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NOTE

From:	Presidency/General Secretariat of the Council
To:	Permanent Representatives Committee
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 <i>- Analysis of the final compromise text with a view to agreement</i>

I. INTRODUCTION

1. On 3 February 2022 the Commission transmitted to Parliament and Council 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.

2. This proposal aims to reform the governance of the European standardisation organisations by ensuring that the Commission can only address requests for standardisation to European standardisation organisations that meet certain criteria, such as decisions being taken exclusively by representatives of the national standardisation bodies in the competent decision-making body of that organisation.
3. The European Economic and Social Committee delivered its opinion on 8 April 2022.
4. The competent committee in the European Parliament is the Committee on the Internal Market and Consumer Protection (IMCO) and Mrs HAHN Svenja (RENEW DE) is the rapporteur.
5. Following the work carried out within the Working Party on Competitiveness and Growth (Industry), on 13 May 2022 the Permanent Representatives Committee approved a mandate to start negotiations with the European Parliament (ST 8449/1/22 REV 1) without amending the text presented by the Commission.
6. During the plenary of 14 September, the Parliament confirmed the IMCO decision to enter into interinstitutional negotiations. The Parliament introduced amendments on recitals as well as on Article 1 and added two new recitals (4a and 7a).
7. After careful analysis of Parliament's mandate and possible flexibilities of Member States, as indicated during the meetings of Working Party on Competitiveness and Growth (Industry) on 8, 22 and 28 September, the Presidency requested and obtained on 5 October from the Permanent Representatives Committee a revision of the previous mandate with a view to reaching an agreement with the Parliament at the first Trilogue meeting on 12 October.

II. RESULTS OF THE NEGOTIATIONS AND MAIN CHANGES TO THE TEXT

8. At the Trilogue meeting on 12 October, the co-legislators reached a preliminary agreement on the text presented in the Annex. The only change from the mandate obtained on 5 October concerns the last sentence of recital 6 where the word "bodies" has been replaced by the word "organisations" for consistency with the rest of the recital.

III. CONCLUSION

9. In the light of the above, the Permanent Representatives Committee is invited to:
- approve the compromise text set out in the Annex, and
 - instruct the Presidency to send a letter to the Chair of the European Parliament's IMCO Committee confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU and in the exact form set out in the Annex - subject to legal/linguistic finalisation - the Council would, in accordance with Article 294(4) TFEU, approve the position of the European Parliament and the act would be adopted in the wording which corresponds to the position of the European Parliament.

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 **and consumer protection. Standards do not solely determine the technical aspects of products and services, but they also play an important role for workers, consumers and the environment.** 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, **while ensuring the quality and safety of products and services for consumers and protecting the environment.**

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).

- (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~~ **Nevertheless**, 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~~ **it is essential that their internal decisions** take into account the interests, policy objectives, and values of the Union, as well as the public interests in general.
- (4a) **In line with Articles 5 and 6 of Regulation (EU) No 1025/2012, sound procedure and balanced representation of relevant stakeholders' interests, including those representing inter-alia SMEs and environmental, social and consumer interests, is essential and 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 of Regulation (EU) No- 1025/2012.**

- (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, **without affecting the important role played by the broader stakeholder base in preparing effective standards that respond to public interest and market needs.**
- (6) The decision-making bodies of the European standardisation organisations are open to participation not only by national standardisation bodies, but also, inter alia, by national standardisation organisations of acceding countries, candidate countries and ~~potential candidates to the Union, among others~~ **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 participation 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 only the support of the national standardisation bodies from Member States and EEA.**

- (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.
- (7a) **Standardisation procedures entail decisions that require specific work streams, which should be deemed to constitute separate work items. Such work items are initiated to either develop a new or revise, merge, amend or correct an existing European standard or European standardisation deliverable.**
- (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. **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 ~~and execution~~ of standardisation requests;

(b) decisions on the acceptance of new work items **that are needed for the fulfilment of the standardisation request;**

(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
