The report shall especially assess whether the product-related pre-export control was useful for market surveillance authorities and improved</u>	Maintain Council mandate

	<p>competent authorities and strengthening the controls on products entering the Union market, whilst taking into account the impact on business and in particular on small and medium-sized enterprises. <i>In addition</i>, the evaluation should also assess the effectiveness of the market surveillance activities that receive Union financing in the light of the requirements of Union policies and legislation.</p>	<p>strengthening the controls on products entering the Union market, whilst taking into account the impact on business and in particular on small and medium-sized enterprises.</p> <p><i>The evaluation shall be carried out, in particular, with a view to assessing the scope of this Regulation, as well as the effectiveness of the provisions of this Regulation with regard to Internet of Things and Artificial Intelligence enabled devices and in light of technological, economic and legal developments.</i></p> <p><i>In addition</i>, The evaluation should also assess the effectiveness of the market surveillance activities that receive Union financing in the light of the requirements of Union policies and legislation <i>as well as explore and</i></p>	<p><u>their preconditions to carry out controls on products from third countries.</u></p> <p><u>(new)</u></p>	
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		<i>propose new market-based solutions that could effectively complement the market surveillance actions.</i>		
		AM 212		
ARTICLE 62 - PARAGRAPH 3 (new)				
551 A			<u>3. In order to facilitate the implementation of this Regulation, the Commission shall draw up guidelines for the practical implementation of Article 4 for the purposes of market surveillance authorities and economic operators, covering in particular the delimitation of fulfilment services.</u>	<u>3. In order to facilitate the implementation of this Regulation, the Commission shall draw up guidelines for the practical implementation of Article 4 for the purposes of market surveillance authorities and economic operators covering in particular the delimitation of fulfilment services.</u>
ARTICLE 62 a (new)				
551B		<i>Article 62a</i> <i>Exercise of the delegation</i> <i>1. The power to adopt delegated acts is conferred</i>		Maintain Council mandate

	<p><i>on the Commission subject to the conditions laid down in this Article.</i></p> <p><i>2. The power to adopt delegated acts referred to in Articles 12b(6), 15(1b) and 26(8a) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p> <p><i>3. The delegation of power referred to in Articles 12b(6), 15(1b) and 26(8a)</i></p>		
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	<p><i>may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></p> <p><i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</i></p> <p><i>5. As soon as it adopts a delegated act, the Commission shall notify it</i></p>		
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		<p><i>simultaneously to the European Parliament and to the Council.</i></p> <p><i>6. A delegated act adopted pursuant to Articles 12b(6), 15(1b) and 26(8a) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</i></p> <p>AM 213</p>		
ARTICLE 63				
552				

	Article 63 Committee procedure	Article 63 Committee procedure	Article 63 Committee procedure	Article 63 Committee procedure
ARTICLE 63 - PARAGRAPH 1				
553	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.
ARTICLE 63 - PARAGRAPH 2				
554	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.
ARTICLE 63 - PARAGRAPH 3				
555			<u>3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall</u>	Maintain Council mandate

			<u>apply.</u>	
ARTICLE 64				
556	Article 64 Entry into force and application	Article 64 Entry into force and application	Article 64 Entry into force and application	
ARTICLE 64 - PARAGRAPH				
557	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
ARTICLE 64 - PARAGRAPH				
558	It shall apply from [1 January 2020].	It shall apply from [1 January 2020].	It shall apply from [1 January 2020] <u>2 years after entering into force.</u>	Maintain Council mandate
ARTICLE 64 - PARAGRAPH				
559	This Regulation shall be binding in its entirety and directly applicable in all	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.

	Member States.			
FORMULA				
560	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
FORMULA				
561	For the European Parliament,	For the European Parliament,	For the European Parliament,	For the European Parliament,
FORMULA				
562	The President	The President	The President	The President
FORMULA				
563	For the Council,	For the Council,	For the Council,	For the Council,
FORMULA				
564	The President	The President	The President	The President

ANNEX				
565	List of Union harmonisation legislation		List of Union harmonisation legislation	Agreement in principle on Annexes I, II and III (Council's text) with a condition of mentioning

				a future review of the scope of the Regulation in revision clause/recital
566	1. Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 599);		1. Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 599);	
567	2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 042 , 23.02.1970, p. 16-20);		2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 042 , 23.02.1970, p. 16-20);	
568	3. Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States		3. Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating	

	relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14–20);		to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14–20);	
569	4. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40–47);		4. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40–47);	
570	5. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1–11);		5. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1–11);	
571	6. Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws		6. Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of	

	of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (OJ L 39, 15.2.1980, p. 40–50);		the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (OJ L 39, 15.2.1980, p. 40–50);	
572	7. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17–28);		7. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17–28);	
573	8. Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37–41);		8. Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37–41);	

574	9. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23);		9. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23);	
575	10. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58–68);		10. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58–68);	
576	11. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use		11. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1–78);	

	outdoors (OJ L 162, 3.7.2000, p. 1–78);			
577	12. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34–43);		12. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34–43);	
578	13. Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1–194);		13. Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1–194);	
579	14. Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ L 47, 18.2.2004, p. 1–10);		14. Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ L 47, 18.2.2004, p. 1–10);	
580	15. Regulation (EC) No		15. Regulation (EC) No	

	552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) (OJ L 96, 31.3.2004, p. 26–42);		552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) (OJ L 96, 31.3.2004, p. 26–42);	
581	16. Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 8.4.2004, p. 1–35);		16. Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 8.4.2004, p. 1–35);	
582	17. Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7–49);		17. Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7–49);	
583	18. Directive 2004/42/CE of the European		18. Directive 2004/42/CE of the European Parliament and	

	Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 87–96);		of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 87–96);	
584	19. Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community (OJ L 200, 7.6.2004, p. 50–57);		19. Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community (OJ L 200, 7.6.2004, p. 50–57);	
585	20. Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability,		20. Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and	

	recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10–27);		recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10–27);	
586	21. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery (OJ L 157, 9.6.2006, p. 24–86);		21. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery (OJ L 157, 9.6.2006, p. 24–86);	
587	22. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12–18);		22. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12–18);	
588	23. Directive 2006/66/EC of the European Parliament and of the		23. Directive 2006/66/EC of the European Parliament and of the Council of 6	

	<p>Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1–14);</p>		<p>September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1–14);</p>	
589	<p>24. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and</p>		<p>24. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p.1);</p>	

	2000/21/EC (OJ L 396, 30.12.2006, p.1);			
590	25. Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1–16);		25. Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1–16);	
591	26. Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ		26. Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17–20);	

	L 247, 21.9.2007, p. 17–20);			
592	27. Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1–160);		27. Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1–160) <u>Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p.1–218);</u>	

593	28. Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (Codified version) (OJ L 24, 29.1.2008, p. 30–38);		28. Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (Codified version) (OJ L 24, 29.1.2008, p. 30–38);	
594	29. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355);		29. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355);	
595	30. Regulation (EC) No		30. Regulation (EC) No	

	78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC (OJ L 35, 4.2.2009, p. 1–31);		78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC (OJ L 35, 4.2.2009, p. 1–31);	
596	31. Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC (OJ L 35, 4.2.2009, p. 32–46);		31. Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC (OJ L 35, 4.2.2009, p. 32–46);	
597	32. Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both		32. Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and	

	measuring instruments and methods of metrological control (OJ L 106, 28.4.2009, p. 7–24);		methods of metrological control (OJ L 106, 28.4.2009, p. 7–24);	
598	33. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1–37);		33. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1–37);	
599	34. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and		34. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188,	

	2005/78/EC (OJ L 188, 18.7.2009, p. 1–13);		18.7.2009, p. 1–13);	
600	35. Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1–24);		35. Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1–24);	
601	36. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35);		36. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35);	
602	37. Regulation (EC) No		37. Regulation (EC) No	

	1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1–30);		1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1–30);	
603	38. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58);		38. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58);	
604	39. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209);		39. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209);	
605	40. Regulation (EC) No		40. Regulation (EC) No	

	66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19);		66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19);	
606	41. Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment (OJ L 165, 30.6.2010, p. 1–18);		41. Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment (OJ L 165, 30.6.2010, p. 1–18);	
607	42. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43);		42. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43);	
608	43. Directive 2011/65/EU of the European		43. Directive 2011/65/EU of the European Parliament and	

	Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88–110);		of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88–110);	
609	44. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1–64);		44. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1–64);	
610	45. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012		45. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012	

	concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1–123);		concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1–123);	
611	46. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38–71);		46. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38–71);	
612	47. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1–51);		47. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1–51);	
613	48. Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January		48. Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013	

	2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52–128);		on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52–128);	
614	49. Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27–65);		49. Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27–65);	
615	50. Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p. 90–131);		50. Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p. 90–131);	
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	51. Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (OJ L 96, 29.3.2014, p. 1–44);		51. Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (OJ L 96, 29.3.2014, p. 1–44);	
617	52. Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels (OJ L 96, 29.3.2014, p. 45–78);		52. Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels (OJ L 96, 29.3.2014, p. 45–78);	
	53. Directive 2014/30/EU of the European Parliament and of the		53. Directive 2014/30/EU of the European Parliament and of the Council of 26	

618	Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79–106);		February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79–106);	
619	54. Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107–148);		54. Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107–148);	
620	55. Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making		55. Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring	

	available on the market of measuring instruments (OJ L 96, 29.3.2014, p. 149–250);		instruments (OJ L 96, 29.3.2014, p. 149–250);	
621	56. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251–308);		56. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251–308);	
622	57. Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 29.3.2014, p. 309–356);		57. Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 29.3.2014, p. 309–356);	

623	58. Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357–374);		58. Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357–374);	
623 A			<u>58a. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127,</u>	

			<u>29.4.2014, p. 1–38;</u>	
624	59. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62–106);		59. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62–106);	
625	60. Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (OJ L 189, 27.6.2014, p. 164–259);		60. Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (OJ L 189, 27.6.2014, p. 164–259);	
626	61. Directive 2014/90/EU of the European		61. Directive 2014/90/EU of the European Parliament and	

	Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146–185);		of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146–185);	
627	62. Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20.5.2014, p. 195–230);		62. Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20.5.2014, p. 195–230);	
628	63. Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131–195);		63. Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131–195);	

629	64. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC (OJ L 81, 31.3.2016, p. 1–50);		64. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC (OJ L 81, 31.3.2016, p. 1–50);	
630	64. Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51–98);		65. Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51–98);	
631	66. Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 81, 31.3.2016, p. 99–147);		66. Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 81, 31.3.2016, p. 99–147);	

631 A			<p><u>66a. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53–117);</u></p>	
632	<p>67. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing</p>		<p>67. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives</p>	

	Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1–175);		90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1–175);	
633	68. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176–332);		68. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176–332);	
634	69. Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1–21);		69. Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1–21);	
635	70. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July		70. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017	

	2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).’		setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).’	
636				
636 A			<u>71. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council</u>	

			<u>Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122), insofar as the design, production and placing on the market of aircrafts referred to in point (a) and (b) of Article 2(1), where it concerns unmanned aircraft, and their engines, propellers, parts and equipment to control them remotely is concerned.</u>	
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ANNEX II (new)				
636 B			<u>Union harmonisation legislation without provisions on penalties</u>	
636 C			<u>1. Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 599);</u>	
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D			<u>2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 042, 23.02.1970, p. 16-20);</u>	
636 E			<u>3. Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14-20);</u>	
636 F			<u>4. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40-47);</u>	
636 G			<u>5. Council Directive 76/211/EEC of 20 January</u>	

			<u>1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1–11);</u>	
636 H			<u>6. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17–28);</u>	
636 I			<u>7. Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37–41);</u>	

636 J			<u>8. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23);</u>	
636 K			<u>9. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1–78);</u>	
636 L			<u>10. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34–43);</u>	
636				

M			<p><u>11. Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10–27);</u></p>	
636 N			<p><u>12. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12–18);</u></p>	
636 O			<p><u>13. Directive 2007/45/EC of the European Parliament and of the Council of 5 September</u></p>	

			<u>2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17–20);</u>	
636 P			<u>14. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58);</u>	
636 Q			<u>15. Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment (OJ L 165, 30.6.2010, p. 1–18);</u>	
636				

R			<u>16. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43);</u>	
636 S			<u>17. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1–64);</u>	
636 T			<u>18. Directive 2014/90/EU</u>	

			<p><u>of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146–185);</u></p>	
636 U			<p><u>19. Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131–195).</u></p>	