



Council of the
European Union

Brussels, 11 May 2021
(OR. en)

8600/21
ADD 1

MI 328
IND 119
COMPET 335
RECH 200
ENT 82
MAP 7
TELECOM 192

NOTE

From: CY, CZ, DE, DK, EE, EL, ES, FI, HU, IE, LU, MT, NL, PL, RO, SE and SK delegations

To: Council (Competitiveness)

Subject: Competitiveness (Internal Market, Industry, Research and Space)
Council on 27 May 2021

- Any other business item
- EU industry competitiveness and effective harmonised standardisation

Delegations will find attached a joint non-paper on harmonised standards as a background document to doc. 8600/21. The original joint non-paper had already been circulated in 2020 as WK 7244/2020.

**Joint - CY, CZ, DE, DK, EE, ES, FI, HU, IE, LU, NL, PL, PT, RO, SE, SI, SK –
non-paper on harmonised standards**

Time to put Europe’s harmonised standards back on track

To cope with the coronavirus outbreak, Europe has seen a swift ramp-up in production of personal protective equipment and medical devices. Manufacturers, authorities and citizens have relied on European harmonised standards to make sure these critical products were safe to use and compliant with EU law. In addition, the Single Market must adapt to new challenges and circumstances in order to deliver on the European Green Deal and digitalisation of our industry. To boost Europe’s road to recovery after the COVID-19 crisis and to deliver on Europe’s ambitious policy goals, we urgently need state-of-the-art harmonised standards. For four decades, the European standardisation system has proven a catalyst for competitiveness, innovation and consumer safety in Europe, making European standards a global benchmark. We cannot risk that the EU and our standardisation system fall behind, especially not now.

Consequences of the status quo

In 2018¹, the Commission introduced an expiry date to its standardisation requests and a prescriptive list of detailed requirements to be developed by European Standardisation Organisations. These requirements restrict the standardisation process and its potential to support innovation, while also imposing considerable delays. Consequently, new EU legislation may enter into force without harmonised standards to support it, rendering the industry and especially SMEs with a limited possibility to demonstrate conformity with EU law. When harmonised standards fail to meet market needs, industry experts may opt out of the European standardisation system in favour of international standardisation, leaving the European system at risk of collapse. These issues apply to all harmonised standards and require swift action. In addition, there are currently issues in the field of construction products where harmonised standards play a central role.

Towards a brighter future

Recently, the Commission has acknowledged the need for flexibility in standardisation requests and stated its willingness to modify these upon request by European Standardisation Organisations.

We - CY, CZ, DE, DK, EE, ES, FI, HU, IE, LU, NL, PL, PT, RO, SE, SI, SK - support this approach, and invite the Commission to enter into a continuous dialogue to improve our system for harmonised standards. As a starting point for the dialogue, we would propose the following recommendations concerning the European standardisation system:

1. **Find the right balance in standardisation requests** between qualitative requirements set by EU legislation and flexibility for the European Standardisation Organisations required for state-of-the-art standards, for example by including a commitment to flexibility in the mandate’s article text;
2. **Publish clear criteria for technical evaluation** of harmonised standards to align expectations between the Commission and standardisation experts, thereby avoiding that harmonised standards are being unnecessary delayed.
3. **Ensure a short processing time for citation** of new harmonised standards in the Official Journal of the European Union, for example by introducing KPIs.

While these ideas are not exhaustive to solving all the challenges in the system today, we believe they are practical first steps to get back on track without new legislation being introduced, while still ensuring legal certainty for the Commission, standardisers and European businesses. We look forward to an open and constructive dialogue with the Commission and all other relevant stakeholders to ensure that harmonised standards support the full operation of the Single Market and that we advance towards our common policy goals, particularly in areas that require innovative technology.

¹ Following the ruling in the “James Elliott” case, the Commission has altered the process of developing harmonised standards.