



Raising standards for consumers



POSITION PAPER

Preliminary draft of the Annual Union Work Programme for European Standardisation 2014

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Contact Person: Stephen Russell, Secretary General
(Stephen.Russell@anec.eu)

1. Introduction

This position paper expresses ANEC's preliminary views on the draft Annual Union Work Programme for European Standardisation for 2014.

As a member of the Committee on Standardisation (CoS)¹, ANEC commented on the previous Union Work Programme and is pleased to have the opportunity to submit our views on the new draft.

For ease, we follow the order of the headings (but not the numbering) of the Commission document and focus on the aspects of consumer relevance.

2. Comments

2.1 Introduction

ANEC welcomes the intention of the Commission to organise calls for proposals during summer 2014 in relation to the European representation of consumers in standardisation work; ahead of a multiannual Framework Partnership Agreement.

Consumer representation in standardisation is weak or non-existent in most EU & EFTA countries², and to address this weakness and so guarantee the relevance of a European standardisation process built on national delegations, there has been recognition since the 1990s of the importance of ensuring the participation of consumers directly at the European level.

The Standardisation Regulation also sets an expectation that the participation of the experts of European associations in the standards development process be made "effective"³.

ANEC is a member of the ICT Multi-stakeholder Platform and as such we regularly comment on the Rolling Plan for ICT Standardisation⁴.

¹ The Committee on Standardisation is established under Article 22 of Regulation (EU) 1025/2012 on European Standardisation.

² <http://tiny.cc/shf1mw>. <http://tinyurl.com/yz7qys6>

³ Article 5 of Regulation (EU) 1025/2012 on European Standardisation.

⁴ ANEC comments on the Final Draft of the European Commission proposed outline for the Rolling Plan for ICT Standardisation (ANEC-ICT-2013-G-048)

2.2 Specific comments

Innovation and new technologies

Construction products

We welcome and support the Commission's intention to request the revision of the relevant European standards to reflect the new accessibility and sustainability requirements for construction works in Regulation 305/2011. It is important that construction works take into account the needs of all consumers, whatever their ages and abilities.

Smart grids and smart metering

We want to reiterate our suggestion to elaborate standards on the interfaces with smart grid users, which was included in the Smart Grids iteration mandate at the end of 2012⁵. However, to our regret, little progress has been made since then.

It is essential the strategic programme for smart cities standardisation takes into account consumer requirements, such as privacy, private data protection and accessibility. We joined the Smart and Sustainable Cities and Communities Coordination Group at the beginning of 2014 in order to defend this view.

Strengthening the Internal Market in goods and services

Child Safety

We welcome and support the Commission's intention to request the development of European standards for a variety of childcare articles, as well as for playgrounds and playing field equipment.

In 2012, DG SANCO created a rolling programme of standardisation activities under the GPSD to guide the choice of priority areas for standardisation. After consultation of GPSD Committee members and stakeholders (including ANEC), the top five products related to child safety were chosen as follows:

1. Playground equipment
2. Jewellery (children/babies)
3. Shoes for children
4. Slings
5. Goals (portable/fixed goals)

In order for the Annual Union Work Programme to reflect the priority exercise done by the GPSD Committee in 2012, we would like to see jewellery for babies and children added under point 2.3.1. Further to concerns expressed by Member States about amber teething necklaces during meetings of the Consumer Safety

⁵ ANEC-PT-2013-AHSMG-003rev

Network, the Commission agreed in 2013 to investigate the setting up of draft safety requirements for children's jewellery ahead of a mandate to CEN. This would not cover only amber teething necklaces, but also other issues such as the use of dangerously strong magnets in children's earrings. The Commission Decision on magnets from 2008 covers only magnets in toys.

Extract from the summary record of the Consumer Safety Network, 5 February 2013:

'The other two products proposed for prioritisation are children's jewellery and sky lanterns. Unfortunately, no work has yet started on these due to lack of resources within CEN and the lack of relevant expertise regarding the manufacturing of sky lanterns; however, jewellery will be the next product to be examined'.

Other consumer products & Fibre composition of textile products

Indeed "product safety at source" needs to remain the key focus, as the CEN Work Programme mentions. But ANEC believes it is the role of EU legislation to set safety requirements for hazardous chemicals, used in products, with which consumers come into contact. Among other concerns, we call for the regulation of tattoos and textiles (including sensitizers), rather than incorporating requirements in standardisation mandates. Standards should be used in support of legislation and not as substitute for setting requirements.

As regards the safety of "sun beds", we note that the health risks are particularly increased when this equipment is used by consumers in unmanned facilities. Although CEN/TC 412 has been developing standards on indoor UV exposure services – work in which ANEC has participated – the related risks for consumers remain. Moreover, the safety and liability aspects of the service provision remain in the remit of national law – if it exists. These issues need to be solved (see also below under services standardisation), when the Commission wishes to deal with health risks from sun beds.

Chemicals

ANEC welcomes the choice of chemicals as a priority in the Work Programme. In particular, we look forward to the advancement of the CEN SABE project 'Tailored support to TCs to address the use of hazardous/chemical substances in product standards', which ANEC has supported. However, we also underline our call for the regulation of chemicals in consumer products. ANEC has identified significant gaps in EU legislation regarding chemicals in products and called for a comprehensive regulatory approach to address these shortcomings. This was debated at a recent conference organised by ANEC and the ASI Consumer Council⁶, with the support of several authorities from Member States.

⁶ <http://goo.gl/rBJBLk>

Horizontal Services Standards/safety of specific services

ANEC is convinced the standardisation of services has much to offer in removing unnecessary costs from the European economy, although we believe development of service standards at the European level will be frustrated without a harmonising legislative framework. Without such a framework, national deviations in European Standards will continue to undermine ENs where conflicting national legislation cannot be overcome⁷. This holds especially true for safety of specific services. The longstanding quest for the improvement of hotel fire safety in Europe has already shown that voluntary tools are not sufficient in guaranteeing a common minimum level of services safety across Europe.

We also note the standards for B2B services do not need the legislative framework required for business-to-consumer (B2C) service standards to be successful. Moreover, business tends to see service provision as local, whereas consumers use services multi-nationally (especially in the consumption of tourism services). Hence there is little motivation for business to participate in development of standards for B2C services. ANEC believes the Commission needs to act if consumer detriment in the field of services is to be addressed.

ANEC recently issued a research study⁸ on lessons that can be learnt from consumer complaints in the cross-border travel and tourism area. A related position paper⁹ including recommendations for standardisers was developed that could be useful for services aspects apart from safety: e.g. better awareness and enforcement of travellers' rights; clear (pre-contractual) information provision; complaints handling.

Healthcare

In light of the resistance of particular Member States to the standardisation of healthcare services, we support the development of the Commission feasibility study to define which are the conditions for the development of standards in this area, and for which aspects, with a view to improving the quality of healthcare and support existing legislation (e.g. requirements of the cross-border healthcare directive, 2011/24/EU). ANEC has already given evidence to the Commission¹⁰ and CEN on areas where standards may benefit consumers, but there is need for

⁷ e.g. EN 15733 on the services of real-estate agents. Also standardisation activities in the health care sector where requests for A-deviations are undermining the harmonisation intended by the standards.

⁸ [ANEC research study on complaints related to European cross-border travel and tourism](#) published in January 2014 and the [ANEC leaflet: Key Facts on European cross-border complaints](#).

⁹ [ANEC position paper: How can we make travel in the EU better for consumer](#)

¹⁰ [ANEC response to the European Commission public consultation on patient safety and quality of care](#)

further support from stakeholders before standards can be developed. ANEC will continue following developments in this area.

Accessibility

ANEC welcomes the wish of the Commission to use standards in implementation of the future European Accessibility Act and Web Accessibility Directive, two files on which we are working. We think EU harmonisation legislation ensuring the free movement of products should be extended to cover the accessibility of products, in order to provide a high level of consumer protection, and remove barriers both to consumers (e.g. obstacles to mobility) and traders (already done in the case of lifts, escalators, ramps). In addition, the safety of consumers with disabilities, and older consumers, should not be overlooked. In product safety legislation and standardisation, the age and abilities of consumers need to be taken into account in the assessment of risk if injuries are to be prevented.

Electrical and electronic equipment

We welcome the Commission wish to consider a possible standardisation request for the safety aspects of electrical products that due to their characteristics (e.g. child appealing), may be unsafe for segments of population that are particularly vulnerable. There are contradictions in legislation and standards as to whether or not a product is child appealing, and it is not clear how a product is judged to be child-appealing.

The text in the EN 60335-1 (safety of electrical household appliances) is not clear on the requirements for appliances shaped or decorated like a toy. CENELEC TC 61 set up WG 8 to deal with this issue and ANEC is a member. WG 8 is waiting for the Commission to make the 'Atlas' and 'Tool' for child-appealing products publicly available on the Commission website in order to progress with the development of the specific requirements for child appealing appliances, and to improve EN 60335-1 further.

We suggest to explore the need to issue a standardisation mandate on a common charger for mobile phones & other portable devices ("universal chargers"), based on the study launched last by DG ENTR.

Digital Agenda for Europe

Please see our comments on the rolling plan for ICT standardisation¹¹.

¹¹ Annex 1 of this Position Paper.

International dimension of European Standardisation

The need for (regional) European Standards is sometimes questioned, given the increasing globalisation of markets. In this context, ANEC can understand the need for globally-agreed International Standards where possible. However, there is a significant minority of Harmonised Standards (and other European Standards) that provide a presumption of conformity to legislation (legislation from which business and consumers benefit). This leads us to conclude that the development (or the revision) of a standard within Europe is to be preferred if the standard is to support legislation or broader public policies¹².

In 2014, we will follow the negotiations on the Transatlantic Trade and Investment Partnership, and its possible impact on the European Standardisation System and its procedures.

¹² ANEC Position Paper on European Standardization System Strategy 2020 (ANEC-SC-2013-G-010final – April 2013)

Annex 1

ANEC comments on the European Commission final draft Rolling Plan for ICT Standardisation¹³

General remarks

The huge growth in the use of ICT in products and services for consumers is now affecting most areas of their lives: in both public and private sector provision from health and social care, to shopping, travelling, payments, domestic and personal monitoring; from buying, to games play and social interaction.

This use of ICT creates two key factors for standardisation:

1. The fundamental integration of ICT into the lives of citizens and the future plans for European society. Consequently, the ability for ICT technology to be usable by all 500 million citizens of Europe - regardless of their individual abilities - is essential;
2. ICT needs to be fit for purpose, and relevant to European society, if citizens are to be protected and have control over their privacy. Furthermore, the data collection and analytical capability (e.g. "Big Data") of organisations is now many times greater than even a few years ago. Standards are needed to ensure that expectations of individual privacy are both respected and integral to the rapidly growing digital society, in turn leading to a more trusted and competitive Europe.

For these reasons, accessibility and privacy should be considered of the highest priority in ICT standardisation, and such standards should apply to all ICT based products and services for citizens.

ANEC notes that users have not been taken into account in initiatives mentioned under 2.5 "New actions". In the first bullet point, particular attention is paid to "cooperation with R&D and SMEs involvement", but we believe consumers should also be more involved in the standardisation process. Access to standards, and participation in standardisation work, is expensive for consumer organisations, even if they have the necessary expertise. It may help to provide further training, and develop tools for societal stakeholders, so they can better understand how to be involved in standardisation. CEN/CENELEC are looking into adapting an "eLearning tool", being developed for SMEs, to the needs of societal stakeholders. The idea could be taken forward elsewhere. Regarding the first bullet point, it is important to promote and link relevant EU funded projects to the various initiatives concerning standardisation, and to seek coordination with activities of research institutions in the field of standardisation.

¹³ ANEC-ICT-2013-G-029final

Design for All/Accessibility

The accessibility of digital products and services is of paramount importance to people with disabilities, and particularly to people with sight loss. With technology evolving rapidly, and an increasing number of platforms to access products and services, there is urgent need to ensure interoperability and accessibility of these products and services for all users. Otherwise, the 'digital divide' will continue to increase. Free access to information on interoperability, and better standardisation, would greatly improve the provision of - and access to - digital products and services, including those of bespoke access services for blind and partially-sighted people. We also believe access to these products and services should be included in the scope of the future European Accessibility Act.

Comments on Chapter 3

3.2 Societal challenges

"eGovernment" could perhaps be considered a policy area to be included under Societal challenges. It is an area covered by the Digital Agenda for Europe in its action 84 on seamless cross border eGovernment Services, and action 89 on the interoperability of eGovernment services. eGovernment has become an important area as more and more administrative services are now made available - and sometimes exclusively - on-line. Moreover, it is an area where both accessibility and interoperability are at stake, and is a key area for the mobility of citizens in the EU.

3.2.1 eHealth

It could be worth mentioning under "related ongoing standardisation and research activities", the commitments and actions related to standardisation found in the European Innovation Partnership on Active and Healthy Ageing. For instance, the Action Plan C2 on Independent Living, which aims to enhance the deployment and take up of interoperable, independent living solutions based on open standards¹⁴.

3.2.2 Accessibility of ICT products and services

The accessibility of digital products and services is of paramount importance to people with disabilities, and particularly to people with sight loss. With technology evolving rapidly, and an increasing number of platforms to access products and services, there is urgent need to ensure interoperability and accessibility of these products and services for all users. Otherwise, the 'digital divide' will continue to increase.

¹⁴ European Innovation Partnership on Active and Healthy Ageing, Action Plan C2 Independent Living
[http://ec.europa.eu/research/innovationunion/pdf/activehealthyageing/c2_action_plan.pdf#view=fit&pagemode=none]

Free access to information on interoperability, and better standardisation, would greatly improve the provision of - and access to - digital products and services, including those of bespoke access services for blind and partially-sighted people. We also believe access to these products and services should be included in the scope of the future European Accessibility Act¹⁵.

3.2.3 Web accessibility

The following work, under EU-funded projects related to standardisation, could be included under "related ongoing standardisation and research activities":

- eAccess+: HUB providing resources notably on standards and guidelines for Web accessibility (CIP ICT PSP)
- Alliance 2 – Next Generation European Ambient Assisted Living Innovation Alliance (FP7): repository of existing standards
- Atis4All – EU Thematic Network on Assistive Technologies and Inclusive solutions for all: marketplace with a specific section on standards (CIP ICT PSP)
- VERITAS – Virtual and Augmented Environments and Realistic User Interactions To achieve Embedded Accessibility Designs: review of policy and standardisation issues (FP7)

3.3.3 Mobile Payments

Mobile Payments is a policy area of rapidly evolving technology. However, we are concerned there is no attempt to ensure interoperability and accessibility of the security systems used in mobile payments, and in e-payments in general. Card, internet and mobile payment systems have features that make them inaccessible to people with disabilities, and particularly to blind and partially-sighted people. This is compounded by a lack of consistency across devices.

We support the European Blind Union in its belief that standards on accessibility would be hugely beneficial to people with disabilities, and particularly to blind and partially-sighted people¹⁶. Accessibility is a major gap within e- and m-payments and should be addressed urgently. This includes card security for online payments (accessibility of 3D secure and V.me by VISA); physical card payments (accessibility of PIN Entry Devices and information on payment card); and m-payment solutions (accessibility of mobile application and service).

¹⁵ More information is available at EBU Response to Public Consultation on the Access to Interoperability Information of Digital Products and Services, June 2012, <http://www.euroblind.org/media/position-papers/EBU-response-consultation-on-digital-interoperability-final.doc>

¹⁶ More information is available in the EBU response to the European Commission consultation on the EC Green Paper 'Towards an Integrated European market for card, internet and mobile payments', April 2012, <http://www.euroblind.org/media/position-papers/EBU-Response-to-EC-Green-Paper-epayments-Final.doc>

The barriers to using these payment systems would be removed by introducing standards on payment accessibility.

Going forward, mobile payments made through a mobile phone via an app or via a contactless technology (Near Field Communication) are an emerging solution, providing the greatest potential for accessible e-payment solutions if the phone is accessible. But here also there for standardisation to prevent the development of ad-hoc and inaccessible solutions.

3.5.4. Electronic identification and trust services including esignatures

Regarding the process for setting up a valid electronic identification, ANEC believes it is key for consumers to be confident that their eID was not set up for someone else and for illicit purposes. Strong consumer participation is therefore needed in the development of the process specified, which must be appropriate from the individual's point of view. ANEC believes that Identity Validation should be user-centric and practical i.e. it should be usable, accessible and practical for as many consumers as possible. Moreover, Identity Validation should be secure so consumers can be confident that others cannot pretend to be them. To this end, original paper documents used to validate identity still need to play a role as they are more difficult to forge. Lastly, Identity Validation should not be intrusive into private life – similar to but not the same as data minimisation; behavioural and personally sensitive data should therefore be precluded from Identity Validation. With regards to Identity Authentication, which refers to the processes and methodologies deployed when users come to use services in person or via log-in, it should also be practical, secure and non-intrusive as with Validation.

ANEC further believes that Identity should be protected, in the sense that identity data should be secured and not shared with others. Additionally, anonymity should be assured when processing is undertaken for purposes other than personal service to the person whose identity data is held. This covers ensuring anonymity in mass data analysis. And Identity assurance redress should be provided when errors and mistakes may have caused harms to consumers.

With regards to possible Trust Schemes, and based on research having looked at the UK online trust services (Summary of a Report on the analysis of current practices looking at the UK online Trust Services, and an independent consumer benchmark for Consumer Trust Systems, sponsored by UK's National Consumer Federation), ANEC notes that trust schemes and consumer reviews are indeed valuable tools often used by consumers but they all operate differently. For a fair, transparent and accessible web-based trust schemes, there are certain elements that need to be taken into account. Firstly, trust schemes should be built on and supported by a comprehensive code of practice, to be regularly reviewed in order for it to remain relevant and responsive to changing markets and consumer feedback. Also the scheme's compliance with the mentioned code should be assessed regularly by properly qualified independent third parties. Moreover, a

good trust system should include a commitment to effective internal complaints handling practices, with escalation to an independent third party complaints resolution, if needed. It should also include a facility for consumer review, where the feedback systems are open, transparent, not misleading, and fair so as to aid consumer choice. Finally, the provider should commit to a regular assessment of the scheme's performance by consumer organisations. User groups should include standards experts from consumer organisations, and representatives from vulnerable groups, who may be especially affected by a code.

3.5.5. RFID

ANEC believes the key policy area of Radio Frequency Identification should explicitly include establishment of Privacy Impact Assessment (PIA) templates, partly filled out with PIA process documentation, based on the privacy analysis of common aspects applying to an RFID application or sector. These templates could significantly contribute in reducing the burden for the end application operator, responsible for producing the final PIA report. ANEC further believes it essential that major PIA templates are developed with consumer participation. We support the setting up of a Registration Authority under CEN/TC 225 'AIDC Technologies' for RFID Privacy data. The Registration Authority (RA) would constitute a holding point for at least two key types of document (i.e. the tag privacy protection capabilities statement for each tag design and the PIA templates). ANEC believes this measure could contribute efficiently to Europe's PIA RFID process. Indeed, this central function is a knowledge repository allowing RFID providers to supply tag design or PIA filled out template to the RA. All users would then be able to access the relevant information via the RA.

3.5.7 Internet of Things

In the key policy area of the Internet of Things, ANEC proposes two aspects are taken into account. The first element is the anonymity maintenance with regards to all types of sensors including cameras. Indeed, the processing and analysis of sensing data can yield high levels of identifiability, and we believe there needs to be standards work to ensure that acceptable levels of anonymity are maintained when sensing data is processed. This element is also relevant to smart cities (3.4.2), and applies both in public space sensing and monitoring, and also to any sensing in the domestic environment (such as that used to sense power use by smart meters and smart grid technology). The second aspect to take into account is the activation intrusion control. Indeed, IoT capabilities allow automated or human controlled access to devices to take action (activation). An early example of this is Smart Grid. However, the consumer needs to be able to control such activation of devices from 'outside' so as to avoid, for example, that the smart

grid does not turn off, outside of the consumer's control, a key piece of domestic equipment that is needed for health reasons.

3.5.8 ePrivacy

With regards to ePrivacy, ANEC believes that any equipment with both ICT and external access capabilities that is purchased by (or provided to) consumers, needs strong privacy protection capabilities. The Rolling Plan for ICT should bring out this key thread of standardisation explicitly. Moreover, ICT equipment and services that appear in the domestic setting, or that are used for domestic purposes, also need real time privacy control by individuals. Privacy is personal and contextual and being able to change privacy settings as situations change is a key element of e-privacy.

About ANEC

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 33 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



Raising standards for consumers

**European association for the coordination
of consumer representation in standardisation aisbl**

Avenue de Tervuren 32, box 27, B-1040 Brussels, Belgium
Tel.: +32 2 743 24 70 / Fax: +32 2 706 54 30
E-mail: anec@anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

www.anec.eu

<http://companies.to/anec/>



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