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 Lithuania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)

(2002/C 151 E/19)

COM(2002) 123 final — 2002/0064(ACC)

(Submitted by the Commission on 8 March 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 Lithuania of the other part ([1]), entered into force on 20 February 1998.

(2) Article 76(2) 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 115(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 98/150/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 Lithuania, 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 1/98 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part of 23 February 1998 on its rules of procedure ([3]) 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 Lithuania 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 ([4]).

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 26, 2.2.1998, p. 3.

([2]) OJ L 26, 2.2.1998, p. 1.

([3]) OJ L 73, 12.3.1998, p. 31.

([4]) 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 machinery, lifts, personal protective equipment, electrical safety, electromagnetic compatibility and simple pressure vessels;

(c) if necessary, reply to requests in accordance with Article 11, Sections III and IV of the Annexes to the Protocol concerning machinery, lifts, personal protective equipment, electrical safety, electromagnetic compatibility and simple pressure vessels.

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 machinery, lifts, personal protective equipment, electrical safety, electromagnetic compatibility and simple pressure vessels;

(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.

ANNEX

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

THE EUROPEAN COMMUNITY AND THE REPUBLIC OF LITHUANIA hereinafter referred to as 'the Parties',

WHEREAS the Republic of Lithuania 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 the Republic of Lithuania 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, Lithuanian 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 76 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 the Republic of Lithuania 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 the Republic of Lithuania 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 Lithuanian 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 and in Protocol 2 thereto,

— '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 the Republic of Lithuania 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 Lithuanian national law.

Article 3

Alignment of legislation

For the purpose of this Protocol, the Republic of Lithuania 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 35 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 the Republic of Lithuania 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 the Republic of Lithuania 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 111 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 115(2) of the Europe Agreement.

Article 15

Technical cooperation and assistance

The Community may provide technical cooperation and assistance to the Republic of Lithuania 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 Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Lithuanian languages, each text being equally authentic.

ANNEXES ON MUTUAL RECOGNITION OF RESULTS OF CONFORMITY ASSESSMENT

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1. Machinery

2. Lifts

3. Personal Protective Equipment

4. Electrical Safety

5. Electromagnetic Compatibility

6. Simple Pressure Vessels

ANNEX

on Mutual Recognition of results of Conformity Assessment

MACHINERY

SECTION I

COMMUNITY AND NATIONAL LAW

Community law: European Parliament and Council Directive 98/37/EC of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p. 1), as amended by European Parliament and Council Directive 98/79/EC of 27 October 1998 (OJ L 331, 7.12.1998, p. 1).

National law: Order of the Minister of Social Security and Labour No 28 of 6 March 2000 on the Approval of the Technical Regulation concerning Machinery's Safety (OJ 'Valstybės Žinios' No 23-601 of 17 March 2000, p. 43), amended by the Order of the Minister of Social Security and Labour No 53 of 23 April 2001 (OJ 'Valstybės Žinios' No 37-1267 of 2 May 2001, p. 62).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria: Bundesministerium für Wirtschaft und Arbeit

— Belgium: Ministère des Affaires Économiques/Ministerie van Economische Zaken

— Denmark: Direktoratet for Arbejdstilsynet

— Finland: Sosiaali- ja terveysministeriö/Social- och hälsovårdsministeriet

— France: Ministère de l'emploi et de la solidarité, Direction des relations du travail, Bureau CT 5

— Germany: Bundesministerium für Arbeit und Sozialordnung

— Greece: Ministry of Development. General Secretariat of Industry

— Ireland: Department of Enterprise and Employment

— Italy: Ministero dell'Industria, del Commercio e dell'Artigianato

— Luxembourg: Ministère du Travail (Inspection du travail et des Mines)

— Netherlands: Minister van Sociale Zaken en Werkgelegenheid

— Portugal: Under the authority of the Government of Portugal:

Instituto Português da Qualidade

— Spain: Ministerio de Ciencia y Tecnología

— Sweden: Under the authority of the Government of Sweden:

Styrelsen för ackreditering och teknisk kontroll (SWEDAC)

— United Kingdom: Department of Trade and Industry

Lithuania: Socialinės apsaugos ir darbo ministerija (Ministry of Social Security and Labour)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Lithuania 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:	Order of the Minister of Social Security and Labour No 106 of 28 December 1999 on the Approval of the Technical Regulation on Lifts (OJ 'Valstybės Žinios' No 28-785 of 5 April 2000, p. 30), amended by the Order of the Minister of Social Security and Labour No 54 of 23 April 2001 (OJ 'Valstybės Žinios' No 37-1268 of 2 May 2001, p. 63) and Order No 83 of 27 June 2001 (OJ 'Valstybės Žinios' No 58-2103 of 7 July 2001, p. 68).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria:	Bundesministerium für Wirtschaft und Arbeit
— Belgium:	Ministère des Affaires Économiques/Ministerie van Economische Zaken
— Denmark:	Direktoratet for Arbejdstilsynet
— Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
— France:	Ministère de l'equipment, des transports et du logement, Direction générale de l'urbanisme, de l'habitat et de la construction
— Germany:	Bundesministerium für Arbeit und Sozialordnung
— Greece:	Ministry of Development. General Secretariat of Industry
— Ireland:	Department of Enterprise and Employment
— Italy:	Ministero dell'Industria, del Commercio e dell'Artigianato
— Luxembourg:	Ministère du Travail (Inspection du travail et des Mines)
— Netherlands:	Minister van Sociale Zaken en Werkgelegenheid
— Portugal:	Under the authority of the Government of Portugal:
	Instituto Português da Qualidade
— Spain:	Ministerio de Ciencia y Tecnología
— Sweden:	Under the authority of the Government of Sweden:
	Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
— United Kingdom:	Department of Trade and Industry

Lithuania: Socialinės apsaugos ir darbo ministerija (Ministry of Social Security and Labour)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Lithuania 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

PERSONAL PROTECTIVE EQUIPMENT

SECTION I

COMMUNITY AND NATIONAL LAW

Community law:	Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18), as last amended by Parliament and Council Directive 96/58/EC of 3 September 1996 (OJ L 236, 18.9.1996, p. 44).
National law:	Order of the Minister of Social Security and Labour No 69 of 3 July 2000 on the Approval of the Technical Regulation on Personal Protective Equipment (OJ 'Valstybės Žinios' No 65-1967 of 2 August 2000, p. 42), amended by the Order of the Minister of Social Security and Labour No 52 of 23 April 2001 (OJ 'Valstybės Žinios' No 37-1266 of 2 May 2001, p. 62).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria:	Bundesministerium für Wirtschaft und Arbeit
— Belgium:	Ministère des Affaires Économiques/Ministerie van Economische Zaken
— Denmark:	Direktoratet for Arbejdstilsynet
— Finland:	Sosiaali- ja terveysministeriö/Social- och hälsovårdsministeriet
— France:	Ministère de l'emploi et de la solidarité. Direction des relations du travail, Bureau CT 5 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
— Germany:	Bundesministerium für Arbeit und Sozialordnung
— Greece:	Ministry of Development. General Secretariat of Industry
— Ireland:	Department of Enterprise and Employment
— Italy:	Ministero dell'Industria, del Commercio e dell'Artigianato
— Luxembourg:	Ministère du Travail (Inspection du travail et des Mines)
— Netherlands:	Minister van Volksgezondheid, Welzijn en Sport
— Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade
— Spain:	Ministerio de Ciencia y Tecnología
— Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
— United Kingdom:	Department of Trade and Industry

Lithuania: Socialinės apsaugos ir darbo ministerija (Ministry of Social Security and Labour)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Lithuania 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

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:	Joint Order of the Minister of Economy and Director of the Standardisation Department No 200/57 of 20 June 2001 on the Amendment of the Technical Regulation on Safety of Electrical Equipment approved by the Joint Order of the Minister of Economy and Director of the Standardisation Department No 351/61 of 19 October 1999 (OJ 'Valstybės Žinios' No 54-1932 of 26 June 2001, p. 88).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria:	Bundesministerium für Wirtschaft und Arbeit
— Belgium:	Ministère des Affaires Économiques/Ministerie van Economische Zaken
— Denmark:	Økonomi- og Erhvervsministeriet, Elektricitetsrådet
— Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
— 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
— Germany:	Bundesministerium für Arbeit und Sozialordnung
— Greece:	Ministry of Development. General Secretariat of Industry
— Ireland:	Department of Enterprise and Employment
— Italy:	Ministero dell'Industria, del Commercio e dell'Artigianato
— 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)
— Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade
— Spain:	Ministerio de Ciencia y Tecnología
— Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
— United Kingdom:	Department of Trade and Industry

Lithuania: Ūkio ministerija (Ministry of Economy)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Lithuania 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:	Joint Order of the Minister of Transport and Communications and Minister of Economy No 184/183 of 30 May 2001 on the Approval of the Technical Regulation on Electromagnetic Compatibility (OJ 'Valstybės Žinios' No 47-1637 of 1 June 2001, p. 36), amended by the Joint Order of the Minister of Transport and Communications and Minister of Economy No 201/193 of 14 June 2001 (OJ 'Valstybės Žinios' No 52-1850 of 20 June 2001, p. 62).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria:	Bundesministerium für Wirtschaft und Arbeit
— Belgium:	Ministère des Affaires Économiques/Ministerie van Economische Zaken
— Denmark:	Telestyrelsen
— Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet For EMC aspects of telecommunications and radio equipment: Liikenne- ja viestintäministeriö/Kommunikationsministeriet
— 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
— Germany:	Bundesministerium für Wirtschaft und Technologie
— Greece:	Ministry of Development. General Secretariat of Industry
— Ireland:	Department of Enterprise and Employment
— Italy:	Ministero dell'Industria, del Commercio e dell'Artigianato
— Luxembourg:	Ministère de l'Économie — Service de l'Énergie de l'État
— Netherlands:	Minister van Verkeer en Waterstaat
— Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade Ministério do Equipamento Social. Instituto das Comunicações de Portugal
— Spain:	Ministerio de Ciencia y Tecnología
— Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
— United Kingdom:	Department of Trade and Industry

Lithuania: Susisiekimo ministerija (Ministry of Transport and Communications)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Lithuania 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

SIMPLE PRESSURE VESSELS

SECTION I

COMMUNITY AND NATIONAL LAW

Community law:	Council Directive 87/404/EEC of 25 June 1987 on the approximation of the laws of the Member States relating to simple pressure vessels (OJ L 220, 8.8.1987, p. 48), as last amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).
National law:	Order of the Minister of Economy No 199 of 20 June 2001 on the Amendment to the Technical Regulation on Simple Pressure Vessels' Safety (OJ 'Valstybės Žinios' No 54-1931 of 26 June 2001, p. 77).

SECTION II

NOTIFYING AUTHORITIES

European Community:

— Austria:	Bundesministerium für Wirtschaft und Arbeit
— Belgium:	Ministère des Affaires Économiques/Ministerie van Economische Zaken
— Denmark:	Direktoratet for Arbejdstilsynet
— Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
— France:	Ministère de l'économie, des finances et de l'industrie, Direction de l'action régionale et de la petite et moyenne industrie (DARPMI). Sous-direction de la sécurité industrielle
— Germany:	Bundesministerium für Arbeit und Sozialordnung
— Greece:	Ministry of Development. General Secretariat of Industry
— Ireland:	Department of Enterprise and Employment
— Italy:	Ministero dell'Industria, del Commercio e dell'Artigianato
— Luxembourg:	Ministère du Travail et de l'Emploi
— Netherlands:	Minister van Sociale Zaken en Werkelegenheid
— Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade
— Spain:	Ministerio de Ciencia y Tecnologia
— Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
— United Kingdom:	Department of Trade and Industry

Lithuania: Ūkio ministerija (Ministry of Economy)

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 Lithuania in accordance with Article 10 of this Protocol.

Lithuania:

Bodies which have been designated by Lithuania in accordance with the Lithuanian 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 Republic of Lithuania 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.

DECLARATION BY THE COMMUNITY ON THE ATTENDANCE OF LITHUANIAN 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 Lithuania is invited, under the following conditions, to the meetings of the committees established or referred to under the Community law on machinery, lifts, personal protective equipment, electromagnetic compatibility, electrical safety and simple pressure vessels.

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.