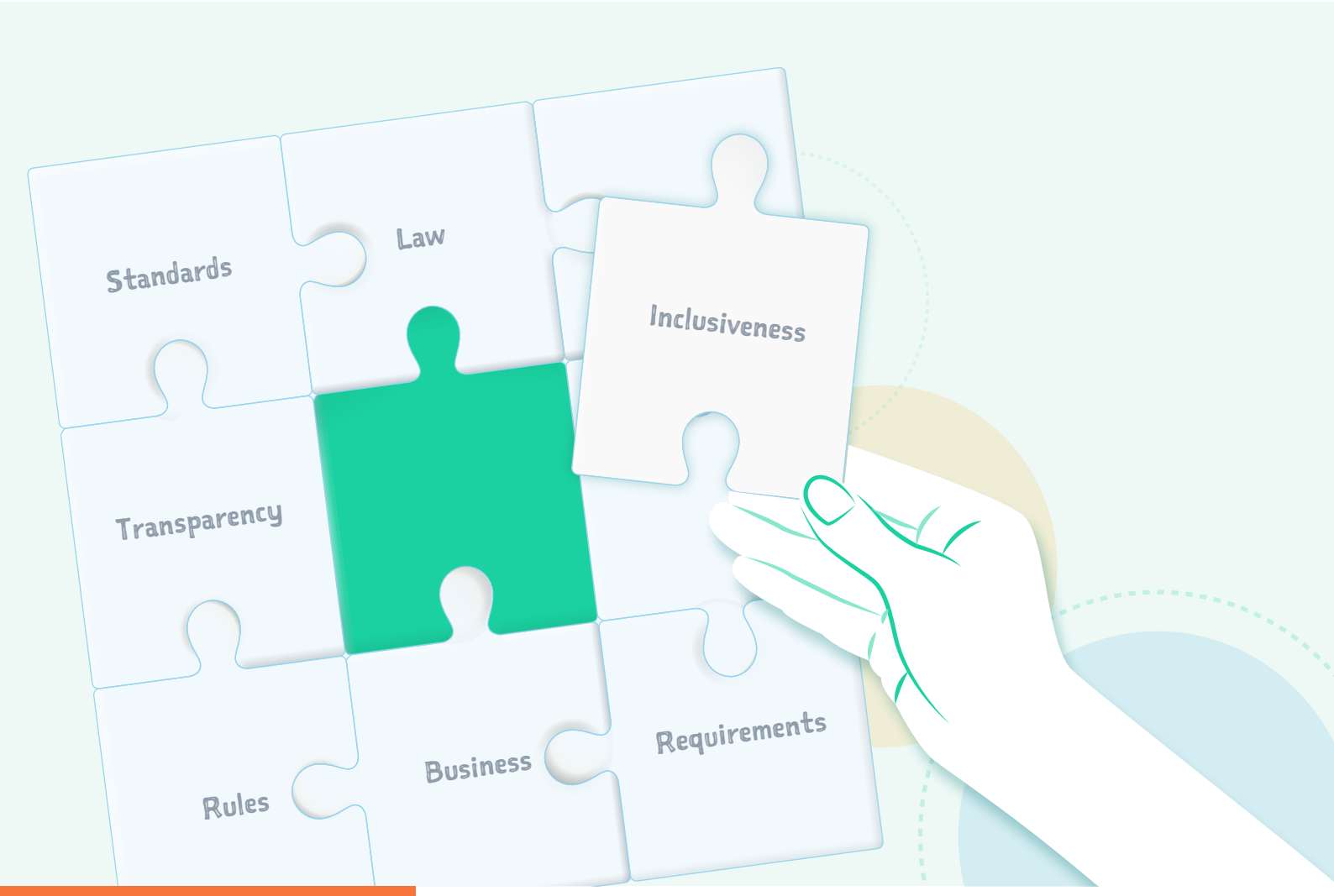
International standardisation that works for the environment

Making change happen



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About ECOS

ECOS - Environmental Coalition on Standards is an international NGO with a network of members and experts advocating for environmentally friendly technical standards, policies and laws. We ensure the environmental voice is heard when they are developed and drive change by providing expertise to policymakers and industry players, leading to the implementation of strong environmental principles.

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Why now?

20 years of contributing to the development of standards

Since 2001 ECOS has been working to ensure an effective participation of environmental NGOs in standardisation, and a more inclusive standardisation system. Our job is, however, still far from done: we strongly believe that the way standards are developed can be significantly improved. An area that requires particular attention is the degree to which standardisation processes ensure inclusiveness of different types of stakeholders, including those representing the environmental voice.

Over the years, we have witnessed only a handful of successful strategies and actions aimed at making the development of standards more inclusive. Essentially, these are initiatives by Germany[1] at the national level, but also by the European Union[2], allowing for greater involvement of societal stakeholders in standards making. These much-needed improvements have indeed led to an enhanced participation of underrepresented interests, but, sadly, they have not been sufficiently or systematically transferred to other countries or regions of the world, and are still lacking at both the national and the international level.

Today, addressing global environmental challenges becomes all the more urgent, and standards are playing an increasingly important role in environmental protection, supporting environmental laws, and helping to implement international environmental treaties.

While policymakers constantly work to develop state-of-the-art environmental rules, the World Trade Organisation's (WTO) 'Principles for the Development of International Standards, Guides and Recommendations' were agreed as far back as the year 2000 by the organisation's Technical Barriers to Trade (TBT) Committee. There is a great need to update these principles, taking account of the evolving role of standards, as well as the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which clearly establishes the rights of the public to participate in environmental decision-making.

As global environmental challenges increase, international standards are becoming an essential tool

Standards are everywhere – a fact that often goes unnoticed. They are the common rules and formats that manage our world, be it the way we measure the energy performance of appliances, how we assess the ability for a product to be repaired or the accounting for carbon emissions. In other words, standards can influence whether an environmental technology is deployed by an innovative first-mover company rather than blocked by its competitor, or determine whether greenhouse gas emissions are measured in a reliable way. Consequently, standards can play an important role in supporting international environmental agreements such as the Paris Agreement, the Convention on Biological Diversity, the Montreal Protocol, or the Basel, Rotterdam and Stockholm Conventions. In fact, standards or organisations developing them are sometimes specifically mentioned in these agreements.

Why are standards developed at international level?

Many products are sold across international markets, making the harmonisation of product characteristics and test methodologies around the globe beneficial, especially for industry, but also consumers. International standardisation is an increasingly important mechanism for facilitating global trade, including in environmental goods and services. International standardisation contributes to spreading knowledge, sharing of technological advances and management practices, increasing consumer safety, opening markets to the safe use of new technologies, and reducing regulatory divergence.

International first

Many operations of the standardisation system are based on an 'international first' approach, whereby standards are developed and adopted internationally, rather than at the regional or national level, thus avoiding barriers to international trade.

The need for environmental ambition

Moreover, international standardisation has the potential to contribute to the Sustainable Development Goals (SDGs) and environmental protection more broadly, working to tackle such global challenges as climate change, plastics or air pollution. Unfortunately, this process has so far been insufficient in scope, scale and timing, and will continue to be so unless the international standardisation organisations become more strategic, inclusive, open, and transparent. As it is, a persistent imbalance of representation has led to the adoption of standards which are often a result of a compromise at the lowest common denominator, forced by companies failing to innovate and make their products more sustainable. This is the case, for example, for refrigerants, where standards restrict the use of more environmentally friendly alternatives.

By requiring international standardisation organisations to dedicate a significant effort to contributing to the Sustainable Development Goals, and supporting the environment, we could ensure that standards truly respond to the pressing environmental challenges we are facing. For this to become a reality, however, standards need to be developed with a closer involvement by governments and societal stakeholders, and should not solely be at the discretion of market players. Given that, for example, 70% of ISO members are government bodies[5], this should not be an insurmountable challenge.

The added value of an environmental NGO

ECOS has made an impactful contribution to the development of standards whenever it was able to operate effectively, providing its environmental expertise. This includes:

- contributing to the **development of ISO's environmental management standard series** (ISO 14000), which helps organisations improve their overall environmental performance[6], and
- playing a key role in the IEC in **ending the default addition of chemical flame retardants** as standard for screens and other electronic devices, as part of an international alliance of environment and health NGOs and research institutes[7].

Our vision for an inclusive and effective standardisation system

ECOS works towards an inclusive standardisation system, where environmental NGOs from across the globe contribute their expertise to the development of environmentally ambitious standards in support of the Sustainable Development Goals.

For sustainable products and services to become the norm, international standardisation organisations will need to rise to the challenge, developing standards fit for the 21st century – by not only improving the ambition of standards, but also the way they are developed.

How do we get there?

We need more inclusiveness

1

Inclusive and facilitated access for effective participation

Ensure that governments and standardisation organisations allow inclusive access to standardisation processes for all stakeholders, particularly facilitating access for underrepresented societal stakeholders, so they effectively participate. This should be achieved by a review and update of the WTO TBT Six Principles[3] for the development of international standards to make them fit for purpose and incorporate the principle of inclusiveness.

Respecting the legal obligations of the Aarhus Convention parties

All Parties to the Aarhus Convention[4] should fulfil their legal obligation to promote inclusiveness of environmental stakeholders in:

- all international environmental discussions, including those related to standards;
- the work of all standardisation organisations that may be used in support of international environmental agreements, and laws that have an impact on the environment.

2 We need the Sustainable Development Goals at the heart of standardisation work

International standardisation organisations should strategically and proactively support the realisation of the Sustainable Development Goals. For this to happen, environmental issues must be systematically addressed at the strategic level, as well as at the implementation level.

3 We need international environmental agreements to be drivers

Ensure that international environmental agreements make appropriate references to standards and standardisation organisations so that they can support and help implement these agreements in the best and most appropriate way.

We need to use standards in the right way

4

Appropiate use of standards by policymakers

Standards should remain a support tool to regulatory and environmental policy objectives, without undermining the primacy of environmental legislation, or acting as a replacement for legal requirements. Moreover, governments should only use standards to support legislation if they were produced in an inclusive process, with effective participation of all relevant societal stakeholders.

Re-imagine trade policy to make environmental sustainability the norm

Bilateral and multilateral trade agreements should ensure a consistent approach to the use of standards, in particular those helping address environmental challenges, and support the fulfilment of international environmental agreements.

What does it mean in practice?

International standardisation needs to change

Inclusiveness:

Boosting civil society engagement

Balanced, diverse and effective participation

Today, standardisation is often perceived solely as a platform to serve industry interests, rather than creating standards for the public good. This is closely linked to how international standardisation organisations operate, despite the more prominent organisations having mostly governments as members. For example, in the case of the International Organization for Standardization (ISO), 70% of members are national government (or government-owned) bodies[5], with many others operating under a government mandate. While they may seem impartial, these national standards bodies are dominated by private corporate interests.

Such organised industry representation is not necessarily negative as such – it can be more than justified when defining voluntary technical specifications, but the under- or even misrepresentation of other interests (environmental, consumer, etc.) becomes particularly worrying when standards are developed in public interest areas such as health services and environmental protection. In these cases, facilitated inclusion of the civil society expertise in the discussions is of paramount importance, as is its facilitation and proactive support from the standardisation bodies.

Inclusiveness /ɪnˈkluː.sɪv.nəs/ noun
the quality of including many different types of people and treating them all fairly and equally.

For standards touching upon social and environmental issues, constructive partnerships of multiple stakeholders bring about a great number of benefits, including effective consensus building, knowledge sharing, interest representation, and legitimacy[8]. International standardisation organisations should not underestimate this potential, making sure they enable an appropriate representation and effective participation of all relevant stakeholders, including SMEs, consumer organisations and environmental and social stakeholders.

The reality is, unfortunately, far from ideal. In the IEC[9], for example, environmental NGOs and other societal stakeholders are not guaranteed a seat within international technical committees (TCs), where standards are actually developed. Civil society participation in technical committee work depends fully on the TC's decision (a body often composed entirely of industry representatives), and can result in rejections of environmental NGO liaisons[10], depriving the process of crucial contributions.

Inclusiveness as an international principle

A 'balanced, diverse and effective' participation of civil society organisations in the international standardisation processes is essential, but it will not guarantee that the common good and public interest are taken into account in all standards. Having access (openness) is not the same as having equal access (inclusiveness), and it is clear that civil society organisations do not have the same means as industry representatives, for instance in terms of financial or human resources. It is foreseeable that, even if granted access, they will remain weak in numbers simply due to their inability to mobilise enough resources to be represented in all relevant bodies. Therefore, there is a significant need to develop a mechanism to safeguard societal concerns, including environmental, in spite of these limitations. Participation should not only be enabled but also encouraged and facilitated. In other words, inclusiveness must be integrated as an overarching principle.

Some good practices from Europe

In addition to the WTO principles, the European Union acknowledged the importance for all relevant interested parties to be appropriately involved in the European standardisation process. The facilitation and encouragement of effective participation of societal stakeholders is, in fact, underpinned by legislation[9].

While each standardisation organisation has its own guiding rules, most[12] of them adhere to the WTO Code of Good Practice for the Preparation, Adoption and Application of Standards[13] and principles for the development of international standards or the 'Six principles'[14] agreed by the TBT in 2000.

Interestingly, 'openness' already is among these principles, aiming at a non-discriminatory membership. In reality, however, the system today is far from encouraging and facilitating participation by all parties concerned, often ignoring societal stakeholders and their interests. To be fair, small improvements are implemented here and there - certain new standard-setting organisations[15], have introduced a multi-stakeholder approach in the development of social and environmental standards.

While this is encouraging, it is most certainly not enough - inclusiveness needs to become an overarching principle for the whole standardisation system, and part of the 'Six Principles' of the WTO.

The ISO 2030 Strategy does make commitments on inclusiveness that, if implemented ambitiously, will make ISO the front-runner in inclusiveness, both for the standards they develop and their governance.

Aarhus-compliant international standardisation

The Aarhus Convention establishes a number of rights for individuals and their associations with regard to the environment, including:

- access to information;
- public participation in decision-making, and
- access to justice in environmental matters.

The Convention also envisages that its principles will be promoted in matters relating to the environment by stakeholders involved in international decision making, as well as in international organisations.

Instruments such as the TBT and other international agreements should be adapted to bring the international standardisation system in line with the Convention principles. Such reform would entail at least the following elements:

- ensure that Aarhus principles are incorporated into the application of the TBT Agreement, and push for a review and update of the 'Six Principles' to include inclusiveness;
- guarantee access, upon request, for environmental NGOs to international Technical Committees and Working Groups, without participation or access fees;
- facilitate the input of environmental NGOs to influence the full standard development process, from its inception to the vote, and
- provide seats/observer status in key and relevant governance and strategic groups of international standardisation organisations.

International environmental agreements as a driver for standardisation

The work of international standardisation organisations has the potential to impact global environmental challenges – primarily positively, but also negatively. To ensure they protect the environment rather than work against it, international standards should strategically and proactively support the realisation of international environmental agreements and the Sustainable Development Goals. For this to happen, environmental issues must be systematically addressed by standardisation organisations to ensure ambitious international standards are developed in a timely manner.

International environmental agreements should become key drivers for international standardisation organisations. These agreements are vital to combat global environmental challenges as they promote coordinated action, using both laws and standards.

International environmental agreements and the SDGs should therefore be considered in an open, transparent and inclusive way at all tiers of the standardisation system, starting from strategic management and governance, with the full participation of environmental NGOs and civil society as key sectoral actors. This approach then needs to trickle down to the technical level and day-to-day standardisation work in a more structured, comprehensive and effective way than attempted presently by certain international standardisation organisations.

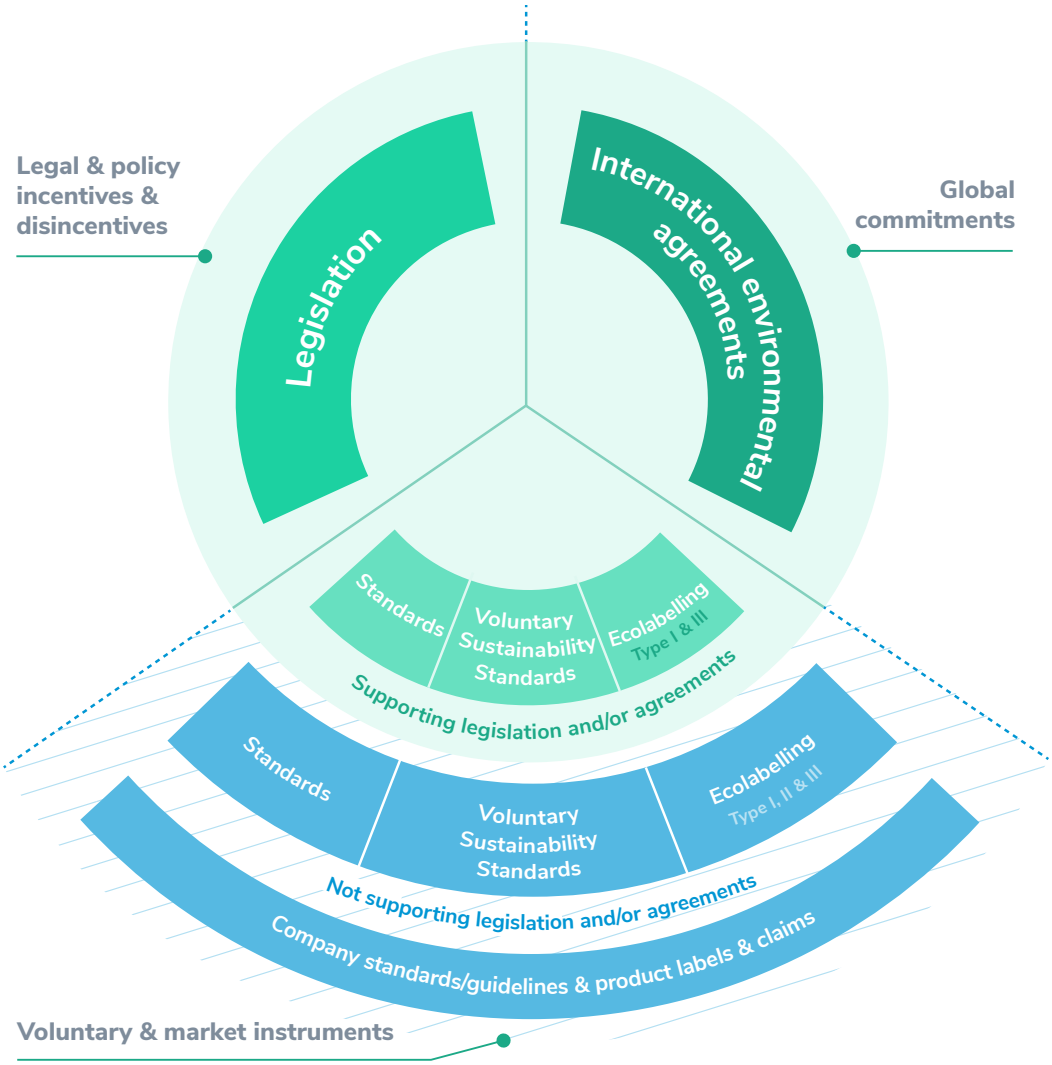

Figure 1 The role of standards in environmental governance

Ensuring the appropriate use of standards in support of legislation and trade policy

It is crucial to ensure that international governance architecture, cooperation and trade agreements do not misuse standards to undermine environmental protection, ensuring the primacy of environmental legislation. The objective of regulatory convergence as part of trade agreements, for instance, risks exacerbating the tendency for using standards as a replacement for binding regulation.

Any compromise should fully preserve the highest level of ambition: a standard should never contradict or weaken a corresponding legislative act, which, by nature, is more appropriate and effective in addressing societal concerns. While resorting to standards as 'less burdensome' can seem tempting, ECOS has long warned against the growing use of voluntary standards instead of mandatory policy tools.

Furthermore, trade agreements are evolving in terms of content, increasingly incorporating non-trade objectives, such as sustainable development provisions. In order for trade policy to support environmental objectives, trade agreements also need to consider inclusiveness. Social and environmental principles should be put at the core of trade policy, enabling environmental and civil society partners to play a greater role in the implementation. Therefore, using international standards in support of trade agreements should only take place when those standards have been developed by an inclusive international standardisation organisation.

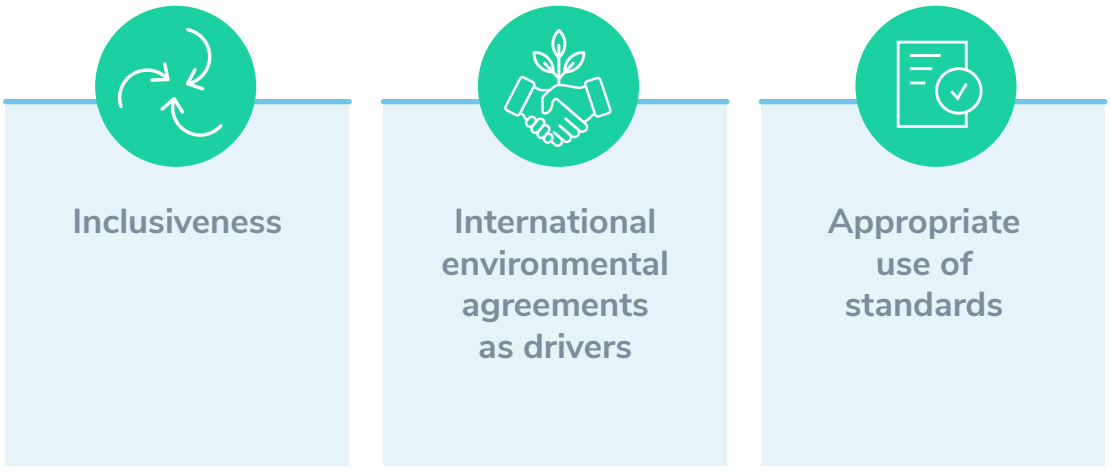

Figure 2 ECOS vision for international standardisation that work for the environment

Standards dictionary

Aarhus Convention

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus (Århus).

Inclusiveness

Inclusiveness is the quality of including many different types of stakeholders and treating them all fairly and equally.

Other technical tools by independent bodies

Standards drafted by recognised standardisation organisations are one tool among many others available to policymakers. These include regulatory technical specifications, and any other technical tools which may be provided by other reliable, independent bodies such as EU agencies (the Joint Research Centre) or the World Health Organisation (WHO).

Product labels and claims

Environmental information provided by brands either on products or via other channels (websites, advertising). It may correspond to Type I Ecolabelling, which follows ISO 1024. This type of ecolabelling is voluntary, multiple-criteria based and verified by third party. Type I Ecolabels are usually independent, but may have regulatory basis e.g. EU Ecolabel. Type II Ecolabelling, which may follow ISO 14021, provides self-declaration of conformity without third-party verification; it may also not comply with any standard. Type III are environmental declarations for specific aspects of products using a life-cycle approach.

Standard

A standard is a commonly agreed way of doing something, detailed in a document developed by a recognised standards organisation.

Standards organisation

A standards organisation, standards body, standards developing organisation, or standards setting organisation is one whose primary function is to develop, coordinate, revise or otherwise produce technical standards to address the needs of a group. Examples include:

- international organisations - ISO, IEC, ITU, UNECE, IEEE, ASTM, FAO, OIE, IPCC, OECD, WRI, Codex Alimentarius Commission;
- regional organisations such as CEN, CENELEC, ETSI, ARSO, PASC, and
- national standards bodies such as ANSI, SAC, BIS, DIN, BSI.

Standards in support of legislation

Despite their voluntary nature, standards may support legislation. This is the case, for instance, in the European Union, where harmonised standards are a means of specifying how companies can comply with legal requirements. Here, standards can be referred to directly, or indirectly referred to in regulations through their citation in the Official Journal of the European Union (OJEU). Standards can also be referred to in international agreements, including trade agreements and international environmental agreements, such as the Montreal Protocol, the Basel, Rotterdam and Stockholm Conventions.

Technical Committee

A Technical Committee (TC) is a technical decision making body within a standards organisation which is established by its Technical Board (BT) with a precise title and scope, to prepare standardisation publications. The members of a Technical Committee are (often national) members who appoint delegates to participate in TC meetings.

Voluntary Sustainability Standards

Voluntary Sustainability Standards (VSS) are rules that producers, traders, manufacturers, retailers or service providers may be asked to follow so that the products they make do not hurt people and the environment. VSS are defined in accordance with the UN Forum on Sustainability Standards (UNFSS), and potentially include hundreds of standardisation bodies. Certification against VSS can support market access regulations and/or condition access to regulation-based economic incentives.

WTO's Six Principles

In 2000, the WTO's Technical Barriers to Trade (TBT) Committee adopted the Six Principles for the Development of International Standards. They are meant to help international standards work better for global trade. They are widely followed by standards bodies seeking international relevance, and cover transparency, openness, impartiality and consensus, effectiveness and relevance, coherence, and the development dimension.

Notes and references

1 Established in 1996 KNU - Coordination network for German environmental NGOs on standardisation as a nation-wide representation of interests. Co-funded by the Federal Ministry for the Environment.

2 EU Regulation 1025/2012.

3 https://www.wto.org/english/tratop_e/tbt_e/principles_standards_tbt_e.htm

4 The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus (Århus).

5 https://www.referenceforbusiness.com/encyclopedia/Int-Jun/International-Organization-for-Standardization-ISO.html

6 Read more: https://ecostandard.org/helping-business-be-greener-all-over-the-world/

7 Read more: https://ecostandard.org/unnecessary-hazardous-substances-in-our-electronics-no-thank-you-ecos-fight-against-flame-retardants/

8 Fransen and Kolk 2007; Dejean et al. 2004.

9 International Electrotechnical Commission - an international standards organisation which develops international standards for all electrical, electronic and related technologies.

10 Rejected ECOS liaison requests: IEC/TC 89, IEC/TC 61 (twice).

11 Regulation (EU) 1025/2012 of the European Parliament and of the Council.

12 *E.g. ISO, IEC, ASTM, ISEAL, IEE, European standardisation (CEN-CENELEC, ETSI).*

13 https://www.wto.org/english/docs_e/legal_e/17-tbt_e.htm#annexIII

14 https://www.wto.org/english/tratop_e/tbt_e/principles_standards_tbt_e.htm

15 Certain so-called Voluntary Sustainability Standards organisations.

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