

## **Extract on new Approach from EEB position paper on IPP green paper April 2001**

### **5.6 New Approach**

*Question 4.3.3: How can IPP contribute to greening the standardisation process and to use the potential for New Approach legislation optimally?*

“Standards are the result of a consensus-driven process which is open to all interested parties”. Unfortunately this claim is not met in practice. Standards are developed by those who can afford to pay their participation in the process. Environmental organisations cannot. As a result many standards are weak with regard to environmental aspects throughout the life-cycle of the products. The EEB’s assessments of some standards have given evidence that these standards are bad for the environment and abused as a lobby tool against demanding environmental protection or undermining politically set environmental objectives. Non-conformity with the directive has been found by the Commission in the pilot project of applying the new approach in environmental policy: the packaging directive. We are not confident that other standards will turn out to be better. Industry is using standards to fight any policy that is selective and aiming at a distinction between environmentally friendly and less environmentally friendly products. Non-selectivity however will not drive ecological product innovation. The lowest common denominator approach inherent in the ISO understanding of “consensus” is preventing any benchmarking of standards in the view of best practice.

The “New Approach” as it stands cannot deliver unless precise requirements are laid down in the respective directives that represent the baseline for the mandate. And even if environmental NGOs will participate in the process, they can be marginalised because there is no mechanism in the New Approach that provides the Commission with a checking right and the right to order changes to make the standard comply with the demands of the Directive. The only right of the Commission consists of not publishing the reference to the standard in the Official Journal. As the packaging standards show, the Commission is sometimes willing not to publish standards. This may have the effect, that standardisation organisations take dissenting views more seriously than in the past. A take it or leave it decision at the end of a multi-annual process however may delay the effective implementation of directives.

The Commission tends to draw a one-sided lesson from the packing standardisation disaster. The Commission assumes that the main problem is to be seen in the quality of the essential requirements and the mandates – less in the standardisation process as such. We believe, there is a mixture of both: policy failure and deficits in the internal CEN procedures.

As shown on other occasions, the failure of the packaging standards is also due to internal procedures, which allowed to bypass environmentalists concerns, where they were occasionally raised.

Non-mandated standardisation will hardly ever take the environment into consideration because Technical Committees are absolutely autonomous and have no reason whatsoever to respect it unless there was a legal EU-requirement to include life-cycle thinking into their work. Furthermore producers have to be aware that they have to pay for the environmental damage their products cause, i.e. they should be held liable for it beyond the scope of the product liability directive.

Because of the absence of any such requirement and a very restricted mandate the Environmental Helpdesk of CEN can unfortunately not guarantee high environmental performance of CEN standards. The same holds true for the CEN Handbook articles. Both are based on voluntary action that has to be agreed on in consensus hardly to be attained where economical interests are at stake.

The poorest transparency is found in the process of adopting "Workshop Agreements". Their main characteristic is the exclusion of those interested parties that may not see a benefit in such an agreement. They cannot find any public acknowledgement and must be considered as what they are: the consensus between a few club members.

The conditions of standardisation to be used in ecological product policy are:

- Legislation to make life-cycle thinking, environmental liability, the integration of environmental aspects and benchmarking with the state of art, a requirement for products placed on the market and thus for standardisation.
- Amendment of the New Approach in that checking of standards by the EU Commission and subsequent obligation of standardisation bodies to adapt the standards for compliance is made a requirement.
- Active and direct participation of environmental NGOs in standardisation at all levels and its funding by Member States and the Commission.
- Making the whole standardisation process transparent, publicly accountable and providing fair chances to minority opinions to influence the process.

**The EEB calls for a fundamental reform of legislation to make standardisation compatible with the environmental policy integration requirements of the Amsterdam Treaty. The new approach is not an appropriate environmental policy tool which can ensure a high level of environmental protection and the internal market at the same time.**