

**EUROPEAN ECONOMIC AREA**  
**STANDING COMMITTEE**  
**OF THE EFTA STATES**

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**SUBCOMMITTEE I ON THE FREE MOVEMENT OF GOODS**

**EEA EFTA COMMENTS ON THE EUROPEAN COMMISSION WORKING DOCUMENT  
‘THE ROLE OF EUROPEAN STANDARDISATION IN THE FRAMEWORK OF  
EUROPEAN LEGISLATION AND POLICIES’**

**1. EXECUTIVE SUMMARY**

The EEA EFTA States would like to welcome the Commission’s effort to identify key areas where the European standardisation system should be further improved. The proposals in the document, if implemented, would benefit European standardisation and the development of the Internal Market. There are, however, some Comments that could be taken into consideration in the process to come.

The Commission and the EEA EFTA States have agreed to have common guidelines in their co-operation with the European Standardization Organizations (ESOs). EFTA contributes financially to the standardisation work within the harmonised area and the work performed by the ESOs is based on mandates from both the Commission and EFTA. In order to reflect EFTA’s role in the European standardisation work, it would be appreciated if the document reflected this and a reference to EFTA be integrated where relevant. These Comments are from the EEA EFTA States but are also endorsed by Switzerland.

## **2 COMMENTS ON SPECIFIC SECTIONS OF THE EC WORKING DOCUMENT**

1. The reference numbering of the Comments on specific sections is the same as in the Working Document.

### **2. NEW STANDARDS RECEPTIVE EU LEGISLATION AND POLICIES**

#### ***2.1 New legislation and new legislative initiatives***

2. The EEA EFTA States agree that within the framework of the 'New Approach', the public interest and that of private business so far seem to have merged well. The extension of the use of standards in the legislative context to other areas could be profitable but should not lead to more regulation in areas where the market can function efficiently without it. The objective of any programme aiming at better regulation must be to simplify and reduce legislation. Making more extensive use of standards in EU policies and legislation should be explored on a case-by-case basis. Market needs must be taken closely into account, the standardisation process kept voluntary and the ESOs independent.

3. It would be beneficial if the EC services responsible for the various 'old approach' sectors could identify fields or areas where the 'New Approach' principles could be applied. The EEA EFTA States would encourage that such a survey be initiated and is prepared to assist in the analysis.

#### ***2.2 Policy areas supported by standards other than those related to legislation.***

4. As for the planned regulation for services and the safety of services for the consumers, again a thorough examination of the needs is necessary. To the extent that the regulation of services is needed, the 'New Approach' and the development of standards would be the appropriate method.

5. The 'New Approach' has been successful in ensuring a high level of protection for safety and human health for a wide range of product groups. However, the experience with the 'New Approach' standards in the area of the environment is so far variable. The work on the standards within the Packaging Directive is an example of this. In some cases, conventional legislation is required. In the preparation of new technical legislation, every effort should be made to draw the borderline between policy and technical requirements. It is proposed that in the impact assessments for new draft legislation, a chapter should evaluate:

- \* the possible use of the 'New Approach' principles,
- \* how European Standards could be used in order to facilitate the legislative process.

### **3. THE CHALLENGES FOR EUROPEAN STANDARDISATION**

#### **3.1 *Enlargement***

6. The EEA EFTA States agree on the importance of integrating all national standards bodies of the new Member States into the European standardisation system, according to the same criteria as those applied to the current members.

In order to ensure that the system functions well, it is important that the:

- \* standards be open,
- \* standards be accepted by the market,
- \* future development of standards in the enlarged EU be based on the ‘New Approach’ and the ‘Global Approach’.

7. The EEA EFTA States have, through previous technical assistance programmes as the PRAQ programmes, provided in parallel with the EC assistance to the extension of the system to the new EU Member States. The EEA EFTA States are prepared to continue a dialogue with the European Commission on new actions in support of the process.

#### **3.2 *Strategic importance of standardisation for enterprises and efficiency***

8. The EEA EFTA States fully agree with both statements of the Commission: more awareness by industry’s top management of the benefits of standards and more efficiency in the standardisation process are needed. The Commission, EFTA, the ESOs and the national standards organisations should therefore consider launching information campaigns, public relations or other “marketing” measures in order to achieve this, possibly in co-operation with the EuroInfo Centres. Furthermore, other parties, e.g., industry, could launch such activities. This could be a field where constructive co-operation among all stakeholders could be further elaborated in order to work out concrete actions and activities. The EEA EFTA States would like to emphasise the need to co-ordinate the various information initiatives and streamline the European Commission and EFTA actions in the field.

9. In addition to information campaigns, the procedures for and processes of the development of standards have to be improved. All the ESOs should, e.g., be using electronic working tools, monitoring systems and benchmarking in order to assess the functioning of the technical bodies. Increased use of the Internet for information on the work of technical committees and for test surveys would moreover increase transparency and give stakeholders easy access to the standardisation process.

10. Serious consideration should be given as to whether the time has come to use only one working language, e.g., English, during the development process of European standards.

### **3.3 *New deliverables***

11. New deliverables, the response to too slow a process to develop “formal” standards based on consensus of all interested parties, should not be considered as competing products to European standards but rather as “complementary products”. It is mainly in the “fast-moving” sectors and for products with a relatively short life-cycle that these new deliverables are being developed.

12. Although new deliverables ought to provide an opportunity to speed up the standardisation process, many of them become standards after having followed the appropriate procedure and are thus standards with the comprising benefits. However, whether these new deliverables could be used in support of legislation must be examined very carefully. It would therefore be recommended that the new deliverables be presented to the respective technical committee for finalisation, if they are to be given the status as a prEN or EN and thereby ensure the need for the necessary accountability to all stakeholders through an open, transparent and impartial consensus-based process.

### **3.4 *Participation of interested parties***

13. The EEA EFTA States find that the participation of all stakeholders and relevant interested parties in the standardisation process is important. The ESOs have procedures for commenting on the draft standards. However, experience has shown that in practice, the commenting rounds only involve those who participate in developing the specific standard. To ensure that the needs and expectations of the market and the society are met in the standards, it is important that the Commission consult with its relevant working group on the content of the mandate. This would allow for broader consultation with wider circles at national level at an earlier stage. It would be beneficial if the Commission also consulted various stakeholder organisations at European level in the process.

14. The EEA EFTA States support the Commission’s view on the importance of the participation of public authorities in standardisation. It is beneficial for industry and the whole standardisation process that regulatory authorities are active in the process so as to avoid later blocking by use of the safeguard clause.

### **3.5 *Legal framework regarding standardisation – new developments***

15. The EEA EFTA States find it both natural and necessary to assess a possible revision of Directive 98/34 and would like to underline the need for proper involvement of all stakeholders in a revision process.

16. The Commission lists three areas/reasons for the need to revise the legal framework for standardisation. However, only two of them seem appropriate for further regulation for the time being. Firstly, it seems useful to introduce the concepts adopted in the framework of the WTO TBT agreement, i.e., transparency, openness, impartiality, consensus, effectiveness and coherence.

17. Secondly, to achieve a well functioning Internal Market, it also seems necessary to revise Directive 98/34 to include instructions to provide information in the fields of technical standards

and regulations beyond the area of goods, i.e., in other areas where mandates are issued to support new legislation, such as for services, ICT, worker protection, consumers, the environment, etc. Any new national legislation in all fields covering the Internal Market concept should, however, be scrutinised and subject to an Internal Market compatibility test. The obligation to provide information on such national regulations according to Directive 98/34 as revised in Directive 98/48 would be helpful in this respect.

18. However, having said this, the EEA EFTA States are not ready to support a revision of Directive 98/34 to include a regulation for new deliverables. This would seem inappropriate firstly as these deliverables are not formal standards and using them would not automatically give the industry the legal benefits they get by using harmonised standards. Secondly, they are meant to be even more flexible instruments than standards. Legislation may restrict their degree of flexibility. At any rate, as these deliverables are rather new instruments, more experience should be gained before including them in a legislative framework.

### **3.6 *Financing***

19. The EEA EFTA States fully support the statement in the working document underlining the need to put financial support for standardisation in Europe on a sound and comprehensive legal basis.

20. The large number of mandated standards, which have replaced detailed regulation, make public funding – from European as well as national level – both natural and necessary. Consequently, the Commission, EFTA and national authorities should continue to support the process financially to ensure efficient completion of standardisation programmes and thus the good functioning of the Internal Market.

21. The question of increasing the financial income of the CEN and CENELEC central secretariats by getting direct contribution from stakeholders and by allowing the ESOs to sell standards can not be answered without looking at the direct and indirect funding of the totality of European standardisation. In relation to this, the following should, among other issues, be considered:

- \* Direct stakeholders financing of CEN and CENELEC could lead to the risk of these stakeholders withdrawing their contribution to the financing of the national standards organisations.

- \* The feasibility of having the central secretariats of the ESOs selling European Standards cannot be evaluated without considering the consequences for the national standardisation activities following the implementation of such a proposal. This relates mainly to the fact that many national standards organisations receive a major part of their income from the sale of standards. Taking away these revenues could weaken the system.

22. Against this background, it is proposed that these questions be studied in a larger framework in order to have the full picture of the effects of such a proposal before it is implemented.

23. Both the ESOs and the national standards organisations should work towards making the structures for standardisation in Europe reflect a unified Europe and become more efficient. The role of and division of tasks between the central secretariat and the national standardisation bodies are important questions to discuss further. The discussion should also take into account the revolutionary shift from the development of purely national standards to increasingly European and international standards. Efforts should be made to streamline the system in order to maximise the output from voluntary expert participation in European and international standardisation. At the same time, it is necessary to safeguard the need for efficient national standardisation systems, in particular regarding the need to involve all stakeholders in the processes and to raise awareness of the importance of standards.

24. At the same time, the EEA EFTA States would encourage the ESOs to take a critical and thorough look at their own structures, processes and efficiency as well as their products, e.g., could new products that would meet the needs of the market be developed and thus be a new source of income?

25. All these questions should be looked at together in the framework of a strategy encompassing structures of European standardisation, processes for developing the standards as well as the total financing of standardisation in Europe.

### **3.8 *The global dimension of standardisation***

26. The EEA EFTA States appreciate the support expressed in the Commission working paper promoting international standards and their uniform transposition in the EU/EEA. The importance of international standardisation is growing at the same pace as international trade and is of special importance to industry.

27. A clear hierarchy of international, regional and national standards whereby regional and national standards adopt the content of international standards is a precondition for industry and society to benefit fully from the potential of international standardisation in order to enhance market access and facilitate trade.

28. Common regulatory objectives and mutual recognition of conformity assessment procedures are, however, also important for obtaining the worldwide use of international standards. We therefore appreciate the emphasis the Commission puts on the promotion of the European technical harmonisation system and European standardisation in its contacts outside Europe. It is particularly important to promote this system among the WTO member states.