



NOTE

Response from the Danish Government to the public consultation on the review of the European Standardisation System

The Danish Government generally supports a review and evaluation of the existing European standardisation system since there could be a need for updating and adapting the legal framework and the standardisation process in light of new demands and opportunities in a globalised world with comprehensive technological developments. A service check of the standardisation system is also in line with the initiatives envisaged by the Commission in relation to the Commission's EU2020 Strategy, which aims at creating framework conditions and provide a basis for future growth and employment in Europe. In addition, it is the government's position that standardisation could be an important tool in implementing public policy and avoiding barriers to trade in a global world. In a possible revision of the European standardisation system, it is crucial to maintain the national delegation principle, improve the efficiency of the European standardisation organisations, and to ensure an open and transparent standardisation system in which all stakeholders, including consumers, have the opportunity to participate in the standardisation process.

Standardisation could furthermore be an important tool in cases where EU-regulations (in shape of e.g. new approach directives) should be filled out with more detailed specifications. However, in line with decision 2008/768/EC the application of the new approach – and thereby standardisation – can be waived in order to ensure adequate consumer protection, public health and the environment or other aspects of public interests where it is more appropriate to set out the essential and detailed requirements in the Community harmonisation legislation concerned. Due to earlier experiences with the use of the new approach in the area of environment it is important that the environmental objectives and requirements are determined in a political process.

Q1: 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?

In order to ensure the free movement, service standards should be included in the scope of Directive 98/34/EC or its successor. Standardisation could be an important policy instrument to support the development of an internal market for services. As for alternative standardisation documents,

however, there might be obstructive difficulties in establishing notification requirements followed by a standstill procedure.

Q2: Are you aware of specific cases where national service standards and alternative standardisation documents have caused technical barriers to trade?

National standards can have a counter-competitive effect in service sectors operating on a global market, e.g. maritime services. Hence, standards in sectors operating on a global market should be international/ global in order to establish fair competition as well as similar costs for businesses across borders and regions.

On behalf of the Danish Enterprise and Construction Authority, Technopolis (a British consultancy company) is currently carrying out an analysis and preparing a report on the state of affairs regarding standardisation in services in selected countries. The report is due in June 2010. When the results are published, the conclusions may provide further important information, e.g. regarding barriers for service standardisation.

Q3: 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?

Direct reference to documents that are not implemented in the European Standards Organizations (ESOs) should not be pursued, in particular not for areas outside the ICT area. The strength of the European Standardisation System is the coherence and cohesion of the system and the openness to all stakeholders according to the WTO principles. Documents developed by fora and consortia should when necessary be implemented by the ESOs, and hence not referred to independently as documents with specific status of their own. However, more emphasis on cooperation between the ESOs and fora and consortia could be pursued, given that the views and interests of all stakeholders, including consumers, are taken into account.

Q4: 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?

Speed of delivery is of great importance. ESOs and NSOs should continuously be encouraged to develop and improve their working methods, tools and processes in accordance with the needs expressed by stakeholders, e.g. through professional support to technical committees and increased use of ICT opportunities. It is, however, important to balance speed against transparency, consensus and quality.

Furthermore, it is of great importance to ensure that the Commission's mandates to ESOs are precise and sufficiently specific, in particular with regards to environmental specifications in NLF-directives. Speed of delivery should be monitored and benchmarked in order to provide and distribute best practices across standardisation committees and sectors.

Q6: 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?

The WTO principles may be integrated in the legal framework. If the principles are integrated, specific rights for stakeholders to participate should be emphasized and explicated further.

Q7 (1): 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?

National (mirror) committees provide the best platform for the participation of stakeholders with limited resources. The role of national public authorities should first of all be to support the stakeholders with limited resources, so that they can participate in the standardisation processes. Furthermore, national public authorities should when relevant participate directly in the European standardisation process. In countries in which national stakeholder participation is low, it may be necessary to assure and support further stakeholder involvement at the European level.

Q7 (2): How should 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?*

The NSOs already cooperate and share knowledge and best practices. More systematic use of benchmark studies may enhance the dissemination of best practices, but at the same time it is important to notice that the NSOs are adapted to their local markets and conditions.

Q8: 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?

That should be for the ESOs to decide and manage.

Q9: 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?)

The Commission should promote standardisation as a common policy tool in international trade negotiations and agreements, and through regulatory dialogue with third countries, e.g. in the TEC (Transatlantic Economic Council). Furthermore, the Commission has an important task in ensuring global implementation of international standards.

Q10: Under which conditions do you think 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 legislations?

This is not a sustainable method. The European standardisation system is coherent due to the fact that initiatives are handled in one coordinated system. It is of utmost importance to ensure an open and transparent standardisation process and to ensure the participation of all stakeholders, including consumers.

Q11: What is, in your view, the most efficient level of participation in the process of standards development: national, European, international?

All three levels of standardisation have their advantages: National standardisation is relevant for specific and local needs and for coordinating positions and input for the European and international level while European standardisation provides support for EU legislation and helps to reach the goals of the Single Market, i.e. free movement of goods and services etc. Finally, international standardisation enables a common understanding at global level, which could be implemented into regional and local standardisation, and thereby limit the number of national deviations at the global market place.

Q12: In your opinion, where is the major added value in European standardisation with respect to national standardisation?

The major added value in European standardisation with respect to national standardisation is to help eliminate barriers to trade within the internal market.

Q13: 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?

In general there is not sufficient knowledge about the possible economic gains that the application of standards can provide for the specific company (especially in SMEs).

Furthermore, the costs of updating and implementing the standards are burdensome, in particular for SMEs. Businesses, in particular SMEs, must have access to standards at a reasonable price and, if necessary access to assistance in order to understand them and implement them correctly. Standardisation organizations could provide further knowledge to SMEs, i.e. through clear communication, e.g. easy-to-read handbooks, guidelines, etc.

Q14: What could the standards organizations do, in addition to their current practice, to facilitate the access to standards, especially by SMEs?

See answer to Q13.