

ETUC Final assessment of the EU Standardisation Strategy

Background

European standards have become a key instrument to support legislative acts: there are circa 3600 harmonised standards, which reference have been published in the OJEU. In 2016, the CJEU judged that these harmonised standards are “part of EU law”.

Over the years, standard setting activities have increasingly become complex and resource intensive. As a consequence, gradually, only resource rich organisations – several with head offices outside Europe - are able to set (influence) European standards. And various entry barriers make that civil society, and trade unions, cannot access standard setting process, which therefore, de-facto, is not “inclusive”. The released “EU Standardisation strategy” aims to address these shortcomings. **Overall, the ETUC welcomes the “[EU Standardisation Strategy](#)”** (which is complemented by [other documents](#)).

The EU Strategy on Standardisation – setting global standards in support of a resilient, green and digital EU single market [document COM (2022) 31]

The EU Standardisation Strategy main updates regard:

I. Recognition of the strategic importance of standards

ETUC welcomes that the strategy recognises the strategic importance of standards, and the need to reduce the influence of non-European interests on the decision-making process, especially as regards to standards supporting EU legislation and policies.

ETUC agrees with the need to shift to a more balanced decision-making processes where multistakeholder representation is guaranteed, especially if the standards are to support policy goals. The standardisation priorities for Europe cannot be left in the sole hands of technical experts. Standards must deliver for all.

Some of the actions put forward in the Strategy include:

- create a high-level Forum to set the priorities in standardisation
- set up an EU excellence hub to better coordinate and leverage existing expertise
- work with the ESOs on faster publication of standards, while fulfilling its responsibility in verifying whether they satisfy the requirements of EU law.

ETUC assessment:

Although ETUC recognises the need for improved coordination and more inclusiveness in setting the priorities for standardisation, the creation of additional platforms **raises concerns** in terms of possible **overlapping and efficient use of resources**.

Moreover, as regards to harmonised standards, consensus building, inclusiveness and the proper verification that standards satisfy EU legal requirements, should prevail over speed.

II. Better governance principles of the European Standardisation System

The ETUC welcomes that good governance principles need to be put in place and ensured within the ESOs, especially when they are mandated by the Commission to develop standards used to show compliance with rules imposed in the public interest. To that aim, the EC proposes an amendment to Regulation (EU) No 1025/2012, which prescribes that - in each stage of the development of a standard requested by the Commission - only delegates of the national standardisation bodies of the EU and the EEA are the ones with the decision-making power.

This EC action is complemented with:

- a call on the ESOs to make proposals by the end of 2022 to modernise their governance to fully represent the public interest and interests of trade unions, SMEs, and users and to facilitate access to standards.
- the launch of a peer review process between EU Member States and NSBs by the end of 2022 to achieve better inclusiveness, including trade unions, users, and SME friendly conditions for standardisation.

Note: because CEN-CENELEC-ETSI are private bodies, the EU institutions do not address these requirements on the collection of standards that are not in support of EU legislation (i.e. > 20.000 standards, the largest part of the European Standards’ collection).

ETUC assessment:

- The ETUC calls for a **more balanced representation of interests** within the national standardisation bodies. Trade unions interests should be clearly represented where relevant.
- More needs be done at national level to improve **the access to standardisation development** and standards themselves for trade unions, including making available financial means.
- The ETUC stresses that the **responsibility to ensure the participation** of all relevant stakeholders and in particular of trade unions should fall on NSBs.
- In the review process between Member states and NSBs, which should be “independent” and not “peer review”, the research should **consider the feedback of trade unions and other the societal stakeholders** where relevant.

III. The primacy of international standards has been replaced, with a more nuanced approach

The EU’s objective is to shape and /or to let in the EU international standards in line with EU values and interests. However, in recent years, the geopolitical landscape has significantly shifted: other actors follow a much more assertive approach to international standardisation than the EU and have gained influence in international standardisation committees. To continue to shape the international standards in line with European values and interests, the Commission encourages **EU Member States to support the participation of trade unions, civil society, SME experts, and consumer representatives** in international standardisation activities. It is noted that standards do not only regulate the technical aspect of a product, but increasingly have **an impact on workers, people, and the environment**. Therefore, an **inclusive and multi-stakeholder approach** must bring the important checks and balances to standards-making.

However, when despite active participation in the international standardisation activities, the adopted international standards) still fail to address the EU values, and cannot be straightforwardly transposed at EU and Member States levels. The transposition system – either via the ESO’s (Vienna and Frankfurt Agreement) or directly by the NSBs – shall be strengthened.

ETUC assessment:

To date, few ETUC affiliates receive “support” from EU (and EEA) Member States to actively participate in standardisation activities.

The ETUC has recurrently called to review EU mechanism that support the principle of primacy of international standards in EU law.

Socio political issues cannot be addressed in standards. In the EU, workplace dimension including workers 'rights and trade unions rights cannot be addressed by standards. EU legislation and collective bargaining are the first and foremost legitimate avenues to address workplace related aspects.

IV. Commission power to adopt “technical or common specifications”, in specific cases

Recent legislative acts and Commission proposals foresee the adoption of “technical or common specifications” through Commission implementing acts. This option, a fallback option when harmonised standards are not coming forward or are insufficient, ensures that the larger public interest is served.

ETUC assessment:

The ETUC **welcomes the inclusion of a technical/common specification clause**, as a fallback option only. As such, it avoids potential vacuums (because of missing harmonised standards) to implement EU legislation.