

# EU Strategy on Standardisation. Setting Global Standards for a resilient, green and digital EU Single Market.

## I. An introduction to international standardisation

Standards are a mechanism allowing manufacturers to ensure the safety of their products and services, secure their interoperability, reduce costs for the producers and, most importantly, respect the law. International standards are a useful tool when it comes to removing trade barriers, supporting regulatory harmonisation, and preventing protectionist measures which may harm the market.

The key topic of this work concerns European harmonised standards. Thanks to its global standard-setting activity, the European Union has been exporting best practices and increasing cooperation in value chains worldwide, and this activity at EU level has also created a double phenomenon. Firstly, **EU standards have become synonymous with “quality and safety” around the world**. Secondly, by giving value to investments in innovation, **standards indirectly provide a first-mover advantage for EU companies**, ultimately increasing trade opportunities for these businesses to scale up their activities. The importance of standards goes even further as, for example, at EU level **standards have played a leading role in creating the EU Single Market and supporting European competitiveness**.<sup>1</sup>

As stated by the European Commission: “A harmonised European standard is a European standard developed at the request of the Commission by one of the European Standardisation Organisations (ESOs), in view of applying Union harmonisation legislation”.<sup>2</sup> **Harmonised EU standards can be regarded as a (first) proof that necessary technical requirements for the circulation of a product under EU law are met**. In other words, complying with European harmonised standards, means that products are presumed to conform with the relevant legislation, therefore allowing manufacturers to enter and sell in the EU market. When it comes to harmonised standards, the EU has its own specific system, or to be more precise, its own specific list. This list of standards is systematically updated and, consequently, published in the Official Journal of the European Union.<sup>3</sup> Harmonised standards published in the Official Journal of the EU in support of EU product legislation now number more than 3,600 references.<sup>4</sup>

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<sup>1</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_22\\_662](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_22_662)

<sup>2</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_22\\_662](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_22_662), Point 2

<sup>3</sup> Official Journal of the European Union, see: <https://eur-lex.europa.eu/homepage.html?locale=en>

<sup>4</sup> A detailed list of references of harmonised standards and of other European standards published in the OJEU (divided by topic) is available at: [https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards\\_en](https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards_en)

As previously mentioned, standards are not just a key tool for the quality of products circulating in our market but (and some might say most importantly) they also support the activity and prosperity of the EU Single Market. Therefore, European standards are crucial because they replace the different national standards (both in the Member States and also in candidate/neighbouring countries) ensuring system consistency and avoiding technical fragmentation

### **A. The EU standardisation system: principles and evolution up to 2022**

The EU standardisation system is **based on a public-private partnership between the Commission and the standardisation community**. The latter is made up of private non-for-profit organisations, namely: (a) the European Committee for Standardisation (CEN); (b) the European Committee for Electrotechnical Standardisation (CENELEC);<sup>5</sup> and (c) the European Telecommunications Standards Institute (ETSI).<sup>6</sup> **The Commission provides financial support** to the three organisations for their work in support of EU legislation and policies.

All European standards connected to EU regulations are set by one of these organisations. These organisations use a **consensus-building system**, whereby an agreement on the necessary requirement has to be found among different actors representing industries, SMEs, trade organisations and other private and public stakeholders. In this process, the EU Commission has to assess the European harmonised standards developed in support of EU law and proceed with their reference in the Official Journal of the EU. Once a standard is referenced in the Official Journal, it becomes officially part of EU law.

Over the last years, **standardisation has often been perceived as solely of a technical nature** and, because of this, the EU has been taking for granted its leadership in the field.

While the EU has been playing a crucial role in international standardisation for a long time, lately, other countries have started approaching this field more strategically, and have begun gaining more and more influence in international standardisation bodies. Therefore, it became increasingly important for European countries to consider carefully this new geopolitical situation when operating within the standardisation field and act accordingly.

**Standards are of key importance for the functioning of all industries, and this is even more so when looking at new technology related fields, such as the data economy**, where standards are used, for instance, to ease data interoperability for machines, robots or autonomous vehicles. Moreover, it is important to recall that standards can be a **useful tool to ensure that new technologies reflect democratic values**.

To respond to the increasing importance of standards, and in order to strengthen its position in the international fora, the **EU has launched a new Standardisation Strategy** placing standards at the core of EU

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<sup>5</sup> Shared portal for both CEN and CENELEC, see: <https://www.cencenelec.eu/>

<sup>6</sup> ETSI portal, see: <https://www.etsi.org/>

policy. This new strategy aims to **improve the coordination on standardisation activities between the EU and Member States.**

Where standard regulation is concerned, the first major steps in the EU can be traced back to the 1980s when the Community set out the legal basis for its cooperation with the European Standardisation structures in Directive 98/34/EC (initially adopted in 1983 as 83/189/EEC).

Following, in 2011, the EC proposed a set of measures to improve the creation of the EU standard-setting system. These measures focused on the following key-aspects: (a) enhancing cooperation with leading standardisation organisations in the EU; (b) drafting European standards with the help of most affected parties, such as small businesses (SMEs), consumers, environmental organisations and so on; (d) recognising the importance of the Global ICT standards that will play a more prominent role in the EU; (e) increasing the number of European standards for services after a demand from businesses.

One year later, **Regulation (EU) No 1025/2012** (hereinafter ‘the Regulation’), the legal framework in the field of standardisation, came into force. Its goal was to improve the procedure involved in setting European standards to make it faster and more inclusive, and to define European standards for products and services, identify ICT technical specifications, and finance the European standardisation process.<sup>7</sup> The Regulation **provides the legal basis that allows the EC to request European Standardisation Organisations (ESOs) to draft standards and standardisation deliverables** for goods/services in support of EU policies and EU law and the functioning of the EU standardisation system (ESS).

The Regulation on standards sets out the obligation to identify strategic priorities for European standardisation for the upcoming year. In accordance with this goal, every year the EC publishes the Annual Work Programme for European standardisation.<sup>8</sup> This yearly programme outlines how the Commission intends to use standardisation in order to support new or existing EU policies. The intentions outlined expressed every year may lead to formal standardisation requests, called “mandates”.<sup>9</sup>

In order to promote transparency in the field, the EC, in cooperation with the ESOs, prepared in 2015 a Vademecum<sup>10</sup> that would serve as a guidance tool for ESO representatives, Commission officials, Member States and stakeholders on the role of standardisation requests from the EC, how to prepare and adopt standardisation requests and how to execute them.

Another important milestone in the field was the Standardisation Package presented by the Commission in June 2016 and entitled “**European Standards for the 21<sup>st</sup> Century**”. This package included four elements: (a)

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<sup>7</sup> [https://ec.europa.eu/growth/single-market/european-standards/standardisation-policy\\_en](https://ec.europa.eu/growth/single-market/european-standards/standardisation-policy_en)

<sup>8</sup> [https://ec.europa.eu/growth/single-market/european-standards\\_en](https://ec.europa.eu/growth/single-market/european-standards_en)

<sup>9</sup> [https://ec.europa.eu/growth/single-market/european-standards/standardisation-requests-mandates\\_en](https://ec.europa.eu/growth/single-market/european-standards/standardisation-requests-mandates_en)

<sup>10</sup> Vademecum on European standardisation in support of Union legislation and policies, SWD(2015) 205 final, available at: [https://single-market-economy.ec.europa.eu/single-market/european-standards/vademecum-european-standardisation\\_en](https://single-market-economy.ec.europa.eu/single-market/european-standards/vademecum-european-standardisation_en)

a communication on “European Standards for the 21<sup>st</sup> Century”<sup>11</sup>; (b) a staff working document on “Tapping the potential of European service standards to help Europe’s consumers and businesses”;<sup>12</sup> (c) a report from the Commission to the European Parliament and Council on the implementation of the Standards Regulation; and (d) the annual Union Work Programme for European standardisation for 2017.<sup>13</sup> With this package, the EC presented its vision for a single and efficient standardisation policy, a policy that would adapt to the new challenging environment, and bring benefits to people and companies alike.

## B. The New European Standardisation Strategy of 2.2.2022

On the 2 February 2022, the EC presented a **communication on “The New European Standardisation Strategy”**,<sup>14</sup> establishing a new approach to standards both at EU and global level. This new strategy plans to strengthen the EU's competitiveness and encourage a resilient, green and digital economy while, at the same time, promote democratic values in technology.

Europe’s ambitions to create a resilient, green and digital economy will fall short if the necessary standards are defined by other regions in the world. Therefore, the ability to shape international standards is essential for the EU’s competitiveness, and it has become clear that **the EU today faces a critical standardisation urgency**. There are some areas where standards are needed to manifest the EU’s global leadership in green and digital technologies, as otherwise strategic dependencies may follow. Some “standardisation urgencies” have been identified at EU level in different strategic areas and these include **COVID-19 vaccine and medicine production; recycling of critical raw materials (CRM); roll-out of the clean hydrogen value chain; low-carbon cement; standards for the certification of chips in terms of security, authenticity and reliability; and data standards enhancing data interoperability, data sharing and data re-use** in support of the Common European Data Spaces. According to the new EU standardisation strategy, the Commission will put forward a set of measures in five different areas.<sup>15</sup>

**The first area**, entitled “Anticipate, prioritise and address standardisation needs in strategic areas”, **focuses on the need to speed up the processes** related to the creation of standards and ensure the latter reflect the EU innovation and policy agenda. With regards to the “standardisation urgencies” previously introduced, the EC will act on them by (a) launching standardisation requests, (b) engaging with the respective stakeholders, and (c) supporting the work financially. Moreover, a High-level Forum will be set up to bring together representatives of the ESOs and National standardisation Bodies, Member States, and also relevant groups

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<sup>11</sup> COMMUNICATION FROM THE COMMISSION - EUROPEAN STANDARDS FOR THE 21ST CENTURY, COM/2016/0358 final, available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52016DC0358>

<sup>12</sup> COMMISSION STAFF WORKING DOCUMENT Tapping the potential of European service standards to help Europe's consumers and businesses - SWD/2016/0186 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016SC0186>

<sup>13</sup> The annual Union work programme for European standardisation for 2018 COM/2017/0453 final, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2017:453:FIN>

<sup>14</sup> EC COMMUNICATION - An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market, COM(2022) 31 final, available at: <https://ec.europa.eu/docsroom/documents/48598>

<sup>15</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_661](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_661)

of stakeholders. This Forum will help “set priorities, advise on future needs, coordinate effective representation [...] of international standardisation fora”. Moreover, it will promote the ideals of a greener, more digital, fairer and more resilient EU, also in standardisation activities.

Following, **the EC will launch a review process of existing standards in cooperation with the High-Level Forum**. This will help identify those standards that need revision, and where new ones need to be developed in order to meet the green, digital and resilient goals the EU has set across several programmes. In addition, the role of a Chief Standardisation Officer will be created to ensure proper guidance on standardisation activities across the EC.

**The second area aims to improve the governance and integrity of the European standardisation system**. As pointed out by the EC, EU standards play an important role as they (in)directly shape EU policy and legislation and must therefore be set by European players. To address this concern the Commission is proposing an amendment to the Regulation on standardisation to improve the governance in the European standardisation system. The latter will be further discussed in the following paragraphs of this paper.

**The third area of intervention deals with the geopolitical implications of standardisation** and is entitled “Enhance European leadership in global standards”. Here the EC intends to create a new mechanism to share information, coordinate and strengthen the EU approach to international standardisation between EU Member States and national standardisation bodies. The Commission will try to enhance cooperation and coordination between Member States and like-minded partners, and linked to this, the EU will sponsor and fund standardisation projects in neighbouring countries.

**The fourth area** revolves around innovation, whereby the EC will be **investing in innovation projects in order to anticipate early standardisation needs**. Moreover, a ‘standardisation booster’ will be launched to support researchers under Horizon 2020 and Horizon Europe and, by mid-2022, a Code of Practice for researchers on standardisation will be initiated to strengthen the link between standardisation and research/innovation through the European Research Area (ERA).

Finally, **the fifth area** is entitled “Enable the next generation of standardisation experts” and **will ease the generation shift in standardisation experts across the EU**. To achieve this, the EC has committed to promoting academic awareness in the field of standardisation.

The new standardisation strategy was accompanied by three additional elements - (a) a proposal for an amendment to the Regulation on standardisation, (b) a report on its implementation, and (c) the 2022 Annual Union Work Programme for European standardisation.

Regarding the proposal for an amendment to Regulation (EU) No 1025/2012 on standardisation, it is important to recall the role of the ESOs. As set out in Regulation (EU) No 1025/2012, “European standardisation is organised by and for the stakeholders concerned, based on national representation (in the European Committee for standardisation, CEN, and the European Committee for Electrotechnical Standardisation, CENELEC) and on direct member participation (in the European Telecommunications

Standards Institute, ETSI).<sup>16</sup> When a request for standardisation is presented by the EC, the only bodies that can issue a standard are three EU standardisation organisations - CEN, CENELEC and ETSI.

To understand why the EC decided to intervene on this regulation, we must look at when the system was created and how the geopolitical situation has evolved. When EU standardisation organisations were set up, in the 1980s, the system was focused on European stakeholders, but the situation has changed and today stakeholders are often based outside the EU. While the nationality of a stakeholder is not a problem *per se*, the EC points out that such cooperation is welcome but “safeguards are needed to ensure sound procedure and a balanced representation of stakeholders’ interests” and that especially “when the European standardisation organisations should focus on supporting EU legislation.”<sup>17</sup>

The new proposal will amend the existing Regulation so that mandates at the request of the EC to the ESOs will be handled by national delegates (from the EU and EEA Member States). The goal is to avoid any influence from actors outside the EU and EEA in the decision-making processes of standards for key areas (e.g. cybersecurity or data protection). The EC also calls on the ESOs to modernise their internal governance and intends to launch a peer review process across Member States and national bodies to achieve better inclusiveness.

More specifically, the EC proposed that Art. 10 of Regulation (EU) No 1025/2012 should be amended in two parts. First, in paragraph 1, the first sentence is replaced by the following: “The Commission may within the limitations of the competences laid down in the Treaties, request that one or several European standardisation organisations draft a European standard or European standardisation deliverable within a set deadline, provided that the European standardisation organisation concerned complies with paragraph 2a”. Second, another paragraph (paragraph 2a), will be added to Article 10: “Each European standardisation organisation shall ensure that the following decisions concerning European standards and European standardisation deliverables referred to in paragraph 1 are taken exclusively by representatives of the national standardisation bodies within the competent decision-making body of that organisation: (a) decisions on the acceptance, refusal and execution of standardisation requests; (b) decisions on the acceptance of new work items; (c) decisions on the adoption, revision and withdrawal of European standards or European standardisation deliverables.”

As mentioned above, the second addendum to the new standardisation strategy is **the report on the implementation of the regulation**.<sup>18</sup> It analyses both the existing and new implementation methods for each and every article of the regulation. When analysing Article 6 on the Access of SMEs to standards, for instance, the report recalls its third sub-paragraph (Article 6.3) according to which “NSBs shall prepare an annual report on their activities to encourage and facilitate the access of SMEs to standards and the standard development

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<sup>16</sup> Proposal for a regulation amending Regulation (EU) No 1025/2012 on decisions of European standardisation organisations concerning European standards and European standardisation deliverables, available at: <https://ec.europa.eu/docsroom/documents/48599>

<sup>17</sup> Ibidem, see: EXPLANATORY MEMORANDUM.

<sup>18</sup> Report from the Commission to the European Parliament and the Council on the implementation of the Regulation (EU) No 1025/2012 from 2015 to 2020, available at: [COM\(2022\) 30](#)

procedures”. Another example recalls that “the Commission has established a **dedicated webpage**<sup>19</sup> for the notifications referred to in Article 12”. With regard to the implementation of Articles 13 and 14 on ICT specifications, the report refers to the **setting up of a European Multi-Stakeholder Platform on ICT Standardisation**<sup>20</sup> that will give recommendations to the EC on topics relating to the implementation of ICT standardisation policy. The report concludes its analysis by stating that the European standardisation system has improved in some areas, but others need more intervention.

The third and final element that accompanied the new EU strategy on standardisation is the **annual EU work programme for European standardisation for the year 2022**.<sup>21</sup> The annual EU Work Programme is accompanied by an Annex which consists of an elaborate table with detailed references to all standardisation urgencies set by the Communication on the Standardisation Strategy, as well as action connected to the development and revision of European standards or European standardisation deliverables which are necessary and suitable for the support of Union legislation and policies.

## II. Geopolitical Implications of Standardisation: the link between Standards, National/EU Security and Sovereignty

The link between standardisation and geopolitics is a recurrent topic in international relations, and standards have often been used, both in the past and nowadays, as a **barrier to international trade**. During the years emerging economies have occasionally criticised global standardisation *fora* for being “the playground of wealthier states”, as, in their opinion, only countries with enough resources (meaning money and manpower) could participate in the latter and, therefore, would be setting the rules in their favour.<sup>22</sup>

This “political” role of standards has become even clearer with the rise of the digital transition. Technology has become an overarching force in our daily lives, and cyber threats have become a recurrent risk both for citizens and the national sovereignty of many states. As a consequence, the field of standardisation (and that applies especially to digital standards) has lately regained a key role in the arena of global politics.

Recently, due to the “re-discovered” geopolitical importance of standards, it has been argued that **standardisation processes should no longer be exclusively confined within technical fora**. This position can be found, for instance, in the report by the expert panel on standardisation in the digital age,<sup>23</sup> which also argued that standards should be given the right importance and, therefore, treated as “a strategic means for

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<sup>19</sup> [https://ec.europa.eu/growth/single-market/european-standards/notification-system\\_en](https://ec.europa.eu/growth/single-market/european-standards/notification-system_en)

<sup>20</sup> <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=2758>

<sup>21</sup> The 2022 annual EU work programme for European standardisation - C(2022) 546, available at: <https://ec.europa.eu/docsroom/documents/48601>

<sup>22</sup> P. Timmers, The Geopolitics of Standardisation, 09.04.2020, available at: <https://directionsblog.eu/the-geopolitics-of-standardisation/>

<sup>23</sup> Report by the expert panel on standardisation in the digital age, “Calling the shots. Standardisation for EU Competitiveness in a Digital Era”. Available at: <https://www.etsi.org/images/files/Calling-The-Shots-Standardisation-For-The-Digital-Era.pdf>

EU competitiveness, quality of life, and indeed strategic autonomy and sovereignty in the EU”.<sup>24</sup> This report’s key argument was that standards should be revalued in the framework of international relations and international trade. Yet, as outlined in the report itself, to achieve that result several actions need to be taken - namely, standardisation as a field should be valorised and standardisation policy should be integrated with other policy measures, while at the same time support the EU’s strategic objectives.

### A. The EU approach to standardisation: strengths and weaknesses

The concept of “digital sovereignty” refers to the idea of a country’s leadership and strategic autonomy in the digital field. The **current focus of the EU on digital sovereignty** finds its roots in a much broader discussion regarding Europe’s ability to protect its citizens from the increasing risks of the digitised world. The notion of sovereignty also intersects with the “classic” concerns at EU level of privacy and personal data, but also other key areas in the digital field, such as taxation, data, and government procurement.<sup>25</sup>

As discussed in the previous chapter, there is a long existing link between standards and geopolitics. Yet, while this connection is not something new, nowadays the situation has changed and one of the major causes can be traced back to the ongoing digital transition, which, as seen, affects both national sovereignty and national security in new and unexpected ways. **In the last few decades, the digital transition has been affecting countries in several areas - from their economy to the social life of the population, and in some cases also the political system of the state.**

Digital transformation is all-encompassing and, in addition, countries must deal with the fact that **often ICT is not safe-by-design, meaning that cyberattacks could affect their economy, society and democratic institutions.** Given the above, it should be no surprise that states have reacted by trying to gain control over digital transition and achieve digital sovereignty. One crucial element in this attempt to preserve national security and sovereignty is the control over standardisation.

As mentioned, the EU is currently part of the global technological race of the digital superpowers. Moreover, while a large part of Europe’s growth potential lies in the digital field, the increasing influence of non-European tech companies has become a concern for EU institutions. These concerns especially regard the influence that these foreign players may have on the EU’s data economy, its privacy and data protection system, and whether they could pose a threat to a secure and safe digital environment in the EU. In this context, the concept of digital sovereignty refers to the EU’s ability to “act independently in the digital world” and it implies both protective mechanisms and more active/offensive tools to foster digital innovation.<sup>26</sup>

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<sup>24</sup> P. Timmers, The Geopolitics of Standardisation, 09.04.2020, available at: <https://directionsblog.eu/the-geopolitics-of-standardisation/>

<sup>25</sup> See: <https://www.atlanticcouncil.org/wp-content/uploads/2020/06/The-European-Union-and-the-Search-for-Digital-Sovereignty-Building-Fortress-Europe-or-Preparing-for-a-New-World.pdf>

<sup>26</sup> BRIEFING EPRS Ideas Paper Towards a more resilient EU “Digital sovereignty for Europe”, see: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS\\_BRI\(2020\)651992\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI(2020)651992_EN.pdf)

Overall, **the EU has many important features to be one of the major players in this so-called “race” - an increasingly integrated market, high-speed broadband networks, increased connectivity and digital services, competitive industries in many domains, and so on.** Most importantly, the EU holds two key advantages: first, it has the advantage of **a strong track record in the field of standardisation;** and second, it **promotes values such as rule of law, privacy, and data protection in the digital field, which are strong differentiators in today’s global scenario.** Yet, having a solid background is not enough. **If the EU does not invest and compete adequately with the other players, it may soon become a region that relies excessively on imports of goods, services and ideas.**

The transnational nature of the digital economy is deeply intertwined with an open and functioning market, as well as with commonly recognised rules. Moreover, standard setting is commonly open and consensus-driven, an opportunity for large and small actors alike, and societal stakeholders as well. To be effective and beneficial for the economy, standardisation must be coherent and connect to industrial strategy and the corresponding policies of a country. Aspects such as innovation, competitiveness and digitalisation should always be taken into account when defining the crucial standards of a legislative system.

Despite the lack of a unified approach to standardisation, the EU has taken several steps over the last years to improve and boost standardisation in the Union. However, while the intention was positive, because of a lack of coordination, the system has become quite intricate, or sometimes even paradoxical. However, as mentioned, the real problem does not lie in the regulatory intervention individually taken, but in the lack of a cohesive and unified governance. This is not only the case at EU level, but also in most EU Member States, where national legislators do not grant enough strategic value to standardisation. Moreover, for the EU standardisation model to work properly, it is important that all Member States act in a coordinated manner. If this does not happen then it will be easier for EU’s major competitors to pick off countries one by one in order to impose their competitive agenda through a “divide and conquer” approach.<sup>27</sup>

Given the above, the EU should give standardisation a political and strategic priority and allocate appropriate resources to achieve this goal.<sup>28</sup> Most importantly, the EU has to consider whether it is granting “domestic” standardisation the same strategic influence as its main competitors, namely China, and “*coopetitors*”, countries that can be at the same time competitors and/or commercial partners in the economic field, but that also share common views and values which can determine common interests and complementary strategies, such as the US, the United Kingdom and other countries belonging to NATO and/or to the so-called Western Bloc.

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<sup>27</sup> Report by the Expert Panel on Standardisation in the Digital Age, “Calling the shots. Standardisation for EU Competitiveness in a Digital Era”. Available at: <https://www.etsi.org/images/files/Calling-The-Shots-Standardisation-For-The-Digital-Era.pdf>

<sup>28</sup> Report by the Expert Panel on Standardisation in the Digital Age, “Calling the shots. Standardisation for EU Competitiveness in a Digital Era”. Available at: <https://www.etsi.org/images/files/Calling-The-Shots-Standardisation-For-The-Digital-Era.pdf>

## B. US historical leadership in standardisation and the opportunity for a common EU-US approach

Europe has led standardisation efforts for years, as underlined in February 2022 by Luis Jorge Romero, Director-general of ETSI: *“there has been some shift in the weight of power [...] Europe is not as prominent as it used to be. [That is] not because Europe has diminished; I think European companies are still strong. But the fact is that other regions have come to understand the strategic relevance and importance of standardisation, [and] of technology in general.”*<sup>29</sup>

The EU is currently facing a difficult task - to keep its leading position in international standardisation organisations, where regulators, experts and tech giants, gather to set rules for how emerging technology works.

Top tech companies are still mostly from the US and, consequently, the United States has been a driving force in the standardisation for a long time. The US system reflects the national belief that the country will benefit and innovation will flourish in a system that is free from a centralised government control, but is still based on some common standards.

According to the American national Standards Institute (ANSI), **the U.S. standardisation system reflects a market-driven and highly diversified society**.<sup>30</sup> This system is decentralised, naturally divided into industrial sectors and supported by independent Standards Developing Organizations (SDOs) of the private sector. Moreover, the system is also demand-driven as standards are developed in response to requests expressed by industry, government or consumers. Finally, **the US system is voluntary as the development and implementation of standards is driven by stakeholder needs**.

**Voluntary standards serve as the cornerstone of the distinctive U.S. infrastructure.** The costs for developing and implementing a voluntary standard are borne by those who will derive a benefit. Most other countries adhere to a “top-down” approach to standardisation where the government or groups closely coupled to government either serve as the standards setter or mandate what standards will be developed.

**The US has identified standardisation as a key strategic priority for increasing its national competitiveness.** The US Telecommunications Industry Association (TIA) operates nine engineering committees establishing standards in a variety of fields, from satellites to smart device communications. When analysing the standardisation system in the U.S., it is important to recall the **United States Standards Strategy (USSS)** which was first published in 2000 and is updated every five years. It describes principles and tactics that guide the US in the development of standards and participation in the international standards-setting process. The USSS is updated regularly to ensure that it reflects all the different US interests and that keeps up with

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<sup>29</sup> Words reported by Politico , at: <https://www.politico.eu/article/technology-standards-europe-counteroffensive-china-united-states/#>

<sup>30</sup>American National Standards Institute (ANSI)  
[https://www.standardsportal.org/usa\\_en/standards\\_system.aspx](https://www.standardsportal.org/usa_en/standards_system.aspx)

national and international priorities, the technological advances, industry growth, and updates to relevant U.S. government policy.

This system contributed to providing the US with a strong market dominance in the tech field (and many others) while the European Union is lagging behind. At the same time, the US and the EU seem to share common values and interests that could push them to strengthen their alliance in order to provide advantages for both parties.

Important steps in this direction took place during the US-EU Trade and Technology Council (TTC).<sup>31</sup> The inaugural meeting of the TTC was held in Pittsburgh (USA) on 29 September 2021, while its second ministerial meeting was organised in Paris (France) May 15- 16 2022.

The TTC is divided into several working groups, each assessing different aspects of **the same central goal, which is to broaden US-EU cooperation by expanding access to digital tools for small- and medium-sized enterprises and securing critical supply chains such as semiconductors.**

Of particular interest is the work of the Technology Standards Working Group of the TTC, where **the two delegations (EU and US) agreed to establish a Strategic Standardisation Information (SSI) mechanism on international standards development** with the aim to cooperate and share information on new standardisation opportunities.<sup>32</sup>

This mechanism will promote and protect **common interests** in international standardisation fora. Moreover, the parties agreed to promote the development of aligned and interoperable technical standards in areas of shared strategic interest such as AI, additive manufacturing, recycling of materials, or the Internet of Things.<sup>33</sup>

### **C. The EU's major "opponent" in the standardisation: the China case**

As far as China is concerned, EU officials are afraid that European companies may find themselves outclassed by their eastern competitors, especially when it comes to defining standards for emerging technologies such as AI or 6G. Indeed, **China has identified standards as a key area to project economic power in the world and is actively working to broaden its influence in the field of international standardisation.**<sup>34</sup>

With a domestic market soon reaching more than a billion consumers, a solid protection from state entities and ambitious projects to support the exportation of home-grown technologies and standards, **the Chinese**

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<sup>31</sup> <https://www.state.gov/u-s-eu-trade-and-technology-council-ttc/>

<sup>32</sup> White House Press release of May 16, 2022: "U.S.-EU Trade and Technology Council Establishes Economic and Technology Policies & Initiatives", available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/fact-sheet-u-s-eu-trade-and-technology-council-establishes-economic-and-technology-policies-initiatives/>

<sup>33</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_22\\_3034](https://ec.europa.eu/commission/presscorner/detail/en/IP_22_3034)

<sup>34</sup> According to a report by the Swedish Institute of International Affairs, China doubled or tripled its presence in International Standardisation Organizations between 2011 and 2018. See: <https://www.ui.se/english/research/europe/geopolitics-of-standards/>

**market is an ideal laboratory to develop technologies.** Moreover, China follows a **dual system of government and market-issued standards.** This system allows Chinese technologies to be incubated and protected while achieving the critical mass to break out into the global marketplace.<sup>35</sup>

In 2018, China officially launched the **‘China Standards 2035’ strategy.**<sup>36</sup> This is a plan of action for the Chinese government and leading tech companies to set global standards for emerging technologies (such as Internet of Things, 5G and AI). China considers standardisation as a way to increase its R&D ecosystem by enhancing whole-sector capacities, particularly in the critical emerging technologies just mentioned. In October 2021, China released the National Standardisation Development (NSD), the first official document in this area which offers a clear vision for Chinese companies to improve their technical capabilities and promote standardisation in the coming decade.<sup>37</sup>

With regards to more recent developments, in July 2022, China released the **National Standardisation Development Action Plan** (commonly referred to as the Action Plan),<sup>38</sup> which lays out specific implementation road maps to the NSD and provides “a glimpse into the Chinese state’s strategic approach toward technical standards”. More specifically, the Action Plan outlines which steps China must take for the implementation of the NSD in each respective sector before the end of 2023. Over the last few years China has been working hard to gain a major role in the formulation of international standards. Proof of this can also be found in Articles 17 to 21 of the Action Plan, which stress the importance of a greater involvement for China in international standard-setting organisations. As the Asian giant has proven to understand well, **determining international standards grants a country more control over rule-making and first-mover advantages in many sectors of the global market.**

Where this is concerned, the potential extension of the Russian – Chinese cooperation from the energy field to the digital technology domain could lead to a complex scenario in which the need for Europe to identify more profitably means of partnering with the Western Bloc could become a compelling necessity.

#### **D. A call to action for the EU**

**ICT standardisation is likely to become (if not already the case) the next geopolitical battleground, driven not only by economic concerns but also those of sovereignty.** More specifically these concerns regard a possible loss of competitiveness for national industries, the creation of vulnerabilities through the development of ICT standards, or even in some cases the risk of systematic theft of intellectual property.

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<sup>35</sup> Report by the expert panel on standardisation in the digital age, “Calling the shots. Standardisation for EU Competitiveness in a Digital Era”.

<sup>36</sup> Official document available at: [《中国标准2035》将发布 滚动新闻 中国政府网 \(www.gov.cn\)](http://www.gov.cn)

<sup>37</sup> See: [https://www.china-briefing.com/news/china-standards-2035-strategy-recent-developments-and-their-implications-foreign-companies/#:~:text=Following%20the%20'Made%20in%20China,Things%20\(IoT\)%2C%20and%20artificial](https://www.china-briefing.com/news/china-standards-2035-strategy-recent-developments-and-their-implications-foreign-companies/#:~:text=Following%20the%20'Made%20in%20China,Things%20(IoT)%2C%20and%20artificial)

<sup>38</sup> [https://gkml.samr.gov.cn/nsjg/bzjss/202207/t20220708\\_348515.html](https://gkml.samr.gov.cn/nsjg/bzjss/202207/t20220708_348515.html)

Above all - there is also a conflict between two major forces in international politics: **globalisation and national sovereignty**. As long as the EU does not place enough emphasis on the idea of standards “made in the EU [but meant] for global use”<sup>39</sup> and allocates an adequate budget, competing globally will be a challenging task. If the EU keeps losing ground in terms of global standard-setting and competitiveness, as well as in other strategic areas of the digital field, it could soon become only a rule-taker in the digital economy.

Within this complex scenario, the EU must therefore find a way to remain among the major players in the field of standardisation, which are also those setting the rules for global trade. Moreover, the EU should focus on its strengths and promote its democratic values and human-centred approach in the creation of international standards. However, none of the latter will be possible unless a proper long-term-strategy is being implemented at a central level. The “New European Standardisation Strategy”<sup>40</sup>, announced by the EC in February 2022, could be a step in the right direction.

Of course, the high-level principles enshrined in the strategy should be complemented and coordinated with consistent actions at operative and regulatory levels, e.g., the AI and SEP forthcoming regulations.

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<sup>39</sup> P. Timmers, The Geopolitics of Standardisation, 09.04.2020, available at: <https://directionsblog.eu/the-geopolitics-of-standardisation/>

<sup>40</sup> EC COMMUNICATION - An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market, COM(2022) 31 final, available at: <https://ec.europa.eu/docsroom/documents/48598>