



Raising standards for consumers



POSITION PAPER

Draft Annual Union Work Programme for European Standardisation 2019

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1. Introduction

This position paper expresses ANEC's preliminary views on the draft Annual Union Work Programme for European Standardisation for 2019.

As a member of the Committee on Standards (CoS)¹, ANEC commented on the previous Union Work Programmes and is pleased to have the opportunity to submit its views on the new draft. ANEC is also a member of the ICT Multi-stakeholder Platform and comments on the Rolling Plan for ICT Standardisation.

For ease of reference, we present our comments on the standardisation actions in a tabular format to match the format of the Commission Staff Working Document accompanying the Annual Union Work Programme (AUWP).

2. General Comments

2.1. Circular Economy (plastic packaging - drinking water)

In the proposed revision of the Drinking Water Directive, the European Commission proposed to issue "a standardisation mandate be under the Construction Products Regulation, to set requirements applicable to construction materials and products in contact with drinking water".

This disregards the fact that the CPR does not aim at harmonising performance requirements for construction products in Member States – its goal is to ensure performance declarations based on harmonised test methods, leaving it to national (building) regulations to determine the relevant protection levels. Although standardisation is undoubtedly an excellent tool to provide test methods, it is not the instrument to harmonise existing (or forthcoming) national legislation. It should also be noted that a previous mandate of the Commission (M/136) to provide harmonised specifications failed and had to be withdraw².

2.2 Autonomous cars

ANEC welcomes automated driving technologies (e.g. Electronic Stability Control (ESC), Automated Emergency Braking (AEB), Intelligent Speed Assistance (ISA) and lane-keeping systems etc.) which are already preventing collisions and deaths on our roads. But besides the safety advantages, automated and connected cars

¹ The Committee on Standardisation is established under Article 22 of Regulation (EU) 1025/2012 on European Standardisation.

² ANEC position paper on the Proposal for a revised Drinking Water Directive <https://goo.gl/48JG3x>

are also among the high-risk products (potential malfunction of vehicle systems, data safety, cyberattack (hacking, tampering), liability in case of an accident, communication and ethical questions (does a car decide to hit a group of young or old people if an accident cannot be avoided?). Before Level 5 automated cars are deployed widely, a harmonised regulatory framework for automated driving needs to be established at EU level³.

2.3 Artificial intelligence

Algorithmic Decision Making (ADM) embedded software opens up different types of product safety challenges that are not present in not-connected devices: There is a security dimension that is new and inherent to AI devices which is linked to cybersecurity. It could imply that the safety of the device is corrupted or that the device's processing capabilities and connections are being used for other forms of harm (e.g. mining cryptocurrencies, launching large-scale cyberattacks, spying on consumers). But security vulnerabilities can also pose a risk to physical safety in some cases (e.g. hacked self-driving car). Consumer safety and choice are impacted, and consent becomes more difficult (because so few will understand the initial algorithms which will, with machine learning, change as they 'learn'). Also, from a social perspective, information can be used to nudge consumers or influence consumer behaviour. ANEC agrees with the European Commission (Communication "Artificial Intelligence for Europe") that present safety standards and legislation need to be updated to meet the new risks posed by AI. We would like to see the AUWP 2019 define a study/impact assessment about which safety standards have to be updated with regard to AI.

2.4. New CO₂ standards for cars, vans and heavy-duty vehicles

ANEC supports this proposal as reducing CO₂ emissions from passenger cars by setting ambitious and effective reduction targets would also mean improvements to the fuel and energy consumption of cars, so reducing costs for consumers⁴.

2.5. International Cooperation

It must not be forgotten that the European Standardisation Organisations, as part of the European Standardisation System, are bound by the requirements of Regulation (EU) 1025/2012 whereas ISO and IEC are not. This asymmetry, especially as regards inclusiveness, should be the driver behind the European Commission policy on international standardisation. We should also not forget that the rules on the adoption of ISO and IEC Standards and European Standards (ENs)

³ ANEC/BEUC position paper 'Cybersecurity for connected products' (<https://goo.gl/cF86eV0>).

⁴ <http://www.anec.eu/attachments/ANEC-TRAF-2014-G-009long.pdf>

are different, with the adoption (and implementation) of ENs obligatory regardless of the origin of the EN. Hence, we think that the Commission should be cautious in ensuring CEN-CENELEC have all the checks and balances in place in the adoption of an ISO or IEC Standard as an EN, regardless of whether it is the result of a direct adoption or parallel development.

2.6. Inclusiveness

Although there has been much useful progress by the ESOs over the past months in ensuring a strengthened voice for the Societal Stakeholder Organisations among the Annex III Organisations, one complementing the national delegation principle, we believe it appropriate to underpin this progress with a proposal to the ESOs to take further actions, notably supporting the Annex III Organisations in international standardisation (complementing JIS Action 15) and ensuring the ESOs give added visibility to the Annex III Organisations through a distinct category of partnership or membership. We consider such a proposal would ensure continued momentum under JIS Action 9.

a. Specific comments

Nr	Legal basis	Objective	Type of action	ANEC Comments
17	<p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions, A European Strategy for Plastics in a Circular Economy, COM (2018) 28 final & SWD (2018) 16 final, Brussels 16/1/2018.</p> <p>EU Action Plan for a Circular Economy, COM (2015) 614.</p> <p>The Renewed Industrial Policy Strategy, COM (2017) 479.</p>	<p>The work will address the following objectives in cooperation with the European Standardisation Committee and building upon the results of the currently executed "ancillary and preliminary action on sustainable chemicals" (Specific Agreement n° CEN/000/2017-05 Sustainable Chemicals):</p> <ul style="list-style-type: none"> - development of quality standards for sorted plastics waste and recycled plastics; - development of standardised approaches on defining and labelling compostable and biodegradable plastics by equally making standardised life-cycle assessment approaches available including relevant qualitative and quantitative and threshold criteria; 	<p>Development/revision of European standards and European standardisation deliverables in support of Union legislation and policies</p>	<p>A regulatory approach is needed before developing standards to address the impact of plastics on human health. As stated in the ANEC position paper, 'Keeping hazards in the circle?' – input to EC communication on interfaces among chemicals, products and waste legislation (https://goo.gl/2mWH58) :</p> <ul style="list-style-type: none"> • Recycling must be part of a greater concept of resource saving that leads to high quality products that do not expose the consumer or the environment to detrimental effects. Part of this includes ensuring that hazardous substances are eliminated from the beginning of the product cycle; • We recommend that legal provisions for chemicals in virgin materials be



		<ul style="list-style-type: none"> - development of standards and guides for the alternative feedstock utilization for plastic production; - development of standards at international level on sorted plastic waste and recycled plastics; - development of standards for a possible certification scheme(s) for plastic recycling plants in the EU and in third countries. 		<p>strengthened by implementing sectoral product legislation;</p> <ul style="list-style-type: none"> • Also, specific provisions should be developed to facilitate recycling aimed at reducing the variety of materials, including their chemical composition, to make them "fit for recycling"; • In short, the present European regulatory provisions for chemicals in products do not go far enough. <p>The development of a European regulatory framework for chemicals in products needs to happen urgently. To tackle difficulties posed by the lack of information on substances of concern in products and waste, regulatory measures and sectoral product legislation that contain information provisions need to be significantly strengthened. Part of this is the elimination of SVHCs and</p>
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				<p>other substances of concern from materials and products, as well as the enhancement of substance specific restrictions.</p> <p>It is also necessary to improve end-of-waste criteria including chemical provisions (restrictions as well as monitoring obligations). we also draw attention to "CEN Guide 16 for addressing chemicals in standards for consumer-relevant products" to aid the drafters of standards address chemicals in product standards and aiming to support the EU objectives to minimise the health and environmental impact of chemicals.</p>
19	<p>New Actions</p> <p>We regret no specific mention on service standards is made. We think it would be appropriate to mention the implementation of the CEN Strategy on service standards and possible work following the prioritisation made on possible new areas of work.</p>			



20	<p>New Action EC Proposal for a Regulation on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")</p>	<p>EC Proposal for a Regulation on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")</p>	<p>The proposed IoT Standardisation request should aim at evaluating the existing standards covering the "smart/IoT" aspect, with a view to revising the relevant standards and/or developing new ones where needed.</p>	<p>ANEC would like to suggest a new standardisation request on the Internet of Things and cybersecurity. The 'smartness or digitalisation' of consumer products and services is an increasing trend but so far very few standards are reflecting it. Internet of Things still has to attain a good level of maturity as regards security, data protection, accessibility and safety, and this means there is now a window of opportunity to make sure that consumer (and other stakeholders) requirements are properly addressed.</p>
21	<p>New Action EC proposal for a directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products</p>	<p>EC proposal for a directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (COM (2015) 615/2, 2105/0278 COD).</p>	<p>Harmonised Standards on accessibility requirements for products and services.</p>	<p>ANEC believes that the UAWP 2019 should mention the possibility of a standardisation request to implement the EC proposal for a directive on the approximation of the laws, regulations and administrative provisions of</p>



	and services (COM (2015) 615/2, 2105/0278 COD).			the Member States as regards the accessibility requirements for products and services. The proposal was published in December 2015 and the co-legislators are discussing with a view of approving it in 2019.
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About ANEC

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



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