

**From:** [REDACTED] (SG)  
**To:** [REDACTED] (SG)  
**Subject:** FW: Flash note - "Save the Single Market"- 6 November 2018  
**Date:** lundi 23 septembre 2019 12:22:37

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**From:** [REDACTED] (SG)  
**Sent:** Wednesday, November 7, 2018 11:50 AM  
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**Subject:** Flash note - "Save the Single Market"- 6 November 2018

Dear colleagues,  
 Please find below a short report on yesterday's conference, together with some follow-up actions required by 21 November alongside the Single Market Communication.

Best regards,

[REDACTED]

### "Save the Single Market"- 6 November 2018

The event was organised by the Federation of German industries (BDI), jointly with the German industrial associations VDMA (mechanical engineering) and ZVEI (electrical and electronic engineering) and the Austrian associations FMTI (metal technology) and FEEI (electrical and electronics industry). The aim was to discuss with the European Parliament and the Commission the application and further development of the New Legislative Framework.

[REDACTED] (Austria), expressed in name of the industry concerns that that the Commission has drifted away from the essence of the New Legislative Framework, subjecting the European standardisation system to unnecessary bureaucratic requirements, generating unacceptable delays in requesting, production, assessment and publication of harmonised standards, thus making the European standardisation system less attractive to industrial stakeholders.

**Carsten Bermig**, representing Commissioner Bienkowska, underlined the successful process for adoption of European standards in cooperation with the industry as an example of Better Regulation. He advocated that standards are an opportunity for European industry to lead internationally, and that the Commission is ready to cooperate with the industry.

**CEN (European Committee for Standardisation) and CENELEC (European Committee for Electrotechnical Standardisation)** and also REFIT Rapporteur on standardisation, strongly criticised the role of the Commission services and the Legal Service of the Commission in particular, and argued for less intervention by the Commission in the standardisation process.

**Martin Selmayr:**

- Provided a robust defence of the actions of the Commission, and in particular the Legal Service of the Commission and DG GROW. He underlined that it is unacceptable that the Legal Service – which does not take any decisions in isolation but assists the College which takes final responsibility for the actions of the Commission – is portrayed as an enemy of the Single Market. The Legal Service has been the strongest advocate and defender of the Single Market over the past 60 years.
- Underlined that the New Legislative Framework is a success story. The Commission is committed to continue building on the success also in the future.
- The New Legislative Framework was invented by the Commission – accusations of the Commission and the Legal Service trying to destroy it are totally unfounded.
- The New Legislative Framework also benefits the European standardisation organisations as it increases the importance of the European standardisation system. At the same time, with the increased role of the European standardisation organisations comes increased responsibility for the standardisation process.
- This does not mean that the Commission has delegated law-making to the European standardisation organisations. It remains the responsibility of the Commission to ensure that legal requirements are respected, in line with the delegation of powers by the co-legislators.
- The case-law of the European Court of Justice has to be respected, not only by the Commission, but by all other stakeholders as well. One cannot, in a democratic state underpinned by the rule of law, criticise and disrespect the ruling of the courts. In any event, the 2016 Elliott Case judgment fully supports, in a strong way, the New Legislative Framework and provides for more legal certainty.
- The Commission has the ultimate public/political responsibility for harmonised standards, which the industry must respect.

- If certain standards need to be developed quicker, the industry and standardisation bodies should be proactive and develop voluntary standards, which do not need Commission approval. But harmonised standards require scrutiny and political responsibility. One has to recall all the benefits flowing from the harmonised standards, such as the presumption of conformity and the free flow of goods. It should also be recalled that the Union is ultimately responsible for a harmonised European standard, so due process needs to be followed. It is not possible that a deputy Head of Unit provides final agreement, leading to a situation where the Commission and Union can be held responsible for a standard which the College or one of its Members has not seen. The Commission has a monitoring and assessment obligation, before the standard is finally adopted and published.
- The Parliament and the Member States also need to take responsibility: they have a role in the Standardisation Regulation (formal objections against standards).
- Recalled what the Commission services (DG GROW) has done to improve the process: vademecum with working methods; work shops to advance work in critical areas; Commission experts/consultations to help standardisation bodies to get their input on a sufficiently good level: eg. trainings on how a standard should look like.
- Standardisation is now on the political agenda and will be brought to the attention of the European Council in December, through the Commission's Communication on the Single Market. The need for a more transparent, faster, more modern and fair standardisation process requires political backing and responsibility, as a key instrument to improve the functioning of the internal market. Also to ensure a level playing field between bigger and smaller companies.

**Follow-up required:**

- Address the issue in the Single Market Communication.

- [REDACTED]

- [REDACTED]

## Programme

Welcome by Dr. Ulrich Schuh, Austrian Federal Ministry for Digital and Economic Affairs

"Better Regulation in the European Single Market", Carsten Bermig, Expert on Single Market for Goods in the Team of Commissioner Elzbieta Bienkowska

"The New Legal Framework from the Industry Perspective: A European Model of Success", [REDACTED], Austrian Steel Construction Company

Panel Discussion with:

Prof. Dr. Martin Selmayr, Secretary General of the European Commission

Dr. Andreas Schwab, MEP, Internal Market Committee

[REDACTED] WS Heat Treatment Technology

[REDACTED] Danfoss Silicon Power GmbH

Moderator: [REDACTED] VDMA