Future of European standardisation

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PURPOSE: to report on the application of the procedures laid down by Directive 98/34/EC for standardisation and technical regulations between 2006 and 2008.

CONTENT: this report analyses 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.

The **standardisation part of the report** 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.

Information procedure: the information procedure has brought transparency in standards and has encouraged National Standards Bodies (NSBs) to continue to take initiatives to promote European harmonisation. The information 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.

Mandates: 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. 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. For the sake of transparency the services of the Commission will consider the possibility of organising a written procedure inspired by internet forums. The objective will be to ensure that all committee members can read the observations of the other members, rendering this type of consultation similar to that held at the Committee 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.

Formal objections: 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. The latter contain safeguards for cases where a harmonised standard cannot enable products to meet the essential requirements of the directives concerned. When such cases occur, the Member States or the Commission may introduce a formal objection to the standard in question on which the Committee is consulted. Although the process from receiving the objection to issuing of the Decision is quite 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.

In the **technical regulations part of the report**, the Commission notes that 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. Moreover, at the end of 2008, this procedure showed to be useful in preventing the emergence within the internal market of protectionist measures which might have been proposed by Member States in the context of the economic and financial crisis. The notification procedure has also been an important tool for guiding national regulatory activity in emerging sectors and improving the quality of national technical regulations - in terms of increased transparency, readability and effectiveness - in non-harmonised or partly harmonised areas. The greater clarity in the legal framework of each Member State has helped economic operators to reduce the cost of accessing the regulations and applying them correctly.

The report states that 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