

ECOS views

Complementary responses to the Public Consultation on the Revision of the regulation R1025/2012

Authors

- Amina Aissani, SPM Standardisation- amina.aissani@ecostandard.org
- Nerea Ruiz, Global Engagement Director – nerea.ruiz@ecostandard.org

Executive summary

Standards support EU legislation and therefore must balance both private and public interests, with the participation of societal stakeholders and SMEs during the negotiations indispensable. Environmental stakeholders provide the necessary environmental expertise to develop standards that support a circular, sustainable, resilient, and competitive European economy. The Regulation 1025/2012 is the safeguard of the system and must ensure:

- Reinforced inclusiveness throughout the standardisation process, ensuring harmonised standards serve EU policy, market, and societal needs.
- Civil society participates equally with other stakeholders during the standards development process. ESOs and NSBs should foster inclusive collaboration and ensure internal processes reflect all interests
- Stable funding for meaningful civil-society participation.
- Alternative mechanisms to traditional voting to counter-balance civil society's limited representation
- Timely availability of hENs. The process takes longer than the drafting of the standard itself. The EC and ESOs should find ways to accelerate development and adoption.
- Fast-track and alternative solutions do not compromise quality and inclusiveness. Digital tools and traditional routes should be prioritised to avoid fragmented, industry-driven standards.

In this document, ECOS would like to provide additional context and information to support our responses to the public consultation.

E- Speed and responsiveness to Innovation

To the question 37 on How to improve speed and flexibility of standardisation processes:

Question	ECOS views
There should be stronger mechanisms, such as mandatory deadlines paired with penalties, to enforce timely delivery of requested (harmonised) standards.	<p>We believe that strict deadlines should indeed be required and respected. While we are not in a position to determine the effectiveness of possible penalties, we support the introduction of stronger mechanisms to ensure timely delivery of standards.</p> <p>It is important to note that the ESOs have a coordinating role, and that after reviewing and providing input to the Standardisation Requests (SRs) at the SRAHG - where longer deadlines are often suggested - they ultimately accept or reject SRs. We therefore agree that ESOs should pursue the delivery of the necessary hENs within the timeframe set in the adopted SR.</p>
There should be more flexibility in the way (harmonised) standards are developed and delivered, including dedicated and simplified formats and procedures for (harmonised) standards requested to support EU law; use of alternative types of standardisation deliverables instead of standards; recourse to other standardisation bodies; open calls procedures for obtaining standards	<p>We need Flexible standardisation processes to ensure standards are delivered within imposed timelines. Today, it takes more time to handle the process than the drafting of the standard itself. Therefore, it is important to work with ESOs on concrete solutions to accelerate the development and adoption of standards, critically reviewing all administrative stages and seeking solutions in order to save time.</p> <p>Nevertheless, it is key to ensure that most important stages are kept, namely, the review of the SR in the SRAHG, the standard drafting stage, the enquiry stage, the handling of comments and the formal votes.</p> <p>There is a need to optimise the HAS assessment process at European level and to ensure the HAS consultants can assess international drafts as early as possible.</p> <p>It is important to ensure collaboration with EU societal stakeholders and SME organisations as early as possible both during the drafting of the Standardisation Requests, and during the development of the standards. At the citation assessment stage, the opinion provided by Annex III organisations should be duly considered, especially when a non-favourable has been issued during the standardisation development stage.</p> <p>When unjustified delays affect the implementation of EU regulation or the standardisation route does not progress as necessary, it is important to implement other alternative tools such as the common specifications for which stakeholder consultation should be a pre-requisite.</p>
There should be fast-track procedures to develop and deliver priority standards.	<p>Experience has shown that some industries develop their own standards within closed industry associations and push them through fast-track procedures in international standardisation forums (such as ISO and IEC), often without allowing for sufficient discussion and input from civil society</p>

and SMEs, or their competitors. It is critical to prevent using such mechanisms and avoid these situations from occurring for hENs.

Identifying standards suitable to be developed faster will require careful assessment of several factors, in our view, we need a set of criteria instead of a random list of standards to ensure the quality of the standards and the effectiveness of the standardisation process are not compromised. Here are some elements for consideration:

Clear and well-defined scope

Standards with a well-defined or narrowly focused scope are more suitable for fast-tracking. These are typically easier and faster to develop compared to those with a broader or more complex scope. The scope must be clearly defined and unanimously approved by all stakeholders.

Revisions vs New Developments

Fast-tracking is often more feasible for revisions that require minimal changes. In contrast, developing entirely new standards demands more time for consensus-building and stakeholder input, making it less suitable for fast-track.

Resources

The availability of human and financial resources from all stakeholders is crucial. Before adopting fast-track procedures, it is essential to ensure that all experts are committed to dedicating the necessary resources to meet the tighter timelines and deliver the standard successfully.

Pre-empting the standardisation work

Experience shows that preparatory work can accelerate the development process. This includes gathering relevant documentation, references, and data, as well as engaging stakeholders before the formal process begins. If the group decides to propose an initial draft, it must be developed in line with the same principles of inclusivity, decision-making, and transparency. It is important to clarify that this preparatory draft is merely a starting point for discussion within the standardization group and is not intended to be adopted as working draft unless all involved stakeholders agree to it.

We agree that the current procedures would benefit from some improvement. The current processes take too long and need to be optimised also at the SR level and the citation stage.

At the SR level: The SR process should be closely overseen by the EC ensuring the provision of a clear roadmap for standardizers and full clarity regarding the legal requirements are within the scope. However, today we observe that the handling of SRs can vary between different DGs. While there is an internal process in place within DG GROW, the Policy officers not familiar with the standardisation process often overlook the step of consulting Annex III organisations before sending the document to comitology. Moreover, it is important to ensure policy officers across DGs engage in discussions with the experts of both the TCs and Annex III organisations early while drafting the SR. Improving on this coordination will ensure the SRs are as clear and complete as possible minimising room for

The Commission's procedures for the request, evaluation and citation of (harmonised) standards should be simplified.

interpretation. Ultimately this will also speed up the process and contribute to a more efficient standard development stage.

At the citation stage, a clear procedure with a fixed timeline for the EC to approve hENs should be determined to avoid usual legal blockage points.

Simplified procedures and consolidation of texts by default should be applied when existing standards are amended.

If an existing hEN is being revised or amended, the system would benefit from simplified and clear procedure on the revision and the replacement of the old version in the OJEU. However, we would like to emphasize that the revision should always happen in a controlled and inclusive environment following the traditional process and carried out after consulting the views of European stakeholders organisations involved during the standardisation process (e.g. Formal Opinions).

The procedures for drafting or editing a standard should be fully digitised. For example, information exchange during the drafting process should only take place in a digital format

We believe that the use of digital tools can support the objective of developing standards more quickly. However, a clear collaborative process must be established, ensuring both transparency and traceability of the consensus-building process.

There should be more and earlier involvement from Commission experts throughout the standardisation process to ensure that draft standards meet all legal requirements.

Commission control in initiating, assessing, managing and monitoring the procedure for the adoption of harmonised standards is crucial. It is key to keep in mind that harmonised standards serve public interest, and as a necessary implementation measure “form part of EU law”.

SRs are a critical element as they mark the interplay between regulations and the underpinning technical standards and hence, need to be controlled by the Commission.

To save time, the EC should pro-actively develop Standardisation Requests (SR) as soon as possible to pre-empt the standardisation work and ensure the standards are ready before the entry-into force of the legal requirements.

The EC needs to ensure ESOs adopt a more pragmatic approach towards SRs and ensure the experts sitting in the SRAHG assess thoroughly the standardisation request, in terms of technical feasibility but also in terms of industry commitment and availability of resources to conduct any round robins or testing campaigns etc.

During the standard development stage: Coordination, between the TC and the Annex III organisations to monitor the progress. Moreover, there is a need to optimise the HAS assessment process at European level and to ensure the HAS consultants can assess international drafts as early as possible. ESOs should remain responsible to ensure the HAS has access to international standards.

The crucial issue of timely citation needs to also be tackled urgently. The Commission involvement throughout the process can help reduce the probability of non-citation.

There should be better use of existing standards developed outside

We are concerned this will open the door to more standards being developed by industry associations and forums which often operate by their

the European Standardisation System, provided they are appropriately adapted to meet essential requirements and subject to a set of criteria (e.g. inclusiveness, transparency).

own private rules; as well as add difficulty for stakeholders to meaningfully contribute to processes that are governed in different ways.

It must be noted that while some industry forums where standards are drafted allow for participation of civil society as observers, they do not allow for meaningful participation.

Some Criteria would need to be provided, for instance:

- The Scope of the standard need to be aligned with the SR
- The legal requirements should be covered by the standard
- Inclusiveness obligations set by the Standardisation Regulation should be met and should be demonstrated through effective participation of civil society throughout the consensus building and Civil society should be allowed to have a meaningful say in the decision making process. If this is not the case, there must be an opportunity to revisit and revise the standard until all concerns are adequately considered.
- We would also recommend opening national consultations to ensure all national concerns are taken into account.

When using standards from recognised international standardisation bodies such as ISO, IEC and ITU, there should be a faster adaptation, adoption and take-up in the EU system

As endorsed by the High-Level Forum on EU standardisation on its report workstream #5, the key existing principles, mechanisms, and rules for engagement of societal partners and SMEs in international standardisation are not fully aligned with the European regulatory framework. Should any faster adoption of international standards be proposed, **clear criteria** need to be set.

For instance in terms of inclusiveness, international standardisation organisations should facilitate the participation of Annex III organisations from the outset when agreeing to propose this international standard as an hEN. International standardisation organisations should also ensure that Annex III can engage in the development process under the same conditions as those guaranteed at the European level.

The Commission should have the option to request the development of new standards by actors beyond the existing European Standardisation Organisations, provided that they work in an inclusive manner with balanced participation of relevant European stakeholders.

While we understand the need for the Commission to look for solutions when hENs are not delivered by the ESOs (whether it is because the SRs are rejected by the ESOs, there are unjustified delays in the development of standards by the ESOs or the standardisation deliverables are not fit for the objectives in the SRs), we would like to emphasize that harmonisation in terms of processes and criteria is needed whether hENs are developed within ESOs or not.

In terms of Inclusiveness, we need:

- The role and rights of Annex III organisations are upheld regardless of which body develops a harmonised standard.
- Equal access conditions for Annex III organisations across all SDOs must be ensured. Any SDO developing a harmonised European standard (hEN) must guarantee free, timely, and effective access for Annex III stakeholders to the negotiation tables. This should be a mandatory condition for developing a hEN.
- All SDOs must share the same understanding of what is consensus-building and how this needs to reflect both private and public interests, the latter for hENs being represented by Annex III organisations. From

our experience, we see that each SDO has its own way of building the consensus and this brings difficulties.

- Uniform decision-making models are needed for the development of hENs across SDOs. All SDOs developing hENs must follow a consistent, transparent decision-making process that guarantees the meaningful consideration of public interest.

To the question 40 on the approaches related to the role of the ESOs :

<p>The list of European Standardisation Organisations in Annex I of the Regulation should be reviewed regularly to verify if the ESOs still fulfil the conditions to have this status, and/or to add new ESOs.</p>	<p>Should the list of ESOs be reviewed, non negotiable conditions should include:</p> <p>Promoting meaningful inclusiveness not only in their internal processes but also among their members/ partners and subcontracted organisations.</p> <p>Respecting a harmonised and regulated decision-making model</p> <p>Taking full responsibility for a timely delivery in accordance with the SR, regardless of whether the work is carried out directly by the umbrella organisation or delegated to others.</p>
<p>There should be a set of clear criteria that standardisation organisations must meet to be recognised as an ESO.</p>	<p>See above</p>
<p>The standardisation framework should be opened to allow other organisations or consortia to respond to specific standardisation requests alongside the recognised ESOs, provided they meet a set of pre-defined criteria, such as inclusiveness, ensuring the quality of their work.</p>	<p>See above. While we understand the need for the Commission to look for solutions when SRs are rejected by the ESOs, there are unjustified delays in the development of standards by the ESOs or the standardisation deliverables are not fit for the objectives in the SRs, we are concerned this will open the door to more standards being developed by industry associations and forums which often operate by their own private rules; as well as add difficulty for stakeholders to meaningfully contribute to processes that are governed in different ways.</p>

F- Inclusiveness

To the question 44 : on the potential measures to improve inclusiveness and stakeholder participation.

<p>Measures such as financial support or free access are needed to better support participation of experts representing SMEs in technical committees.</p>	<p>We agree that measures are needed to better support participation of experts representing SMEs but also societal stakeholder. Measures such as financial support should come in addition to free access to effectively support participation of experts representing both civil society and SMEs in technical committees. To create a favourable environment for civil society organisations to technically contribute to standards-making, both national standardisation bodies and national authorities should support the involvement of these underrepresented stakeholders at all levels (National and European).</p> <p>To help address gaps regarding knowledge and awareness on standardisation from stakeholders, ESOs and NSBs, with the support of stakeholder organisations, shall develop targeted awareness training and capacity-building programmes for stakeholder organisations and their experts. A particular focus should be put on enhancing their awareness of the strategic value and benefits of standardisation and ability to participate in standardisation work.</p>
<p>Increased transparency regarding the stakeholders involved in technical committees and working groups developing (harmonised) standards.</p>	<p>Experts participating in Working Groups (WGs) during the drafting of a standard do so in their own capacity and represent their own interests; not necessarily the national position; even if they have been appointed by a National Standardisation Body. It is essential that experts clearly disclose their affiliation, indicate whom they represent, and, most importantly, are transparent about their own interests.</p> <p>When working on a hENs, ESOs and NSBs need to record and monitor the composition of the TCs/WGs and most importantly, strive to ensure a balanced participation by proactively reaching out to relevant stakeholders. MS have also a key role to play in enabling meaningful civil society participation at national level by providing a financing system that would support their involvement.</p>
<p>An obligation on ESOs and NSBs to ensure a minimum share of specific stakeholder interest in standardisation bodies and technical committees co-financed by the EU.</p> <p>For example, this could include a minimum share of SME representatives and balanced voting rights.</p>	<p>The unbalanced representation within working groups and technical committees, the non-existent weight in the decision making models, the lack of representativeness within the national position, the lack of systematic awareness of the role and rights of Annex III organisations or the lack of formal mechanisms to ensure our concerns are duly integrated into the standards-drafting processes continues to hinder the effective consideration of our contribution and therefore public policy objectives.</p> <p>ESOs and NSBs have the responsibility to create an inclusive environment where consensus is built between private and public interests. All internal regulations and processes must reflect on inclusiveness and how the system ensures all interests are taken into account.</p> <p>Access conditions should be guaranteed within their organisation or within any partner organisation in charge of developing the hEN pursuant to a partnership agreement.</p>

	<p>When it comes to voting rights, we recommend exploring measures that would encourage industry stakeholders to engage more constructively with civil society during the consensus building rather than voting rights per se. Regrettably, in the current setting where there is systematic unbalanced representation of interests in standards-making, we believe that voting cannot be as effective. It is likely that under-represented stakeholders' vote would still be outnumbered by a majority of other interests. Therefore, in view of the systematic under-representation of these stakeholders, measures such as granting veto rights or binding formal opinions should be considered to ensure their effective influence and a more balanced participation. Additional mechanism could be explored which would give Annex III a say at the citation phase.</p> <p>With regards to NSBs, we believe all actions currently outlined in Article 6.1 should be fully implemented and its scope expanded to societal stakeholders too. In other words, National Standardisation Bodies (NSBs) must ensure access for civil society and SMEs to both standards and the standards development processes, in order to achieve a higher level of participation in the standardisation system. These actions, however, should be made binding if we want to ensure real and meaningful progress. The recommendations developed within the High-Level Forum WS3 should also be carefully considered to enhance national inclusiveness. Moreover, ESOs which operate through a membership structure based on NSBs or which rely on decision making model based on national votes have a crucial role to play in ensuring genuine improvements and enhance inclusiveness.</p>
Voting rights for SMEs, consumers and other societal stakeholders (Annex III) in the standardisation process.	See above
<p>Accessible, simplified guidance to SMEs and other stakeholders to help new entrants find, understand and engage with standards.</p> <p>This could include tools like an AI-based standardisation assistant or a dedicated FAQ page.</p>	<p>In addition to accessible and simplified guidance, national point of contacts are necessary. While Annex III organisations already play a coordinating role, each NSBs operates differently. It is therefore important to establish a dedicated national contact point within each NSB to guide civil society stakeholders through NSB processes and to ensure:</p> <ul style="list-style-type: none"> • Facilitate access to relevant Working Groups and Technical Committees; • Provide free access to referenced standards, which are essential for making meaningful contributions; • Offer dedicated training and mentoring in the own language to build capacity and understanding; • Provide support in securing long-term and sustainable funding to ensure continued participation. • The recently published report on inclusiveness in national standardisation by the High-Level Forum on Standardisation (WS3) offers a national peer review as well as a comprehensive list of recommendations to improve national inclusiveness that should be implemented with no delay.

H- EU's role in global standard-setting

<p>Measures such as financial support and capacity building are needed to improve participation of experts representing SMEs or civil society from the EU in technical committees at the international level.</p>	<p>We agree with the fact that measures such as financial support and capacity building are needed to improve participation of experts representing SMEs or civil society from the EU in technical committees at the international level.</p> <p>A sustained and long-term financial support system, tailored to the lengthy nature of the standards development process, is essential to enable meaningful civil society participation throughout the development of harmonised standards (hENs). In addition, Union financing that currently supports civil society participation at the European level should be expanded to also address the growing need for systematic engagement at the international level.</p> <p>Furthermore, as endorsed by the High-Level Forum on EU standardisation on its report workstream #5, given that the key existing principles, mechanisms, and rules for engagement of EU societal partners and SMEs in international standardisation are not fully on par with the European regulatory framework, additional measures are necessary to improve the effectiveness of the expert participation at the international level.</p>
<p>The EU should introduce a systematic monitoring action on new and on-going international standardisation activities and an intervention system to better protect EU values in international standardisation when needed.</p>	<p>Given the increasing relevance of international standards, and the existing interplay between European and international standards, it is important for the EU to monitor international standardisation developments.</p> <p>What is more, the European Union should reflect on how standardisation can be more strategically used as a tool to achieve its policy objectives. Rather than relying solely on a bottom-up approach, where the EU engages with international standards only once the ISOs have begun working on a specific topic, a more proactive approach should be adopted, where the EU should take initiative by bringing EU priority topics forward at the international level, by using platforms like the HLF to coordinate its actions and influencing the development from the outset.</p> <p>Standards should be recognised as key instruments to support and implement European policy goals. To this end, the EU should systematically integrate standardisation strategies into each legislation. This includes evaluating, on a case-by-case basis, whether it would be more beneficial to initiate or carry out the standardisation work at international level, and whether such work could be supported through Union funding because it serves broader competitiveness and policy objectives.</p>