# DIGITALEUROPE

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# International and European standards: The essential tool to support the Commission's objectives for better regulation

## Executive summary

▸▸ **Europe should consistently rely on the use of voluntary standards developed in accordance with WTO TBT principles** to support technical policies and regulations.

▸▸ **European standards should be developed only when there are unique European requirements** that are not addressed by international standards.

▸▸ In harmonisation legislation, **the process for developing European harmonised standards should avoid (or at least minimise) misalignment** with international standards and specifications.

▸▸ **Implementing acts, codes of conduct and non-standard-related or legislative technical specifications should only be used for matters for which standardisation is not suitable.** Using these as an alternative to standards can create technical barriers to trade and negatively affect the growth of the European Single Market.

## Reasoning

Instead of making consistent use of the EU's proven, highly successful and respected Standardisation System, European regulation has increasingly been turning to the use of implementing acts, codes of conduct and certification as a means of supporting its objectives of protecting and extending the European Single Market[1].

Standardisation is an essential and well proven tool that supports the European Commission's objectives for better regulation[2]. According to the World Trade Organisation (WTO) treaty, members, including EU countries, have agreed to rely on international

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[1] https://ec.europa.eu/growth/single-market_en

[2] https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en#doing

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standards and only create local specifications where there are unique local requirements that are not addressed by international standards[3].

Where there is a need to address a uniquely European requirement, European standards should be the preferred option over any other approaches. The European Standards Organisations (ESOs) can mobilise a large set of European stakeholders with relevant expertise, and follow a clear, stable and transparent governance aligned with the principles of the code of good practice for the preparation, adoption and application of a standard in the spirit of the WTO agreement on technical barriers to trade[4]. Deviating from that approach risks creating potential barriers to trade. For many decades, the product sectors under the New Approach, using globally aligned harmonised standards, have successfully been regulated to the clear benefit of all stakeholders.

With an emphasis on voluntary, harmonised standards, the existence of three dedicated ESOs to produce such standards, and with the New Legislative Framework (NLF) based on the New Approach and Global Approach, the EU has a strong, well-proven, highly competent and respected system at hand to support its Better Regulation objectives. We call on the European Commission to strengthen and consistently make use of that framework. The NLF is based on the principle that presumption of conformity of products with their applicable EU legislation can be demonstrated through the application of harmonised standards[5].

Recently however, regulatory acts have often set provisions or programmes that have complicated, or even discouraged, the adoption of harmonised standards, and instead relied on implementing acts and other similar legislative devices to specify the technical implementation of regulatory requirements. This reverses the long and deeply established principles of the New Approach and NLF by moving details of technical implementation back into legislation, bypassing the established and intended competencies and processes of the ESOs as well as the principle of locating responsibility where the best expertise lies.

Legislation under the NLF should therefore set optimal conditions up front for the development, adoption and the use of harmonised standards and should restrict the use of alternatives such as embedding technical implementation details in implementing acts.

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[3] http://sesei.eu/european-standardization/vienna-dresden-agreements

[4] https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

[5] https://ec.europa.eu/growth/single-market/goods/new-legislative-framework_en

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DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

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