



Minutes of the 140th meeting of the Technical Regulations Standing Committee (SG code: X01900)

Brussels, Thursday 12 October 2023

1. Opening of the 140th meeting of the Committee

The Chair, Head of Unit GROW.E.3 “*Notification of Regulatory Barriers*” in the Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Mr Radek Maly, welcomed the Committee members/observers to the 140th meeting of the Technical Regulations Committee.

2. Address by Director for Directorate for Single Market Enforcement

Ms Mary Veronica Tovsak Pleterski, Director for Single Market Enforcement (Directorate E of DG GROW) highlighted the importance of prevention of new regulatory barriers in general, as well as the importance of the smooth functioning of the notification procedure under the Single Market Transparency Directive (SMTD) in particular. She stressed the role of the Member States in untapping the full potential of the Single Market and outlined some areas where there is a room for improvement on the part of the Member States with regard to the notification procedure. The Member States were invited to reach out to the Commission with any issue related to the functioning of the SMTD they might wish to discuss.

3. Adoption of the agenda of the 140th meeting of the Committee

The draft agenda of the meeting was adopted without any changes/amendments.

4. Approval of the minutes of the 139th meeting of the Technical Regulations Committee

The draft minutes of the 139th meeting were approved without any changes/amendments.

5. Statistical overview of the application of Directive (EU) 2015/1535 (SMTD) – first semester of 2023

The Commission presented statistics concerning notifications during the period from 1 January 2023 to 31 August 2023. During this period, 533 draft technical regulations

were notified to the Commission. For more details, see the power-point presentation on CIRCABC.

6. New TRIS Database

The Commission updated the Committee on the progress with the development of the new TRIS Database, focusing on the perspective of the users from the Member States.

The Member States proposed a number of improvements of the database which will be considered by the Commission for the future development thereof.

7. Single Notification Window

The Commission presented to the Committee the recently launched Single Notification Window:

https://single-market-economy.ec.europa.eu/single-market/single-notification-window_en

The Single Notification Window is a platform that provides one central point for EU countries' notification obligations that are relevant for the single market. For more details, see the power-point presentation on CIRCABC.

The project was welcomed by the Committee. The Commission was invited to continue to engage with Member States to discuss possible further improvements of the platform.

8. Enhanced transparency of the notification procedure under SMTD

The Commission updated the Committee on the state of play of the enhanced transparency project. In order to address the transparency needs in line with the relevant case law, the Commission has started to publish its reactions (comments, detailed opinions and blocking decisions) in public TRIS since 1 January 2022. In addition, the Commission provided the possibility to publish their reactions to the notified drafts also to Member States. The Commission is currently working on the implementation of the third stage of the transparency project which includes the disclosure (subject to the approval of the relevant Member State) of certain documents containing communications between the Commission and the Member States following the issuance of a reaction to a notified draft. The third stage of the transparency project is about to be launched in TRIS shortly. For more details, see the power-point presentation on CIRCABC.

9. Structural issues as regards notification procedure under SMTD

The Commission presented some concerning issues related both to the content of the notified drafts and the procedure under the SMTD. These concerning trends include, among others, missing documents in notifications and use of suspensive clauses in notified drafts. For more details, see the power-point presentation on CIRCABC.

10. Recent case-law related to SMTD

The Commission informed the Committee of developments in the case-law related to SMTD, in particular of the ongoing cases C-606/21 *Doctipharma SAS*, C-86/22 *Papier Mettler Italia* and C-662/22, C-667/22 *Amazon, Google, Airbnb and Eg Vacation Rentals*. For more details, see the power-point presentation on CIRCABC.

11. A.O.B.

Some members of the Committee proposed to invite Ukraine as a permanent observer of the Committee. The proposal was welcomed by the Chair and there were no objections from the Committee. The Commission will explore the options in this regard.

The 141st Technical Regulations Committee meeting is scheduled for **Wednesday 12 March 2024 (TBC)**, as an in person meeting.

Representatives of the EU Member States (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), EFTA (EFTA Secretariat and Norway), Türkiye and the Commission.