

10-10 webinar of 2021-02-10

Standardization Requests – State of play

Questions & Answers

1	<p>To which extend can a SReqs contain additional requirements for the technical content of standards (in addition to the ESRs of the relevant legislation)</p>	<p>It should not be the case.</p> <p>The EU Reg. 1025/2012 reads in art. 10 Par 1 on Standardisation requests to European standardisation organisations:</p> <p>1. <i>The Commission may within the limitations of the competences laid down in the Treaties, request one or several European standardisation organisations to draft a European standard or European standardisation deliverable within a set deadline. European standards and European standardisation deliverables shall be market-driven, take into account the public interest as well as the policy objectives clearly stated in the Commission’s request and based on consensus. The Commission shall determine the requirements as to the content to be met by the requested document and a deadline for its adoption.</i></p> <p>In art. 10 par 6:</p> <p>6. <i>Where a harmonised standard satisfies the requirements which it aims to cover and which are set out in the corresponding Union harmonisation legislation, the Commission shall publish a reference of such harmonised standard without delay in the Official Journal of the European Union or by other means in accordance with the conditions laid down in the corresponding act of Union harmonisation legislation.</i></p>
2	<p>Does that mean that each revision needs a new SReq?</p>	<p>Yes, any (even little) change in a Sreq needs a new Sreq, to be adopted via the full approval process (eg. EC inter-service consultation, approval in the Committee on Standards (COS), etc.)</p>
3	<p>How is this exhaustive list of standards in ANNEX I identified by the EC?</p>	<p>Via exchanges with the ESOs.</p> <p>CEN and CENELEC create a SRAHG - Standardization Request Ad-Hoc group - for each draft SReq under work at the Commission. The SRAHG, composed also of relevant TCs representatives, helps CEN and CENELEC Technical Boards to identify the standards</p>

		<p>and discuss with the EC on their deadlines and the requirements they have to meet.</p> <p>The EC may also add standards or legal requirements for the standards without agreement of the SRAHG, but this will jeopardize the possible acceptance of the SReq by the relevant ESO.</p>
4	<p>How did pre-2018 SReq look in terms what standards should be drafted? Was it simply a list of areas to be covered, and not standards to be drafted?</p>	<p>There was a variety of cases, but for <u>big</u> SReqs (PPE, Machinery, etc.) we were not bound by an exhaustive list of standards. Normally for big Sreq there was a list of areas or reference to the scope of the supporting legislation.</p> <p>For small Sreq, i.e. requesting one or few standards, the scope of the standard was clearly given.</p> <p>Consult the Mandate/Sreq database https://ec.europa.eu/growth/tools-databases/mandates/index.cfm</p>
5	<p>What is the situation in areas where new standards might be made in the IEC? Will it be impossible to cite those? even if it is relevant.</p>	<p>CLC standards adopting IEC one or developed in parallel will be cited ONLY IF they were clearly listed in the SReq</p>
6	<p>How can a TC suggest the preparation of a new standard to be cited? Is there a Sreq coming back to the TC in such a case?</p>	<p>The representatives of relevant TCs must participate in the SRAHG meetings. CEN and CENELEC BTs are informed when SRAHG are created. CCMC PM are in charge of ensuring that relevant TCs are included in the SRAHG.</p> <p>The SRAHG analyses the SReq and can suggest the inclusion of new standards to the EC. Once the Sreq is accepted by CEN and/or CENELEC, in principle the SRAHG is disbanded. Any new standards can be proposed to CCMC that will contact the EC.</p>
7	<p>How is it possible to add standards to the list in Annex 1?</p>	<p>See replies nr. 3 and 6</p>
8	<p>What happens if a TC does not see a need to revise a standard listed in the Annexes of a SReq? Can the existing (non-revised) standard nevertheless be harmonised?</p>	<p>In principle, that standard should have not been in the Sreq, i.e. the EC should have been informed accordingly by CCMC, in line with the SRAHG comments.</p> <p>Only what is requested in the SReq (including will be</p>

		cited.
9	Standardization work based on the EU Construction Products Regulation is regarded by the European Commission as having failed. The revision of the EU Construction Products Regulation as well as the review and revision of the European technical acquis is planned by the Commission. Can we therefore assume that the information given does not apply to the CPR? Until now the legal status of answers to mandates has been unclear. Will there be a binding solution for the SR?"	<p>No, it should be opposite: we assume that the information given applies also to the CPR.</p> <p>With Reg. 1025/2012 and the stricter interpretation of the EC as of 2018, standards can be requested only via a SReq.</p>
10	How does the SReqs work together with the Frankfurt agreement in areas where standards are traditionally cited	
11	What is the legal difference between the expiry of the SReq itself, and the deadline of the adoption of the standards requested?	<p>These are two different things.</p> <p>The expiry date of the SReq provides the legal frame: if the SReq is expired, then it is not possible to offer anything, as there is no more legal basis.</p> <p>Regarding the deadline for the standard, CEN and/or CENELEC commit to deliver a standard within the set deadline. If there is a late delivery of the standard, the EC could refuse it (rare), or can still decide to consider it or cite it in the OJEU (more likely), provided that the SReq is still valid, i.e. is not expired.</p> <p>In a way, the SReq expiry date is crucial.</p>
12	What happens, when not all standards are revised or developed according to the list in ANNEX I? Will those standards simply not be listed in the OJ? Or will there be any other measures for not fulfilling the SReq?	<p>Good question. There is no legal clarity.</p> <p>When accepting the SReq, CEN and/or CENELEC commit to deliver the full package. The agreement with the EC is that in the interim report(s), these cases can be highlighted and justified.</p> <p>The EC may object or decide that a new SReq is necessary to 'regularise' those missing standards.</p> <p>These case should be prevented in the preliminary exchanges with the EC during the drafting phase of the</p>

		SReq (one of the SRAHG tasks).
13	How is decided the list of standards in Annex 1?	See replies nr. 3 and 6
14	Is there a process available for follow up SReqs, when the current one is not valid anymore? It will be good to avoid gaps, which might delay harmonisation of standards.	It is up to the EC to ensure that a new SReq is available before the existing expires. CCMC cooperates with the EC to this purpose.
15	To which extent can a well-developed and pro-active management approach in technical committees (vision, business plan, work programme, flexible timeframes...) contribute to better input to Standardisation Requests in the consultation phase?	A lot. Having the right expertise in the TC (and by consequence in the SRAHG) and clear understanding of what is feasible or what would be necessary to make it feasible, would help exchanges with the EC to better scope the SReq. The flexible process and associated tools enable TBOs to have at hand all planning and monitoring instruments to ensure that the deadline for standards' delivery is met.
16	Can there be more SReqs for one legislation?	It is the case for Eco-design, horizontal topic. In general, the answer is no.
17	What is the impact of SReq on existing Mandates? Are those Mandates still valid or transferred to SReq?	Either they can coexist for a limited period of time with the new SReq or they are replaced by the new SReq.
18	What means PPE?	PPE is the abbreviation for Personal Protective Equipment. More information is here: https://www.cencenelec.eu/standards/topics/ppe/pages/Default.aspx
19	Will all SReq be revised at once? Some (still) mandates are several years old.	The EC has started the process of reviewing existing valid mandates that have no expiry date in view of issuing new SReq.
20	What can be done (e.g. by CCMC) if the EC (DG) has expressed the desire to give a SReq to CEN, but the (draft) text of the Sreq is not issued for a long(er) time?	CCMC can ask for information to the EC, eg. during the Committee on standards meeting.
21	How about NWIPs? Do ESOs have to send a request to EC for all NWIPs? Is this exercise going to limit the	Unclear question. The general rule for the recent EC approach on SReq is that a standard to be cited must

	standardization activities of ESOs? Thank you very much	<p>be listed in the SReq (normally in the Annex).</p> <p>ESOs cannot offer anymore standards that fall within the scope of legislation BUT that are NOT requested in a SReq.</p> <p>See replies in 3 and 6 to add standards in the SReq.</p>
22	Is it the EC's intention to include Enquiry Drafts (prENs) in Annex I? How would the resulting EN be applied?	<p>Unclear question. The EC can request ESOs to revise or complete standards under drafting, therefore a PrEN can be mentioned (see PPE SReq as an example).</p> <p>However, the EC will cite only published standards, not PrEN.</p>
23	Will the slides be circulated afterwards? Or uploaded at CEN-website?	<p>Hello, yes, the slides and the recording will be send to you later today. These will also be uploaded on the 10-10 webinar page of the CEN-CENELEC website: https://www.cencenelec.eu/aboutus/ourservices/Training/webinars1010/Pages/default.aspx</p>
24	What happens when two, three or even more standards under one SReq need extensions of the deadline? Are two (or more) separate processes for a new SReq are started or are they consolidated into one process? While one Sreq is amended, more amendment might become necessary. We might end up with a Sreq that is constantly under development/amendment, thus again making it very difficult to know, what the latest (accepted) version is.	<p>Indeed, the SReq will need to be constantly amended. This is our recurrent comment to the EC regarding the new EC model for SReq.</p> <p>However, identifying the latest available Sreq is very easy: to ask CCMC or to consult here https://ec.europa.eu/growth/tools-databases/mandates/index.cfm</p> <p>Different requests for ENs will be consolidated into one amendment of the Sreq.</p>
	What happens if the revision of a standard is cancelled due to lack of consensus but the prEN is in Annex I?	See reply 12.
25	When a standardization request is developed, normally legislation is in place or also under development – and the request has been announced in the AUWP. What can CEN and CENELEC do to support the TCs in understanding the impact of new legislation early to trigger a reflection process in the TC on how to respond to the future developments –	<p>Very interesting question that would need an appropriate answer.</p> <p>It is about foresight and project management.</p> <p>As a first concrete measure, a SRAHG should be called as soon as possible to understand how CEN and CENELEC can better contribute and what are the CEN and CENELEC needs to be transferred to the EC as</p>

	a.o. the work programme for a Sreq. How does this connect to ISO and IEC?	earliest in the process.
26	Can CLC partner organizations also send representatives to the SRAHG?	Yes, including Annex III. Check composition of SRAHG here: https://boss.cenelec.eu/media/CEN/reference%20material/guidancedoc/Documents/sreqahg.pdf
27	Are old Mandates still valid? Thanks	Yes, if they have not been withdrawn. You can ask CCMC for the one of your specific interest.
28	What kind of initiatives CEN and CENELEC are planning to take in order to make the processes around the new SReqs better compatible to the practical standardisation work (maintenance of existing hENs, lifetime of SReqs in case no changes at supported EU legal act is happening)?	A high-level Task Force will be organised between ESOs and the EC to address all related issues to mandated work.
29	When a SReq is adopted where a mandate was existing is the mandate withdrawn, what is if the SReq does cover only one part of the mandate (ie if a mandate covers several TCs and the SReq covers only one TC) ?	The SReq will clarify (normally in article 6) which mandates are withdrawn and no longer valid.
30	As an information: CEN/TC 321 "Explosives" is working under M/562 and revises 57 standards. 3 of these standards are not regarded necessary by the TC and this has been communicated to EC representatives. The TC took a decision to ask CEN/BT to agree on the cancelation of the respective work items. As the vote in CEN/BT is currently under preparation or currently ongoing, the further procedures are not yet known.	Noted.
31	What happens to abstentions and comments from Member States submitted during vote in CoS?	The vote in CoS may end up in: <ul style="list-style-type: none"> - CoS positive opinion - No opinion - CoS negative opinion.

		In the first 2 cases, the EC can proceed with the SReq. Comments from Member States will be considered by the Commission, but not shared with the other CoS observers (eg. with the ESOs).
32	What are the possibilities for the EU CO providing resources to standardisation work?	Via the usual route: Specific Agreements following ESOs request (and quotation)
33	During the establishment and the work of the SRAHG and in the case of an existing TC, is there a clear procedure from CEN on how to integrate the TC position? This will be of special importance in the case of existing standards to be revised. As of now I gained the impression that the TC has to organize itself to take care that the SReq will not contain any hurdles.	<p>SRAHG composition includes representatives of concerned TCs, whose participation is a key element to ensure the future feasibility of the SReq</p> <ul style="list-style-type: none"> - Interested CEN/BT Members and CENELEC Permanent Delegates (or their alternates) - Experts nominated by CEN/BT Members and CENELEC Permanent Delegates); - Partner Organizations represented in the Technical Body(ies) including Annex III Organizations (if applicable); - Representatives of the concerned Technical Body(ies) (if applicable); <p>¹ Particular attention will be paid to the need for coordination between CEN-CENELEC and ETSI.</p> <p style="text-align: right;">3</p> <hr/> <div style="text-align: right;">  </div> <ul style="list-style-type: none"> - one representative of the relevant Sector Forum and/or Coordination Group (if applicable); - ISO/IEC representative(s) – when relevant technical work is ongoing at international level (Decisions CEN BT 29/2015 and CENELEC BT D151/061); - EC representative(s) – when considered necessary to clarify the content/scope of the draft Standardization Request; - CCMC (including PM assisting for financial support, when relevant).
34	What if there are far more requirements in the Annexes than requested standards in the SReq? E.g. one EN is requested, but in the Annexes are a whole lot of different requirements. Do they all need to be included in this one EN or can they be separate work items?	<p>If the SReq has been approved by CEN and/or CENELEC, all requirements as in the SReq must be included in the requested standard.</p> <p>If one standard is requested, it is not possible to split the work in several different standards.</p> <p>It is possible to ask CCMC to inform EC officer and to launch, if needed, a proceed for the amendment of the SReq.</p>
35	Do you have any information about the state of play regarding the CPR Acquis process / SReq of the TOP 10 rated mandates at EC/MS level (= Working Groups set up by EC)?	Yes. Pls contact us on this topic.

36	What happens when the standard is not published in time? Will it not be listed in the OJEU, although the assessment is positive?	Yes, it is a risk. Furthermore attention has to be paid to never exceed the expiry date of the Sreq (normally in article 5), because it will not be possible even offer the standard for citation since there would be a legal vacuum.
37	Is there a timeframe for the complete procedure?	Question unclear. If it refers to the drafting and issuing a SReq, we are not aware of a EC timeframe.
38	Is there a max time limit for HAS consultants to provide feedback on draft harmonized EN's? The time needed for HAS consultant is outside the control of the TC's!	Max 35 days.
39	What happens if the Sreq is found to be incorrect once the implementing Act is in the legal process - are TC's permitted to request amendment or not deliver on aspects found to the not technically possible?	Unclear what means 'implementing Act is in the legal process'. We know that once the draft Sreq is under CoS voting, the text cannot be changed. If CoS approves, it is up to CEN and/or CENELEC technical boards to decide on the final acceptance. If there are errors, these must be raised to CCMC for the Technical Boards' consideration before voting.
40	where can CEN TCs or WGs find the current drafts for their relevant SReqs? or do only SRHAG members have access?	Representatives of concerned TCs participate in the SRAHG. They are supposed to share, report to and discuss documents with the TCs.
41	will there be a time schedule available for the individual drafts?	See reply 37.
42	Where can we find the CEN/CENELEC plan on which standards are to be harmonised first once the SReq is accepted?	It is up to the concerned TC(s) to update their work programme according to the SReq. Projex-online provide an overview and status of TCs WIs.
43	At which stage representatives of CEN/TC bodies concerned are invited to join SHRAG? Eg. CEN/TC 452 is listed among TC concerned in AUWP but we don't have any information if we can expect SReq?!	A SHRAG is normally created when a very first working draft is available from the EC. It is up to CCMC PM to ensure that concerned TC(s) are involved and their reps invited at the meeting.
44	How can we manage standards developed under 2 "current mandates". For example Machinery and EMC ?	First of all, ensure that the deadline for the same standard are identical.

		The standard will be assessed under both legislation.
45	Has the EC since 2018 taken a separate updated Sreq simply to extend the deadline?	Yes, the amendment of 546. Consult the Mandate/Sreq database: https://ec.europa.eu/growth/tools-databases/mandates/index.cfm
46	How is this exhaustive list in ANNEX I identified by the EC?	The EC identifies them also in cooperation with the CEN and CENELEC SRAHG members. The EC has the last word on what to present at CoS for approval. See reply 3 and 6.
47	Is the Standardization Request needed only for harmonised standards or also for non-harmonised standards and technical reports?	Question unclear: what means 'for non-harmonised standards'? Definition of harmonised standards is linked to the SReq. If you mean 'Technical specifications', then the answer is YES and we had already some cases (eg. SReq Fertilisers).
48	Is a SReq needed for developing a voluntary EN by a CEN TC?	Absolutely no. ESOs are free to develop whatever standard the market needs. Note: also harmonised standards are voluntary. They are one of the tools for the presumption of conformity.
	Will there be a CPR specific webinar in the future?	It is possible it will be organised.
49	How is the list in Annex I identified: unfortunately, all proposed changes by CEN and CENELEC for PPE SReq have not been taken into account, during 2 years of discussions.	See reply 3, 6 and 46.
50	Has the EC taken specific decisions to "withdraw" old mandates that did not have an expiry-date? What type of decision?	The EC is revising the old mandate by the means of new SReq. In the SReq, which is a Commission Implementing Act, there is an article providing the withdrawal of the old mandate.
51	What happens when we do not fulfil the SReq? Are there any reviews at EC to validate whether the SReq was fulfilled and whether the issued SReq covered the needs of the market?	See reply 12.