

European Commission Proposes Revisions to Mutual Recognition Regulation

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The **European Commission (EC)** has published an Inception Impact Assessment on the revision of the **Mutual Recognition Regulation (EC)** No 764/2008, titled, [Achieving more and better mutual recognition for the single market for goods](#). The EC proposes three policy options on how to streamline the implementation and enforcement of the Mutual Recognition Regulation:

Policy Option 1: Maintain the status quo

Policy Option 2: Revise the Mutual Recognition Regulation

- Render mutual recognition easier to apply by: (a) clarifying the scope of the Regulation; (b) developing a clearer mutual recognition clause to be included in national laws; and (c) updating the list of products that are not subject to the EU's harmonized legislation
- Transform mutual recognition into a reliable tool through: (a) a self-declaration of conformity issued by the economic operator; (b) a declaration of conformity issued by a body designated by the Member State in which the product is legally marketed; (c) introduction of dissuasive means to ensure that the obligation for national authorities to notify administrative decisions denying or restricting mutual recognition is respected; and (d) ensurance that effective remedies are available to economic operators who wish to take action against an administrative decision
- Improve communication to better support the application of mutual recognition by: (a) strengthening the role of Member States' Product Contact Points in providing information on applicable products rules; (b) using new IT tools to announce decisions that hinder market access; and (c) establishing strict deadlines in which to reply to requests made from one authority to the other

Policy Option 3: Further harmonization

- Harmonize technical requirements in specific fields where mutual recognition does not appear sufficient to ensure free movement of goods

- Harmonize certain basic requirements (e.g., minimum traceability requirements)
- Ensure that products lawfully marketed in one Member State and that comply with European standards effectively enjoy the right of free movement in the EU

According to the EC's Communication (COM(2015) 550 final), revision of the Mutual Recognition Regulation is expected in 2017. Prior to that, the EC plans to adopt an action plan to improve the application of the mutual recognition principle, which is expected in 2016.

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National Law Review, Volume VI, Number 146

Source URL: <https://natlawreview.com/article/european-commission-proposes-revisions-to-mutual-recognition-regulation>