

The use of standards in policy: Is there an elephant in the room?

*Exploring possible implications of the James Elliott and other court cases
on the way policy-makers use standards in European laws and policies*



Tuesday 12 June 2018, 10:00-16:00



[European Economic and Social Committee](#), JDE70 room, Rue Belliard 99-101, Brussels

For the first time, in the James Elliott case, the European Court of Justice shed some clarity on the legal nature of standards: standards have been recognised as “part of EU law”. What do this and preceding judgements mean for European policy-makers who, more and more, use standards as policy tools whether for the Single Market or in areas of public interest? If standards are part of EU law, should the European Standardisation Organisations adapt their way of working? What is an appropriate level of European Commission scrutiny of standards? Can standards remain voluntary?

This workshop will explore whether the approach whereby legislators mandate the standardisers to define the means by which legislation will be implemented remains valid, especially when used in areas of public interest such as environmental protection area. It will also see whether a clear line can be drawn between standards serving the needs of stakeholders and standards serving the needs of policy makers.

Please monitor our website for updates on confirmed speakers.

DRAFT PROGRAMME

9:30		Registration and coffee
10:00		Welcome address Bernd Dittmann , Member of Group I (Employers), European Economic and Social Committee
10:10		Close-up on the issues raised by the James Elliott and other court cases on the use of standards in support of legislation and policy Mariolina Eliantonio , Researcher in Law, Maastricht University
10:25		The New Approach and the increasing use of standards in policy Pierre Henry , DG Environment, European Commission
10:45		Standards for the free movement of goods: The inconvenient truth? Panel discussion moderated by Hughes Belin Stefano Boy , Senior Researcher, European Trade Union Institute (ETUI) Mariolina Eliantonio , Researcher in Law, Maastricht University Gerhard Leibrock , Team leader, DG GROW, European Commission Adam Pinney , Standardisation Officer, Small Business Standards (SBS) Dr. Bernhard Schneider , Federal Ministry of the Interior, Building and Community, Germany
<p>The first panel will review the process by which standards are being evaluated and used by policy-makers in the context of the Single Market and discuss whether the New Approach presents any loopholes. In particular, the panel will discuss whether the European Court of Justice's ruling in the James Elliott case has appropriately resulted in changes to this approach. This ruling for the first time clarified that standards are <i>part of EU law</i>. The panel will take a close look at the legislators' involvement in the standards development process.</p>		
12:15		Networking lunch
13:45		The use of standards in policy: Is there a perfect match? Panel discussion moderated by Hughes Belin Greg Archer , President, ECOS & Director, Clean Vehicles, Transport & Environment Pierluigi Cuccuru , PhD Candidate in Law, Sant'Anna School of Advanced Studies, Italy Pierre Henry , DG Environment, European Commission Denis Pohl , Policy Advisor Product Policies, Federal Public Service, Health, Food Chain Safety and Environment, Belgium Stephen Russell , Secretary General, ANEC Bardo Schettini Gherardini , Director of Legal Affairs, CEN-CENELEC
<p>The use of standards in support of policy raises an important question: to what extent can standards serve the needs of regulators and how can delegation of "political" decisions to the European standardisation organisations (CEN, CENELEC and ETSI) be avoided? In addition, although standards remain in principle voluntary (in most cases), they often become de facto compulsory. How can it be ensured that standards are written so as to represent the interests of all stakeholders? The panel will explore whether and how standards should be used in support of policy outside the context of the Single Market for goods. Participants will comment on what they think should be the legal status of standards, and address issues such as policy makers' oversight.</p>		
15:15		Closing remarks EESC (tbc)
15:30		Networking coffee