



POSITION PAPER

Standardisation and conformity assessment in the context of the future UK-EU relationship negotiations

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Background

Standards and conformity assessment procedures play an essential role in trade. They can facilitate market access by reducing technical barriers to trade and transaction costs. Nevertheless, diverging standards and conformity assessment procedures can also have negative effects on trade by creating technical obstacles or imposing duplicative testing and certification. Standardisation and conformity assessment are thus key elements that need to be carefully addressed in the future UK-EU relationship.

Standards in Europe are widely used by Small and Medium Enterprises (SMEs) to trade across borders and in the domestic production of goods and/or supply of services. Regulatory compliance is only a partial component, even though highly significant, of the function fulfilled by standards. Currently, around 25% of European standards have been developed in support of European policies or legislation following a standardization request from the European Commission¹. Most standards are thus developed at the initiative of businesses to provide enterprises of all sizes with the technical means to assess, test, trade and produce compatible products within tightly integrated value chains.

The European standardisation system and Regulation 1025/2012

The European standardisation system relies on a single standard model. This means that when a European standard is being adopted conflicting national standards are withdrawn. This allows harmonisation of technical specifications within Europe and ensures the coherence of the Single Market by preventing the emergence of national barriers due to diverging national requirements.

European Standards are being developed within the European Standards Organisations (ESOs). The British Standards Institute (BSI) is a member of the ESOs and an important contributor in this structure. Its participation in the European Standardisation system ensures a high level of coherence between the UK

¹ BSI, "European standards and the UK", <https://www.bsigroup.com/LocalFiles/en-GB/EUREF.pdf>, p. 13

and the European standards catalogue. Today, 95% of British standards are identical to International and European ones². If the UK were to depart from the European standardisation system and develop its own solutions, it would be particularly costly for SMEs across both sides of the channel.

In this context, Regulation 1025/2012³ on European Standardisation is of particular importance. The regulation provides the general legal framework for standardisation in Europe and places some key requirements on national and European Standards organisations. These requirements include transparency of processes, access to information and draft standards, reporting, and facilitation of stakeholder participation, including SMEs, in standardisation work.

It is essential cooperation on standardisation between the UK and the EU is kept based on these principles and that the UK keeps its commitment to the single standard model and the adoption of European and international standards. Failing to do so will lead to the creation of technical barriers to trade and additional costs due to the use of multiple or additional diverging standards.

Current alternatives for standardisation cooperation as included in the Free Trade Agreements (FTAs) between the EU and Canada or the EU and Japan are not commensurable to the current level of cooperation between the UK and the EU. Indeed, the implementation of these agreements has shown that cooperation of the ESOs with Canadian and Japanese standardization organizations is rather limited. Besides the limited rights to contribute to the technical work, the template of FTAs for standards cooperation has resulted in practice with very few standards being jointly accepted between organizations and scarce participation of experts into the technical committees of the other organisation.

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Conformity assessment

The mutual acceptance of test results and certificates is also an important aspect that will need to be covered in the future UK-EU relationship. This is especially important for SMEs, for which paying twice for the same test can be prohibitive.

Several pieces of EU harmonisation legislation offer the possibility to use first-party conformity assessment (self-certification by the manufacturer). This possibility should be recognised as a way of accessing the UK market.

In other cases, conformity assessment is performed by other organisations such as laboratories, inspection, or certification bodies. In this context, accreditation and more specifically Regulation 765/2008 play an important role⁴. It provides confidence on the conformity assessment body technical capacity and competence to carry out their work and, as a result, it guarantees the comparability of conformity assessment results. It is therefore important that the UK accreditation system continues to be based on the Regulation, which provides the legal framework for accreditation in the EU and uses the relevant

² BSI, "European standards and the UK", <https://www.bsigroup.com/LocalFiles/en-GB/EUREF.pdf>, p. 4

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012R1025>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R0765>

international standards for accreditation and conformity assessment. This would ensure mutual recognition of the results of conformity assessment procedures required for access to the UK and EU markets.

Recommendations

- The future UK-EU relationship should allow for the participation of the UK in the European standardisation system. To this respect, it is essential to keep the principles of Regulation 1025/2012 and the single standard model whereby there is one single standard in use across the European countries and the UK on any given issue. Failing to do so will lead to the creation of technical barriers to trade and additional costs due to the use of multiple or additional diverging standards. This will impact more heavily in smaller companies.
- Where EU harmonisation legislation offers the possibility to use first-party conformity assessment (self-certification by the manufacturer), this possibility should also be recognised as a way of accessing the UK market.
- It is also essential for SMEs to ensure mutual recognition of reports, tests, certificates, and authorisations to avoid additional costs related to, for example, carrying out similar or the same test twice. This should be done based on accreditation, the principles of Regulation 765/2008 and relevant international standards.
- It is also important we keep a level playing field and that we do not create any backdoors to import goods from third countries into the EU market. To this respect, it is important that the future UK-EU relationship also ensures that any future trade agreement concluded by the UK with a third country does not entail any automatic obligation upon the EU to recognise national standards from that third country or to accept manufacturer's declarations of conformity, test results or certificates issued by conformity assessment bodies in that third country. Cooperation in market surveillance is also essential to ensure a level playing field.

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Small Business Standards (SBS) is the European association representing and supporting small and medium-sized companies (SMEs) in the standardisation process, both at European and international levels.

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