



Council of the  
European Union

Brussels, 8 July 2002  
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### DECLASSIFICATION

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Subject: Recommendation for a Council Decision amending the Council Decision of 21 September 1992 and Council Decision of 26 May 1997 and authorising the Commission to open negotiations with certain third countries

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 July 2002**

**10643/02**

**RESTREINT UE**

**ECO 240**

## **"I/A" ITEM NOTE**

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from : General Secretariat  
to : Permanent Representatives Committee/Council  
No. prev. doc. : 8300/92 GATT 73 ECO 171 ENT 92 RESTREINT  
8453/97 ECO 115 RESTREINT  
No. Cion prop. : 8904/02 ECO 152 (SEC(2002)494 final) RESTREINT

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Subject : Recommendation for a Council Decision amending the Council Decision of 21 September 1992 and Council Decision of 26 May 1997 and authorising the Commission to open negotiations with certain third countries

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1. Under cover of a letter dated 7 May 2002, the Commission submitted to the Council a recommendation designed:
  - to authorise the Commission to negotiate Conformity Assessment Agreements with the candidate countries and Mutual Recognition Agreements with countries with whom the Community has concluded Association, Free Trade or Partnership Agreements, and to negotiate amendments to such Agreements already concluded;

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- to amend the negotiating directives authorising the Commission to negotiate mutual recognition agreements<sup>1</sup>, and the guidelines to the Commission for the negotiation of European Conformity Assessment Agreements<sup>2</sup>, in order to bring them into line with recent developments.
2. The Article 133 (MRA) Working Party examined this matter a number of times and, at its meeting on 26 June 2002, agreed to indicate by written procedure any reservations on the texts annexed to this note by 5 July 2002.
3. Since no reservations have been introduced, the Permanent Representatives Committee is invited to propose that the Council, as an "A" item on the agenda of a forthcoming meeting:
- adopt the draft Decision, together with the negotiating directives set out in Annex I to this note;
  - agree to enter in its minutes the statement set out in Annex II.

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<sup>1</sup> doc. 8300/92 GATT 73 ECO 171 ENT 92 RESTREINT

<sup>2</sup> doc. 8453/97 ECO 115 RESTREINT

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ANNEX I

## COUNCIL DECISION

- **authorising the Commission to negotiate an Agreement on Conformity Assessment and Acceptance of Industrial Products with any country having the status of candidate for accession to the European Union**
  
- **authorising the Commission to negotiate Mutual Recognition Agreements with countries with whom the Community has concluded Association, Free Trade or Partnership Agreements**
  
- **authorising the Commission to negotiate amendments to Mutual Recognition Agreements and PECAs already concluded by the European Community**
  
- **amending the negotiating directives set out in Annex to the Council Decision of 21 December 1992 authorising the Commission to negotiate agreements between the EEC and certain third countries on mutual recognition relating to conformity assessment**
  
- **amending the Council Decision of 26 May 1997 addressing guidelines to the Commission for the negotiation of European Conformity Assessment Agreements (ECAAs)**

The Council, on the recommendation of the Commission:

1. authorises the Commission to negotiate Agreements on Conformity Assessment and Acceptance of Industrial Products with Malta and Cyprus, and any other country which obtains the status of candidate for accession to the European Union;

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2. authorises the Commission to negotiate Mutual Recognition Agreements with countries with whom the Community has concluded Association, Free Trade or Partnership Agreements. Agreements may be negotiated on a regional basis as well as bilaterally with individual countries;
3. authorises the Commission to negotiate amendments to all mutual recognition agreements<sup>1</sup> and PECAs<sup>2</sup> concluded by the European Community;
4. amends the negotiating directives set out in the Annex to its Decision of 21 September 1992 as follows:
  - a) Point 4, related to the origin rule, is deleted;
  - b) after point 8, the following point is added:

"Where possible, MRAs may be based on sectional and horizontal rules and requirements similar to those applicable in the Community, and the creation or alignment in partner countries or regions of structures for voluntary standards setting, metrology, product testing, certification and market surveillance similar to or compatible with those of the Community or its Member States.";
5. amends its Decision of 26 May 1997 as follows:

In the first paragraph, "European Conformity Assessment Agreement (ECAAs)" is replaced by "Protocol to the Europe Agreement on Conformity Assessment and Acceptance of Industrial Products (PECAs)." In the second, third and fourth paragraphs, "ECAAs" is replaced by "PECAs".

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<sup>1</sup> Mutual Recognition Agreements have been concluded with Australia, New Zealand, the United States, Canada, Japan, Israel and Switzerland.

<sup>2</sup> Protocols on Conformity Assessment and Acceptance of Industrial Products (PECAs) have been concluded with the Czech Republic, Hungary, Latvia and Lithuania.

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6. The Commission will conduct the negotiations referred to in points 1, 2 and 3, in consultation with the special committee appointed by the Council to assist it in this task and in accordance with the negotiating directives set out in Annex.

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Annex to ANNEX I

## NEGOTIATING DIRECTIVES

Amendments and new MRAs and PECAs referred to in points 1, 2 and 3 of this Decision are made in accordance with the negotiating directives established by the Council Decisions of 21 September 1992 and 26 May 1997, as amended by this Decision, and the Council Decision of 31 October 1994 authorizing the Commission to negotiate a bilateral agreement with Switzerland on mutual recognition in relation to conformity assessment.

Amendments shall be negotiated with a view to removing the origin restrictions, simplifying procedures for the operation of the Agreements, streamlining references to legislation, empowering Joint Committees to add new annexes, extending their coverage to new sectors, and making possible the more effective management and operation of the Agreements.

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### STATEMENT BY THE COMMISSION

"On the occasion of the adoption of the Council Decision authorising the Commission to open negotiations on mutual recognition agreements and to amend agreements already concluded by the Community, the Commission declares that:

- Taking into account the Council Resolution of 24 June 1999 on the management of Agreements on mutual recognition<sup>1</sup>, the Commission will, on a regular basis, submit to the Council reports on the implementation of the existing Mutual Recognition Agreements, taking into account information provided by the Member States.
- The Commission will continue to carry out a priori et a posteriori assessment of agreements negotiated with third countries, in accordance with the Council conclusions of 14 December 2000 implementing the Council Resolution of 24 June 1999<sup>2</sup>.
- The negotiations for any new mutual recognition agreements with third countries and candidate countries as well as the negotiations for new sectoral annexes to the agreements will take into account the lessons learned from existing agreements and their assessment, as well as the guiding principles for mutual recognition agreements<sup>3</sup>.
- The Commission is not currently preparing any recommendation to open negotiations of new MRAs. The recommendation to extend the geographic scope of the 1992 negotiating authorisation is at present intended to make this authorisation consistent with existing Community Association, Free Trade and Partnership Agreements concluded by the Council."

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<sup>1</sup> OJ C 190 of 7.7.1999, p. 2.

<sup>2</sup> OJ C 8 of 11.1.2001, p.1

<sup>3</sup> Commission staff working document on guiding principles of November 2000 and future revisions.