

The new strategy of the CEN Environmental Helpdesk

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1 Introduction

In the 1990s, growing environmental challenges and an increase in environmental awareness across Europe prompted the European Commission¹ to address the issue of a functioning environmental policy that would support the existing Internal Market regulations. In particular, standardisation was recognised as one important tool in achieving synergies between the two policies and also in contributing to sustainable development policies. Likewise, the European Parliament and Council decided in 1998 that one of the priority objectives of the Community is “to strengthen the integration of environmental aspects in the framing of industrial standards”². In response to these emerging trends, CEN³ had created a special body, Programming Committee 7 “Environment” in 1993, which was subsequently replaced by SABE⁴, in 1998, to act as a coordinator of environmental issues between various CEN Technical Committees (hereinafter referred to as ‘TC’), to identify areas where European standards can support European environment policy, and to exchange information between stakeholders.

The initial idea for incorporation of environmental aspects in product standards had emerged in a CEN consultation document⁵ developed in the early 1990s, which formed the basis of the creation, in 1994, of a specific working group⁶, to deal with this subject. Later, in 1999, the CEN Environmental Helpdesk (hereinafter referred to as ‘EHD’)⁷ was set up by the CEN Technical Board⁷. This Helpdesk started its activities in September 1999, with the

aim of supporting the various CEN TCs in their task of incorporating environmental aspects when drafting product standards, and raising awareness amongst the TCs. It was intended that the EHD would screen draft standards with respect to their environmental implications and then provide comments to the TC or Working Group preparing the draft standard. On the other hand, the TCs would be able to contact the EHD for environmental advice and expertise, as needed.

2 From a pilot project to a permanent Helpdesk

When set up in 1999, the work programme of the EHD was limited to a predetermined list of draft standards submitted to public enquiry. The list of these draft standards was compiled by the EHD in consultation with the relevant TCs, and was approved by the CEN Technical Board. It was agreed that the TCs could also contact the EHD in order to get advice in incorporating environmental aspects in standards they were drafting, and the EHD would then in turn evaluate the draft standards against measures set in the CEN Guidelines⁸. The TCs would, however, be at liberty to ignore the EHD comments, even though they were required to at least consider them and to report to the EHD on how, and if, the advice was taken into account. The TCs would also be asked to fill in a specially created environmental checklist to identify the environmental aspects related to the subject of the standard. This would be attached to the draft standard (although not the final, published standard) and the EHD would give suggestions for possible improvements to the list. One of the drawbacks of this checklist is that the basic tools suggested in the checklist are, in fact, highly specialised, such as life cycle assessments, thus requiring specialist knowledge in both the product itself, as well as its possible environmental impacts.

ANEC welcomed the creation of the EHD, but expressed its concerns on whether such a body, together with e.g. SABE, would be able to compensate for the imbalances that exist in standardisation committees. Such a view was also put forward by

¹ See e.g. Communication from the Commission to the European Parliament and the Council “Single Market and Environment”, 08.06.1999, COM (99) 263 final.

² Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community Programme of policy and action in relation to the environment and sustainable development “Towards sustainability”, Art. 3.2(d) (OJ L 275/1 of 10.10.98).

³ European Committee for Standardisation, www.cenorm.be.

⁴ Strategic Advisory Body for the Environment, <http://www.cenorm.be/cenorm/workarea/advisory+bodies/strategic+advisory+board+for+the+environment/index.asp>.

⁵ Environmental standardisation by CEN – A proposal for a general outline of activities’.

⁶ CEN Working Group on Environmental Aspects in Product Standards (ENAPS).

⁷ CEN Technical Board Resolution BT 71/1998, endorsed by CEN Administrative Board Resolutions CA 26/1998 and CA 4/1999.

⁸ CEN Guidelines on the consideration of environmental aspects in standards’, <http://www.cenorm.be/boss/supporting/guidance+documents/gd050+-environmental+aspects+in+standards/index.asp>.

the EEB9, which, due to several reasons, including a lack of operational transparency of the EHD, ended up suspending its participation in European standardisation in April 2000.

Following a 2001 Commission Green Paper on Integrated Product Policy¹⁰ which encouraged the standardisation bodies and stakeholders “to develop mechanisms to integrate systematically environmental characteristics into product standards”, the decision was made in the spring of 2001 to continue the mandate of the EHD beyond the pilot phase, as recommended by SABE. Following this, the EHD was also granted the freedom to choose which draft standards it would address, taking into account any advice given by SABE. Furthermore, the EHD was asked to improve its working procedures based on recommendations from SABE, which also has an important role in advising the CEN Technical Board on issues relating to the EHD. On this occasion, ANEC presented its comments on the EHD to the CEN Technical Board, noting that whilst some of the shortcomings of the EHD were attributable to limited resources, many were related to the inadequate working methods of the EHD. ANEC suggested that the EHD should, *inter alia*, be entitled to propose new standards projects or the revision of existing standards, and to develop horizontal documents that would deal with groups of standards. ANEC also recommended that external, paid consultants be used in some priority areas, where the voluntary contributions of the EHD network of experts was not sufficient. Finally, ANEC emphasised the importance of the SABE ENIS Team¹¹ in monitoring the EHD working practices, and stressed that having a TC deal with environmental issues is not an end in itself, and that the crucial point would be for the TCs to take the environmental issues adequately into account in a way that is acceptable both to the industry as well as to the environmental and consumer organisations. These comments were re-stated in ANEC’s response to the Commission Green Paper¹², in July 2001. Unfortunately, the CEN Technical Board did not take the ANEC recommendations on board.

⁹ The European Environmental Bureau, www.eeb.org, is a federation of more than 140 environmental citizens’ organisations based in all EU Member States and most accession countries, as well as in a few neighbouring countries. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

¹⁰ Green Paper on Integrated Product Policy (presented by the Commission), 07.02.2001, COM (2001) 68 final, point 4.3.3.

¹¹ CEN SABE Team on Environmental Issues in Standardisation (ENIS).

¹² *supra*, footnote 10.

3 Further steps to improve the EHD

ANEC regretted that by autumn 2002, the EHD had not shown much progress. Therefore, in September 2002, ANEC and EEB issued a joint position paper on the EHD¹³, undertaking a critical review of the EHD and coming to largely the same conclusions as had already been expressed a year earlier, in 2001. The main concerns were that the substance of the EHD comments on draft standards was often very modest, in that “*in a number of cases the contribution of the EHD consisted of mere proposals to incorporate informative references to European legislation or non-normative recommendations into the text of the standard*”. Such recommendations were of a general nature, taking, *inter alia*, the form of ‘notes’. A good example is the proposal to include a ‘note’ in the standard on children’s drinking equipment, in which it was recommended to reduce certain chemicals “to the lowest practical level”. Such ‘notes’ are irrelevant in normative terms and are too vague to be of any practical use. The two NGOs also questioned the necessity for awareness-raising as a main objective for the EHD. According to the experience of ANEC and EEB, the reluctant attitude of the industry was more linked to commercial interests, rather than to a lack of genuine awareness. If only a low level of environmental performance was achieved, the whole exercise could risk becoming counterproductive. Another problematic issue was that the EHD was still limited to standardisation work in progress. Moreover, it seemed that the EHD was screening standards without having set clear environmental objectives, resulting in a resource-intensive exercise which produces marginal results. Finally, ANEC and EEB expressed their discontent regarding the continued lack of transparency in working procedures and reporting; in practice, only the person at the EHD decided which draft standards to comment on and whom to contact, and only fragmented summaries of the contents of EHD comments were available. In October 2002, the joint ANEC/EEB position paper was sent to the European Commission, CEN and the Member States’ environment ministries with the request not to provide additional financial funds for the EHD unless these changes were made.

These concerns and recommendations were also voiced in the ANEC response¹⁴ to the European Commission survey on ‘Integration of Environmental Aspects into Standardisation’, submitted in

¹³ ANEC/EEB Position Paper on CEN Environmental Helpdesk (EHD), 01.09.2002, <http://www.anec.org/attachments/Env022-02.pdf>.

¹⁴ ‘Integration of Environmental Aspects into Standardisation’, ANEC response to the Commission Survey, 24.09.2002, <http://www.anec.org/attachments/Env021-02.pdf>.

September 2002. In addition to the concerns outlined above, in its response, ANEC stressed the value of standardisation mandates prepared by the Commission. The mandates would need to contain more than just a general request to think about the environment. Instead, their preparation should be based on stakeholder consultations, it being crucial that the environmental issues are clearly identified and e.g. limit values are discussed at the political level. ANEC maintained that mandates which merely ask for consideration of the environment could, in the end, be counterproductive.

4 ANEC reviews output of CEN EHD

Following the publication of the joint ANEC / EEB position paper, ANEC launched a study in early 2003 to review all the comments produced by the EHD, to evaluate their quality, and to demonstrate any shortcomings in EHD comments in more detail, whilst providing alternative solutions. The study was carried out by Danish consultancy FORCE Technology/dk-Teknik, and was finished in February 2004¹⁵ with the major conclusion being that a substantial revision of the mode of operation of the EHD was warranted. The report noted that in the three and a half years of existence (at the time of the study), only 60 comments were submitted by the EHD, encompassing a mere 150 pages. Whilst the report acknowledged the difficult task of the EHD in that it covers a wide range of standards with limited human and financial resources, the report concluded that this could not excuse the EHD for its inability to influence the standardisation process for the benefit of the environment. The report specified two main reasons for the weak impact of the EHD. Firstly, the comments had not been of the precision or quality necessary in standardisation work. This could be due to a lack of expertise as one or two people cannot have the expertise to cover all products, environmental issues and technologies. Secondly, the CEN TCs had simply not taken the comments into account – possibly due to a perceived lack of clout by the EHD, but also due to the lack of concrete solutions in the comments. The report gave several recommendations on how to improve the quality and output of the EHD, and suggested that the EHD should change its focus to setting normative requirements (e.g. specifying classes of substances to be avoided). Moreover, the study suggested that the EHD ought to contract external environmental experts as a counterpart to powerful industries, in order to ensure a more level playing field in the standardisation process. Such hiring of external experts was, in fact, envisaged

¹⁵ Review of the output from the CEN Environmental Helpdesk' <http://www.anec.org/attachments/env011-04.pdf>.

from the beginning of the EHD. Lastly, the report proposed that the EHD shifts its focus onto a few particular key issues, developing horizontal approaches, such as recycling, chemicals handling or waste generation. For ANEC, the report made it clear that the EHD had failed in its mission to green standards and that only radical changes could ensure that the EHD would eventually produce useful advice that guarantees environmental concerns are taken into account properly in the standardisation process.

The ANEC study was presented to the SABE, and brought to the attention of other relevant people at CEN and the European Commission, with a press release¹⁶ published in March 2004. In February 2004, ANEC had also commented on a CEN SABE "Questionnaire on the evaluation of the EHD", again bringing up the points made in the ANEC study and previous ANEC position papers.

5 New Terms of Reference for the EHD

In late 2004, revised Terms of Reference were proposed by a small SABE working group of environmental experts. The new Terms of Reference stressed the importance of the EHD comments actually resulting in a 'greening' of standards, and noted that the comments should be integrated "*preferably as normative requirements in the final texts of the European standards*"¹⁷. Some other positive changes included the regular review of the EHD by SABE and its ENIS Team¹⁸, an obligation of the standardisation groups to inform the EHD on how its advice had been taken into account (although this has never been formally incorporated into the CEN rules), the possibility for the EHD to initiate new work items or to ask for the revision of existing standards whenever necessary, and the provision that the EHD ought to use a horizontal approach "whenever possible"¹⁹, in place of commenting on individual standards. Although the new approved Terms of Reference were considered a promising step forward, they proved not to change much in practice.

6 New strategy, new beginning for the EHD?

As another year had passed by without improvements in the output and impact of the EHD, the functioning of the EHD was again discussed at a meeting of SABE in November 2005. The inefficiencies were also recognised by the European

¹⁶ ANEC press release, 11 March 2004, <http://www.anec.org/attachments/PR001-04.pdf>.

¹⁷ CEN/EHD Revised Terms of Reference, October 2004, point 3.

¹⁸ CEN SABE Team on Environmental Issues in Standardisation (ENIS).

¹⁹ CEN/EHD Revised Terms of Reference, October 2004, point 11.

Commission and a resolution was adopted at the November meeting, stating that “a review of the operational procedures of the EHD is required”²⁰. It was agreed that the SABE ENIS Team would, together with the EHD, provide a proposal for the next meeting. Instead, a new strategy was presented by the EHD to the CEN Technical Board at the latter’s December 2005 meeting, without prior consultation of the ENIS Team or approval by SABE. Whilst ANEC and ECOS²¹, amongst others, expressed satisfaction that things were moving forward, both organisations stressed that they considered the provided documents as the start rather than the end of discussions. This was acknowledged by CEN at the meeting, however, in the end CEN moved forward to implement the strategy without further debate.

In the view of ANEC and ECOS, the new strategy, albeit containing some promising ideas which could be further developed, lacks clarity and does not go far enough to solve the operational problems of the EHD. ANEC and ECOS prepared a joint position paper in May 2006 which outlines the concerns related to the new strategy, and reiterates the recommendations of the two organisations. As expressed in the position paper, the main concern of the organisations is that the “*intention now seems to be to, more or less, drop the screening of draft standards and the elaboration of proposals for the incorporation of environmental aspects in standards*”²². Instead, it appears that the EHD will be converted into a sort of ‘toolbox provider’ to aid the TCs to internalise environmental aspects without any strong ambition to promote demanding concepts, or any intention to challenge poor industry approaches. The approach may be seen as a weakening of the position of the EHD vis-à-vis commercial interests, and as giving up on the idea of providing independent external expertise which could counterbalance the industry dominance of standardisation groups. Instead, ANEC and ECOS would like to see the views of all stakeholders, and SABE, taken into account in the development of the new strategy. In other words, in order to provide more substantive comments, external expertise in the form of paid consultants should be included in the new concept. Also, the organisations reiterate their previous call for the EHD to act as a bridge

between NGOs and environmental experts, on the one hand, and TC members, on the other hand. Furthermore, the scope of the EHD ought to be broadened to cover existing standards, horizontal issues for certain groups of products/services, and families of standards. Finally, and perhaps most importantly, the rules governing standardisation ought to be changed to make the consideration of EHD comments more compulsory for the TCs. ANEC and ECOS in particular stress the need for a special multi-stakeholder panel to discuss the future of the EHD, in order to guarantee future support to the EHD by these organisations.

Although ANEC and ECOS support the new strategy’s recommendations to enhance the visibility and image of the EHD by way of a more proactive approach, at closer inspection it appears that the main ‘changes’ to the EHD system are merely a more sophisticated version of the old procedure. In other words, the new strategy appears to be institutionalising a procedure which, at least in theory, the TCs were supposed to be applying by way of using existing guides and other tools contained in the CEN Business Operations Support System (BOSS)²³.

The ANEC and ECOS view was presented at a coordination meeting in May 2006²⁴. It was agreed by the participants that “a joint strategy document on the best way forward to align or harmonise existing environmental approaches in standardisation will be prepared in advance of the next SABE meeting”. This document should take into account “the joint ANEC/ECOS position paper on the new EHD strategy” in order “to reflect the needs of all stakeholders, especially regarding the mode of operation for the EHD”. It remains to be seen what the outcome of this effort will be.

7 Conclusions

Despite several years of operation, ANEC and ECOS believe that the CEN EHD has not succeeded in contributing to the development of more environmentally sound product standards. The Terms of Reference have been changed several times, however, to no avail. Regrettably, also the new strategy leaves much to be desired in terms of leading to a true ‘greening’ of standards, despite valuable awareness-raising and outreach work recently carried out by the EHD. ANEC and ECOS fear that the EHD could be used as an alibi for poor environmental approaches in standards, allowing TCs to use an ‘EHD-approved’ stamp on any adopted

²⁰ SABE Resolution 31/2005.

²¹ European Environmental Citizens Organisation for Standardisation, www.ecostandard.org, was established in 2002 as a non-profit association of NGOs active in the field of environmental protection. It was created to enhance the voice of environment within the European standardisation system.

²² Joint ANEC/ECOS position paper on CEN EHD – New Strategy, 8 May 2006, <http://www.anec.org/attachments/ANEC-ENV-2006-G-022rev.pdf>.

²³ <http://www.cenorm.be/boss/introduction/index.asp>.

²⁴ Joint Coordination meeting on environmental aspects in standardisation, Brussels, 4 May 2006.

measures. Therefore, ANEC and ECOS will try once again to push for changes in line with the positions expressed so often in the past.

ANEC in brief

ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the process of standardisation and certification, also in policy and legislation related to standardisation. Our aim is a high level of con-

sumer protection. The Brussels based Secretariat co-ordinates a network of more than 200 consumer representatives across Europe. Our experts contribute directly to the work of over 80 Technical Committees, Working Groups and political bodies of the European and international standards organisations. ANEC's areas of priority are Child safety, Design for All, Domestic Appliances, Environment, Information Society, Services and Traffic Safety.