

CELMA RESPONSE
TO THE COMMISSION CONSULTATION ON STANDARDISATION
http://ec.europa.eu/enterprise/policies/european-standards/public-consultation/index_en.htm

21 May 2010

INTRODUCTION TO THE CELMA COMMENTS / GENERAL PRINCIPLES:

CELMA deems the European standardization system the best system for supporting industry and legislations. EU standards have succeeded insofar to eliminate barriers to trade in the internal market and to give presumption to conformity to all EU laws.

Standards are voluntary tools, promoted by companies, with the voluntary participation of experts, to fit their market driven needs. Standards should not reflect EU regulators driven social, environmental, consumer safety, etc aspects. Any top-down approach, intended to transform NSOs and ESOs into organizations working to respond to policy needs would hamper all the work done so far and the credibility of European standardization.

Fora and Consortia contribution is welcomed. However standards produced by fora and consortia could not be accepted as such but must be submitted to ESOs and be transposed into official standards. That is the only way to grant transparency, impartiality, consensus, efficiency, relevance, etc.

1. Do you think that service standards (including process standards) and alternative standardisation documents should be included in the scope of Directive 98/34/EC or its successor? *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 and of rules on Information Society services;*

CELMA answer to question 1: It is necessary to distinguish between “service standards” and “alternative standardisation documents”.

The inclusion of service and process standards in the scope of Directive 98/34/CE is welcomed to promote, as far as possible, complete harmonisation of both European and International Standards. National standards of ESOs or NSOs which may create technical barriers to trade should be notified, whether they describe product requirements or service requirements.

Alternative standardisation documents should not be notified. They are private documents which should not be put under regulation. This would result in bureaucracy without benefit.

Alternative standardisation documents, in particular, should not be put under the scope of 98/34/EC or its successor. These documents are not suitable for the support of legislation. Therefore, they cannot be subject to mandates of the Commission. **Including them in the scope of the directive would grant them a status which is comparable to consensus based standards.**

2. Are you aware of specific cases where national service standards and alternative standardisation documents have caused technical barriers to trade?

CELMA answer to question 2: No, not within lighting

3. For areas other than Information and Communication Technology (ICT), should it be possible to refer to documents developed by fora and consortia in legislation and public policies? If it should, how should it be implemented?

CELMA answer to question 3:

NO- Documents developed by fora and consortia shall not be referred to in legislation or public policies, like public procurement. Such documents need to undergo the process in NSOs and ESOs to produce high quality standards, in an open, transparent manner based on consensus.

The use of PAS and industry standard type documents to give a fast response to market needs should be recognised, but the formal standardisation process should then be followed to give the longer term and more stable solution. It should be clear that these ‘fast track’ standards could provide a temporary solution only, and that they sit below completed EN/IEC/ISO documents in a structured hierarchy.

4. How could ESOs and NSOs be encouraged to accelerate their standards development process? Should for example the Community financing for standardisation be subject to conditions in terms of speed of delivery whilst maintaining the openness of the process?

CELMA answer to question 4: Fast standards development process is a key concern for industry, that has been working in the last years within ESOs to speed up the process as much as possible, in respect of the balance between workloads for experts and time to build consensus. . The process of the development of these standards should not be funded and given to others in order to speed up the process as they are unlikely to have the necessary expertise for the task. Financial assistance to ensure the appropriate expert support to this work should be used as an incentive only – not as a penalty, that may encourage faster, but lower quality standards, that could be damaging to both industry and consumers.

Speed of delivery of standards supported by Community financing could be best improved by a “significantly simpler and less bureaucratic set of arrangements for the financing of standardisation” and “administrative requirements and financial controls defined as clearly as possible”.

5. Should the WTO principles of transparency, openness, impartiality, consensus, efficiency, relevance and consistency be integrated in the legal framework of European standardisation (especially in EU Directive 98/34/EC or in its successor)? How should this be implemented?

CELMA answer to question 5: for lighting the processes are already transparent etc and the standards are published in the OJ when deemed to comply with the relevant Directives. Moreover such an integration could open up for the possibility to extend the list of recognised ESOs. This would end in jeopardizing the work of experts and risking of overlapping. The

currents ESS has proven successful and should be maintained as such. WTO principles should not be integrated in 98/34/EC.

6. How could the participation of consumer organisations, environmental NGOs, trade unions and social partners, and SMEs be best promoted? What should be the role of public authorities (European Commission and Member States) in supporting such a participation in a transparent, open, impartial, consensual, efficient, relevant and consistent European standardisation system?

CELMA answer to first question 6: development of standard process is already open to the participation of NGOs, trade unions, consumer organizations etc. The involvement of such entity is welcomed by industry to reach a greater consensus where they have a genuine interest. Participation in NSOs is a cost effective way to be part of the development process. Lack of expertise or resources could not be solved by setting artificial minimum level of participation. Financing could be interesting but must be carefully evaluated not to encourage indiscriminated participation even when no direct interests are involved. .

7. How could the NSOs (National Standards Organisations) deepen their cooperation, and mutualise their activities? Could the following tasks be shared amongst several NSOs?

- 1. Management of the Secretariats of Technical Committees?**
- 2. Notification of new national standardisation projects?**
- 3. Promotion/sales of standards?**
- 4. Other?**

CELMA answer to second question 7: It is not clear what is meant by “ NSOs should deepen their cooperation or share tasks between them”. All the proposed options are already in place and working to seek efficiency. As previously said, ESS is organized by industry to respond to industry needs in the best possible way, providing good and solid standards in a open and transparent manner. Internal organization of ESS, that are private organizations, should not be regulated by a legal framework that would crystallize the process hampering the capability of responding to market and industry needs.

8. Without prejudice to the national delegation principle, how could the European Standards Organisations (ESOs) manage directly, on a case by case basis, some standardisation activities, especially some Technical Committees?

CELMA answer to question 8: for lighting, this is already available. Refer also to IEC procedures as good procedure for progress tracking.
As previously said, the internal organizations of ESOs and NSOs is always evolving to respond to industry and market needs and should not be regulated in a legal framework. There is no evidence that a centralised Brussels based team of technical committee secretaries would improve the efficiency than how it is managed today.

9. What support should the European Commission provide to facilitate the use of European standards as a means to open global markets? What would be the operational means that the Commission should use? (Support experts' participation in international standardisation activities, translation of European standards into extra-community languages?)

CELMA answer to question 9: for lighting, we would welcome support for the experts to participate in international standardisation activities and the translation of European standards into extra-community languages.

Also, the support currently provided by BIS/BSI (travel support scheme) is much appreciated, and essential to maintaining the participation of the required technical experts.

Regarding the use of EU standards as a means to open global markets, Commission could set up international trade agreements, meaning acceptance by local authorities that products conforming with international standards are put into free circulation. Bilateral agreement on market access could be a secondary option.

10. Under which conditions do you think that the European Commission could launch, on a case by case basis, calls for tenders, open to the ESOs and to other organisations, to develop standards supporting EU policies and legislation?

CELMA answer to question 10: The development of standards as currently managed (for IEC, CEN, CENELEC) is considered to provide a good basis. Standardisation should not be a process subject to commercial tender bidding. It risks to focus on time/price aspects rather than quality and to jeopardize the work of experts that will be involved in different forum with a higher cost for the system. Moreover transparency and openness of the process could be put at stake.

11. What is, in your view, the most efficient level of participation in the process of standards development: national, European, international?

CELMA answer to question 11: As much work as possible should be made at the international level, with transparency and involvement to national levels.

CELMA believes that national standardisation organisations should remain the basis of regional (European) and international standardisation for many reasons:

- Standards produced in this way gain the consensus of the widest group of stakeholders, provided that NSOs remain independent.
- International standards, like European standards, benefit from the legitimacy provided through national inquiries and acceptance.
- In a global economy the participation of multinational companies in NSOs can develop into a resource.

12. In your opinion, where is the major added value in European standardisation with respect to national standardisation?

CELMA answer to question 12: Harmonisation of Pan-European products with elimination of trade barriers, presumption of conformity, application expectations, and certifications.

Also refer to previous answer, regarding the role of NSOs.

13. What are, in your view, the most serious barriers to the use of standards by enterprises: costs of standards (purchasing price)? Costs of operational implementation? Access to information? Knowledge of existing standards?

CELMA answer to question 13:

- Cost - Standards, especially those used to support national and European legislation, should be available free of charge (electronically via the internet).
- Lack of awareness of the importance of standards for their own company in particular at a technical level
- Lack of awareness of the importance of standards for their own company in particular at a management level
- Understanding – Many enterprises, especially SMEs, have difficulty understanding the wording of the standards. An improved infrastructure for training should be considered. It should be required for manufacturers/importers to show a minimum competence/understanding of the standards (especially those used as legislative benchmarks) appropriate to their business.

14. What could the standards organisations do, in addition to their current practice, to facilitate the access to standards, especially by SMEs?

CELMA answer to question 14: Reduce the costs of their standards. Increase public awareness of their standards. Plus see comments given to other questions.