

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** How the EU Technical Regulation Information System Works

**Country:** European Union

**Post:** Brussels USEU

**Report Category:** Trade Policy Monitoring

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**Report Highlights:**

This report explains the role and procedures of the EU's Technical Regulation Information System (TRIS). This system allows for EU Member States and the European Commission to address potential intra-EU technical barriers to trade resulting from a Member State's proposed national legislation on goods and services. Of all the draft national legislations notified through TRIS, approximately a quarter of the notifications are for proposed national laws on food, fisheries and agriculture.

**Background:**

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

A key objective of the European Union is to ensure the free movement of goods and services within the European Single Market. The EU's Single Market is one territory, without internal borders or regulatory obstacles to hinder the movement of goods and services in that area. To ensure the Market's functionality amid national policies and regulatory interests of the EU's Member States, the EU set up the Technical Regulation Information System (TRIS), which is designed to prevent technical barriers to internal trade. A notification procedure was first set up in 1983 but the TRIS was codified in its current format in 2015, [Directive 2015/1535](#), that sets up the EU's TRIS procedure.

EU Member States that have developed a technical regulation for products (industrial, agricultural and fishery) and services are under obligation to notify the Commission before they are adopted into national law. The TRIS notification launches a consultative process whereby the Commission and Member States can evaluate the draft laws and work with the notifying Member State on remediating possible technical barriers to trade. An overview of the TRIS procedures is provided below.

### **How does TRIS work?**

When a Member State (MS) notifies a proposal through the TRIS procedure, a standstill period of 3 months begins. During this standstill period, the notifying MS cannot adopt its legislation. Meanwhile, the Commission and other MS can examine the text. If they have an issue with the proposal, they can provide a "comment" or a "detailed opinion" if they think there is a risk of creating a technical barrier. Comments or detailed opinion issues by MS and the Commission are not publicly available. Stakeholders can also comment on the proposal on the TRIS website. The notifying Member State will take stakeholders' comments into account.

If one or several Member States or the Commission issues a "comment," the notifying MS needs to take the comment(s) into consideration before adopting into national law. There are no further requirements of the notifying Member State.

If one or several Member States or the Commission issues a "detailed opinion," the second stage of the TRIS procedure is triggered. The standstill period is then extended by 3 months for a total of 6 months. The notifying MS must enter into a dialogue with the Commission and relevant Member States who submitted a detailed opinion. The TRIS asks but does not require that the notifying MS respond in writing to the detailed opinion(s) during the standstill. As long as the notifying MS does not officially adopt its regulation, the dialogues and the standstill can continue beyond the original 6 months. There are three main pathways the notifying MS can take after a detailed opinion is issued:

- I. The notifying MS withdraws its proposal;
- II. The notifying MS amends the proposal, taking into account the concerns of the other MS and/or the Commission;
- III. At the end of the standstill period or any time thereafter, the notifying MS offers a justification for why the MS will still adopt their national legislation and then implement the new law.

If the Member State does not amend or withdraw the proposal following a detailed opinion and instead pursues III, the Commission has the right to block the proposed legislation. The standstill period is then extended to 12 to 18 months from the original notification date. This is possible only if the Commission:

- a. Announces its the intention of proposing an EU act (directive, regulation or decision) in the next 18 months, or,
- b. Finds that the draft legislation topic is covered by a legislative proposal already presented to the Council of the European Union and the European Parliament.

Having gone through the entire TRIS procedure, if the Commission, Member States, or affected stakeholders put forward that the adopted national legislation still presents technical barriers to trade in the European Single Market, parties can seek redress with the Court of Justice of the EU.

Please see Annex 1 for a flowchart summarizing the TRIS procedure.

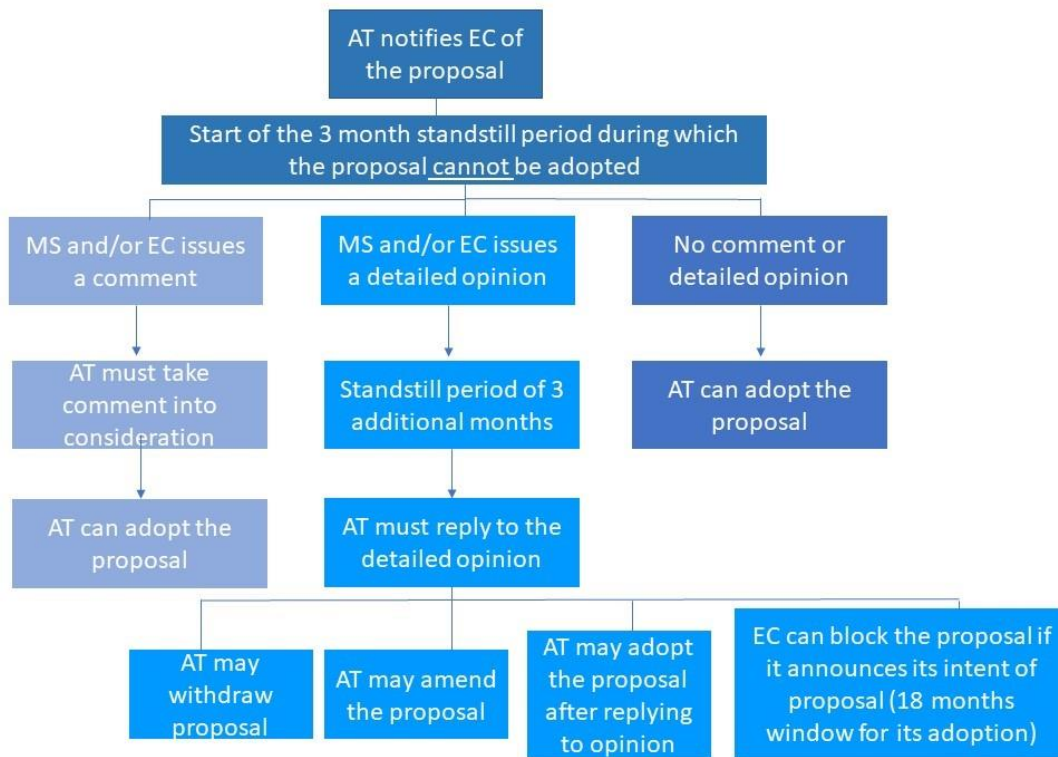
In recent years, there have been approximately 700 notifications annually. Many notifications go through the procedures without any comments. Only around 5 percent of all notifications trigger a detailed opinion from the Commission or other Member States. Of all the draft national legislations notified through TRIS, approximately a quarter of the notifications were for proposed national laws on food, fisheries and agriculture.<sup>1</sup> This is no surprise as agriculture and food policy are a shared competency between the EU and the Member States. In the past year, some of the most commented notifications were linked to agri-food policy such as Germany's notification on animal welfare labeling, Belgium's notification on the use of the "Nutri-Score" labeling logo, Bulgaria's notification on its new Law on Food, and Austria's notification amending the Plant Protections Product Act.

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<sup>1</sup> For up to date data, please see:

[https://ec.europa.eu/internal\\_market/scoreboard/performance\\_by\\_governance\\_tool/tris/index\\_en.htm](https://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/tris/index_en.htm)

**Annex 1:** In this TRIS example, the EU Member State is Austria – AT - and the EC stands for the European Commission



**Attachments:**

No Attachments.