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The Danish Government's response to the public consultation on a roadmap on evaluation of certain aspects of the New Legislative Framework

Denmark welcomes the opportunity to comment on the Commission's roadmap on evaluation of certain aspects of the New Legislative Framework (NLF).

The Danish Government strongly supports the NLF and its core principle of a public-private partnership between legislators and industry. The NLF has proven a successful tool to improve the single market for goods to the benefit of consumers, businesses, authorities and the European economy as a whole. The Danish Government welcomes the Commission's initiative of evaluating the NLF in order to future-proof and further improve upon the framework. Overall, the Danish Government believes the Commission should approach the evaluation of the NLF as a timely fine-tuning of an already successful machinery. The Danish Government encourages the Commission to make use of the NLF as the framework for any future product regulation across DGs in order to avoid unnecessary burdens for businesses.

Harmonized standards

A key pillar of the NLF is the system for harmonized standards, in which legislators define essential requirements for consumer- and environmental protection, while European Standardization Organizations define the corresponding detailed technical requirements for products and services. Harmonized standards are particularly important for SMEs that might not otherwise have the resources or technical know-how to demonstrate conformity with Union legislation. The Danish Government believes that an evaluation of the NLF should also consider the functioning of the system for harmonized standards.

The Danish Government is concerned about a number of challenges currently facing the European system for harmonized standards, as expressed in a joint non-paper signed by 18 member states¹. The Danish Government

¹ "Time to put harmonized standards back on track", joint position non-paper signed by 18 member states and sent to Kerstin Jorna and Céline Gauer on July 1st 2020.

believes that a robust and efficient system for harmonized standards is vital to a) the green and digital transitions, b) Europe's competitiveness on the global market, and c) influence on future international standardization, especially regarding new digital technologies.

The Danish Government is committed to participating in finding joint solutions to the current challenges and urges the Commission to take into account stakeholders' concerns on this issue and to ensure that the evaluation of the NLF is coordinated with existing and upcoming initiatives on harmonized standards, such as the Commission's upcoming standardization strategy.

Green and digital economy

The Danish Government strongly supports the green and digital transition of the European economy. The twin transitions pose new challenges in terms of product requirements, as new types of products are placed on the market. The Danish Government agrees with the Commission that the NLF should be able to accommodate products that undergo changes during their life cycle, such as updates, upgrades or remanufacturing. This also requires a sufficiently agile and efficient system for harmonized standards. Furthermore, it may be necessary to clarify roles and responsibilities across the value chain. These are all important steps to encourage consumer and B2B trust in new products and business models that are aligned with European policy goals.

The Danish Government urges the Commission to consider that efforts to ensure that e.g. remanufactured products meet the relevant product requirements for safety and security do not impose disproportionate burdens on sustainable business models. Rather, it is important that the NLF makes it easy and attractive for innovative businesses, including SMEs, to place safe and secure sustainable products on the Single market without imposing unnecessary burdens. Also, the NLF should not create a burden for new and innovative business models.

The green and circular transition of the economy is a key priority to the Danish government. Accordingly, the Danish Government has set an ambitious target to reduce CO₂ emissions by 70 pct. in 2030. In short, the Danish Government supports efforts to promote a well-functioning single market for circular products and business models, such as reuse and remanufacturing.

Notified bodies and conformity assessment procedures

The Danish Government acknowledges with appreciation the Commission's intentions to ensure the quality of conformity assessment procedures and the competencies of notified bodies. Harmonized product regulation is contingent on mutual trust across the system. In order to safeguard the NLF,

it is vital that authorities, businesses and consumers can rely on the conformity assessments that are carried out under the NLF.

CE marking

Overall, the Danish Government believes that CE marking and accreditation work well, and that most problems in these areas can be attributed to lack of efficient and aligned implementation and enforcement. In addition, it can be confusing, even for professionals, to understand which elements are covered by the CE marking. For businesses, particularly SMEs, it is problematic when new legislation enters into force without any corresponding state-of-the-art harmonized standards referenced in the OJEU. Rather than looking into alternatives to CE marking, The Danish Government encourages the Commission to focus on implementation and enforcement as well as information about the rules related to CE marking.

Crisis resilience

The Danish Government appreciates the Commission's intention to ensure that the NLF is adequate to perform in urgency situations such as the current COVID-19 crisis. The Danish Government notes that the NLF performed well during the first wave of coronavirus in Europe in the spring of 2020, where the parties in the system for harmonized standards managed to cooperate and deliver relevant harmonized standards for personal protective equipment and medical devices within a very short timeframe. The Danish Business Authority referred other government authorities and relevant business organizations to the guidance documents published on the Commission's website, which assisted manufacturers in getting acquainted with the standards and conformity assessment procedures required to launch a production of e.g. personal protective equipment. The Danish Government recognizes the extraordinary efforts made by both the European Standardization Organizations and the European Commission in this regard. The Danish Government hopes that this experience can serve as an inspiration for joint efforts to make the European system for harmonized standards more agile on a whole – preferably as part of the Commission's upcoming standardization strategy.