WTO TBT Committee
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REFERENCING STANDARDS IN EU LEGISLATION

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Standardisation is a form of self regulation

Interested parties come together and agree voluntarily on technical matters

Compete more efficiently by ensuring the interoperability of their products

Standards are not Legislation!!!

Standards :

1. *Voluntary*
2. *Consensual*
3. *Developed by independent organisations*
4. *Revised every 5 years*
5. *Provide specifications and test methods (interoperability, safety, quality, etc.)*

Legislation :

1. *Mandatory*
2. *Imposed by Law*
3. *Established by public authorities*
4. *Revised when legislators decide*
5. *Sets requirements to protect public interests*

The European Commission does not draft European standards!

CEN, CENELEC and ETSI do

CEN *.....*

(European Committee for Standardization)

CENELEC *.....*

(European Committee for Electrotechnical Standardization)

ETSI *.....*

(European Telecommunications Standards Institute)

EU legislation makes reference to Standards

***Direct reference**:*
mandatory –
mandatory for specific use

Indirect reference
➔ « New Approach »

Mandatory Standards

<u>The legislation imposes on the product to meet the standard</u>

- ✓ *Exceptional*
- ✓ *Residual*
- ✓ *Requires revision of the legislation every time the standard is revised*

European Commission

The New Approach

Facilitate **free movement of goods**
in the Internal Market whilst ensuring a
high level of protection for consumers

Elimination
of barriers to trade through
technical harmonisation

References to Standards in «New Approach» legislation

***Objective*: remove barriers to trade** *in the EU Single Market*

***How? By task sharing*:**

- ***Legislation*: mandatory, stable, predictable** and **safeguarding public interest** (via listing the **essential requirements**)

- ***Standards*: voluntary,** constantly updated to the **state-of-the-art, predictable, harmonising the technical specifications**

Areas: *Protection of* ***health***, ***safety***, ***environment*** *and* ***consumers***

Example

- ***Train brakes – pressure cylinder***
  Dir. 2009/105/EG
  (New Approach)

EU – legislation:
essential requirements
"safe" pressure equipment :
resistence to
1.3 x *operating pressure*

European Standards:

technical specifications
realisation of safety level:
design-manufacture-test

Legislative and normative processes

Why a request for standards?

- ***Ensure level playing field*** *in the internal market:* ***ONE product, ONE standard*** *(but alternatives are welcome, as standards are VOLUNTARY)*
- ***Predictability*** *– stakeholders are informed and involved well in advance, also via the* ***ANNUAL UNION WORK PROGRAMME***
- ***Ensure coherence of standards*** *in the internal market and with the international (ISO-IEC) level*

How a Request works? (process)

1. ***Annual Union Work Programme & preliminary discussions*** *on feasibility*
2. ***Drafting*** *by the European Commission*
3. ***Consultation*** *of Member States* *(comitology procedure)*
4. ***Sending*** *to CEN/CENELEC/ETSI*
5. ***Reply*** *by CEN/CENELEC/ETSI*

➔ ***Standardisation process***

Why European standards are special?

European standards (ENs) support the functioning of the internal market

- **One EN replaces 34 different national standards:** one product-one standard, priority to international ones
- National Standards Bodies are obliged to **adopt ENs as national standards** and **withdraw any conflicting ones**
- **The system is transparent, stable and predictable**

Who is paying for standardisation?

European standardisation is financed primarily by

industry → **93-95%**

followed by:

National Governments → 3-5%

European Commission / EFTA → 2%

CONCLUSION

European standards are voluntary

Standards support European policy and legislation

European Standardisation is a success story

European Commission

DO NOT FORGET TO VISIT OUR WEBSITES :

- http://ec.europa.eu/enterprise/standards_policy/index_en.htm

- http://ec.europa.eu/enterprise/newapproach/standardization/harmstds/index_en.html

Thank you

for your attention!

Any questions?