Raising standards for consumers

POSITION PAPER

ANEC REPLY TO THE EUROPEAN COMMISSION CALL FOR EVIDENCE ON THE REVISION OF THE STANDARDISATION REGULATION

Contact: Stephen Russell -sru@anec.eu

Chiara Giovannini – cgi@anec.eu

ANEC is supported financially by the European Union & EFTA

Ref: ANEC-SC-2025-G-001

15/07/2025

The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80 – 4th Floor - B-1040 Brussels, Belgium
T: +32-2-7432470 / anec@anec.eu / www.anec.eu

ANEC response to the EC Call for Evidence (Ares(2025)4981369)

- ANEC welcomes the decision of the European Commission to launch a Call for Evidence.
- ANEC agrees that amendments to Regulation (EU) 1025/2012 are preferable to a full revision in order to help ensure the Regulation is fit to deliver harmonised standards in the future. We welcome that the legal framework of which the Regulation is part – including the New Legislative Framework and the EU rules on market surveillance & enforcement – will be reviewed as a whole in aiming to achieve an added robustness to the Single Market, and its outcomes for consumers. Nevertheless, there are elements – such as the scope of a Standardisation Request - that may be better addressed in the supporting architecture of the legal framework (such as the Vademecum) than in changes to the legislation itself.
- As we proposed during the consultation on the evaluation of Regulation (EU) 1025/2012, a legislative proposal should demonstrate that the New Legislative Framework, and use of harmonised standards, is the correct tool to use to achieve the intended goal.
- Standardisation Requests (SReqs) must not delegate political decisions (e.g. on safety limits) to ESOs, and be comprehensively drafted to ensure clear understanding by the ESOs of what they are required to do.
- Similarly, we believe there must be a limit to the domains that standardisation can cover. We consider (harmonised) standards should not address the definition or legal interpretation of ethical values; the definition or the legal interpretation of rights enshrined in the EU Charter of Fundamental Rights; matters of religion or ideology; the domains of the social partners (Staff Working Document (SWD) p62). Neither the EC nor the ESOs should promote or support standardisation work at international level that covers such domains. We note that at least one National Standardisation Body includes such a limitation in its rules (see DIN 820-1, clause 7.2[1]). In other emerging fields, there should be societal checks and balances in the standards-setting process.
- We recommend replacing the HAS system with a permanent, independent, transparent and sustainable mechanism within the EC. This mechanism would be composed of a wide range of expertise, not only technical expertise but also legal expertise (including on fundamental rights to ensure those are not defined in the standard), as well as experience and knowledge in a broad range of fields: sociology, accessibility, gender studies, consumer and social issues etc. The diversity of profiles would ensure harmonised standards adequately respond to societal needs, in line with the EU law and SReqs.

[1] Three areas in which standardization should not be conducted are now explicitly stated: Legislation and political decisions by relevant institutions, whether at German regional or federal level, or that of the EU. Legislation always takes precedence over standards, as do the rules and regulations of chambers and self-governing bodies with a statutory mandate.

Content that lies within the remit of the social partners in Germany. The basic right of collective bargaining autonomy under Article 9 (3) of the German Basic Law accords prominent regulatory competence to the social partners, which empowers them to assume certain labour and social policy functions autonomously.

Standards must not define ethical values, but only their technical implementation, for example in relation to artificial intelligence. Standards must not address religious and ideological values at all.

- Regulation (EU) 1025/2012 should clearly state that the final responsibility for compliance with EU law and EU Charter of Fundamental Rights lies with the EC. This is the logical conclusion considering standards are part of EU law. It also better reflects the current situation, where *de facto* the European Commission already assumes this responsibility, with support of the HAS consultants. However, such an important matter cannot merely be left to the interpretation of Regulation (EU) 1025/2012: it must be stated in the Regulation itself.
- ANEC still believes the EC must have the right to direct whether a harmonised standard can be offered to ISO/IEC for development at international level, or needs to be developed within the ESS in order to safeguard European values or ethics. As the SWD highlights (on p30), the level of consensus building and/or stakeholder inclusiveness in other countries (and hence in ISO/IEC) is often not comparable to the ESS. Indeed, the provisions of Regulation (EU) 1025/2012 on inclusiveness make the ESS unique in the world. This is of key importance given the ECJ "James Elliott" ruling that harmonised standards form a part of European law, confirmed by its later ruling in "Public Resource" that citizens should have free access to the texts of harmonised standards given their legal effect.
- Despite the increase in the overall budgets of Annex III organisations under the Regulation (SWD p32), in the case of ANEC at least, its financing from the EU remains some 400k€ less in 2025 in real terms compared with 2007, while the scope of the work has increased (SWD p33, p45). ANEC has been successful to a degree in diversification of its budget (1.4M€ since 2017), but it does not have the resource to engage systematically in ISO/IEC, and a balance needs to be found between maintaining levels of consumer protection and welfare in more traditional sectors (such as child safety) and engaging in work related to new fields, such as the digital and green transitions. We confirm that the resources available to us – even with dedicated external funding – makes it difficult (if not impossible) to engage as effectively as multinationals in the complex and intense work of CEN-CENELEC JTC 21 (also SWD p33), as well as continue our role of supporting our members participation in national standardisation.
- We also confirm that the administrative burden associated with EU financing continues to increase (SWD p44). Nevertheless, as there is no option to EU financing, this increase has to be accepted. As the interim evaluation of the present Single Market Programme (SMP) shows (COM (2025) 357 final, p8), "Pillar 3 provides great EU added value by ensuring sustained support for Annex III organisations which depend on SMP funding to remain active and inclusive in the standardisation process".
- We believe an EN that meets the needs of economic and societal stakeholders can give European business an advantage on the global stage. By strengthening consumer protection, contributing to consumer well-being and supporting inclusive standardisation, ANEC's activities aim at reinforcing key EU objectives to enhance competitiveness and foster sustainable growth. Nevertheless, a next step would be to ensure inclusiveness and effective participation of societal stakeholders is implemented beyond a simple obligation of efforts, as defined in Articles 5 and 16 of the present Regulation, and take account actual results of the consensus-building process. As the SWD says (p33), "Annex III organisations do not always perceive their participation as leading to effective results".

- We see this of particular importance at national level, noting that the Regulation has (by its very nature) direct legal effect in EEA countries, and the standards development process in CEN-CENELEC (and the adoption of ENs in ETSI) is led by the national delegation principle. Given this, we believe there is an obligation on Member States to put into place the political and financial frameworks needed to ensure participation of all interested stakeholders at the national level, so the national delegations in CEN-CENELEC (and ISO/IEC) contribute a genuine consensus built at the national level.
- Nevertheless, the convergence of technologies and the consequences for the complexity of standardised solutions, is likely to mean the national delegation principle will need to continue to be complemented by "Annex III organisations" in safeguarding participation of stakeholders underrepresented or absent at the national level. In order to ensure this continuing commitment, and to aid their strategic and long-term planning, the Annex III organisations should be explicitly named as designated beneficiaries in the Regulation. Indeed, we note continued support to the Annex III organisations confirms the expectation of the proposals in the Multi Financial Framework (MFF) 2028 to 2035 that the funding of fragmented activities be better co-ordinated and funded at the EU level than at the level of the Member States.
- The EC and national public authorities should commit to participating in development of harmonised standards when possible. Public authorities have knowledge, including that of industry wrongdoing, from their market surveillance work. They have much to share on how to close loopholes which now disadvantage consumers. Their participation in development of harmonised standards could contribute to making EU law more enforceable, as they could provide insights that make it easier for market surveillance authorities to check compliance with legal requirements. Meanwhile, participation of EC officials in technical bodies dealing with complex and/or sensitive standardisation (such as the AI Act and Cyber Resilience Act) has proved of considerable value in progressing the work.
- ANEC supports a clear and efficient process for addressing formal objections to harmonised standards. We emphasise the need for timely and transparent procedures for handling objections. This is crucial for maintaining the legal certainty and ensuring product safety.
- ANEC advocates timely standardisation not speedy standardisation. We see that the 6.1 years quoted in the SWD (p28) refers to the average duration of the development of a harmonised standard from SReq to citation, whereas 3.2 years is the time taken for the traditional "standards development". The core values of a European Standard (EN) must not be risked to reduce development times. This is essential if the core objective of an EN is to ensure the safety of a product or service, especially the safety of consumers. The James Elliott ruling, that at least harmonised standards form a part of EU law, underlines our concern and the need for caution.

  The ICT sector has been the sector looking for rapid standardisation solutions that convey the results of innovation to the market. Conversely, the focus of the pressure vessels industry, for example, is achieving standards that ensure safety and the time taken is less important, especially as the life of an industrial pressure vessel can be 40 years or more.

- The ESOs have alternative deliverables for when speed is vital. If these are not considered sufficient, then any other process (e.g. procurement) must respect democratic legitimacy, legal scrutiny, and public interest representation. Of course, these requirements must also apply to EC common technical specifications where their use is deemed necessary.

Ends.

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

Designed by AdGrafics.eu

30 YEARS ANEC
Raising standards for consumers

The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80, box 3
B-1040 Brussels, Belgium

+32 2 743 24 70
@anectweet
anec@anec.eu
www.anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

BCE 0457.696.181

ANEC is supported financially by the European Union & EFTA

EFTA