

## **GARCIA LOPEZ BERGES Victor (TRADE)**

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**Subject:** Meetings with VDMA on 27/11/2013 and ORGALIME on 28/11/2013.

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**From:** NEIRA Pablo (TRADE)

**Sent:** Monday, December 02, 2013 5:03 PM

**To:** PERREAU DE PINNINCK Fernando (TRADE); GIRAO Luis Filipe (ENTR)

**Cc:** WEIDEL Birgit (ENTR); SACCHETTI Fabrizio (ENTR); KOTSAKI Christina (ENTR-EXT); DE LUSIGNAN Paul (TRADE); SAGREDO FERNANDEZ Miguel Angel (ENTR); EMBERGER Geraldine (TRADE); VACCARO Silvia (ENTR); MODRIC SKRABALO Katja (ENTR); ROELAND Christophe (ENTR)

**Subject:** Meetings with VDMA on 27/11/2013 and ORGALIME on 28/11/2013.

On 27/11 VDMA (Germany) was represented by [ ART. 4.1b ], [ ART. 4.1b ], [ ART. 4.1b ] and [ ART. 4.1b ], who were also present on the 28/11 together with other Orgalime representatives: [ ART. 4.1b ] and [ ART. 4.1b ] from FME (The Netherlands), [ ART. 4.1b ] from FMI (France), [ ART. 4.1b ] from Agoria (Belgium), [ ART. 4.1b ], [ ART. 4.1b ] and [ ART. 4.1b ] from ZVEI (Germany), [ ART. 4.1b ] from FMMI (Austria), and [ ART. 4.1b ], [ ART. 4.1b ], [ ART. 4.1b ] and [ ART. 4.1b ] from Orgalime.

Commission representatives: TRADE: Fernando Perreau de Pinninck, Paul de Lusignan, Pablo Neira; ENTR: Miguel Sagredo, Birgit Weidel, Christina Kotsaki, Fabrizio Sacchetti (27/11), Silvia Vaccaro and Katja Modric (28/11) (ENTR).

Both meetings dealt with the already identified US market access barriers in the US. Industry was interested in knowing if there would be a Machinery paper, later to be translated into a Machinery Annex. They also noted their difficulties in finding a relevant counterpart to have fruitful discussions. They also highlighted the importance of establishing regulatory cooperation with the US, but no particular sectors were identified, apart from those relating to alignment of standards already noted in the written contributions.

### **Conformity Assessment:**

- High costs of conformity assessment for electrical safety is the main concern for EU industry, although pressure vessels, ATEX and food contact materials are also areas of concern.
- No particular concerns were identified regarding CA for mechanical safety, either because there are not specific requirements or because those can be complied with by complying with the essential requirements of the Machinery directive. According to industry inspections are only carried out ex post – in case of accident, and their main concern is to be able to show that their user instructions are properly presented.
- Both industry associations reiterated their concerns on conformity assessment in the US, in particular regarding the CA for components, where NRTLs (particularly UL) do not recognise components certification carried out by other NRTLs. [ NOT RELEASABLE ].
- VDMA suggested that a better enforcement of the ILAC/IAF agreements would be mutually beneficial.
- According to VDMA "AHJs" (Authorities having jurisdiction) who are responsible for agreeing to the putting into service can sometimes, even if not legally based, required for certification from UL.

### **Standardisation:**

- Divergent standards for electrical safety are cause of concern for EU industry. Although the US participates in IEC/ISO international standardisation, the resulting standards are not taken up by ANSI. Furthermore

industry noted that state level deviations are common.

- EU industry would like to see the US adopting ISO/IEC standards which in their view are mostly the global standards providing worldwide market access. Industry warned against EU-US common standards that would not be in line with ISO/IEC. US industry in this sector does not seem to have an interest, as they are not exporting and they could be more interested in keeping their market for themselves than in acceding to new markets. VDMA however pointed to two exceptions: Agricultural machinery and construction machinery.
- There is also market fragmentation derived from different applicable standards at sub-federal and local level: for instance, exhaust emissions in CA.
- Energy efficiency was identified as an area where cooperation in standardisation would be highly beneficial, in particular regarding testing methods.

#### **Transparency and access to information:**

- Market fragmentation and regulatory divergences among states and local authorities remains a fundamental problem. (NOTE: There are 22 health and safety state programmes in the US)

#### **Public procurement:**

- FMI (France) warned about public procurement restrictions and the importance of lifting them to gain more market access.

#### **Follow up:**

- Industry will provide concrete examples of market access barriers.