

**ECOS position**

**on the working document for a Communication from the Commission  
to the Council and the European Parliament**

**"Integration of environmental aspects into European Standardisation"**

**1. *Do you agree with the aim and scope ?***

The Working Document on environmental aspects in standardisation is trying to concentrate only on those issues and instruments that had been addressed in previous Commission Resolutions and Communications. However, in the wake of the Commission issuing its Draft directive on energy using products, the scope must be enlarged. In so far "aim and scope" of the Working Document are not adding a new dimension apart from the chapter 6.1 on legal incentives. The Working Document obviously looks for a solution for those work items not covered by the future directive.

**2. *Have we identified all the key issues ?***

A chapter on the advantages of the effect of mandatory requirements is missing. This chapter should also discuss in detail, which could be the best mandatory tool to achieve the integration of environmental aspects into standardisation across the board.

**3. *Should another policy option (e.g legislation, guidelines) have been chosen by the Commission ? If so, which one and why ?***

According to Article 6 of the Treaty, the EU Commission is obliged to integrate environmental aspects into standardisation and can therefore not restrict itself to voluntary measures since they are not guaranteeing such integration. Only binding legislation will put the same requirements on all actors in the field and thus will have an overall effect.

**4. *How frequently should the progress be assessed regarding the integration of environmental aspect into standardisation (e.g. every 2, 5 or 10 years) ?***

Especially at the beginning, assessments should be frequent, i.e. every two years. A stakeholder committee could monitor progress made.

**5. Do you feel that you or your organisation contributes to the promotion of environmental thinking in standardisation? If the answer is yes, please, describe the nature of your contribution.**

ECOS has been created to raise environmental awareness and to promote environmental thinking in standardisation. It is still early days to assess its impact. ECOS Members like EEB and WWF and also national ENGOs have already in the past been trying to support the efforts of European and international standard bodies to promote environmental thinking through their participation at working group and committee level.

**6. What are the expectations with regard to possible positive and negative impacts of implementing the ideas presented in the text (pt 1.1-1.4)?**

ECOS is concerned that the effect of the mentioned ideas will be neither positive nor negative and will instead be nil. Since more than ten years, e.g. CEN is trying to offer tools to integrate environmental aspects into standardisation. The problem is the low degree of acceptance of these tools through standardisation stakeholders. These are mainly industry representatives who have no brief to engage their respective industries into sometimes costly investments that are of no direct profit for the enterprise.

The Commission is obviously aware of the fact that under the present circumstances it has no right of direct interference into the standardisation process and so restricts itself to voluntary instruments:

V.1 sets out the goals and needs quite clearly: Care for the environment and environmental thinking needs to become part of everyday life. This has not to be left to the discretion of decisions taken at random pro or contra the environment. It has to be a requirement.

V.1.1 This paragraph regards the lack of know-how as the reason for the lack of environmental commitment. This is not in agreement with reality. Enterprises are usually very well aware of their environmental impact but have no interest to make this public or to admit it even. Their representatives in standardisation are dependent on what they are allowed to defend and not on what they know.

V.1.2 "environmental impacts.. should be taken into account in standards developments." Statements of this kind will not change anything. It is a fact that most of the comments of the Environmental Helpdesk got the response that the respective comment would be taken into consideration at the enquiry phase at the end of the standardisation process. There should be a requirement that comments of the Environmental Helpdesk have to be taken up as early as possible, best immediately when they have been made.

V.1.3 Very careful the Consultation Document puts forward 'The regular review process seems to be a good trigger to start looking into the environmental aspects of already existing standards.' This should not be wishful thinking but be made a requirement.

V.1.4 "Technical training may be very useful..."Regular information between the standardisation community, universities and research institutes" is a consequence of a requirement to integrate the environment not the precondition for it.

**7, 8 and 9. Do you feel that there are sufficient tools to deal with environmental aspects in standardisation ? If not, what new kinds of tools could improve the situation ? Do you have examples/experience of tool being used ?**

7. The Working Document restricts itself to list the tools the Standardisation organisations have been setting up for themselves. It does not refer to own actions in the field of the environment. Article 6 of the Treaty makes the integration of the environment into all policy areas an obligation. This obligation has to be implemented also with respect to the EU's standardisation policy.

8. After all, only legislation will be able to define environmental requirements that have to be taken into account. Such legislation has to set a clear, generic and stable frame, which enables the use of standardisation for environmental purposes. Such a framework should set a high level of protection by defining objectives and targets and set specific environmental requirements in a multistakeholder procedure. ECOS sees the following solutions :

A) As the lowest common denominator : It would be useful to make the CEN Environmental Checklist, ISO guide 64 and IEC Guide mandatory. These Guides are vaguely worded and leave enough flexibility in their application. If the standards bodies cannot make the application of these guides a requirement, the Commission should do so.

Furthermore,

- it should be a requirement, that the comments of the environmental helpdesk are incorporated when they are made and justification submitted if they are not incorporated ;
- introduce a mandatory review period of three years ;
- the Commission has not only the right but the duty to assess all standards for their integrating environmental aspects ;
- not meeting the requirements of these measures should result in rejecting these standards.

B) A framework directive with a set of daughter directives which introduces producer responsibility for the environmental impact of their products. Daughter directives should determine by how much an environmental impact has to be reduced over time by the respective product groups and deny market access to those products not meeting the requirements.

9. Concerning A) : this would be trying to cure the symptoms. Concerning B) positive experiences have been made. The WEEE and RoHS directives are examples how legal requirements can trigger the inventiveness of industry. Quite new ways of environmental thinking developed as a result of it and a lot of industry self- regulation like supply chain management and the measuring of disassembly time<sup>1</sup> have become worthwhile to collect and disclose information about. Udo Weiß, IEC, admitted at the stakeholder meeting on July 16, 2003 that such inventiveness cannot be triggered without some compulsion. (« Ein bißchen Zwang ist schon nötig »).

Already in the eighties the Community has adopted legislation that guarantees the protection of health and safety of consumers. This has entailed the consideration of health and safety in standardisation because the standards had to comply to legislation. As long as there is no legislation in place that will protect the environment from environmentally unsound products, producers will not see any advantage in respecting the environment and so standards will not reflect it.

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<sup>1</sup> Presentations at the DG Enterprise Workshop February 21 and 22, 2002

**10. Does the above text correctly describe the existing tools ? Have we forgotten some instruments used which are already being used in standardisation ?**

CEN's environmental checklist is missing.

**11. Are the categories of existing standards for the environment correct and are the examples given useful ?**

The examples given are useful but product standards are missing. This is unfortunate as these tend to be highly important in future.

**12. Please, give any other examples of types of standards that, when applied, have a particular positive or negative impact on the environment ?**

The EEB has provided the Commission with a number of good and bad examples<sup>2</sup>.

**13. Should the Commission set priorities (at all) ?**

Priority setting would be useful so as to focus on the most important environmental problems and hence the sectors and product groups concerned. ECOS and its members have set their own priorities by following the policy issues they are working on. Screening of standards on their environmental impact is in principle the task e.g. of the CEN environmental helpdesk (EHD). However, as long as its mission statement allows for little enforcement of its comments, it will not have an important impact. (see also point 8)

**14. Can you think of any positive or negative consequences of setting priorities ?**

The development of product standards is one of the core activities of standard bodies and the target of IPP. It is therefore extremely important that the Commission sets not only priorities concerning environmental aspects but also how they are dealt with so that

- products of high environmental performance are covered by product standards so that they get market access and are not standardized out of the market as has happened unfortunately in the past with refrigerants not depleting the ozone layer.
- standards are respecting legal requirements and mandates. This has not happened in the case of the packaging standards.
- Any product standard takes account of the environment and the market should not be divided into "environmental" and "other" products

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<sup>2</sup> Standards on packaging, two examples on construction material, heating appliances, cooling agents have a negative environmental impact, one on a harmonized glass bottles was positive.

**15. Do you have suggestions as to how priorities could be set ?**

The positive consequence of priority setting would be that work could be concentrated on the most important environmental problems and attention could focus. The negative side of it is that many other standards whose environmental impact might also be as important would be "forgotten". Standards are dealt with individually and affect the environment in different ways. It will be difficult to find a generalized approach.

The logical procedure for priority setting would follow the key environmental problems as outlined in the EU Sixth environmental programme and also the thematic strategies. International commitments taken by the EU like under the Kyoto Protocol and OSPAR would also be of importance. Such a procedure would save time and work and avoid to restart from scratch.

**16. Do you think that the Commission should use mandates in order to prioritise issues ? If so, why and which particular areas ?**

All mandates should refer back to legislation, as only under such condition mandates can define requirements issue by issue. The use of standards should only be used if linked to an assessment for compliance. Mandates can be given according to priorities. (For priority setting see point 15) **Under no circumstances, however, standardisation should stop and substitute environmental legislation, even not under mandates. The best regulated product in the EU is the passenger car and for good reasons. Such initiatives should not be ending due to mandated standardisation.**

**17. Should the emphasis on the efforts to improve the integration of environmental aspects be placed at the European or national level ?**

In principle both, the national and the European level are important. As unfortunately only a very small minority of national environmental organisations receive funding for their participation in standardisation, they are not able to be present at national level. This means that under the present circumstances the European level is predominantly the place where environmental NGOs can promote the integration of environmental aspects into standardisation. There is, however, another problem. It happens easily that the consensus reached with respect to the environment at national level is – for different reasons - not transported properly to the European level . So it is extremely useful if environmental stakeholders get an opportunity to voice their comments once again and also for those who have no ENGO participation.

**18. Do you have practical suggestions for ensuring the effective participation of groups of stakeholders that have important input but that are difficult to reach ?**

As the EU rightly sees the need to establish standardisation as a stakeholder process with all interested parties involved, it will be necessary that not only the Commission but also Member States take their responsibility and provide for funding.

**19. How will more involvement of different stakeholders affect/change the standardisation process ?**

The standardisation process is mainly business orientated and funded. These representatives need to be persuaded that it is to their own advantage to listen to other stakeholders. The best argument is that it pays off for them to listen and to incorporate comments from outside communities. Preventing liabilities is an extremely good and solid argument.

**20. What implications does the international framework have for European policies in your view ?**

International standards are promoted by WTO whereas national and regional standards are regarded as barriers to market access. The environmental standards of ISO are rather vague and weak because they have to satisfy so many diverging interests. ECOS is concerned that European environmental policy is going to be weakened substantially by complying unconditionally to the international framework. ECOS would welcome to cooperate in standards at European level that are later on adopted internationally whereas participation in the development of international standards is in principle too time and cost consuming.

**21. As with other policy areas, it might be possible to use European standards to show compliance with environmental legislation. If this was the case, would it encourage standardisers to develop standards with a strong environmental dimension ?**

Standards can never demonstrate more than the presumption of conformity. The assertion of conformity is rebuttable. Standardsetting cannot replace legislation. Referring to the last sentence of 6.1 ECOS wants to express its disagreement: Standards should never make legislation unnecessary. In addition, the "strong environmental dimension" has to be set as a legal requirement to provide an incentive for producers in order to act in a framework of legal security.

**22. Are you familiar with the information made available under the eco-labelling schemes ? If so, is it of use for the production of European standards ?**

The EEB has supported the EU Eco-label since the beginning and from this experience it has promoted the idea to make use of the studies and results of the eco-labeling process where technical working groups have been set up to assess the criteria for a number of product groups. If standards could meet the needs of eco-labeling by defining environmental performance categories for the environmental criteria, synergies could be developed.

**23. Would you use standards or purchase standardised products, process and services that cover environmentally important performances ?**

Environmental organisations would only promote products, processes and services if they have evidence that their environmental performance is really superior.

**24. Would awards provide an incentive to integrate environmental issues into standardisation ?**

It depends.

**25. *Would you consider using databases ? How would you use them ? Would the availability of databases ease the integration of environmental aspects into standardisation ?***

Data bases have certainly some value but should not be overestimated. Too much information is confusing in the end. The information in data bases is of so different quality that it is difficult to judge what to believe and to rely on.

**26-27. *Can you think of other incentives than the ones presented here ? Can the incentives result in benefits that outweigh the costs that individual stakeholders may incur ?***

26. There is a limit to incentives and they will only have a selective effect, whereas the goal must be to integrate environmental aspects generally. Some sporadic glittering success stories will not be enough.

27. Producers will decide in favour of incentives if the benefits they would have through marketing advantages outweigh the costs.

**28. *Will this communication on the integration of environmental aspects into European standardisation help you or your organisation in your work ?***

The best elements of this working documents are considerations to make environmental aspects a requirement because this would align standardisation to the obligations out of Article 6 of the Treaty.

**29. *What could be the positive and negative consequences of this Communication for your work ?***

It is not certain how this Communication will look in the end. If it envisages only incentives and status quo, nothing can be expected. The situation would, however, change completely if considerations are realized to fix environmental requirements that have to be met by legislation.

**30. *Please, give any positive and negative examples of the integration of environmental aspects into standardisation ?***

See answer to question 12 and footnote 2.