

ANEC-BEUC feedback on the evaluation of European standardisation

Call for evidence stage - September 2023

ANEC and BEUC welcome the call for evidence for an evaluation of Regulation (EU) 1025/2012.

Standards increasingly concern new technologies, often in support of EU digital legislation through the request for harmonised standards (in line with the approach of the New Legislative Framework (NLF)). The status and role of harmonised standards have also evolved over the past decade, illustrated not only by past court cases but the latest amendment of Regulation (EU) 1025/2012 by Regulation (EU) 2022/2480, recognising the strategic role harmonised standards play in the Single Market.

ANEC and BEUC see the need for further improvements to ensure that the European Standardisation System delivers standards in line with societal needs, especially those of consumers. More particularly, we recommend including the following topics in the review and the preparatory work for it such as the consultation and the impact assessment:

- How to ensure that the frontier between standards and law is well defined and that legislators do not delegate elements of policymaking to standard-setting bodies? This raises the question of whether everything is standardisable, whether the NLF is the right approach in all areas and importantly, whether the respective legal provisions are substantive enough when the NLF approach is indeed taken.
- Technical standards are crucial in ensuring that products placed on the EU market respect people's health, safety and fundamental rights. Given the societal importance of standards, civil society's participation in the European Standardisation System, including through Annex III organisations, should be a cornerstone. Civil society representatives do not currently have sufficient impact and the European Commission itself recognised in the 2022 Standardisation Strategy that their involvement should be increased. The assessment of civil society participation requires a panoramic view, analysing not only participation at the European level but also at the national and international levels. The level of resources provided to civil society organisations for effective participation in standardisation at all levels is central here, as are the corresponding political frameworks.
- Consequences of harmonised standards forming part of EU law, as concluded by the European Court of Justice in the *James Elliott* case (2016), and how this should be reflected in Regulation (EU) 1025/2012. This extends to the degree of scrutiny that needs to be exercised on draft harmonised standards (and by whom), as well as free accessibility to harmonised standards.

- Given that harmonised standards are part of EU law, whether standardisation requests should set conditions on when and how the European Standardisation Organisations can pass the development of harmonised standards to other standards development organisations (most notably ISO and IEC). This is also relevant to reinforcing European strategic autonomy.

Accordingly, ANEC and BEUC not only support the evaluation of Regulation (EU) 1025/2012 but ask for its targeted amendment to address these aspects.