
Brussels, 23 June 2008

Standardisation, innovation and the role of standards in support to EU legislation

Orgalime views on the EC Communication on standards and innovation COM(2008)133 final

Overall Comments

We generally welcome the Commission's initiative to strengthen public awareness of the role of standards and to facilitate access to standardisation, where necessary. This we believe is essential at a time when the New Legislative Framework (NLF) offers the opportunity of reinforcing the use of standards in support to EU regulation. Nevertheless, there are several instances in the Communication where the role the Commission wishes to play and its objectives are not clear, as we comment hereafter in more detail.

Orgalime welcomes the Commission ambition to support European standardisation at political level by:

- creating the framework conditions that allow for an effective and efficient standardisation process and encourage the widespread use of standards;
- promoting the use of standards as a common tool for manufacturers and authorities in the application of EU legislative requirements for health, safety, energy efficiency (e.g. EuP) and environment protection;
- promoting the use of standards in the regulatory environment at international level, including bilateral and multilateral discussions and agreements;
- promoting the use of internationally developed ISO and IEC standards wherever possible, and requesting the withdrawal of conflicting national standards.

In our opinion, the Commission should not seek to intervene in the internal procedures and workings of the European standardisation organisations (ESOs: CEN, CENELEC and ETSI). For standards used in support of EU regulation, ESOs should receive a mandate from the Commission to define the detailed technical solutions (harmonised standards), which can be applied by manufacturers on a voluntary basis. The research and innovation area should not be extensively regulated; such initiatives should be left to industry which may receive political support through the creation of favourable framework conditions.

As representative of an industry, which is among the primary users of standards, both in the regulatory sphere under the New Approach and at international level, Orgalime looks forward to participating in and contributing to the High Level Expert Group envisaged in the Communication.

Orgalime, the European Engineering Industries Association, speaks for 35 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.9 million people in the EU and in 2007 accounted for some €1,813 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.

Specific Comments

As the Commission Communication touches upon a wide range of issues relevant to our industry in the standardisation field, we would like to comment on some of them.

1) We see a role for standards in support for innovation, not in priority actions

Standardisation provides companies – in particular SMEs – with the necessary knowledge to find the technical solutions that will facilitate their innovation. Standardisation does not drive innovation, but it provides a quicker response to market needs while also respecting societal needs (protection of health, safety, the environment, energy efficiency, etc...). Standardisation also provides benefits to the dissemination of innovation. Therefore we support the statement that standards play an important role for innovation, insofar as a key requirement for successful innovation is that it is conducted in a flexible and unregulated environment.

The Commission's commitment to market-led standardisation is highly appreciated. In this regard we would like to refer to the ORGALIME position paper on 'Market Relevance of Standards' dated 29 May 2007. Results of innovations, for instance in machinery of the future and energy saving technologies, have to find their way to EU markets more rapidly. As a consequence, Orgalime is promoting through the EnginEurope and Electra initiatives the idea of bringing a faster transfer of research results to the market through a closer collaboration between research activities and standardisation.

2) We welcome the development of standards to support Directive 2005/32/EC on the eco-design of Energy-using Products (EuP)

We particularly welcome the Commission's emphasis on the valuable contribution made by standardisation to sustainable product development and to environmental technologies. With regard to the pending implementing measures pursuant to the EuP Directive, standardisation is, in our view, the appropriate instrument for the formulation of technical requirements, especially test and measurement methods. Recourse to standardisation is particularly important in this field where our industry's ability to innovate on eco-design is subject to an increasingly complex and constraining legal environment.

We understand that this Communication reflects the views of the European Commission as a whole and that all Commission DGs do accept the public nature of European standards and that they are sufficiently open, transparent and flexible instruments to support innovation in their specific fields.

However, today this is not really the case, as the ongoing process of the implementation of the EuP directive demonstrates: here the Commission has expressed its intention to include test and measurement methods directly into the implementing measures before the necessary European harmonised standards are developed and made available under the corresponding mandates under the EuP directive. While being fully committed to making the EuP Directive work in practice, Orgalime is concerned that such an approach could undermine the role of formal standardisation where the necessary consultation requires some time. A strong role for standardisation in the EuP directive would help to balance the current lack of SME participation in the preparatory process for implementing measures (see point 6). If technical solutions are required more quickly in the environmental field, we would recommend the use of professional documents and guides elaborated by sectoral trade associations, on a temporary basis until EN standards are available. Professional documents often reflect the latest state of the art in fast evolving technology fields and benefit from a larger consultation than do manufacturers' or consortium standards.

3) It is up to innovation builders to decide whether to engage in formal standardisation or in developing other deliverables

Consortium standardisation often takes place in the initial phase of innovation, with formal standardisation being more prominent in the growth phase. When necessary, industry develops specific deliverables promptly to fulfil its needs. This could provide an opportunity to speed up the standardisation process in a second step when some of these deliverables will become standards after following the appropriate procedure; they will become standards with the benefit of prior testing on the market.

These deliverables, such as ESO workshop agreements or manufacturers' standards or forum standards, are based on limited consensus, whereas legislation must be based on a democratic, consensus-oriented process.

To encourage the ESOs to develop informal standardisation and to use this type of deliverable in support of legislation requires very careful consideration. Such use of deliverables risks creating confusion for users and depreciating formal standards. Therefore, the use of deliverables in support of legislation should be subject to the condition that they only be used for a limited period of time and should be replaced by formal harmonised standards as soon as these are available.

4) Promotion of the use of international standards

We fully support the Commission's announcement that it will promote regulatory models similar to the "New Approach" outside the EU, for example in multilateral and bilateral agreements. The Commission calls for greater involvement in international standardisation influence upon standardisation policy, and a greater role for European standardisation in an international context. This requires greater flexibility on the part of the Commission itself with regard to standardisation conducted in support of statutory provisions.

5) Participation of all stakeholders in the standardisation process

The role of the national standards organisations should be reinforced and not weakened in the interests of greater centralisation in Europe. Participation in the standardisation process by small and medium-sized enterprises (SMEs) has been effectively ensured for many years by national standards organisations, where appropriate through the involvement of national industry associations. European and national standards organisations do in fact adequately voice their interests in the voting process for international standards.

Therefore, we question the proposal for standardisation bodies to embark on the principle 'think small first'. There should be no notion of discrimination in the working procedures of the standardisation bodies.

We have concerns about increasing Community funding to "designated" interest groups whose representativity and relevance are not demonstrated. Such a practice – as already introduced for example for NORMAPME – distorts the representation of primary stakeholders, that is companies including the large number of SMEs that are not using standards to date. In addition, such groups of general interest fail to provide the necessary expertise in standards committees, which is best ensured by experts from concerned manufacturers or from local and sector-specific associations. In our view, it would not be equitable to increase public funding to some organisations without the possibility for sector-specific associations to benefit from similar funding possibilities in order to increase their participation of relevant experts in the various standards committees.

6) The Commission's intention to provide free access to standards developed in support of EU legislation and policy needs thorough consideration

We appreciate the recommendations to facilitate access to standards and multiply their diffusion, such as making available the summaries of standards free of charge, or development of innovative access models to standards, especially when numerous standards are referenced into a specific one.

To provide free access to standards developed in support of EU legislation and policy seems, however, to be excessive, especially for European standards that are not mandatory by law (e.g. associated with mandates under a New Approach directive).

Facilitating free access to EN standards, would, in our opinion, require compensation to the ESOs in order to underpin the financing of standardisation activity. Such compensation is worth consideration, since regulators are major beneficiaries of standardisation, which facilitate the application of legislation. Orgalime is convinced that if such public funding were to increase, it should leave standards organisations free to organise their activity as they want and should not affect their responsibility in the long run.

However, public funding for a facilitated access to EN standards would raise several questions that need to be answered, including:

- Will the business model of national standards organisations (NSOs) that compete against each others to earn revenues from the sale of standards be sustainable in the future?
- What influence does such a business model have on the speed of implementation of measures required for improved cooperation between the standards organisations at national, European and international level?
- What would be the international implications in the light of the Vienna and Dresden agreements of a funded access to European standards when they mostly derive from IEC-ISO standardisation work?

National standardisation organisations should be encouraged to exchange on this issue with their clients. ORGALIME is prepared to contribute to the discussions as one of the major representatives of standards users.

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