



Media Briefing: Understanding the EU Standardisation Strategy – and why it matters for the climate

Brussels, 27 January 2022

Contents

What is the European Standardisation System (ESS)?.....	1
How can standardisation help Europe gain a competitive edge at global level? Would that be good for the planet?	2
How is the standardisation system connected to the European Commission?.....	2
What are the problems that the strategy seeks to solve?.....	3
What do environmental organisations expect from the Standardisation Strategy?.....	5
Why are standards important for the environment?.....	5
What is a standard?	6
How are harmonised standards set?	6

On 2 February, Executive Vice President Margrethe Vestager will present the European Commission's Standardisation Strategy, emphasising the geostrategic importance of standardisation for the continent.

Next week's announcement has the opportunity to become a turning point for standardisation in Europe. In recent months, Commissioner Breton has been giving signs of the geostrategic importance he sees in standardisation, as European standards face more intense competition at an international level, in particular from China¹.

At a moment of change in supply chains worldwide, the European Commission will seek to ensure the EU's technological sovereignty while positioning the bloc as a global standard setter. The Commission's strategy will address the challenges and opportunities for standardisation in Europe, and globally. Changes will try to solve some of the most pressing problems standard-making is facing, including:

- Delays in the approval of new European standards;
- Need for more inclusiveness for environmental and other societal voices and interests;
- More transparency and legal certainty for European standards with the role of the European Commission in the process better defined.

¹ https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_22_354

What is the European Standardisation System (ESS)?

Every year, some 1,500 standards are published at European level. About 20% of them are Commission-mandated harmonised standards.

Experts gathered at CEN, CENELEC and ETSI (the three European standardisation organisations) develop the necessary definitions, guidelines, test methods that determine how processes, products and services are realised. The National Standards Bodies (NSBs) of all EU countries are members of CEN, CENELEC, and ETSI (also many non-EU countries are members).

Voluntary standards at European level ensure that companies and other types of organisations across the continent use common references, reducing market barriers across countries. A typical example is the A4 paper format which follows a standard initially created by DIN, the German National Standards Body. Printer manufacturers are not obliged to adapt their machines to A4 paper – but companies would have trouble selling their devices if they were incompatible with A4.

How can standardisation help Europe gain a competitive edge at global level? Would that be good for the planet?

Global trade is rapidly changing. Being a leading actor in standard-setting can give a competitive edge to Europe in new technologies such as artificial intelligence and blockchain. It is also the case for areas critical for the green transition, such as the rules governing battery manufacturing or the global trade of used plastics.

The EU is currently the region with the highest climate ambition in the world. As a global leader, Europe could use its position to push the climate agenda in international standardisation, for example in cases where existing international standards do not match European environmental ambition (such as recyclability of electric car batteries).

A stronger Europe in the standardisation world would be excellent news for global climate action. The European Commission has officially said that it will seek better 'coordination of EU stakeholders and available resources' to set standards 'in line with EU values'².

How is the standardisation system connected to the European Commission?

Around one fifth of the standards approved every year by European Standardisation Organisations³ are created following a standardisation request by the Commission. This way, EU policymakers make sure that technical rules underpinning the implementation of legislation are developed. Commission-mandated norms are called 'harmonised standards'. They define, for example, the conditions under which a plastic

² European Commission Roadmap for a Standardisation Strategy - https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13099-Standardisation-strategy_en

³ https://ec.europa.eu/growth/single-market/european-standards/standardisation-requests-mandates_en

bag should be considered as compostable; or set methods to be followed by companies wishing to market their products as repairable.

Commission officials draft the requirements for new standards in documents called Standardisation Requests. CEN, CENELEC and ETSI then undertake a consultation process among their members to decide whether to accept or reject the work proposed under the SR. If accepted, they develop the technical details, in a process that typically takes 2 to 3 years. At the end, the Commission verifies that the final text meets the specifications set out in the original request. If approved, a reference is published in the EU's Official Journal.

The European Commission has not always been involved in the process. Before 1985, when a new regulation entered into force⁴, there was no role for EU public institutions in standard-setting. In the early 90s, only 3% of all standards were mandated by the Commission. The role of the public institutions became more prominent after a new European regulation on standardisation was passed in 2012. Since 2009, they represent about 20% of all new European standards⁵.

What are the problems that the strategy seeks to solve?

The standardisation system is facing bottlenecks that the Commission will try to fix with its new Standardisation Strategy.

- Delays in the approval of new European standards

Last May, 17 EU countries published a non-paper where they pointed to the lengthy delays in the approval of new European standards. They warned the Commission that companies might start using international standards instead, 'leaving the European system at risk of collapse', if the problem was not solved. The signing governments called on the Commission to provide greater flexibility for European Standardisation Organisations (ESOs), including clear criteria for evaluation of standards (to align Commission expectations with the views of experts reviewing final texts), and making their citation in the EU Official Journal quicker.

Some groups in the standardisation community complain that too much time is wasted waiting for final Commission reviews that harmonised standards undergo before they are approved. As a result, entry into force of standards is sometimes delayed.

On the other hand, civil society groups including ECOS warn that thorough checks are essential to ensure that new standards fulfil the purpose set by the Commission in their Standardisation Request. Technical details in harmonised standards will have a major impact on whether the new European environmental laws achieve their objectives in practice.

ECOS also points out that delays are not only due to Commission checks, but companies can also stall standards that play against their interests, rejecting for example terms set by the European Commission in its Standardisation Requests.

⁴ Council Resolution of 7 May 1985 on a new approach to technical harmonization and standards - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31985Y0604%2801%29>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011SC0671&from=DE> (page 142)

Here, the Commission will need to tread carefully. While checks do make the process longer, thorough monitoring and consultation with civil society organisations is critical to ensure that new standards fulfil their purpose. It is about striking the right balance between speed and quality.

- Inclusiveness on a global level

The 2012 Standardisation Regulation made the standardisation process more inclusive, officially recognising civil society organisations such as ECOS as key stakeholders of the European Standardisation System⁶. This allowed for representation of a greater variety of interests in the otherwise industry-dominated decision-making process. Consumers, small businesses, environmental and social organisations were all given a seat at the table – Europe is one of the few places in the world where this is the case.

However, most new European standards are adapted international ones, set by ISO, IEC or ITU, where input from civil society organisations is much more limited, and restricted. For example, 73% of all European Standards in the CENELEC portfolio are identical or based on IEC ones⁷. Consequently, with the new Strategy, we expect the Commission to seek broader participation of concerned organisations at the international level. This should apply to, for example, environmental stakeholders, where standards are developed that will have an impact on carbon emissions or environmental sustainability of products, but also on a range of topics where European values need to be promoted, such as Artificial Intelligence.

ECOS will seek a stronger environmental voice in international standards development, mirroring the inclusiveness achieved in the European system.

- Legal certainty of harmonised standards as part of EU law

Some standards directly address matters of societal concern – even though they are developed mainly by industry. The technical definitions for biodegradable or compostable plastics are a clear example, with vital implications for the sustainability of our planet.

A 2016 ECJ ruling (James Elliot case)⁸ determined that harmonised standards (initiated by a Commission mandate) are part of EU law. However, the legal effects of harmonised standards are not clearly explained in the current regulation, leaving open questions about the role and responsibilities of the European Commission in relation to the European Standardisation Organisations (CEN, CENELEC and ETSI).

Delegating technical work to standardisation bodies seems like an easier option when it comes to detailed definitions and test methods. Still, the Commission should ensure the supremacy of mandatory legislation over voluntary standards in areas of public interest, such as protecting people's health and the environment. This means that harmonised standards complement legislation but should never fill a gap left by policy.

⁶ ANEC, ECOS and ETUC, Small Business Standards are recognised as 'Annex III Organisations' under Regulation (EU) 1025/2012. The regulation requires that the participation of ANEC, ECOS and ETUC is supported and facilitated by the European Standardization Organisations. Through this regulation, Annex III Organisations also receive European public financing.

⁷ https://www.cencenelec.eu/media/CEN-CENELEC/European%20Standardization/Documents/IC/cen_cenelec_globaloutreach.pdf

⁸ <https://curia.europa.eu/juris/document/document.jsf?jsessionid=A8AE6CBAA4C6E56726FA8DC126B055F7?text=&docid=184891&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=10004130>

The Commission is aware of this problem and suggests in its roadmap for the Standardisation Strategy⁹ that it modernise the system to match EU interests and values linked to the green and digital industrial transitions.

Concrete commitments in this regard should be unveiled by commissioner Breton in his announcement on 2 February.

What do environmental organisations expect from the Standardisation Strategy?

- **Standards are now developed in a more inclusive way in Europe, but this is still a work in progress.** Standards are set following a multi-layer approach: at the national, European and international level. For societal interests to be adequately considered, there needs to be continued political push at all levels, including by the European Commission.
- Civil society organisations have established ways of participating at European level, but with minimal representation both at international and national arenas. Unless civil society can have a strong voice at all levels, the quality of standards entering the market and being used in legislation will always miss reaching the latest state of the art.
- The European Commission should use the European Standardisation system to better identify, eliminate and amend **standards that are barriers to the deployment of clean technologies**, environment-friendly materials or secondary raw materials.

For example, natural refrigerants such as propane are being phased in as greener alternatives to HFC gases in air conditioning and cooling equipment. Unfortunately, their spread is limited as industry and regulators have concerns over their flammability, making standards too stringent.

- **Europe's environmental ambition should be translated into worldwide standards.** Environmentally ambitious standards are essential for Europe to achieve its geostrategic ambition, and support the European Green Deal. Europe should push the global agenda where existing international standards fall short in matching the European environmental ambition (e.g. e-mobility), inspiring other countries to follow its lead.
- **The European Commission should do more to initiate, manage and monitor the harmonised standards development process**, as these standards underpin many legal requirements. For example, builders are obliged to comply with standards linked to the Construction Products Regulation.

Why are standards important for the environment?

Setting robust standards is vital for the EU to meet its climate goals. The European Union is currently developing regulations for, for example, batteries, construction products, recycled packaging. Commission-

⁹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13099-Standardisation-strategy_en

mandated standards are a tool to ensure compliance with laws, and as such they will have crucial importance to whether new pieces of legislation will truly achieve their objectives. Standards are essential tools to limit climate change and realise the UN's Sustainable Development Goals (SDGs). For example, cooling appliances such as air conditioners and fridges use HFCs – greenhouse gases that have a higher global warming potential than carbon dioxide. Standards could widen the market uptake of much less polluting, natural alternatives.

What is a standard?

A standard is an agreed way of doing something. They are voluntary specifications that define technical or quality requirements with which a given product, production process, or service may comply. In Europe, standards are developed by three distinct private international non-profit organisations: CEN, CENELEC and ETSI (depending on the subject). Experts meet at technical groups within the standardisation bodies, and agree on the details of each standard.

In Europe, 20% of all standards are harmonised standards (also known as hEN), which are created following a request from the European Commission. While still voluntary, harmonised standards are cited in EU legislation, and companies can use them to ensure technical compliance. Consequently, harmonised standards behave as 'soft laws' where small print for law compliance is described in detail.

An explanation of the standardisation process can be seen in a recent ECOS video.

How are harmonised standards set?

Every year the European Commission publishes an Annual Work Programme for Standardisation, laying down its priorities for the year, and how it intends to use standardisation in support of new or existing legislation and policies. These intentions may lead to formal Standardisation Requests, that the Commission sends to the Standardisation Organisations (CEN, CENELEC or ETSI).

A technical process then kicks off, led by industry experts, which usually takes 2 to 3 years. In long discussions, experts from all European countries agree on technical definitions, test methods, specifications, guides... Since 2012, representatives of organisations representing the interests of environmental concerns, consumers, workers and SMEs have also been part of the discussions.

Once experts agree on the final outcome, the standardisation body sends its proposal to the Commission. Before receiving the final green light, the European Commission reviews every standard, making sure that the text complies with the requirements primarily set in the Standardisation Request.

Then, harmonised standards are sent for citation in the Official Journal of the European Union (OJEU). Once published, they confer presumption of conformity with legal requirements (but they remain voluntary). It is worth noting that standards are not distributed free of charge. Documents containing the full specifications of each standard are available for purchase on CEN and CENELEC websites. Only ETSI standards are made available for free.

ends