Message 037

Communication from the Commission - TRIS/(2026) 1229

Directive (EU) 2015/1535

Notification: 2026/0219/PT

Competitiveness analysis

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This message is for future draft technical regulations sent to be notified under the procedure established by Directive (EU) 2015/1535.

In compliance with the latest update of the Communication on Industrial Policy of 10 October 2012(1), according to which: ".... The preventive nature of this procedure (established by Directive 98/34) has prevented infractions of the rules on the free movement of goods. This notification procedure can also be used, however, to improve national legislation in line with "Better Regulation" principles and through benchmarking. Its potential can be further exploited by recommending that Member States use competitiveness proofing in the context of national impact assessments", with the opinion of the European Parliament Domestic Market Committee of 21 January 2013(2) , according to which: "The Commission will continue to exploit the potential of the procedure envisaged by Directive 98/34/EC, insomuch as it is an industrial policy instrument and with the aim of helping determine the future legislative priorities of the EU, in particular to encourage Member States to introduce impact assessments and competitiveness proofing in their national legislative processes, right from the draft stage", as well as that announced to the Member States during the last Committee 98/34, held on 22 April 2013; the Commission asks the Member States to prepare a competitiveness analysis of the national legislation notified under the scope of the procedure established by Directive (EU) 2015/1535.

By way of example, the link below will give you access to the "Operational guidance for assessing impacts on sectoral competitiveness within the commission impact assessment":
https://webgate.ec.europa.eu/TRIS-TBT/api/documents/tris_comp_proofing/SEC.2012.91-Comp_Proofing_EN.pdf

(1) Communication of the Commission to the European Parliament, to the Council, to the European Social and Economic Committee and to the Committee of the Regions - A stronger European industry at the service of economic growth and re-launch - Update to the communication on industrial policy - COM (2012)582 final.
(2) Opinion of the Internal Market and Consumer Protection Commission for the Commission of Industry, Research and Energy on "Re-industrialising Europe to promote competitiveness and sustainability" (2013/2006(INI)).

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