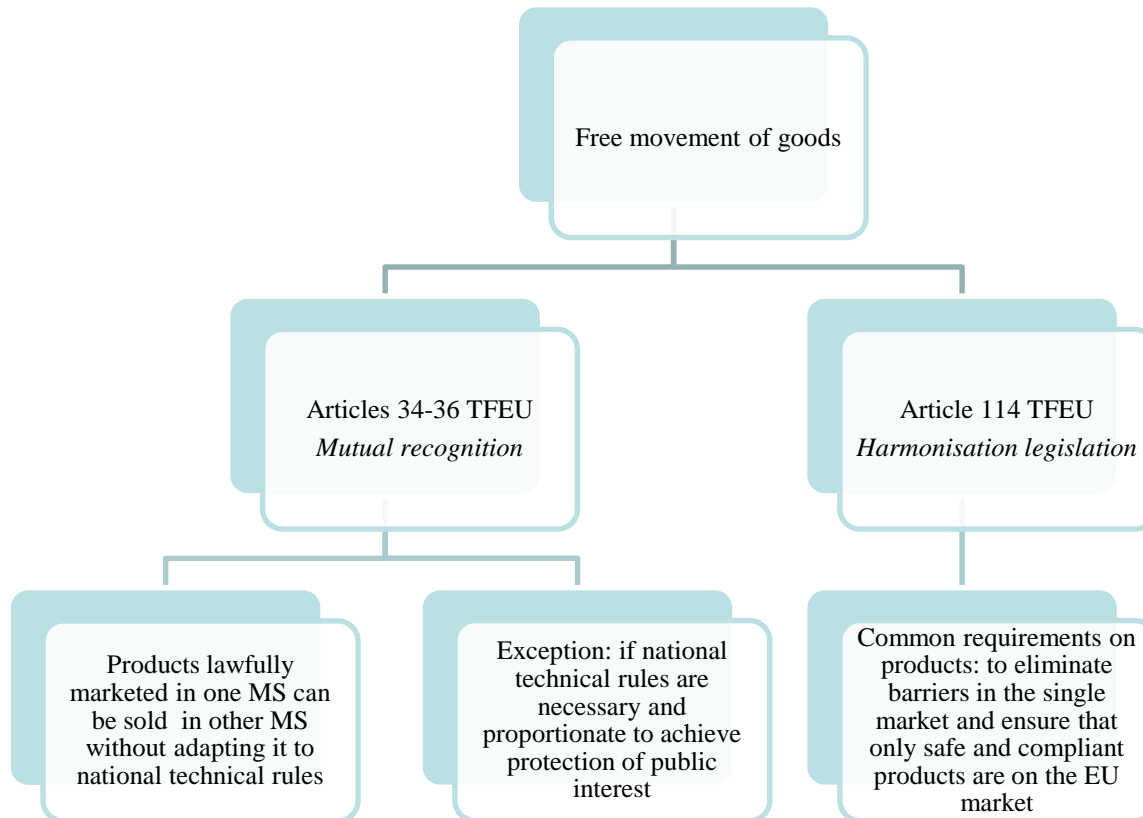


Mutual recognition in the field of goods

Pilar de la Bárcena
European Commission
GROW
B1

Mutual recognition in the context of free movement of goods



Mutual recognition in the field of goods

- *Articles 34-36 TFEU*
- *Cassis de Dijon case law*
- *Regulation (EC) no 764/2008*

Mutual recognition in the field of goods – Current priorities

Achieving a deeper and fairer single market is one of the key political priorities of the European Commission

"Upgrading the Single Market: more opportunities for people and businesses" adopted on 28 October 2015

Its follow-up and implementation is one of the main objectives of the 2016 Commission Work Programme



Mutual recognition in the field of goods – the Single Market Strategy

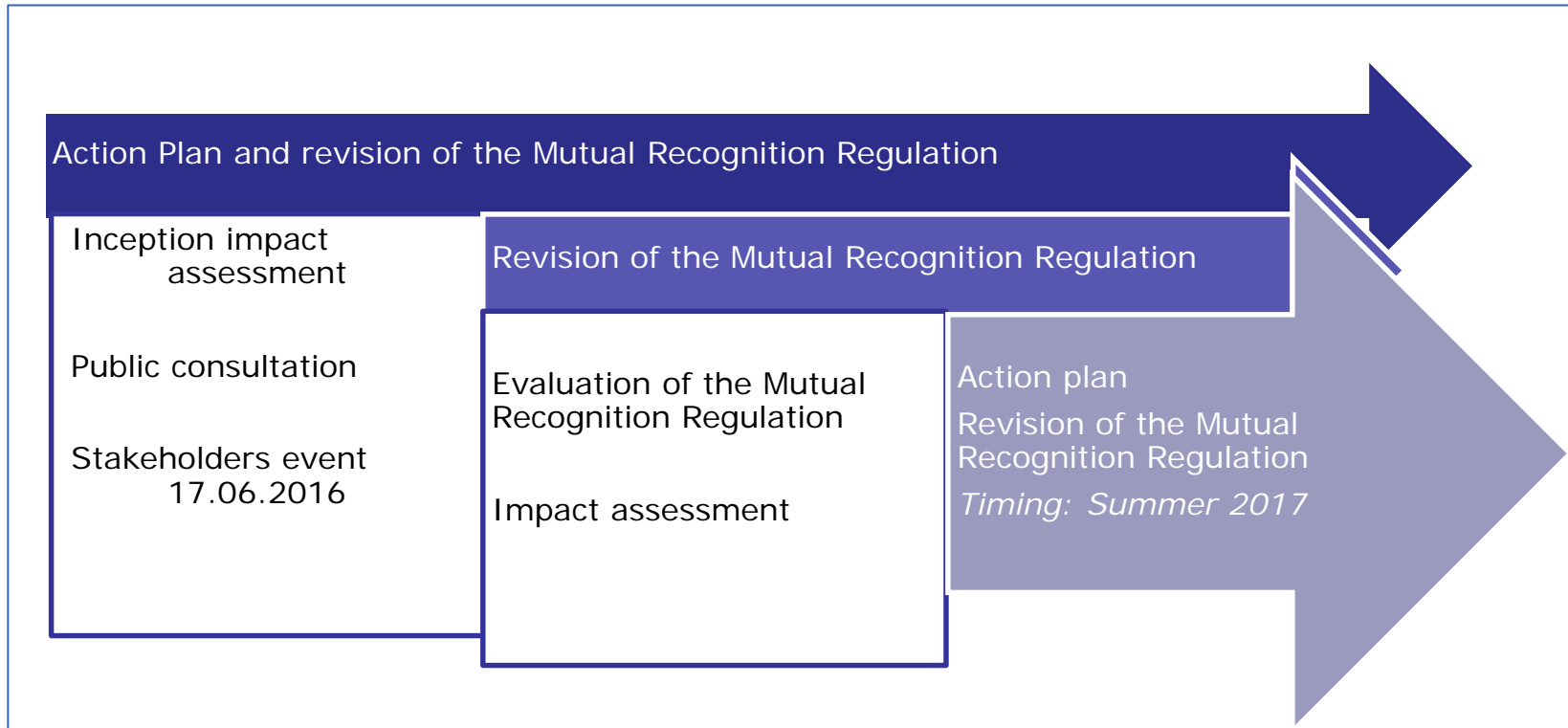
What the Single Market strategy says:

- The Commission will act to improve the application of mutual recognition

How?

- EU wide plan to increase awareness of the principle
- Revisit the Mutual Recognition Regulation to facilitate the demonstration that a product has been lawfully marketed in another Member State by issuing a self-declaration showing compliance

Mutual recognition in the field of goods



Mutual recognition in the field of goods - Main findings of the Evaluation

Stakeholders agree that mutual recognition has the potential of ensuring free movement of goods, but:

- The principle doesn't function well in practice
- The Regulation did not efficiently achieved its objective

Mutual recognition in the field of goods - Main findings of the Evaluation(2)

Mostly, businesses complain about:

- Lack of legal certainty when using mutual recognition, e.g. difficulty of challenging national decisions denying or restricting market access
- Lack of awareness /knowledge about mutual recognition and how it should function or when it should be applied
- Lack of efficient communication with PCPs

Mutual recognition in the field of goods – How to address these problems?

1. Action Plan on mutual recognition

- Lack of awareness was one of the main problems identified in the application of mutual recognition
- The Action Plan will focus on awareness raising and trainings for all stakeholders - *how to best raise awareness among businesses?*

Mutual recognition in the field of goods – How to address these problems?

2. New Regulation on Mutual Recognition

- To address the difficulties identified in the application of mutual recognition
- Looking into how the new Regulation could :
 - ✓ Provide more legal certainty
 - ✓ Make mutual recognition more reliable: voluntary declaration of compliance
 - ✓ Ensure availability of efficient remedies for businesses
 - ✓ Improve communication to better support mutual recognition: role of PCPs



Thank you!

Questions?

Contact:

pilar.de-la-barcelona-angulo@ec.europa.eu