

ANEC comment on the Commission's Action Plan for European Standardisation (draft version 5)

General remarks

ANEC welcomes the European Commission's initiative to "review the objectives, scope and needs of European standardisation policy" and in particular, to improve stakeholder participation in the standardisation process, as expressed in its *Communication on the Role of European standardisation in the framework of European policies and legislation*.

This said, ANEC appreciates the opportunity to comment on the draft Action Plan for European Standardisation and welcomes the intention to update the Action Plan regularly in consultation with all relevant actors, including stakeholders such as ANEC.

The Action Plan lists numerous areas and topics that are of interest and concern to consumers, for instance services, ICT, accessibility, e-health and environment protection. We also believe that there are a number of interesting ideas amongst the proposed measures that we endorse, such as the publication of standardisation mandates on the Internet.

However, while taking note that this is a working document, which is not yet complete, ANEC regrets that in general consumer protection appears to rank rather low on the agenda of the Action Plan. Even if it is explicitly mentioned as separate Point 1.13, it is with little content.

Specific remarks on the different chapters

I. ENHANCE AND BROADEN THE USE OF EU STANDARDISATION IN EU POLICIES AND LEGISLATION

1. SERVICES

With respect to the shift of standardisation to the services area, ANEC is of the opinion that action is needed to rectify the situation of a missing overarching legislative framework for consumer protection - as is the case in the product safety area due to the General Product Safety Directive and the Product Liability Directive. Equally important is to ensure proper adaptation of the standardisation system to the needs of the services area.

We also believe that standardisation activities in this area have to be based on thorough identification and evaluation of needs and on political priority setting. Therefore, ANEC recommends that services standardisation mandates require a high level of quality of service, a high level of consumer protection, multi-stakeholder participation, as well as provide guidance and priority setting for the standardisers.

4. ICT

With the re-launch of the Lisbon Strategy in early 2005, the European Commission decided to start a new initiative aimed at boosting competitiveness in the ICT sector. The new programme *i2010* intends to create an internal market for electronic communications and digital services and make the European Information Society as inclusive and accessible as possible. Standardisation plays a key role in the widespread use of ICT products and services by consumers in terms of accessibility, interoperability and safety.

Due to the enormous impact of the Information Society sector on the consumer, it is vital that standards elaborated for Information Society products and services take into account the views of the consumer. As a consequence, it is essential that the ICT standardisation process ensures full and effective consumer participation whilst responding to fast changing specific market needs.

ANEC believes that ICT standardisation should be based on the following principles, which go beyond the WTO TBT Agreement “Code of Good Practice for the preparation, adoption and application of standards”:

- Openness and transparency;
- Enhanced consumer participation;
- Consensus;
- Implementation and assessment of standards;
- Cautious use of New Deliverables and non-formal standard setting forums.

Please also see also our position paper on the future challenges of ICT standardisation ANEC2005/ICT/035.

6. ACCESSIBILITY

ANEC welcomes the Commission’s intention to issue a standardisation mandate addressing accessibility requirements for public procurement in the ICT domain.

We also appreciate that the Commission will continue to promote standardisation as an instrument for the implementation of “Accessibility for all” – even though this seems rather vague.

This said, ANEC suggests a follow up of Mandate 283 on safety and usability of products for the elderly and people with disabilities. In concrete terms we propose the enhancement of training courses being organised at the national level, by including, and consequently raising awareness of, Design for All principles, in order to assist standardisers take into account the needs of the elderly and people with disabilities.

We also believe that the organisation of a promotional event such as the one dedicated to the KEYMARK at the end of 2003, would be very beneficial. We would be pleased to

provide expertise on accessibility issues as a contribution to such an event.

Finally, we are of the opinion that the creation of a single “expertise and information” point of contact within the European standards bodies relating purely to Design for All issues would be a meaningful follow-up to the political will reflected in Mandate 283.

7. ENVIRONMENT

ANEC endorses the Commission’s intention to provide training to standardisers on environmental issues and would like to encourage the Commission to organise a similar concept for Accessibility issues (see Point 6: Accessibility).

With respect to the integration of environmental aspects into standardisation, it is vital in our point of view to set a clear regulatory framework that allows for establishing specific requirements for selected product groups and that ensures full stakeholder participation. ANEC urges the European Commission to base the ‘greening of standards’ on concise mandates defining priorities and providing clear guidance on the expected results. The preparation of mandates should be based on an open and transparent procedure involving public hearings.

13. CONSUMER PROTECTION

ANEC encourages both DG ENTR and DG SANCO to specify concrete measures under Point 1.13, while taking into account the Commission’s Consumer Policy Strategy 2002-2006 that calls for the systematic integration of consumer concerns into all relevant EU policy areas as well as ANEC’s proposals for standardisation work to the benefit of a high level of consumer protection.

II. IMPROVEMENT OF THE INSTITUTIONAL FRAMEWORK, EFFICIENCY, COHERENCE AND VISIBILITY OF EU STANDARDISATION

II.1 REVISION OF THE INSTITUTIONAL FRAMEWORK OF EUROPEAN STANDARDISATION

15. COMMISSION’S PROPOSAL FOR THE REVISION OF DIRECTIVE 98/34

ANEC broadly welcomes the intention of the European Commission to revise the Directive 98/34 and supports the extension of the Directive to services but stresses the need for priority-setting by public authorities and stakeholders and for adapting the standardisation system to the requirements of the services sector.

ANEC endorses laying down the European principles of standardisation in the Directive 98/34, which go beyond the WTO rules, and calls for adding balanced representation to the list of principles.

ANEC also believes that the revision of the 98/34 Directive is a unique opportunity to address the issue of bench marking and the provision of adequate structures and

earmarked funds for consumer participation in standardisation at the national and European level.

In the same context, ANEC calls for opening the meetings of the Member States Committee to consumer participation whenever issues of consumer relevance are discussed because the inherent purpose of Directive 98/34 is to increase the transparency of rules.

As the 98/34 Directive is the only piece of European legislation on standardisation, we urge the European Commission and Member States to use this unique opportunity for a comprehensive revision.

17. PROMOTION OF THE EUROPEAN STANDARDISATION SYSTEM IN SOCIETY AND THE MARKET

ANEC welcomes all measures that will help to ensure transparency in the standardisation process, in particular the publication of standardisation mandates on the Internet. Equally important, however, is the timely consultation of relevant stakeholders in the preparation phase of standardisation mandates.

ANEC is reluctant towards promotion activities of the availability and use of Alternative Standardisation Deliverables since from a consumer point of view the lack of transparency and consensus involved raises concerns because they impede proper consumer participation.

18. INCREASE THE EFFICIENCY, TIMELINESS AND MARKET RELEVANCE OF STANDARDS DEVELOPMENT

ANEC supports the objective of increasing the efficiency of the ESOs, and the development time of standards. However, decreasing the lead-time should not be achieved at the expenses of quality and democracy. Consensus building takes time and a balance between efficiency and openness must be maintained.

19. PROMOTION OF THE EU KEYMARK

ANEC calls for a single European quality mark based on third party certification, providing added value information to the consumer. Against this background we supported the launch of the KEYMARK despite its drawbacks and we still hope that the KEYMARK scheme will evolve into a genuine European quality mark that will stop the mushrooming of national marks and as an ultimate goal replace them.

We welcome that recently, the KEYMARK rules have been changed to the effect that one of the drawbacks of the KEYMARK concept has been abandoned, namely the obligation that the KEYMARK should always be used together with the mark of the empowered certification body. We are still concerned about the difference in meaning

between the KEYMARK in CEN and CENELEC.

To increase the visibility of the KEYMARK, ANEC proposes to launch the KEYMARK in sectors of high profile for consumers, namely toys, child-care articles and playground equipment.

21. PROMOTION OF THE EFFECTIVE PARTICIPATION OF ALL INTERESTED PARTIES

From ANEC's point of view, this is a crucial element of the Action Plan for Standardisation because as long as European standardisation consists of a multi-layer process and as long as it is primarily based on national representation, measures are needed to ensure participation of all relevant stakeholders at the national level so as to maintain the credibility of the entire system.

Therefore, ANEC endorses the intention to provide support at the EU level and the national level and in a sustainable way for the participation of relevant stakeholders in the European and international standardisation process and ensure that their needs are taken into account.

As stated on many occasions, funding is key in this respect. ANEC studies and the recent Commission survey launched by DG SANCO on consumer participation in standardisation have shown that a lack of public funding is the main obstacle to consumer involvement in standardisation.

This said, we urge the Commission to establish an instrument to oblige Member States to provide adequate public funds for consumer participation in standardisation and to ensure an adequate institutional setting. This is of particular importance for the new Member States.

Finally, we welcome the CEN/CENELEC project for assisting SMEs in their participation in standardisation and would like to encourage the launch of comparable actions to the benefit of consumer organisations in standardisation.

III. EUROPEAN STANDARDISATION AND THE CHALLENGE OF GLOBALISATION

24. PROMOTION OF THE EUROPEAN STANDARDS-RECEPTIVE REGULATORY MODEL AT THE INTERNATIONAL SCALE

ANEC would like to suggest including stakeholders, such as ANEC and ECOS, when intensifying the international dialogue on standardisation because the representation of societal groups such as consumers and environmental NGOs is an asset of the European standardisation system.

25. PROMOTE EUROPEAN PARTICIPATION IN INTERNATIONAL STANDARDISATION

We welcome the Commission's intention to take into account European needs where international standards are used in support of EU policies because from a European perspective, it is vital that the European consumer interest is protected whenever international standards are transposed into European standards supporting EU policy objectives. Hence, consumers consider it important that on the one hand, there is no obligation to take over international standards and on the other hand, deviations from international standards are possible whenever deemed necessary to ensure a high level of consumer protection.

We also welcome the Commission's intention to increase the support to European stakeholders in order to facilitate their participation in international standardisation. This is of particular importance for consumers or other NGOs.

In terms of procedure, ANEC calls for the following measures to improve consumer participation in international standards bodies:

- Complementing national representation of consumer interests and other NGO interests by regional and international organisations and establishing a status equivalent to the one of Associate Members in CEN;
- Establishment of a funding mechanism for consumer participation;
- Measures seeking to establish a balance of social interests, including balanced composition of project teams or Chairman's advisory groups;
- Establishment of a conflict resolution mechanism;
- Identifying stakeholder interests in addition to the national positions;
- Identifying TC members/participants according to interest groups;
- Public access to draft standards in order to ensure input from all stakeholders, in other terms commitment to consult stakeholders who are not represented, for instance in writing (ANEC welcomes that ISO has recently started a pilot project on this with ISO TC207 documents).
- Establishment of an internal mechanism to monitor the above mentioned measures.