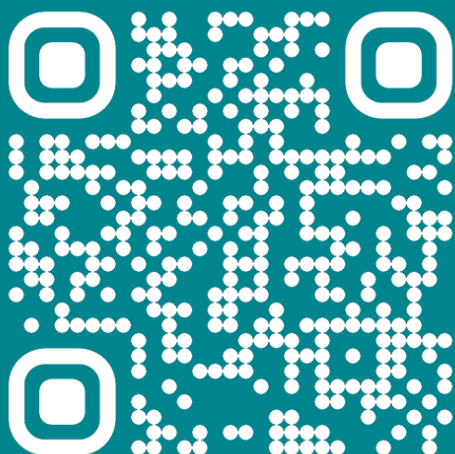


REPLY TO THE EUROPEAN COMMISSION CALL FOR EVIDENCE ON THE
revision of the Standardisation Regulation

By

Bundesanstalt Fachstelle Normungsbeteiligung



Fachstelle Normungsbeteiligung response to the EC Call for Evidence (Ares(2025)4981369)

Bundesanstalt Fachstelle Normungsbeteiligung is the Austrian Consumer Department in Standardisation and aims to advocate consumer protection and accessibility issues in standardisation. (In the following: “Fachstelle Normungsbeteiligung”)

The Fachstelle Normungsbeteiligung is convinced that the approach taken in the New Approach, in the form of the New Legislative Framework, is an effective and efficient mean of promoting the harmonization and approximation of the legal framework and legislation in the individual Member States with a view to reducing barriers to trade and thus achieving the establishment of a single market, by ensuring that European Union directives and regulations merely lay down the basic product safety requirements for the marketability of a product, while the technical details are set out and specified in more detail in standards issued by European Standardisation Organizations. This has the advantage of avoiding excessive detail in legal acts and allowing a better and more agile response to technical developments.

Clear legal requirements in legal acts

From this perspective, however, it is essential that standardisation can only be responsible for technical design and the technical implementation of clear and unambiguous legal requirements. Standards should therefore provide good guidance on how legal requirements can be properly implemented and enforced in line with the state of the art. Important political decisions, such as a specific level of product safety requirements, the necessary extent of consumer protection aspects—such as what product information must accompany a physical product or questions regarding the placement of a data carrier leading to digital product information either on the product itself or only on the packaging of a product—as well as central questions regarding minimum information obligations and requirements for the protection of consumers - or the question of the extent to which fundamental rights must be upheld, should not be outsourced to the ESOs. With regard to such political issues, the ESOs' committees and working groups lack stakeholder balance, expertise, and ultimately democratic legitimacy to achieve the best possible balance of interests.

More specific mandates in the context of standardisation requests

The system of mandating standard content by the Commission is generally welcomed and seen as an effective and good mean of technical implementation of EU legal acts within the New Legislative Framework. However, there is room for improvement in that the Commission's mandates could be more specific and give standardisation organizations less leeway in how they address the mandates. Specifically, it would be a major improvement if the mandate in a standardisation request already clearly specified how many standards with what scope are to be developed (number of standards + respective scope). Care should be taken to ensure that the standardisation request clearly states which legal requirements of a directive or regulation are to be implemented by which specific standards that shall be developed (or revised). This would eliminate several weaknesses and inefficiencies in the current system. This would significantly reduce the number of standards implementing an EU legal act, which would mean that companies would be confronted with fewer individual standards, each of which would only implement a very small area or a single legal requirement of an EU legal act. Subsequently, this means that a company would no longer have to implement a large number of standards in order to comply with the requirements of a single legal act (e.g., a directive). This would significantly push transparency, clarity, and thus legal certainty, and consequently also reduce the implementation effort. In addition, this would have the positive effect of reducing or even preventing the need to address a single legal requirement through standards that overlap in their scope of application. It would also make it much easier for different stakeholders (such as SMEs, but of course also consumer protection organizations) to participate, as the total number of projects would be significantly reduced. Even if this would mean that individual standardisation projects would become larger in terms of their scope, this more efficient and clearer practice would also be a good strategy for significantly reducing the time required to develop (or revise) a standard as a whole.

Unfortunately, it is currently the case that a standardisation request often results in a large number (a proliferation) of parallel standardisation projects being launched (some with considerable overlap in their scope), whereby it is unclear to potential stakeholders (who would in principle be willing to participate in the standardisation process) which of these projects will ultimately be harmonized and to what extent they can be used to fulfil legal requirements in order to achieve a presumption of conformity. This has the negative effect that stakeholders who would potentially be willing to participate refrain from doing so because the effort required to gain an overview of all parallel standardisation projects alone requires a large investment of resources and there is also uncertainty as to which of the projects will actually be harmonized in the future. A current example where these circumstances can be observed is the standardisation of AI.

It would be much more efficient and clearer if there would be a legally binding decision saying which topic in a Standardisation Request is to be covered by which number of

standards. That would enhance from the outset that a particular standardisation project linked to the Standardisation Request is being launched with the goal to address a specific topic (or several topics) of a standardisation request and that no further parallel projects can be launched on this topic.

The advantages that would result from this are:

- The pooling of know-how from all stakeholder groups in a standardisation project
- Legal clarity for companies that the standard resulting from this standardisation project can be used for presumption of conformity
- Clarity that this particular standardisation project must meet the time frame specified by the Commission
- Clarity regarding which legal requirements from the corresponding EU legal act should be addressed and developed by the respective standardisation project

Regarding stakeholder participation and Annex III organizations

The creation and recognition of Annex III organizations was a major advantage and achievement that should be maintained in this form as far as possible. Although the expansion of Annex III organizations does not seem implausible at first glance, we believe that it harbours great risks that need to be addressed in such a scenario. All Annex III organizations struggle with the problem of scarce resources. Nevertheless, in their current form, they are relatively successful in fulfilling their task, namely representing a group that is generally underrepresented in the standardisation process. However, expanding the circle of Annex III organizations without simultaneously increasing the resources available to them carries the risk that the number of Annex III organizations will grow significantly, but their importance and their ability to participate effectively and broadly in the standardisation process and to maintain an overview of the standardisation landscape will be significantly reduced. This would ultimately lead to the opposite of the intended effect. Instead, Member States should be encouraged to also support national organizations that reflect the landscape of existing Annex III organizations in the Member States. This could also help to strengthen representation and balance in standardisation bodies and national mirror bodies at the level of individual Member States.

Free access to harmonized standards

In connection with the issue of access to harmonized standards, as currently being discussed, the question of participation and diversity of stakeholders involved in standardisation work should also be considered, as funding gaps on the part of standardisation organizations could arise with regard to the issue of access. In this context, it should be noted that fees and contributions levied on those participating in standardisation work generally constitute a barrier. This is all the more true for groups that are already underrepresented in standardisation committees, such as consumer protection representatives and participants from SMEs. The (re)introduction or increase of such contributions would further exacerbate the problem. For this reason, efforts should be made and measures taken to reduce such financial contributions from participants in standardisation work and, in any case, not to increase them. In this context, an exemption from cost contributions for groups underrepresented in standardisation work could also be considered.