

# Technical standards and regulations: procedure for the provision of information. Codification

1996/0300(COD) - 22/12/2009

The Commission presents its report analysing the application between 2006 and 2008 of the procedures laid down by Directive 98/34/EC for standardisation and technical regulations. It highlights their important contribution to the implementation of better regulation and to the functioning of the single market.

**1) Standardisation:** this consists of the information procedure on standards, Commission requests to the European Standards Organisations (ESOs) for standardisation work (“mandates”) and formal objections against standards. They have proved to be an important element in the functioning of the single market. The information procedure has brought transparency in standards and has encouraged National Standards Bodies (NSBs) to continue to take initiatives to promote European harmonisation. Formal objections have enabled Member States and the Commission to ensure that standards meet the goals of regulation when used for the purposes of “New Approach” legislation. Mandates have provided the means by which the relationship between the Commission services and standardisers is determined: the interface between the policy level and its technical expression.

- On the **information procedure**, the report notes that the procedure still plays an important role in encouraging national standardisation bodies to bring their initiatives to European level. Enlargement has led to an increase in notifications from new Member States, which will stabilise and even fall as they become more fully integrated, thus following the trend led by older Member States.
- With regard to **mandates**, the report states that the process of mandating is well-established, but care must be taken to ensure it continues to operate smoothly. To this end, the informal consultation of all the relevant parties prior to the Committee consultation is essential and should continue. To improve transparency in the functioning of the Committee, the Commission services have from 2006 invited the European standardisation stakeholders, ANEC, ECOS, ETUI and NORMAPME, to participate in its enlarged meeting. The process of mandating has proved to be instrumental in enlarging the role of standardisation in new areas of EU legislation and policy. This is also reflected by the fact that a number of new EU legislative acts refer to the Directive.
- With regard to **formal objections**, although the process from receiving the objection to issuing of the Decision is time-consuming, the procedure in general has worked adequately. In a similar way to the mandates, and for the sake of transparency, the Commission will make decisions on formal objections public in a consolidated way, and make available an updated table of the actions in relation to the formal objections to the Committee at each meeting.

**2) Technical regulations:** the notification procedure allows the Commission and Member States to examine preventively the technical regulations Member States intend to introduce for products (industrial, agricultural and fishery) and for Information Society services. The notification to the Commission of national technical regulations prior to their adoption has proved to be an effective instrument of prevention of barriers to trade and of cooperation between the Commission and the Member States and among the Member States themselves as well as improving the regulatory framework. Between 2006 and 2008, the utility of the procedure has been fully confirmed in terms of effectiveness, transparency and administrative cooperation. The fact that, in relation to the number of technical draft regulations notified, the number of infringement proceedings remains minimal shows that the correct application of

Community legislation can be ensured through a preventive approach and the close partnership between the Commission and the Member States as well as between the Member States themselves.

This networking approach and the high degree of cooperation between the Commission and the Member States have also ensured that national regulatory activities have been carried out without creating technical barriers to trade and that Community harmonisation has occurred only where really needed, in strict compliance with the subsidiarity principle. At the same time, in certain areas where harmonisation measures already exist, the procedure has allowed to detect the need to supplement or reinforce them.

When applying the Directive the Commission will remain vigilant as regards the principles of better regulation and the need to sustain a favourable environment for the competitiveness of the European economy. Therefore notified drafts continue to be available electronically, free of charge and in all the official languages of the EU. Moreover efforts will continue to provide economic operators with a legal framework that is as clear as possible, will continue to seek to avoid "goldplating" and provide with comments, aiming at enhancing the competitiveness of European enterprises in the EU and abroad, taking into account the links between this procedure and that established by the Agreement on technical barriers to trade (TBT) in the context of the World Trade Organisation (WTO).