

Brussels, 16 March 2012

Orgalime comments on EP IMCO amendments on the EC proposal of a Regulation on European Standardisation

[IMCO draft Report on European Standardisation](#) – Rapporteur: Lara Comi
(COM(2011)0315 – C7 0150/2011 – 2011/0150(COD))

Orgalime welcomes the Report drafted by Ms Comi, Rapporteur to the EP Committee on Internal Market and Consumer protection on the Commission Proposal for a Regulation on European standardisation - [COM\(2011\)315](#), as commented in our [position paper of 2 February 2012](#). Although the report mirrors many of our concerns, we believe that there is still some room for further improvements, to be discussed in the Committee on Internal Market and Consumer Affairs (IMCO) whose vote is scheduled on 20 March 2012, and final discussions in the Council Working Group on Technical Harmonisation in the coming weeks. We are therefore pleased to provide the following comments and suggestions:

- **preserving the voluntary and private character of standards organisations operating at national level:**

Amendment n°154 should be preferred to all other proposed amendments to the EC text on Article 5 paragraph 1, as it restores consistency with the private and voluntary nature of standardisation.

- Participation of all stakeholders especially SMEs should be **encouraged and facilitated**. This cannot be “ensured” (please reject IMCO amendments n°155 and 157), nor prescribed by law in any manner (please reject IMCO amendments n°168, 169 and 170).
- **Market surveillance authorities too should be encouraged to participate** (we support IMCO amendments n°182 or 183).
- This is why Member States, especially if they decided not to participate in standardisation work, should **duly justify their motivation for raising a safeguard clause against a new standard** (Support IMCO amendment n°201 MEP Handzlik).
- Granting **voting rights to Annex III organisations would not improve societal relevance** (Reject ITRE amendments n°8 & 9, IMCO amendments n°160 and 163). Education at all levels about the role of standards for markets and society is much more relevant.
- It is equally **not right to grant Annex III organisations special rights** (Support MEP COMI amendment n°47 on the deletion of Art. 12 point d) or to offer “other bodies” the possibility to be funded to make or revise European standards (Support MEP COMI amendment n°48 on deleting Art. 13-1-b-i).

Orgalime, the European Engineering Industries Association, speaks for 34 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 9.7 million people in the EU and in 2010 accounted for some €1,510 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

- **ESOs/NSOs funding model and private governance should not be put at risk:**

Amendment n°174 paragraph 1 could be used as a basis for the following **compromise**:

“1. National Standardisation Organisations shall promote and facilitate the access of SMEs to standards and their development, **for example**, through;

(a) making available free of charge on their website abstracts of standards;

(b) applying special rates for the provision of standards to SMEs and providing bundles of standards at a reduced price;

(c) providing special rates to SMEs for participation in standardisation activities;

2. National Standardisation Organisations shall **publish their promotions and facilitation means for SMEs** on their website.”

- **All other amendments should be rejected**, especially IMCO amendment n°180. It should be the entire decision of ESOs and their members to distribute standards at special rates for some categories of stakeholders.
- Standards development involves a cost (1 million euros on average). **Standards cannot be distributed for free** (Reject IMCO amendments n°104, 105 and 235).

- **The market relevance of draft standardisation request, both for products and services should be ensured:**

Amendments MEP COMI n°30 (on Art. 4a new), n°36 (on Art. 6 paragraph 1) are welcome, but in our view not sufficient. ALL stakeholders should have a chance to be informed in time on new EC standardisation requests without having to wait for the publication of a new release of the EC standardisation work programme. Therefore, the Commission should be requested to set-up a proactive notification system by area of interest (e.g. on the same pattern as “My Observatory” for monitoring EP legislative activity). Unlike the formal European Multi-Stakeholder Platform on European Standardisation set up in November 2011 by the European Commission, participation should be open to ALL interested stakeholders and not be subject to the discretionary decision of the Commission on who is “relevant” or not. Such an IT operated consultation/notification system would be of purely consultative nature and we sincerely believe that it would not add significant costs or administrative burden to the European Commission’s work. We therefore suggest the following texts of compromise amendments:

- CA 15 on art. 6 – par. 1 *covering AMs 36, 184 and 185*
 1. The Commission shall adopt, ***after consultation with the European Standardisation Organisations and interested stakeholders, cf Article 6.a)***, an annual European standardisation work programme which shall indicate the European standards and European standardisation deliverables that it intends to request from the European ***Standardisation Organisations*** in accordance with ***Article 7(1)***.
- CA 15 a (new) – on art. 6 par. 1 a (new) covering AMs 186 to 194 + AM 250

The European Commission shall establish a notification system for interested European Business Federations and Annex III organisations in order to ensure proper consultation and market relevance prior to:

 - adopting the annual European standardisation work programme referred to in article 6.1;
 - adopting standardisation requests referred to in article 6.2;
 - taking a decision on objections to harmonised standards as referred to in Article 8.2;
- CA 16 on art. 7 – par. 1 *covering AMs 39 and 189 to 194*

1. The Commission may request one or several European **Standardisation Organisations** to draft a European standard or European standardisation deliverable within a **reasonable** deadline. They shall be market-driven take into account the **policy objectives clearly stated in the Commissions request** and **be** based on consensus. **To that end, the request by the Commission shall be issued after consultation with the European Standardisation Organisations and interested stakeholders (cf. article 6.1 a) and the committees of national experts set up by the corresponding sectoral directive where it exists.**

- In addition, the consultation of the relevant administrative committees of sectoral directives is welcome (IMCO amendment n°204 MEP Juvin is supported).

Finally we have the pleasure of enclosing our voting recommendations which are commented:

| Issues | Amendments | Voting Recommendation | Justification |
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SCOPE

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| | 111, 112, 114, 115, ITRE 20 | Negative | Would restrict the scope of the Regulation considerably and create uncertainty as to which services would actually be under the scope. It would also risk leading to less transparency as to the development of standards for services. |
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DEFINITION

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| Definition of standards | 18, 118, 119, 120, 121, 123, 124, ITRE 21 | Negative | These proposals are not consistent with the corresponding definitions in Regulation 765/2008/EC. This may lead to legal uncertainty. |
| | 122 | Negative | We consider that the exception to the rule of “non-compulsory” use of standards should be regulated by issue specific legislation and not by the Regulation |
| Definition of International and European Standardisation Bodies | 19, 20 | Positive | The word ‘organisation’ is consistent with the international terminology. |
| Definition of harmonised standards | 128 ITRE 22 | Negative | These proposals are not consistent with Regulation 765/2008/EC |
| Definition of standards | 22 | Positive | The word Organisation is consistent with international terminology |
| Definition of ICT standards | 23, 25 ITRE 23 INTA 10 | Positive | Deleting the current definition of ICT and adding the one proposed in amendment 25 can be fruitful for the definition of the scope of the Regulation |
| Definition of technical specifications | 132, 133, 134 | Positive | Protection of the environment and public health are indeed goals that standardisation can serve |
| Definition of services | 135, 136 | Negative | This article is restricting the scope of the Regulation, which makes it less flexible and thus leaves room for legal uncertainty. |
| Definition of International standardisation bodies | 138 | Negative | This amendment would bring great unwanted changes in European standardisation bearing only limited advantages |
| | 139 | Positive | Useful addition, as it is in line with the ISO Guide 2 definition. |

| TRANSPARENCY AND STAKEHOLDER PARTICIPATION | | | |
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| | 32, 33, 141, 143, 148, 151, 152, 153, 155, 157, 158, 159, 160, 161, 163, 164, 165, 166, 168, 169, 170, 172, 173, 175, 176, 177, 178, 179, 180, 181 ITRE 29, 32, 33 | Negative | These amendments would jeopardize the voluntary and private character of standardisation and of their members operating at national level. <i>See detailed comments above.</i> |
| Standstill procedure | 27, 28, 149, 150, 162 | Positive | These amendments would preserve the standstill procedure and allow for a standardisation process that aims at consensus building among interested stakeholders. |
| Appropriate participation of stakeholders | 31, 35, 154, 156, 171, 174, 182, 183 INTA 13, 14, 15 ITRE 31, 34 | Positive | The amendments restore consistency with the private and voluntary nature of standardisation |

| EUROPEAN STANDARDS AND EUROPEAN STANDARDISATION DELIVERABLES IN SUPPORT OF UNION LEGISLATION AND POLICIES | | | |
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| | 36, 39, 184, 185, 186, 187, 188, 189, 190, 192, 250 ITRE 35, 36, 38 INTA 16 | Positive | The market relevance of draft standardisation request, both for products and services should be ensured. Therefore, a compromise amendment that would request the Commission to set-up a proactive notification system by area of interest (e.g. on the same pattern as "My Observatory" for monitory EP legislative activity) would be much welcome. <i>(See our suggestions above).</i> |
| | 193, 198 | Negative | The formulation of amendment 190 is better |
| Joint Research Centre | 38 | Negative | The Regulation should not grant disproportionate privileges to any actor, such as the JRC. |
| Objection to harmonised standards | 198, 199 | Negative | Not practicable and contrary to the private, market-relevant and consensus-building nature of the standardisation process. |
| Objection to harmonised standards | 200, 201, 203, 204, 205, 206, ITRE 39, 40 | Positive | Member States should keep their right to object to harmonised standards; however, it would be at odds with the objective of speeding up the standards development process, if a Member State could nevertheless decide to challenge a harmonised standard, at the very end of a consensus-building process to which Member States could have participated. Hence, it should be required to provide a convincing explanation and evidence in support of its claim. |

| STANDARDS IN THE FIELD OF ICT | | | |
|--------------------------------------|-----------------------------------|----------|---|
| Terminology | 41, 42 ITRE 41 INTA 21, 22 | Positive | “Technical specification” is a more appropriate term than “standards” |
| Stakeholder consultation | 43, 218 | Positive | The consultation with the multi-stakeholder platform for ICT standards and ESOs can preserve the market relevance of draft standardisation request |
| Use of ICT technical specifications | 44, 45, 213 INTA 23 ITRE 42 | Positive | Orgalime considers that the use of ICT-specifications by for a and consortia should stay limited for use in public procurement only, as a use in support to European Union policies risks opening up undue influencing routes, thereby undermining the trust in and respect for the current formal standardisation system and the EU regulatory framework at large. |
| | 220, 221 INTA 23, 24 | Negative | |

| FINANCING OF EUROPEAN STANDARDISATION | | | |
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| Stakeholder consultation | 223 | Positive | This amendment favours the market relevant nature of the European Standardisation System |
| International cooperation | 225, 226 | Negative | European Standardisation is already accessible to any interested categories of stakeholders. |
| International regulatory dialogue | 227, 228, 229, 233 ITRE 43 | Positive | The international regulatory dialogue can be fruitful for European standardisation as long as it continues to serve the needs of the European industry. |
| International cooperation | INTA 25 | Negative | This could serve the European interests but only if the principle of reciprocity would be adopted. |
| Information accessible to people with disabilities | 46, 49, 231, 232, 234, 235, 244, 245 ITRE 44 | Negative | The Regulation should refrain from establishing public interference in the private governance and financing of NSOs. Furthermore, it should stay as flexible as possible without stating over-detailed requirements. |
| Financing of other European Organisations by the Union | 47, 48, 236, 238, 243 ITRE 45, 46 | Positive | European standardisation should keep its voluntary and market relevant character |

| DELEGATED ACTS, COMMITTEE AND REPORTING | | | |
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| | 50, 51, 52, 54, 55, 57, 60, 61, 246, 247, 250, 251, 254, 255 ITRE 47, 51, 48, 49 INTA 27, 28 | Positive | The restriction of the scope of delegated acts, the periodical revision of the Regulation and the establishment of a multi-stakeholder notification system are steps in the direction of a market relevant standardisation process. |
| Article 16 – paragraph 1 a (new) | 248 | Negative | Even though this amendment is going in the right direction, amendment 247 is preferable. |

| ANNEX I EUROPEAN STANDARDISATION BODIES | | | |
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| National Standardisation Organisations | 62 | Positive | The re-introduction of the definition of a NSOs and of an annex ‘1 a’ which is listing all NSOs is helpful. |

| ANNEX II REQUIREMENTS FOR THE RECOGNITION OF TECHNICAL SPECIFICATIONS IN THE FIELD OF ICT | | | |
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| Use of ICT technical specifications | 64, 256 INTA 29 | Positive | The use and not the sole recognition of ICT technical specifications should be regulated |
| Stakeholder participation | 259, 261 ITRE 55 | Negative | The additional criteria imposed by these amendments could jeopardize the speed and flexibility provided for ICT technical specifications |
| | 261 | Positive | This requirement to avoid conflict of ICT TS with European and international standards is welcomed |
| Intellectual property rights | 260 | Negative | ICT technical specifications are private documents. Therefore, it is not appropriate to interfere with private contractual arrangements on their use for meeting public or private market needs. |
| ANNEX III EUROPEAN STAKEHOLDER ORGANISATIONS | | | |
| Criteria for the European Stakeholders | 65, 265, 269, 270 | Positive | Requiring a representation of the majority of SMEs in all Member States requires the SME organisation to be both European "and national". |
| Further European Stakeholders | 276 | Negative | More unidentified categories of societal stakeholders may create confusion and impede the market driven nature of the European standardisation system. A wider notification system open to all interested stakeholders can be more helpful to ensure the relevance of European Commission standardisation mandates. |

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