



MARKET CONTROL: GREECE – BULGARIA

PROMOTING:
"STANDARDISATION / CERTIFICATION / MARKET CONTROL"
IN THE INTERREGIONAL AREAS OF THE INTERREG
COMMUNITY INITIATIVE OPERATIONAL PROGRAM

Info Day

**Brands and standards– a guarantee for
successful business**

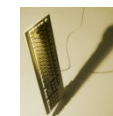
DIMITROVGAD

26.02.2013

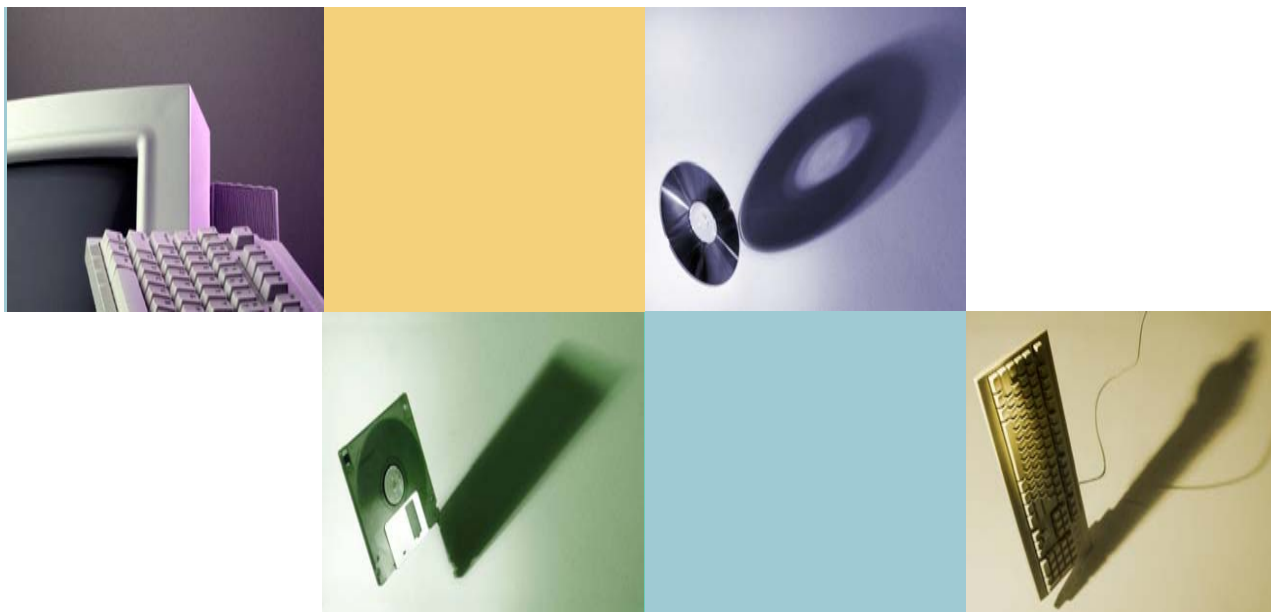


European Territorial Cooperation Programme
Greece-Bulgaria 2007-2013
INVESTING IN OUR FUTURE

The Programme is co-funded by the European Union (ERDF)
and National Funds of Greece and Bulgaria



**Harmonisation of the legislative framework in Bulgaria and Greece,
in terms of standardisation of the quality, as a prerequisite for
successful market experience**



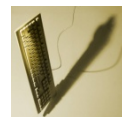
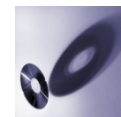
Haskovo - February 2013

Together in Europe – Unity renders power



Harmonisation of the legislation, subject to the community rules, on removing barriers in trade in Europe:

- Articles 30-36 of the Treaty of Rome
- Article 100 of the Treaty of Rome
- Article 100a of the Treaty of Rome
- Regulation (EU) № 1025/2012
- "New Approach" <Global Approach>
- Case law of the European Court - the decision in the case Cassis de Dijon



European Law

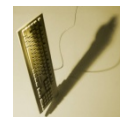
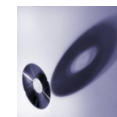
Treaty of Rome:

- **Articles 30 to 34 prohibit all illegal quantitative restrictions on imports, but Article 36 introduces a safeguard clause – the restrictions on imports or exports are justified if they threaten certain vital interests such as health or public safety;**
- **Article 100 regulates the procedure for the convergence of legislation of member states, such as Bulgaria and Greece, and Article 100a contains modified and more effective legislative procedure.**

Regulation (EU) № 1025/2012 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL from 25 October 2012 is one of the most important tools to remove barriers in marketing.

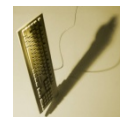
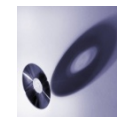
The case of "Cassis de Dijon" from 1979 is essential for the establishment of a common market with its key message - that every product manufactured and lawfully released in one Member State, must be freely accepted to the market of other member states.

According to a decision of the European Court, failure to the obligation of notification, makes implementing of the relevant technical regulations by individuals impossible (Case S-194/94).



Chronology of the Policy for standardisation and certification of the European Union

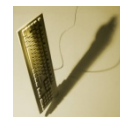
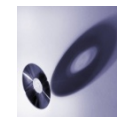
- 1983 Directive 83/189
- 1985 “New approach”
- 1987 Decision 87/95/EEC
- 1989 Global approach
- 1990 Modular approach
- 1992 Council’s Resolution for the role of standardisation in eu economy
- 1992 Directive 92/59/EEC- general product safety
- 1993 Council’s decision regarding “the modules” and the rules on placement and use of CE-marking
- 1998 Directive 98/34/EC
- 2006 Decision 1673/2006/EC
-
- Regulation (EU) №1025/2012 of EU Parliament and Council regarding European standardisation.



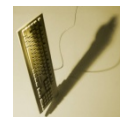
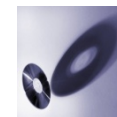
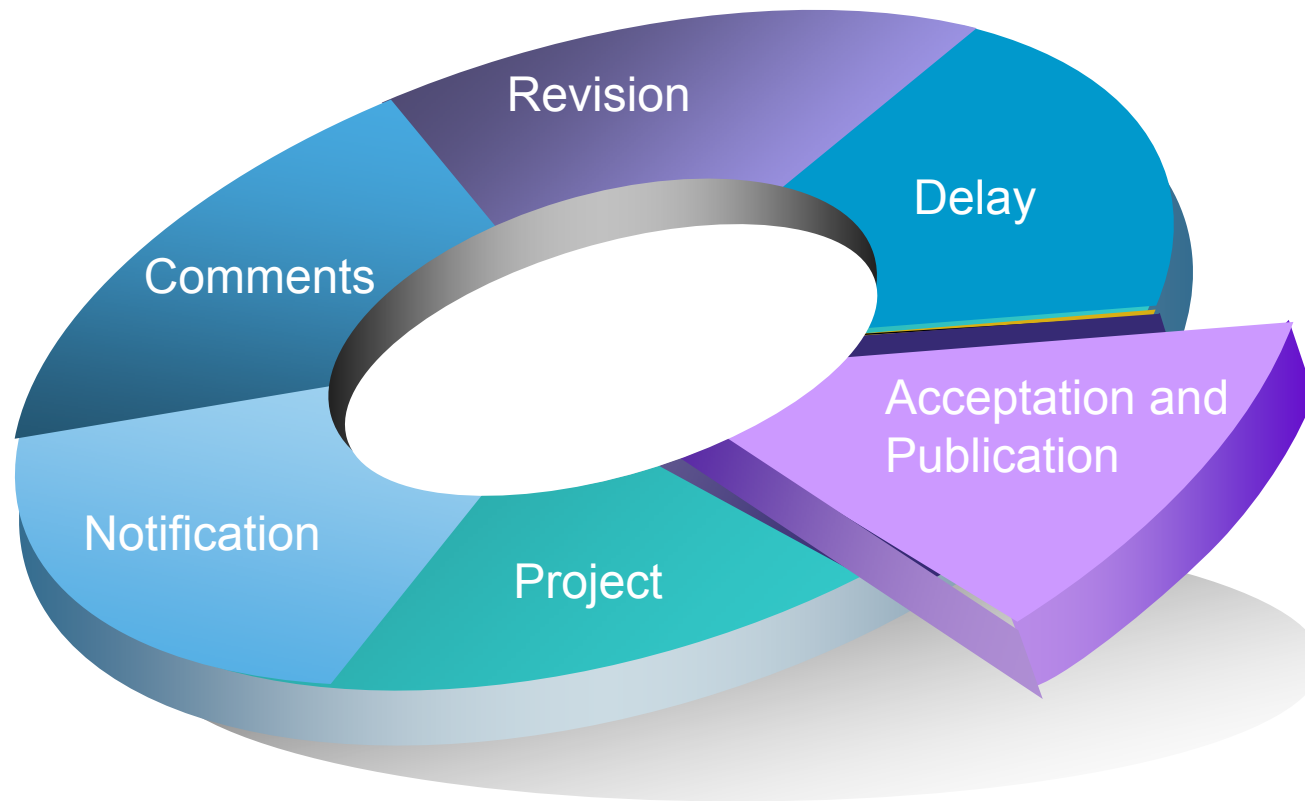
Notification–

an instrument for harmonisation of the legislation

- Directive 98/34/EC
- Member states give the Commission all projects for technical regulation immediately, with the exception when they transpose the full text of international or European standards;
- The Commission immediately notifies the other Member States for the project;
- The Commission and the Member States may make comments to the Member State, which has forwarded a project of technical regulation;
- Member State shall take such comments into account as far as possible, in subsequent repeated preparation of the technical regulation;
- Member States postpone the adoption of a project of technical regulation. The Commission announced that the project concerns a matter that is the subject of a proposal for a directive, regulation or decision;
- **Without notification–** emergency measures in emergency situations by Directive 92/59/EEC, regarding the products' common safety.

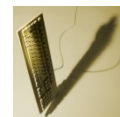
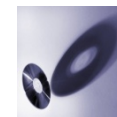


Process of harmonisation of national legislation



Technical regulations include

- Legislative, sub-legislative or administrative regulations of a Member State, which refer either to technical specifications or other requirements or rules on services, or to professional codes, or codes of practices, which in their turn refer to technical specifications, subject to which confers a presumption of conformity with the obligations imposed by those provisions;
- Legal, sublegal or administrative regulations of a Member State, which refer either to the technical specifications or to other requirements or rules for services, or to professional codes or codes of practices, which in their turn refer to the technical specification, in compliance to which it is imposed the presumption for conformity with the imposed obligations by these provisions;
- Voluntary agreements, where the public authority is a party and which, in the name of general interest, regulate the compliance of technical specifications or other requirements or rules on services, **with the exception of the specifications of the tender documents for public procurements**;
- Technical specifications or other requirements or rules on services, linked to fiscal or financial measures, affecting the consumption of products or services by stimulating the voluntary execution.



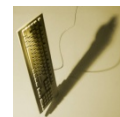
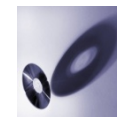
“New approach”

OLD approach

- The Directive is very technically orientated and detailed
- Time-consuming development

NEW approach

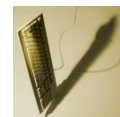
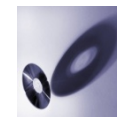
- The Directive formulates only the “most important requirements”
- References to the standards



Regulation(EU) №1025/2012

Main purpose of the standardisation:

The determination of voluntary technical specifications or quality specifications, which can be met by current or future products, production processes or services.



Founding principles

1. Coordination

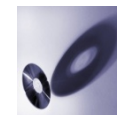
2. Transparency

3. Consensus

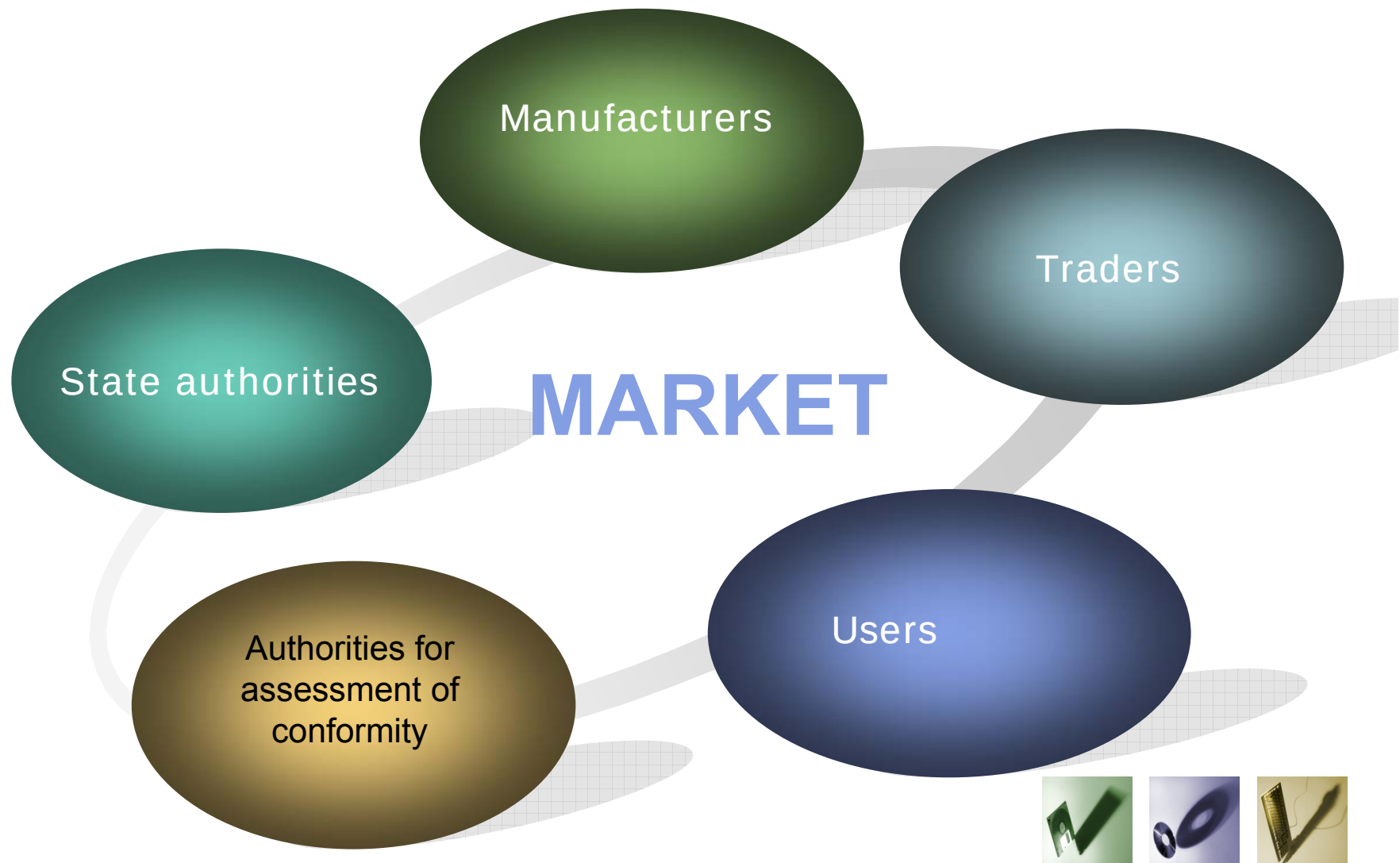
4. Good will

5. Independence from interests

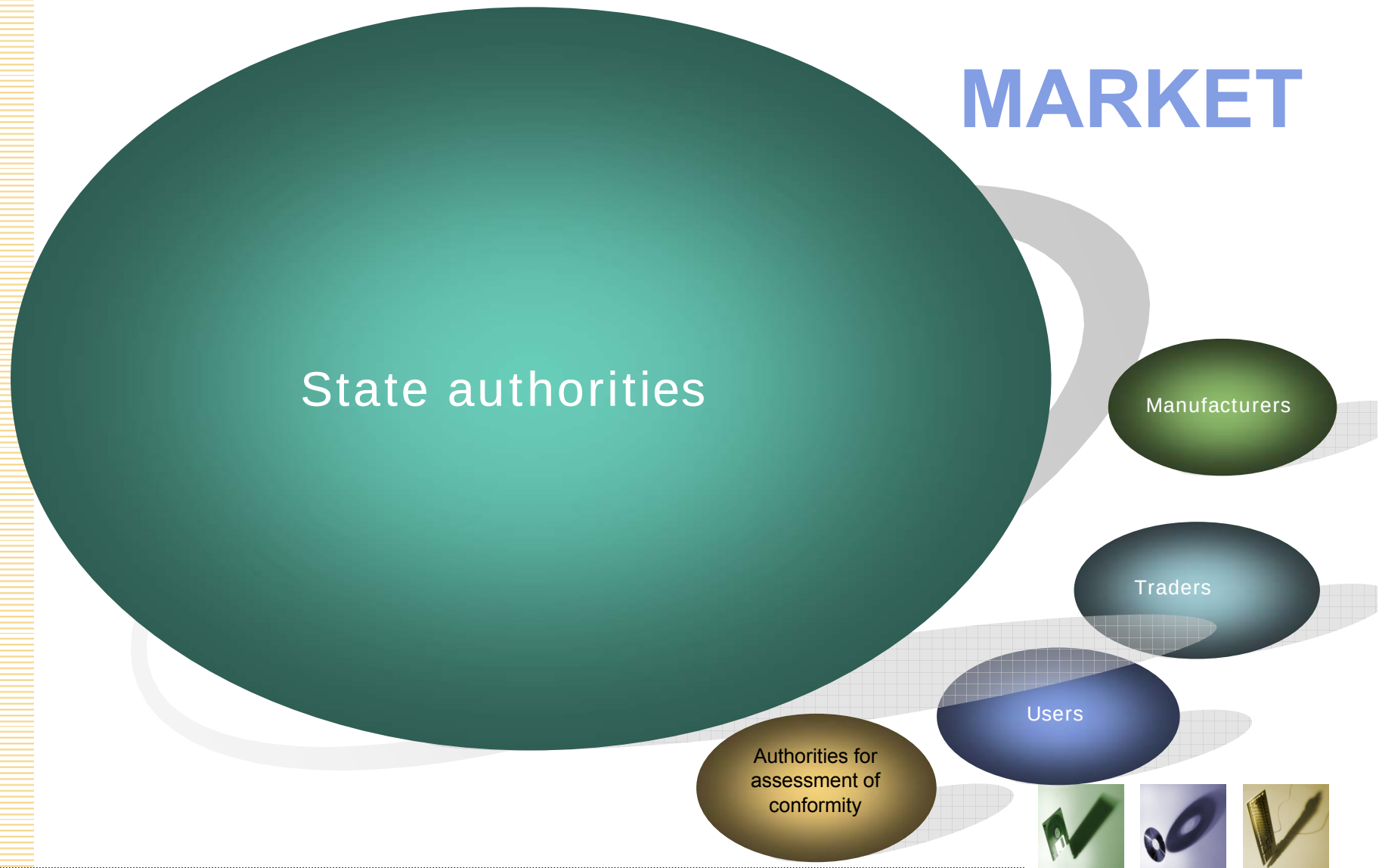
6. Efficiency



Market participants with consensus

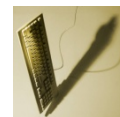
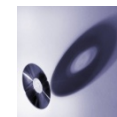


Participants without consensus



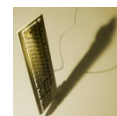
Contribution of the standardisation

- Enhancing the competitiveness of the enterprises by facilitating the free movement of goods and services, the operational compatibility of the networks, the functioning of the communication resources, technological development and innovation, it strengthens the global competitiveness of the european industry;
- Creates an conducive environment to the mutual economic entry of the domestic market and promotes the development of new and improved products or markets and improved supply conditions;
- Maintains and improves the quality, provides information and ensures operative and technical compatibility, thus increasing the safety and the worth for the customers.



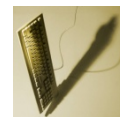
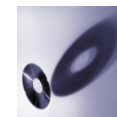
New moments in Regulation 1025/2012

1. Expanding the scope of the legal framework, by including the standards of services;
2. Remains in the exclusive competence of the Member States to define the fundamental principles of management, financing, organisation and delivery of services, provided under the systems of social security, vocational training and health;
3. Providing to all interested parties with easy to use mechanism for online consultations on projects for standards and through organising virtual meetings of the technical committees, including conferencing on the Internet;



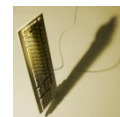
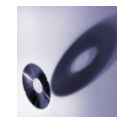
New moments in Regulation 1025/2012

4. To improve the representation and participation of SMEs in both the national and the European technical committees and thereby to facilitate their effective access to the standards and awareness of them;
5. To ensure the strengthening of the role and contribution of the interested public groups in the development of standards through increased support of the organisations, representing the consumers and environmental and social interests;
6. In order to avoid subsequent objections to the harmonised standards and changes in them, it is important that public authorities to participate in the standardisation at all stages of the development of these standards;



New moments in Regulation 1025/2012

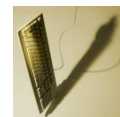
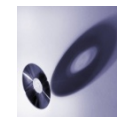
7. Creation of procedure for identification of ICT (Information and communication technologies) technical specification, which can be referred in procedures for assigning of public procurements;
8. The opportunity for financial support of the european organisations, representing SMEs, the consumers and environmental interests in the standardisation process, through targeted grants;
9. Following the publication of a new harmonised standard, all conflicting national standards shall be withdrawn within a reasonable deadline.



Access of SME's to standards

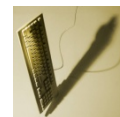
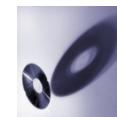
Obligations of the National Standardisation Bodies:

- Securing of access to standardisation activities, without the obligation to become members;
- Securing of free access to standards project;
- Publishing of free summaries of standards on their webpage;
- Applying of special tariffs for the delivery of standards on reduced cost.



Main points in Regulation 1025/2012

- European standards in support of the legislation and policies of the Union;
- Identification of technical specifications of ICT, admissible for referring in public procurements;
- Funding by the European Union for Standardization;
- Adapting the criteria for European organisations of the interested parties (which can be funded) in respect of their non-economic character and representativity.



Regulation 1025/2012

This Regulation shall be **binding** in its entirety and **directly applicable** in all Member States

Published

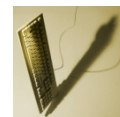
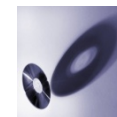
Entered into force

Applied

On 14.11.2012

On 04.12.2012

On 01.01.2013



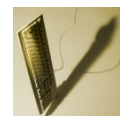
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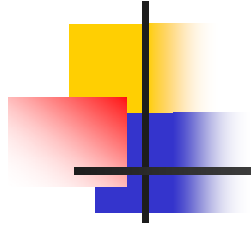
Prepared by

Aleksandar Lachev, Engineer –

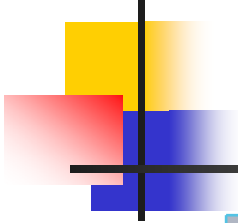
expert on european and national technical legislation, with more
than 20 years consultancy experience

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Informational application



EU primary law₁

Treaties - constitutive:

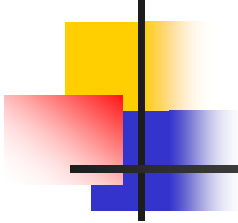
Title and year of the document	EUR-Lex
• Treaty establishing the European Coal and Steel Community (1951 г.)	<u>11951K/TXT</u>
• Treaty establishing European Economic Community (1957)	<u>11957E/TXT</u>
• Treaty establishing the European Atomic Energy Community (1957)	<u>11957A/TXT</u>
• Treaty on European Union (1992)	<u>11992M/TXT</u>



EU primary law ²

Treaties – currently in force:

Title and year of the document	Official Journal
• Treaty of Lisbon (2007)	<u>OJ C 306, 17.12.2007</u>
• Treaty on the Functioning of the European Union (2012)	<u>OJ C 326, 26.10.2012</u>
• Treaty on European Union (consolidated version 2012)	<u>OJ C 326, 26.10.2012</u>
• <u>Treaty establishing the European Atomic Energy Community</u> (2012)	<u>OJ C 327, 26.10.2012</u>
• Charter of Fundamental Rights of the European Union (2012)	<u>OJ C 326, 26.10.2012, p. 391-407</u>

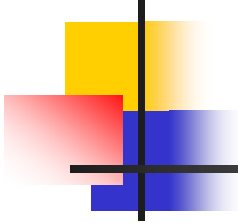


EU secondary legislation

adopted by the European Parliament, the Council of Europe and the European Commission

- Regulations
- Directives
- Resolutions
- *Recommendations*
- *Opinions*

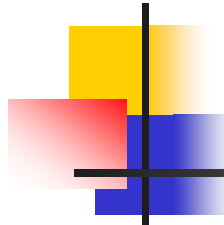
Recommendations and opinions are non-binding EU acts



Regulations

- The most distinctive expression of the legal system of the Community and main source of secondary legislation.
- Its main function is to establish uniform law in the whole Community.
- The regulation has general importance.
- It shall **be binding in its entirety and directly applicable in all Member States.**

European Central Bank also adopts regulations



Directives

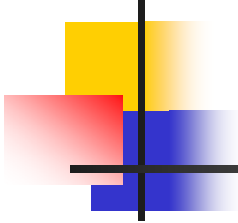
- The directive is **binding only “regarding the result that has to be achieved”**
- Directives bind Member States to whom they are addressed, regarding the result that they have to achieve, leaving the national authorities the choice of form and means to do so

Resolutions



“individual resolution”

- The resolutions is binding for the addressee in all if its aspects.
- In contrast to the regulation, this act is binding only for its addressee.
- The addressee of the resolution can be member state, individuals or legal entity.
- The resolution has status of an individual administrative act.



European standardisation organisations

- 1. CEN — European Committee for Standardization
- 2. Cenelec — European Committee for Electrotechnical Standardization
- 3. ETSI — The European Telecommunications Standards Institute