



MEETING REPORT

Subject: **Meeting with ASTM 25.10.2018 Washington**

Participants:

- Art. 4(1)(b) [redacted] DG TRADE
- Art. 4(1)(b) [redacted] DG TRADE
- Art. 4(1)(b) [redacted] EU Delegation
- Art. 4(1)(b) [redacted] ASTM
- Art. 4(1)(b) [redacted] ASTM

DG TRADE met with ASTM in the context of the EWG as regards regulatory cooperation on standards between the US and the EU.

ASTM made the following points:

- It is important to respect the fundamentals of each other's system.
- They don't think that an agreement on what is an international standard is feasible or necessary
- But it's important to find bridges and pathways.

ASTM reiterated its main TTIP request of providing a pathway for non-hEN standards to be given presumption of conformity with EU essential requirements. In response to COMs question whether there was an economic case to create such pathway, taking into account the technical work required to compare standards, ASTM admitted that this was indeed a consideration. As for industries interested in using such pathways, ASTM mentioned only the construction sector, where products not complying with EN standards cannot be CE-marked.

The negotiation of an MoU with CEN/CENELEC is underway. There will be a possibility to develop joint ASTM/EN standards, however ASTM thinks that this option has serious limitations. It already has some experience with joint ISO/ASTM standards and these take longer time to develop than their normal standards-development cycle. In the case of CEN/CENELEC the statutory obligation to try to bring standards to ISO/IEC is a further obstacle. On COMs question, it admitted that some of it was due to business considerations, such as loss of royalties and losing "control" over the product. Another, more promising track of work is the alignment of requirements.

As regards comparing standards, ASTM/EN/ISO standards were analysed in the toys field, where it was found that despite 90% of the standards was aligned, there were still some differences, which are due to regulatory divergences. In these cases, equivalence would be desirable.

In response to COM's question ASTM confirmed that regulators can help the cooperation between standardization organizations, for example by making public regulatory agendas in advance, as it was the case in aviation where EASA and FAA have a close cooperation. ASTM also confirmed that US regulators participate in the standardization process with experts, who are there mostly to inform themselves of new industry trends.

COM raised the issue of low implementation of ISO/IEC standards in the US despite US participation in the process. ASTM noted that their presence in ISO/IEC is main "defensive" in nature, to ensure no major divergence from US standards.

COM also asked about the "petition process" that USTR mentioned during the meetings, which allows any stakeholder to petition for any standard to be considered for mandatory reference in US legislation. ASTM did not seem to be aware of this possibility and could not provide details.

Follow-up questions on which ASTM promised to revert:

- Promising areas of new standards development (beyond drones, bio-based plastics and ELTs)
- Explanation of the royalty / timing issues in case of joint standards
- Further information about the US petition process
- Further information on sectors which would be interested in the "pathway"