



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 26 November 2013  
(OR. en)**

**16872/13**

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**Interinstitutional Files:  
2013/0049 (COD)  
2013/0048 (COD)**

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**ENT 322  
MI 1077  
CONSOM 204  
CODEC 2718  
COMPET 874  
UD 312  
CHIMIE 128  
COMER 272**

**NOTE**

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From: Presidency

To: Council

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No. prev. doc.: 15786/13

No. Cion doc.: 5892/13 ENT 30 MI 66 CONSOM 15 CODEC 191 COMPET 89 UD 48  
CHIMIE 22 COMER 45  
5890/13 ENT 29 MI 65 CONSOM 14 CODEC 190 COMPET 88 UD 46  
CHIMIE 21 COMER 44

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Subject: **PRODUCT SAFETY AND MARKET SURVEILLANCE PACKAGE**

Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC

Proposal for a Regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council

(Text with EEA relevance)

**- Information from the Presidency**

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## Introduction

1. On 13 February 2013, the Commission submitted to the Council and the European Parliament a package consisting of two proposals for regulations on market surveillance (MSR)<sup>1</sup> and on consumer product safety (CPSR)<sup>2</sup>. The package also includes two communications<sup>3</sup>, notably on a multi-annual plan for the surveillance of products in the Union<sup>4</sup>, and a report on the implementation of Regulation (EC) No 765/2008 on the requirements for accreditation and market surveillance<sup>5</sup>.
2. These proposals were announced by the Commission in its communication on the "Single Market Act II - Together for new growth" of October 2012<sup>6</sup>. In this context it should be recalled that the European Council called on the co-legislators to adopt these legislative acts before the end of the legislative cycle of the current European Parliament.
3. This package was presented by the Commission at the Competitiveness Council of 19 February 2013 which took note of it. It was also presented at the Joint meeting of the Competitiveness and Growth/Consumer Protection and Information Working Parties on 26 February 2013.
4. The Regulation on market surveillance is examined in the Competitiveness and Growth Working Party while the Regulation on product safety is examined in the Working Party on Consumer Protection and Information.
5. In the European Parliament the IMCO committee voted its reports on 17 October 2013. 92 amendments were adopted on the CPSR proposal and 140 on the MSR proposal.

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<sup>1</sup> 5890/13 ENT 29 MI 65 CONSOM 14 CODEC 190 COMPET 88 UD 46 CHIMIE 21  
COMER 44

<sup>2</sup> 5892/13 ENT 30 MI 66 CONSOM 15 CODEC 191 COMPET 89

<sup>3</sup> 5890/13 ADD 4 and 5892/13 ADD 4

<sup>4</sup> 5890/13 ADD 5 and 5892/13 ADD 5

<sup>5</sup> 5890/13 ADD 6

<sup>6</sup> Point 2.4 "Strengthening social entrepreneurship, cohesion and consumer confidence" - key action 11 ("Improve the safety of products circulating in the EU through a revised General Product Safety Directive, a new single Regulation on Market Surveillance and a flanking action plan") of 14536/12 (pages 15, 16 and 19).

## State of play

6. The Working Party on Competitiveness and Growth (Internal Market) met on 12-13 March, 10 and 25 April, 12 June, 4 July, 5 and 19 September, 8-9 and 29 October, 11 and 18 November 2013 to examine the proposal on MSR.
7. The Working Party on Consumer Protection and Information met on 4 and 11 April, 5 and 19 July, 6 and 18 September, 7, 25 and 28 October and 21 November 2013 to examine the proposal on CPSR.
8. Based on the discussions in the above Working Party meetings and written contributions from delegations, the Presidency has prepared compromise texts (cf. doc. 16901/13 and 16902/13). For the time being all delegations maintain scrutiny reservation on both texts until the end of negotiations. Nevertheless, the Presidency considers that these texts reflect the positions of large majority of delegations, as all counterparts made considerable efforts to accommodate the concerns of everyone.
9. However, there is one outstanding political issue in the package which remains unsolved despite several attempts of the Presidency - the issue of country of origin marking (Article 7 of CPSR). This provision was discussed on 19 July, 25 October and 21 November at Working Party level as well as on 25 September and 15 November at Coreper. A number of Member States together with the Commission request mandatory origin marking in order to improve traceability. However, another group of Member States argues that mandatory country of origin provision is not justified and is too burdensome for economic operators. The gap between the two groups could not be bridged. One of the reasons behind such gap could also be the fact that there is no impact assessment on this provision and the delegations were not ready to compromise on this issue without such analysis.
10. As Coreper, on 15 November 2013 refused to give to the Presidency a mandate, informal negotiations with the European Parliament in order to reach a first reading agreement by the end of the legislative cycle of the current European Parliament have not yet started.