



Ref: 1110177

Brussels, 2 December 2011

EFTA TBT Committee Comment on the proposal from the Commission for a Regulation on European Standardisation, COM (2011) 315.

The EFTA TBT Committee is the body in EFTA reviewing the Proposal for a new Regulation on European Standardisation, and the final proposal in document COM (2011) 315 was on the agenda of the Committee's meeting in November 2011. The Committee has subsequently agreed to forward the following views to the European Parliament and the Council as input to your considerations:

1. EFTA supports the continuation of the principle of national delegation.
2. EFTA notes that the speed of making a standard or revising a standard has improved considerably in recent years. We believe, however, that further progress can be made if regard is given to the entire process of standard-setting from planning of standardisation requests to publication of the standard. The speed of the standardisation process should not however compromise the quality of standards and the transparency of the process. We recognise that a speedier process may be required for ICT standards that are within a sector which is particularly subject to rapid technological developments. The use of ICT technical specifications developed outside the European Standardisations Organisations (ESO) should not lead to a weakening of the ESOs.
3. EFTA welcomes the inclusion of services in the scope of the Regulation, cf. article 1. We believe that European standardisation should play an important role in the completion of the internal market for services. More political attention should be paid to the need for European standards for services instead of national standards.
4. EFTA proposes that a more consistent approach be given to references in the proposal to 'ICT standards' and 'technical specifications' in the field of ICT, cf. articles 1, 2, 9, 10 and 16 and that "technical specifications" should be used (not standards) to describe the deliverables from fora and consortia in the field of ICT.
5. We consider it important that the views of societal stakeholders and SMEs are heard in the standardisation process. With regard to Article 5 of the proposed Regulation, we suggest however to replace the word "ensure" in paragraph (1) and (2) with the word "facilitate". The participation in standardisation activities is and should remain voluntary. Consequently, it will not be possible for the European standardisation bodies to "ensure" representation. We furthermore propose that it should be considered to include a reference to 'public authorities' in article 5 (2) of the Regulation.

6. EFTA supports the adoption by the Commission of 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 bodies, cf. Article 6. We consider that early dialogue with stakeholders when preparing such annual work programmes, may be a way to ensure better quality of mandates and thus speed up the standardisation process.
 7. We support the recognition of ICT technical specifications in public procurement as proposed in article 10 of the Regulation.
 8. We would like to underline the importance of article 11 (1) (d); emphasising that coordination of standardisation activities among European standardisation bodies is an objective of financing European standardisation by the Union and EFTA.
 9. We propose that the following text be inserted at the end of article 11 (2) (b): ‘ *when European standardisation bodies cannot develop and revise standards within their own system*’.
 10. It is important to look for a more efficient system for administering financial support from the EU and EFTA to the ESOs. To that end we welcome article 13 (4) of the Regulation, which provides for a new and more flexible way of financing European standardisation through lump sums. In future there is, however, a need to establish a system based on transparent and activity-related criteria. We agree in principle that grants awarded for standardisation activities should be subject to compliance with the deadlines of the standardisation request as proposed in article 13 (4) (a); recognising however that in duly justified cases the extension of deadlines or suspension of work should be possible. As regards article 13 (4) (b), we propose that the provision be amended to read: ‘*The European Standardisation bodies facilitate the involvement of SMEs, consumer organisations, environmental and social stakeholders and public authorities, as referred to in article 5 (1).*’
 11. We support the continuation of the principle of standstill, currently expressed in Article 7 (1) of Directive 98/34/EC. It is our understanding that the proposed Regulation will replace existing rules on standardisation in Directive 98/34/EC, as amended by Directive 98/48/EC. However, article 20 of the Regulation does not delete article 7 (1) of Directive 98/34/EC. Article 7 (1) contains a reference to the first indent of Article 6 (3), which is deleted in article 20 (2) d of the proposed Regulation. We propose that consideration is given to whether article 7 (1) of Directive 98/34/EC should remain in this directive. In any case Article 7 (1) should be amended to reflect the deletion of the first indent of Article 6 (3) in Directive 98/34/EC.
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ANNEX

EFTA proposals for amendments to the EC draft Regulation on European Standardisation, COM 2011(315):

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<i>Article 1 - Subject Matter</i>	<i>Article 1 - Subject Matter</i>
<p>This Regulation establishes rules with regard to the cooperation between European standardisation bodies, national standardisation bodies and the Commission, the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies, the recognition of technical specifications in the field of information and communication technologies (hereinafter "ICT") and financing of European standardisation.</p>	<p>Amendments are not considered necessary. See comment below.</p>

Comment:
<p>EFTA welcomes the inclusion of services in the scope of the Regulation. We believe that European standardisation should play an important role in the completion of the internal market for services. More political attention should be paid to the need for European standards for services instead of national standards.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
	<i>Article 3 (6) (New) – Standstill Procedure</i>
	During the preparation of a European standard or after its approval, national standardisation organisations may not take any action which could prejudice the harmonisation intended and, in particular, not publish in the field in question a new or revised national standard which is not completely in line with an existing European standard,

Comment:
<p>We support the continuation of the principle of standstill, currently expressed in Article 7 (1) of Directive 98/34/EC. It is our understanding that the proposed Regulation will replace existing rules on standardisation in Directive 98/34/EC, as amended by Directive 98/48/EC. However, article 20 of the Regulation does not delete article 7 (1) of Directive 98/34/EC. Article 7 (1) contains a reference to the first indent of Article 6 (3), which is deleted in article 20 (2) d of the proposed Regulation. We propose that consideration is given to whether article 7 (1) of Directive 98/34/EC should remain in this directive. In any case, Article 7 (1) should be amended to reflect the deletion of the first indent of Article 6 (3) in Directive 98/34/EC.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<p>Article 5 - Stakeholder Participation in European Standardisation</p>	<p>Article 5 - Stakeholder Participation in European Standardisation</p>
<p>Article 5 (1): European standardisation bodies shall <i>ensure</i> an appropriate representation of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations and environmental and social stakeholders, in particular through the organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:</p>	<p>Article 5 (1): European standardisation bodies shall <i>facilitate</i> an appropriate representation of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations and environmental and social stakeholders, in particular through the organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:</p>
<p>Article 5 (2): European standardisation bodies shall <i>ensure</i> an appropriate representation, at technical level, of undertakings, research centres and universities and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research and technological development.</p>	<p>Article 5 (2): European standardisation bodies shall <i>facilitate</i> an appropriate representation, at technical level, of undertakings, research centres and universities and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research and technological development.</p>

Comment:
<p>We consider it important that the views of societal stakeholders and SME’s are heard in the standardisation process. With regard to Article 5 of the proposed Regulation, we suggest however to replace the word “ensure” in paragraph (1) and (2) with the word “facilitate”. The participation in standardisation activities is and should remain voluntary. Consequently, it will not be possible for the European standardisation bodies to “ensure” representation. We furthermore propose that it should be considered to include a reference to ‘public authorities’ in article 5 (2) of the Regulation.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<p><i>Article 6 - European Standardisation work programme of the Commission</i></p>	<p><i>Article 6 - European Standardisation work programme of the Commission</i></p>
<p>Article 6 (1): The Commission shall adopt 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 bodies in accordance with Article 7.</p>	<p>Amendments are not considered necessary. See comment below.</p>
<p>Article 6 (2): The European standardisation work programme referred to in paragraph 1 shall specify the specific objectives and policies for the European standards and other European standardisation deliverables that the Commission intends to request from the European standardisation bodies. In cases of urgency the Commission can issue requests without prior indication.</p>	

Comment:
<p>EFTA supports the adoption by the Commission of 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 bodies. We consider that early dialogue with stakeholders when preparing such annual work programmes may be a way to ensure better quality of mandates and thus speed up the standardisation process.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<i>Article 9 - Recognition of technical specifications in the field of ICT</i>	<i>Article 9 - Recognition of technical specifications in the field of ICT</i>
Article 9: Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission may decide to recognise <i>technical specifications</i> which are not national, European or international standards and meet the requirements set out in Annex II, as ICT <i>standards</i> .	Article 9: Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission may decide to recognise <i>technical specifications</i> which are not national, European or international standards and meet the requirements set out in Annex II, as ICT <i>technical specifications</i> .
<i>Article 10 - Use of ICT <u>Standards</u> in Public Procurement</i>	<i>Article 10 - Use of ICT <u>Technical Specifications</u> in Public Procurement</i>
Article 10: ICT <i>standards</i> referred to in Article 9 shall constitute common technical specifications referred to in Directives 2004/17/CE and 2004/18/CE, and Regulation (EC) No 2342/2002.	Article 10: ICT <i>technical specifications</i> referred to in Article 9 shall constitute common technical specifications referred to in Directives 2004/17/CE and 2004/18/CE, and Regulation (EC) No 2342/2002.

Comment:
<p>We support the recognition of ICT <i>technical specifications</i> for use in public procurement as proposed in article 10 of the Regulation. EFTA furthermore proposes that a more consistent approach be given to references in the proposal to ‘ICT standards’ and ‘technical specifications’ in the field of ICT, cf. articles 1, 2, 9, 10 and 16 and that “technical specifications” should be used (not standards) to describe the deliverables from fora and consortia in the field of ICT.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
Article 11 - Financing of Standardisation Bodies by the Union	Article 11 - Financing of Standardisation Bodies by the Union
Article 11 (1) (d): the activities of the central secretariats of the European standardisation bodies, including policy development, the coordination of standardisation activities, the processing of technical work and the provision of information to interested parties;	Article 11 (1) (d): Amendments are not considered necessary. See comment below.
Article 11 (2) (b): other bodies which have been entrusted with carrying out the work referred to in points (a), (c) and (g) of paragraph 1, in cooperation with the European standardisation bodies.	Article 11 (2) (b): other bodies which have been entrusted with carrying out the work referred to in points (a), (c) and (g) of paragraph 1, in cooperation with the European standardisation bodies, <i>when European standardisation bodies cannot develop and revise standards within their own system</i>

Comment
<p>We would like to underline the importance of article 11 (1) (d); emphasising that coordination of standardisation activities among European standardisation bodies is an objective of financing European standardisation by the Union and EFTA</p> <p>EFTA considers it important that the current EU model of standardisation is preserved. We thus propose that the following text be inserted at the end of article 11 (2) (b): ‘, <i>when European standardisation bodies cannot develop and revise standards within their own system</i>’,</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<i>Article 13 - Financing arrangements</i>	<i>Article 13 - Financing arrangements</i>
<p>Article 13 (4) (a): Except in duly justified cases, grants awarded for the standardisation activities referred to in Article 11(1)(a) and (b) shall take the form of lump sums to be paid upon fulfilment of the following conditions:</p> <p>(a) European standards or European standardisation deliverables requested by the Commission in accordance with Article 7 are adopted or revised within a period not exceeding the period specified in the request referred to in Article 7;</p> <p>(b) SME, consumer organisations and environmental and social stakeholders are appropriately represented in European standardisation work, as referred to in Article 5(1).</p>	<p>Article 13 (4) (a): Except in duly justified cases, grants awarded for the standardisation activities referred to in Article 11(1)(a) and (b) shall take the form of lump sums to be paid upon fulfilment of the following conditions:</p> <p>(a) European standards or European standardisation deliverables requested by the Commission in accordance with Article 7 are adopted or revised within a period not exceeding the period specified in the request referred to in Article 7;</p> <p>(b) <i>The European Standardisation bodies facilitate the involvement of SMEs, consumer organisations, environmental and social stakeholders and public authorities, as referred to in article 5 (1)</i></p>

Comment:
<p>It is important to look for a more efficient system for administering financial support from the EU and EFTA to the ESOs. To that end we welcome article 13 (4) of the Regulation, which provides for a new and more flexible way of financing European standardisation through lump sums. In future there is, however, a need to establish a system based on transparent and activity-related criteria. We agree in principle that grants awarded for standardisation activities should be subject to compliance with the deadlines of the standardisation request as proposed in article 13 (4) (a); recognising however that in duly justified cases the extension of deadlines or suspension of work should be possible.</p>

Draft EC Regulation - COM (2011) 315 Final	Proposal for Amendment
<i>Article 16 - Delegated Acts</i>	<i>Article 16 - Delegated Acts</i>
Article 16 (1) (b): adapt the criteria for recognising <i>standards</i> in the field of ICT set out in Annex II to technical developments;	Article 16 (1) (b): adapt the criteria for recognising <i>technical specifications</i> in the field of ICT set out in Annex II to technical developments;

Comment:
<p>EFTA proposes that a more consistent approach be given to references in the proposal to ‘ICT standards’ and ‘technical specifications’ in the field of ICT, cf. articles 1, 2, 9, 10 and 16 and that “technical specifications” should be used (not standards) to describe the deliverables from fora and consortia in the field of ICT.</p>