



## **Draft IMCO Report on the future of European standardisation (2010/20515(INI))**

### **ANEC summary and four proposals for amendments**

#### **One-page summary**

ANEC congratulates IMCO on the Report. Although recognising the many achievements of European standardisation, its proposals aim to reinforce representation of the societal interest in the standards development process. Such a reinforcement is essential if the use of European standards is to become the usual template for implementing future European legislation for products and services during the next decade, and if the use of standards to support European public policies is to become more commonplace.

Even though the principle of national delegation brings certain strength to the European Standardisation System (ESS), consumer representation in standardisation is weak in very many countries. Given that the voluntary consumer representatives need to be experts in the topics being standardised, capacity-building exercises alone will not - and cannot - achieve sufficient consumer representation in the 31 countries (for now) of the CEN/CENELEC members. There is a need to continue to support the participation of consumers (and other societal stakeholders) in European standardisation directly at the European level and, indeed, to increase this support as the emphasis of the European Commission continues to move from regulation to co-regulation. Similarly, the rights of consumers in the process of European standardisation need to be strengthened, as the Report notes. In fact, such strengthening is long overdue given that direct participation has always helped to achieve the broadest relevance possible of European standards.

ANEC especially welcomes the ambition of the Report to propose the introduction of a 'second production line' within the existing ESS for the drafting of European Standards in fields of exceptional public interest. The creation of an Agency, as suggested by some in the Commission, would have caused fragmentation of the standardisation landscape and broken vital links with the global standards community. In proposing the alternative of the 'second production line', the Report accepts the checks-and-balances needed to ensure the acceptability of European Standards in fields of exceptional public interest may not always suit the processes needed to deliver timely standards for B2B. However, the report omits the need for participation in the 'second production line' to be financed by the Commission. Without such funding, the required and essential participation of the affected stakeholders will not be possible.

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**1<sup>st</sup> ANEC proposal for amendments**

15. Stresses the need, which has been recognised since the 1990s, to ensure direct participation by societal stakeholders at European level in order to reflect their views more effectively, given that their representation on national technical committees in many countries remains weak; affirms that, as very limited success has been achieved in increasing societal stakeholder participation in these countries, financial and political support for the European organisations established to represent such stakeholders needs to be kept and strengthened, at least in the period to 2020;

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Justification

*As the representatives of societal interests need to be experts in the topics being standardised (and not simply laypeople trained in the procedures of the European Standards Organisations), it is probably impossible for (at least) consumer expertise in standardisation to become established in all countries at the national level.*

*Using toy safety as an example, ANEC can call upon six experts from the 31 member countries of CEN/CENELEC to represent the consumer view directly at European level. Without ANEC, this expertise would almost certainly be lost to the European Standards Organisations as most national standards bodies would not be able to call upon a consumer expert in the development of their national positions, even presupposing that the national mirror committee (where business interests are naturally dominant) supports the consumer view.*

*Given the intent of the European Commission to broaden the use of standardisation in support of legislation and public policies, there will be need for additional funding for ANEC in the years ahead if the consumer voice is to be ensured. Even so, it should be remembered that the co-legislative process of regulation and standardisation remains far more cost-effective (and faster) than the purely legislative route (the failure of the 'Old Approach' in helping to construct an Internal Market before 1985 should not be forgotten).*

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**2<sup>nd</sup> ANEC proposal for amendments**

18. Believes that similar procedures, establishing an alternative model featuring a predetermined number of seats for the various stakeholders, would constitute a significant improvement compared with the traditional process of standards development in support of EU policies and legislation; maintains that, the use of such a model should be explored by the ESOs without delay as an alternative for the drafting of standards in areas of exceptional public interest, in order to ensure a balanced decision-making process; proposes that the 98/34 Committee (or its successor) should decide, when considering a mandate, whether to use this alternative model if the standard in question makes it vital to secure broader stakeholder participation; invites the European Commission to propose a means through which it would ensure the participation of stakeholders in the alternative model is financed; stresses that such a model would not affect the national delegation principle, as the draft standard would continue to be examined by national mirror committees and adopted on a weighted vote by the national standards bodies (NSBs);

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Justification

*If this 'second production line' for developing European Standards is to be effective and fulfil its objectives, it will be necessary to **oblige** the participation of representatives of the affected stakeholder groups (business, public authorities, consumers. . .) in its work. If participation is to be genuinely 'balanced', it cannot be voluntary as in the traditional system of standards development. Hence it will be essential for the European Commission to provide the funding to support the participation of stakeholder representatives (possibly at its usual per diem rates).*

*This implies that the use of the alternative model cannot be generalised but used only for the development of European Standards where the public interest is exceptional (indeed, this notion of 'exceptional' is expressed by the Rapporteur in the Explanatory Statement to the draft Report). Hence the role of the 98/34 Committee in indicating its wish for the use of the alternative model when adopting the standardisation mandate to be sent to the European Standards Organisations.*

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**3<sup>rd</sup> ANEC proposal for amendments**

*Proposal for a new Article (ideally after the existing Article 18)*

Notes the importance of the Directive 98/34 Committee as a forum between the European Commission and the Member States in the discussion of issues related to technical regulations and standardisation; considers that the standardisation part of this Committee (or its successor body) should always be open to the observership of the European Standards Organisations, the national standards bodies and European-level stakeholder organisations, especially during the discussion of standardisation mandates;

*Justification*

*Participation in the standardisation part of meetings of the Directive 98/34 Committee is open to the European Standards Organisations and occasionally to the national standards bodies. Recent practice has seen representatives of European stakeholders (both economic and societal interests) invited to the Committee annually.*

*However, if the views of all stakeholders are to be taken into account ahead of decisions by the Member States, then the standardisation part of the Committee should always be open to the observership of the ESOs, NSBs and the European-level stakeholder organisations. This becomes especially important in decisions by the Member States on use (or not) of the alternative production line of balanced participation described in Article 18.*

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**4<sup>th</sup> ANEC proposal for amendments**

21. Urges Member States to ensure effective representation of all relevant stakeholders on national technical committees by establishing monitoring and reporting mechanisms and providing financial support to weaker societal stakeholders in order to ensure their effective participation;

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*Justification*

*When stakeholders are weak, they do need financial support. There is no need to make such support conditional ('where necessary').*

*Moreover, the participation of weaker stakeholders needs to be real and effective at the national level, not merely a token presence.*