

EuroCommerce on Standardization Regulation

A. Introduction

We represent the retail and wholesale sectors, which are in most cases users of harmonised standards, not their developers. Nevertheless, our businesses depend on timely, transparent, international and practical standards to ensure legal compliance and interoperability of products.

The current standardisation processes—particularly as observed in the CEN/CENELEC JTC 24 work on the Digital Product Passport (DPP), or the CEN/CENELEC group work on AI Act standards—reveal procedural deficiencies that undermine accessibility, speed, efficiency, and balanced stakeholder participation.

B. Key Procedural Challenges Identified

1. Limited Accessibility to Documents

Discussions within the technical working groups (WGs) are not publicly documented, nor are ongoing positions or proposals accessible to non-participants. There is thus no traceability of the rationale of decision-making, as evolving drafts are not publicly accessible. As a result, external stakeholders—including users of standards—cannot see *why* certain technical decisions were made or *who* contributed to them. It is unclear *what guidance or feedback* the Commission is providing during the process.

2. Restricted Access to Participation & Resource Intensity

Participation in the CEN/CENELEC standardisation process is difficult for many companies, especially SMEs, due to procedural and financial barriers. These include fees to join national mirror groups and limits on the number of participants per national delegation. In addition, multiple working groups might meet in parallel, often on the same day, making it unrealistic for smaller organisations to follow discussions across all relevant areas. The DPP standards for example were being developed across four separate WGs, often meeting weekly and sometimes on the same day.

3. Uneven Access to Information & Consultation Process

Stakeholders involved in CEN/CENELEC processes receive technical information earlier than others, thus being in a better position to respond to public consultation processes for parallel initiatives like Delegated Acts under the ESPR in the case of the DPP. Consultation drafts will only be available through national standardisation bodies, each with different levels of transparency and consultation infrastructure.

4. Imbalance in Stakeholder Representation

The institutions should actively try to engage a wide and diverging group of stakeholders to avoid circumstances in which certain sectors are overrepresented, and others underrepresented. Overrepresentation of certain industries risks shaping standards not fit for purpose for retail and consumer-facing supply chains.

C. Recommendations for Revision

Improve transparency of standard-setting processes, including the possibility to have open access to consulted drafts.

Ensure procedural consistency across Member State consultation mechanisms to avoid fragmented national input channels.

Enforce stakeholder balance by facilitating demonstrable representation of impacted sectors—especially users like retailers and wholesalers where relevant.

Provide flexibility and modular engagement for smaller actors by limiting overlapping meeting schedules, enabling tiered participation (e.g. read-only observers), and facilitating the dissemination of papers (e.g. in case a business association participates, it should be able to share the documents with its members to facilitate awareness and decision making).

Mandate early publication of working drafts and alignment with public consultation timelines for delegated acts and legislative processes.

Accelerate the EU standardisation system by funding pre-standardisation work (standardisation requests), enabling the elaboration of urgent European standards, and optimising the citation of the standards in the OJEU.

D. Common Specifications

While we fully support the European Commission's objective to modernise and accelerate the standardisation system, we believe that the proposed provisions on Common Specifications (CS) under Omnibus IV can lead to the emergence of a parallel structure. After two rulings of the Court of Justice of the European Union¹, it is clear that since harmonised standards are part of EU law, they cannot be elaborated and adopted without a high degree of openness and transparency. We thus recognise the intention to introduce CS as a fall-back option when harmonised standards are delayed, unavailable or there is urgent need, but it is important to keep in mind the **advantages of the current industry-led standardisation system, which includes features that cannot be easily replicated by CS:**

- **Consensus-Based:** All relevant actors participate, and decisions are made through consensus, which strengthens legitimacy and broad acceptance when the standards are applied.
- **Transparency:** The process is open and inclusive, ensuring visibility and trust among all stakeholders.
- **Alignment with International Standards:** The system ensures coherence with globally recognized frameworks, facilitating harmonization and reducing duplication of efforts.
- **Cross-Sector Collaboration:** It brings together representatives from industry and various sectors—including manufacturers, retailers, authorities, and NGOs—fostering broad-based dialogue and shared responsibility.

¹ CJEU, C-613/14, October the 27th 2016, James Elliott Construction Limited v. Irish Asphalt Limited and CJEU, C-588/21, March the 5th 2024, Public.Resource.Org Inc. and Right to Know CLG v. European Commission.

- **Industry-Led Verification:** The system is grounded in the expertise of the sector itself, which enhances both credibility and relevance.
- **Research-Based Approach:** Standard development is informed by scientific research and evidence, ensuring robust and reliable outcomes.

Common Specifications, by contrast, are not subject to the same rigorous technical vetting, broad stakeholder engagement, or international scrutiny, raising questions about their robustness and representativeness. Furthermore, the drafting process for CS under the advisory procedure might lack the same level of transparency and inclusiveness as the standardisation system raising the risk that CS are drafted without sufficient involvement of expertise from the market.

It is also worth pointing out that standardisation delays are sometimes due to valid and necessary reasons, which means that applicability dates should be further rationalised. Standards are not developed in isolation — they are often accompanied by the parallel creation of testing methods, tools, and agreed methodologies that ensure the reliability and reproducibility of results across the EU and internationally. When developing CS that integrate test methods, it is thus necessary to validate the their reliability and robustness, especially when the methods are newly developed. This is to ensure that testing and inspection bodies can obtain reliable and repeatable results. This validation aspect is addressed in harmonized standards through the conduct of interlaboratory tests and statistical validation studies. These steps can be time-consuming but are essential for obtaining a reliable and repeatable testing methodology.

Lastly, possible divergence between EU Common Specifications and international standards risks creating barriers for both imports and exports of EU products. Companies may face obstacles exporting products that meet EU-specific requirements but not global ones and vice-versa. This can become especially relevant for legislation relying heavily on standards, like for the ecodesign requirements and other delegated acts under the ESPR. ESPR itself recognises the importance of taking existing international standards and internationally established methods under consideration in their development. The opposite would create international misalignment, which can be especially the case if developed based on Common Specifications instead of harmonised standards. Ensuring alignment with international standards is essential to avoid fragmentation, reduce costs, and protect the global competitiveness of European industry.

Our recommendations therefore are:

- **CS Only When Strictly Necessary, Clear Process & Stakeholder Consultation:** The conditions under which CS can be used should be better defined and potentially streamlined with Article 20 of the Machinery Regulation (EU) 2023/1230. All relevant stakeholders must be consulted in the preparation of the implementing act and the nature of CS should be temporary, until relevant harmonised standards are published.
- **Ensure CS Integrate Test Robust Methods:** When developed by CS, test methods should be reliable and robust, ensuring inspection bodies can obtain reliable and repeatable results.
- **Prioritise Efforts to Improve & Accelerate the EU Standardisation System:** The process of standard adoption however is open to refinement — delays can often be traced to procedural bottlenecks such as late submissions of national comments or prolonged validation phases in the final checks before publication. It is thus recommended to invest resources to fund pre-standardisation work (standardisation requests), to enable the elaboration of urgent European standards, and optimise the citation of the standards in the OJEU.
- **Rationalise Transition Periods:** The adoption of legislation introducing standards to implement it, should consider introducing realistic transition periods so there is time to adopt the appropriate standards.

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EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 27 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.