

Input NL on the public consultation for Regulation 1025/2012

Introduction

The European Standardisation System (ESS), with Regulation 1025/2012 as the main basis, is a key pillar of the European single market. The ESS is unique in its inclusive, consensus-based approach and balanced stakeholder representation, which results in high quality standards. The system creates a level playing field for businesses, facilitates international trade, and supports and enables innovation. Consumers equally benefit from the ESS through enhanced safety and reliability of products and services.

The revision of Regulation 1025/2012 provides a timely opportunity to address current challenges. Aligning this revision with the revision of the New Legislative Framework and the Market Surveillance Regulation in a European Product Act creates synergies and strengthens coherence across the quality infrastructure system. This document outlines the current Dutch position and key recommendations for the four main themes identified by the European Commission in the revision of Regulation 1025/2012.

1. Speed and responsiveness to innovation: What is needed is 1) a more critical stance towards when standardisation should be used, 2) process improvements within the current system, 3) considering the possibility of other (normative) documents instead of the classical approach, and 4) exploring the possibility to use the added value of other actors beyond the existing ESOs.

- There is not one solution to develop EU harmonised standards faster. It is important to that several different elements are explored in parallel.
 - A) NL has two main suggestions when it comes to improving the speed and responsiveness given the current ESS:
 - i. *A more critical ex-ante stance towards using standardisation:* Taking a more critical stance when standardisation is used as an instrument to make sure ESO's only work on those requests that they are equipped for. If standardisation is not expected to be a the right instrument, we should refrain from using it. This can be achieved by introducing a formal assessment framework to determine the most suitable instrument.
 - This framework should clarify which instrument (e.g. standards, "agile specifications", or (fast-track) legislation) is best suited for which policy objective.
 - An 'advisory institute' should play a central role in creating, implementing and monitoring this assessment.
 - ii. *Improve processes within current system:* Improvements within the current system if standards are considered to be the most suitable instrument. This may be, among other ways, achieved by:
 - A second formal assessment in addition to the initial assessment, for example by the advisory institute as mentioned above, to determine that the legal requirements are unambiguous and clear in the underlying legislation. That will result in a clearer task for the ESO's and as a consequence a smoother and faster process.
 - Improving the process of drafting the standardisation requests by involving the ESO's earlier in the process and setting realistic deadlines for both the ESO's and Commission;
 - Examining the possibilities to accelerate the process by developing standards with less strict criteria for consensus, for instance majority voting. In a light form this can also be phased standardisation by developing preliminary standards with less consensus.
 - Improving digitalisation, for example in the standard development, standard maintenance and standard application systems.

B) NL suggests two other points that go beyond the current ESS and need a more in-depth analysis:

- i. *Consider other (normative) documents instead of the classical harmonised standards approach:*
 - Make it easier for existing (inter)national standards developed outside the existing ESOs to be assessed in meeting the EU requirements and be published as European Standards via the existing ESS. The European Agile Specifications (EAS) project should be seen as a promising pilot.
 - Consider giving temporary status to other documents to demonstrate the presumption of conformity while harmonised standards are still in the process of being developed. This can be for example technical specifications.
 - ii. *Explore the possibility to use the added value of other actors beyond the existing ESOs:*
 - To reduce pressure on the ESS, the possibility to make better use of the added value provided by other relevant actors beyond the existing ESOs should be explored.
 - NL is also open to exploring more far-reaching, out-of-the-box adjustments to the current system. For example, increased cooperation between NSBs. In the future, models with increased thematic or regional coordination between individual NSBs within the EU could be assessed.
- NL attaches great importance to the concept of 'presumption of conformity' within the European quality infrastructure. This is a key pillar in the European quality infrastructure and important to keep in mind when exploring the above-mentioned options.

2. Inclusiveness of the standardisation process: Regulation 1025/2012 provides a solid legal basis. Better implementation in practice is needed according to the recommendations of HLF workstream 3 on inclusiveness.

- The current wording of Regulation 1025/2012 provides a solid legal basis for a transparent and inclusive standardisation process where all relevant stakeholders are represented.
- However, achieving this inclusiveness in practice is challenging in the Netherlands due to limited expert capacity, long-term project commitment and lack of knowledge of the standardisation process.
- We fully support the findings and recommendations of workstream 3 on NSBs peer-review under the High Level Forum on standardisation (HLF). It is important that the Commission, NSB's, Member States and other relevant organisations implement the recommendations.
- We also encourage the Commission to keep supporting the development of the pan European standardisation certificate for capacity building and the exchange of best practices among member states. The HLF can be used as a platform for this exchange.

3. Access to standards: the current business model of the ESS is under pressure: 1) NSBs should be encouraged and facilitated by the Commission in developing a future-proof business model and 2) a legal basis should be created to (partly) compensate NSBs for the loss of fees.

- NL proposes two points on the access to standards and a future-proof business model for the ESS:
 - 1) NSBs should be stimulated and facilitated by the Commission to work towards a future-proof business model that is no longer solely dependent on selling standards.
 - The Dutch NSB NEN has already been exploring new ways to shift towards an amended business model for many years and is actively sharing best practices.
 - The HLF can be used as a platform to exchange best practices for future-proof business models for NSB's.
 - It is important to set realistic timelines for NSBs to amend their business model.

- 2) The Commission should consider (partially) compensating the NSBs (or the NSBs via the ESOs) for the missed license-fees of European harmonised standards that are published in the Official Journal of the EU. The legal basis for such compensation should be adopted in regulation 1025/2012.
- The Netherlands works with a license-fee compensation for NEN for mandatory national standards under Dutch law since 2016.
 - The methodology to calculate (partial) compensation should take technological developments (AI, smart standards, open source) and the transition to a future-proof business model by NSB's into account.

4. EU's role in global standard-setting: the EU needs to remain competitive in global standardisation by strategically prioritising, enhancing cooperation on EU-level and building capacity.

- Two recently published reports from the Dutch research institute Clingendael on the geopolitical power of standards confirm that the EU is losing influence on standardisation internationally: '[Standardisation with Chinese Characteristics](#)' and '[Raising the Standard](#)'.
- The Commission's Standardisation Strategy from 2022 already addressed this and introduced several important recommendations. While these measures are significant in using standards as a strategic instrument, it remains essential to maintain this strategic focus and strengthen it where possible. NL therefore encourages to focus on:
 - Identifying and prioritizing strategic sectors for standardisation. The HLF should be used as platform to set strategic priorities on a political level;
 - Enhancing cooperation and coordination between EU stakeholders to participate in international standardisation;
 - Investing in capacity building to train more standardisation experts;
 - Encouraging member states and the private sector to financially support experts to participate in international technical committees.