

**COUNCIL RESOLUTION****of 28 October 1999****on mutual recognition**

(2000/C 141/02)

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING the objectives of the Treaty establishing the European Community, particularly the free movement of goods, persons and services, freedom of establishment, consumer protection, and the protection of the public health and the environment;
2. RECALLING its Conclusions of 30 March 1998 on mutual recognition;
3. WELCOMING the Commission's communication on mutual recognition in the context of the follow-up to the action plan for the single market and the Commission's first biennial report 'On the application of the principle of mutual recognition in product and services markets';
4. EMPHASISING that the mutual recognition principle has made positive contributions to the free movement of goods and services in many cases and has brought important benefits for the functioning of the single market, especially for small and medium-sized enterprises;
5. ACKNOWLEDGING that the application of the principle of mutual recognition of goods and services is primarily the responsibility of the Member States and that the Commission is the guardian of the proper application of the principle;
6. CONSIDERING that there is a need for a coherent combination of harmonised legislation, standardisation, instruments for conformity assessment, such as accreditation, and mutual recognition to ensure the proper functioning of the single market;
7. EMPHASISING the need for proper application of the principle of mutual recognition in the context of the enlargement of the Union;
8. EMPHASISING the importance of mutual recognition also in the context of the World Trade Organisation and the new round of international trade negotiations;
9. DRAWS attention to the need for further efforts to improve the application of the principle of mutual recognition. Particular consideration must be given to problems in some areas of the goods sector (for example, foodstuffs, electrical engineering, construction products and motor vehicles), services sector (for example, financial services) and professional qualifications (for example, recognition of diplomas);
10. TAKES NOTE that economic operators and citizens do not always make full and proper use of the mutual recognition because they are not sufficiently aware of the principle and its operational consequences;
11. TAKES NOTE that in some cases economic operators and citizens may refrain from relying on mutual recognition since they feel that administrative procedures for obtaining mutual recognition are too burdensome or difficult;
12. TAKES NOTE, furthermore, that administrations in Member States may in some cases have problems in applying mutual recognition effectively for reasons of insufficient information about other Members States' legislation and verification procedures or for reasons of lack of knowledge about practical application of the principle;
13. UNDERLINES that more extensive information, especially on the economic aspects, may be needed in order to assess accurately the effects of application and non-application of the mutual recognition principle;
14. CALLS UPON the Member States to continue to develop appropriate measures, including the following, in order to provide economic operators and citizens with an effective framework for mutual recognition:
  - (a) review and simplify the relevant national legislation and its application procedures, for example, by inserting appropriate mutual recognition clauses in relevant legislative proposals and improving national procedures for applying efficiently these clauses;
  - (b) deal effectively with requests from economic operators and citizens, reply rapidly to those requests, ensure that legal complaint mechanisms operate appropriately and strengthen the non-judicial problem-solving mechanisms, including administrative cooperation;

- (c) increase the awareness of citizens and economic operators of their rights concerning mutual recognition and reinforce the dialogue with citizens and economic operators in order to receive information from them on the functioning and non-functioning of mutual recognition by using the established problem-solving framework;
- (d) support the Commission in its activities for collecting information on those sectors where mutual recognition constitutes a problem for their industry or service providers when transferring goods or services to other Member States;
- (e) ensure that the information exchange obligations, which are addressed to the Member States, set out in Directive 98/34/EC, as amended by Directive 98/48/EC, and Decision No 3052/95/EC are fully and effectively implemented in order to identify and prevent technical barriers to trade in national legislation;
- (f) give special attention to the importance of further developing and extending the use of mutual recognition of all conformity assessment procedures, such as test reports, inspection reports, certificates and conformity marks.
15. INVITES the Commission to continue its efforts to collect data from the Member States authorities, business and consumers' representatives and other interest groups on successes and shortcomings in the field of mutual recognition and their economic impact and to include such data in the biennial reports as well as the single market scoreboard and carry out in cooperation with economic operators and the Member States studies relating to equivalence of conformity in sectors where mutual recognition applies and identify methodologies which would facilitate national authorities to assess the equivalence of the degrees of protection;
16. INVITES the Commission to take the appropriate measures and initiatives in order to improve the application of the mutual recognition principle, such as:
- (a) increase the awareness of citizens and economic operators of their rights concerning the principle through, for example, active information campaigns, guidebooks and brochures and develop the existing feedback instruments in order to receive information from economic operators and citizens;
- (b) rely, as much as possible, on administrative cooperation and pursue rigorously its activities aiming at bringing to an end infringements of the application of the principle of mutual recognition, using the powers given to it by the Treaty, in particular in the framework of Directive 98/34/EC, as amended by Directive 98/48/EC, and Decision No 3052/95/EC;
- (c) ensure that policies in the field of mutual recognition are co-ordinated with other Community policies and consider all available instruments, such as harmonised legislation mutual recognition, conformity assessment and standardisation;
- (d) establish concrete and practical guidelines on the proper application of the mutual recognition in the field of goods, services and professional qualifications;
- (e) use the single market scoreboard to present the successes and shortcomings in the field of mutual recognition.
17. ENCOURAGES economic operators and citizens to make full use of the mutual recognition principle by:
- (a) availing themselves of their right to benefit from mutual recognition;
- (b) informing Member States and the Commission of any problems they encounter and using legal procedures available in national and Community legislation, where necessary;
- (c) using information material provided by the Member States and the Commission.
18. RESOLVES TO REVIEW the implementation of this resolution by the end of the year 2001 on the basis of the biennial report and the successive editions of the scoreboard produced by the Commission and decide on further action, if necessary.
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