Proposal for a Council Decision on the conclusion of an additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)

(2003/C 45 E/26)

COM(2002) 608 final — 2002/0261(ACC)

(Submitted by the Commission on 7 November 2002)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2), the first sentence of the first subparagraph of Article 300(3) and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia of the other part, [1] entered into force on 1st February 1998.

(2) Article 75 of the Europe Agreement provides that cooperation in the fields of standardisation and conformity assessment shall seek to achieve the conclusion of agreements on mutual recognition.

(3) Article 113(2) of the Europe Agreement provides that the Association Council may delegate to the Association Committee any of its powers.

(4) Article 2 of Decision 98/180/EC, ECSC, Euratom of the Council and the Commission of 19 December 1997 on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, [2] provides for the Community decision-making procedures and for the presentation of the Community position in the Association Council and in the Association Committee.

(5) Article 14 of Decision No 1/1999 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part of 22 February 1999 on its rules of procedure provides that the Association Committee may set up further subcommittees or groups to assist in carrying out its duties.

(6) The draft Protocol to the Europe Agreement on Conformity Assessment and Acceptance of Industrial Products, has been signed in Brussels on [... 2002], on behalf of the Community, and should be approved.

(7) Certain tasks for implementation have been conferred to the Association Council and in particular the power to amend the Annexes to the Protocol.

(8) The appropriate internal procedures should be established to ensure the proper functioning of the Protocol.

(9) It is necessary to empower the Commission to make certain technical amendments to this Protocol and to take certain decisions for its implementation,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Europe Agreement with the Republic of Estonia on Conformity Assessment and Acceptance of Industrial Products (hereinafter referred to as 'the Protocol'), as well as the declaration annexed to the Final Act thereto, are hereby approved on behalf of the European Community.

The text of the Protocol, and of the declaration annexed to the Final Act thereto, is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community, transmit the diplomatic note provided for in Article 17 of the Protocol [3].

Article 3

1. The Commission, after consultation with the special committee appointed by the Council, shall:

(a) carry into effect the notifications, acknowledgements, suspensions and withdrawals of bodies, and appointments of joint team or teams of experts, in accordance with Articles 10, 11 and 14, indent c) of the Protocol;

[1] OJ L 68, 9.3.1998, p. 3.

[2] OJ L 68, 9.3.1998, p. 1.

[3] The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

(b) bring about the consultations, exchange of information, the requests for verifications and for participation in verifications, in accordance with Articles 3, 12 and 14, indents (d) and (e), and Sections III and IV of the Annexes to the Protocol concerning electrical safety, electromagnetic compatibility, lifts and safety of toys;

(c) if necessary, reply to requests in accordance with Article 11, Sections III and IV of the Annexes to the Protocol concerning electrical safety, electromagnetic compatibility, lifts and safety of toys.

2. Following consultation of the special committee referred to in paragraph 1 of this Article, the Commission shall determine the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to:

(a) amendments to the Annexes in accordance with Article 14, point (a) of the Protocol;

(b) addition of new Annexes in accordance with Article 14, point (b) of the Protocol;

(c) any decisions regarding disagreements on the results of the verifications and the suspensions, in part or totally, of any notified body in accordance with the second and third subparagraphs of Article 11 of the Protocol;

(d) any measures taken in the application of the safeguard clauses in Section IV of the Annexes of the Protocol concerning electrical safety, electromagnetic compatibility, lifts and safety of toys;

(e) any measures concerning the verification, suspension, or withdrawal of industrial products as having mutual acceptance under Article 4 of the Protocol.

3. In all other cases the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to this Protocol shall be determined by the Council, acting by qualified majority on a proposal from the Commission.

PROTOCOL

to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part on Conformity Assessment and Acceptance of Industrial Products (PECA)

THE EUROPEAN COMMUNITY AND ESTONIA hereinafter referred to as 'the Parties',

WHEREAS Estonia has applied for membership of the European Union and such membership implies the effective implementation of the *acquis* of the European Community,

RECOGNISING that the progressive adoption and implementation of Community law by Estonia provides the opportunity to extend certain benefits of the Internal Market and to ensure its effective operation in certain sectors before accession,

CONSIDERING THAT, in the sectors covered by this Protocol, the Estonian national law substantially takes over the Community law,

CONSIDERING their shared commitment to the principles of free movement of goods and to promoting product quality, so as to ensure the health and safety of their citizens and the protection of the environment, including through technical assistance and other forms of cooperation between them,

DESIRING to conclude a Protocol to the Europe Agreement on Conformity Assessment and Acceptance of industrial products (hereinafter referred to as 'this Protocol') providing for the application of the mutual acceptance of industrial products which fulfil the requirements to be lawfully placed on the market in one of the Parties and of the mutual recognition of the results of conformity assessment of industrial products which are subject to Community or national law, noting that Article 75 of the Europe Agreement provides, where appropriate, for the conclusion of an agreement on mutual recognition,

NOTING the close relationship between the European Community and Iceland, Liechtenstein and Norway through the Agreement on the European Economic Area, which makes it appropriate to consider the conclusion of a parallel European Conformity Assessment Agreement between Estonia and these countries equivalent to this Protocol,

BEARING IN MIND their status as Contracting Parties to the Agreement establishing the World Trade Organisation, and conscious in particular of their obligations under the World Trade Organisation Agreement on Technical Barriers to Trade,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The purpose of this Protocol is to facilitate the elimination by the Parties of technical barriers to trade in respect of industrial products. The means to this end is the progressive adoption and implementation by Estonia of national law, which is equivalent to Community law.

This Protocol provides for:

1. the mutual acceptance of industrial products, listed in the Annexes on mutual acceptance of industrial products, which fulfil the requirements to be lawfully placed on the market in one of the Parties;
2. the mutual recognition of the results of conformity assessment of industrial products subject to Community law and to the equivalent Estonian national law, both listed in the Annexes on mutual recognition of results of conformity assessment.

Article 2

Definitions

For the purpose of this Protocol,

— 'Industrial products' means products as specified in Article 9 of the Europe Agreement.

— 'Community law' means any legal act and implementing practice of the European Community applicable to a particular situation, risk or category of industrial products, as interpreted by the Court of Justice of the European Communities.

— 'National law' means any legal act and implementing practice by which Estonia takes over the Community law applicable to a particular situation, risk or category of industrial products.

The terms used in this Protocol shall have the meaning given in Community law and Estonian national law.

Article 3

Alignment of legislation

For the purpose of this Protocol, Estonia agrees to take appropriate measures, in consultation with the Commission of the European Communities, to maintain or complete the take-over of Community law, in particular in the fields of standardisation, metrology, accreditation, conformity assessment, market surveillance, general safety of products, and producer's liability.

Article 4

Mutual Acceptance of industrial products

The Parties agree that, for the purpose of mutual acceptance, industrial products listed in the Annexes on mutual acceptance of industrial products, which fulfil the requirements to be lawfully placed on the market of a Party, may be placed on the market of the other Party, without further restriction. This shall be without prejudice to Article 34 of the Europe Agreement.

Article 5

Mutual Recognition of the results of conformity assessment procedures

The Parties agree to recognise the results of conformity assessment procedures carried out in accordance with the Community or national law listed in the Annexes on mutual recognition of the results of conformity assessment. The Parties shall not require procedures to be repeated, nor shall they impose additional requirements, for the purposes of accepting that conformity.

Article 6

Safeguard clause

Where a Party finds that an industrial product placed on its territory by virtue of the present Protocol, and used in accordance with its intended use, may compromise the safety or health of users or other persons, or any other legitimate concern protected by legislation identified in the Annexes, it may take appropriate measures to withdraw such a product from the market, to prohibit its placing on the market, putting into service or use, or to restrict its free movement. The Annexes shall provide for the procedure to be applied in such cases.

Article 7

Extension of Coverage

As Estonia adopts and implements further national law taking over Community law, the Parties may amend the Annexes or conclude new Annexes, in accordance with the procedure laid down in Article 14.

Article 8

Origin

The provisions of this Protocol shall apply to industrial products irrespective of their origin.

Article 9

Obligation of Parties as regards their authorities and bodies

The Parties shall ensure that authorities under their jurisdiction which are responsible for the effective implementation of Community and national law shall continuously apply it. Further, they shall ensure that these authorities are able, where appropriate, to notify, suspend, remove suspension and withdraw notification of bodies, to ensure the conformity of industrial products with Community or national law or to require their withdrawal from the market.

The Parties shall ensure that bodies, notified under their respective jurisdiction to assess conformity in relation to requirements of Community or national law specified in the Annexes, continuously comply with the requirements of Community or national law. Further, they shall take all necessary steps to ensure that these bodies maintain the necessary competence to carry out the tasks for which they are notified.

Article 10

Notified bodies

Initially, the bodies notified for the purpose of this Protocol shall be those included in the lists which Estonia and the Community have exchanged before the completion of the procedures for entry into force

Afterwards, the following procedure shall apply for the notification of bodies to assess conformity in relation to the requirements of Community or national law specified in the Annexes:

(a) a Party shall forward its notification to the other Party in writing;

(b) on the acknowledgement of the other Party, given in writing, the body shall be considered as notified and as competent to assess conformity in relation to the requirements specified in the Annexes from that date.

If a Party decides to withdraw a notified body under its jurisdiction, it shall inform the other Party in writing. The body will cease to assess conformity in relation to the requirements specified in the annexes from the date of its withdrawal at the latest. Nevertheless, conformity assessment carried out before that date shall remain valid, unless otherwise decided by the Association Council.

Article 11

Verification of notified bodies

Each Party may request the other Party to verify the technical competence and compliance of a notified body under its jurisdiction. Such request will be justified in order to allow the Party responsible for the notification to carry out the requested verification and report speedily to the other Party. The Parties may also jointly examine the body, with the participation of the relevant authorities. To this end, the Parties shall ensure the full cooperation of bodies under their jurisdiction. The Parties shall take all appropriate steps, and use whatever available means may be necessary, with a view to resolving any problems which are detected.

If the problems cannot be resolved to the satisfaction of both Parties, they may notify the chairman of the Association Council of their dissent, giving their reasons. The Association Council may decide on appropriate action.

Unless and until decided otherwise by the Association Council, the notification of the body and the recognition of its competence to assess conformity in relation to the requirements of Community or national law specified in the Annexes shall be suspended in part or totally from the date on which the disagreement of the Parties has been notified to the chairman of the Association Council.

Article 12

Exchange of information and Cooperation

In order to ensure a correct and uniform application and interpretation of this Protocol, the Parties, their authorities and their notified bodies shall:

(a) exchange all relevant information concerning implementation of law and practice including, in particular, on procedure to ensure compliance of notified bodies;

(b) take part, as appropriate, in the relevant mechanisms of information, coordination and other related activities of the Parties;

(c) encourage their bodies to cooperate with a view to establishing mutual recognition arrangements in the voluntary sphere.

Article 13

Confidentiality

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information acquired under this Protocol which is of the kind covered by the obligation of professional secrecy. This information may not be used for purposes other than those envisaged by this Protocol.

Article 14

Management of the Protocol

Responsibility for the effective functioning of this Protocol shall be held by the Association Council in conformity with Article 109 of the Europe Agreement. In particular, it shall have the power to take decisions regarding:

(a) amending the annexes;

(b) adding new annexes;

(c) appointing a joint team or teams of experts to verify the technical competence of a notified body and its compliance with the requirements;

(d) exchanging information on proposed and actual modifications of the Community and national law referred to in the annexes;

(e) considering new or additional conformity assessment procedures affecting a sector covered by an annex;

(f) resolving any questions relating to the application of this Protocol.

The Association Council may delegate the above responsibilities set out under this Protocol, in conformity with Article 113(2) of the Europe Agreement.

Article 15

Technical cooperation and assistance

The Community may provide technical cooperation and assistance to Estonia where necessary in order to support the effective implementation and application of this Protocol.

Article 16

Agreements with other Countries

Agreements on conformity assessment concluded by either Party with a country which is not a Party to this Protocol shall not entail an obligation upon the other Party to accept the results of conformity assessment procedures carried out in that third country, unless there is an explicit agreement between the Parties in the Association Council.

Article 17

Entry into force

This Protocol shall enter into force on the first day of the second month following the date on which the Parties have exchanged diplomatic notes confirming the completion of their respective procedures for entry into force of the Protocol.

Article 18

Status of the Protocol

This Protocol constitutes an integral part of the Europe Agreement.

This Protocol is drawn up in two originals in the Estonian Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, and Swedish languages, each text being equally authentic.

ANNEX

on Mutual Recognition of results of Conformity Assessment

ELECTRICAL SAFETY

SECTION I

COMMUNITY AND NATIONAL LAW

Community law:	Council Directive 73/23/EEC of 19 February 1973 on the approximation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits (OJ L 77, 26.3.1973, p. 29), as last amended by Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).
National law:	Electrical Safety Act (RT I, 18.6.2002, 49, 310);
	Regulation of the Minister of Economic Affairs No 33 of 28 June 2002 'Requirements for Electrical Equipment and Installations and for Electromagnetic Compatibility Thereof, and Procedure for Conformity Assessment and Attestation of Electrical Equipment and Installations, and Requirements for Provision of Labelling on and Information with Electrical Equipment and Installations' (RTL, 11.7.2002, 76, 1171).

SECTION II

NOTIFYING AUTHORITIES

European Community:

Belgium:	Ministère des affaires économiques/Ministerie van Economische Zaken.
Denmark:	Økonomi- og Erhvervsministeriet, Elektricitetsrådet.
Germany:	Bundesministerium für Arbeit und Sozialordung.
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry).
Spain:	Ministerio de Ciencia y Tecnología.
France:	Ministère de l'économie, des finances et de l'industrie. Direction Générale de l'Industrie, des Technologies de l'Information et des Postes (DiGITIP) — SQUALPI.
Ireland:	Department of Enterprise and Employment.
Italy:	Ministero delle Attività Produttive.
Luxembourg:	Ministère de l'économie — Service de l'énergie de l'état. Ministère du Travail (Inspection du Travail et des Mines).
Netherlands:	Minister van Volksgezondheid, Welzijn en Sport (consumer goods). Minister van Sociale Zaken en Werkgelegenheid (others).
Austria:	Bundesministerium für Wirtschaft und Arbeit.
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade.
Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet.
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontrol (SWEDAC).
United Kingdom:	Department of Trade and Industry.

Estonia: Majandusministeerium.

SECTION III

NOTIFIED BODIES

European Community:

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Estonia in accordance with Article 10 of this Protocol.

Estonia:

Bodies which have been designated/authorized by Estonia in accordance with the Estonia national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

SECTION IV

SPECIFIC ARRANGEMENTS

Safeguard Clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.

3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

4. In case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council who may decide to have an expertise carried out.

5. Where the Association Council finds that the measure is:

   (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;

   (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Estonia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons thereof.

2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.

3. The Community shall keep the Association Council and the other Party informed of the proceedings.

4. The outcome of the procedure shall be notified to the other Party.

ANNEX

on Mutual Recognition of results of Conformity Assessment

ELECTROMAGNETIC COMPATIBILITY

SECTION I

COMMUNITY AND NATIONAL LAW

Community law:	Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (OJ L 139, 23.5.1989, p. 19), as last amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).
National law:	Electrical Safety Act (RT I, 18.6.2002, 49, 310);
	Regulation of the Minister of Economic Affairs No 33 of 28 June 2002 'Requirements for Electrical Equipment and Installations and for Electromagnetic Compatibility Thereof, and Procedure for Conformity Assessment and Attestation of Electrical Equipment and Installations, and Requirements for Provision of Labelling on and Information with Electrical Equipment and Installations' (RTL, 11.7.2002, 76, 1171).

SECTION II

NOTIFYING AUTHORITIES

European Community:

Belgium:	Ministère des affaires économiques/Ministerie van Economische Zaken.
Denmark:	Telestyrelsen.
Germany:	Bundesministerium für Wirtschaft und Technologie.
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry).
Spain:	Ministerio de Ciencia y Tecnología.
France:	Ministère de l'économie, des finances et de l'industrie. Direction Générale de l'Industrie, des Technologies de l'Information et des Postes (DiGITIP) — SQUALPI.
Ireland:	Department of Enterprise and Employment.
Italy:	Ministero delle Attività Produttive.
Luxembourg:	Ministère de l'économie — Service de l'énergie de l'état.
Netherlands:	Ministerie van Verkeer en Waterstaat.
Austria:	Bundesministerium für Wirtschaft und Arbeit.
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade. Ministério do Equipamento Social. Instituto das Comunicações de Portugal.
Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet. For EMC aspects of telecommunications and radio equipment: Liikenne-javiestintäministeriö/Kommunikatiosministeriet.
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontrol (SWEDAC).
United Kingdom:	Department of Trade and Industry.

Estonia: Majandusministeerium.

SECTION III

NOTIFIED AND COMPETENT BODIES

European Community:

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Estonia in accordance with Article 10 of this Protocol.

Estonia:

Bodies which have been designated/authorized by Estonia in accordance with the Estonian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

SECTION IV

SPECIFIC ARRANGEMENTS

Safeguard Clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.

3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

4. In case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council who may decide to have an expertise carried out.

5. Where the Association Council finds that the measure is:

   (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;

   (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Estonia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons thereof.

2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.

3. The Community shall keep the Association Council and the other Party informed of the proceedings.

4. The outcome of the procedure shall be notified to the other Party.

ANNEX

on Mutual Recognition of results of Conformity Assessment

LIFTS

SECTION I

COMMUNITY AND NATIONAL LAW

Community law:	European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 213, 7.9.1995, p. 1).
National law:	Lifts and Cableways Installations Safety Act (RT I, 19.6.2002, 50, 312);
	Regulation of the Minister of Economic Affairs No 39 of 1 July 2002 'Conformity Assessment and Attestation of Conformity of Lifts, Subsystems and Safety Components' (RTL, 12.7.2002, 77, 1197);
	Regulation of the Minister of Economic Affairs No 38 of 1 July 2002 'Requirements for Lifts, Safety Components and Installations and their Supply with Information and Affixation with the Mark of Conformity' (RTL, 12.7.2002, 77, 1196).

SECTION II

NOTIFYING AUTHORITIES

European Community:

Belgium:	Ministère des affaires économiques/Ministerie van Economische Zaken.
Denmark:	Direktoratet for Arbejdstilsynet.
Germany:	Bundesministerium für Arbeit und Sozialordnung.
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry).
Spain:	Ministerio de Ciencia y Tecnología.
France:	Ministère de l'equipment, des transports et du logement. Direction Générale de l'urbanisme, de l'habitat et de la construction.
Ireland:	Department of Enterprise and Employment.
Italy:	Ministero delle Attività Produttive.
Luxembourg:	Ministère du travail (Inspection du travail et des mines).
Netherlands:	Minister van Sociale Zaken en Werkgelegenheid.
Austria:	Bundesministerium für Wirtschaft und Arbeit.
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade.
Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet.
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontrol (SWEDAC).
United Kingdom:	Department of Trade and Industry.

Estonia: Majandusministeerium.

SECTION III

NOTIFIED BODIES

European Community:

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Estonia in accordance with Article 10 of this Protocol.

Estonia:

Bodies which have been designated by Estonia in accordance with the Estonian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

SECTION IV

SPECIFIC ARRANGEMENTS

Safeguard Clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of its investigations.

3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

4. In case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council who may decide to have an expertise carried out.

5. Where the Association Council finds that the measure is:

   (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;

   (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Estonia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons thereof.

2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.

3. The Community shall keep the Association Council and the other Party informed of the proceedings.

4. The outcome of the procedure shall be notified to the other Party.

ANNEX

on Mutual Recognition of results of Conformity Assessment

SAFETY OF TOYS

SECTION I

COMMUNITY AND NATIONAL LAW

Community law: Council Directive of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (88/378/EEC) (OJ L 187, 16.7.1988, p. 1), as amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).

National law: Government Regulation No 36 of 24 January 2001 'Safety Requirements for Toys and Procedure for Conformity Attestation of Toys' (RT I, 31.1.2001, 13, 58);

Regulation No 72 of the Minister of Social Affairs of 2 November 2000 'Restrictions on Handling of Chemicals Dangerous to Population and Environment' (RTL, 10.11.2000, 116, 1825);

Regulation No 37 of the Minister of Social Affairs of 26 May 2000 'The Procedure for Identification, Classification, Packaging and Labelling of Dangerous Chemicals' (RTL, 13.7.2000, 78, 1184);

Regulation No 12 of the Minister of Social Affairs of 8 March 1999 'The List of Dangerous Substances' (RTL, 15.3.1999, 39, 508; 39, 509).

SECTION II

NOTIFYING AUTHORITIES

European Community:

Belgium: Ministère des affaires économiques/Ministerie van Economische Zaken.

Denmark: Økonomi- og Erhvervsministeriet, Forbrugerstyrelsen.

Germany: Bundesministerium für Arbeit und Sozialordnung.

Greece: Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry).

Spain: Ministerio de Ciencia y Tecnología. Instituto Nacional del Consumo.

France: Ministère de l'économie et des finances.

Ireland: Department of Enterprise and Employment.

Italy: Ministero delle Attività Produttive.

Luxembourg: Ministère du travail et de l'emploi.

Netherlands: General Inspectorate for Health Protection.

Austria: Bundesministerium für Wirtschaft und Arbeit.

Portugal: Divisão de Estudos de Produtos do Instituto do Consumidor.

Finland: Kauppa- ja teollisuusministeriö/Handels- och industriministeriet.

Sweden: Under the authority of the Government of Sweden:
Styrelsen för ackreditering och teknisk kontrol (SWEDAC).

United Kingdom: Department of Trade and Industry.

Estonia: Majandusministeerium.

SECTION III

NOTIFIED BODIES

European Community:

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Estonia in accordance with Article 10 of this Protocol.

Estonia:

Bodies which have been authorised by Estonia in accordance with the Estonian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

SECTION IV

SPECIFIC ARRANGEMENTS

1. **Information concerning the certificate and the technical file**

In accordance with Article 10(4) of Directive 88/378/EEC, the authorities listed in section II may obtain on request a copy of the certificate and, on reasoned request, a copy of the technical file and the reports on the examinations and tests carried out.

2. **Notification of grounds for refusal by approved bodies**

In accordance with Article 10(5) of Directive 88/378/EEC, Estonian bodies shall inform (Notifying authority to be mentioned) the Notifying Authority when refusing to issue an EC type-examination certificate. The Notifying Authority shall likewise notify the Commission of the European Communities thereof.

3. **Safeguard Clauses**

A. *Safeguard clause relating to products*

1. Where a Party has taken a measure to deny free access to its market for products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.

3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

4. In case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council who may decide to have an expertise carried out.

5. Where the Association Council finds that the measure is:

(a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;

(b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where the Republic of Estonia considers that a harmonised standard referred to in the legislation defined in the present annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons thereof.

2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.

3. The Community shall keep the Association Council and the other Party informed of the proceedings.

4. The outcome of the procedure shall be notified to the other Party.

DECLARATION BY THE COMMUNITY ON THE ATTENDANCE OF ESTONIAN REPRESENTATIVES AT COMMITTEE MEETINGS

In order to ensure a better understanding of the practical aspects of the application of the acquis communautaire, the Community declares that the Republic of Estonia is invited, under the following conditions, to the meetings of the committees established or referred to under the Community law on electromagnetic compatibility, electrical safety and lifts.

This participation shall be limited to meetings or parts thereof during which the application of the acquis is discussed; it shall not entail attendance at meetings intended to prepare and issue opinions on implementation or management powers delegated to the Commission by the Council.

This invitation may be extended, on a case-by-case basis, to groups of experts convened by the Commission.