



17 February 2010

IMPACT ASSESSMENT STUDY ON THE “STANDARDISATION PACKAGE”

As BUSINESSEUROPE members in some countries have been approached by National Standards Body representatives on the questions raised to them in the context of the present impact assessment, we take the opportunity to set out some opinions on some of the issues raised in your document “Request for information from National Standards Bodies”. Although industry is not the target group of this questionnaire, we are of the opinion that the following considerations nevertheless should be taken into account. Industry is one of the main stakeholders in standardisation work and as users of standards we need efficient and effective standardisation bodies which support the elaboration of the required standards.

Regarding provision 11, this measure would have a substantial negative impact on the financing model of NSBs that generate their main revenues through the sale of standards rather than through public funding or certification revenues. The financial stability and viability of NSBs would be jeopardised even if the obligation to provide free access was limited to harmonised standards, since the share of harmonised standards in the entire standards portfolio of NSBs is significant and such standards are among the best-sellers. Business stakeholders in standardisation have a vital interest in ensuring properly functioning standards organisations at national level, that are able to satisfy their needs in an efficient manner. Also, since business and industry already bear the brunt of the costs generated by the standardisation system, we fear that such a provision would place additional financial burdens on industry.

Regarding provisions 12/13, we believe that this implies significant administrative burdens for NSBs and public authorities or the Commission. Moreover, such a measure would be disproportionate as the cost of standards deliverables is not the major obstacle to SME access to standards. Instead, other public funding mechanisms should be explored to help NSBs and stakeholders to provide and buy harmonised standards at reduced prices.

On issues P10 and P14, we agree that balanced stakeholder participation is important, but we would like to re-emphasise that maintaining a level playing field is equally important. Any preference for certain categories of stakeholders should be carefully weighed against this essential principle. In addition, experience shows that the obligation to pay a reasonable "entrance fee" is an efficient means of ensuring commitment from the parties involved.

On issues P17 and P21, we underscore the importance of active participation by the authorities in the development of standards that will be used to provide the detailed requirements for regulatory obligations. Recently several frictions have arisen with regard to whether or not certain standards have indeed delivered on this promise, and also in relation to the supporting evidence for that. In this context we also express our great concern that at present many member states, on the contrary, are withdrawing their experts from such participation, driven by budgetary constraints. Still, we are not in favour of formally "obliging" governmental authorities to participate in standardisation as this would be a significant burden on the national authorities, in particular in small



Member States. We therefore support such participation being encouraged, and emphasise as a general remark that participation should be based on expertise.

The financing of mirror committees in all Member States by the Commission is a promising approach as it would help countries with a small industry footprint in any domain at stake. However, it is crucial that any funding maintains a level playing field and is well balanced according needs and expertise. It would not be desirable to encourage countries or stakeholders who are hardly or not affected by the respective standard to participate as this may damage the efficiency of the standardisation process as well as the quality of standards.

On issue P18 and question 27, we foresee substantial disruptions to the present way of organising and executing standardisation work and we are concerned about adverse effects to the effectiveness and efficiency of the work and of the use of scarce expertise. Technical committees bring together expertise on certain fields of interest and normally work on a palette of standardisation work items in their domain, whether or not standards developed are mandated or non-mandated. Thus, if parts of the standardisation work would need to be taken on by separate structures or through different processes, committees and expert communities will be artificially torn apart and use of expertise and established working relationships between stakeholder representatives will become more complex and diluted. Also the entire standardisation system will become more complex and less comprehensible as processes will have more varieties and decision points in the end.

On question 28, we fear that this would certainly fuel criticism by big non-European players such as USA and China that EU has overweight voting influence and can claim too many seats on governing boards as well as in technical committees. It would also be regarded as a confession of the often alleged "block voting" behaviour of European NCs. This might eventually contribute to a decision to grant only one vote to Europe. This would not only be counterproductive, it would also disrespect the participating countries in Europe. Currently, Europe has an advantage in the international standardisation scene, which we should not give away easily.

On question 29, experience shows that there are certainly many such cases although it would be very hard to determine a number, let alone a single one that everyone could support. But beyond that we believe that the question is not in any way the right approach to the matter. The power of voting rights in the standardisation arena works much as it does in the political arena. Once one has less voting power, one will win fewer arguments in negotiations even on details, well before a proposal would be subject to a vote. Also the number of eligible seats on governing boards and the like could be played down. Together this would severely weaken the European influence in international standardisation and substantially damage the interests of European business and European prosperity at large.

On issue P7, we believe such a streamlined procedure has the potential to contribute to the efficiency of the standardisation system, especially for purposes such as public procurement, and for standards that de facto enjoy very substantial or leading market acceptance. This happens a lot in ICT. On the other hand, we underscore again that business is in general not supportive of compromising on the existing checks and



balances when it comes to standards that detail regulatory requirements, such as harmonised standards relating to essential requirements in directives. This could open up undue influencing routes and might undermine the trust in and respect for the EU regulatory framework at large. We also stress the need to ensure coherence of the overall standards portfolio in domains where standards are delivered or developed by both the ESOs and fora or consortia. It is important to avoid concurrent standards with competing or even conflicting requirements.

On issues P19 and P23, we refer to our answer to the question on increasing the number of 'recognised' ESOs developing EU standards. In summary we believe this measure would have substantial drawbacks that are not compensated by its advantages. Likewise on issue P24 and question 36, we believe this would do more harm than good. We have great concerns that such an accreditation system could grow into a bureaucratic monster addressing a problem that would have been artificially created for no good reason. Moreover, who - in such an envisaged agency - would be in a position to judge the coherence and adequacy of the deliverables eligible for referencing?

On issue P16, we recall our position already expressed that BUSINESSEUROPE strongly advocates the obligation to separate standardisation from certification. Such "unbundling" would prevent possible conflicts of interest and distortion of competition. A close interrelation or interdependence between standardisation and certification encourages the development of certifiable standards. Furthermore, it prevents NSBs from determining their real standardisation costs, thus reducing incentives for continuous improvement.

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