

Mr Frans Timmermans
Ms Elżbieta Bieńkowska
Ms Malmström

B-1049 Brussels

Brussels, 1st February 2017

Mutual Recognition Agreement EU - Switzerland: pending endorsement from the European Commission for directives aligned under the New Legislative Framework (NLF)

Dear Commissioner,

We would like to bring your attention to the outstanding endorsement by the European Commission of the amendment of Mutual Recognition Agreement (MRA) between the European Union and the Swiss Confederation, which was due in 2016. In our view, this has an impact on trade of EU engineering companies with Switzerland and ultimately undermines the competitiveness of the affected companies.

In 2015, EU exports of machinery and appliances to Switzerland topped €22,074 million representing 14.6% of the total of EU exports to Switzerland. Imports from Switzerland to the EU in the same category amount to €16,632 million (16.2%)¹, including a significant amount of subcontracted components which are incorporated into final products manufactured in the EU.

The Mutual Recognition Agreement (MRA) between the European Union and the Swiss Confederation has been in force since 1st June 2002. It grants mutual recognition in relation to conformity assessment under sectoral legislation which is at the heart of the regulation for Orgalime industries: notably the Machinery, Gas Appliances, Pressure Vessels, ATEX directives...

According to Article 12 of the MRA, each Party “*shall inform the other Party of the changes it intends to make to the legislative, regulatory and administrative provisions relating to the subject matter of the Agreement*”.

After the EU aligned several of the most important product directives for our industry with its New Legislative Framework (NLF) in 2014, Switzerland accordingly amended its respective ordinances corresponding with the European NLF-aligned directives. The revised Swiss legislation entered into force on the same day as the corresponding legislation applied in the EU (between April and July 2016, depending on the directives). Since then, however, the European Commission has failed to endorse the corresponding amendment of the MRA.

This situation creates legal uncertainty which significantly hampers the MRA and is detrimental to EU trade of engineering products with Switzerland. Under these circumstances, our manufacturers fear legal uncertainties, as a declaration of conformity of an EU manufacturer or certificates established by an EU-based conformity assessment body may not be legally recognised in Switzerland (and vice versa).

Although no such technical barriers to trade have been observed to date, we are concerned that these could become a reality in the near future if the EU does not take the necessary steps to amend the MRA. Therefore, we call on the European Commission to take timely action to process the necessary amendment of the MRA, which will grant mutual recognition between the Swiss legislation and the EU Directives that were revised / aligned in 2014.

The European Engineering Industries Association

The competitiveness of our industries is at stake.

Thank you for considering our views on this important issue.

A similar letter has been addressed to Vice-President Timmermans, Commissioner Bieńkowska and Commissioner Malmström

Yours sincerely,

Adrian Harris

A handwritten signature in black ink, appearing to read 'Adrian Harris', with a long horizontal stroke extending to the right.

Cc:

Cabinet: Mr Smulder, Ms Sutton, Mr Martenczuk, Mr Colombani

Cc:

Cabinet: Mr Husak, Mr Hedberg, Mr Bermig

DG GROWTH: Ms Evans, Mr Peltomaki, Mr Cozigou, Mr Eric Mamer, Mr Nunes de Almeida, Mr Ingels, Ms Weidel, Ms Modric-Skrabalo

Cc:

Cabinet: Ms Åsenius, Mr Ceballos Barón, Mr Burgsmüller, Mr Velasco Martins, Ms Billaux

DG Trade: Mr Ignacio García Bercero, Mr Petros Sourmelis, Mr Ignacio Iruarrizaga, Ms Jane Amilhat, Mr Arthur Lopïan, Ms Jana Krestynova, Ms Stephanie Vadde

ⁱ European Union, Trade in goods with Switzerland:
http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113450.pdf