



*European Economic and Social Committee*

**INT/879**  
**Harmonised standards**

## **OPINION**

European Economic and Social Committee

**Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – Harmonised standards: Enhancing transparency and legal certainty for a fully functioning Single Market**

[COM(2018) 764 final]

Rapporteur: **Gerardo LARGHI**

Referral	European Commission, 18/02/2019
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted in section	07/03/2019
Adopted at plenary session	20/03/2019
Plenary session No	542
Outcome of vote (for/against/abstentions)	125/0/2

## 1. **Conclusions and recommendations**

- 1.1 The European Economic and Social Committee (EESC) endorses the Commission communication on harmonised standards, aimed at increasing transparency and legal certainty for the single market and ensuring that it operates effectively. In particular, the EESC reiterates its support for the principle of harmonised standards as a key instrument for completing the single market, offering growth opportunities for businesses and workers, building consumer trust in product quality and safety and providing better environmental protection.
- 1.2 The EESC believes that an effective strategy for harmonised standardisation must be based on faster drafting of standards and publication thereof in the Official Journal of the EU, but also on strengthening governance underpinned by transparency and stakeholder involvement, and on a strategy for defending the European standards on which our production system and growth and employment opportunities – as well as product quality and safety – depend internationally.
- 1.3 The EESC believes that, in terms of swifter adoption of harmonised standards, the measures proposed by the Commission would appear to take the right approach and are broadly acceptable. On the other hand, more could be done in the area of transparency and inclusion, as there are still very many stakeholders who are potentially interested in the standardisation process but who in practice do not participate in it. This constraint is clearly reflected in the EU's difficulty in systematically defending its standards internationally in International Standardisation Organisation (ISO) negotiations.
- 1.4 The Committee therefore reiterates its call for greater support for stakeholder involvement, including by strengthening and better publicising the financial instruments already available (H2020). To this end, this funding should be maintained and, if possible, increased in the next Multiannual Financial Framework (2021-2027). The same recommendation applies to funding for the stakeholders referred to in Annex III of Regulation (EU) No 1025/2012. In addition, in order to make the standardisation process more inclusive, the EESC confirms its willingness to host an annual multi-stakeholder forum to assess the progress made in this regard, as well as facilitating exchange of good practices between different production sectors.
- 1.5 The EESC believes that the initiatives already put in place by the Commission to deal with the backlog in developing standards are showing encouraging signs. However, it is clear that some key sectors, such as the digital sector, are still showing signs of serious delays in sensitive areas, such as the blockchain, which have a cross-cutting impact on the lives of all citizens, businesses and workers. The EESC therefore calls on the Commission to draw up increasingly specific work programmes with clear, well-defined time frames. Moreover, it awaits with interest the outcome of the economic and social impact assessment on standardisation, and hopes that it will also properly take into due account indirect aspects such as employment levels and worker safety.

## 2. Introduction

- 2.1 Harmonised standards are a specific category of European standards developed by a European Standardisation Organisation<sup>1</sup> (ESO) at the request of – with a "mandate" from – the European Commission within a public-private partnership. Around 20% of all European standards are developed following a standardisation request from the European Commission. Harmonised standards can be used to prove that certain products or services placed on the market comply with the technical requirements of the relevant EU legislation.
- 2.2 The technical requirements laid down in EU legislation are mandatory, while the use of harmonised standards is usually voluntary. However, it is so complicated for businesses, particularly small and medium-sized ones, to certify their own alternative standards that, in practice, harmonised standards are observed and recognised by practically all companies.
- 2.3 Thus, although in theory the use of harmonised standards is voluntary, in practice they make a key contribution to the operation and development of the single market, in that they provide a *presumption of conformity*, which ensures legal certainty and allows new products to enter the market without additional costs. The development of a proper system of harmonised rules, therefore, should bring benefits for all, providing growth opportunities for companies and workers, ensuring the health and safety of consumers and helping to protect the environment in a circular economy.
- 2.4 In March 2018 the European Council asked the Commission to assess progress in implementing the single market and the remaining barriers to its completion. Communication COM(2018) 772<sup>2</sup> was a response to this request. In the assessment great emphasis was placed on standardisation as key to removing technical barriers to trade, by ensuring that complementary products and services are interoperable, facilitating the market introduction of innovative products and building the trust of consumers.
- 2.5 However, rapidly evolving technological developments, digitisation and the development of the collaborative economy mean that the standardisation system needs to be made increasingly speedy, modern, efficient and flexible. In this context, harmonised standards are a key factor. Moreover, a recent judgment of the European Court of Justice<sup>3</sup> stated that even though they are developed by independent private organisations and their use remains voluntary, harmonised standards form an integral part of EU law; the Commission is therefore under obligation to monitor the process and ensure that standards are drawn up swiftly and implemented effectively.
- 2.6 For this reason the Commission has published the communication under consideration, in order to take stock of the initiatives already under way with regard to harmonised standardisation and

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<sup>1</sup> European Committee for Standardization (CEN), European Committee for Electrotechnical Standardization (CENELEC) and European Telecommunications Standards Institute (ETSI).

<sup>2</sup> COM(2018) 772 final: The Single Market in a changing world. A unique asset in need of renewed political commitment.

<sup>3</sup> Judgment in case C-613/14 James Elliot Construction/Irish Asphalt Limited.

to see how much remains to be done to fully implement Regulation (EU) No 1025/2012 on European Standardisation.

### 3. **Gist of the Commission proposal**

3.1 The Commission's proposal is based on four actions to be launched immediately with a view to making further progress on the issues of inclusiveness, legal certainty, predictability and the rapid achievement of the benefits for the single market arising from the availability of harmonised standards.

#### 3.2 *Action 1. Eliminate the remaining backlog in as short a time as possible*

3.2.1 In 2017 the REFIT platform highlighted a clear backlog in the standardisation process, which various stakeholders had already pointed out<sup>4</sup>. These delays were predominantly in the sectors subject to the digital transformation of the economy. Thus, in agreement with the European Standardisation Organisations, a strategy for tackling the backlog was developed.

#### 3.3 *Action 2. Streamline procedures for publishing references of harmonised standards in the Official Journal.*

3.3.1 This action is based on a thorough overhaul of the way the Commission works. It has led to a pool of consultants being set up to identify emerging issues early on the development process. In addition, structural dialogue was set up within the public-private partnership, and inter-institutional dialogue involving the principal European institutions (including the EESC) and stakeholders, which led to decisions on harmonised standards being taken by the Commission by means of the accelerated written procedure from 1 December 2018.

#### 3.4 *Action 3. Draft a guidance document on the practical aspects of the implementation of the Standardisation Regulation.*

3.4.1 The guidance document will serve to clarify the role and responsibilities of the various players at all stages of drawing up harmonised standards. It will, in particular, explain the substantive and procedural aspects of the new format of the standardisation request which the Commission is developing with the aim of ensuring greater transparency and predictability in the development of the standards. It will also clarify the role of the Commission and its expert consultants. Finally, it will provide additional guidance to improve the consistency and speed of the assessment procedure for harmonised standards across the all relevant sectors.

#### 3.5 *Action 4. Reinforce the system of consultants to obtain swift and robust assessments of harmonised standards, allowing timely publication thereof in the Official Journal of the EU.*

3.5.1 In order to ensure better upstream coordination in the process of assessing harmonised standards, which the ESOs are in the process of developing, the Commission will continue to rely on the

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<sup>4</sup> REFIT platform, Opinion XXII.2.b.

scientific input of the Joint Research Centre and, at the same time, will reinforce its liaison with the technical committees in charge of developing standards through the recently introduced system of expert consultants. The goal will be to maximise the speed, quality and accuracy of the assessments to improve the effectiveness of the whole process and to ensure that the references to harmonised standards are published as quickly as possible in the Official Journal.

#### 4. General comments

- 4.1 The EESC endorses the Commission communication on harmonised standards, aimed at increasing transparency and legal certainty for a single market and ensuring that it operates effectively. The proposal was discussed in parallel with EESC Opinion INT/878<sup>5</sup> on The annual Union work programme for European standardisation for 2019<sup>6</sup>, for obvious reasons of similarity of content, in order to provide a thorough, coordinated and coherent response.
- 4.2 The EESC reiterates its full support for the principle of harmonised standards as a key instrument for completing the single market, offering growth opportunities for businesses and workers, building consumer trust in product quality and safety and providing better environmental protection<sup>7</sup>. The EESC also believes that a harmonised standards strategy cannot be separated from the global processes taking place, which it should reflect in terms of defending standards defined at European level. In fact, any delays in the European standardisation process or a failure to defend European standards in the ISO negotiations could mean that our standards are overlooked or are not compatible with those approved at international level, which would clearly be harmful for businesses and consumers.
- 4.3 The EESC welcomes the Commission's initiative, which has enabled part of the harmonised standards backlog accumulated over the years<sup>8</sup> to be tackled. However, for some key digital sectors such as the blockchain we point out that only very recently has an *ad hoc* working group started work on the subject, clearly with a considerable delay. Since it is extremely difficult to regulate innovation at a sufficiently swift pace, it would be appropriate to draw up a clearer and more specific work programme that sets out well-defined time frames and procedures for implementation.
- 4.4 The EESC believes that it is clearly appropriate to streamline internal Commission procedures to speed up decision-making processes and publication in the Official Journal, as this is one of the causes of the backlog that has built up over the years in the area of harmonised standards. In particular, it is essential that the system of harmonised standards is able to cope with the new market challenges, to prevent individual Member States forging ahead in a way which could create conflict between the different national regulatory systems.

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<sup>5</sup> INT/878, European standardisation for 2019 (not yet published in the Official Journal).

<sup>6</sup> COM(2018) 686 final.

<sup>7</sup> [OJ C 75, 10.3.2017, p. 40](#)

<sup>8</sup> European Commission data.

- 4.5 In the broader simplification process proposed by the Commission, it is crucial that transparency and, in particular, inclusiveness, are ensured in the governance processes. This means that, as was the case with the interinstitutional dialogue launched in June 2018, the European Economic and Social Committee must continue to be fully involved, along with the other stakeholders, at both European and national level<sup>9</sup>.
- 4.6 The EESC points out that actively involving interested stakeholders at national, European and international levels helps to achieve stronger, higher-quality standards and should be encouraged and supported. Stakeholders still face numerous difficulties in gaining access to the processes for defining harmonised standards. In particular, there are problems of information and awareness regarding the importance of this instrument and the procedures for gaining access to it, restrictive criteria for participation and excessively high costs for small organisations or businesses.
- 4.7 In this regard, the Committee notes that there is little awareness of the funds made available through the H2020 programme to finance stakeholder involvement in standardisation processes and they should be more easily accessible and better publicised<sup>10</sup>. It is also important that all the funding currently provided for is maintained and, if possible, increased in the next Multiannual Financial Framework (2021-2027). The same recommendation applies to funding for the stakeholders referred to in Annex III of Regulation (EU) No 1025/2012.
- 4.8 In order to make standardisation support measures more effective, it is recommended that projects funded under Horizon Europe also include stakeholder involvement in innovation standardisation activities carried out in the context of dissemination activities.
- 4.9 In line with its previous opinions<sup>11</sup>, the EESC calls for close monitoring of the efforts of key standardisation players in order to increase the inclusiveness of the European Standardisation System (ESS). In this connection, the EESC could set up an *ad hoc* forum on the inclusiveness of the ESS. This body would be responsible for organising an annual public hearing to assess the progress made in this respect, as well as promoting the exchange of good practices between different production sectors.

## 5. Specific comments

- 5.1 The Committee notes that the endeavours proposed by the Commission to streamline internal procedures and increase the number of consultants could cover several operational and decision-making levels, concerning both the staffing and operation of the internal organisation. These improvements are necessary but should be properly funded. The EESC therefore calls on the

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<sup>9</sup> [OJ C 34, 2.2.2017, p. 86](#); [OJ C 75, 10.3.2017, p. 40](#).

<sup>10</sup> The H2020 LEIT (Leadership in Enabling and Industrial Technologies) work programme finances projects aimed at supporting stakeholder involvement in the standardisation process. One of these is the two-year StandICT.eu project ([www.standict.eu](http://www.standict.eu)) to standardise ICT innovation, with a budget of EUR 2 million and a range of potential beneficiaries of about 300 individuals selected through regular open calls. The 2019-2020 LEIT work programme includes an open call of this kind, "ICT-45-2020: Reinforcing European presence in international ICT standardisation: Standardisation Observatory and Support Facility", but its funding has been doubled from EUR 2 to 4 million and will be carried out over 2-3 years.

<sup>11</sup> [OJC 303, 19.8.2016, p. 81](#); [OJC 197, 8.6.2018, p. 17](#).

Commission to better clarify this aspect, emphasising the need to set aside funding commensurate with the challenges in the sector, in line with the objectives of Regulation (EU) No 1025/2012<sup>12</sup>.

- 5.2 The EESC reiterates the need to build a stronger European culture of standardisation with specific awareness-raising campaigns targeting individuals from school age up to political decision-makers, and for this to be reflected in international agreements<sup>13</sup>. It would also be useful to develop specific awareness-raising campaigns targeting SMEs and start-ups.
- 5.3 The EESC hopes that the social and economic impact assessment of the standardisation system contained in the European standardisation work programme for 2019 will provide for an *ad hoc* forum dedicated to harmonised standards and realistic consideration of the possible disadvantages and opportunities, not only with regard to the internal market but also internationally. This means that the assessment should also consider the indirect effects of standardisation, such as employment levels and safety of workers<sup>14</sup>.

Brussels, 20 March 2019

Luca JAHIER

The president of the European Economic and Social Committee

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<sup>12</sup> [\(OJ C 197, 8.6.2018, p. 17\)](#).

<sup>13</sup> See footnote 9.

<sup>14</sup> See footnote 7.