

Brussels, 29 June 2009

Orgalime views for a cost-effective and market-relevant European standardisation system

In this paper Orgalime provides its views in response to the European Commission questions as set out in the terms of reference for the current work being undertaken by the Expert Panel for Recommendations on the European Standardisation System (EXPRESS). In this context, Orgalime shares the “*Visions on the future of European Standardisation*” of Business Europe ([22/05/2009](#)).

Executive Summary

Chapter 1 - Standards setting

The European standardisation system, which has contributed to the successful development of the European engineering industries, should remain organised on the basis of the principle of delegations from national standards developing organisations. At national level, Standards Developing Organisations (SDOs) are closer to companies needs – especially SMEs as well as other stakeholders – and contribute significantly to standards development work at international level. Therefore the European Commission should preserve the voluntary nature and overall good performance of the European standardisation system, which should remain essentially governed by its main stakeholders i.e. those which use standards to supply the market place: European policy needs should always reflect real market and sector-specific needs. Authorities and formal SDOs should not aim to exercise control on private fora and consortia, but be ready for processing their deliverables into formal standards, where required. Given the impact of standardisation on the competitiveness of our industry, Orgalime believes that this issue should remain at the core of the EU’s thinking.

Chapter 2 - Access to standardisation

Access to standardisation requires early understanding of the benefits of standardisation. Therefore, we believe the European Commission and Member States should devise awareness-raising policies on the role and benefits of standards and their development process, namely by

- inclusion of standards principles in curricula at all education levels
- Adoption of New Work Item Proposals should be subject to better business planning and thorough acceptance filtering, with market relevance as the most important criterion, and
- promotion of internet tools in order to stimulate the interest and continuous involvement of standards end-users at all steps of the standards development process, from the decision-making on new work items proposals to the application of standards.

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 11.1 million people in the EU and in 2008 accounted for some €1,885 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.

All participants in standards work should have equal access possibilities, but only the main stakeholders (i.e. the primary standard end-users) should decide on New Work Item Proposals.

Intellectual property rights as they are used in standards now reflect a carefully-built balance of interests by using the fair, reasonable and non-discriminatory principle (FRAND). This achievement should be maintained.

Chapter 3 - Global challenges

As the EU's main exporting industry (we represent over a third of the EU's manufacturing exports) we believe, internationally accepted standards matter more for European industry's future development and markets than does the global relevance of European standards. Therefore Orgalime gives priority to the active involvement of European stakeholders in the development of formal international standards at the level of ISO, IEC and ITU. National and regional deviations from international standards should be gradually eliminated. The European Commission should streamline European harmonised legislation in that respect and contribute alongside Member States to create common regulatory objectives via WTO, UNECE and bilateral agreements with Europe's main trading blocks.

Chapter 4 - Financing

Each sector on the market has different standardisation needs and Standards Developing Organisations (SDOs) respond to these needs with a different structure. Therefore Orgalime believes that a solution "one size fits all" is not possible: different financing models are necessary. However, Orgalime calls on SDOs to consider main stakeholder's interests before their own and to discard, as a source of their financing, their own certification activities.

All interested parties should contribute to the financing of European standardisation: manufacturers, services providers, consumers, authorities, certifiers, users, etc. A financial contribution from both the European Commission and national public authorities is justified when standards contribute to the application of legislation, whether for purposes of demonstration of compliance or to underpin market surveillance.

Any public funding should not undermine the independence of SDOs nor jeopardize the market relevance of standards; any bureaucratic reporting requirements in relation with the funding of mandated European standardisation should be reduced to the minimum necessary.

Chapter 5 - Legal framework

Orgalime acknowledges that all the currently recognised European Standards Organisations are necessary and sufficient in numbers to respond to market and legal requirements within the European Union.

The New Legislative Framework (Regulation 765/2008/EC and Decision 768/2008/EC) now provides a good basis to ensure coherence of the legal framework on the basis of which the European standardisation system operates. Therefore Orgalime believes that Directive 98/34/EC does not require drastic changes, but its scope should be extended to include standardisation of services where relevant, in line with the provisions of Directive 2006/123/EC.

In this context, Orgalime believes that the Commission should consider:

- better regulation to avoid conflicting legal requirements for easier standardisation work;
- a streamlined procedure for the delivering of mandates through DG Enterprise and Industry to cover programmes of standards – not individual standards;
- a reasonable timeline in mandates to ensure the necessary transparency of the process, wider access to all stakeholders, and consensus building.

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Orgalime detailed answers on the questions put forward in the EXPRESS Terms of Reference

Doc EXP 001 Rev.1 (30th January 2009)

29/06/2009

1. EFFICIENT AND EFFECTIVE STANDARDS-SETTING AND IMPACT OF STANDARDS

Which reform measures of the current European standardisation system should be undertaken to make sure that Europe has at its disposal an active, efficient and effective standards-setting capability able to satisfy the standardisation needs of the European and global markets and to support European policies and legislation?

1.1 How can market needs for standards-setting best be addressed bearing in mind the involvement of stakeholders at national and European level? How can the standardisation process take into account the interests of all the stakeholders (SMEs, societal interests as consumers, environment, employees, etc)?

- The structure of International and European standardisation through national SDOs should be maintained.
- The development of standards should preferably take place in international SDOs with European participation; exceptions (development in European SDOs) should only be in case the main stakeholders have a restricted market focus to Europe or for subjects that:
 - lack relevance beyond Europe only, or
 - for which Europe has a fundamentally different context on factors recognised as justification for standards deviation (essential differences in requirements such as climate, large installed base / infrastructure, geography, ...), or
 - are relevant only to economic sectors that by their nature have a strong regional orientation, not a global one
- Parties with insufficient individual capabilities to participate should be encouraged to organise themselves in order to provide input through sector-specific channels, to organise joint participation and to coordinate interests and views.
- The composition of the technical committees in general should reflect the main stakeholders (suppliers, users and authorities). Other stakeholders (consumers, environment, employees, consultants, certifiers, etc...) should be represented in cases where this is relevant.
- Adoption of New Work Item Proposals should be subject to a more thorough acceptance filter through the principles of Business planning and SWOT analysis, with market relevance as the most important criterion.

1.2 How can the scarcity of resources, knowledge and expertise be improved, bearing in mind the complementarities between formal and informal standardisation?

- Considering that the by far most significant contribution to the standardisation process is the “non-visible” contribution of industry in the form of time, travel and meeting costs, stakeholders must feel that they are participating in effective and transparent processes, get value for money and that continuous improvements are being made.
- SDOs must therefore continuously develop and improve their working methods, tools and processes in accordance with the needs expressed by the stakeholders. Via the national

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SDOs professional standardisation support to the technical committees should be provided. The use of digital meetings, video conferences, project organisations, etc. should be encouraged.

- SDOs should deploy good work allocation coordination mechanisms between themselves, also taking into account what work is being done by consortia and fora and aligning with them where needed.
- All this should be organised with a view to minimise duplication of work and optimise the match of proven track record / expertise with the work at hand when it comes to who will develop the standard.
- The role of standards in society should be integrated widely into the education system. In addition to creating a better understanding of the standardisation system it will help ensuring allocation of new resources for developing standards (please see also input under 2.1, first dash).
 - Improved integration between the standardisation system and universities, research centres and alike should be sought.
 - One of the obstacles for stakeholders to participate fully is the lack of transparency of the progress of standardisation projects due to unstructured information flow. TC members are overwhelmed with a large number of uncommented documents which makes it difficult to keep the overview especially about critical points. It is recommended that together with the above mentioned implementation of an effective project organisation the European and national SDOs should provide executive summaries with each document highlighting the main achievements and the critical points (or at least marking the main technical changes in comparison to the previous draft version). This will help save time for all stakeholders. Although this requires technical experienced staff in the SDOs and may result in an increase of cost within the SDOs it will save a lot more costs for all participating stakeholder organisations. We are convinced that, with such a service of the SDOs, the total cost of standardisation will be reduced and the willingness and quality of participation will be enhanced significantly.

1.3 What should be the role of standards of fora and consortia in the context of European policies?

- Fora and consortia are private, often globally operating structures. Authorities and formal SDOs should not aim to exercise control but can, where appropriate, have a dialogue with such bodies.
- Standards from fora and consortia can serve as a useful input into public policies. European SDOs should be ready for processing such standards into formal standards when requested by the stakeholders. This means that it is more than a question of ‘rubber stamping’ as it includes verification of the standard for consistency in itself and with legislation, and the broadening of consensus.

1.4 To what extent are the reform steps identified for ICT standardisation also relevant to other fields, given the increasing trend of convergence of technologies and the integration of ICT into products, processes and services?

- ICT technology becomes relevant in nearly all business sectors. Specific considerations apply to the ICT domain due to the particularities of standardisation in this field, traditionally characterised by the strong presence of non-European SDOs and of consortia and fora, and the widespread uptake of their work results by the market, and the significant challenges related to the speed of technological development and the convergence of technologies. We therefore believe that it is appropriate to maintain a specific framework for ICT

standardisation, which should be adapted to cope better with the specific challenges in this field. Therefore findings for the ICT standardisation might not be useful globally *and should not be transferred* to standardisation in other business sectors.

- It would be very useful to launch integrated industry-driven standardisation projects between the R&D projects of fora & consortia and the three formal European SDOs.
- It could also be useful to install public-private strategy coordination mechanisms for selected priority domains (applications) of common interest.
- There is a good potential for successful innovations in linking these efforts to “the recognised European Lead Market initiatives”.
- Certain publications, mainly in the ICT domain, which are not made under full public consensus may be used to support European policies but without giving any presumption of conformity to any legal requirements. Examples are the standards of IEEE on WLAN, which may be used in support of internet access policies or the standards of W3C (World Wide Web Consortium) to support internet operability policies. These are mainly ICT policies which are addressed by Decision 87/95/EC.

1.5 How can the impact of existing standards and their use be further improved?

- It makes sense to create summaries of standards and publish these summaries free of charge. Those summaries should contain information if items are covered directly in the standard or if they covered by normative references to other standards only.
- When a new version of a standard is published, a short summary of the main changes should be made in order to facilitate the uptake by users.
- The modified parts should be highlighted by making use of generally available software.
- New Work Items Projects should be published on national SDOs web sites in order to attract interested parties
- It also makes sense to create training materials on standards and their correct implementation (as much as it does to do so for legislation / regulations). The financing of such activities needs to be discussed between SDOs, authorities and main stakeholders' organisations.
- SDOs should be encouraged to improve their activities to raise awareness for standardisation/standards, as they are in a unique position with extensive knowledge about both the process and the products (deliverables).

1.6 Could a voluntary compliance marking to European standards contribute to increase the impact of such standards? Which steps need to be undertaken to improve the current situation (e.g. in relation to the key marking system)?

- Europe should focus on the existing CE marking as a declaration of conformance to all applicable regulatory requirements by the supplier. Any improvement efforts should be directed to strengthening the role and proper recognition of this marking.
- There is no need for authorities and formal SDOs to introduce or support additional marks whatsoever. In so far as specific market segments can benefit from additional marks the introduction and management of this can and should be left to market parties themselves.
- Marking and marks for products or services should be a market driven process and the use of standards should be a consequence of this process. Standards should not be created if a clear market need is lacking.

1.7 Could the efficiency and timing of the formal process of the development of mandated standards (from the preparation of the mandate to the publication of the references of the standard in the Official Journal) be improved?

- Improving the efficiency and reliability of the development and application of mandated standards is a major concern for business. This requires active involvement by all relevant stakeholders in particular industry (their federations) and authorities.
- The current process/system needs the following improvements:
 - Improved cooperation/coordination at an early stage between regulator and European SDOs in case of revision of directives which would imply a significant revision of standards or the development of new standards (e.g. Machinery Directive).
 - Promoting the active involvement of all relevant stakeholders in particular from national authorities to achieve a reliable consensus in order to avoid formal objections from Member States against harmonised standards.
 - Provide reliable working conditions for CEN/CENELEC consultants (yearly contracts in time) to avoid any shortage of capacities and resulting delays in the development of standards.
 - Securing the update for the references of harmonised standards in the Official Journal at suitable intervals (proposed interval: 4 times/year).
 - Clearer information in future harmonised standards regarding the foreseen transition period for the superseded standard in case of revisions or amendments.
 - Full harmonisation of processes/rules with regard to the citation of harmonised standards in the Official Journal between the formal SDOs.
 - Considering that the citation in the Official Journal refers to European standards publicly available as national implementations only their full consistency has to be ensured. In this context the following improvements are required:
 - Use of an identical denomination in the national implementations (presently not the case for consolidated amendments EN XXXX:JJJJ+A1:JJJJ)
 - Preference for the unique common date of availability for the European standard in the national implementations (date of availability as national implementation is of secondary importance)
 - Simultaneous date for withdrawal of the national implementations of the superseded standard in case of the national implementation of new editions of European standards (date of withdrawal (dow) have to be modified from the “latest” date to a “common” date).
- As stated above in question 1.2 the information overflow by distributing files of uncommented documents is to be regarded as one of the obstacles for stakeholders to participate fully and efficiently. The SDOs should develop methods to communicate in easily understandable means the state of progress of each standardisation project and deliver executive summaries together with the documents highlighting the achievements and the critical points. In other words, a professional and fully featured project and document management as used in industry should be implemented by the European and National SDOs. Furthermore, such a project and document management will be a prerequisite to convince the managing level of the stakeholders that standardisation is for their benefit.

2. ACCESS TO STANDARDISATION AND TAKE-UP FOR INNOVATION

Which recommendations can be made to improve the access of stakeholders to standardisation?

2.1 Which recommendations refer to the standardisation process, decision-making, transparency of participation and balanced representation?

- **Short term:**
To improve the access better communication is needed:
 - Improved use of the Internet in the process to involve all possible stakeholders
 - In the decision-making on New Work Item Proposals, mainly the opinion of main stakeholders should be taken into consideration. For product standards, this means manufacturers, authorities and end users.
- **Mid term:**
In order to make benefits of participation in standardisation transparent to develop tools for the calculation of benefits on micro level
- **Long term:**
To improve a better understanding of the principles of and relationship between legislation (New Legal Framework), standardisation and conformity assessment, curricula at all levels should include information of the main principles. A better knowledge, understanding and awareness will lead to increased interest in active participation in the decision making process”.

2.2 How can action at European and national level improve access to standardisation for groups of stakeholders facing particular difficulties in this respect of access be addressed (e.g. innovative and high growth companies for incorporation into innovative solutions; societal NGOs)?

There should be no specific mechanisms to participate at European level as any party is free to participate through national SDOs and that system should be left uncompromised. Funding of specific stakeholder groups should only be relevant for identified specific projects of public value.

2.3 How can the access to standardisation for, and use of standards by, SMEs be improved?

- Access to standards:
 - Develop websites with standards particular for specific sectors with an overview of the standards which are useful for that sector.
 - Develop specific packages of standards particular for specific (sub)sectors having attractive purchasing conditions.
 - Develop programs for better involvement of trade organisations to explain what the benefit of using standards is.
 - Stimulate the development of appropriate tools where the content of complex standards is explained or their practical use will be supported.
 - Please also see reply under 2.4.
- Access to standardisation:
 - Make much clearer what the benefit of participation for that particular enterprise is. Develop tools for that purpose.
 - Stimulate trade associations to represent SMEs

- If fees have to be paid for the active participation of experts from SMEs in standardisation committees of the national SDOs these fees have to be moderate (no participation fees for horizontal standardisation projects having no direct benefit for participants)
- Please also see reply under 1.1. This issue is dealt with in various on-going studies.

2.4 Which recommendations can be made aiming at facilitating the access to standardisation deliverables (e.g. reduction of the costs of the purchase of standards, review of the current business models, availability of abstracts, documents, search tools)?

- Applying standards leads to clear advantages for users. Standards represent a high knowledge value, and experts who have developed the standards have contributed with money, time and expert knowledge. This must be made clear to everybody. Consequently national and European SDOs should consider this key role of the experts for the standardisation more appropriate in their future political decisions.
- It is questionable if standards/other deliverables at lower costs, or even free of charge, would in reality lead in general to extended use. If there is a political will, however, to reduce the costs of buying standards, increased public financial contributions must compensate SDOs for the loss of income. This should occur without pre-conditions being attached or attempts to influence the European standardisation system.
- Improved tools for detecting the relevant/appropriate standard (e. g. scopes/abstracts of standards and tables of contents accessible free of charge)
- Extended use of standardisation deliverables should be encouraged through better training and raising of awareness; easy to read versions of standards; as well as timely publication of market relevant standards.
- The total costs of developing standards should be reduced by a thorough process, at worldwide level, to optimise, streamline and harmonise the development process and rules among the formal SDOs (at international, European and national level), and review the business models of National, European and international SDOs, where necessary.

2.5 Which actions need to be taken in order to improve the transfer of knowledge and know-how resulting from research to standardisation?

- Publicly (co-)funded research and development programmes should include a mechanism that guarantees that no real opportunities for knowledge transfer and / or value leverage are being overlooked.
- Create more awareness of standardisation in the research and development community, including increasing the attention for standardisation in university curricula.
- Transfer of knowledge should be driven by business needs

2.6 Which recommendations can be made on how the take-up of standardisation deliverables by innovative and high growth companies that are not part of the standardisation process can be facilitated?

- If standards are relevant and timely, they will be applied in practice!
- Through better information and ensuring that relevant parties participate in the development process.

2.7 How can IPR and standards be used together (“proprietary vs. non-proprietary standards”) in a way that promotes innovation, while respecting competition rules? Could approaches such as timely disclosure of IPRs, and ex ante declarations of maximum royalty rates be generally recommended?

- Enterprises may have different interests for IPR regimes for standardisation. Interests in IPR-models depend strongly on the relative strengths of companies in generating versus applying IPR. IPR regimes can make or break innovativeness and competitiveness of the economy as IPR protection on the one hand rewards investments in innovation and on the other hand places a cost on using the fruits of another enterprise’s innovation.
- The present IPR policies of the three European SDOs are reasonably uniform and well balanced regarding stimulation of both the creation and the use of innovation. It reflects the FRAND terms (Fair, Reasonable and Non-Discriminatory) to ensure compatibility and interoperability quite well. Any radical change in these policies would jeopardise the carefully achieved balance. The use of IPR’s in harmonised standards should be avoided as much as possible by focusing on performance rather than on specific technologies. For interoperability standards technology choices are often de facto unavoidable, however and tremendous value has been created in recent decades based on the present IPR regimes.

3. GLOBAL CHALLENGES

How can European influence on the setting and use of international standards be maintained and further strengthened?

3.1 How can the external visibility and identity of European standardisation be more effectively strengthened, bearing in mind the currently ongoing visibility activities at both national and European level?

The main goal is not to sell European standards, but to have internationally accepted standards. It is therefore important that European standards are respected and accepted for conformity assessment purposes worldwide. Therefore, the standards must be of high quality, based on internationally recognised solutions and represent the actual state of the art. More active participation in international standardisation activities is a prerequisite for such acknowledgement.

- As the main principle, standards should be developed at the global level (one standard, one test, accepted worldwide)
- Even if standards are not directly linked with legislation in all countries, they are often setting the level of requirements needed for marketing the products or services in the different countries/regions. If there are different objectives in legislation, it becomes more difficult to have common, international standards. Therefore, the Commission and national authorities should work through WTO, UNECE and bilateral contacts with the objective of formulating common, global, regulatory objectives.
- When European standards are based on the European legislation, deviations from international standards may be needed, but should be limited as far as possible.
- To guarantee the necessary opportunities for a global harmonisation via international standards regional/national legislation should be restricted to common objectives and leave standardisation sufficient room for manoeuvre.
- Orgalime proposes to strengthen the cooperation of sectors between European and international formal SDOs for the International product based standards. This enables the transferring of international standards effectively to the European level and creates the possibility for regional harmonisation.

3.2 What should be the role of European and national standards bodies and the Commission/Member States with regard to the setting up of information exchange and early warning procedures relating to standardisation activities vis-à-vis third countries (e.g. EU-China information platform)?

- Global harmonisation of standards is of utmost importance. It should preferably be pursued through the international SDOs, and by regional authorities in the context of TBT reduction negotiations.
- European SDOs can make a contribution by urging the international SDOs to welcome SDOs of merging economic powers in their ranks and to do their utmost to foster global standards without regional or national deviations.
- In turn, Europe should do its utmost to adopt international standards and place the point of gravity of their development in the international SDOs whenever possible.
- A major problem of the European and global information systems is the massive amount of information which hides the essential information. Orgalime supports the information system at the European level. However the classification of the information must be selective and transparent enough to ensure precise focusing.
- The European Commission and the Member States should work within WTO, UNECE and through bilateral negotiations to create common regulatory objectives. Furthermore, the Commission should ensure clear and easy to understand information on the European standardisation system and how to get European standards and convince the counterparts in third countries to do the same with regard to their standardisation systems.

3.3 Which actions need to be taken in order to increase the timely involvement and influence of European stakeholders in international standardisation and to strengthen the use of international standards?

- See recommendations under other sections!

3.4 Taking account of the existence of a significant number of standards setting organisations with claims to an international reach, how can the role of the international standards bodies ISO, IEC and ITU be strengthened?

- The best guarantee for ISO, IEC and ITU to have a strong and leading role is to be competitive in terms of answers to stakeholders' needs. The focus should be on a good selection filter to ensure effort is spent only on really market relevant work items; and on quality for both standards development processes and standards (deliverables). Speed is an essential element in quality of process; building broad consensus and recognition should however, not be compromised.
- International SDOs should be encouraged to embrace a more thorough acceptance filter for market relevance as the most important criterion for New Work Item Proposals. See further our answer to 1.7.
- National and regional deviations from international standards should be gradually eliminated. The dominating national identification of the European and international standards should be reduced to give more visibility to the original version.

4. FINANCING OF EUROPEAN STANDARDISATION

Which recommendations can be given in order to ensure sustainability and viability of financing the European standardisation system?

General remarks

- The global success of the European engineering industries is based to a considerable extent on standardisation. The financing of European standardisation must therefore be solid and meet present and future challenges;
- The European standardisation system would not exist without its members; addressing the financing of national SDOs is key to the sustainability of European SDOs. Therefore Orgalime is commenting on financing principles at both European and national levels.
- Standards are used in many sectors. However, the various sectors may have different needs and are structured differently. Therefore there will not be a solution “one size fits all” and different models of financing may be necessary;
- National SDOs are structured differently, based on different national business structures (size, sector, and composition) and different national traditions. Therefore different models of financing may be necessary, even from one sector to the other. Different solutions might also be appropriate for financing specific work items within a specific sector, e.g. depending on whether the standard is mandatory or not.
- Any reform of the financing of standardisation should aim at:
 - Promoting active participation of all stakeholders/interested parties in standardisation and the use of standards
 - Reducing the cost of standardisation by increasing efficiency both in the process and in the internal structure.
 - Making standardisation development free from financial dependence on certification activities, to ensure that standardisation work is not driven by commercial certification interests. However revenues may come from other activities such as training, workshops, know-how transfer or other sources (e.g. authorities for specific projects).
 - Leaving sectors the freedom they require to adapt the financing structures according to their needs in relation to their standardisation activities.

4.1 Which functions and activities should be best financed by whom?

- In general, development of standards should be financed by the stakeholders, including national public authorities;
- Apart from traditional financing from businesses and public authorities, the following financing models might be envisaged:
 - Accounting on a standardisation project basis
 - Standardisation committees managed/financed by sectorial trade associations themselves on behalf of National Standardisation Organisations (e.g. NAM within DIN)
 - General financial support by horizontal organisations of the economy (e.g. Chamber of Commerce)
 - Grants for stakeholders provided by national authorities with the support of the European funds to facilitate their access to standardisation work

- Financial means (sales revenues) from the development of new “added value products” providing comprehensive information by the National Standardisation Bodies (books, journals, databases, web-platforms, guidelines for the application of a specific standard, training seminars for standardisation developers as well as for users of standards etc.). All instruments may complement each other

4.2 Which standardisation functions and activities require or justify a financial contribution from the public authorities (Commission, EFTA and Member States) and to which extent?

- A distinction has to be made between standards supporting legislation (i. e. New Approach) and market surveillance (e.g. measurement standards with regards to EuP implementing measures) and other standards. A financial contribution from the public authorities is justified when standardisation supports legislation or the fulfilment a public duty, such as market surveillance.
- The financial participation by national authorities does not seem to be always in proportion to the benefits they derive. In certain sectors national governments are the major user of standards at national level by their reference to standards in legislation. When national governments claim that standardisation is predominantly a task for the business community, they do not take their responsibility in the standardisation system. Support from the Commission to increase transparency in this area and to get adequate involvement of the national authorities would therefore be welcome.
- The standardisation organisations have previously received purpose-specific EU funds (such as order vouchers for the creation of European standards) on a larger scale. However such compensation payments must not be linked to other conditions for the standardisation organisations and – contrary to previous practice – must be made on time. It is crucial that such a practice does not undermine the independence of the standardisation organisations.
- The European Commission should not increase its direct project funding, but should rather invest in framework support policies that would encourage national authorities via their participation in the activities of national SDOs to increase their contributions to the system.
 - National authorities should help finance the basic structures of the national SDOs, thus supporting their public obligations (e.g. including wide consultation and information activities).
 - National authorities might give financial support to the participation of NGO and SMEs in cases where their participation should be encouraged.

4.3 Which recommendations can be given relating to the funding of standardisation based on the delivery of services by standardisation bodies?

- The maintenance of the current national standardisation structure in the EU requires the funding of a complex system. Many national SDOs today face problems in financing their operations. Some are heavily dependent on government contributions and others have diversified their earnings going beyond their standardisation activity, for example by operating in the certification area. Such a mix of a standardisation mission with the intrinsic commercial interests of national SDOs has, in a number of cases, led to standardisation proposals in which the interest of certification services seemed higher than those of the market. In order to avoid such situations, Orgalime favours independent national SDOs focusing on their standardisation mission only without financial links to certification services.
- To ensure the market relevance and funding of standardisation projects national SDOs should act as independent service providers for standardisation activities initiated by the relevant stakeholders. The driving force for the creation of new standards work items should be the main stakeholders.

4.4 Which recommendations can be given to the private and public stakeholders with respect to accelerating the procedures for the financing of the European standardisation system?

- Any bureaucratic reporting requirements in relation with the funding of mandated European standardisation should be reduced to the minimum necessary. Processes between Commission and European SDOs to provide the annual contracts for the “New Approach” consultants (having the task to assess candidates of harmonised European standards against New Approach Directives) have to be modified in order to ensure that the contracts will be concluded in time. Timely contracts are an important prerequisite to avoid delays in the final stage of standardisation projects.

5. LEGAL FRAMEWORK FOR EUROPEAN STANDARDISATION AND RESULTING ORGANISATIONAL OUTPUT

5.1 Is *there* a need to review the current list of recognised European standards bodies?

- There should not be other recognised European standards organisations in order to avoid competition among them.
- To add some other SDOs to the list in giving a list of criteria to be fulfilled by recognised SDOs the risk arises that non-European or non-full-public consensus SDOs will get a legal status in European legislation. This cannot be in the interest neither of industry nor of the legislator. Furthermore, it would contradict the objective of “strengthening the European standardisation system”.
- However, in those specific fields where all activities related to the development of normative documents or technical specifications take place exclusively within specific internationally recognised organisations, such as OIML, IMO, IATA or FAO, the inclusion of an additional list of such organisations in Directive 98/34/ECⁱ would help avoid the need for purely bureaucratic “rubber-stamping” of international documents where EU legislation requires European standards, and would also contribute to ensuring the coherence of the legal framework. It would also give the Commission the possibility to issue mandates to those organisations.

5.2 Should *the* instrument of issuing standardisation mandates be reviewed (e.g. relating to the addressees of mandates, procedures)?

The mandates are an important link between the European Commission and the standardisation activities. It is why the draft mandate should be sent both to European SDOs and to European Stakeholders’ associations in order to improve the mandates’ content with the expertise of the concerned persons. Orgalime believes that the procedure of delivering mandates should be reviewed with due consideration of the following:

- Keep the process streamlined through DG Enterprise and Industry for mandating European SDOs. It would ensure a better consistency in requests for drafting standards in support to legislation in the harmonised area.
- EC mandates should cover programmes for standards, not individual standards. This would allow industry to play a full role in deciding on which individual standards are to be prepared, naturally in cooperation with the Commission and the standards bodies.

- The balance between different aspects such as environment, health and safety, has to be clearly assessed by the Commission in the standardisation mandates drafted for New Approach directives when there is a risk of conflict between measures to be taken (e.g. flame-retardants in TV sets).
- As a general rule the Commission should carry out an impact assessment before submitting a draft mandate to the Committee 98/34/ECⁱ. This would be a valuable means of ensuring greater market relevance of the standards work to be undertaken by the European SDOs.
- In addition the procedure for the financing of the standardisation activities covered by Mandates should be simplified and made more effective and efficient, still keeping the required integrity levels.

5.3 Should the standardisation principles (transparency, openness, impartiality, consensus, effectiveness, relevance, coherence) be incorporated into the legal framework, if at all?

It is not necessary to include a list of internationally agreed standardisation principles in the body of the Directive. The European SDOs have been recognised as such for the purpose of the Single Market and the development of a coherent European standardisation system. It is therefore sufficient for these principles to remain in the recitals of the Directive and in the cooperation guidelines, as is presently the case. Except for that, the recommendation of industry is to restrict any revision to only those elements of the directive, which clearly have to be adapted to new circumstances. Any further regulations or provisions introduced during a revision process, we believe, should not be accepted.

- A revision of Council Decision 87/95/EEC to extend the possibility of using deliverables from standardisation organisations, other than the European SDOs, beyond public procurement of IT equipment, would be useful to support EU legislation on information and telecommunications services and wider EU policies in the area of ICT, such as e-learning or e-accessibility. But the use of technical specifications or standards deliverables other than European standards must be on the condition that no possible conflict exists with a European standard either adopted or under development within the European SDOs. Furthermore, it would be necessary to include additional criteria, namely the FRAND principle (fair reasonable and not discriminatory) on the relationship of IPR and standards and the principle of adequate membership and voting rights.

5.4 Are there issues surrounding the accountability of standardisation bodies at European and national level?

N.B.: Due to the lack of clarity of the question, it was decided not to answer it.

5.5 How can the overall coherence of the European standardisation system and the legal framework be ensured?

- The New Legislative Framework is a good basis for ensuring coherence of the European standardisation system.
- Concerning other issues under discussion in the context of a possible revision of Directive 98/34/ECⁱ, we consider that it would be beneficial to extend its scope to include all services (not just “information society services”), taking into account the adoption of Directive 2006/123/ECⁱⁱ on services in the internal market.
- The European standardisation legal framework should not be too rigid in order to leave standardisation system flexible enough to respond to societal needs and market developments.

- Industry opposes any idea of a possible public-funded European agency to replace' the three European standardisation organisations.

5.6 Is there a need to revise Decision No. 1673/2006/ECⁱⁱⁱ relating to the financing of European standardisation?

Orgalime is of the opinion that there is no need to revise this decision.

+++ // END // +++

Refrain from

ⁱ [Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998](#) laying down a procedure for the provision of information in the field of technical standards and regulations

ⁱⁱ [Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006](#) on services in the internal market

ⁱⁱⁱ [Decision No 1673/2006/EC of the European Parliament and of the Council of 24 October 2006](#) on the financing of European standardisation



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