

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

1996/0300(COD) - 07/12/2011 - Follow-up document

The Commission presents a report analysing the application in 2009 and 2010 of the procedures laid down by Directive 98/34/EC for standardisation and technical regulations. It highlights the important contribution of standardisation and of the notification procedure for technical regulations to the functioning of the single market and to the implementation of the “Better Regulation” policy.

Standardisation: the report describes the operation of the standardisation part of Directive 98/34/EC covering three main activities: the information procedure on standards, Commission requests to the European Standards Organisations for standardisation work (mandates) and formal objections against standards supporting New Approach Directives. It provides explained statistics for the period 2009-2010.

Information procedure: the Commission states that the information procedure still plays an important role in encouraging national standardisation bodies to bring their initiatives to European level, thus encouraging the single market and European harmonisation. Notifications from new Member States are stable which can be considered as a good sign of their integration in the system.

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 the ESOs and all interested parties, in particular those European stakeholders representing the users of future standards, prior to the Committee consultation is essential and should continue.

To improve transparency in the functioning of the Committee, the Commission services have invited the European standardisation stakeholders, ANEC, ECOS, ETUI-REHS and NORMAPME, to participate in its enlarged meeting.

For the sake of transparency, and thanks to the technological advantages that will be incorporated into the CIRCA10 system, the services of the Commission will in future 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.

To enable wider and more effective use of mandates as a policy tool, **the mandating process should be more responsive** – the ESOs should respond earlier if requested European standards are market relevant, if they accept a mandate and on which conditions they accept it. Therefore, future modifications to the mandating process should make sure that clear deadlines are set for replies of the ESOs so that the Commission services have time to develop alternative solutions if the ESOs are unable or unwilling to develop European standards.

Formal decisions: 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 makes decisions on formal objections public in a consolidated way, and makes an updated table of the actions in relation to the formal objections available to the Committee at each meeting.

Technical Regulations

The notification procedure for national technical regulations allows the Commission and the Member States of the EU to examine preventively the technical regulations Member States intend to introduce for products (industrial, agricultural and fishery) and for Information Society services

During 2009 and 2010, the **utility of the procedure has again been confirmed** in terms of effectiveness, transparency and administrative cooperation.

The preventive and networking approach of the 98/34 procedure has ensured that national regulatory activities have been carried out without creating technical barriers to trade and that European Union harmonisation has occurred only where really needed, in strict compliance with the subsidiarity principle. The fact that the number of infringement proceedings remained low during the reporting period shows that Directive 98/34/EC is an important tool for ensuring the correct application of European Union legislation.

When applying Directive 98/34/EC the Commission remains vigilant regarding the principle of better regulation and the need to sustain a favourable environment for the competitiveness of the European economy. Notified drafts continue to be available electronically, free of charge and in all the official languages of the EU, thus providing the opportunity for economic operators to comment on them.

Efforts will continue in order to ensure a clear legal framework for economic operators aiming at enhancing the competitiveness of European enterprises in the EU and abroad, taking into account the links between the 98/34 procedure and that established by the Agreement on Technical Barriers to Trade (TBT) in the context of the World Trade Organisation (WTO).