



ECOS & SBS WORKSHOP

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 12th 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 EESC Group I (Employers)
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, European Commission DG Environment
10:45		Standards for the free movement of goods: The inconvenient truth? Panel discussion with Mariolina Eliantonio, Researcher in Law, Maastricht University Stefano Boy, ETUI Senior Researcher Adam Pinney, SBS Standardisation Officer Andrea Gulacsi, Policy and Stakeholders Engagement, CEN-CENELEC Management Center Gerhard Leibrock, Team leader, European Commission DG GROW 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 with Prof. Linda Senden, Utrecht University School of Law Stephen Russell, ANEC Secretary General Greg Archer, ECOS President Pierre Henry, European Commission DG Environment
<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 break