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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1025/2012 as regards the decisions of European standardisation organisations concerning European standards and European standardisation deliverables
- Outcome of the European Parliament's first reading
(Strasbourg, 21 to 24 November 2022)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on the Internal Market and Consumer Protection, Anna CAVAZZINI (Verts/ALE, DE), presented on behalf of the Committee a compromise amendment (amendment number 10) to the abovementioned proposal for a Regulation. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 22 November 2022, the plenary adopted the compromise amendment (amendment number 10) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2022)0396

Decisions of European standardisation organisations

European Parliament legislative resolution of 22 November 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1025/2012 as regards the decisions of European standardisation organisations concerning European standards and European standardisation deliverables (COM(2022)0032 – C9-0033/2022 – 2022/0021(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0032),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0033/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 26 August 2022³,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 October 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0205/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

³ OJ C 323, 26.8.2022, p. 43.

P9_TC1-COD(2022)0021

Position of the European Parliament adopted at first reading on 22 November 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council amending Regulation (EU) No 1025/2012 as regards decisions of European standardisation organisations concerning European standards and European standardisation deliverables

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 323, 26.8.2022, p. 43.

⁵ Position of the European Parliament of 22 November 2022.

Whereas:

- (1) Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁶ establishes rules with regard to the establishment of European standards and European standardisation deliverables for products and for services, in support of Union legislation and policies.
- (2) In accordance with Article 10 of Regulation (EU) No 1025/2012, the Commission may request one or more European standardisation organisations to draft a European standard or European standardisation deliverable.
- (3) European standards and European standardisation deliverables play an important role in the internal market *and consumer protection. Standards not only determine the technical aspects of products and services, but they also play an important role for workers, consumers and the environment.* For example, harmonised standards can be used to confer a presumption that products to be made available on the market are in conformity with the essential requirements laid down in the relevant Union harmonisation legislation for those products, *while ensuring the quality and safety of products and services for consumers and protecting the environment.*

⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

- (4) In the past, practices in the European standardisation organisations as regards their internal governance and decision-making procedures have changed. As a result of those changes, the European standardisation organisations have increased their cooperation with international and European stakeholders. Such cooperation is welcome as it contributes to a transparent, open and impartial standardisation process built on consensus. *Nevertheless*, when European standardisation organisations execute standardisation requests in support of Union legislation and policies, *it is essential that their internal decisions* take into account the interests, policy objectives and values of the Union, as well as public interests in general.
- (5) *In line with Articles 5 and 6 of Regulation (EU) No 1025/2012, sound procedures and a balanced representation of relevant stakeholders' interests, including those stakeholders representing inter-alia SMEs and environmental, social and consumer interests, are essential, and therefore should be ensured. The views of, and the input from, all relevant stakeholders should be taken into account in European standardisation organisations. Furthermore, the views expressed in the national consultations conducted by national standardisation bodies should be taken into account when taking decisions on European standards and European standardisation deliverables requested under Article 10(1) of Regulation (EU) No 1025/2012.*

- (6) National standardisation bodies play an essential role in the standardisation system, both at Union level, in accordance with Regulation (EU) No 1025/2012, and at Member State level. National standardisation bodies are therefore best placed to ensure that the interests, policy objectives and values of the Union, as well as public interests in general, are duly taken into account in European standardisation organisations. It is therefore necessary to strengthen their role in the decision-making bodies of the European standardisation organisations when those bodies take decisions concerning European standards and European standardisation deliverables requested by the Commission under Article 10(1) of Regulation (EU) No 1025/2012, *without affecting the important role played by the broader stakeholder base in preparing effective standards that respond to public interest and market needs.*

- (7) The decision-making bodies of the European standardisation organisations are open for participation not only by national standardisation bodies, but also, *inter alia*, by national standardisation organisations of acceding countries, candidate countries and *other countries which have formally become members of the European standardisation organisations in question and have concluded an agreement with the Union to ensure regulatory convergence*. In order to avoid excluding those organisations from participating in the work of *the* decision-making bodies concerned, it is only necessary to provide that the decisions in those bodies concerning European standards and European standardisation deliverables requested under Article 10(1) of Regulation (EU) No 1025/2012 be taken exclusively by representatives of national standardisation bodies, without imposing any other requirements on the work of the decision-making bodies of the European standardisation organisations. *Participation by the national standardisation organisations of third countries in the work of the European standardisation organisations should not prevent the adoption of any decision concerning European standards and European standardisation deliverables requested by the Commission where such decision has the support of the national standardisation bodies from Member States and EEA countries only.*

- (8) In order for the requirement that decisions in the decision-making bodies of European standardisation organisations concerning European standards and European standardisation deliverables requested by the Commission under Article 10(1) of Regulation (EU) No 1025/2012 be taken exclusively by representatives of national standardisations bodies to be effective, it is necessary to provide that the Commission should only make such requests to a European standardisation organisation that complies with that requirement.
- (9) *Standardisation procedures entail decisions that require specific work streams, which should be deemed to constitute separate work items. Such work items are initiated in order either to develop a new, or to revise, merge, amend or correct an existing European standard or European standardisation deliverable.*
- (10) Regulation (EU) No 1025/2012 should therefore be amended accordingly.
- (11) In order to allow the European standardisation organisations to adapt, where necessary, their internal rules of procedure to comply with the requirements of this Regulation, its application should be deferred,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 10 of Regulation (EU) No 1025/2012 is amended as follows:

(1) paragraph 1 is replaced by the following:

- ‘1. The Commission may, within the limitations of the competences laid down in the Treaties, request that one or more European standardisation organisations draft a European standard or European standardisation deliverable within a set deadline, provided that the European standardisation organisation concerned complies with paragraph 2a. European standards and European standardisation deliverables shall be market-driven, take into account the public interest as well as the policy objectives clearly stated in the Commission’s request and be based on consensus. The Commission shall determine the requirements as to the content to be met by the requested document and a deadline for its adoption.’;

(2) the following paragraph is inserted:

‘2a. ***Without prejudice to other advisory opinions***, each European standardisation organisation shall ensure that the following decisions concerning European standards and European standardisation deliverables referred to in paragraph 1 are taken exclusively by representatives of the national standardisation bodies within the competent decision-making body of that organisation:

- (a) decisions on the acceptance ***and*** refusal ■ of standardisation requests;
- (b) decisions on the acceptance of new work items ***that are needed for the fulfilment of the standardisation request***; and
- (c) decisions on the adoption, revision and withdrawal of European standards or European standardisation deliverables.’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... [6 months after the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President