Standards and Regulations

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“Not to know mandatory standards is a great part of wisdom”
Adapted from Hugo Grotius, Dutch Jurist, Philosopher (1583-1645)
• Standards are private
• Voluntary agreements
• No legislative powers
• References to standards are very welcome but should not undermine their voluntary nature
• Benefits: safety, sustainability, health, trade, innovation
- New Approach - precious best practice
- Non-binding manner
- Presumption of conformity
- Requirements set out clearly and unambiguously by the law
- Regulators participate in standard development
• Law leaves room for alternative and innovative ways to meet legal requirements
• Regulators need to verify compliance but cannot demand that the standard is applied
• No requirement to purchase the standard
• Knowledge contained in the standard yields benefits ➔ legitimate to charge a price
• Ensure standards can be found easily
When law refers in mandatory way – complications arise

- Copy and exploitation rights are held by standardization organizations
- Standardisation organisations do not have legislative powers
- Text of a law needs to be freely available
To resolve these complications
– Legislators refer to standards but prevent mandatory references
– If not possible → agreement on compensation for free access
– Users are registered
– Free access limited to read/only
Reference to specific or most recent standard?

- Most recent – would result in parliament approving open-ended references
- Specific – risks references to outdated standards
In the Netherlands

– Supreme Court confirmed that mandatory standards are not free of copyright (Knooble case)
– Dutch government intends to pay for making mandatory national standards freely available
## Standards
- Recommendations
- Use is voluntary
- Established by consensus of all parties concerned
- Approved and published by recognised Standardization Organisation
- Copyright protected

## Regulations
- Binding legislative rules
- Use is mandatory
- Subject to parliamentary approval
- No copyright