POSITION PAPER

European Commission Communication on the Annual Union Work Programme for European Standardisation

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

1. Introduction

This position paper expresses ANEC's views on the European Commission Communication on the Annual Union Work Programme for European Standardisation issued on 31 July 2013[1].

As a member of the Committee on Standardisation (CoS)[2], ANEC commented on the draft annual Union work programme on the occasion of CoS meetings in April and July 2013.

Although several of our comments have been taken into account, we repeat here the points that we believe are important from a consumer perspective.

In Annex 1, we comment on the rolling plan for ICT standardisation, elaborated by the ICT multi-stakeholder platform in which ANEC also participates.

2. Comments on European Commission Communication on the Annual Union Work Programme for European standardisation

2.1 General comments

ANEC welcomes the intention of the European Commission to organise calls for proposals in relation to the European representation of consumers (and certain other stakeholders) in standardisation work.

Consumer representation in standardisation is weak or non-existent in most EU and EFTA countries, as confirmed by the Access to Standardisation Study done for the European Commission in 2008/2009[3]. The EXPRESS Report[4] also noted that participation of societal stakeholders at national level is weak in many countries 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 their participation directly at the European level.

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[1] COM(2013) 561 final.
[2] The Committee on Standardisation is established under Article 22 of Regulation (EU) 1025/2012 on European Standardisation.
[3] http://tiny.cc/shf1mw
[4] http://tinyurl.com/yz7gys6

The Standardisation Regulation also sets an expectation that the participation of the experts of European associations in the standards development process be made "effective"[5].

We believe the study planned by the Commission for an independent review of the governance of the standardisation system will be a first occasion to evaluate whether consumers (and other societal stakeholders) can effectively participate in the standardisation process.

At the moment, our contribution in CEN and CENELEC remains that of observers. Although ANEC has a vote in ETSI, it is only one vote as a (small) member from Belgium, compared with up to 45 votes for members with the highest financial turnovers. Unlike CEN and CENELEC, ETSI does not have a special category for consumer representation in its governance or technical levels.

We believe the review must include a first assessment of whether the European Standardisation Organisations (ESOs) have encouraged and facilitated effective participation of weaker stakeholders, notably through "Annex III Organisations", in line with Article 5 of the Regulation.

Separately, we urge the Commission to undertake an assessment of the societal benefits of standardisation, and benefit to standardisation of effective consumer participation. "Effective participation" should be the catalyst through which the contributions of societal stakeholders become finally enmeshed in the standards development process and allow their role to be as important in the shaping of European standards as that of the business interest (which, while contributing the most to the process in terms of resources, do have the most to gain commercially from influencing the content of a standard).

We do have concerns about the intention of the Commission to seek a reduction, within the renegotiation of its Framework Partnership Agreements (FPA) with the ESOs, of the timeframe to develop European Standards (ENs). CEN and CENELEC are now routinely developing standards well within the three-year timeframe. From our perspective, it seems unwise to reduce the parameters of the three-year timeframe which were chosen carefully to ensure the key characteristics of transparency and consensus of the EN would not be placed at risk. Moreover, if timeframes are reduced, the possibility for voluntary experts to participate on behalf of societal stakeholders is further reduced.

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

2.2   Specific comments

Strengthening the Internal Market in goods and services

Child Safety/Safety of other consumer products

In 2012, DG SANCO created a rolling programme of standardisation activities under the GPSD to guide choices of priority areas for standardisation. Following consultation of the GPSD Committee, the top five products related to child safety were chosen as:

1. Playground equipment

2. Jewellery (children/babies)

3. Shoes for children

4. Slings

5. Goals (portable/fixed goals)

The top five child care articles were:

1. Slings
2. Wheeled child conveyances
3. Soft carriers
4. Baby bouncers
5. Footmuffs

It is not clear how some product groups mentioned under point 2.2.1 (swings and similar articles) and 2.2.2 (outdoor furniture) have been chosen and in how far their choice reflects the priority exercise done by the GPSD Committee in 2012.

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 for 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 forgotten. 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.

Services Standardisation

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 overcome[6]. 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 focus of the standards bodies – especially at national level where most service standards are being developed – is on business-to-business (B2B) services. This is because the standards for B2B services do not need the legislative framework required for business-to-consumer (B2C) services 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 thinks the Commission will need to act if consumer detriment in the field of services is to be addressed.

Chemicals

ANEC welcomes the choice of chemicals as a priority in the Work Programme. We look forward in particular 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.

Other relevant consumer products

We note the standardisation of other relevant consumer products such as toys, lifts and household appliances is not mentioned in the Work Programme. As these standardisation activities are often linked to existing or standing mandates, we presume the Commission does not intend to issue new mandates and hence their omission. However, we would welcome their inclusion in future Work Programmes in order to have a complete oversight of present and future standardisation work.

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[6] 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.

Innovation

In our opinion, innovative standards are needed to bring about greater consumer participation in new product and service development. It is key to remember that innovation and growth are not goals in themselves but are intended to contribute to increased economic wealth to the benefit of all in society. Hence the business interest and the consumer interest are not mutually exclusive. It is not in the interests of product manufacturers (or service providers) to ignore consumer needs and expectations if they are to be successful. However, manufacturers and service providers do knowingly or unknowingly tend to focus on the needs of the "average" or mainstream consumer, where costs are lowest and profits highest.

Digital Agenda for Europe

Please see our comments on the rolling plan for ICT standardisation[7].

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 policies[8].

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[7] Annex 1 of this Position Paper.
[8] ANEC Position Paper on European Standardization System Strategy 2020 (ANEC-SC-2013-G-010final – April 2013)

Annex 1

ANEC comments on the European Commission proposed outline for the Rolling Plan for ICT Standardisation[9]

1) 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 use of the internet to buy and to find information, to games play and social interaction, and so on.

This use of ICT creates two key factors for standardisation:

1.   The fundamental integration of ICT into the lives of citizens and future plans for European society. Consequently, the ability for ICT technology to be usable by all the 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.

Design for All

ANEC is concerned that there is no reference to accessibility in many of the key policy areas covered by the draft Rolling Plan. Indeed, in the present document, accessibility is mentioned in section 3.1 Societal Challenges and under 3.1.2 Web Accessibility; 3.1.3 Accessibility of ICT products & services; and 3.1.5 Emergency communications. However accessibility could also be considered as a key issue in other areas, including Intelligent Transport Systems (key policy area 3.3.5); Electronic identification and trust services, including e-signature (key policy area 3.4.6); and the Internet of Things (key policy area 3.4.8).

ANEC believes that accessibility – explicitly, the Design for All principle - should be taken into account in a systematic matter in standardisation[10]. This is in line

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[9] ANEC-ICT-2013-G-029final

with the objectives of Mandate M/473, "to include a Design for All perspective in mainstream standards"[11], referenced in the draft Rolling Plan under key policy area 3.1.3, Accessibility of ICT products and services.

ANEC therefore proposes to include accessibility needs in relevant priority areas of the draft Rolling Plan in order to reflect the need to mainstream accessibility in standardisation work.

"Big Data" area as a priority

We have noted the "Big Data" issue, which refers to the growing amount of data, is mentioned under 3.4.2 (open) data but is not a priority in itself. As it is a key issue for all the priority areas under 3.4 key enablers and security, we believe it should become a priority area of its own.

2) Comments on Chapter 2 – 2.5 "New actions"

We have noted 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 activities, is quite often expensive for consumer organisations, even if they have the necessary expertise.

It may help to provide further training, and develop tools for societal stakeholders in general, so they can better understand how to be involved in standardisation. CEN/CENELEC are looking into adapting a "Toolbox" and "eLearning tool", being developed for SMEs, to the needs of societal stakeholders. These ideas 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.

With regard to the second bullet point, "Implementation of pilot projects and interoperability testing", we believe large scale implementation should always be taken into account, as it is often overlooked at the time of pilot or field testing.

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[10]   ANEC position on European Commission standardisation mandate 473 to CEN, CENELEC and ETSI to include "Design for All" in relevant standardisation initiatives, Feb 2011 (ANEC-DFA-2011-G-003final)
[11]   Mandate 473, Standardisation Mandate to CEN, CENELEC and ETSI to include "Design for All" in Relevant Standardisation Initiatives, Ref.Ares(2010)578264 – 10/09/2010

3) Comments on Chapter 3 - "Key policy areas supported by ICT standardisation"

3.1 Societal challenges

"eGovernment" could perhaps be considered as 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 eGovernement 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.

3.1.1 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 standards[12].

3.1.2 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)
- Aaliance 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)

3.1.3 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

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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[13].

3.1.3 Accessibility of ICT products and services and 3.1.7. Digital Cinema

It is important to address the need for standardisation of audio description. This is important in the provision of access to TV and digital cinema content when first produced, but there is also need to ensure audio-described content is compatible - and therefore accessible - in an 'on demand' format moving forward. It is often that originally audio-described programmes are no longer so when broadcast on demand over the Internet at a later date[14].

3.2.3 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 people[15]. 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).

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[13]   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

[14]   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

[15]   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.

3.4.8 Internet of Things

ICT is a field where consumer participation in development of new technologies would be particularly beneficial. Smart Meters, mentioned as a key policy area, is an example of where consumer involvement is necessary and recommended, both in design and specification. Another is the Internet of Things, priority area 3.4.8. Here, ANEC asks for the application of good governance and for standards to be developed with full consumer participation[16].

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[16] ANEC reply to the European Commission public consultation "The Internet is gearing up for the next technological revolution: communication with and among objects. How would you envisage the "governance" of such an "Internet of Things" (IoT)? (ANEC-ICT-2012-G-048)

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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