

# Evaluation of the Regulation 2019/515 on the Mutual Recognition of Goods

Fields marked with \* are mandatory.

## Introduction

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### Target Audience

Everyone is welcome to provide feedback on this call for evidence and to reply to the public consultation. Relevant stakeholders to this evaluation include, but are not limited to:

- **national authorities** dealing with the application of the Regulation (the Product Contact Points, SOLVIT, authorities responsible for technical rules for industrial products in the non-harmonised area)
- **customs authorities**
- **businesses**, in particular **SMEs**, marketing products which are not covered by any harmonisation legislation and thus could benefit / be affected by the application of the mutual recognition principle
- **business organisations**
- **business networks (e.g. Enterprise Europe Network)[1]**
- **chambers of commerce**
- **academia and specialised lawyers**
- **consumer representatives**

### Why are we consulting

The aim of the consultation is to gather data and feedback on how the Regulation has been performing, based on the five evaluation criteria (effectiveness, efficiency, coherence, relevance and EU added value). More specifically it aims to identify areas where the application of the principle of mutual recognition functions well, where it poses eventual problems, to gather information about the nature of those problems (if any), and to draw conclusions about the application of the Regulation.

### Responding to the questionnaire

You can contribute to this consultation by filling in the online questionnaire. If you are unable to use the online questionnaire, please contact us using the email address below.

Questionnaires are available in some or all official EU languages. You can submit your responses in any official EU language.

For reasons of transparency, organisations and businesses taking part in public consultations are asked to register in the [EU's Transparency Register](#).

In order to contribute you'll need to register or login using your existing social media account.

### Introduction

This public consultation is launched to feed into the evaluation of the Mutual Recognition Regulation 2019 /515, which is taking place to fulfil the legal obligations set out in Article 14 of the Regulation before the final

deadline of April 20, 2025. The evaluation seeks to ascertain whether the Regulation has effectively facilitated the free movement of non-harmonised and partially harmonised goods and reduced barriers and administrative burdens across the EU. Stakeholders are invited to contribute with their perspectives to help determine if the Regulation achieved its objective to facilitate the free movement of non-harmonised goods lawfully marketed in a Member State within the territory of all other Member States and is fit for purpose.

## Purpose and scope

The public consultation for the evaluation of the Mutual Recognition Regulation 2019/515 is designed to gather comprehensive feedback and insights from a wide array of stakeholders. Its purpose is to assess the extent to which the Regulation has achieved its intended objectives, such as enhancing legal certainty for businesses and national authorities, streamlining assessment procedures, improving transparency, and bolstering the effectiveness of Product Contact Points (PCPs) and the SOLVIT problem-solving network. By soliciting stakeholders' perspectives on the Regulation's coherence, relevance, effectiveness, efficiency, and EU added value, the consultation aims to inform the assessment on the functioning of Regulation (EU) 2019/515.

## Data protection policy

Before you begin the questionnaire, please carefully review and accept the privacy statement. This statement provides essential information on the use and handling of the data you provide. Your privacy and data protection are of the utmost importance.

Thank you for your participation in this evaluation. We look forward to your valuable insights and contribution.

[1] [Enterprise Europe Network | Enterprise Europe Network \(europa.eu\)](#)

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian

- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

\* Surname

\* Email (this won't be published)

\* Scope

- International
- Local

- National
- Regional

**\* Organisation name**

*255 character(s) maximum*

Ministry of Economic Affairs

**\* Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

**Transparency register number**

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

**\* Country of origin**

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

- |                                      |                                          |                                     |                                                        |
|--------------------------------------|------------------------------------------|-------------------------------------|--------------------------------------------------------|
| <input type="radio"/> Afghanistan    | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands  | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania        | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria        | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra        | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola         | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi        | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla       | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia      | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica     | <input type="radio"/> Estonia            | <input type="radio"/> Maldives      | <input type="radio"/> Serbia                           |

- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia

- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen

- Czechia
- Lebanon
- Saint Helena  
Ascension and  
Tristan da Cunha
- Zambia
- Democratic  
Republic of the  
Congo
- Lesotho
- Saint Kitts and  
Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

## Your knowledge of the Mutual Recognition principle

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\* How familiar are you with the principle of Mutual Recognition and the Regulation (EU) 2019/515?

- Never heard of it
- I have heard of it, but I am not very familiar with it
- I am very familiar with the principle and its application

\* How did you become informed about the principle and the Regulation?

- Official communications from EU institutions
- Official communications from national authorities
- Through industry associations / chambers of commerce
- Through specific awareness-raising events
- Through other events (e.g. workshops, conferences, etc.) not dealing directly with mutual recognition
- Communication material (videos, leaflets, etc.)
- Word of mouth
- European Commission website
- Your Europe
- National Product Contact Points
- Other

\* Do you know that a (non-harmonised or partially harmonised) product lawfully marketed in one Member State must, in principle, be admitted to the market of any other Member State, based on the mutual recognition principle?

- Yes
- No

## **The Mutual Recognition principle**

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The Mutual Recognition of goods is a principle that ensures market access in EU Member States for goods that are not or are partially subject to EU harmonisation legislation. In particular, the principle, defined and disciplined by Regulation 2019/515, makes sure that any non-harmonised or partially harmonised good lawfully marketed in one EU Member State can be sold in another, even in case the good does not fully comply with the technical rules of the other country (although there may be exceptions where public safety, health or the environment are concerned). The ultimate objective is to guarantee the free movement of goods in the EU internal market.

The mutual recognition principle should not be mistaken for mutual recognition agreements (MRAs) signed to facilitate access to markets between the EU and other non-EU countries.

\* Do you think that mutual recognition is a necessary measure to ensure the effective functioning of the internal market?



- Yes
- No
- Do not know

\* To what extent has the 2019 Regulation contributed to ensuring the smooth, consistent and correct application of the principle of mutual recognition?

- Great extent
- Some extent
- Not at all
- Do not know

If you think it has done so to no or some extent, please provide example(s) of the reason(s) why, and indicate what could be done to improve it.

To ensure the free movement of goods of products that are not or only partially harmonised, the principle of mutual recognition is essential. The Netherlands is therefore positive about the Regulation Mutual Recognition. However, we do observe practical difficulties with the application of the Regulation and believe the regulation is partially lacking clarity. We will further elaborate on this in this survey.

To what extent do you find the objectives below still relevant to ensuring the correct functioning of the single market?

	Great extent	Some extent	Not at all	Do not know
* Remove unjustified barriers to trade in the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improve the application of mutual recognition, increasing legal certainty over the marketability of goods across Member States and introducing clear procedures and administrative practices	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increase awareness about the existence and use of mutual recognition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improve administrative cooperation and information exchange about the application of mutual recognition between national authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improve communication between national authorities and businesses	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Can you provide an example of why these objectives are still relevant or why they are not relevant anymore, based on your experience?

The free movement of goods is one of the key pillars of the single market. To fully reap the benefits of the single market and the free movement of goods, the principle of mutual recognition should be applied correctly. In order to improve its application, broad awareness of the principle amongst businesses and cooperation between authorities is key.

The Netherlands notices that the process of entering new products on the market is unclear for businesses. Due to a lack of clarity on the principle of mutual recognition as well as a lack of knowledge amongst businesses, they face uncertainties as to whether they are allowed to sell their products in other member states. This discourages companies from entering new markets. Often, businesses ask permission from the Product Contact Point or the responsible market surveillance authority before putting a product on the market to diminish their legal uncertainty. However, a Product Contact Point informs and gives guidance to businesses, but is not an authority that should give permission itself. A market surveillance authority does ex post market surveillance and is not tasked with giving permission ex ante either. Moreover, the Netherlands identifies that the cooperation between national authorities could be improved. A lack of cooperation leads to inconsistencies in the recognition of products.

\* Are you aware of any overlaps (different legal or policy measures covering the same topic or pursue the same objectives) or inconsistencies (different legal or policy measures on the same topic with contradictory objectives or actions) between the mutual recognition principle and other EU measures aimed at ensuring the functioning of the internal market?

- Yes
- No
- Not applicable

If yes, please further elaborate on your answer by providing more details/examples.

The Netherlands experiences that in some cases the principle of mutual recognition conflicts with the precautionary principle or the protection of health. National rules restricting free movement of goods may be justified on grounds of protecting public health.

The question arises whether we can maintain national rules based on the precautionary principle or the protection of health if the principle of mutual recognition 'overrides' the national rule. It is unclear and time consuming for market surveillance authorities to assess and to proof if a product 'adequately protects the legitimate public interests covered by the applicable national technical rule of the Member State of destination' (see article 5 (1)).

\* Are you aware of any overlaps (different legal or policy measures covering the same topic or pursue the same objectives) or inconsistencies (different legal or policy measures on the same topic have contradictory objectives or actions) between the mutual recognition principle and other national or international trade policies and rules?

- Yes

- No
- Don't know

What do you think would be the situation in case of absence of the Regulation?

	Great extent	Some extent	Not at all	Do not know
* EU trade flows of non-harmonised and/or partially harmonised goods would be more limited	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There would be no legal certainty for economic operators to market their non-harmonised and partially harmonised goods in other EU Member States	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Prices of non-harmonised and partially harmonised goods would be higher due to reduced consumers choice	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs for economic operators would be higher when trying to market non-harmonised and partially harmonised goods in another Member State	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs for National Authorities would be higher when assessing whether a non-harmonised or partially harmonised product can be marketed in their Member State	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other consequences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

## The application of the Mutual Recognition principle

\* Have you been confronted with a situation where a (non-harmonised or partially harmonised) product that is in one Member State is not allowed in another Member State due to national regulations?

- Yes
- No
- Not applicable

\* If yes, please describe the relevant product(s), the Member State(s) in which they were lawfully marketed, and for what reason(s) other Member State(s) did not allow it on their market

Please provide as many details as possible regarding the identification of the product, and the reasons for which mutual recognition is not applied.

Please consider that you have the option to upload any supporting evidence you have at the end of the questionnaire.

The document and any information therein will be treated with full anonymity and in respect of the GDPR.

We are aware of several examples with regard to precious metals and are happy to discuss this with the European Commission in further detail.

To what extent have the following objectives been achieved since the application of the Mutual Recognition Regulation in 2020?

	Fully achieved	Partially achieved	Not achieved	Do not know
* Removal of unjustified barriers to trade in the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improvements in the application of mutual recognition, increasing legal certainty over the marketability of goods across Member States and introducing clear procedures and administrative practices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increased awareness over the existence and use of mutual recognition	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improvements in administrative cooperation and information exchange on the application of mutual recognition between national authorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improvements in communication between national authorities and businesses	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent did these measures respond to your needs/ the needs of your organisation?

	Great extent	Some extent	Not at all	Do not know
* Product Contact Points providing information to businesses on national rules upon request	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Obligation for national authorities to notify to the Commission and justify a decision denying market access based on national rules	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Advice and guidelines produced by the Commission for national authorities and businesses on the application of the mutual recognition principle	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Voluntary declaration of lawful marketing of goods for the purposes of mutual recognition	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*				

Use of the Information and Communication System on Market Surveillance to notify negative or restrictive decisions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problem-solving procedures to address disputes (SOLVIT)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you responded “not at all” or “some extent”, please indicate how and why these measures do not meet your needs

Guidelines by the Commission:

The principle of mutual recognition entails that products should be lawfully marketed in another member state unless the national authority can prove that there is a legitimate difference from one member state due to an overriding public interest. However, often it is difficult to prove that the public interest covered by the national rule is adequately protected. An example are food supplements. In the Netherlands is since 2013 a legal case in process concerning the maximum level of vitamin D that is allowed in food supplements (ECLI: NL:RBROT:2017:3571, Rechtbank Rotterdam, ROT 17/1074 en ROT 17/2188 (rechtspraak.nl)). In this legal case the member state of origin allows a higher amount of vitamin D in the food supplements than the Netherlands which is the member state of destination. If the Netherlands wants to enforce the national rule, the Dutch market surveillance authority needs to prove that the higher amount of vitamin D in the food supplement of the member state of origin concerns a food safety risk for consumers. However, this is difficult given both member states base their arguments on scientific evidence. There are insufficient guidelines that help with how to assess whether the public interest has been adequately protected, in particular if the Member State of origin has less or lower safety rules than the Member State of destination.

Another example concerns the hallmarking of products of precious metals. Member states currently apply the principle of mutual recognition in an untransparent and non-uniform manner. Precious metal products which are hallmarked and lawfully marketed in one member state, may still be refused market access in other member states on the basis of unclear public interests. Specifically, some member states require economic operators to apply additional responsibility marks on their products in accordance with their own specific national rules. When a member state does not accept the Dutch national hallmark, mostly unsuccessful bilateral technical discussions about minor details follow on questions of equivalence. Some member states are untransparent about how they assess mutual recognition and require disproportionate conditions to meet equivalence (EUR-Lex - 61993CJ0293 - EN - EUR-Lex (europa.eu)). This leads to unjustified barriers to the functioning of the European single market for products of precious metals.

Problem-solving procedures to address disputes (SOLVIT):

Commission opinions with regard to mutual recognition based on SOLVIT are often not followed up upon correctly by member states. There are several cases in which no conclusion was reached via SOLVIT, or member states continue to refuse products from their market even though through SOLVIT it was concluded that the principle of mutual recognition should apply and that no valid justification for refusing the goods exists. For example with regard to fertilisers and food supplements. This hinders the application of the Regulation Mutual Recognition. Moreover, it limits market access and hinders the free movement of goods.

Cooperation between authorities:

With regard to cooperation between administrative authorities, improving the cooperation between Product Contact Points between member states will ensure that businesses will be adequately informed throughout the entire Union. The exchange of officials program is an important step in that regard.

\* Have you received enough guidance and information (through documents, training sessions, etc.) for the correct application of the Regulation?



- Yes
- No
- Do not know

To what extent, in your experience, these elements are hampering the effective application of mutual recognition?

	Great extent	Some extent	Not at all	Do not know
* Time required for administrative decisions causing delays to market entry	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Varying degree of application of mutual recognition across different EU countries	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Different interpretations of the possibility to apply mutual recognition in my sector across different EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Creation of unfair competition due to different rules being applied to national and non-national manufacturers if mutual recognition is applied to products imported from other Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of transparency that the good marketed has been approved on the national market through the mutual recognition principle	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lack of resources to appeal negative decisions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Limited use of, and support offered by SOLVIT for problem-solving cases	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If any, please provide example(s) of how these elements prove to be an obstacle for you/your organisation.

Firstly, the Netherlands supports the usage of SOLVIT within the Regulation Mutual Recognition. However, as previously explained, often the Commissions opinions based on SOLVIT are not adhered to. This hinders the effectiveness of SOLVIT.

Secondly, it appears that due to ambiguity with regard to the application of the regulation, there is no uniform application of the principle of mutual recognition across the European Union.

How do you consider communication about the existence and functioning of mutual recognition?

	Good	Average	Poor	Do not know
*				

Communication between economic operators and National Authorities from your Member State	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Communication between economic operators and National Authorities from other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Communication between National Authorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

What is the added value of having common rules on mutual recognition (instead of national technical rules for non/partially harmonised products only)?

	Great added value	Some added value	Not at all	Do not know
* Ensuring equal treatment of businesses, regardless of where they want to sell their products in the internal market	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Ensuring that national authorities apply the principle in the same manner across EU Member States, EEA countries and Türkiye	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Strengthening the functioning of the internal market by ensuring a common approach instead of many different national procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increasing cooperation between the national authorities of the Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Ensuring consumer protection	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Increasing consumers choice for goods	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What represents the biggest cost driver for your organisation in the application of mutual recognition?

Please rank from 1 to 5, where 1 is the least expensive and 5 the most expensive

	1	2	3	4	5
* Costs to comply with the administrative requirements of the Regulation (including reporting, information sharing and notification, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Costs to adjust your activities in line with the requirements of the Regulation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs related to delayed decisions, redundancy of measures and provisions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs due to any negative decisions by national competent authorities refusing to accept mutual recognition of a particular product	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs to enforce the application of mutual recognition, including the collection, publication, and exchange of information, monitoring the process, and dealing with queries	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* Costs for any litigation over administrative decisions (e.g. negative decisions refusing to allow a product to be placed on a particular national market)

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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How affordable are the costs borne by your organisation in the application of mutual recognition?

	The costs are easily affordable	The costs are reasonably affordable	The costs have a significant impact on our budget, and they are just slightly affordable	Costs are not at all affordable	Do not know
* Costs relating to complying with the administrative requirements of the Regulation (including reporting, information sharing and notification, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Adjustment costs of your activities /products in line with the requirements of the Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs related to delayed decisions, redundancy of measures and provisions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs to enforce the application of mutual recognition, including the collection, publication, and exchange of information, monitoring the process, and dealing with queries	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Costs for any litigation over administrative decisions (e.g. negative decisions refusing to allow a product to be placed on a particular national market)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What do you think are the main factors hampering the efficient application of the mutual recognition in the EU?

	Great extent	Some extent	Not at all	Do not know
* Complexity of procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Difficulties and delays in adjusting to new procedures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>



* High costs (including time) for economic operators to comply with the provisions of the Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* High costs (including time) for national authorities to comply with the provisions of the Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Limited cooperation between national authorities and economic operators	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Limited cooperation between national authorities of different Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Limited awareness of the application of mutual recognition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

To what extent have the following benefits been realised due to the application of the Regulation?

	Great extent	Some extent	Not at all	Do not know
* Increased opportunities to market products in other EU countries	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increased choice of goods at national level	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Reduced administrative burden to apply the principle of mutual recognition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Increased efficiency of procedures and cost savings for the application of mutual recognition	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increased efficiency and cost savings of problem-solving procedures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increased efficiency and cost savings of notification procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Increased awareness and guidance over the principle, its application and the process	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

\* To what extent do you think the benefits of the application of the mutual recognition principle outweigh the costs borne by your organisation?

- Great extent
- Some extent
- Not at all
- Do not know

\* Have you seen the situation of your organisation improved or worsened since the introduction of the Regulation 2019/515, regarding the marketability of non/ partially harmonised goods?

- It has improved
- It has remained fairly similar
- It has worsened
- Do not know

What long-term impacts you think the application of the Regulation has or will have on the functioning of the EU single market?

	Great extent	Some extent	Not at all	Do not know
* General decrease in global trade	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* High inflation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Different political priorities at the national level	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Introduction of new national technical rules within the EU hampering intra-EU trade	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* New EU legislation which has impacted the number and type of products to which Mutual Recognition applies	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* New consumer preferences	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other economic conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please provide any other comments or remarks you would like to share on mutual recognition

To ensure the free movement of goods of products that are not or only partially harmonised, the principle of mutual recognition is essential. The Netherlands is therefore positive about the Regulation Mutual Recognition. We also appreciate the efforts of the European Commission for their swift, practical and useful assistance when it comes to answering questions and/or thinking along on specific cases from the Netherlands with regard to the application of mutual recognition. However, we do observe practical difficulties with the application of the Regulation and believe the regulation is partially lacking clarity. Based on our response to this survey, we suggest the following actions to improve the application of this regulation and the free movement of goods in general:

1. We ask for more guidelines on when refusal of products is or is not justified under the principle of mutual recognition. Specifically, we ask for guidance from the Commission as to when the refusal of the principle of mutual recognition based on overriding public interests is legitimate. This gives businesses more security on whether they are allowed to sell their products in other member states. More clear guidelines also reduces the need of businesses to ask permission beforehand from the PCP and the market surveillance authority, as we believe as previously explained this should not be the task of the market

surveillance authority or the PCP.

2. We encourage a suitable, adequate and transparent follow-up of the outcomes and recommendations of SOLVIT cases. We believe this should be a common effort by the Member States and the European Commission. Member States should adhere to the outcome and or recommendation of a SOLVIT case and it is the role of the Commission to supervise and address member states in case they do not follow up correctly. Furthermore, transparency in the follow-up of cases by Member States is to improve the adherence of member states.

3. To fully reap the benefits of the single market, we find it important to carefully consider the possibilities for further harmonizing product regulation for product groups that are currently not- or only partially harmonized. We emphasize the importance of separate assessments for the different product groups. Specifically when it comes to fertilizers and food supplements we believe that harmonisation can be very useful.

4. When it comes to the expert groups on mutual recognition, we encourage the Commission to give more substance to those meetings. Regularly expert groups and a concrete follow-up on the agreements could really improve the effectiveness of the meetings. This can help enhance cooperation between national authorities of member states. Related, to fully get an overview on the trends and developments with regard to mutual recognition, we suggest an overview of refusals will be incorporated in the Single Market Scoreboard.

Would you be available for a follow-up consultation during the study? If yes, please make sure to leave your contact details so we can contact you again in the upcoming weeks

We are happy to elaborate on our response to this survey and to further cooperate in the evaluation.

**Please upload your file(s)**

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

## Contact

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