



## Experience with the New Approach – Scope for progress

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The New Approach has freed up trade for a large number of products with a high level of safety within the European Union, constituting one of the factors of the competitiveness and the economic growth in the EU.

By stepping back from the technical aspect, which was proving to be a real bottleneck, and focusing on the Essential Health and Safety Requirements (EHSRs), the directives have become more lastingly robust.

This construction has made the European standardisation system more dynamic by forming a strong legal tie between New Approach directives and standardisation, through the presumption of conformity to the EHSRs that is granted to harmonised standards.

However, current standards do not always cover all of the applicable essential requirements, which gives rise to legal uncertainties for manufacturers and weakens the system. Standards should also continuously reflect the state of the art, which presupposes a more reactive standardisation system. Finally, it is necessary to ensure that the users of the products are better represented in the standardisation bodies so as to benefit from their feedback from the field.

Products that comply with the EHSRs of the applicable directives are (for the most part) recognisable by the CE-marking that was introduced by the New Approach. However, that marking is not always perceived as being recognition of such compliance, and its credibility is therefore undermined. Self-certification by the manufacturer (who thus judges its own case) of a good many products covered by the New Approach directives is fuelling doubts about the relevance of the CE-marking. Action by third parties should be better harmonised in order to secure fair treatment of certification applications.

In order to boost confidence in the CE-marking, market surveillance needs to be reinforced. Owing to the principle of subsidiarity, such surveillance falls to the Member States but the surveillance tool (safeguard clauses) is used merely anecdotally for personal protective equipment (PPE) and machinery.

The system of the New Approach has nevertheless proved effective. It is seen in other regions of the world as a factor of economic stability and of good governance, with authorities and stakeholders being complementary.