



Plenary sitting

A9-0245/2023

25.7.2023

*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/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 and 2014/68/EU as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency (COM(2022)0462 – C9-0313/2022 – 2022/0280(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Andreas Schwab

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	158
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	162
PROCEDURE – COMMITTEE RESPONSIBLE	163
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	164

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/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 and 2014/68/EU as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency (COM(2022)0462 – C9-0313/2022 – 2022/0280(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0462),
 - having regard to Article 294(2) and Articles 91 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0313/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 December 2022¹,
 - having regard to the opinion of the Committee of the Regions of 8 February 2023²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0245/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 100, 16.3.2023, p. 95.

² OJ C 157, 3.5.2023, p. 82.

Proposal for a directive
Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directives 2000/14/EC,
2006/42/EC, 2010/35/EU, 2013/29/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 and
2014/68/EU as regard emergency
procedures for the conformity assessment,
adoption of common specifications and
market surveillance due to **a Single** Market
emergency
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directives 2000/14/EC,
2010/35/EU, 2013/29/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 and 2014/68/EU
as regard emergency procedures for the
conformity assessment, adoption of
common specifications and market
surveillance due to **an internal** market
emergency
(Text with EEA relevance)

Amendment 2

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) [insert reference to **SMEI**
Regulation] aims to ensure the normal
functioning of the **Single** Market, including
the free movement of goods, services and
persons and guarantee the availability of
crisis-relevant goods and services and
goods and services of strategic importance
to citizens, businesses and public
authorities during a crisis.

Amendment

(1) [insert reference to **IMERA**
Regulation] aims to ensure the normal
functioning of the **internal** market,
including the free movement of goods,
services and persons and **ensure** the
availability of crisis-relevant goods and
services and goods and services of strategic
importance to citizens, businesses and
public authorities during a crisis.

Amendment 3

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The framework established by [insert reference to **SMEI** Regulation] lays down measures, which should be deployed in a coherent, transparent, efficient, proportionate and timely manner, so as to prevent, mitigate and minimise the impact on the functioning of the **Single** Market *that a crisis may cause*.

Amendment

(2) The framework established by [insert reference to **IMERA** Regulation] lays down measures, which should be deployed in a coherent, transparent, efficient, proportionate and timely manner, so as to prevent, mitigate and minimise the impact *a crisis may cause* on the functioning of the **internal** market.

Amendment 4

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) [insert reference to **SMEI** Regulation] lays down a multi-layered mechanism consisting of contingency planning, vigilance *mode* and **Single Market** emergency *mode*.

Amendment

(3) [insert reference to **IMERA** Regulation] lays down a multi-layered mechanism consisting of contingency planning, *and internal market* vigilance and emergency *modes*.

Amendment 5

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) [insert reference to **SMEI** Regulation] lays down rules with the objective of safeguarding the free movement of goods, services and persons in the **Single** Market and to ensure the availability of goods and services that are particularly important also in times of crisis. [insert reference to **SMEI** Regulation] applies to both goods and services.

Amendment

(4) [insert reference to **IMERA** Regulation] lays down rules with the objective of safeguarding the free movement of goods, services and persons in the **internal** market and to ensure the availability of goods and services that are particularly important also in times of crisis. [insert reference to **IMERA** Regulation] applies to both goods and services.

Amendment 6

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) In order to complement, ensure consistency and further enhance the effectiveness of such measures, it is appropriate to ensure that crisis-relevant goods referred to in [insert reference to ***SMEI*** Regulation] may be swiftly placed on the ***Union*** market in order to contribute to addressing and mitigating the disruptions.

Amendment 7

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) A number of EU sectoral legal acts lay down harmonised rules regarding the design, manufacture, conformity assessment and placing on the market of certain products. Such legal acts include Directives 2000/14/EC⁴¹, ***2006/42/EC***⁴², 2010/35/EU⁴³, 2013/29/EU⁴⁴, 2014/28/EU⁴⁵, 2014/29/EU⁴⁶, 2014/30/EU⁴⁷, 2014/31/EU⁴⁸, 2014/32/EU⁴⁹, 2014/33/EU⁵⁰, 2014/34/EU⁵¹, 2014/35/EU⁵², 2014/53/EU⁵³ and 2014/68/EU⁵⁴ of the European Parliament and of the Council. Moreover, most of those legal acts are based on the principles of the new approach to technical harmonisation and are also aligned to the reference provisions laid down by Decision 768/2008/EC EC of the European Parliament and of the Council⁵⁵.

⁴¹ 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

Amendment

(5) In order to complement, ensure consistency and further enhance the effectiveness of such measures, it is appropriate to ensure that crisis-relevant goods referred to in [insert reference to ***IMERA*** Regulation] may be swiftly placed on the ***internal*** market in order to contribute to addressing and mitigating the disruptions.

Amendment

(6) A number of EU sectoral legal acts lay down harmonised rules regarding the design, manufacture, conformity assessment and placing on the market of certain products. Such legal acts include Directives 2000/14/EC⁴¹, 2010/35/EU⁴³, 2013/29/EU⁴⁴, 2014/28/EU⁴⁵, 2014/29/EU⁴⁶, 2014/30/EU⁴⁷, 2014/31/EU⁴⁸, 2014/32/EU⁴⁹, 2014/33/EU⁵⁰, 2014/34/EU⁵¹, 2014/35/EU⁵², 2014/53/EU⁵³ and 2014/68/EU⁵⁴ of the European Parliament and of the Council. Moreover, most of those legal acts are based on the principles of the new approach to technical harmonisation and are also aligned to the reference provisions laid down by Decision 768/2008/EC EC of the European Parliament and of the Council⁵⁵.

⁴¹ 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).

⁴² Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

⁴³ Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

⁴⁴ 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).

⁴⁵ 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).

⁴⁶ 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).

⁴⁷ Directive 2014/30/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 electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79).

⁴⁸ 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,

emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1).

⁴³ Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

⁴⁴ 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).

⁴⁵ 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).

⁴⁶ 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).

⁴⁷ Directive 2014/30/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 electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79).

⁴⁸ 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).

⁴⁹ 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 instruments (OJ L 96, 29.3.2014, p. 149).

⁵⁰ 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).

⁵¹ 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).

⁵² 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).

⁵³ 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).

⁵⁴ 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).

⁵⁵ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing

29.3.2014, p. 107).

⁴⁹ 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 instruments (OJ L 96, 29.3.2014, p. 149).

⁵⁰ 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).

⁵¹ 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).

⁵² 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).

⁵³ 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).

⁵⁴ 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).

⁵⁵ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing

Amendment 8

Proposal for a directive Recital 7

Text proposed by the Commission

(7) Neither the reference provisions laid down by Decision No 768/2008/EC, nor the specific provisions laid down by the sectoral **EU** harmonisation legislation provide for procedures designed to apply in crisis. It is appropriate to introduce targeted adjustments to those Directives, aimed at responding to impacts of crises affecting products that have been designated as crisis-relevant goods and covered by those Directives.

Amendment

(7) Neither the reference provisions laid down by Decision No 768/2008/EC, nor the specific provisions laid down by the sectoral **Union** harmonisation legislation provide for procedures designed to apply in crisis. It is appropriate to introduce targeted adjustments to those Directives, aimed at responding to impacts of crises affecting products that have been designated as crisis-relevant goods and covered by those Directives.

Amendment 9

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Experience from the past crises that have affected the **Single** Market has shown that the procedures laid down in the sectoral legal acts are not designed to cater the needs of crisis-response scenarios and do not offer the necessary regulatory flexibility. It is therefore appropriate to provide for a legal basis for such crisis-response procedures as a complement to the measures adopted under [insert reference to **SMEI** Regulation].

Amendment

(8) Experience from the past crises that have affected the **internal** market has shown that the procedures laid down in the sectoral legal acts are not designed to cater the needs of crisis-response scenarios and do not offer the necessary regulatory flexibility. It is therefore appropriate to provide for a legal basis for such crisis-response procedures as a complement to the measures adopted under [insert reference to **IMERA** Regulation].

Amendment 10

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to overcome the potential effects of disruptions **on** the **Single** Market and in order to ensure that crisis-relevant goods are placed on the market swiftly, it is appropriate to provide for a requirement for the conformity assessment bodies to prioritise the conformity assessment applications of such products over any pending applications concerning products, which have not been designated as crisis-relevant.

Amendment

(9) In order to overcome the potential effects of disruptions **to** the **internal** market and in order to ensure that crisis-relevant goods are placed on the market swiftly, it is appropriate to provide for a requirement for the conformity assessment bodies to prioritise the conformity assessment applications of such products over any pending applications concerning products which have not been designated as crisis-relevant.

Amendment 11

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To that end, emergency procedures should be laid down in Directives 2000/14/EC, **2006/42/EC**, 2010/35/EU, 2013/29/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 and, 2014/68/EU. Those procedures should be available only following the activation of the **Single** Market emergency and only when a specific good covered by those Directives is designated as crisis-relevant **mode** in accordance with [insert reference to **SMEI** Regulation].

Amendment

(10) To that end, emergency procedures should be laid down in Directives 2000/14/EC, 2010/35/EU, 2013/29/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 and, 2014/68/EU. Those procedures should be available only following the activation of the **internal** market emergency and only when a specific good covered by those Directives is designated as **a** crisis-relevant **good** in accordance with [insert reference to **IMERA** Regulation].

Amendment 12

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Furthermore, in cases where the disruptions might affect the conformity assessment bodies or in cases where the testing capacities for such crisis-relevant products would not be sufficient, it is appropriate to provide for the possibility for the national competent authorities to exceptionally and temporarily authorise the placing on the market of products, which have not undergone the usual conformity assessment procedures required by the respective **EU** sectoral legislation.

Amendment

(11) Furthermore, in cases where the disruptions might affect the conformity assessment bodies or in cases where the testing capacities for such crisis-relevant products would not be sufficient, it is appropriate to provide for the possibility for the national competent authorities to exceptionally and temporarily authorise the placing on the market of products, which have not undergone the usual conformity assessment procedures required by the respective **Union** sectoral legislation. ***The authorisation for products granted exceptionally and temporarily should remain valid for six months after deactivation or expiration of the internal market emergency mode, where it does not does not affect in any way the health, safety and security of consumers. After this period, products should only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for under the applicable rules. Products already granted authorisation exceptionally and temporarily authorisation may be re-authorised under the normal authorisation procedure. Nevertheless, products or components already purchased for use, or which are already in use, may continue to be used without new authorisation.***

Amendment 13

**Proposal for a directive
Recital 12**

Text proposed by the Commission

(12) As regards products falling within the scope of those Directives that have been designated as crisis-relevant goods, the national competent authorities should

Amendment

(12) As regards products falling within the scope of those Directives that have been designated as crisis-relevant goods, the national competent authorities should

be able, in the context of an ongoing **Single** Market emergency, to derogate from the obligation to carry out those conformity assessment procedures laid down in those Directives, in those cases where the involvement of a notified body is mandatory and should be able to issue authorisations for those products, provided that they comply with the applicable essential safety requirements. Compliance with those substantive requirements may be demonstrated by various means, which may include testing performed by the national authorities of samples provided by the manufacturer having applied for an authorisation. The specific procedures, which were followed to demonstrate the compliance and their results should be clearly described in the authorisation issued by the national competent authority.

be able, in the context of an ongoing **internal** market emergency, to derogate from the obligation to carry out those conformity assessment procedures laid down in those Directives, in those cases where the involvement of a notified body is mandatory and should be able to issue authorisations for those products, provided that they comply with the applicable essential safety requirements **and that the safety of consumers and end-users is fully assured**. Compliance with those substantive requirements may be demonstrated by various means, which may include testing performed by the national authorities of samples provided by the manufacturer having applied for an authorisation. The specific procedures, which were followed to demonstrate the compliance and their results should be clearly described in the authorisation issued by the national competent authority. ***The principle of mutual recognition should apply to the goods placed on the market under that derogation. The competent national authority should keep relevant technical documentation to ensure compliance with applicable rules. Products manufactured during the internal market emergency mode, where derogation from the conformity assessment procedures was authorised, should also be subject to the relevant obligations of traceability provided for in Regulation (EU) 2023/988 in particular those set out in Article 15(5) thereof.***

Amendment 14

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Where **a Single** Market emergency entails an exponential increase in the demand for certain products and in order to

Amendment

(13) Where **an internal** market emergency entails an exponential increase in the demand for certain products and in

support the efforts of economic operators to meet such demand, it is appropriate to provide technical references, which may be used by the manufacturers to design and produce crisis-relevant goods, which comply with the applicable essential health and safety requirements.

order to support the efforts of economic operators to meet such demand, it is appropriate to provide technical references, which may be used by the manufacturers to design and produce crisis-relevant goods which comply with the applicable essential health and safety requirements.

Amendment 15

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) With respect to **Directive 2006/42/EC**, Directives 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/53/EU and 2014/68/EU, the competent national authorities should be able to presume that products manufactured in accordance with national or international standards within the meaning of Regulation (EU) No 1025/2012⁵⁶ ensuring an equivalent level of protection to that offered by the harmonised European standards comply with the relevant essential health and safety requirements.

⁵⁶ OJ L 316, 14.11.2012, p. 12.

Amendment

(15) With respect to Directives 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/53/EU and 2014/68/EU, the competent national authorities should be able to presume that products manufactured in accordance with national or international standards within the meaning of Regulation (EU) No 1025/2012⁵⁶ ensuring an equivalent level of protection to that offered by the harmonised European standards comply with the relevant essential health and safety requirements.

⁵⁶ OJ L 316, 14.11.2012, p. 12.

Amendment 16

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Furthermore, with respect to Directives **2006/42/EC**, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU,

Amendment

(16) Furthermore, with respect to Directives 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU,

2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU, the Commission should have the possibility to adopt by means of implementing acts common specifications, on which the manufacturers may rely in order to benefit from a presumption of conformity with the applicable essential requirements. The implementing act laying down such common specifications should remain applicable for the duration of the *Single* Market emergency.

2014/35/EU, 2014/53/EU and 2014/68/EU, the Commission should have the possibility to adopt by means of implementing acts common specifications, on which the manufacturers may rely in order to benefit from a presumption of conformity with the applicable essential requirements. The implementing act laying down such common specifications should remain applicable for the duration of the *internal* market emergency.

Amendment 17

Proposal for a directive Recital 17

Text proposed by the Commission

Amendment

(17) With respect to Directives 2006/42/EC, 2013/29/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 and 2014/68/EU, in exceptional and duly justified circumstances, notably in order to ensure the interoperability among products or systems, the Commission should be able to adopt by means of implementing acts common specifications laying down mandatory technical specifications, with which the manufacturers will be required to comply. The implementing act laying down such common specifications should remain applicable for the duration of the Single Market emergency.

deleted

Amendment 18

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Directives 2000/14/EC, **2006/42/EC**, 2010/35/EU, 2013/29/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 and 2014/68/EU should therefore be amended accordingly.

Amendment

(20) Directives 2000/14/EC, 2010/35/EU, 2013/29/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 and 2014/68/EU should therefore be amended accordingly.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 17b, 17c and 17d of this Directive only apply if Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 226 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 17b, 17c and 17d of this Directive only apply if Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17a – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose in Articles 17b, 17c and 17d apply during the ***Single*** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose in Articles 17b, 17c and 17d apply during the ***internal*** market emergency mode.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17a – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

However, Article 17c(2), second subparagraph, and Article 17c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

deleted

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17a – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to equipment placed on the market in accordance with Article 17c. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19a(2).

deleted

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17b – paragraph 2

Text proposed by the Commission

Amendment

2. The notified bodies shall process all applications for conformity assessment of equipment designated as crisis-relevant

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of

goods as a matter of priority.

equipment designated as crisis-relevant
goods as a matter of priority.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of equipment pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of equipment pursuant to paragraph 3 shall not give rise to any **extraordinary** additional costs for the manufacturers, who have lodged those applications.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for equipment designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for equipment designated as crisis-relevant goods in respect of which they have been notified.

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 14, **any** competent national authority may

Amendment

1. By way of derogation from Article 14, **the** competent national authority, **after**

authorise, on a duly justified request, the placing on the market or putting into service within the territory of *the* Member State ***concerned***, of specific equipment referred to in Article 12 and listed in the implementing act referred to *in* Article 17a(1) and for which the conformity assessment procedures requiring mandatory involvement of a notified body referred to in Article 14 have not been carried out by a notified body but for which the compliance with all the applicable requirements concerning the noise emission in the environment ***of this Directive*** has been demonstrated.

carrying out a risk assessment, may authorise, on a duly justified request ***from an economic operator established in its Member State***, the placing on the market or putting into service within the territory of *that* Member State, of specific equipment referred to in Article 12 and listed in the implementing act referred to ***Article 17a(1)*** and for which the conformity assessment procedures requiring mandatory involvement of a notified body referred to in Article 14 have not been carried out by a notified body but for which the compliance with all the applicable requirements ***of this Directive*** concerning the noise emission in the environment has been demonstrated.

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 2 – subparagraph 2

Text proposed by the Commission

The manufacturer shall also deploy all reasonable measures to ensure that the equipment, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

Amendment

deleted

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation issued by a national competent authority pursuant to

Amendment

3. Any authorisation issued by a national competent authority pursuant to

paragraph 1 shall set out the conditions and requirements under which the equipment may be placed on the market or put into service, including:

paragraph 1 shall set out the conditions and requirements under which the equipment may be placed on the market or put into service, including ***at least***:

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the equipment was authorised under the internal market emergency mode.

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 17a(3), ***first subparagraph***, where

4. By way of derogation from Article 17a(3), where appropriate, the national

appropriate, the national competent authority may amend the conditions *of the authorisation* referred to in paragraph 3 of this Article, *also* after the deactivation or expiry of the *Single* Market Emergency mode.

competent authority may *also* amend the conditions *and requirements* referred to in paragraph 3 of this Article after the deactivation or expiry of the *internal* market emergency mode.

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 5

Text proposed by the Commission

Amendment

5. *By way of derogation from Articles 6 and 11, equipment, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not benefit from free movement across the Union and shall not bear the CE marking. The market surveillance authorities are not required to recognise the validity of authorisations issued by the competent national authorities of another Member State.*

deleted

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 6

Text proposed by the Commission

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such equipment.

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such equipment. *The market surveillance authorities shall keep all records related to products*

authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 8

Text proposed by the Commission

8. The application of Articles 17a to 17d and the use of the authorisation procedure set out in paragraph 1 of this Article **does** not affect the application of the relevant conformity assessment procedures laid down in Article 14 **on the territory of the Member State concerned.**

Amendment

8. The application of Articles 17a to 17d and the use of the authorisation procedure set out in paragraph 1 of this Article **shall** not affect the application of the relevant conformity assessment procedures laid down in Article 14.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Equipment subject to derogation under paragraph 1 shall remain valid for six months after the end of deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2000/14/EC

Article 17d – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best efforts*** to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for equipment, designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable efforts are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for equipment, designated as crisis-relevant goods.

Amendment 37

Proposal for a directive

Article 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 38

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 33b, 33c and 33d of this Directive only apply if

Amendment

1. Member States shall ensure that measures taken to transpose Articles 33b, 33c and 33d of this Directive only apply if

the Commission has adopted an implementing act pursuant to Article 23 of [the *SMEI Regulation*] **activating Article 26 of [the *SMEI Regulation*] with respect to this Directive.**

the Commission has adopted an implementing act pursuant to Article **14(5)** of [the *IMERA Regulation*].

Amendment 39

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 33b, 33c and 33d apply during **Single** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 33b, 33c and 33d apply during **the internal** market emergency mode.

Amendment 40

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33a – paragraph 4

Text proposed by the Commission

4. **However, Article 33c(2), second subparagraph, and Article 33c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.**

Amendment

deleted

Amendment 41

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33a – paragraph 5

Text proposed by the Commission

5. **The Commission shall be**

Amendment

deleted

empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to transportable pressure equipment placed on the market in accordance with Article 33c. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 38a(2).

Amendment 42

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of transportable pressure equipment designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of transportable pressure equipment designated as crisis-relevant goods as a matter of priority.

Amendment 43

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of transportable pressure equipment pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of transportable pressure equipment pursuant to paragraph 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers, who have lodged those applications.

Amendment 44

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for transportable pressure equipment designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for transportable pressure equipment designated as crisis-relevant goods in respect of which they have been notified.

Amendment 45

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 12, **any** competent national authority may authorise, on a duly justified request, the placing on the market within the territory of **the** Member State **concerned**, of a specific transportable pressure equipment designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 12 have not been carried out by a notified body but for which the compliance with all the applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive has been demonstrated.

Amendment

1. By way of derogation from Article 12, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market within the territory of **that** Member State, of a specific transportable pressure equipment designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 12 have not been carried out by a notified body but for which the compliance with all the applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive has been demonstrated.

Amendment 46

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU
Article 33c – paragraph 2 – subparagraph 1

Text proposed by the Commission

The manufacturer, ***the importer, the distributor and the user*** of a transportable pressure equipment subject to the authorisation procedure referred to in paragraph 1 of this Article shall declare on his sole responsibility that the transportable pressure equipment concerned complies with all the applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive and shall be responsible for the fulfilment of all the conformity assessment procedures indicated by the national competent authority.

Amendment

The manufacturer of a transportable pressure equipment subject to the authorisation procedure referred to in paragraph 1 of this Article shall declare on his sole responsibility that the transportable pressure equipment concerned complies with all the applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive and shall be responsible for the fulfilment of all the conformity assessment procedures indicated by the national competent authority.

Amendment 47

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1
Directive 2010/35/EU
Article 33c – paragraph 2 – subparagraph 2

Text proposed by the Commission

The manufacturer, the importer, the distributor and the user shall also deploy all reasonable measures to ensure that the transportable pressure equipment, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

Amendment

deleted

Amendment 48

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1
Directive 2010/35/EU
Article 33c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation **issues** by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the transportable pressure equipment may be placed on the market or put into service, including:

Amendment

3. Any authorisation **issued** by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the transportable pressure equipment may be placed on the market or put into service, including **at least**:

Amendment 49

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the **Single** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, **unless otherwise specified**, cannot go beyond the last day of the period for which the **internal** market emergency mode has been activated;

Amendment 50

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33c – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the transportable pressure equipment was authorised under the internal market emergency mode.

Amendment 51

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

4. By way of derogation from Article 33a(3), ***first subparagraph***, where appropriate, the national competent authority may amend the conditions ***of the authorisation*** referred to in paragraph 3 of this Article ***also*** after the deactivation or expiry of the ***Single*** Market Emergency mode.

Amendment

4. By way of derogation from Article 33a(3), where appropriate, the national competent authority may ***also*** amend the conditions ***and requirements*** referred to in paragraph 3 of this Article after the deactivation or expiry of the ***internal*** market emergency mode.

Amendment 52

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1
Directive 2010/35/EU
Article 33c – paragraph 5

Text proposed by the Commission

5. ***By way of derogation from Articles 14 and 16, transportable pressure equipment, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State that has granted the authorisation .***

Amendment

deleted

Amendment 53

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1
Directive 2010/35/EU
Article 33c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this

Directive with respect to such transportable pressure equipment.

Directive with respect to such transportable pressure equipment. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 54

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33c – paragraph 8

Text proposed by the Commission

8. The application of Articles 33a to 33d and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 12 ***on the territory of the Member State concerned.***

Amendment

8. The application of Articles 33a to 33d and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 12.

Amendment 55

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Transportable pressure equipment subject to derogation under paragraph 1 shall remain valid for six months after the end of deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Regulation.

Amendment 56

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Directive 2010/35/EU

Article 33d – paragraph 1 – subparagraph 2

Text proposed by the Commission

The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for transportable pressure equipment, designated as crisis-relevant goods.

Amendment

The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for transportable pressure equipment designated as crisis-relevant goods.

Amendment 57

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 42b to 42g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 42b to 42g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [***the IMERA*** Regulation].

Amendment 58

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU
Article 42a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 42b to 42g apply during the **Single** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 42b to 42g apply during the **internal** market emergency mode.

Amendment 59

Proposal for a directive
Article 4 – paragraph 1
Directive 2013/29/EU
Article 42a – paragraph 4

Text proposed by the Commission

4. ***The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to pyrotechnic articles placed on the market in accordance with Articles 42c to 42f. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(3).***

Amendment

deleted

Amendment 60

Proposal for a directive
Article 4 – paragraph 1
Directive 2013/29/EU
Article 42b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of pyrotechnic articles designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of pyrotechnic articles designated as crisis-relevant goods as a matter of priority.

Amendment 61

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of pyrotechnic articles pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of pyrotechnic articles pursuant to paragraph 3 shall not give rise to any **extraordinary** additional costs for the manufacturers, who have lodged those applications.

Amendment 62

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for pyrotechnic articles designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for pyrotechnic articles designated as crisis-relevant goods in respect of which they have been notified.

Amendment 63

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 17, **any** competent national authority may authorise, on a duly justified request, the placing on the market within the territory of **the** Member State **concerned**, of a

Amendment

1. By way of derogation from Article 17, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its**

specific pyrotechnic article which has been designated as crisis-relevant good and for which the conformity assessment procedures which require the mandatory involvement of a notified body referred to in Article 17 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Member State, the placing on the market within the territory of **that** Member State, of a specific pyrotechnic article which has been designated as crisis-relevant good and for which the conformity assessment procedures which require the mandatory involvement of a notified body referred to in Article 17 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment 64

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 3

Text proposed by the Commission

3. ***The manufacturer shall also deploy all reasonable measures to ensure that the pyrotechnic article, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.***

Amendment

deleted

Amendment 65

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 4 – introductory part

Text proposed by the Commission

4. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the pyrotechnic article may be placed on the market, including:

Amendment

4. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the pyrotechnic article may be placed on the market, including ***at least***:

Amendment 66

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 4 – point a

Text proposed by the Commission

(a) a description of the procedures, by means of which the compliance with the applicable essential safety requirements of Directive was successfully demonstrated;

Amendment

(a) a description of the procedures, by means of which the compliance with the applicable essential safety requirements of **this** Directive was successfully demonstrated;

Amendment 67

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 4 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the **Single** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, **unless otherwise specified**, cannot go beyond the last day of the period for which the **internal** market emergency mode has been activated;

Amendment 68

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the pyrotechnic article was authorised under the internal market emergency mode.

Amendment 69

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 5

Text proposed by the Commission

5. By way of derogation from Article 42a(3), ***first subparagraph***, where appropriate, the national competent authority may amend the conditions ***of the authorisation*** referred to in paragraph 3 of this Article, ***also*** after the deactivation or expiry of the ***Single*** Market Emergency mode.

Amendment

5. By way of derogation from Article 42a(3), where appropriate, the national competent authority may ***also*** amend the conditions ***and requirements*** referred to in paragraph 3 of this Article after the deactivation or expiry of the ***internal*** market emergency mode.

Amendment 70

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 6

Text proposed by the Commission

6. ***By way of derogation from Articles 4 and 20, pyrotechnic articles, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not benefit from free movement across the Union and shall not bear the CE marking. The market surveillance authorities are not required to recognise the validity of authorisations issued by the competent national authorities of another Member State.***

Amendment

deleted

Amendment 71

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 7

Text proposed by the Commission

7. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such pyrotechnic articles.

Amendment

7. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such pyrotechnic articles. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 72

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42c – paragraph 9

Text proposed by the Commission

9. The application of Articles 42a to 42g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 17 ***on the territory of the Member State concerned.***

Amendment

9. The application of Articles 42a to 42g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 17.

Amendment 73

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42 c – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Pyrotechnic articles subject to derogation under paragraph 1 shall remain valid for six months after the end

of deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Regulation.

Amendment 74

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42d – paragraph 1 – introductory part – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 75

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not

adopted;

Amendment 76

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 1 – point a

Text proposed by the Commission

(a) where **no** reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive **has been** published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

Amendment

(a) where **a** reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive **is not** published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode**;

Amendment 77

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 1 – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 78

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 44(3). They shall apply to for pyrotechnic articles placed on the market until the last day of the period for which the ***Single*** Market emergency mode remains active. ***In the early preparation of*** the draft implementing ***acts*** establishing the common ***specifications***, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under*** relevant ***sectoral Union legislation***. ***Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 44(3). They shall apply to for pyrotechnic articles placed on the market until the last day of the period for which the ***internal*** market emergency mode remains active. ***When preparing*** the draft implementing ***act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** relevant ***stakeholders***.

Amendment 79

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 42a(3), ***first subparagraph***, unless there is sufficient reason to believe that the pyrotechnic articles covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the pyrotechnic articles in compliance with the said common specifications which has been placed on the market shall be deemed compliant with this Directive after the

Amendment

4. By way of derogation from Article 42a(3), unless there is sufficient reason to believe that the pyrotechnic articles covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the pyrotechnic articles in compliance with the said common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of

expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **Single** Market Emergency mode in accordance with [the **SMEI** Regulation].

an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **internal** market emergency mode in accordance with [the **IMERA** Regulation].

Amendment 80

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate, amend or withdraw** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may amend, where appropriate,** the implementing act establishing the common specification in question.

Amendment 81

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42f

Text proposed by the Commission

Article 42f

Adoption of mandatory common specifications

1. In duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the

Amendment

deleted

essential safety requirements set out in Annex I for pyrotechnic articles, which have been designated as crisis-relevant goods.

2. The implementing acts referred to in paragraph 1 shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 44(3) and they apply to pyrotechnic articles placed on the market until the last day of the period for which the Single Market emergency remains active. In the early preparation of the draft implementing acts establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.

3. By way of derogation from Article 42a(3), first subparagraph, unless there is sufficient reason to believe that the pyrotechnic articles covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the pyrotechnic articles in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].

Amendment 82

Proposal for a directive

Article 4 – paragraph 1

Directive 2013/29/EU

Article 42g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for pyrotechnic articles designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for pyrotechnic articles designated as crisis-relevant goods.

Amendment 83

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 45b to 45g of this Directive shall only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation] with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 45b to 45g of this Directive shall only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 84

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that measures

Amendment

Member States shall ensure that measures

taken to transpose Articles 45b to 45g
apply during the **Single** Market emergency
mode.

taken to transpose Articles 45b to 45g
apply during the **internal** market
emergency mode.

Amendment 85

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45a – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

***However, Article 45c(2), second
subparagraph, and Article 45c(5) shall
apply during the Single Market
emergency mode and after its deactivation
or expiry.***

deleted

Amendment 86

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45a – paragraph 4

Text proposed by the Commission

Amendment

***4. The Commission shall be
empowered to lay down by means of
implementing acts rules regarding the
follow-up actions to be taken with respect
to explosives placed on the market in
accordance with Articles 45c to 45f. Those
implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 49(3).***

deleted

Amendment 87

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45b – paragraph 1

Text proposed by the Commission

1. This Article shall apply to explosives designated as crisis-relevant goods, which are subject to conformity assessment procedures, in accordance with Article **20***requiring* the mandatory involvement of a notified body.

Amendment

1. This Article shall apply to explosives designated as crisis-relevant goods, which are subject to conformity assessment procedures, in accordance with Article **20** *requiring* the mandatory involvement of a notified body.

Amendment 88

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of explosives designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of explosives designated as crisis-relevant goods as a matter of priority.

Amendment 89

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of explosives pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, which have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of explosives pursuant to paragraph 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers, which have lodged those applications.

Amendment 90

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for explosives designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for explosives designated as crisis-relevant goods in respect of which they have been notified.

Amendment 91

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 20, **any** competent national authority may authorise, on a duly justified request, the placing on the market within the territory of **the** Member State **concerned**, of a specific explosive which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in **that** Article 20 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment

1. By way of derogation from Article 20, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request, the placing on the market within the territory of **that** Member State, of a specific explosive which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 20 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment 92

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 2 – subparagraph 2

Text proposed by the Commission

The manufacturer shall also deploy all

Amendment

deleted

reasonable measures to ensure that the explosive, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

Amendment 93

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the explosive may be placed on the market, including:

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the explosive may be placed on the market, including ***at least***:

Amendment 94

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 95

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the explosive was authorised under the internal market emergency mode.

Amendment 96

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 45a(3), **first subparagraph**, where appropriate, the national competent authority may amend the conditions of the authorisation referred to in paragraph 3 of this Article also after the deactivation or expiry of the **Single** Market Emergency mode.

4. By way of derogation from Article 45a(3), where appropriate, the national competent authority may **also** amend the conditions **and requirements** referred to in paragraph 3 of this Article also after the deactivation or expiry of the **internal** market Emergency mode.

Amendment 97

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45c – paragraph 5

Text proposed by the Commission

Amendment

5. **By way of derogation from Articles 3 and 23, explosives, for which an authorisation has been granted in accordance with paragraph 1 of this Article, shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking.**

deleted

Amendment 98

Proposal for a directive
Article 5 – paragraph 1
Directive 2014/28/EU
Article 45c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such explosives.

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such explosives. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 99

Proposal for a directive
Article 5 – paragraph 1
Directive 2014/28/EU
Article 45c – paragraph 8

Text proposed by the Commission

8. The application of Articles 45a to 45g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 20 ***on the territory of the Member State concerned.***

Amendment

8. The application of Articles 45a to 45g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 20.

Amendment 100

Proposal for a directive
Article 5 – paragraph 1
Directive 2014/28/EU
Article 45c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. *Explosives subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Regulation.*

Amendment 101

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45d – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall take all appropriate measures to ensure that, for the purposes of placing on the market, their competent authorities **conside rthat** the explosives which comply with the relevant international standards or any national standards in force in the Member State of manufacture, ensuring the safety level required by the essential safety requirements set out in Annex II, complies with those essential safety requirements in either of the following cases:

Member States shall take all appropriate measures to ensure that, for the purposes of placing on the market, their competent authorities **consider that** the explosives which comply with the relevant international standards or any national standards in force in the Member State of manufacture, ensuring the safety level required by the essential safety requirements set out in Annex II, complies with those essential safety requirements in either of the following cases:

Amendment 102

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45d – paragraph 1 – introductory part – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the

(b) where severe disruptions in the

functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 103

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45e – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 104

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45e – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where **no** reference to harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No

(a) where **a** reference to harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive has **not** been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is**

Amendment 105

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45e – paragraph 1 – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode **in accordance with Article 14 of [the IMERA Regulation]** significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 106

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted **following a consultation of the sectoral experts and** in accordance with the examination procedure referred to in Article 49(3). They shall apply to the explosives placed on the market until the last day of the period for which the **Single** Market emergency mode remains applicable in accordance with [the **SMEI**

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 49(3). They shall apply to the explosives placed on the market until the last day of the period for which the **internal** market emergency mode remains applicable in accordance with [the **IMERA** Regulation]. **When preparing** the draft

Regulation]. ***In the early preparation of the draft implementing act establishing the common specification, the Commission shall **gather** the views of relevant bodies **or expert groups** established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

implementing act establishing the common specification, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** groups established under relevant ***stakeholders***.

Amendment 107

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 45a(3), ***first subparagraph***, unless there is sufficient reason to believe that the explosives covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the explosives in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 and after the expiry or deactivation of the ***Single*** Market Emergency mode in accordance with [the ***SMEI*** Regulation

Amendment

4. By way of derogation from Article 45a(3), unless there is sufficient reason to believe that the explosives covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the explosives in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation/].

Amendment 108

Proposal for a directive

Article 5 – paragraph 1

Directive 2014/28/EU

Article 45a – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in

Amendment

5. When a Member State considers that a common specification referred to in

paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex II, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate, amend or withdraw** the implementing act establishing the common specification in question.

paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex II, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may** amend, **where appropriate,** the implementing act establishing the common specification in question.

Amendment 109

Proposal for a directive
Article 5 – paragraph 1
Directive 2014/28/EU
Article 45f

Text proposed by the Commission

Amendment

Article 45f

deleted

Adoption of mandatory common specifications

1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential safety requirements set out in Annex II for explosives which have been designated as crisis-relevant goods.

2. The implementing acts referred to in paragraph 1 shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 49(3) and they shall apply to explosives placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing acts establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation,

the Commission shall prepare the draft implementing act.

3. By way of derogation from Article 45a(3), first subparagraph, unless there is sufficient reason to believe that the explosives covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the explosives in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].

Amendment 110

Proposal for a directive
Article 5 – paragraph 1
Directive 2014/28/EU
Article 45g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a*** ***Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for explosives, designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for explosives, designated as crisis-relevant goods.

Amendment 111

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 38b to 38g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 38b to 38g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 112

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that measures taken to transpose Articles 38b to 38g apply during the ***Single*** Market emergency mode.

Amendment

Member States shall ensure that measures taken to transpose Articles 38b to 38g apply during the ***internal*** market emergency mode.

Amendment 113

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38a – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Article 38c(2), second subparagraph, and Article 38c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

deleted

Amendment 114

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38a – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to vessels placed on the market in accordance with Articles 38c to 38f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(3).*

deleted

Amendment 115

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38 b – paragraph 2

Text proposed by the Commission

Amendment

2. The notified bodies shall process all applications for conformity assessment of vessels designated as crisis-relevant goods as a matter of priority.

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of vessels designated as crisis-relevant goods as a matter of priority.

Amendment 116

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38b – paragraph 4

Text proposed by the Commission

Amendment

4. The prioritisation of applications for conformity assessment of vessels

4. The prioritisation of applications for conformity assessment of vessels

pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

pursuant to paragraph 3 shall not give rise to any *extraordinary* additional costs for the manufacturers, who have lodged those applications.

Amendment 117

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for vessels designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for vessels designated as crisis-relevant goods in respect of which they have been notified.

Amendment 118

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 13, **any** competent national authority may authorise, on a duly justified request, the placing on the market or putting into service within the territory of **the** Member State **concerned**, of a specific vessel which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 13 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment

1. By way of derogation from Article 13, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market or putting into service within the territory of **that** Member State, of a specific vessel which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 13 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment 119

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer shall also deploy all reasonable measures to ensure that the vessel, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

deleted

Amendment 120

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the vessel may be placed on the market or put into service, including:

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the vessel may be placed on the market or put into service, including ***at least***:

Amendment 121

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single***

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of

Market emergency mode has been activated;

the period for which the *internal* market emergency mode has been activated;

Amendment 122

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 2 –point e a (new)

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the vessel was authorised under the internal market emergency mode.

Amendment 123

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38 c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 38a(3), **first subparagraph**, where appropriate, the national competent authority may amend the conditions **of the authorisation** referred to in paragraph 3 of this Article, **also** after the deactivation or expiry of the **Single** Market Emergency mode.

4. By way of derogation from Article 38a(3), where appropriate, the national competent authority may **also** amend the conditions **and requirements** referred to in paragraph 3 of this Article after the deactivation or expiry of the **internal** market emergency mode.

Amendment 124

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 5

Text proposed by the Commission

Amendment

5. **By way of derogation from Articles** **deleted**

5 and 16, vessels, for which an authorisation has been granted in accordance with paragraph 1 of this Article, shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking and inscriptions.

Amendment 125

Proposal for a directive
Article 6 – paragraph 1
Directive 2014/29/EU
Article 38c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such vessels.

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such vessels. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 126

Proposal for a directive
Article 6 – paragraph 1
Directive 2014/29/EU
Article 38c – paragraph 8

Text proposed by the Commission

8. The application of Articles 38a to 38g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 13 ***on the***

Amendment

8. The application of Articles 38a to 38g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 13.

territory of the Member State concerned..

Amendment 127

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Vessels subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 128

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38d – paragraph 1 – introductory part – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

(b) where severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

Amendment 129

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38e – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 130

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38e – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where **no** reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(a) where **a** reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive has **not** been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;**

Amendment 131

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38e – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) **the** severe disruptions in the

(b) **where** severe disruptions in the

functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article 15(4) of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential **safety** requirements set out in Annex **I** to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article 14 of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex **II** to this Directive **and** already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 132

Proposal for a directive
Article 6 – paragraph 1
Directive 2014/29/EU
Article 38e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 shall be adopted **following a consultation of the sectoral experts and** in accordance with the examination procedure referred to in Article 39(3). They shall apply to vessels placed on the market until the last day of the period for which the **Single** Market emergency mode remains active in accordance with Article 15(4) of [the **SMEI** Regulation]. **In the early preparation of** the draft implementing act establishing the common specification, the Commission shall **gather** the views of relevant bodies **or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.**

Amendment 133

Proposal for a directive
Article 6 – paragraph 1

Amendment

2. The implementing acts referred to in paragraph 1 **of this Article** shall be adopted in accordance with the examination procedure referred to in Article 39(3) **and** they shall apply to vessels placed on the market until the last day of the period for which the **internal** market emergency mode remains active in accordance with Article 15(4) of [the **IMERA** Regulation]. **When preparing** the draft implementing **act** establishing the common **specification**, the Commission shall **take into account** the views of relevant bodies **and shall duly consult all relevant stakeholders.**

Text proposed by the Commission

4. By way of derogation from Article 38a(3), **first subparagraph**, unless there is sufficient reason to believe that the vessels covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the vessels in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **Single** Market Emergency mode in accordance with [the **SMEI** Regulation].

Amendment

4. By way of derogation from Article 38a(3), unless there is sufficient reason to believe that the vessels covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the vessels in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **internal** market emergency mode in accordance with [the **IMERA** Regulation].

Amendment 134

Proposal for a directive
Article 6 – paragraph 1
Directive 2014/29/EU
Article 38e – paragraph 2

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate, amend or withdraw** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may amend, where appropriate,** the implementing act establishing the common specification in question.

Amendment 135

Text proposed by the Commission

Amendment

Article 38f

deleted

Adoption of mandatory common specifications

1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential safety requirements set out in Annex I for vessels, which have been designated as crisis-relevant goods.

2. The implementing acts referred to in paragraph 1 shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 39(3) and they shall apply to vessels placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.

3. By way of derogation from Article 38a(3), first subparagraph, unless there is sufficient reason to believe that the vessels covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the vessels in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or

***deactivation of the Single Market
Emergency mode in accordance with [the
SMEI Regulation].***

Amendment 136

Proposal for a directive

Article 6 – paragraph 1

Directive 2014/29/EU

Article 38g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for vessels, designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for vessels, designated as crisis-relevant goods.'

Amendment 137

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 40b to 40g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 40b to 40g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 138

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 40b to 40g apply during the **Single** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 40b to 40g apply during the **internal** market emergency mode.

Amendment 139

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40a – paragraph 4

Text proposed by the Commission

4. ***The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to apparatus placed on the market in accordance with Articles 40c to 40f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2a).***

Amendment

deleted

Amendment 140

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of apparatus designated as crisis-relevant

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of

goods as a matter of priority.

apparatus designated as crisis-relevant
goods as a matter of priority.

Amendment 141

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of apparatus pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of apparatus pursuant to paragraph 3 shall not give rise to any **extraordinary** additional costs for the manufacturers, who have lodged those applications.

Amendment 142

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for apparatus designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for apparatus designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 143

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 14, **any** competent national authority may

Amendment

1. By way of derogation from Article 14, **the** competent national authority, **after**

authorise, on a duly justified request, the placing on the market or putting into service within **the** territory of the Member State **concerned**, of a specific apparatus which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 14 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

carrying out a risk assessment, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market or putting into service within the territory of **that** Member State, of a specific apparatus which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 14 have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment 144

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 2 – subparagraph 2

Text proposed by the Commission

The manufacturer shall also deploy all reasonable measures to ensure that the apparatus, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation .

Amendment

deleted

Amendment 145

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the apparatus

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the apparatus

may be placed on the market or put into service, including:

may be placed on the market or put into service, including *at least*:

Amendment 146

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the **Single** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 147

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 3 – point ea

Text proposed by the Commission

Amendment

(ea) ***labelling requirements, including radio frequency identification, indicating that the apparatus was authorised under the internal market emergency mode.***

Amendment 148

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 40a(3), ***first subparagraph***, where appropriate, the national competent authority may amend the conditions of the

4. By way of derogation from Article 40a(3), where appropriate, the national competent authority may ***also*** amend the conditions ***and requirements*** referred to in

authorisation referred to in paragraph **3** *also* after the deactivation or expiry of the **Single** Market Emergency mode.

paragraph **3** after the deactivation or expiry of the **internal** market emergency mode.

Amendment 149

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 5

Text proposed by the Commission

5. *By way of derogation from Articles 5 and 17, apparatus, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking.*

Amendment

deleted

Amendment 150

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such apparatus.

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such apparatus. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 151

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 8

Text proposed by the Commission

8. The application of Articles 40a to 40g and the use of the authorisation procedure set out in paragraph 1 of this Article **does** not affect the application of the relevant conformity assessment procedures laid down in Article 14 **on the territory of the Member State concerned**.

Amendment

8. The application of Articles 40a to 40g and the use of the authorisation procedure set out in paragraph 1 of this Article **shall** not affect the application of the relevant conformity assessment procedures laid down in Article 14.

Amendment 152

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Apparatus subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 153

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40d – paragraph 1 – introductory part – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the

(b) where severe disruptions in the

functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 154

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 155

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) where no reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No

(a) where a reference to harmonised standards covering the relevant essential safety requirements set out in Annex I to this Directive has not been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is**

1025/2012;

expected to be published within a reasonable timeframe during the internal market emergency mode;

Amendment 156

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 1 – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode **in accordance with Article 14 of [the IMERA Regulation]** significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 157

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted **following a consultation of the sectoral experts and** in accordance with the examination procedure referred to in Article 41(2a). They shall apply to apparatus placed on the market until the last day of the period for which the **Single** Market emergency mode remains active. **In the early preparation of** the draft

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 41(2a). They shall apply to apparatus placed on the market until the last day of the period for which the **internal** market emergency mode remains active. **When preparing** the draft implementing **act** establishing the common

implementing *acts* establishing the common *specification*, the Commission shall *gather* the views of relevant bodies *or expert groups established under relevant sectoral Union legislation*. *Based on that consultation, the Commission shall prepare the draft implementing act.*

specification, the Commission shall *take into account* the views of relevant bodies *and shall duly consult all* relevant *stakeholders*.

Amendment 158

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 40a(3), ***first subparagraph***, unless there is sufficient reason to believe that the apparatus covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the apparatus in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***Single*** Market Emergency mode in accordance with [the ***SMEI*** Regulation].

Amendment

4. By way of derogation from Article 40a(3), unless there is sufficient reason to believe that the apparatus covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the apparatus in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation].

Amendment 159

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the

essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate, amend or withdraw** the implementing act establishing the common specification in question.

essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may** amend, **where appropriate,** the implementing act establishing the common specification in question.

Amendment 160

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40f

Text proposed by the Commission

Amendment

Article 40f

deleted

Adoption of mandatory common specifications

1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential health and safety requirements set out in Annex I for apparatus, which has been designated as crisis-relevant goods.

2. The implementing acts referred to in paragraph 1 shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 41(2a). They shall apply to apparatus placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing acts establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft

implementing act.

3. *By way of derogation from Article 40a(3), first subparagraph, unless there is sufficient reason to believe that the apparatus covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the apparatus in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].*

Amendment 161

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Directive 2014/30/EU

Article 40g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States ***shall deploy their best efforts*** to provide assistance to other market surveillance authorities during ***a Single Market*** emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for apparatus, designated as crisis-relevant goods.’

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable efforts are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for apparatus, designated as crisis-relevant goods.’

Amendment 162

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 40b to 40g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the **SMEI Regulation**] **activating Article 26 of [the SMEI Regulation]** *with respect to this Directive.*

Amendment 163

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that measures taken to transpose Articles 40b to 40g apply during the **Single** Market emergency mode.

Amendment 164

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40a – paragraph 3 – subparagraph 2

Text proposed by the Commission

However, Article 40c(2), second subparagraph, and Article 40c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

1. Member States shall ensure that measures taken to transpose Articles 40b to 40g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article **14(5)** of [the **IMERA** Regulation].

Amendment

Member States shall ensure that measures taken to transpose Articles 40b to 40g apply during the **internal** market emergency mode.

Amendment

deleted

Amendment 165

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40a – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to instruments placed on the market in accordance with Articles 40c to 40f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).*

deleted

Amendment 166

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40b – paragraph 2

Text proposed by the Commission

Amendment

2. The notified bodies shall process all applications for conformity assessment of instruments designated as crisis-relevant goods as a matter of priority.

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of instruments designated as crisis-relevant goods as a matter of priority.

Amendment 167

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40b – paragraph 4

Text proposed by the Commission

Amendment

4. The prioritisation of applications for conformity assessment of instruments

4. The prioritisation of applications for conformity assessment of instruments

pursuant to paragraph 2 and 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

pursuant to paragraph 2 and 3 shall not give rise to any *extraordinary* additional costs for the manufacturers, who have lodged those applications.

Amendment 168

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for instruments designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for instruments designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 169

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 13, **any** competent national authority may authorise, on a duly justified request, the placing on the market within the territory of **the** Member State **concerned**, of a specific instrument which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 13 have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment

1. By way of derogation from Article 13, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market within the territory of **that** Member State, of a specific instrument which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring the mandatory involvement of a notified body referred to in Article 13 have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment 170

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 2 – subparagraph 2

Text proposed by the Commission

The manufacturer shall also deploy all reasonable measures to ensure that the instrument, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

Amendment

deleted

Amendment 171

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the instrument may be placed on the market, including:

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the instrument may be placed on the market **or put into service**, including **at least**:

Amendment 172

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the **Single** Market emergency mode has been

Amendment

(c) an end date of validity, **unless otherwise specified**, of the authorisation, which cannot go beyond the last day of the period for which the **internal** market

activated;

emergency mode has been activated;

Amendment 173

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 3 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the instrument was authorised under the internal market emergency mode.

Amendment 174

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 40a(3), **first subparagraph**, where appropriate, the national competent authority may amend the conditions **of the authorisation** referred to in paragraph 3 of this Article also after the deactivation or expiry of the **Single** Market Emergency mode.

4. By way of derogation from Article 40a(3), where appropriate, the national competent authority may **also** amend the conditions **and requirements** referred to in paragraph 3 of this Article also after the deactivation or expiry of the **internal** market emergency mode.

Amendment 175

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 5

Text proposed by the Commission

Amendment

5. **By way of derogation from Articles 5 and 16, instruments, for which an**

deleted

authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking, nor the supplementary metrology marking.

Amendment 176

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such instruments.

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such instruments. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 177

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40c – paragraph 8

Text proposed by the Commission

8. The application of Articles 40a to 40g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 13 ***on the***

Amendment

8. The application of Articles 40a to 40g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 13.

territory of the Member State concerned.

Amendment 178

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Instruments subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 179

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40d – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

(b) where severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 180

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40e – paragraph 1 – point -a

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 181

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40e – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where no reference to harmonised standards covering the relevant essential requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(a) where no reference to harmonised standards covering the relevant essential **safety** requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;**

Amendment 182

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40e – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the

(b) where severe disruptions in the

functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I of this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I of this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 183

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 41(3). They shall apply to instruments placed on the market until the last day of the period for which the **Single** Market emergency mode remains active. ***In the early preparation of the draft implementing act establishing the common specifications, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment 184

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40e – paragraph 4

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 41(3). They shall apply to instruments placed on the market until the last day of the period for which the **internal** market emergency mode remains active. ***When preparing the draft implementing act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** relevant ***stakeholders***.

Text proposed by the Commission

4. By way of derogation from Article 40a(3), ***first subparagraph***, unless there is sufficient reason to believe that the instruments covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the instruments in compliance with the said common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***Single*** Market Emergency mode in accordance with [the ***SMEI*** Regulation].

Amendment

4. By way of derogation from Article 40a(3), unless there is sufficient reason to believe that the instruments covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the instruments in compliance with the said common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation].

Amendment 185

Proposal for a directive
Article 8 – paragraph 1
Directive 2014/31/EU
Article 40e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information ***and, if appropriate***, amend ***or withdraw*** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. ***The Commission may*** amend, ***where appropriate***, the implementing act establishing the common specification in question.

Amendment 186

Text proposed by the Commission

Amendment

Article 40f

deleted

Adoption of mandatory common specifications

1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential requirements set out in Annex I for instruments, which have been designated as crisis-relevant goods.

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 41(3). They shall apply to for instruments placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.

3. By way of derogation from Article 40a(3), first subparagraph, unless there is sufficient reason to believe that the instruments covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the instruments in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article

and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].

Amendment 187

Proposal for a directive

Article 8 – paragraph 1

Directive 2014/31/EU

Article 40g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for instruments, designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for instruments, designated as crisis-relevant goods.’

Amendment 188

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 45b to 45g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 45b to 45g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 189

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that measures taken to transpose Articles 45b to 45g apply during the **Single** Market emergency mode.

Amendment

Member States shall ensure that measures taken to transpose Articles 45b to 45g apply during the **internal** market emergency mode.

Amendment 190

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45a – paragraph 3 – subparagraph 2

Text proposed by the Commission

However, Article 45c(2), second subparagraph, and Article 45c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

deleted

Amendment 191

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45a – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to measuring instruments placed on the market in accordance with Articles 45c to 45f. Those implementing acts shall be

Amendment

deleted

adopted in accordance with the examination procedure referred to in Article 46(3).

Amendment 192

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of measuring instruments designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of measuring instruments designated as crisis-relevant goods as a matter of priority.

Amendment 193

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of measuring instruments pursuant to paragraph 2 and 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of measuring instruments pursuant to paragraph 2 and 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers who have lodged those applications.

Amendment 194

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for measuring instruments designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for measuring instruments designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 195

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 17, **any** competent national authority may authorise, on a duly justified request, the placing on the market or putting into use within the territory of **the** Member State **concerned**, of a specific measuring instrument which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in Article 17 have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment

1. By way of derogation from Article 17, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market or putting into use within the territory of **that** Member State, of a specific measuring instrument which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in Article 17 have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment 196

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer shall also deploy all reasonable measures to ensure that the measuring instrument, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which has granted the authorisation.

deleted

Amendment 197

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the measuring instrument may be placed on the market or put into use, including:

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the measuring instrument may be placed on the market or put into use, including ***at least***:

Amendment 198

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 199

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 3 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the measuring instrument was authorised under the internal market emergency mode.

Amendment 200

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Articles 7 and 20, measuring instruments, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking, nor the supplementary metrology marking.

deleted

Amendment 201

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 5

Text proposed by the Commission

Amendment

5. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures

5. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures

at national level provided for under this Directive with respect to such measuring instruments.

at national level provided for under this Directive with respect to such measuring instruments. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 202

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 7

Text proposed by the Commission

7. The application of Articles 45a to 45g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 17 ***on the territory of the Member State concerned.***

Amendment

7. The application of Articles 45a to 45g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 17.

Amendment 203

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45c – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Measuring instruments subject to derogation under paragraph 1 shall remain valid for six months after the end of deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 204

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45d – introductory part

Text proposed by the Commission

Amendment

Where either:

deleted

Amendment 205

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45d – paragraph 1 – introductory part – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the functioning of the ***Single*** Market, which were taken into consideration when activating the ***Single*** Market emergency mode in accordance with Article ***15(4)*** of [the ***SMEI*** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I and in the relevant instrument-specific Annexes to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

(b) where severe disruptions in the functioning of the ***internal*** market, which were taken into consideration when activating the ***internal*** market emergency mode in accordance with Article ***14*** of [the ***IMERA*** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Annex I and in the relevant instrument-specific Annexes to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 206

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 1 – point -a (new)

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 207

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 1 – point a

Text proposed by the Commission

(a) where **no** reference to harmonised standards covering the relevant essential requirements set out in Annex **I and in the relevant instrument-specific Annexes** has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

Amendment

(a) where **a** reference to harmonised standards covering the relevant essential **safety** requirements set out in Annex **II to this Directive** has not been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;**

Amendment 208

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 1 – point b

Text proposed by the Commission

(b) the severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation], significantly restrict the possibilities of manufacturers to make use of the

Amendment

(b) the severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the

harmonised standards covering the relevant essential requirements set out in Annex I and in the relevant instrument-specific Annexes to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

harmonised standards covering the relevant essential requirements set out in Annex I and in the relevant instrument-specific Annexes to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 209

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 46(3). They shall ***remain*** apply to measuring instruments placed on the market until the last day of the period for which the ***Single*** Market emergency mode remains active. ***In the early preparation of*** the draft implementing act establishing the common specification, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 46(3). They shall apply to measuring instruments placed on the market until the last day of the period for which the ***internal*** market emergency mode remains active. ***When preparing*** the draft implementing act establishing the common specification, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all relevant stakeholders.***

Amendment 210

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 45a(3), ***first subparagraph***, unless there is

Amendment

4. By way of derogation from Article 45a(3), unless there is sufficient reason to

sufficient reason to believe that the measuring instruments covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the measuring instruments in compliance with the said common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **Single** Market Emergency mode in accordance with [the **SMEI** Regulation].

believe that the measuring instruments covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the measuring instruments in compliance with the said common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **internal** market emergency mode in accordance with [the **IMERA** Regulation].

Amendment 211

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Annex I and in the relevant instrument-specific Annexes, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate, amend or withdraw** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Annex I and in the relevant instrument-specific Annexes, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may amend, where appropriate,** the implementing act establishing the common specification in question.

Amendment 212

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45f

Article 45f

deleted

Adoption of mandatory common specifications

- 1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential requirements set out in Annex I and in the instrument-specific Annexes for measuring instruments, which have been designated as crisis-relevant goods.***
- 2. The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 46(3). They shall apply to measuring instruments placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***
- 3. By way of derogation from Article 45a(3), first subparagraph, unless there is sufficient reason to believe that the measuring instruments covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the measuring instruments in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted***

*pursuant to paragraph 2 of this Article
and after the expiry or deactivation of the
Single Market Emergency mode in
accordance with [the SMEI Regulation].*

Amendment 213

Proposal for a directive

Article 9 – paragraph 1

Directive 2014/32/EU

Article 45g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for measuring instruments, designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for measuring instruments, designated as crisis-relevant goods.

Amendment 214

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 41b to 41g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation]*** ***with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 41b to 41g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 215

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41a – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 41b to 41g apply during the **Single** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 41b to 41g apply during the **internal** market emergency mode.

Amendment 216

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41a – paragraph 3 – subparagraph 2

Text proposed by the Commission

However, Article 41c(3), second subparagraph, and Article 41c(6) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

deleted

Amendment 217

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41a – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to lifts and safety components for lifts placed on the market in accordance with Articles 41c to 41f. Those implementing

Amendment

deleted

acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

Amendment 218

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of lifts and safety components for lifts designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of lifts and safety components for lifts designated as crisis-relevant goods as a matter of priority.

Amendment 219

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of lifts and safety components for lifts pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of lifts and safety components for lifts pursuant to paragraph 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers, who have lodged those applications.

Amendment 220

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best efforts** to increase their testing capacities for lifts and safety components for lifts designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable efforts are made** increase their testing capacities for lifts and safety components for lifts designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 221

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 15, **any** competent national authority may authorise, on a duly justified request, the making available or putting into service within the territory of **the** Member State **concerned**, of a specific safety component for lifts which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential health and safety requirements has been demonstrated.

Amendment

1. By way of derogation from Article 15, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the making available or putting into service within the territory of **that** Member State, of a specific safety component for lifts which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential health and safety requirements has been demonstrated.

Amendment 222

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer shall also deploy all reasonable measures to ensure that the lift or the safety component for lifts, which has been granted an authorisation pursuant to paragraphs 1 or 2 does not leave the territory of the Member State, which has granted the authorisation.

deleted

Amendment 223

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. Any authorisation issued by a national competent authority pursuant to paragraphs 1 or 2 shall set out the conditions and requirements under which the lift or a the safety component for lifts may be placed on the market, made available or put into service respectively, including:

4. Any authorisation issued by a national competent authority pursuant to paragraphs 1 or 2 shall set out the conditions and requirements under which the lift or a the safety component for lifts may be placed on the market, made available or put into service respectively, including ***at least***:

Amendment 224

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 225

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 4 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the lifts and safety components for lifts were authorised under the internal market emergency mode.

Amendment 226

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 5

Text proposed by the Commission

Amendment

5. By way of derogation from Article 41a(3), **first subparagraph**, where appropriate, the national competent authority may amend the conditions **of the authorisation** referred to in paragraph 4 of this Article, **also** after the deactivation or expiry of the **Single** Market Emergency mode.

5. By way of derogation from Article 41a(3), where appropriate, the national competent authority may **also** amend the conditions **and requirements** referred to in paragraph 4 of this Article after the deactivation or expiry of the **internal** market emergency mode.

Amendment 227

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 6

Text proposed by the Commission

Amendment

6. By way of derogation from Articles 3 and 19, lifts or safety components for lifts, for which an authorisation has been granted in accordance with paragraphs 1 or 2 of this Article, shall not leave the

deleted

territory of the Member State which has issued the authorisation and shall not bear the CE marking.

Amendment 228

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 7

Text proposed by the Commission

7. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such lifts or safety components for lifts.

Amendment

7. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such lifts or safety components for lifts. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 229

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 9

Text proposed by the Commission

9. The application of Articles 41a to 41g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 15 or 16 ***on the territory of the Member State concerned.***

Amendment

9. The application of Articles 41a to 41g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 15 or 16.

Amendment 230

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41c – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Lifts and safety components for lifts subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 231

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41d – paragraph 1 – introductory part – point b

Text proposed by the Commission

Amendment

(b) where the severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

(b) where the severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 232

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41e – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 233

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41e – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where no reference to harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(a) where no reference to harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;**

Amendment 234

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41e – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the functioning of the **Single** Market, which

(b) where severe disruptions in the functioning of the **internal** market, which

led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 235

Proposal for a directive
Article 10 – paragraph 1
Directive 2014/33/EU
Article 41e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 42(3). They shall apply to lifts and safety components for lifts placed on the market until the last day of the period for which the **Single** Market emergency mode remains active. ***In the early preparation of*** the draft implementing act establishing the common specification, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment 236

Proposal for a directive
Article 10 – paragraph 1
Directive 2014/33/EU
Article 41e – paragraph 4

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 42(3). They shall apply to lifts and safety components for lifts placed on the market until the last day of the period for which the **internal** market emergency mode remains active. ***When preparing*** the draft implementing ***act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all relevant stakeholders.***

Text proposed by the Commission

4. By way of derogation from Article 41a(3), ***first subparagraph***, unless there is sufficient reason to believe that the lifts and safety components for lifts covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the lifts and safety components for lifts in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***Single*** Market Emergency mode in accordance with [the ***SMEI*** Regulation].

Amendment

4. By way of derogation from Article 41a(3), unless there is sufficient reason to believe that the lifts and safety components for lifts covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the lifts and safety components for lifts in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation].

Amendment 237

Proposal for a directive

Article 10 – paragraph 1

Directive 2014/33/EU

Article 41e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential health and safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information ***and, if appropriate,*** amend ***or withdraw*** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential health and safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. ***The Commission may*** amend, ***where appropriate,*** the implementing act establishing the common specification in question.

Amendment 238

Text proposed by the Commission

Amendment

Article 41f

deleted

Adoption of mandatory common specifications

- 1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential health and safety requirements set out in Annex I for lifts and safety components for lifts, which have been designated as crisis-relevant goods.***
- 2. The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 42(3) and they shall apply to lifts and safety components for lifts placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***
- 3. By way of derogation from Article 41a(3), first subparagraph, unless there is sufficient reason to believe that the lifts and safety components for lifts covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the lifts and safety components***

for lifts in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].

Amendment 239

Proposal for a directive
Article 10 – paragraph 1
Directive 2014/33/EU
Article 41g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for lifts and safety components for lifts designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for lifts and safety components for lifts designated as crisis-relevant goods.’

Amendment 240

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 38b to 38g of this Directive only apply if the

Amendment

1. Member States shall ensure that measures taken to transpose Articles 38b to 38g of this Directive only apply if the

Commission has adopted an implementing act pursuant to Article 23 of [the *SMEI Regulation*] *activating Article 26 of [the SMEI Regulation] with respect to this Directive.*

Commission has adopted an implementing act pursuant to Article 14(5) of [the *IMERA Regulation*].

Amendment 241

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38a – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 38b to 38g apply during the *Single* Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 38b to 38g apply during the *internal* market emergency mode.

Amendment 242

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38a – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, Article 38c(2), second subparagraph, and Article 38c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

deleted

Amendment 243

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38a – paragraph 4

Text proposed by the Commission

4. *The Commission shall be*

Amendment

deleted

empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to products placed on the market in accordance with Articles 38c to 38f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(3).

Amendment 244

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38b – paragraph 2

Text proposed by the Commission

2. The notified bodies shall process all applications for conformity assessment of products designated as crisis-relevant goods as a matter of priority.

Amendment

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of products designated as crisis-relevant goods as a matter of priority.

Amendment 245

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of products pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of products pursuant to paragraph 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers, who have lodged those applications.

Amendment 246

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for products designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for products designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 247

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 13, **any** competent national authority may authorise, on a duly justified request, the placing on the market or putting into service within the territory of **the** Member State **concerned**, of a specific product which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential health and safety requirements has been demonstrated.

Amendment

1. By way of derogation from Article 13, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market or putting into service within the territory of **that** Member State, of a specific product which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential health and safety requirements has been demonstrated.

Amendment 248

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38c – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer shall also deploy all reasonable measures to ensure that the product, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, which issued the authorisation.

deleted

Amendment 249

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38c – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the product may be placed on the market or put into service, including:

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the product may be placed on the market or put into service, including ***at least***:

Amendment 250

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38c – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 251

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU
Article 38c – paragraph 3 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the product was authorised under the internal market emergency mode.

Amendment 252

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 38a(3), ***first subparagraph***, where appropriate, the national competent authority may amend the conditions ***of the authorisation*** referred to in paragraph 3 of this Article ***also*** after the deactivation or expiry of the ***Single*** Market Emergency mode.

4. By way of derogation from Article 38a(3), where appropriate, the national competent authority may ***also*** amend the conditions ***and requirements*** referred to in paragraph 3 of this Article after the deactivation or expiry of the ***internal*** market emergency mode.

Amendment 253

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38c – paragraph 5

Text proposed by the Commission

Amendment

5. ***By way of derogation from Articles 5 and 16, products, for which an authorisation has been granted in accordance with paragraph 1 of this Article, shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking.***

deleted

Amendment 254

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such products.

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such products.

The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.

Amendment 255

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38c – paragraph 8

Text proposed by the Commission

8. The application of Articles 38a to 38g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 13 ***on the territory of the Member State concerned.***

Amendment

8. The application of Articles 38a to 38g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 13.

Amendment 256

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38c – paragraph 8 a (new)

8a. *Products subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.*

Amendment 257

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38d – paragraph 1 – introductory part – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 258

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38e – paragraph 1 – point -a

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 259

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38e – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where no reference to harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(a) where no reference to harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 **and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;**

Amendment 260

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38e – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation], significantly restrict the possibilities of manufacturers to make use of the

(b) where severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the

harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

harmonised standards covering the relevant essential health and safety requirements set out in Annex II to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 261

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 39(3). They shall apply to products placed on the market until the last day of the period for which the ***Single*** Market emergency mode remains active. ***In the early preparation of*** the draft implementing ***acts*** establishing the common specification, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 39(3). They shall apply to products placed on the market until the last day of the period for which the ***internal*** market emergency mode remains active. ***When preparing*** the draft implementing ***act*** establishing the common specification, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** relevant ***stakeholders.***

Amendment 262

Proposal for a directive

Article 11 – paragraph 1

Directive 2014/34/EU

Article 38e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 38a(3), ***first subparagraph***, unless there is sufficient reason to believe that the

Amendment

4. By way of derogation from Article 38a(3), unless there is sufficient reason to believe that the products covered by the

products covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the products in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the *Single* Market Emergency mode in accordance with [the *SMEI* Regulation].

common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the products in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the *internal* market emergency mode in accordance with [the *IMERA* Regulation].

Amendment 263

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential health and safety requirements which it aims to cover and which are set out in Annex II, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information *and, if appropriate*, amend *or withdraw* the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential health and safety requirements which it aims to cover and which are set out in Annex II, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. *The Commission may amend, where appropriate*, the implementing act establishing the common specification in question.

Amendment 264

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38f

Article 38f

deleted

Adoption of mandatory common specifications

- 1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential health and safety requirements set out in Annex II for products, which have been designated as crisis-relevant goods.***
- 2. The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 39(3). They shall apply to products placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***
- 3. By way of derogation from Article 38a(3), first subparagraph, unless there is sufficient reason to believe that the products covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the products in compliance with the said common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or***

***deactivation of the Single Market
Emergency mode in accordance with [the
SMEI Regulation].***

Amendment 265

Proposal for a directive
Article 11 – paragraph 1
Directive 2014/34/EU
Article 38g – paragraph 1

Text proposed by the Commission

1. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for products designated as crisis-relevant goods.

Amendment

1. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for products designated as crisis-relevant goods.’

Amendment 266

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 22b ***to 22c*** and 22d of this Directive ***l*** only apply if the Commission has adopted an implementing act pursuant to Article 23 of ***[the SMEI Regulation] activating Article 26 of [the SMEI Regulation] with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 22 and 22d of this Directive ***l*** only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of ***[the IMERA*** Regulation].

Amendment 267

Proposal for a directive

Article 12 – paragraph 1

Directive 2014/35/EU

Article 22a – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Member States shall ensure that measures taken to transpose Articles 22b, **22c** and 22d apply exclusively to electrical equipment, which has been designated as crisis-relevant goods in the implementing act referred to in paragraph 1 of this Article.

Amendment

2. Member States shall ensure that measures taken to transpose Articles 22b and 22d apply exclusively to electrical equipment, which has been designated as crisis-relevant goods in the implementing act referred to in paragraph 1 of this Article.

Amendment 268

Proposal for a directive

Article 12 – paragraph 1

Directive 2014/35/EU

Article 22a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 22b, **22c** and 22d apply during the **Single** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 22b and 22d apply during the **internal** market emergency mode.

Amendment 269

Proposal for a directive

Article 12 – paragraph 1

Directive 2014/35/EU

Article 22a – paragraph 4

Text proposed by the Commission

4. ***The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to electrical equipment placed on the market in accordance with Articles 22b***

Amendment

deleted

and 22c. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Amendment 270

Proposal for a directive

Article 12 – paragraph 1

Directive 2014/35/EU

Article 22b – paragraph 1 – point -a

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 271

Proposal for a directive

Article 12 – paragraph 1

Directive 2014/35/EU

Article 22b – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where no reference to harmonised standards covering the safety objective set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(a) where no reference to harmonised standards covering the safety objective set out in Annex I to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 *and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;*

Amendment 272

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which led to the activation of the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the safety objectives referred to in Article 3 and set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which led to the activation of the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the safety objectives referred to in Article 3 and set out in Annex I to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 273

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22b – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 23(2). They shall apply to electrical equipment placed on the market until the last day of the period for which the **Single** Market emergency mode remains active. ***In the early preparation of*** the draft implementing act establishing the common specification, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 23(2). They shall apply to electrical equipment placed on the market until the last day of the period for which the **internal** market emergency mode remains active. ***When preparing*** the draft implementing ***act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** relevant ***stakeholders***.

Amendment 274

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22b – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 22a(3), unless there is sufficient reason to believe that the electrical equipment covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the electrical equipment in compliance with those common specifications which has been placed on the market, shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **Single** Market Emergency mode in accordance with [the **SMEI** Regulation].

Amendment

4. By way of derogation from Article 22a(3), unless there is sufficient reason to believe that the electrical equipment covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the electrical equipment in compliance with those common specifications which has been placed on the market, shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the **internal** market emergency mode in accordance with [the **IMERA** Regulation].

Amendment 275

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22b – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the safety objectives referred to in Article 3 and set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information **and, if appropriate,** amend **or withdraw** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the safety objectives referred to in Article 3 and set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. **The Commission may amend, where appropriate,** the implementing act establishing the common specification in question.

Amendment 276

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22c

Text proposed by the Commission

Amendment

Article 22c

deleted

Adoption of mandatory common specifications

- 1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the safety objectives referred to in Article 3 and set out in Annex I for electrical equipment, which has been designated as crisis-relevant goods.*
- 2. The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article, shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 23(2). They shall apply to electrical equipment placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.*
- 3. By way of derogation from Article 22a(3), unless there is sufficient reason to believe that the electrical equipment covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health*

or safety of persons, the electrical equipment in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].

Amendment 277

Proposal for a directive
Article 12 – paragraph 1
Directive 2014/35/EU
Article 22d – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall **deploy their** best efforts to provide assistance to other market surveillance authorities during **a Single** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for electrical equipment designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall **ensure all reasonable** efforts **are made** to provide assistance to other market surveillance authorities during **an internal** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for electrical equipment designated as crisis-relevant goods.

Amendment 278

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that

Amendment

1. Member States shall ensure that

measures taken to transpose Articles 43b to 43g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the *SMEI Regulation*] *activating Article 26 of [the SMEI Regulation]* *with respect to this Directive*.

measures taken to transpose Articles 43b to 43g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 14(5) of [the *IMERA Regulation*].

Amendment 279

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that measures taken to transpose Articles 43b to 43g apply during the *Single* Market emergency mode.

Amendment

Member States shall ensure that measures taken to transpose Articles 43b to 43g apply during the *internal* market emergency mode.

Amendment 280

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43a – paragraph 3 – subparagraph 2

Text proposed by the Commission

However, Article 43c(2), second subparagraph, and Article 43c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

Amendment

deleted

Amendment 281

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43a – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to radio equipment placed on the market in accordance with Articles 43c to 43f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

deleted

Amendment 282

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43b – paragraph 2

Text proposed by the Commission

Amendment

2. The notified bodies shall process all applications for conformity assessment of radio equipment designated as crisis-relevant goods as a matter of priority.

2. The notified bodies shall ***ensure all reasonable efforts are made to*** process all applications for conformity assessment of radio equipment designated as crisis-relevant goods as a matter of priority.

Amendment 283

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43b – paragraph 4

Text proposed by the Commission

Amendment

4. The prioritisation of applications for conformity assessment of radio equipment pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

4. The prioritisation of applications for conformity assessment of radio equipment pursuant to paragraph 3 shall not give rise to any ***extraordinary*** additional costs for the manufacturers, who have lodged those applications.

Amendment 284

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy *their best*** efforts to increase their testing capacities for radio equipment designated as crisis-relevant goods in respect **to** which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable efforts are made** to increase their testing capacities for radio equipment designated as crisis-relevant goods in respect **of** which they have been notified.

Amendment 285

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 17, **any** competent national authority may authorise, on a duly justified request, the placing on the market within the territory of **the** Member State **concerned**, of specific radio equipment which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment

1. By way of derogation from Article 17, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market within the territory of **that** Member State, of specific radio equipment which has been designated as crisis-relevant good and for which the conformity assessment procedures requiring mandatory involvement of a notified body, referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential requirements has been demonstrated.

Amendment 286

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

The manufacturer of radio equipment subject to the authorisation procedure referred to in paragraph 1 shall declare on his sole responsibility that the radio equipment concerned complies with all the applicable essential requirements and shall be responsible for the fulfilment of all the conformity assessment procedures indicated by the national competent authority.

deleted

Amendment 287

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43c – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the radio equipment may be placed on the market, including:

3. Any authorisation issued by a national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the radio equipment may be placed on the market, including ***at least***:

Amendment 288

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43c – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 289

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43c – paragraph 3 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the radio equipment, was authorised under the internal market emergency mode.

Amendment 290

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43c – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Articles 9 and 20, radio equipment, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking.

deleted

Amendment 291

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43c – paragraph 5

Text proposed by the Commission

Amendment

5. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation

5. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation

pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such radio equipment.

pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such radio equipment. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 292

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43c – paragraph 7

Text proposed by the Commission

7. The application of Articles 43a to 43g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 17 ***on the territory of the Member State concerned.***

Amendment

7. The application of Articles 43a to 43g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 17.

Amendment 293

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43c – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Radio equipment subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in

this Directive.

Amendment 294

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43d – paragraph 1 – introductory part – point b

Text proposed by the Commission

(b) severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Article 3 of this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No **025/2012**.

Amendment

(b) **where** severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Article 3 of this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No **1025/2012**.

Amendment 295

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43e – paragraph 1 – point -a

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 296

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43e – paragraph 1 – point a

Text proposed by the Commission

(a) where no reference to harmonised standards covering the relevant essential requirements set out in Article 3 has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

Amendment

(a) where no reference to harmonised standards covering the relevant essential requirements set out in Article 3 has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 ***and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;***

Amendment 297

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43e – paragraph 1 – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the ***Single*** Market, which led to the activation of the ***Single*** Market emergency mode in accordance with Article ***15(4)*** of [the ***SMEI*** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Article 3 of this Article and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the ***internal*** market, which led to the activation of the ***internal*** market emergency mode in accordance with Article ***14*** of [the ***IMERA*** Regulation], significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential requirements set out in Article 3 of this Article and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 298

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 45(3). They shall apply to radio equipment placed on the market until the last day of the period for which the ***Single*** Market emergency remains active. ***In the early preparation of*** the draft implementing ***acts*** establishing the common ***specifications***, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment 299

Proposal for a directive

Article 13 – paragraph 1

Directive 2014/53/EU

Article 43e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 43a(3), ***first subparagraph***, unless there is sufficient reason to believe that the radio equipment covered by the common specifications referred to in paragraph 1 of this Article presents a risk to the health or safety of persons, the radio equipment in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***Single*** Market Emergency mode in accordance with [the ***SMEI*** Regulation]

Amendment

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 45(3). They shall apply to radio equipment placed on the market until the last day of the period for which the ***internal*** market emergency ***mode*** remains active. ***When preparing*** the draft implementing ***act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all*** relevant ***stakeholders***.

Amendment

4. By way of derogation from Article 43a(3), unless there is sufficient reason to believe that the radio equipment covered by the common specifications referred to in paragraph 1 of this Article presents a risk to the health or safety of persons, the radio equipment in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation]

Amendment 300

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Article 3, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information ***and, if appropriate, amend or withdraw*** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential requirements which it aims to cover and which are set out in Article 3, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. ***The Commission may amend, where appropriate, the implementing act*** establishing the common specification in question.

Amendment 301

Proposal for a directive
Article 13 – paragraph 1
Directive 2014/53/EU
Article 43f

Text proposed by the Commission

Article 43f

Adoption of mandatory common specifications

1. ***In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential requirements set out in Article 3 for radio equipment, which has been designated as crisis-relevant goods.***

2. ***The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article shall be adopted following a***

Amendment

deleted

consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 45(3) and they shall apply to radio equipment placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing acts establishing the common specifications, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.

3. *By way of derogation from Article 43a(3), first subparagraph, unless there is sufficient reason to believe that the radio equipment covered by the mandatory common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the radio equipment in compliance with those common specifications which has been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].*

Amendment 302

Proposal for a directive
Article 13 – paragraph 1
 Directive 2014/53/EU
 Article 43g – paragraph 2

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market

mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for radio equipment designated as crisis-relevant goods.

emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for radio equipment designated as crisis-relevant goods.

Amendment 303

Proposal for a directive
Article 14 – paragraph 1
Directive 2014/68/EU
Article 43a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures taken to transpose Articles 43b to 43g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article 23 of [the ***SMEI Regulation***] ***activating Article 26 of [the SMEI Regulation] with respect to this Directive.***

Amendment

1. Member States shall ensure that measures taken to transpose Articles 43b to 43g of this Directive only apply if the Commission has adopted an implementing act pursuant to Article ***14(5)*** of [the ***IMERA*** Regulation].

Amendment 304

Proposal for a directive
Article 14 – paragraph 1
Directive 2014/68/EU
Article 43a – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall ensure that measures taken to transpose Articles 43b to 43g apply during the ***Single*** Market emergency mode.

Amendment

3. Member States shall ensure that measures taken to transpose Articles 43b to 43g apply during the ***internal*** market emergency mode.

Amendment 305

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43a – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

However, Article 43c(2), second subparagraph, and Article 17c(5) shall apply during the Single Market emergency mode and after its deactivation or expiry.

deleted

Amendment 306

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43a – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to lay down by means of implementing acts rules regarding the follow-up actions to be taken with respect to pressure equipment and assemblies placed on the market in accordance with Articles 43c to 43f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(3).

deleted

Amendment 307

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43b – paragraph 2

Text proposed by the Commission

Amendment

2. The notified bodies shall process all applications for conformity assessment of pressure equipment and assemblies

2. The notified bodies shall ensure all reasonable efforts are made to process all applications for conformity assessment of

designated as crisis-relevant goods as a matter of priority.

pressure equipment and assemblies designated as crisis-relevant goods as a matter of priority.

Amendment 308

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43b – paragraph 4

Text proposed by the Commission

4. The prioritisation of applications for conformity assessment of pressure equipment and assemblies pursuant to paragraph 3 shall not give rise to any additional costs for the manufacturers, who have lodged those applications.

Amendment

4. The prioritisation of applications for conformity assessment of pressure equipment and assemblies pursuant to paragraph 3 shall not give rise to any **extraordinary** additional costs for the manufacturers, who have lodged those applications.

Amendment 309

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43b – paragraph 5

Text proposed by the Commission

5. The notified bodies shall **deploy their best** efforts to increase their testing capacities for pressure equipment and assemblies designated as crisis-relevant goods in respect of which they have been notified.

Amendment

5. The notified bodies shall **ensure all reasonable** efforts **are made** to increase their testing capacities for pressure equipment and assemblies designated as crisis-relevant goods in respect of which they have been notified.

Amendment 310

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 14, **any** competent national authority may authorise, on a duly justified request, the placing on the market or putting into service within the territory of **the** Member State **concerned**, of specific pressure equipment or assembly designated as crisis-relevant good and for which the conformity assessment procedures referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment

1. By way of derogation from Article 14, **the** competent national authority, **after carrying out a risk assessment**, may authorise, on a duly justified request **from an economic operator established in its Member State**, the placing on the market or putting into service within the territory of **that** Member State, of specific pressure equipment or assembly designated as crisis-relevant good and for which the conformity assessment procedures referred to in that Article have not been carried out by a notified body but for which the compliance with all the applicable essential safety requirements has been demonstrated.

Amendment 311

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 1 – subparagraph 2

Text proposed by the Commission

The manufacturer shall also deploy all reasonable measures to ensure that the pressure equipment or assembly, which has been granted an authorisation pursuant to paragraph 1 does not leave the territory of the Member State, issued the authorisation.

Amendment

deleted

Amendment 312

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 3 – introductory part

Text proposed by the Commission

3. Any authorisation issued by a

Amendment

3. Any authorisation issued by a

national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the pressure equipment or assembly may be placed on the market or put into service, including:

national competent authority pursuant to paragraph 1 shall set out the conditions and requirements under which the pressure equipment or assembly may be placed on the market or put into service, including ***at least***:

Amendment 313

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 3 – point c

Text proposed by the Commission

(c) an end date of validity of the authorisation, which cannot go beyond the last day of the period for which the ***Single*** Market emergency mode has been activated;

Amendment

(c) an end date of validity of the authorisation, which, ***unless otherwise specified***, cannot go beyond the last day of the period for which the ***internal*** market emergency mode has been activated;

Amendment 314

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 3 – point e a

Text proposed by the Commission

Amendment

(ea) labelling requirements, including radio frequency identification, indicating that the pressure equipment and assembly was authorised under the internal market emergency mode.

Amendment 315

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 43a(3), ***first subparagraph***, where appropriate, the national competent authority may amend the conditions ***of the authorisation*** referred to in paragraph 3 of this Article, ***also*** after the deactivation or expiry of the ***Single*** Market Emergency mode.

Amendment

4. By way of derogation from Article 43a(3), where appropriate, the national competent authority may ***also*** amend the conditions ***and requirements*** referred to in paragraph 3 of this Article, after the deactivation or expiry of the ***internal*** market emergency mode.

Amendment 316

Proposal for a directive
Article 14 – paragraph 1
Directive 2014/68/EU
Article 43c – paragraph 5

Text proposed by the Commission

5. ***By way of derogation from Articles 5 and 19, pressure equipment or assemblies, for which an authorisation has been granted in accordance with paragraph 1 of this Article shall not leave the territory of the Member State which has issued the authorisation and shall not bear the CE marking.***

Amendment

deleted

Amendment 317

Proposal for a directive
Article 14 – paragraph 1
Directive 2014/68/EU
Article 43c – paragraph 6

Text proposed by the Commission

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such pressure

Amendment

6. The market surveillance authorities of the Member State, whose competent authority has granted an authorisation pursuant to paragraph 1, shall be entitled to take all corrective and restrictive measures at national level provided for under this Directive with respect to such pressure

equipment or assemblies.

equipment or assemblies. ***The market surveillance authorities shall keep all records related to products authorised under a derogation for a period of 10 years. They shall make those records available to other market surveillance authorities upon request.***

Amendment 318

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 8

Text proposed by the Commission

8. The application of Articles 43a to 43g and the use of the authorisation procedure set out in paragraph 1 of this Article ***does*** not affect the application of the relevant conformity assessment procedures laid down in Article 14 ***on the territory of the Member State concerned.***

Amendment

8. The application of Articles 43a to 43g and the use of the authorisation procedure set out in paragraph 1 of this Article ***shall*** not affect the application of the relevant conformity assessment procedures laid down in Article 14.

Amendment 319

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43c – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Pressure equipment and assemblies subject to derogation under paragraph 1 shall remain valid for six months after deactivation or expiration of the internal market emergency mode. After this period, they shall only be made available on the market after receiving an authorisation under the normal authorisation procedure provided for in this Directive.

Amendment 320

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43d – paragraph 1 – introductory part – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the **Single** Market, which were taken into consideration when activating the **Single** Market emergency mode in accordance with Article **15(4)** of [the **SMEI** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the **internal** market, which were taken into consideration when activating the **internal** market emergency mode in accordance with Article **14** of [the **IMERA** Regulation] significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive and already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 321

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 1 – point -a

Text proposed by the Commission

Amendment

(-a) where the European standardisation deliverables addressing a request pursuant to Article 10(1) of Regulation (EU) No 1025/2012 were not adopted;

Amendment 322

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 1 – point a

Text proposed by the Commission

(a) where no reference to harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

Amendment

(a) where no reference to harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 ***and no such reference is expected to be published within a reasonable timeframe during the internal market emergency mode;***

Amendment 323

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 1 – point b

Text proposed by the Commission

(b) where severe disruptions in the functioning of the ***Single*** Market, which led to the activation of the ***Single*** Market emergency mode significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment

(b) where severe disruptions in the functioning of the ***internal*** market, which led to the activation of the ***internal*** market emergency mode ***in accordance with Article 14 of [the IMERA Regulation]*** significantly restrict the possibilities of manufacturers to make use of the harmonised standards covering the relevant essential safety requirements set out in Annex II to this Directive already published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012.

Amendment 324

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 2

Text proposed by the Commission

2. The implementing acts referred to in paragraph 1 of this Directive shall be adopted ***following a consultation of the sectoral experts and*** in accordance with the examination procedure referred to in Article 44(3). They shall apply to the pressure equipment and assemblies placed on the market until the last day of the period for which the ***Single*** Market emergency mode remains active. ***In the early preparation of*** the draft implementing ***acts*** establishing the common ***specifications***, the Commission shall ***gather*** the views of relevant bodies ***or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.***

Amendment

2. The implementing acts referred to in paragraph 1 of this Directive shall be adopted in accordance with the examination procedure referred to in Article 44(3). They shall apply to the pressure equipment and assemblies placed on the market until the last day of the period for which the ***internal*** market emergency mode remains active. ***When preparing*** the draft implementing ***act*** establishing the common ***specification***, the Commission shall ***take into account*** the views of relevant bodies ***and shall duly consult all relevant stakeholders.***

Amendment 325

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 43a(3), ***first subparagraph***, unless there is sufficient reason to believe that the pressure equipment and assemblies covered by the common specifications referred to in paragraph 1 of this ***Article present*** a risk to the health or safety of persons, the pressure equipment and assemblies in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***Single*** Market Emergency mode in

Amendment

4. By way of derogation from Article 43a(3), unless there is sufficient reason to believe that the pressure equipment and assemblies covered by the common specifications referred to in paragraph 1 of this ***Article present*** a risk to the health or safety of persons, the pressure equipment and assemblies in compliance with those common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the ***internal*** market emergency mode in accordance with [the ***IMERA*** Regulation].

accordance with [the *SMEI* Regulation].

Amendment 326

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43e – paragraph 5

Text proposed by the Commission

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information ***and, if appropriate, amend or withdraw*** the implementing act establishing the common specification in question.

Amendment

5. When a Member State considers that a common specification referred to in paragraph 1 does not entirely satisfy the essential safety requirements which it aims to cover and which are set out in Annex I, it shall inform the Commission thereof with a detailed explanation and the Commission shall assess that information. ***The Commission may amend, where appropriate,*** the implementing act establishing the common specification in question.

Amendment 327

Proposal for a directive

Article 14 – paragraph 1

Directive 2014/68/EU

Article 43f

Text proposed by the Commission

Article 43f

Adoption of mandatory common specifications

1. In exceptional and duly justified cases, the Commission is empowered to adopt implementing acts establishing mandatory common specifications to cover the essential safety requirements set out in Annex II, ffor pressure equipment or assemblies, which have been designated as crisis-relevant goods.

Amendment

deleted

2. *The implementing acts establishing mandatory common specifications, referred to in paragraph 1 of this Article shall be adopted following a consultation of the sectoral experts and in accordance with the examination procedure referred to in Article 44(3). They shall apply to pressure equipment and assemblies placed on the market until the last day of the period for which the Single Market emergency mode remains active. In the early preparation of the draft implementing acts establishing the common specifications, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectoral Union legislation. Based on that consultation, the Commission shall prepare the draft implementing act.*

3. *By way of derogation from Article 43a(3), first subparagraph, unless there is sufficient reason to believe that the pressure equipment and assemblies covered by the common specifications referred to in paragraph 1 of this Article present a risk to the health or safety of persons, the pressure equipment and assemblies in compliance with the said common specifications which have been placed on the market shall be deemed compliant with this Directive after the expiry or repeal of an implementing act adopted pursuant to paragraph 2 of this Article and after the expiry or deactivation of the Single Market Emergency mode in accordance with [the SMEI Regulation].*

Amendment 328

**Proposal for a directive
Article 14 – paragraph 1
Directive 2014/68/EU
Article 43g – paragraph 2**

Text proposed by the Commission

2. The market surveillance authorities of the Member States shall ***deploy their best*** efforts to provide assistance to other market surveillance authorities during ***a Single*** Market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for pressure equipment and assemblies designated as crisis-relevant goods.

Amendment

2. The market surveillance authorities of the Member States shall ***ensure all reasonable*** efforts ***are made*** to provide assistance to other market surveillance authorities during ***an internal*** market emergency, including by mobilising and dispatching expert teams to temporarily reinforce the staff of market surveillance authorities requesting assistance or by providing logistical support such as reinforcement of the testing capacity for pressure equipment and assemblies designated as crisis-relevant goods.’

EXPLANATORY STATEMENT

1. Introduction

On 19 September 2022, the European Commission published the proposal for the “Single Market Emergency Instrument” (SMEI) and two legislative proposals with targeted amendments to sectoral legislation. SMEI provides a general framework for EU crisis response in the internal market and complements other sector-specific crisis response mechanisms such as the Union Civil Protection Mechanism and sector-specific crisis frameworks in the areas of health, semiconductors or food security.

SMEI was drawn up in response to the fragmentation of the internal market during the Covid-19 pandemic where ad-hoc, unilateral border closures impinged on the freedom of movement of goods, services and workers, and exacerbated supply chain disruptions. The unprecedented crisis led to a chaotic initial response by the Member States, marked by a lack of coordination and solidarity, and the introduction of unjustified restrictions, without fully taking into consideration their devastating effect on the proper functioning of the internal market. The new instrument provides for a horizontal crisis governance framework to make sure that the internal market remains open and that supply chains are more resilient.

2. The Draft Report

The Rapporteur fully supports the objective of the Regulation of safeguarding free movement of goods, workers and services. At the same time, the Rapporteur believes that resilience is key to ensuring that the internal market delivers on its ultimate goal of supporting the EU’s economy. The Rapporteur therefore proposes to **change the title to “Internal Market Emergency and Resilience Act” (IMERA) and to introduce additional changes to strengthen the Union’s resilience**. The Rapporteur welcomes IMERA’s approach to preserving the free movement of goods, services and workers. During the Covid-19 pandemic, the rights of workers and companies as enshrined in the Treaties were disproportionately limited. The Rapporteur would like to highlight that the Treaty freedoms are not suspended in times of crises: unilateral limitations to free movement often even hampered the crisis response, such as limiting the mobility of health workers, hospital machinery maintenance service providers or the availability of food supplies. Therefore, the Rapporteur emphasizes the important role that “Fast lanes” played during the pandemic and highlights that the new instrument should further develop such measures.

During the Covid 19 pandemic and the EU’s response to Russia’s illegal war in Ukraine, the government-led crisis responses were complemented by the rapid adjustments companies made to their supply chains and production lines. The Rapporteur believes that market interventions must remain instruments of last resort, while market-based mechanisms such as procurement and cooperation between the government and the industry are better, faster and more efficient crisis responses.

In view of these considerations, the Rapporteur strengthens some elements, in particular pertaining to resilience and the free movement of workers, goods and services. At the same time, he wants to ensure that during a crisis, the spirit of cooperation and solidarity governs the relationship between governments and companies willing to help.

2.2 Resilience during the contingency mode

The Rapporteur believes that IMERA must increase the resilience of supply chains by fostering cooperation between businesses, the Commission and Member States on a voluntary basis. The Rapporteur therefore proposes to ensure the crisis-preparedness of all actors through biennial stress tests, trainings and crisis protocols involving not only all relevant national authorities, but also stakeholders such as businesses, social partners and experts.

Companies possess critical knowledge and resources for crisis responses, as highlighted by the Covid pandemic. In the Rapporteur's opinion, the inclusion of companies must be an integral part of any crisis response mechanism. The Rapporteur wants to foster greater involvement of companies by allowing them to provide advice on crisis-measures through an online platform. Moreover, to address common sector-specific vulnerabilities at a European level, the Commission should conduct supply chain stress tests on a voluntary basis, thereby giving both the Commission and businesses the opportunity to develop best practices on supply chain resilience.

The Rapporteur believes that strategic reserves must become a more permanent consideration in increasing the Union's resilience, and increased cooperation and exchange of best practices between the Commission and the Member States is needed. At the same time, the Rapporteur notes that the pro-cyclical creation of reserves during the "Vigilance Mode" or "Emergency Mode" risks increased scarcity, rising prices, affecting competition and the level playing field, and an exacerbation of the situation. Moreover, strategic reserves require established relationships between economic operators and administrative arrangements specific to each sector. Member States are better placed to accomplish that as they already have well-established mechanisms to administer strategic reserves. Therefore, the Rapporteur suggests giving the Commission a permanent role in ensuring coordination, information exchange and promoting solidarity between Member States in the administration of strategic reserves, while removing the empowerment to prescribe mandatory stockpiles during the "Vigilance Mode".

2.3 Emergency Mode

The Rapporteur believes that the focus of IMERA during a crisis **must be to safeguard the free movement of goods, services and workers as enshrined in the treaties, especially in case of emergencies.** The Rapporteur proposes to strengthen the elements of the first chapter of the emergency mode and align it with the treaties and with case law. Moreover, the Rapporteur wants to draw more attention to the situation of border regions as they are the most affected by limitations to free movement. Hence, he would like to aim for a unified definition of "working from home".

To the Rapporteur, companies and market forces are central to any crisis response in the Internal Market. While he sees the necessity for priority rated orders, he suggests improvements to provide further leeway to companies and ensure more legal certainty. Since businesses delivered despite uncoordinated actions by public authorities during the pandemic, the Rapporteur suggests more limited and voluntary requests for information. Moreover, to provide legal certainty, the Rapporteur improves the rules governing the use of data and the protection of trade and business secrets, and of intellectual property. Furthermore, the Rapporteur proposes procedural elements to ensure that priority rated orders remain an instrument of last resort and

will not endanger the economic viability of companies. Recalling that companies during the Covid pandemic were under a heavy strain, the Rapporteur suggests adjustments to the sanctions regimes to reflect the lower revenues likely generated during a crisis.

The Rapporteur considers solidarity to be the key for the mutual trust and, ultimately, for the smooth free movement of goods, services and workers. Therefore, he suggests a mechanism whereby Member States may launch a call for solidarity in case of shortages of crisis-relevant goods and services. During Covid, export restrictions and joint procurement pitted EU-members against like-minded neighbours that were equally in need of crisis-relevant goods. To avoid such situations in the future and to strengthen European solidarity, the rapporteur proposes to open up the joint procurement to Andorra, Monaco and San Marino, accession candidate countries and countries of the European Free Trade Area.

2.3 Digital Tools and harmonisation of administrative procedures

During the Covid pandemic, nationally divergent requirements and administrative procedures for entering another Member State created great confusion and frustration for citizens, especially workers and service providers, in particular in border regions. **The Rapporteur therefore foresees that the Commission must immediately develop digital tools similar to the successful interoperable Covid-19 certificate to guarantee the functioning of “fast lanes” for critical goods and services.** The Commission must provide a digital portal, covering all registration or authorisation forms for cross-border activities, especially for crisis-relevant declarations similar to Covid Certificates, and for crisis-relevant professional services to accelerate authorisation, registration or declaration procedures.

2.4 Governance

Covid highlighted the importance of good cooperation between all governments in the EU's internal market, but also the importance of parliamentary scrutiny. Therefore, the Rapporteur proposes to **model the advisory group after an expert group within the well-known and established rules for such groups, thereby giving the European Parliament and EEA/EFTA countries a more permanent seat at the table as observers.** Given the general nature of IMERA, the Rapporteur also suggests improvement to key definitions, thereby increasing legal certainty and predictability.

3. Accompanying proposals

The Rapporteur suggests targeted changes to the two accompanying proposals to make sure that free movement of harmonised and non-harmonised goods is facilitated across the EU. As regards the crisis instruments at the Commission's disposal, the Rapporteur suggests providing a mechanism also for the rapid placing on the market for non-harmonized products, which would have increased the availability of safe personal protection equipment during the Covid pandemic. Furthermore, to incentivize companies to ramp up production during a crisis, the Rapporteur proposes to permit the continued sale of goods that were put on the market under emergency procedures for a limited period of time after the end of the single market emergency, without compromising on the safety of the products.

It is the Rapporteur's belief that IMERA should primarily improve the resilience of the internal

market, ensuring constant coordination between Member States and ensuring readiness for the event of sudden shocks at all times. Thereby, in times of crisis, the Internal Market must stay open and functional and protect consumers, workers and businesses alike from emergencies.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Affordable Medicines Europe
APPLiA - Home Appliance Europe
BDA - Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.
BDI - Bundesverband der Deutschen Industry e.V.
Business Europe
BWL - Bundesamt für wirtschaftliche Landesversorgung der Schweiz
Dutch Ministry of Economic Affairs
Eurochambres
Eurocommerce
France Industrie
Germany Ministry of Climate and Economics
Independent Retail Europe
Mission of the United Kingdom to the European Union
NESA - National Emergency Supply Agency of Finland
Orgalim
Prof. Dr. iur. Jan Bergmann
SME United

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/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 and 2014/68/EU as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency		
References	COM(2022)0462 – C9-0313/2022 – 2022/0280(COD)		
Date submitted to Parliament	19.9.2022		
Committee responsible Date announced in plenary	IMCO 21.11.2022		
Committees asked for opinions Date announced in plenary	ENVI 21.11.2022	TRAN 21.11.2022	
Not delivering opinions Date of decision	ENVI 25.10.2022	TRAN 27.10.2022	
Rapporteurs Date appointed	Andreas Schwab 16.12.2022		
Discussed in committee	28.3.2023	25.4.2023	28.6.2023
Date adopted	18.7.2023		
Result of final vote	+: –: 0:	34 2 4	
Members present for the final vote	Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Kateřina Konečná, Maria-Manuel Leitão-Marques, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann		
Substitutes present for the final vote	Marco Campomenosi, Claude Gruffat, Ivars Ijabs, Karen Melchior, Tsvetelina Penkova, Kosma Złotowski		
Substitutes under Rule 209(7) present for the final vote	Eric Minardi, Paulo Rangel, Grzegorz Tobiszowski		
Date tabled	25.7.2023		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
ECR	Adam Bielan, Grzegorz Tobiszowski, Kosma Złotowski
PPE	Pablo Arias Echeverría, Deirdre Clune, Antonius Manders, Paulo Rangel, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Sandro Gozi, Svenja Hahn, Ivars Ijabs, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Kim Van Sparrentak

2	-
ID	Virginie Joron, Eric Minardi

4	0
ECR	Eugen Jurzyca
ID	Alessandra Basso, Markus Buchheit, Marco Campomenosi

Key to symbols:

+ : in favour

- : against

0 : abstention