

**Brussels, 6 September 2009**

## **Draft Orgalime comments on EP IMCO report on the Future of European Standardisation**

[2010/2051\(INI\) of 9/8/2010](#) – Rapporteur: Edvard Kožušník

### **1. GENERAL COMMENTS**

Orgalime welcomes the European Parliament's initiative to make an own initiative report and opinion on the future of European standardisation. This issue is of high relevance for the industries Orgalime represents, the overwhelming majority of which are SMEs.

We support the statements and recommendations made in points 2, 3, 6, 8, 14, 19, 20, 24, 25, 26, 28, 30 and especially those made in points 10, 11, 12, 13, 22, 23, 27, and 29.

**The development of service standards should remain a business-driven process**, free from bureaucratic validation procedures. Orgalime agrees with pointing out (Statement 6) that European standards availability in the area of services could be increased and supports the inclusion of standardisation of services in the legal framework. We underline however that the initiation of new service standardisation projects should come from the stakeholders affected, not from the regulator by means of standardisation mandates.

**Standards are voluntary tools and serve different goals than laws.** In a voluntary system, the participation of SMEs and crafts is commensurate to their needs and genuine interest in developing standards themselves, or more often via trade associations that are paid for that purpose (see point 23). The relevance of standards depends on their capacity to serve the needs of their primary users, i.e. the companies that will use them for designing products or supplying services. We further stress that national standards organisations should be committed to follow the ISO Code of Ethics in order to ensure that the impartiality of standards is not endangered from other activities such as certification.

**In the national delegation principle we trust.** Orgalime very much welcomes the statement made in point 13 that recognises the principle of national delegation as a cornerstone of the European Standardisation System, particularly in the standards-development process of CEN and CENELEC. We however regret that some other statements (15, 16, 17 and 18) calling for the direct involvement of societal stakeholders at European level come in contradiction with it.

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*Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 10.6 million people in the EU and in 2009 accounted for some €1,427 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.*

**Awareness-raising and education are the priorities for SMEs.** The most significant hurdle to accessing standards is not their price but ignorance about the economic gains that they could provide for a company, especially an SME. This point is currently missing in the draft report.

Strengthening the ESS requires no widening of its scope, but more involvement. There is no need to integrate the WTO principles in EU Directive 98/34/EC. Instead, Orgalime welcomes the acknowledgement in point 22 of the need for more involvement of experts from national administrations, especially those that are in charge of the implementation and market surveillance.

## 2. SPECIFIC COMMENTS

However, we have some comments on statements made in points 1, 7, 9, 12, 15, 21, 24, and 28. We provide hereinafter some suggestions for improvement.

We firmly call on for the deletion of amendments 5, 16, 17, 18 which are either contradictory with other statements of the report, or are based on a misunderstanding of the current functioning of the European standardisation system.

We also suggest some missing points on limiting the ESS to the 3 existing European standards organisations (4 bis), on maintaining their members strictly separated from certification activities (10 bis) and on promoting education on the role and benefits of standards (24 bis).

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# MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

## On the future of European standardisation (2010/2051(INI))

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### Introduction

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#### Motion 2010/2051(INI)

1. Welcomes the Commission's intention to review the European Standardisation System with a view to preserving its many successful elements, improving its deficiencies and striking the right balance between the European and national dimensions; stresses that the proposed review should build on the strengths of the existing system, which constitute a solid basis for improvement, refraining from any radical changes that would undermine the core values of the system;

#### Proposed Amendment

1. Welcomes the Commission's intention to review the European Standardisation System with a view to preserving its many successful elements, improving its deficiencies and striking the right balance between European, ~~and~~ national ~~and~~ **international** dimensions; stresses that the proposed review should build on the strengths of the existing system, which constitute a solid basis for improvement, refraining from any radical changes that would undermine the core values of the system;

#### *Justification*

The overall business goal is “one standard, one test, accepted everywhere”. With this in mind, it is clear that the most efficient level for the development of standards is international, while of course the result must be applied at national level.



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**4 bis (New)** Holds the view that the integration of the WTO principles in the legal framework should not enlarge the number of recognised European standards organisations beyond the 3 existing ones: CEN, CENELEC, and ETSI.

### *Justification*

The integration of WTO principles in the legal framework is superfluous because ESOs and their national members have already subscribed to all of these principles.

Should such integration lead the Commission to enlarge the number of recognised ESOs, it would be a radical change that will not reinforce but undermine the core values of the European Standardisation System, at odds with Statement 1. Such possibility entails several negative impacts:

- **scattered standardisation activities** that would jeopardize company awareness of relevant standards for their business, efforts to achieve wider interoperability of products and systems, and the overall business goal of “one standard, one test, accepted everywhere”;
- **decrease of company/stakeholder participation** because of the growing uncertainty as to whether investment in standardisation work will meet the expected outcome.
- **duplication of standardisation work** leading to hamper the consistency of the overall standards portfolio;
- **manipulation by private interests** of the standardisation outcome, as is already the case for some CEN Workshop Agreements, and thus reduce the legitimacy of formal standards.  
In particular, it could enable (foreign) consortia that meet the European recognition criteria to get their European standards acknowledged as internationally recognised standards against the WTO-TBT criteria, without the control of the currently legitimate European-only CEN and CENELEC standardisation bodies.



## Motion 2010/2051(INI)

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5. Stresses, however, that these principles are not in themselves sufficient to ensure that small and medium-sized enterprises and societal stakeholders – in particular those representing health and safety, consumer and environmental interests – are adequately represented in the standardisation process; considers, therefore, that a vital element is the addition of the principle of ‘balanced representation’, given that it is of the utmost importance, whenever the public interest is concerned, to incorporate all stakeholder positions in a balanced manner, especially in the development of standards intended to support EU legislation and policies;

## Proposed Amendment

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### *Justification*

Standards are voluntary tools and serve different goals than laws. The requested principle of “balanced representation and decision making” is a highly theoretical approach and would seriously interfere with consensus building process in the development of a standard, with a detrimental effect on the quality of its content. Instead, it has to be ensured that all genuinely interested and competent stakeholders would have the possibility to participate actively in the standardisation process in order to develop a consensus-based and high quality standard. As private organisations, NSOs should remain free to decide for themselves on their own governance and on the best ways to carry out their tasks.

## Motion 2010/2051(INI)

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7. Recognises that service standards often respond to national specificities and that their development is related to the needs of the market; stresses, however, that the development of European service standards, as provided for in Directive 2006/123/EC on services in the internal market, will benefit further harmonisation in the services sector, increase the transparency, quality and competitiveness of European services and promote competition, innovation, the reduction of trade barriers and consumer protection;

## Proposed Amendment

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7. Recognises that service standards often respond to national specificities and that their development is related to the needs of the market; stresses, however, that the development of European service standards, as provided for in Directive 2006/123/EC on services in the internal market, will benefit further harmonisation in the services sector, ~~will~~ **may be able to help** increase the transparency, quality and competitiveness of European services and promote competition, innovation, the reduction of trade barriers and consumer protection;

### *Justification*

There is no evidence for the assertion that the development of European service standards “will” provide the expected benefits. The stakeholder community is also not univocal on this expectation. Instead, a step wise and differentiated approach, driven by market needs and proven benefits should be used.

## *Empowering the European Standardisation System*

### *(a) General points*

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#### **Motion 2010/2051(INI)**

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9. Reaffirms that European standardisation in support of 'New Approach' legislation has proved to be a successful and essential tool for completion of the single market; notes that the number of standardisation mandates supporting legislation in areas beyond those covered by the 'New Approach' has increased in recent years, indicating that this model has been adopted across a broad range of EU policies; believes that it is desirable to extend the use of standards in other areas of Union legislation and policies beyond the single market, taking into account the specificities of the areas concerned, in accordance with the principles of better regulation;

#### **Proposed Amendment**

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9. Reaffirms that European standardisation in support of 'New Approach' legislation has proved to be a successful and essential tool for completion of the single market; notes that the number of standardisation mandates supporting legislation in areas beyond those covered by the 'New Approach' has increased in recent years, indicating that this model has been adopted across a broad range of EU policies; **notes that the New Legislative Framework reinforces the New Approach;** believes that it is desirable to extend the use of standards in other areas of Union legislation and policies **such as environmental requirements beyond in support of** the single market, taking into account the specificities of the areas concerned, in accordance with the principles of better regulation;

#### *Justification*

Without clarification what other policy areas may be supported by European standardisation, the last sentence seems an incomplete message, open for misinterpretation.

#### **Motion 2010/2051(INI)**

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(...)

#### **Proposed Amendment**

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**10. bis (New) Calls on NSBs to follow the ISO Code of Ethics in order to ensure that the impartiality of standards is not endangered from other activities, such as certification**

#### *Justification*

Standards development activity should remain free from the undue influence of certification business on some national standards organisations.

## Motion 2010/2051(INI)

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12. Stresses the important role of the 'New Approach consultants' in verifying that harmonised standards comply with the corresponding EU legislation; draws attention to the fact that such consultants are currently selected by, and operate within, the ESOs, which places a significant administrative burden on these organisations and, at times, causes concern among stakeholders about the impartiality and independence of the process; calls on the Commission, therefore, to assess the need for a review of the existing procedures; believes, furthermore, that the Commission should identify a procedure for ensuring that mandated standards comply with other EU policies and legislation beyond the scope of the 'New Approach';

## Proposed Amendment

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### *Justification*

The New Approach consultants are selected by a panel consisting of representatives from the Commission, EFTA, the ESOs and the relevant sector. Therefore "selected by" should be deleted.

The very nature of the standardisation process is that stakeholders negotiate towards consensus. Ex-post verification by authorities against policy objectives without in-depth active participation during the standard development process would be very counterproductive as it would introduce important delays or worse, bring the process to stall. As such, it would be at odds with the objectives of the standards development process.



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## Motion 2010/2051(INI)

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15. Stresses the need, which has been recognised since the 1990s, to ensure direct participation by societal stakeholders at European level in order to reflect their views more effectively, given that their representation on national technical committees remains weak; affirms that, as very limited progress has been made to increase societal stakeholder participation at national level, financial and political support for the European organisations established to represent such stakeholders needs to be maintained at least in the period to 2020;

## Proposed Amendment

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15. Stresses the need, which has been recognised since the 1990s, to **ensure stimulate direct** participation by societal stakeholders at European level in order to reflect their views more effectively, given that their representation on national technical committees remains weak; affirms that, **as very limited progress has-should been** made to increase societal stakeholder participation at national level. **Financial** and political support for **reinforcing the national basis of** European organisations established to represent such stakeholders needs to be maintained at least in the period to 2020;

### *Justification*

This new proposal is in direct conflict with point 13 which acknowledges the principle of national delegation and points 19 to 22 that suggest fostering it. The European standardisation system is a private and voluntary system, whose rules depend on their members. If there is a weak participation of societal stakeholders at national (and consequently) European level, it is often because their genuine interest in standardisation work is weak. Should they have real financing difficulties, Orgalime could support point 21. As is stated in the CEN-CENELEC SME Access Study, SMEs need support in their immediate environment at national level in order to increase their participation in the standardisation process. SMEs represent the grass roots stakeholders: the major role is to be assumed by the NSBs and the national trade associations in order to increase the participation of these important stakeholders.

## Motion 2010/2051(INI)

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16. Holds the view that these European organisations must obtain a stronger role within the ESOs; recommends that, without prejudice to the national delegation principle, all such organisations should be given a vote in the ESO technical bodies, on condition that they are associate members or cooperating partners of the ESOs and have participated in the respective work item at technical level; considers also that such organisations should, under the same conditions, be given a symbolic vote in the formal adoption of standards, which would not necessarily be counted in the voting result but would serve as an indicator of the level of support for a given standard among all stakeholders;

## Proposed Amendment

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### *Justification*

To introduce voting rights to European organisations in the ESO technical bodies would be a radical change that **would undermine the national delegation principle**.

It is therefore not desirable to introduce unwanted effects, such as difficulties with voting procedures, double influence and uncertainty where it stops. At the very least, any such measure should be limited to standards directly related to public policies.

Besides, as the ESS is a private and voluntary system, it should be left up to its members to decide upon their governance by themselves.



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## Motion 2010/2051(INI)

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17. Welcomes recent developments in the International Organisation for Standardisation (ISO), in particular the model used to develop the ISO 26000 standard on social responsibility, in which national standards bodies were entitled to nominate to the respective working group only one representative from each of six stakeholder categories (industry, consumers, government, labour, NGO, SSRO (service, support, research and others)) that were identified;

## Proposed Amendment

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### *Justification*

The model used to develop the ISO 26000 standard on social responsibility is unfit for the development of most technical standards that require, depending on the sector, a different set of relevant stakeholders. Consequently, **in contradiction with Statement 1**, the idea that there should be only one representative of pre-established stakeholder categories would be a radical change that **would undermine the well-established functioning of the standards development process**: It would be difficult for the very one representative in one category to adequately represent views and interests that are not always converging. Given the private and voluntary nature of the European standardisation system, it would be much more efficient to support the participation of all stakeholders that have a genuine interest in the issue under discussion. Limiting the number of participants in each of the 6 categories as in ISO 26000 may drive to a decrease in the quality of standards as well as a decrease in the financing of the whole system.



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## Motion 2010/2051(INI)

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18. Believes that similar procedures, establishing a predetermined number of seats for the various stakeholder organisations, would constitute a significant improvement compared with the traditional process of standards development in support of EU policies and legislation; maintains that, despite the current difficulties in generalising the use of such a multi-stakeholder model, this approach should be explored by the ESOs without delay as an alternative for the drafting of standards in areas of public interest, in order to ensure a balanced decision-making process; proposes that the 98/34 Committee (or its successor) should decide, when considering a mandate, whether to use this alternative model if the standard in question makes it vital to secure broader stakeholder participation; stresses that such a model would not affect the national delegation principle, as the draft standard would continue to be examined by national mirror committees and adopted on a weighted vote by the national standards bodies (NSBs);

## Proposed Amendment

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### *Justification*

Generalising the voting procedure of ISO 26000 to the whole standardisation system would be a radical change which would be in contradiction with the objective of statement 1 and would be extremely counterproductive for the standard development process. Standardisation is of different nature than policy-making. Parliaments only have the privilege to establish the right level of protection of societal interests in the law. The European standardisation system is self-financed (by 95%) mostly by industry, for which it plays a crucial role. Standardisation should stay voluntary in nature and attractive to them so that they continue to provide expertise and pay for it. In highly specialised fields, especially where there are only few key industry players across a few countries, it could even bring the standardisation process to stall: participating experts will move outside of the ESS and create their own fora and consortia to meet their needs. The rules that govern the composition of a standardisation group should be flexible enough to support the need for intense co-operation of a sufficiently broad group of top experts in highly specialised areas.

Therefore, only those that have a genuine interest and could provide the necessary expertise should have access to it.

Besides, Member States have already the right to make a formal objection against a harmonised standard if they consider that does is not adequately meet the policy needs, including the balance of interests in society, as devised in the law.

## Motion 2010/2051(INI)

21. Urges Member States to ensure effective representation of all relevant stakeholders on national technical committees by establishing monitoring and reporting mechanisms and, where necessary, providing financial support to weaker societal stakeholders in order to facilitate their participation;

## Proposed Amendment

21. Urges Member States to ensure effective representation of all relevant stakeholders on national technical committees by **establishing monitoring and reporting mechanisms and, where necessary,** providing **where necessary** financial support to weaker **societal** stakeholders in order to facilitate their participation;

### *Justification*

ESOs are private and independent organisations that cannot be subject to mandatory monitoring measures by the Member States. In addition, such measures would represent a disproportionate administrative burden which will add to the development cost with a significant impact on the price of standards. Besides, for the sake of equity, SMEs represented by trade associations at national level should also be entitled to have the same funding opportunities than societal stakeholders.

## Motion 2010/2051(INI)

24. Maintains that users' access to European standards developed in support of EU policies and legislation is an important issue that needs to be further examined; takes the view that different systems of price setting should be considered for private/industrial standards and for harmonised/mandated standards; calls, in particular, on NSBs to reduce costs through special rates and by offering bundles of standards at a reduced price, and to investigate additional ways of improving access, especially for SMEs;

## Proposed Amendment

24. Maintains that users' access to European standards developed in support of EU policies and legislation is an important issue that needs to be further examined; ~~takes the view that different systems of price setting should be considered for private/industrial standards and for harmonised/mandated standards;~~ calls, in particular, on NSBs to reduce costs through special rates and by offering bundles of standards at a reduced price, and to investigate additional ways of improving access, especially for SMEs;

### *Justification*

The same standards are often made to support at the same time market needs and compliance to essential policy requirements set in the law. The cost of their development cannot be differentiated from the one of purely market-driven standards. Therefore NSBs cannot reduce the price of standards, unless governments pay for them. Besides, the price of standards is the tip of the iceberg: even free standards will not be used if companies (esp. SMEs) are not made aware of their existence. The transposition of standards into the business process constitutes the bulk of costs to companies.

## Motion 2010/2051(INI)

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## Proposed Amendment

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**24 bis (new). Calls on Member States and the European Commission to promote education about the role of standards at all levels and the benefits of using them, for example in economic and technical schools to start with; Invites national standards organisations to enhance their cooperation with trade associations in order to provide *ad hoc* simple-to-grasp information to SMEs on the benefits provided by standards.**

### *Justification*

The most important barrier to access standards is not the purchase price but ignorance of the economic and technical gains that the application of standards can provide for companies, especially SMEs. This starts with a lack of awareness of standards in general and of specific standards. Although the purchase price is clear, enterprises often do not know how to calculate the benefit of using standards because they are not aware of the added value of standards for their own company.

## Motion 2010/2051(INI)

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28. Recognises that fora and consortia contribute considerably to the standardisation system by providing specifications with global relevance, which are often more receptive to innovative technologies; points out that, most notably in the ICT sector, a number of fora and consortia have evolved into global organisations producing widely implemented specifications on the basis of open, transparent and consensus-based development processes; believes that the ESOs and fora/consortia must find ways of cooperating in planning their activities by transferring standards to the most appropriate level, international or European, in order to ensure coherence and avoid fragmentation or duplication; calls on the ESOs to develop and implement an improved mechanism for the adoption of fora/consortia specifications as European standards, which should not restrict the possibility of submitting them directly to international standards organisations in order to seek more global status;

## Proposed Amendment

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28. Recognises that, **in certain sectors**, fora and consortia contribute considerably to the standardisation system by providing specifications with global relevance, which are often more receptive to innovative technologies; points out that, most notably in the ICT sector, a number of fora and consortia have evolved into global organisations producing widely implemented specifications on the basis of open, transparent and consensus-based development processes; believes that the ESOs and fora/consortia must find ways of cooperating in planning their activities by transferring standards to the most appropriate level, international or European, in order to ensure coherence and avoid fragmentation or duplication; calls on the ESOs to develop and implement an improved mechanism for the adoption of fora/consortia specifications as European standards, which should not restrict the possibility of submitting them directly to international standards organisations in order to seek more global status;

### *Justification*

Fora and consortia are important in certain sectors only. While they have a large importance in the ICT sector they are negligible e. g. in the mechanical engineering sector.

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