



JOINT INDUSTRY PAPER

Evaluation of Regulation (EU) 1025/2012 on European Standardisation

We, the signatories, are representing industries contributing to and relying on a resilient, reliable framework for setting standards in Europe. As such, we fully support the EU Strategy on Standardisation's goal of making the European standardisation system more functional and agile¹. In line with these goals, we suggest using the chance of the evaluation of Regulation (EU) 1025/2012 to strengthen transparency, scrutiny and democratic values in European standardisation, as well as the flexibility of European standardisation on an international stage, to provide European industry with a competitive edge. To do so we propose to introduce transparent rules for Formal Objections and for the timelines of the standardisation process, as well as set clear proceedings for the definition of transition periods for Harmonised European Standards (hEN) and ensure regular publication at fixed dates of new hENs in the Official Journal of the EU.

1. Procedure for Formal Objections

Harmonised standards are vital for the well-functioning European Single Market, serving users such as industry and market surveillance as an efficient and nonbureaucratic mean to ensure compliance with EU legislation. Particularly market surveillance authorities of smaller Member States and smaller manufacturers, such as small and medium-sized enterprises (SMEs), can encounter challenges checking the conformity with European rules when faced with products that lack a valid hEN as the required effort increases drastically in their absence.

Due to these factors as well as the legal certainty hEN provide, related processes need to be fit for purpose for a well-functioning single market. Formal Objections against hEN are an essential tool to be used as a last resort when significant gaps in requirements are identified. However, there is room for improvement in the system as we know it today. The current system processing such objections sometimes lacks transparency and the consideration of the highly technical requirements can challenge the high-level experts in the sectoral committees charged with their consideration. Creating space for more technical discussions of the subject matter can contribute to a more efficient and accurate decision-making process when considering Formal Objections against hEN. Having all the relevant technical arguments at their disposal is critical to strengthen the legislators' control over the process and to ensure that the Committee on Standards and the European Commission can make informed decisions on Formal Objections. As such, we propose to explicitly add room for technical scrutiny in the process for Formal Objections.

An opportunity for fostering this kind of dialogue would be to scrutinise Formal Objections at the level of the technical experts in the responsible European Standardisation Organisation (ESO) and the authorities behind the objection before further consideration in the relevant sectoral expert groups through changes in Article 11 of

¹European Commission Communication [COM\(2022\) 31 final](#), 02.02.2022, p. 9.

Regulation (EU) 1025/2012. Such dialogue could facilitate a detailed discussion between the stakeholders most familiar with the technical matter early in the process and thereby contribute to a mutual understanding so that a well-informed decision can be made. Including this kind of exchange in the procedure for Formal Objections could even mitigate the need for the Formal Objection altogether or enable the ESO to begin work on a technical solution earlier than would otherwise be the case. Finally, the information out of this dialogue could facilitate a faster process in the next steps and lead to an overall reduction in the time and resources needed from all involved stakeholders. Bottlenecks in the process for the development and listing of hEN can be removed this way. A clear and streamlined process for Formal Objections would thereby strengthen the resilience and competitiveness of the European standardisation system as well as reinforce its globally leading role instead of jeopardising it.

Article 11

Formal Objections to harmonised standards

1. When a Member State or the European Parliament considers that a harmonised standard does not entirely satisfy the requirements which it aims to cover and which are set out in the relevant Union harmonisation legislation, it shall inform the Commission thereof with a detailed explanation. ~~and the~~ The Commission shall without undue delay organise a consultation between the European standardisation organisations concerned and the Member State or the European Parliament raising the objection. The conclusion of this consultation shall be transmitted to the committee set up by the corresponding Union harmonisation legislation.

2. After the consultation referred to in paragraph 1 and after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or after other forms of consultation of sectoral experts, the Commission shall decide:

- (a) to publish, not to publish or to publish with restriction the references to the harmonised standard concerned in the *Official Journal of the European Union*;
- (b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in or from the *Official Journal of the European Union*.

[...]

~~4. 3.—~~ The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph ~~2~~4 and, if necessary, request the revision of the harmonised standards concerned according to Article 10.

Proposal for a potential way to amend Art. 11 of Regulation (EU) 1025/2012

Furthermore, the European Commission rightly identified that ongoing communication and involvement between public authorities and standardisation bodies and other stakeholders is a prerequisite to an efficient, competitive standardisation system, and for this reason established the High-Level Forum on European Standardisation. Article 7 of Regulation (EU) 1025/2012 tries to further foster such collaboration. We propose to strengthen this approach even more, as efficient and early coordination can make the following steps of the process for Formal Objections easier and faster or even eliminate the need for them entirely. For this purpose, Member States could aim to encourage their public authorities to participate in national standardisation bodies whenever possible and seek a dialogue with the relevant national standardisation bodies before submission of Formal Objections to the European level.

Article 7

Participation of public authorities in European standardisation

Member States shall, ~~where appropriate~~, encourage participation of public authorities, including market surveillance authorities, in national standardisation activities aimed at the development or revision of standards requested by the Commission in accordance with Article 10.

In particular, when Member States consider notifications according to Article 11 (1) for submission to the European Commission, the respective public authorities which consider that a harmonised standard does not entirely satisfy the requirements which it aims to cover, shall be encouraged to enter into a dialogue with the respective national standardisation body in order to further substantiate the concerns before submission of the notification according to Article 11 (1).

Proposal for a potential way to amend Art. 7 of Regulation (EU) 1025/2012

2. Transition periods

Transition periods for new, amended or superseded hEN are essential for European industry as they bring legal certainty and allow for an efficient transition to new standards. To enable long-term planning for industry, clear and transparent rules for the determination of appropriate transition periods are needed. Currently, they for example are of a fixed length of 18 months for hEN in the machinery sector. This leads to a situation where transition periods for hEN are not aligned with the transition periods for corresponding international standards and other regions and where transition periods are not adapted to the actual impact and technical changes in the standard. Such missing alignment on transition periods, along with delays in the listing of hEN, can also lead to situations where European standards use different versions compared to regional or international ones, limiting their competitiveness. While 18 months are usually sufficient for minor changes, longer transition periods of up to 48 months can be necessary for more complex shifts in requirements that require significant design changes. To create a more transparent system for defining transition periods based on the actual impact of the hEN and ensure that European standards can maintain their globally leading role, we propose to amend Article 10 on Standardisation Requests, expressly giving the European Commission the competency to determine the length of transition periods, when necessary to determine the impact of a standard after considering stakeholders input.

Article 10

6. Where a harmonised standard satisfies the requirements which it aims to cover and which are set out in the corresponding Union harmonisation legislation, the Commission shall publish a reference of such harmonised standard without delay in the *Official Journal of the European Union* or by other means in accordance with the conditions laid down in the corresponding act of Union harmonisation legislation. If a harmonised standard is superseded by another harmonised standard, its references shall be withdrawn from the Official Journal of the EU. This withdrawal shall come into effect after a transitional period, the length of which shall be determined by the European Commission, if necessary, after consulting with stakeholders, such as the European standardisation organisations concerned with the objective of avoiding disproportionate disruptions of the European Single Market. For harmonised standards covering multiple Union harmonisation acts, the listing and transitional periods shall be aligned where possible.

Proposal for a potential way to amend Art. 10 of Regulation (EU) 1025/2012

3. Summary

Overall, we, the signatories highly value the European standardisation system and the collaboration with the legislative system in the form of the new legislative framework and consider it to function well as a cornerstone of European competitiveness. However, due to the crucial role of hENs, predictability and certainty are key to efficient long-term planning by economic operators and the overall resilience and competitiveness of European

standards on an internationally dominated stage, in line with the goals of the EU Strategy on Standardisation. We therefore are in favour of a limited amendment of Regulation (EU) 1025/2012 after this evaluation as outlined above to improve the existing processes in a way that makes the necessary formal steps faster, more efficient and increases transparency.

ABOUT

About Euralarm:

Euralarm represents the electronic fire and security industry, providing leadership and expertise for industry, market, policy makers and standards bodies. Our Members make society safer and secure through systems and services for fire detection and extinguishing, intrusion detection, access control, video monitoring, alarm transmission and alarm receiving centres. Founded in 1970, Euralarm represents over 5000 companies within the fire safety and security industry valued at 67 billion Euros. Euralarm Members are national associations and individual companies from across Europe.

About CEMA

CEMA aisbl (www.cema-agri.org) is the association representing the European agricultural machinery industry. With 11 national member associations, the CEMA network represents both large multinational companies and numerous SMEs active in this sector.

CEMA represents about 1,300 manufacturers, producing more than 450 different types of machines with an annual industry turnover of about €40 billion and 150,000 direct employees. CEMA companies produce a large range of machines that cover any activity in the field from seeding to harvesting, as well as equipment for livestock management.

About FEPA:

FEPA, the Federation of European Producers of Abrasives, is an association representing over 80% of the European producers of abrasive products, including SMEs and international companies, as well as the abrasives National Associations and their members. FEPA members cover 90% of abrasives European production, exporting 35% of it in the world.

FEPA's main mission is to represent the European abrasive industry by promoting abrasives manufactured in Europe, informing members on the evolution of the regulatory framework worldwide, supporting producers with a range of technical, legal and scientific services, and anticipating future challenges in the abrasives sector.

Abrasives are essential components weaved into numerous industries such as construction, automobile, aeronautics, environment, optical activities, glass, electronics, and the DIY market.

About EUROMOT:

EUROMOT, the European Association of Internal Combustion Engine and Alternative Powertrain Manufacturers, represents the key manufacturers of internal combustion engines and alternative powertrains installed in industrial non-road mobile machinery, marine and stationary applications that are operating in Europe and worldwide.

Founded in 1991, we provide an unparalleled heritage and a hub of expertise for businesses, authorities, regulators, and public stakeholders worldwide. In partnership with major sector associations and institutions, it is our mission to drive smart regulation and sustainable innovation.

Delivering dependable power for society at high energy conversion efficiency with low emissions remains a key objective of EUROMOT member companies. EUROMOT asserts internal combustion engines and alternative powertrains are a key enabler to address the additional societal need for decarbonisation across multiple industry sectors. This can be achieved by continuing to advance the development of highly efficient energy conversion systems capable of operating on low and net-zero Greenhouse Gas (GHG) energy carriers.

Headquartered in Brussels, EUROMOT is a European interest group, and our profile is registered in the EU Transparency Register under the identification number 6284937371-73. We have been granted consultative status at the United Nations IMO (International Maritime Organization, London) and United Nations ECE (Economic Commission for Europe - Geneva) and other relevant stakeholders.

About EUnited:

EUnited, the European Engineering Industries Association, is the voice of machinery and equipment suppliers in Europe. EUnited connects machinery and equipment companies in one association to improve awareness and understanding among decision-makers and policy actors in the European Union institutions and to articulate the role of equipment suppliers in technical standards development, policy formulation, trade issues and legislation. Equipment suppliers are the mainstay of advanced manufacturing, increasingly recognised as indispensable for basic needs. www.eu-nited.net

About EPTA:

EPTA, the European Power Tool Association represents 24 European manufacturers of electrical power tools with a strong production base in central Europe. Our members represent approximately 70.000 employees in Europe (170.000 worldwide) and around 90% of corded and cordless power tool sales in Europe (by value).

EPTA members' portfolio encompasses both, corded and cordless power tools, the latter of which use lithium-ion rechargeable batteries.

Cordless power tools are the fastest growing segment of the power tool market with a 51% share in 2022. The industry's annual turnover in Europe is around €8 billion. Power tools are used both by professionals for renovating houses, repairing cars, building energy infrastructure, road construction and many more, as well as by DIY users undertaking home improvement and artistic projects.

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