



NOTE

Response from the Danish Government to the public consultation on the review of the internal market legislation for industrial products

A well-functioning internal market for industrial products is a key to achieving sustained growth in Europe. It is therefore important that barriers arising from the legislation itself, the lack of implementation or misapplication in EU member states are dealt with through evidence-based legislation and a strong and integrated enforcement structure taking into account both formal and informal enforcement mechanisms.

What, if any, are the regulatory barriers to the effective functioning of the internal market for industrial products?

Legislation can constitute regulatory barriers to trade in the EU. Therefore, new legislation should take into account the needs of business as well as public interests such as the environment, consumer protection and health. When considered relevant to the needs of business, member states should furthermore take into consideration similar legislation in other member states. This needs-based approach is congruent with the cross-cutting agenda of smart regulation emphasizing the need to take into consideration both the economic potential and the needs of end users.

What, if any, are the non-regulatory barriers to the effective functioning of the internal market for industrial products?

The non-regulatory barriers are more important in relation to the effective functioning of the internal market than regulatory barriers. The inconsistent application of EU-legislation constitutes a significant barrier to trade. Barriers could be mitigated by ensuring more consistent application of EU-legislation based on a diffusion of best-practice across different sectors. Better application could also be facilitated by strengthening the synergies between for example SOLVIT and the EU Product Contact Points. In line with the Danish position on the smart regulation agenda, the focus on the rules themselves needs to be supplemented with a focus on how the rules are communicated, implemented, enforced and fit into the every-day administrative practices of businesses.

Do you think that Regulation (EC) 764/2008 on mutual recognition is a good instrument for ensuring the free movement of industrial products

not covered by harmonisation legislation? If not, what is its main weakness?

In general regulation 764/2008 on mutual recognition is a good instrument for ensuring the free movement in the non-harmonised area. However, efforts should be made to improve the efficiency of the Product Contact Points in the member states in order to provide companies with swift information on national legislation.

Would you prefer that the Single Declaration of Conformity be a simple compilation of individual Declarations of conformity?

Yes, in accordance with the compromise reached on the alignment package, a compilation of individual declarations should also be considered a single declaration.

Would you prefer that each piece of product legislation provide for a customised Declaration of Conformity?

It is important that the declaration of conformity allows for the necessary adaption to sector specific circumstances.