COUNCIL DIRECTIVE

of 22 March 1988

amending Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations

(88/182/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100A, 213 and 43 thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas it is important to adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas experience in implementing Directive 83/189/EEC (4) has shown that certain amendments would be appropriate in order to increase its effectiveness as an instrument intended to facilitate the free movement of goods within the Community by preventing the creation of new barriers to trade;

Whereas the Standing Committee set up pursuant to Article 5 of Directive 83/189/EEC should be consulted on the draft standardization requests referred to in Article 6 (3) of that Directive;

Whereas the introduction of national measures must not be allowed to compromise the adoption, by the Council, of Commission proposals in the same field; whereas, to this end, it is necessary to provide for a 12-month standstill period to take effect from the date of submission of the said proposals, during which Member States must refrain from adopting technical regulations in the field in question,

(1) OJ No C 71, 19. 3. 1987, p. 12 and OJ No C 3, 7. 1. 1988, p. 6.
(2) OJ No C 345, 21. 12. 1987 and Decision of 10 February 1988 (not yet published in the Official Journal).
(3) OJ No C 319, 30. 11. 1987, p. 20.
(4) OJ No L 109, 26. 4. 1983, p. 8.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/189/EEC is hereby amended as follows:

1. The following recital is added after the fifth recital:

   'Whereas the Member State concerned must take account of these amendments when formulating the definitive text of the measure envisaged;'.

2. The following is added to Article 1 (1):

   'and the production methods and procedures for agricultural products as defined in Article 38 (1) of the Treaty and for products intended for human and animal consumption and for medicinal products as defined in Article 1 of Directive 65/65/EEC (1), as last amended by Directive 87/21/EEC. (2)

   (1) OJ No 22, 9. 2. 1965, p. 369/65.
   (2) OJ No L 15, 15. 1. 1987, p. 36.'.

3. Article 1 (7) is replaced by the following:

   '(7) "product", any industrially manufactured product and any agricultural product.'.

4. The following indent is added to Article 6 (3):

   '— identify the areas where harmonization appears necessary, and, should the case arise, undertake appropriate harmonization in a given sector.'.

5. The following is added to Article 6 (4):

   '(e) on the requests to the standards institutions referred to in the first indent of paragraph 3.'.

6. The following is added to the end of the first subparagraph of Article 8 (1):

   'Where appropriate, Member States shall simultaneously communicate the text of the basic legislative or regulatory provisions principally and directly concerned, should knowledge of such text be necessary to assess the implications of the draft technical regulation.'.

7. The second subparagraph of Article 8 (1) is replaced by the following:

   'The Commission shall immediately notify the other Member States of any draft it has received; it may also refer this draft to the Committee referred to in Article 5 and, if appropriate, to the Committee responsible for the field in question for its opinion.'.