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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents/Conseil
Objet:	Proposition de Règlement du Parlement Européen et du Conseil modifiant le Règlement (UE) No 1025/2012 en ce qui concerne les décisions des organisations européennes de normalisation relatives aux normes européennes et aux publications en matière de normalisation européenne - Mandat de négociation avec le Parlement européen

I. INTRODUCTION

1. Le 3 février 2022, la Commission a transmis la Proposition de Règlement du Parlement Européen et du Conseil modifiant le Règlement (UE) No 1025/2012 en ce qui concerne les décisions des organisations européennes de normalisation relatives aux normes européennes et aux publications en matière de normalisation européenne.
2. Cette proposition consiste en un amendement ciblé au Règlement (UE) No 1025/2012 visant à garantir l'implication des organismes nationaux de normalisation de l'UE et de l'Espace Économique Européen dans les décisions des organisations européennes de normalisation relatives à l'élaboration des normes européennes demandées par la Commission.

3. Le Comité Économique et Social Européen a rendu son avis le 8 avril 2022.
4. Le Parlement européen a chargé la commission du marché intérieur et de la protection des consommateurs de proposer un rapport sur le dossier.
5. Dans ses conclusions du 25 mars 2022, le Conseil européen a appelé à maintenir la capacité de l'Union européenne à constituer une référence en matière de normes à l'échelle internationale.

II. TRAVAUX CONDUITS AU SEIN DU CONSEIL

6. L'examen de la proposition par le groupe de travail « compétitivité croissance » a démarré le 10 février. Lors du dernier groupe de travail « compétitivité croissance » du 29 avril, un large consensus a été obtenu en faveur du texte tel que présenté par la Commission.

III. CONCLUSIONS

7. Le Comité des Représentants Permanents est invité à approuver le texte en annexe et à charger la Présidence d'entamer des négociations avec le Parlement européen dès que possible afin de parvenir à un accord en première lecture sur cette base.
8. Comme indiqué dans la note de la présidence du 6 septembre 2019 sur l'ouverture et la transparence, la Présidence suggère que, si aucune objection n'est soulevée, le mandat approuvé par le Comité soit rendu public, conformément au règlement intérieur du Conseil.

2022/0021 (COD)

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**

(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 Committee¹,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C ..., ..., p.

Whereas:

- (1) Regulation (EU) No 1025/2012 of the European Parliament and of the Council² 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 several European standardisation organisations to draft a European standard or European standardisation deliverable.
- (3) European standards and European standardisation deliverables play an important role for the internal market. For instance, harmonised standards may be used to confer a presumption that products to be made available on the market are in conformity with the essential requirements that are laid down in the relevant Union harmonisation legislation for those products when they comply with the harmonised standards.
- (4) In the past years, the practices in the European standardisation organisations as regards their internal governance and decision-making procedures have changed. As a result, the European standardisation organisations have increased their co-operation with international and European stakeholders. Such cooperation is welcome as it contributes to the transparent, open, impartial and consensus-built standardisation process. However, when European standardisation organisations execute standardisation requests to support Union legislation and policies, unrestricted participation of any stakeholder in their internal decision-making may lead to decisions that do not entirely take into account the interests, policy objectives, and values of the Union as well as public interests in general.

² 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).

- (5) National standardisation bodies play an essential role in the standardisation system, both, at the Union level, in accordance with Regulation (EU) No 1025/2012, and at the level of Member States. National standardisation bodies are therefore best placed to make sure 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 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.
- (6) The decision-making bodies of the European standardisation organisations are open to participation not only by national standardisation bodies, but also by national standardisation organisations of acceding countries, candidate countries and potential candidates to the Union, among others. In order to avoid excluding those organisations from participation in the work of 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.
- (7) In order for the requirement for 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 to be taken exclusively by representatives of national standardisations bodies to be effective, it is necessary to provide that the Commission may only make such requests to a European standardisation organisation that complies with that requirement.

- (8) Regulation (EU) No 1025/2012 should therefore be amended accordingly.
- (9) In order to allow the European standardisation organisations to adapt, where necessary, their internal rules of procedure to 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) in paragraph 1, the first sentence is replaced by the following:

‘The Commission may within the limitations of the competences laid down in the Treaties, request that one or several 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.’;

(2) the following paragraph 2a is inserted:

‘2a. 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, refusal and execution of standardisation requests;
- (b) decisions on the acceptance of new work items;
- (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 ... [OP: please insert the date – 6 months from 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 Brussels,

For the European Parliament
The President

For the Council
The President