



***Free Movement of Goods:  
Implementation and Functioning of the  
Quality Infrastructure System***



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***SAA Implementation Workshop***

- ***Fostering the free movement of goods – an introduction to the requirements of the Acquis***
- ***How to align to the Acquis in the field of free movement of goods – best practice examples from a new member state***
- ***Conformity assessment procedures in Slovenia***

## *SAA Implementation Workshop*

- **Fostering the free movement of goods – an introduction to the requirements of the Acquis**
  - *Scope of activities, structure and experiences of the Internal market sector at the Ministry of the Economy*

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## *Main administrative structures*

- **Structures required for implementing the acquis**
  - administrative structures explicitly required by the *acquis*
  - administrative structures not explicitly required by the *acquis*, but necessary for an effective implementation of the *acquis*

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## *Main administrative structures*

- **Structures required for implementing the acquis**
  - the key functions which the structures in question must fulfil
  - the fundamental characteristics these structures must have to fulfil their functions

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## *Institutional infrastructure*

- **National quality infrastructure**
  - TECHNICAL REGULATIONS
  - STANDARDISATION
  - ACCREDITATION
  - CERTIFICATION / TESTING / INSPECTION
  - METROLOGY
  - MARKET SURVEILLANCE

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## *Institutional infrastructure institutions*

- **Requirements**

- separation of the regulatory, standardisation, accreditation and certification functions is necessary for a proper implementation
- public authorities should retain only the legislative and enforcement (market surveillance) functions
- ensure that the system of third party certification of conformity to regulatory requirements has sufficient technical competence and independence (accreditation)

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## *Technical regulations*

- **Role of the public authorities**

- for timely and proper transposition ministries should have sufficient and properly trained human resources
- various ministries should have appropriate co-ordination among themselves to elaborate the framework laws and ensure their legislative implementation

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## *Standardisation*

- **Establishment of a standards organ**
  - standards are voluntary technical specifications
- **Role of the standards organ**
  - membership of CEN, CENELEC, ETSI and international standard organisations
  - implementation of EC and international standards

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## *Standardisation*

- **Key characteristics of the organ**
  - independence (preferably a private body)
  - decision making process is consensus driven and transparent.
  - all interests are represented, both in the activities and on the management boards of the standardisation body
  - participation of the interested parties is voluntary
  - results of the work are open to the public

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## *Accreditation*

- **Role of the accreditation procedure**
  - gives formal recognition that accredited bodies are competent to carry out specific tasks
  - bodies are assessed and audited at regular intervals by a third party to check to their technical competence
  - confidence is essential for the operation of mutual recognition

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## *Accreditation*

- **Key characteristics**
  - national accreditation system is independent, part of European and international co-operation
  - accreditation should be a non-profit activity
  - provide an efficient and quality driven service
  - distinction between the activities of accreditation and certification must be maintained

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## *Certification / Testing / Inspection*

- **Role of certification / testing / inspection**
  - certification - procedure by which a third party gives assurance that a product, process or service is conform to specified requirements
  - testing - determination of one or more characteristics of a given product, process or service on the basis of specified procedures
  - inspection - conformity evaluation on the basis of professional judgement

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## *Certification / Testing / Inspection*

- **Key characteristics**
  - bodies should preferably be accredited according to the corresponding of standards
  - however, accreditation is not mandatory for bodies seeking notification under New Approach Directive
  - national authorities are responsible for notification

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## *Conformity assessment bodies*

- **Notified bodies must**
  - provide relevant information to their notifying authority, the market surveillance authority, other notified bodies, and the Commission
  - carry out their activities in an independent and impartial manner (in particular, the independence and impartiality of personnel involved in conformity assessment work must be guaranteed)

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## *Conformity assessment bodies*

- **Notified bodies must**
  - employ the necessary personnel that has sufficient and relevant knowledge and experience to carry out conformity assessment
  - make adequate arrangements to ensure confidentiality of the information obtained in the course of conformity assessment
  - be adequately insured to cover their professional activity

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## ***Metrology***

- **Role of metrology**

- legal metrology concerns the regulation of measuring instruments for legal use
  - EC harmonisation concerns the measuring instruments when placed on the market, but does not prescribe their use, which is determined by national law
- legal metrology is the responsibility of public authorities
- industrial and scientific metrology need not be

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## ***Legal metrology***

- **Key characteristics of legal metrology**

- **acquis for metrology** consists mostly of ‘old approach’ directives
- for non-automatic weighing machines exists a New Approach Directive
- conformity assessment is done by the authorities
- legal metrology authorities participate in the European co-operation WELMEC (also members of OIML)

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## *Industrial/scientific metrology*

- **Key characteristics industrial/scientific metrology**
  - national programme for the development of the metrology structure is needed
  - international co-operation is essential
    - traceability to international measurement standards
    - international comparison tests for checking the quality and competence of national metrology services
    - members of, and actively participating in, the work of EUROMET

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## *Free movement of goods in non-harmonised area*

- **Application of Articles 28-30 of the EC Treaty**
  - responsibility for the follow-up and implementation of Articles 28-30 of the EC Treaty
  - responsibility for the application and implementation of the principle of mutual recognition
  - responsibility for co-ordination of the reaction of the administrative bodies involved in the infringement cases

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## ***Free movement of goods in non-harmonised area***

- **Exchange of information on national measures derogating from the principle of free movements of goods (Decision 3052/95/EC)**
  - designation of the required authorities for the implementation of Decision 3052/95
  - under which administrative entity
  - co-ordination of the transmission of the individual decisions taken by the local bodies

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## ***Free movement of goods in non-harmonised area***

- **Functioning of the internal market in relation to free movement of goods among the Member States (Regulation 2679/98/EC)**
  - designation of the required authorities for the implementation of Regulation 2679/98 in your country
  - under the competence of which administrative entity

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## *Free movement of goods in non-harmonised area*

- **Conformity with the rules of product safety relating to products imported from third countries (Regulation EEC 339/93)**
  - designation of the national authority or authorities responsible for monitoring the market as having to be informed whenever the customs authorities suspend release of products according to Regulation 339/93