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Ms Liliana Brykman
Director
Regulatory Policy
Directorate General for Enterprise and Industry
European Commission
Belliard 100 (B 100)
Brussels, Belgium

19 April 2012

Re: Revision of the Commission Blue Guide as a matter of urgency

Dear Ms Brykman,

We urge the Commission to revise the Guide to the implementation of directives based on the New Approach and the Global Approach (known as the Blue Guide) as a matter of urgency, with a view to promoting a common understanding of certain new aspects arising from the New Legislative Framework (NLF). This should be done prior to the national implementation of directives based on the NLF in order to avoid divergences among Member States.

The NLF introduces some new obligations and new terms that were not included in the previous toolbox for European harmonisation legislation for products, the so-called New Approach to technical harmonisation. A number of these are unclear as to their interpretation, which is potentially causing diverging national implementation and undue administrative burdens for economic operators.

Whereas the New Approach guidance – the “Blue Guide” – is available to assist in interpretation of different obligations and terms, new elements arising from the NLF do not benefit from similar guidance. Member States are already implementing the NLF provisions through the Toy Safety Directive (2009/48/EC) and the Directive on the restriction of certain hazardous substances (RoHS Directive 2011/65/EC), which were revised on the basis of the NLF principles. 9 more directives are currently proposed for a recast based on the model provisions of Decision 768/2008/EC (COM(2011)764,765,766,768,769,770,771,772,773 “Alignment package”).

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Economic operators and authorities have already questioned the interpretation of certain elements and this has led to both sector and national initiatives for developing *ad hoc* guidance. One example is the discussion around the RoHS FAQs, which anticipates certain interpretations. If such *ad hoc* guidance documents are not drafted in a coherent manner, they may introduce diverging interpretations at national or sector level, and thus will prevent reaching the goals of the NLF and jeopardise a long-lasting and successful application of the NLF provisions.

We therefore ask the Commission to revise the Blue Guide as a matter of priority, starting with the most pressing issues identified by economic operators. A guiding principle in this work should be to avoid interpretations, which would cause excessive administrative costs and barriers to international trade.

We thank you for your understanding and look forward to contribute actively in that work in close co-operation with your services.

Yours sincerely,



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