Additional remarks to Questionnaire regarding regulation 1025/2012

Since the publication of the regulation in 2012, the geopolitical context has substantially changed. But also new societal challenges, like the green and digital transition, have clearly come to the foreground. These are all new elements, which must be considered in the technical standardisation activities, to ensure the wellbeing and safety of our European society.

Although the ETUC does not call for a full revision of the European Standardisation System and hence of the Regulation (EU) No 1025/2012 on European standardisation, it proposes some targeted adaptations that are needed to ensure it remains fit for purpose. In that sense, the ETUC suggests to:

- Change the wording from "standards" to "technical standards";
- Set clear boundaries to the scope of technical standardisation, to avoid having technical standards addressing social, societal and ethical issues as well as fundamental rights.
- Strengthen the adoption mechanisms of International standards over European standards (i.e. primacy principle of international standards), because standards developed at international level are not meant to be aligned with EU values and principles;
- Strengthen the participation rights of trade unions in the standardisation system (at national, European, international level), at no cost to trade unions, and in particular at national level;
- Make the role of the national standardisation bodies (NSBs) more visible;
- Incorporate the term "trade unions" (next to, or instead of, "social interests") with a view to clarify the role of trade unions;

In addition, the ETUC suggests to strengthen (embed) the role of the European Commission:

- In ensuring that harmonised standards are in line with the legal requirements, eventually by considering final adoption/vote of these by, the Member States;
- To embed potential alternatives, such as common specifications, when technical standardisation does not deliver properly

Detailed facts (justification) for the proposal:

From "standards" to "technical standards"

In its Judgment C-588/21 and related press release, the court refers to "harmonised **technical standards**". Also various council documents refer to "technical standards". This clarifies that what it is about.

Set clear boundaries to the scope of technical standardisation, to avoid having technical standards addressing social, societal and ethical issues as well as fundamental rights

The governance structure of CEN and CENELEC is proven successfully to elaborate technical standards, for products (and services). But it is not fit for social/societal/ethical standards, for the following reasons:

- Social/societal/ethical criteria must first and foremost be addressed in legislation (and/or equivalent acts). Public values cannot be laid down by market driven, privately governed bodies, especially when it regards harmonised technical standards, which are "part of EU law";
- The market driven, privately governed standardisation bodies rely heavily on the contribution of technical experts that are working for companies/corporations, who agree to pay for the hours they spend in standardisation activities and the related costs. These costs are seen as an investment because they allow these companies/corporations to participate in the development of technical references that are key to their success in the market and help them remain competitive. By comparison, societal stakeholders (e.g. consumers, trade unions, environmental stakeholders), non-profit organisations (and even European and national public authorities) cannot recuperate their investment in standardisation work (as they do not sell products/services). Their active participation in standardisation is a pure cost[1]. They can only participate with specific funding. As a consequence, these weaker stakeholders are, in most cases, not properly represented (i.e. imbalanced participation). This implies also that standards should remain within the traditional technical domains and not address social, societal or ethical issues;
- Similarly – regarding the limits of standardisation and so "competing" with social standards that are already elaborated in other structures like ILO - the European Commission pointed out that harmonised technical standards should not repeat, interpret or overlap with EU legal provisions in harmonised standards and bears the risk of unnecessary redundancy or even incoherence with the legal text[2].

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[1] This was stated/conformed at the CEN-CENELEC Technical Board common session meeting of 29 May 2024.
[2] Letter of 2024-01-12 by DG GROW H.3 to CEN/CENELEC.

The ETUC does not dispose of (or has access to) statistics/data to objectivise the proposal. But the [Study on the implementation of the Regulation 1025/2012 (Article 24) of 15 October 2020, published by the European Commission](#), provides data on the societal stakeholder representation (page 21): the share of national TB where societal representation is "relevant", fluctuates between 13%-21%, over a timespan of five years (for CEN-CENELEC). To further make the case, some examples:

- ✓ In 2018, the Dutch national institute for public health and environment (RIVM) and the Dutch food and consumer product safety authority (NVWA), left the NEN mirror committee of ISO/TC 126 "Tobacco" because they were repeatedly outvoted by the Tobacco industry (as 8 of the 10 mirror committee seats were taken by the Tobacco industry) [3]. The issue was also reported in the Dutch Parliament[4];
- ✓ In 2010-2012 and despite initial reluctance, CEN started to elaborate a standard on "*Halal food – General principles and requirements*". The standardisation system proved not to be fit, to elaborate such ethical/religious standards;
- ✓ In 2018-2022, trade unions participated (and paid) in the NBN and DIN mirror committees of CEN/TC 436 "cabin air quality". Overrepresentation by the wider aviation industry made that social stakeholders, as minority participants, were outvoted (i.e. similar as with the first example);
- ✓ ISO was/is conscience that social/societal standards need a different approach. For the elaboration and adoption of ISO 26000:2010 "*Guidance on Social Responsibility*", it deviated from the traditional adoption mechanism. For ISO 26000, six different stakeholder groups were formed and managed over its development time (2003-2010);
- ✓ In 2024, the German public television broadcasted a documentary[5] on the rising construction costs for housing. Through interviews with experts, entrepreneurs, DIN-management and academics, the documentary also revealed that the (German) standard-setting processes are not transparent and dominated by (industry) interest groups.

Strengthen the adoption mechanisms of international standards, over European standards because standards developed at international level are not meant to be aligned with EU values and principles

- Over the last 15 years, the geopolitical environment has significantly changed: Europe is losing influence in the international standard setting activities because other actors (e.g. China, USA) follow a much more assertive approach in international standardisation than the EU and have gained influence in international standardisation committees. There is no guarantee that with an enhanced participation (of European stakeholders) in the international standard setting activities, Europeans will regain their influence;
- The international standardisation bodies (ISO and IEC) do not comply with regulation 1025/2012 (and will never do). "Outsourcing" the European standardisation work to these organisations must therefore be reevaluated (cfr. >30% of the CEN standards are elaborated in ISO and >70% of the CENELEC standards originate from IEC).

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[3] [tabaknee.nl](#)
[4] [Dutch parliament](#)
[5] [SWR Docu kanal](#)

Strengthen the participation rights of trade unions in the standardisation system (national, European, international), at no cost to trade unions, and in particular at national level;

Various participation barriers exist. Some are subtle and non-financial – for example language barriers – while others can be more fundamental (e.g. high national participation fees). Also the active contribution (in time/and knowledge) can be an issue for societal stakeholders (e.g. consumers, trade unions, environmental stakeholders), non-profit organisations (and even European and national authorities), as they cannot recuperate their investment in standardisation activities (see also above).

To allow participation "at no cost" for trade unions, funding is necessary at two levels:

- European: the current Commission funding of Trade Unions (as "Annex III" organisation) shall be maintained (or even expanded) to operationalise their European standardisation infrastructure (or competence centre);
- National: Member States must foresee in (new) direct funding tools to their respective national trade unions. This will provide the necessary resources to set up their respective national standardisation capacity.

This is one, but very important, way to eliminate the (national) participation barriers - which can be subtle and in different formats.

Make the role of the national standardisation bodies (NSBs) more visible.

The National Standardisation Bodies play a crucial rule in the international arena, in the shaping of ISO and IEC Standards. The crucial role of the NSBs is even sharpened by the CEN and CENELEC policy and the EU policy of "primacy of international standards". This results into an eco-system of National, European and International Standardisation bodies which are all working together. A weakness in one part, has consequences for the other parts.

Incorporate the term "trade unions" (next to, or instead of "social interest") with a view to clarify the role of trade unions;

Preamble 17 of the regulation 1025/2012 already refers to trade unions. It is suggested to also incorporate it in the core of a potential revision of the regulation.

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