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26.3.2012

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council
(COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Lara Comi

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	56
OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE	60
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY	78
PROCEDURE	110

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council
(COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0315),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0150/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 21 September 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and of the Committee on Industry, Research and Energy (A7-0069/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) European standardisation also helps to boost the competitiveness of enterprises by facilitating in particular the free movement

Amendment

(2) European standardisation also helps to boost the competitiveness of enterprises by facilitating in particular the free movement

¹ OJ C 376, 22.12.2011, p. 69.

of goods and services, network interoperability, means of communication, technological development and innovation. Standards produce significant positive economic effects, for example by promoting economic interpenetration on the internal market and encouraging the development of new and improved products or markets and improved supply conditions. Standards thus normally increase competition and lower output and sales costs, benefiting economies as a whole. Standards may maintain and enhance quality, provide information and ensure interoperability and compatibility, thereby increasing value for consumers.

of goods and services, network interoperability, means of communication, technological development and innovation. ***European standardisation reinforces the global competitiveness of European industry when established in coordination with the International Standardisation Organisations, namely the International Organisation for Standardisation (ISO), the International Electrotechnical Commission (IEC) and the International Telecommunication Union (ITU).*** Standards produce significant positive economic effects, for example by promoting economic interpenetration on the internal market and encouraging the development of new and improved products or markets and improved supply conditions. Standards thus normally increase competition and lower output and sales costs, benefiting economies as a whole ***and consumers in particular.*** Standards may maintain and enhance quality, provide information and ensure interoperability and compatibility, thereby increasing ***safety and*** value for consumers.

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) European standards ***should continue to be*** adopted by the European standardisation ***bodies***, namely European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI).

Amendment

(3) ***The European standardisation system is a voluntary and market-driven system, organised under the principles established by the World Trade Organisation (WTO) in Annex III of the WTO Agreement on Technical Barriers to Trade. European standards are*** adopted by the European Standardisation ***Organisations***, namely ***the*** European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute

(ETSI).

Justification

The Commission Communication on a strategic vision for European standards ((2011)311 final), refers to the WTO Technical Barriers to Trade Agreement as an internationally agreed upon basis for core principles of standardisation. In the context of this regulation and in line with the EU's efforts for promoting international standards cooperation, reference should be made to internationally recognised WTO criteria; establishing new lists of principles may risk to conflict with such criteria.

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) European standards play a very important role within the internal market, **mainly** through the presumption of conformity of products to be made available on the market with the essential requirements of those products laid down in Union harmonisation legislation.

Amendment

(4) European standards play a very important role within the internal market, **for instance** through the presumption of conformity of products to be made available on the market with the essential requirements of those products laid down in Union harmonisation legislation.

Justification

A majority of the standards does not directly support European policies and legislation which makes the text misleading.

Amendment 4

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Standardisation plays an increasingly important role in international trade and the opening-up of markets. In accordance with the Agreement on Technical Cooperation between the ISO and CEN (Vienna Agreement) and the Dresden Agreement, the Union seeks to promote the drafting of standards at international

level, thus making European undertakings and industries more competitive on the international scene. But standardisation may also be used by third countries as an anti-competitive instrument, creating technical barriers to trade. Cooperation between European and international standardisation bodies is therefore fundamental, but the Union should also promote bilateral approaches by coordinating its standardisation work with its partners, for example in the context of the transatlantic dialogue.

Amendment 5

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The promotion of European standards should also be undertaken by means of bilateral contacts when negotiating agreements or by seconding standardisation experts to third countries, as has been done in the case of China. Such an initiative should also be launched, as a priority, with India, Russia and Brazil.

Amendment 6

Proposal for a regulation Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) In addition to standards drawn up by national, European and international Standardisation Organisations, technical specifications are drafted by forums and consortia. Those technical specifications are useful in those situations where there are no existing standards. Particularly due to the international dimension of

forums and consortia, those technical specifications make it possible to open up markets outside Union and limit technical barriers to trade, especially in the field of information and communication technologies (ICT). The Union should encourage contact between standardisation bodies and those forums and consortia, while avoiding the creation of a system which competes with standardisation.

Amendment 7

Proposal for a regulation Recital 4 d (new)

Text proposed by the Commission

Amendment

(4d) The European Parliament and the Council should be precise when defining the essential requirements in Union legislation harmonising the conditions for the marketing of products in order to avoid misinterpretation on the part of the standardisation organisations with regard to the objectives, and the level of protection, set by that legislation.

Justification

See wording of paragraph 15 of the report of the European Parliament on the future of European standardisation (A7-0276/2010)

Amendment 8

Proposal for a regulation Recital 5 a (new)

Draft legislative resolution

Amendment

(5a) The European Parliament's Resolution of 21 October 2010 on the future of European standardisation¹ has set out an important number of strategic recommendations regarding the review of the European Standardisation System.

Amendment 9

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) When the Commission, in accordance with Article 7(1) of this Regulation, requests European Standardisation Organisations to draft a European standard or a European standard deliverable, it should respect the division of competences between the Union and the Member States as laid down in the TFEU, in particular Articles 14, 151, 152, 153, 165, 166 and 168 thereof and Protocol No 26 on Services of General Interest, which relate to social policy, vocational training, public health and services of general interest, which include services of general economic interests.

Amendment 10

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) Within the Union, national standards are adopted by ***national standardisation bodies*** which could lead to conflicting standards and technical impediments in the internal market. Therefore, it is necessary for the internal market and for the effectiveness of standardisation within the Union to confirm the existing regular exchange of information between the ***national standardisation bodies***, the European ***standardisation bodies*** and the

(10) Within the Union, national standards are adopted by ***National Standardisation Organisations*** which could lead to conflicting standards and technical impediments in the internal market. Therefore, it is necessary for the internal market and for the effectiveness of standardisation within the Union to confirm the existing regular exchange of information between the ***National Standardisation Organisations***, the

Commission, about current and future standardisation work. This exchange of information should be aligned with Annex 3 to Agreement on Technical Barriers to Trade approved by Council Decision No 80/271/EEC of 10 December 1979 concerning the conclusion of the Multilateral Agreements resulting from the 1973 to 1979 trade negotiations.

European **Standardisation Organisations** and the Commission, about current and future standardisation work, **including the provisions concerning the standstill arrangements applicable to the National standardisation organisations within the framework of the European Standardisation Organisations**. This exchange of information should be aligned with Annex 3 to Agreement on Technical Barriers to Trade approved by Council Decision No 80/271/EEC of 10 December 1979 concerning the conclusion of the Multilateral Agreements resulting from the 1973 to 1979 trade negotiations.

Amendment 11

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) **Standards** can contribute to helping European policy address the major societal challenges such as climate change, sustainable resource use, ageing, and **innovation in general**. By driving the development of European or international standards for goods and technologies in these expanding markets, Europe could create a competitive advantage for its companies and facilitate trade.

Amendment

(12) **Although standards are primarily market-driven tools used on a voluntary basis by stakeholders, they** can contribute to helping European policy address the major societal challenges such as **globalisation, the economic and financial crisis, innovation, internal market, weaknesses**, climate change, sustainable resource use, ageing **population, integration of people with disabilities, consumer protection, workers' safety and conditions and social inclusion**. By driving the development of European or international standards for goods and technologies in these expanding markets, Europe could create a competitive advantage for its companies and facilitate trade, **in particular for small and medium-sized enterprises ('SMEs'), which account for a large majority of European companies**.

Amendment 12
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Standards are important tools for undertakings and especially small and medium-sized enterprises (hereinafter ‘SME’) which, however, are not adequately involved in the standardisation system so that the risk exists that standards do not take into account the needs and concerns of SME. Consequently, it is essential **to improve** their representation and participation in the **standardisation process, particularly in the** technical committees.

Amendment

(13) Standards are important tools for **the competitiveness of** undertakings and especially SMEs, **whose participation** in the standardisation **process is essential for technological progress in the Union. It is therefore necessary that standardisation rules encourage SMEs to actively provide their innovative technology solutions to standardisation efforts by improving their participation at national level where they can be more effective due to lower costs and lack of linguistic barriers, in accordance with the principle of national delegation.** Consequently, it is essential **that this Regulation should improve SME** representation and participation in the **national** technical committees **and facilitate their effective access to standards. National Standards Organisations should encourage their delegates to take SMEs' views into account in the European technical committees.**

Amendment 13

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) It is important to encourage the exchange of best practices between National Standardisation Organisations on how to best facilitate and enhance the participation of SMEs in standardisation activities.

Amendment 14
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) European standards are of vital interest for the competitiveness of SMEs which, however, are in general under-represented in standardisation activities, in ***particular at European level. Thus***, this Regulation should ensure an appropriate ***representation*** of ***SME*** in the European standardisation process by an entity with ***appropriate qualifications***.

Amendment

(14) European standards are of vital interest for the competitiveness of SMEs which, however, are in ***several areas*** under-represented in ***European*** standardisation activities. ***In addition***, this Regulation should ***facilitate and encourage*** an appropriate ***participation*** of ***SMEs*** in the European standardisation process by an entity ***that is effectively in contact with, and duly representative of, SMEs and their organisations at national level***.

Amendment 15
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Standards can have a broad impact on society, in particular on the safety and well-being of citizens, the efficiency of networks, the environment, accessibility and other public policy fields. Therefore, it is necessary to ensure that the role and the input of ***societal*** stakeholders in the elaboration of standards is strengthened, through the support of organisations representing the interests of consumers, the environment and societal stakeholders.

Amendment

(15) Standards can have a broad impact on society, in particular on the safety and well-being of citizens, the efficiency of networks, the environment, ***workers' safety and conditions***, accessibility and other public policy fields. Therefore, it is necessary to ensure that the role and the input of stakeholders ***representing public and societal interest*** in the elaboration of standards ***are*** strengthened, through the support of organisations representing the interests of consumers, ***including people with disabilities, public health***, the environment and ***other*** societal stakeholders, ***including representatives of employers and employees ('social partners')***.

Amendment 16
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In most Member States, public authorities show a limited interest in participating in the standards development process, notwithstanding the importance of standardisation as a tool to support Union policies and legislation. Therefore, this Regulation should ensure the participation of public authorities in all national technical committees mirroring the development or revision of European standards requested by the Commission. The participation of national authorities is particularly crucial for the proper functioning of legislation in the areas covered by the ‘New Approach’, and for the avoidance of ex-post objections to harmonised standards.

Amendment 17

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) Standards should ***as far as possible*** take into account environmental impacts throughout the life cycle of products and services. Important and publicly available tools for evaluating such impacts throughout the life cycle have been developed by the Commission's Joint Research Centre.

(16) Standards should take into account environmental impacts throughout the life cycle of products and services. Important and publicly available tools for evaluating such impacts throughout the life cycle have been developed by the Commission's Joint Research Centre (***JRC***). ***Thus, this Regulation should ensure that the JRC can play an active role in the European standardisation system.***

Amendment 18
Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The viability of the cooperation between the Commission and the European standardisation system depends on careful planning of future requests for the development of standards. This planning could be improved, in particular through the input of interested parties. Since Directive 98/34/EC already provides for the possibility to request the European **standardisation bodies** to elaborate European standards, it is appropriate to put in place a better and more transparent planning in an annual work programme which should contain an overview of all requests for standards which the Commission intends to submit to European **standardisation bodies**.

Amendment

(17) The viability of the cooperation between the Commission and the European standardisation system depends on careful planning of future requests for the development of standards. This planning could be improved, in particular through the input of interested parties, **by introducing mechanisms for collecting opinions and facilitating the exchange of information among all interested parties**. Since Directive 98/34/EC already provides for the possibility to request the European **Standardisation Organisations** to elaborate European standards, it is appropriate to put in place a better and more transparent planning in an annual work programme which should contain an overview of all requests for standards which the Commission intends to submit to European **Standardisation Organisations**. **However, as standards are primarily a market tool, it is necessary to ensure a high level of cooperation between the European Standardisation Organisations and the Commission in the establishment of its annual European standardisation work programme in order to ensure that the standards that the Commission intends to request from the European Standardisation Organisations are market-driven.**

Amendment 19
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Better consultation between the Commission and the European Standardisation Organisations is also necessary prior to the issue of a request for new standardisation work in order to enable the European Standardisation

Organisations to analyse the market-relevance of the proposed subject matter, ensure that this is limited to defining the technical means for reaching the policy objectives set by the legislator, and respond more quickly as to whether they are able to undertake the requested standardisation work.

Amendment 20
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) In order to accelerate the standardisation process and facilitate the participation of all interested parties in that process, European and National Standardisation Organisations should make best use, in their working methods, of information and communication technologies.

Amendment 21
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Several Directives harmonizing the conditions for the marketing of products specify that the Commission may request the adoption, by the European *standardisation bodies*, of harmonised European standards on the basis of which conformity with the applicable essential requirements is presumed. However, many of these legislative acts contain a wide variety of provisions on objections to these standards when the latter do not, or not entirely, cover all applicable requirements. Diverging provisions which lead to uncertainty for economic operators and European *standardisation bodies* are in

(18) Several Directives harmonizing the conditions for the marketing of products specify that the Commission may request the adoption, by the European *Standardisation Organisations*, of harmonised European standards on the basis of which conformity with the applicable essential requirements is presumed. However, many of these legislative acts contain a wide variety of provisions on objections to these standards when the latter do not, or not entirely, cover all applicable requirements. Diverging provisions which lead to uncertainty for economic operators and

particular contained in Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment, Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses, Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres, Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts, Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment, Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments, Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles, Directive 2009/105/EC of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels and Directive 2009/23/EC of the European Parliament and of the Council of 23 April 2009 on non-automatic weighing instruments. Therefore, it is necessary to include in this Regulation the uniform procedure provided for in Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products and repealing Council Decision 93/465/EEC, and delete

European *Standardisation Organisations* are in particular contained in Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment, Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses, Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres, Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts, Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment, Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments, Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles, Directive 2009/105/EC of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels and Directive 2009/23/EC of the European Parliament and of the Council of 23 April 2009 on non-automatic weighing instruments. Therefore, it is necessary to include in this Regulation the uniform procedure provided for in Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the

the relevant provisions in those Directives.

marketing of products and repealing Council Decision 93/465/EEC, and delete the relevant provisions in those Directives, **by extending to the European Parliament, in addition, the right to object to a harmonised standard which does not, or does not entirely, cover all applicable essential requirements in the corresponding legislation, where this has been adopted in accordance with the ordinary legislative procedure.**

Justification

See wording of paragraph 25 of the report of the European Parliament on the future of European standardisation (A7-0276/2010). As the European Parliament participates on an equal footing with the Council in the ordinary legislative procedure, it is legitimate to extend to the European Parliament the right to object to a harmonised standard.

Amendment 22 **Proposal for a regulation** **Recital 19**

Text proposed by the Commission

(19) Public authorities should make best use of the full range of relevant **standards** when procuring hardware, software and information technology services, for example by selecting **standards** which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to national standards transposing European

Amendment

(19) Public authorities should make best use of the full range of relevant **technical specifications** when procuring hardware, software and information technology services, for example by selecting **technical specifications** which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to

standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European *standardisation bodies* or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. **Standards** in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC. Therefore, it is necessary to provide for the possibility that technical specifications for public procurement could refer to **standards** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

Amendment 23
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Some **standards** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of **the standards** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European

national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European **Standardisation Organisations** or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. **Technical specifications** in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC. Therefore, it is necessary to provide for the possibility that technical specifications for public procurement could refer to **technical specifications** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

Amendment

(20) Some **technical specifications** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of **technical specifications** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European

standardisation bodies, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **standards** and their associated **standardisation** processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade Organisation for international standardisation organisations.

Standardisation Organisations, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **technical specifications** and their associated **development** processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade Organisation for international standardisation organisations.

Amendment 24

Proposal for a Regulation

Recital 21

Text proposed by the Commission

(21) In order to further innovation and competition **between standardised solutions**, the recognition of a particular technical specification should not disqualify a **competing** technical specification from being recognised in accordance with the provisions of this Regulation. Any recognition should be subject to the attributes being fulfilled and to the technical specification having achieved a **minimum** level of market acceptance. **Market acceptance should not be interpreted as having been widely implemented in the market.**

Amendment

(21) In order to further innovation and competition, the recognition of a particular technical specification should not disqualify a technical specification from being recognised in accordance with the provisions of this Regulation. Any recognition should be subject to the attributes being fulfilled and to the technical specification having achieved a **significant** level of market acceptance.

Justification

Standardised solutions should not contradict each other. A set of standards should be cohesive. Standardised technical solutions ought to give equal opportunities to enterprises so that they may be competitive as far as their designs or services are concerned. For consumers, standardised technical solutions ought to act as a clear indicator of what to buy.

Amendment 25

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The selected **standards** in the field of information and communication technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

Amendment

(22) The selected **technical specifications** in the field of information and communication technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

Amendment 26

Proposal for a Regulation

Recital 23

Text proposed by the Commission

(23) Situations may arise in the field of information and communication technologies where it is appropriate to encourage the use of, or require, compliance with specified standards at Union level in order to ensure interoperability in the single market and to improve freedom of choice for users. In other circumstances, it may also happen that specified European standards no longer meet consumers' needs or are hampering technological development. For these reasons, Directive 2002/21/EC of the European Parliament and the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services enables the Commission, where necessary, to request European **standardisation bodies** to draw up standards, to establish a list of standards and/or specifications published in the

Amendment

(23) Situations may arise in the field of information and communication technologies where it is appropriate to encourage the use of, or require, compliance with specified standards at Union level in order to ensure interoperability in the single market and to improve freedom of choice for users. In other circumstances, it may also happen that specified European standards no longer meet consumers' needs or are hampering technological development. For these reasons, Directive 2002/21/EC of the European Parliament and the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services enables the Commission, where necessary, to request European **Standardisation Organisations** to draw up standards, to establish a list of standards and/or specifications published

Official Journal of the European Union with the view to encourage their use, **or to make their implementation compulsory**, or to remove standards and/or specifications from that list.

in the *Official Journal of the European Union* with the view to encourage their use or to remove standards and/or specifications from that list.

Justification

The standards are not binding; they are, and should remain, voluntary.

Amendment 27 **Proposal for a regulation** **Recital 29**

Text proposed by the Commission

(29) The financing of standardisation activities should also be capable of covering preliminary or ancillary activities in connection with the establishment of standards or other standardisation products. This is necessary primarily for work involving research, the preparation of preliminary documents for legislation, inter-laboratory tests **and the validation or evaluation of standards**. The promotion of standardisation at European and international level should also continue through programmes relating to the technical assistance to, and cooperation with, third countries. With a view to improving market access and boosting the competitiveness of enterprises in the Union, it should be possible to give grants to **other bodies** through calls for proposals or, where necessary, by awarding contracts.

Amendment 28 **Proposal for a regulation** **Recital 33**

Text proposed by the Commission

(33) In order to update the lists of European **standardisation bodies**, to adapt the criteria for recognising standards in the

Amendment

(29) The financing of standardisation activities should also be capable of covering preliminary or ancillary activities in connection with the establishment of standards or other standardisation products. This is necessary primarily for work involving research, the preparation of preliminary documents for legislation, inter-laboratory tests. The promotion of standardisation at European and international level should also continue through programmes relating to the technical assistance to, and cooperation with, third countries. With a view to improving market access and boosting the competitiveness of enterprises in the Union, it should be possible to give grants to **the entities carrying out the abovementioned activities** through calls for proposals or, where necessary, by awarding contracts.

Amendment

(33) In order to update the lists of European **Standardisation Organisations**, to adapt the criteria for recognising

field of information and communication technologies to technical developments and to adapt the criteria for organisations representing SME and societal stakeholders to further developments as regards their ***non-profit making nature and*** representativity, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amendments to the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

standards in the field of information and communication technologies to technical developments and to adapt the criteria for organisations representing SME and societal stakeholders to further developments as regards their representativity, the power to adopt acts in accordance with Article 290 of the Treaty *on the Functioning of the European Union* should be delegated to the Commission in respect of amendments to the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. ***The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Amendment 29
Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

deleted

Amendment 30

Proposal for a Regulation
Recital 36

Text proposed by the Commission

(36) The advisory procedure should be used for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the

Amendment

(36) The advisory procedure should be used for the implementing decisions with respect to the objections to ***the annual European standardisation work programme and to*** harmonised standards

harmonised standard concerned were not yet published in the Official Journal of the European Union, given that the relevant standard did not yet lead to the presumption of conformity with the essential requirements set out in the applicable Union harmonisation legislation.

which the Commission considers justified and where the references to the harmonised standard concerned were not yet published in the *Official Journal of the European Union*, given that the relevant standard did not yet lead to the presumption of conformity with the essential requirements set out in the applicable Union harmonisation legislation.

Justification

The Member States should be consulted over the standardisation work programme.

Amendment 31

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) The examination procedure should be used for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were already published in the Official Journal of the European Union, given that such decision could have consequences on the presumption of conformity with the applicable essential requirements.

Amendment

(37) The examination procedure should be used for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were already published in the *Official Journal of the European Union*, given that such decision could have consequences on the presumption of conformity with the applicable essential requirements. ***National authorities should give their input through their National Standardisation Organisations during the standardisation process, in order to reduce as much as possible, modifications on the status of harmonised standards after the publication of the references to those standards in the Official Journal of the European Union.***

Amendment 32

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) Directives **98/34/EC**, 89/686/EEC, 93/15/EEC, 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC should therefore be amended accordingly.

Amendment

(39) Directives 89/686/EEC, 93/15/EEC, 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC should therefore be amended accordingly.

Amendment 33

Proposal for a regulation Article 1

Text proposed by the Commission

This Regulation establishes rules with regard to the cooperation between European **standardisation bodies, national standardisation bodies** and the Commission, the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies, the recognition of technical specifications in the field of information and communication technologies (hereinafter “ICT”) **and** financing of European standardisation.

Amendment

This Regulation establishes rules with regard to the cooperation between European **Standardisation Organisations, National Standardisation Organisations** and the Commission, the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies, the recognition of technical specifications in the field of information and communication technologies (hereinafter “ICT”), financing of European standardisation **and the conditions for a balanced representation of European stakeholder organisations.**

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 34

Proposal for a regulation Article 2 – point 1 – introductory part

Text proposed by the Commission

(1) ‘standard’ means a technical specification for repeated or continuous **application**, with which compliance is not

Amendment

(1) ‘standard’ means a technical specification **established by consensus and approved by a recognised Standardisation**

compulsory, and which is one of the following:

Organisation for repeated or continuous **use**, with which compliance is not compulsory, and which is one of the following:

Amendment 35
Proposal for a regulation
Article 2 – point 1 – point a

Text proposed by the Commission

(a) ‘international standard’ means a standard adopted by an **international standardisation body**;

Amendment

(a) ‘international standard’ means a standard adopted by an **International Standardisation Organisation**;

Amendment 36
Proposal for a regulation
Article 2 – point 1 – point b

Text proposed by the Commission

(b) ‘European standard’ means a standard adopted by one of the European **standardisation bodies**;

Amendment

(b) ‘European standard’ means a standard adopted by one of the European **Standardisation Organisations, which shall be implemented through its publication as an identical national standard, with the obligation for National Standardisation Organisations to withdraw any existing and conflicting national standards**;

Amendment 37
Proposal for a regulation
Article 2 – point 1 – point c

Text proposed by the Commission

(c) ‘harmonised standard’ means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation;

Amendment

(c) ‘harmonised standard’ means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation, **and the reference of which is published in the Official Journal of the European Union**;

Amendment 38
Proposal for a regulation
Article 2 – point 1 – point d

Text proposed by the Commission

(d) ‘national standard’ means a standard adopted by a ***national standardisation body***;

Amendment

(d) ‘national standard’ means a standard adopted by a ***National Standardisation Organisation***;

Amendment 39
Proposal for a regulation
Article 2 – point 1 – point e

Text proposed by the Commission

(e) ‘***ICT standard***’ means a standard in the field of information and communication technologies.

Amendment

deleted

Amendment 40
Proposal for a regulation
Article 2 – point 4 – introductory part

Text proposed by the Commission

(4) ‘technical specification’ means a specification contained in a document which lays down one of the following:

Amendment

(4) ‘technical specification’ means a specification contained in a document ***that prescribes technical requirements to be fulfilled by a product, process, service or system and*** which lays down one of the following:

Amendment 41
Proposal for a regulation
Article 2 – point 4 – point a

Text proposed by the Commission

(a) the characteristics required of a product including levels of quality, performance, interoperability, safety or dimensions, including the requirements applicable to the product as regards the name under

Amendment

(a) the characteristics required of a product including levels of quality, performance, interoperability, ***environmental protection, public health,*** safety or dimensions, including the requirements applicable to

which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;

the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;

Amendment 42

Proposal for a regulation Article 2 – point 4 – point c

Text proposed by the Commission

(c) the characteristics required of a service including levels of quality, performance, interoperability, safety, including the requirements applicable to the provider as regards the information to be made available to the recipient, as referred to in Article 22(1) to (3) of Directive 2006/123/EC;

Amendment

(c) the characteristics required of a service including levels of quality, performance, interoperability, ***environmental protection and public health***, safety, including the requirements applicable to the provider as regards the information to be made available to the recipient, as referred to in Article 22(1) to (3) of Directive 2006/123/EC;

Amendment 43

Proposal for a regulation Article 2 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) ‘ICT technical specification’ means a technical specification in the field of information and communication technologies;

Amendment 44

Proposal for a regulation Article 2 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) ‘National Standardisation Organisation’ means an organisation referred to in Annex Ia;

Amendment 45

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

4. No later than **at the time of** publication of its work programme, any European and **national standardisation body** shall notify the existence thereof to the other European and **national standardisation bodies** and to the Commission.

Amendment

4. **Not** later than **two months prior to the** publication of its work programme, any European and **National Standardisation Organisation** shall notify the existence thereof to the other European and **National Standardisation Organisations** and to the Commission, **which shall send their comments not later than one month after such notification.**

Amendment 46

Proposal for a regulation Article 3 – paragraph 5

Text proposed by the Commission

5. National **standardisation bodies** may not object to the inclusion of a subject for standardisation in the work programme of a European **standardisation body**.

Amendment

5. National **Standardisation Organisation** may not object to the inclusion of a subject for standardisation in the work programme of a European **Standardisation Organisation**, **when negative comments of internal market relevance have been expressed.**

Amendment 47

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Each European and **national standardisation body** shall send any draft national standard, European standard and European standardisation deliverable to other European and **national standardisation bodies** and the Commission, upon their request.

Amendment

1. Each European and **National Standardisation Organisation** shall send, **at least in electronic form**, any draft national standard, European standard and European standardisation deliverable to other European and **National Standardisation Organisations** and the Commission, upon their request. **The title**

of each draft national standard shall be sent in English, in addition to the national languages concerned.

Amendment 48

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Each European and ***national standardisation body*** shall ***promptly*** reply to, and take due account of, any comments received from any other European and ***national standardisation body*** and the Commission with respect to any *such* draft.

Amendment

2. Each European and ***National Standardisation Organisations*** shall ***within two months*** reply to, and take due account of, any comments received from any other European and ***National Standardisation Organisation*** and the Commission with respect to any draft, *referred to in paragraph 1.*

Amendment 49

Proposal for a regulation Article 4 – paragraph 3 – point a

Text proposed by the Commission

(a) the publication of draft standards in such a way that parties established in other Member States have the opportunity to submit comments;

Amendment

(a) ***access to*** the publication of draft ***national*** standards in such a way that ***all relevant*** parties, ***in particular those*** established in other Member States, have the opportunity to submit comments;

Amendment 50

Proposal for a regulation Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. During the preparation of a European standard or after its approval, National Standardisation Organisations shall not take any action which could prejudice the harmonisation intended and, in

particular, shall not publish in the field in question a new or revised national standard which is not completely in line with any existing European standard. On publication of a new European standard, all conflicting national standards shall be withdrawn.

Amendment 51
Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Use of the Internet and information and communication technologies in the standardisation system

National and European Standardisation Organisations shall promote the use of the Internet and information and communication technologies in the standardisation system, in particular through:

- a) providing to all relevant stakeholders an easy-to-use online consultation mechanism for the submission of comments on draft standards; and*
- b) organising, insofar as possible, virtual meetings, including by means of web conferencing or video conferencing, of technical committees.*

Amendment 52

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. European *standardisation bodies* shall *ensure* an appropriate *representation of small and medium-sized enterprises (hereinafter ‘SME’), consumer organisations* and environmental and

1. European *Standardisation Organisations* shall *encourage and facilitate* appropriate representation *and participation of all relevant stakeholders, such as public authorities, including*

social stakeholders, in particular through the organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

market surveillance authorities, SMEs, organisations representing the interests of consumers, including people with disabilities, environmental and social stakeholders, including social partners, in particular, through the stakeholder organisations, referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

Amendment 53

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) consensus building;

Amendment 54

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1a. European Standardisation
Organisations shall encourage and facilitate the effective participation of stakeholder organisations referred to in Annex III of this Regulation in order to strengthen their representation. Such participation shall not imply that those organisations are to have voting rights or a veto in the process of standards development.***

Amendment 55

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. European **standardisation bodies** shall **ensure** an appropriate representation, at technical level, of undertakings, research centres **and** universities and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research and technological development.

Amendment 56
Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

2. European **Standardisation Organisations** shall **facilitate** an appropriate representation, at technical level, of undertakings, research centres, **the Commission's Joint Research Centre**, universities, **market surveillance authorities in the Member States, social partners** and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research, **innovation** and technological development.

Amendment

Article 5a

Access of SMEs to standards

1. National Standardisation Organisations shall encourage and facilitate, in accordance with the principle of national delegation, the access of SMEs to standards and their development, in particular through:

a) making available free of charge on their website abstracts of standards;

b) identifying, in their annual work programmes, the standardisation projects which are of particular interest for SMEs;

(c) giving SMEs access to standardisation activities without obliging them to become a member of the National Standardisation Organisation;

(d) providing free access to draft standards for SMEs.

2. In addition to the access referred to in paragraph 1, National Standardisation Organisations shall encourage and facilitate, in accordance with the principle of national delegation, the access of micro and small enterprises to standards and their development, in particular through:

(a) applying special rates for the provision of standards and providing bundles of standards at a reduced price;

(b) providing free access or at least special rates to participate in standardisation activities.

3. Responsibility for covering the costs incurred in accordance with paragraphs 1 or 2 shall be decided at national level.

4. National Standardisation Organisations shall send every two years a report to the European Standardisation Organisations with regard to their actions to comply with the requirements laid down in paragraphs 1 and 2 and all other measures to improve the participation of SMEs in their standardisation activities. National Standardisation Organisations shall publish that report on their website.

Amendment 57
Proposal for a regulation
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Exchange of best practices for SMEs

National Standardisation Organisations shall exchange best practices aiming to enhance the participation of SMEs in standardisation activities and to increase and facilitate the use of standards.

Amendment 58

Proposal for a regulation
Article 5 c (new)

Text proposed by the Commission

Amendment

Article 5c

***Participation of public authorities in
European Standardisation***

Member States shall encourage participation of public authorities, including market surveillance authorities, in national standardisation activities aimed at the development or revision of standards requested by the Commission in accordance with Article 7(1).

Justification

Encouraging rather than ensuring participation of public authorities is more realistic, while still acknowledges their important role.

Amendment 59
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall adopt an annual European standardisation work programme which shall indicate the European standards and European standardisation deliverables that it intends to request from the European ***standardisation bodies*** in accordance with ***Article 7***.

1. The Commission shall adopt, ***after consultation with the European Standardisation Organisations and all relevant stakeholders, including those referred to in Annex III***, an annual European standardisation work programme which shall indicate the European standards and European standardisation deliverables that it intends to request from the European ***Standardisation Organisations*** in accordance with ***Article 7(1)***.

Amendment 60

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The European standardisation work programme referred to in paragraph 1 shall also include objectives for the international dimension of European standardisation, in support of Union legislation and policies, and outline the allocation of responsibilities for the development of international cooperation.

Amendment 61

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The European standardisation work programme referred to in paragraph 1 shall outline how the standardisation work is to be incorporated into the Europe 2020 strategy and how coherence between the latter and the work programme will be maintained.

Amendment 62

Proposal for a regulation

Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall make the European standardisation work programme referred to in paragraph 1 available on its website and communicate it to the European Parliament and to the Council.

Amendment 63
Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Joint Research Centre

The Commission's Joint Research Centre shall contribute to the preparation of the European standardisation work programme referred to in Article 6(1) and participate in the activities of the European Standardisation Organisations providing scientific input, in its areas of expertise, to ensure that standards take into account economic competitiveness and social needs such as environmental sustainability and safety and security concerns.

Amendment 64
Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may request one or several European ***standardisation bodies*** to draft a European standard or European standardisation deliverable within a ***set*** deadline. They shall be market-driven, take into account the public interest and based on consensus.

1. The Commission may request one or several European ***Standardisation Organisations*** to draft a European standard or European standardisation deliverable within a ***reasonable*** deadline. They shall be market-driven, take into account the public interest and ***policy objectives clearly stated in the Commission's request*** and be based on consensus. ***Before issuing that request, to that end, the Commission shall within a reasonable deadline consult the European Standardisation Organisations, all relevant stakeholders, especially those referred to in Annex III, and the committees of national experts set up by the corresponding sectoral directive where such a directive exists as well as notify all interested parties registered in the European Transparency register. Before issuing that request and while assessing***

the implementation of that request, the Commission shall ensure that the legal framework relating to services is implemented while fully respecting the division of competences between the Union and the Member States as laid down in the TFEU. The Commission shall not, by means of such a request, affect the right to negotiate, conclude and enforce collective agreements and to take industrial action in accordance with national law and practices which respect Union law.

Amendment 65

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. The Commission shall inform the relevant European *standardisation body*, within **three months** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Amendment

3. The Commission shall inform the relevant European **Standardisation Organisation**, within **one month** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Justification

The Commission should be able to work just as fast as the European standardisation organisations who in Article 7 (2) has a time limit of one month.

Amendment 66

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. When a Member State considers that a harmonised standard does not entirely satisfy the requirements which it aims to cover and which are set out in the relevant

Amendment

1. When a Member State **or the European Parliament** considers that a harmonised standard does not entirely satisfy the requirements which it aims to cover and

Union legislation, it shall inform the Commission thereof.

which are set out in the relevant Union legislation, it shall inform the Commission thereof, ***with a detailed explanation.***

Justification

See wording of paragraph 25 of the report of the European Parliament on the future of European standardisation (A7-0276/2010). As the European Parliament is on an equal footing with the Council in the ordinary legislative procedure, the European Parliament must have the right to object to a harmonised standard.

Amendment 67

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When the Commission has not been informed of any objection to a harmonised standard or has considered that the objection is not justified, it shall publish it without delay in the Official Journal of the European Union.

Amendment 68

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall publish and update regularly on its website a list of the harmonised standards that have been the subject of a decision referred to in paragraph 2.

Justification

For the purposes of market certainty, it is important that a decision of the Commission not to recognise a harmonised standard as providing a presumption of conformity to legislation is as transparent as possible.

Amendment 6969

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The decision referred to in *paragraph 2(a)* of this Article shall be adopted in accordance with the advisory procedure referred to in Article 18(2).

Amendment

4. The decision referred to in *point (a)* of paragraph 2 of this Article shall be adopted in accordance with the advisory procedure referred to in Article 18(2), ***after consulting within a reasonable deadline the committee of national experts set up by the corresponding sectoral directive where such a directive exists.***

Amendment 70

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. The decision referred to in *paragraph 2(b)* of this Article shall be adopted in accordance with the examination procedure referred to in Article 18(3).

Amendment

5. The decision referred to in *point (b)* of paragraph 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 18(3), ***after consulting within a reasonable deadline the committee of national experts set up by the corresponding sectoral directive, where such a directive exists.***

Amendment 71

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Notification of stakeholder organisations

The Commission shall establish a notification system for interested

European Business Federations and stakeholder organisations referred to in Annex III in order to ensure proper consultation and market relevance prior to:

- adopting the annual European standardisation work programme referred to in Article 6(1);

- adopting standardisation requests referred to in Article 6(2);

- taking a decision on objections to harmonised standards, as referred to in Article 8(2).

Amendment 72
Proposal for a regulation
Chapter IV – title

Text proposed by the Commission

Standards in the field of ICT

Amendment

Technical specifications in the field of ICT

Amendment 73

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Recognition of technical specifications in the field of ICT

Amendment

Recognition ***and use*** of technical specifications in the field of ICT

Amendment 74
Proposal for a regulation
Article 9

Text proposed by the Commission

Either on proposal from a ***public authority referred to in Directive 2004/18/EC*** or on its own initiative the Commission may decide to ***recognise*** technical specifications which are not national, European or international standards and meet the

Amendment

Either on proposal from a ***Member State*** or on its own initiative the Commission may decide, ***after consultation with the European Standardisation Organisations and all relevant stakeholders, including the European multi-stakeholder platform***

requirements set out in Annex II, *as ICT standards*.

on ICT standardisation as set up by the Commission, to *reference ICT* technical specifications which are not national, European or international standards and meet the requirements set out in Annex II.

Amendment 75
Proposal for a regulation
Article 10 – title

Text proposed by the Commission

Use of ICT *standards* in public procurement

Amendment

Use of ICT *technical specifications* in public procurement

Amendment 76
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

ICT *standards* referred to in Article 9 shall constitute common technical specifications referred to in Directives 2004/17/CE and 2004/18/CE, and Regulation (EC) No 2342/2002.

Amendment

ICT *technical specifications* referred to in Article 9 *of this Regulation* shall constitute common technical specifications referred to in Directives 2004/17/EC and 2004/18/EC, and Regulation (EC) No 2342/2002.

Amendment 77

Proposal for a regulation
Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) the performance of preliminary or ancillary work in connection with European standardisation, including studies, cooperation activities, seminars, evaluations, comparative analyses, research work, laboratory work, inter-laboratory tests, conformity evaluation work and measures to ensure that the periods for the development and the revision of European standards or European standardisation deliverables are shortened;

Amendment

(c) the performance of preliminary or ancillary work in connection with European standardisation, including studies, cooperation activities, *including international cooperation*, seminars, evaluations, comparative analyses, research work, laboratory work, inter-laboratory tests, conformity evaluation work and measures to ensure that the periods for the development and the revision of European standards or European standardisation

deliverables are shortened *without prejudice to the principles of openness, quality, transparency and consensus among all stakeholders*;

Amendment 78

Proposal for a regulation Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) the activities of the central secretariats of the European **standardisation bodies**, including policy development, the coordination of standardisation activities, the processing of technical work and the provision of information to interested parties;

Amendment

(d) the activities of the central secretariats of the European **Standardisation Organisations**, including policy development, the coordination of standardisation activities, **international regulatory dialogue**, the processing of technical work and the provision of information to interested parties **and the provision of this information to persons with disabilities**;

Amendment 7979

Proposal for a regulation Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) the translation, **where required**, of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European **standardisation bodies** or, in duly justified cases into languages other than the official Union languages,

Amendment

(e) the translation of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European **Standardisation Organisations** or, in duly justified cases into languages other than the official Union languages,

Amendment 80

Proposal for a regulation Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) the drawing up of information to explain, interpret and simplify European standards or European standardisation deliverables, including the drawing up of user guides, best practice information and awareness-building actions;

Amendment

(f) the drawing up of **accessible** information to explain, interpret and simplify European standards or European standardisation deliverables, including the drawing up of user guides, **abstracts of standards**, best practice information and awareness-building actions, **strategies and training programmes**. **Such information and material shall be available in accessible electronic format and accessible format for persons with disabilities**;

Amendment 81
Proposal for a regulation
Article 11 – paragraph 2 – point b

Text proposed by the Commission

(b) other bodies which have been entrusted with carrying out the work referred to in points (a), (c) and (g) of paragraph 1, in cooperation with the European **standardisation bodies**.

Amendment

(b) other **national and European** bodies which have been entrusted with carrying out the work referred to in points (a), (c) and (g) of paragraph 1, in cooperation with the European **Standardisation Organisations**.

Amendment 82

Proposal for a regulation
Article 12 – point b

Text proposed by the Commission

(b) legal and technical expertise, including studies, in relation to assessment of the need for, and the development of, European standards and European standardisation deliverables;

Amendment

(b) legal and technical expertise, including studies, in relation to assessment of the need for, and the development of, European standards and European standardisation deliverables, **and training of experts**;

Amendment 83
Proposal for a regulation
Article 12 – point d

Text proposed by the Commission

Amendment

(d) the verification of the quality, and conformity to the corresponding policies and legislation of the Union, of European standards and European standardisation deliverables;

deleted

Amendment 84
Proposal for a regulation
Article 13 – paragraph 1 – point b – point i

Text proposed by the Commission

Amendment

(i) the production and revision of European standards and European standardisation deliverables referred to in Article 11(1)(a);

deleted

Amendment 85

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall decide on the financing arrangements referred to in paragraphs 1 and 2, on the amounts of the grants and, where necessary, on the maximum percentage of financing by type of activity.

3. The Commission, ***after consulting the European Standardisation Organisations,*** shall decide on the financing arrangements referred to in paragraphs 1 and 2, on the amounts of the grants and, where necessary, on the maximum percentage of financing by type of activity.

Amendment 86
Proposal for a regulation
Article 13 – paragraph 4 – point b

Text proposed by the Commission

(b) *SME*, consumer organisations and environmental and social stakeholders **are *appropriately represented*** in European standardisation work, as referred to in Article 5(1).

Amendment

(b) ***European Standardisation Organisations facilitate the appropriate participation of SMEs***, consumer organisations and environmental and social stakeholders, ***including social partners***, in European standardisation work, as referred to in Article 5(1).

Amendment 87
Proposal for a regulation
Article 16 – point a

Text proposed by the Commission

(a) update the list of European ***standardisation bodies*** set out in Annex I;

Amendment

(a) update the list of European ***Standardisation Organisations*** set out in Annex I ***to take into account changes in their name or structure***;

Amendment 88
Proposal for a regulation
Article 16 – point a a (new)

Text proposed by the Commission

Amendment

(aa) establish and update the list of National Standardisation Organisations in Annex Ia;

Amendment 889
Proposal for a regulation
Article 16 – point b

Text proposed by the Commission

(b) adapt the criteria for recognising ***standards*** in the field of ICT set out in Annex II to technical developments;

Amendment

(b) adapt the criteria for recognising ***technical specifications*** in the field of ICT set out in Annex II to technical developments, ***without, however, creating or abandoning any of the criteria***;

Amendment 90

Proposal for a regulation Article 16 – point c

Text proposed by the Commission

(c) adapt the criteria for organisations representing *SME* and societal stakeholders *set out* in Annex III to further developments as regards their non-profit making nature and representativity.

Amendment

(c) adapt the criteria for organisations representing *SMEs* and societal stakeholders *referred to* in Annex III to further developments as regards their non-profit making nature and representativity ***without, however, creating, abandoning or abolishing any criterion or organisation altogether.***

Amendment 91

Proposal for a regulation Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The decisions referred to in points (a) and (b) of paragraph 1 shall be adopted after consultation with the European Standardisation Organisations.

Justification

The decisions are fundamental for the standardisation system and consequently the European standardisation organisations have to be involved.

Amendment 92

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The power to adopt delegated acts is conferred on the Commission subject to conditions laid down in this Article.

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to ***the*** conditions laid down in this Article.

Amendment 93
Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The *delegation of* power referred to in Article 16 shall be conferred on the Commission for *an indeterminate* period of *time* from 1 January 2013.

Amendment

2. The power *to adopt delegated acts* referred to in Article 16 shall be conferred on the Commission for *a* period of *five years* from 1 January 2013. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Amendment 94

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. The delegation of *powers* referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. A decision *of revocation* shall put an end to the delegation of the *powers* specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of *the* delegated acts already in force.

Amendment

3. The delegation of *power* referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. *The institution which initiated the internal decision-making procedure with regard to revoking the delegation of powers shall make every effort to inform the Commission, within a reasonable time-frame prior to adoption of a final decision, indicating the delegated powers liable to be revoked and the potential grounds for revocation.*

A decision *to revoke* shall put an end to the delegation of the *power* specified in that decision. It shall take effect the day following the publication of the Decision in the *Official Journal of the European Union* or at a later date specified therein. It

shall not affect the validity of *any* delegated acts already in force.

Amendment 95
Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before *the* expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or *of* the Council.

Amendment 96

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. ***The committee shall meet at least twice per year with the European and National Standardisation Organisations.***

Justification

The decisions are fundamental for the standardisation system, which is why the European standardisation organisations must be involved.

Amendment 97
Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission may invite the organisations referred to in Annexes I, Ia and III, and other relevant stakeholders, as observers, to the meetings of the committee referred to in paragraph 1.

Amendment 98

Proposal for a regulation
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The European Standardisation **Bodies** shall send **an** annual report on the implementation of this Regulation to the Commission. It shall contain **detailed** information on the following:

1. The European Standardisation **Organisations** shall send **a short and concise** annual report on the implementation of this Regulation to the Commission. It shall contain information on the following:

Justification

The word ‘detailed’ is used in the English version, which may create more red tape without helping in terms of implementation. The report should instead be targeted and relatively concise.

Amendment 9999
Proposal for a regulation
Article 19 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the representation of **SMEs**, consumer organisations and environmental and social stakeholders in **national standardisation bodies**.

(b) the representation of consumer organisations and environmental and social stakeholders in **National Standardisation Organisations**;

Amendment 100
Proposal for a regulation
Article 19 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the representation of SMEs on the basis of the reports referred to in Article 5a(3).

Amendment 101
Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Review

The Commission shall consider the need for additional measures to simplify the financing of European standardisation and reduce the administrative burden for the European Standardisation Organisations, taking into account the report referred to in point (a) of Article 19(1). It shall present its conclusions in a report to be submitted to the European Parliament and to the Council by 1 January 2015, and shall submit, if appropriate, a legislative proposal for the amendment of this Regulation.

Amendment 102

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

The Commission shall publish a list of ***national standardisation bodies*** and any updates to that list in the Official Journal of the European Union.

After consultation with the European Standardisation Organisations, the Commission shall publish a list of National Standardisation Organisations and any updates to that list on its website and in the Official Journal of the European

Union.

Amendment 103
Proposal for a regulation
Annex I a (new)

Text proposed by the Commission

Amendment

Annex Ia

National Standardisation Organisations

Amendment 104
Proposal for a regulation
Annex II – point 2 – introductory part

Text proposed by the Commission

Amendment

2. the technical specifications were developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ***standards*** in the field of information and communication technologies and which is not a European, ***national or international standardisation body***, through processes which fulfil the following criteria:

2. the technical specifications were developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ***technical specifications*** in the field of information and communication technologies and which is not a European, ***National or International Standardisation Organisation***, through processes which fulfil the following criteria:

Amendment 105
Proposal for a regulation
Annex II – point 2 – point a – paragraph 1

Text proposed by the Commission

Amendment

the technical specifications were developed on the basis of open decision-making accessible to all interested ***operators*** in the market or markets affected by ***the standard***.

the technical specifications were developed on the basis of open decision-making accessible to all interested ***parties*** in the market or markets affected by ***such specification***.

Amendment 106

Proposal for a regulation Annex II – point 2 – point b

Text proposed by the Commission

the *standardisation* process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.

Amendment

the process *of drafting technical specifications* was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.

Amendment 107

Proposal for a regulation Annex II – point 2 – point c – point ii

Text proposed by the Commission

(ii) information on (new) standardisation activities was widely announced through suitable and accessible means.

Amendment

(ii) information on (new) standardisation activities was *publicly and* widely announced through suitable and accessible means.

Amendment 108

Proposal for a regulation Annex II – point 2 – point c – point iii

Text proposed by the Commission

(iii) participation of all interested categories of interested *stakeholders* was sought with a view to achieving balance.

Amendment

(iii) participation of all interested categories of interested *parties* was sought with a view to achieving balance.

Amendment 109

Proposal for a regulation
Annex III – point a – introductory part

Text proposed by the Commission

(a) A European organisation representing **SME** in European standardisation activities which:

Amendment

(a) A European **horizontal** organisation **solely** representing **crafts businesses and SMEs** in European standardisation activities which:

Amendment 110
Proposal for a regulation
Annex III – point a – point iii

Text proposed by the Commission

(iii) has been mandated by non-profit organisations representing **SME** in **at least two thirds of the** Member States, to represent the interests of **SME** in the standardisation process at European level.

Amendment

(iii) has been mandated by non-profit organisations representing **the majority of SMEs** in **all** Member States, to represent the interests of **SMEs** in the standardisation process at European level.

Amendment 111

Proposal for a regulation
Annex III – point b – point ii

Text proposed by the Commission

(ii) has as its statutory objectives and activities to represent consumer interests in the standardisation process at European level;

Amendment

(ii) has as its statutory objectives and activities to represent consumer interests, **including consumers who are particularly vulnerable because of their mental or physical disabilities, age or credulity**, in the standardisation process at European level;

Amendment 112

Proposal for a regulation
Annex III – point d – introductory part

Text proposed by the Commission

(d) A European organisation representing social interests in European standardisation

Amendment

(d) A European organisation representing social interests, **including social partners**,

activities which:

in European standardisation activities
which:

Amendment 113

Proposal for a regulation Annex III – point d – point i

Text proposed by the Commission

(i) is non-governmental, non-profit-making, and independent of industry, commercial and business or other conflicting interests.

Amendment

(i) is non-governmental, non-profit-making, **representative**, and independent of industry, commercial and business or other conflicting interests.

EXPLANATORY STATEMENT

*In memory of Alberto Normand
for his human and professional
qualities that exceeded all
standards*

I. Commission proposal

On 1 June 2011, the European Commission adopted a ‘Standardisation Package’ composed of a proposal for a regulation aimed to revise and replace the existing legal framework on European Standardisation,¹ an impact assessment and a Communication providing a strategic vision for European standardisation for the next decade.

The proposed regulation builds on two general public consultations held in 2009 and 2010, the work of the Expert Panel for the Review of the European Standardisation System (EXPRESS), the White Paper on Modernising ICT Standardisation in the EU – The Way Forward, and the European Parliament resolution of 21 October 2010 on the future of European standardisation.²

II. Rapporteur's overall position

Your Rapporteur welcomes the Commission's proposal to review the European standardisation system taking due account of Parliament's request for a revision aimed to preserve the many successful elements of the system, remedy its deficiencies and strike the right balance between the national, European and international dimensions.

In drafting this report, your Rapporteur took into consideration the findings of the EXPRESS Report which contains a number of significant recommendations and the responses to the Commission's public consultation on the review of the European standardisation system. Your Rapporteur took also into account the conclusions of the Public hearing organised by the IMCO Committee on 23 November 2011, and had the opportunity to consult extensively with representatives of national and European standardisation organisations and key stakeholders involved in the standards development process. The Opinion of the European Economic and Social Committee (Rapporteur: A. Pezzini) was also properly considered.

Your Rapporteur has included in this draft report a relatively limited number of amendments with the view to improving the European standardisation system within its current boundaries, and in close cooperation with the Council.

¹ - Council Decision 87/95/EEC of 22 December 1986 on standardisation in the field of information technology and telecommunications

- Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations

- Decision No 1673/2006/EC of the European Parliament and of the Council of 24 October 2006 on the financing of European standardisation

² European Parliament resolution of 21 October 2010 on the future of European standardisation (2010/2051(INI))

(a) Facilitating access to standards and enhancing the participation of SMEs in the standard-setting process

Although small and medium-sized enterprises (SMEs) form the backbone of the European economy, their involvement in standardisation is not always commensurate with their economic importance. Standards are not always designed to take account of the characteristics and environment of SMEs, in particular small, micro and craft enterprises. It is necessary, therefore, to ensure that standards are comprehensible and easy to use so that they can be better implemented by all users. Measures should be also taken to ensure that SMEs are able to fully take part in the development of standards and have easy access to them. To that end, your Rapporteur has introduced a number of amendments with the broad aim of enhancing the participation of SMEs in standardisation activities, in particular at national level, and facilitating their access to standards.

(b) Ensuring the participation of public authorities in European standardisation

Your Rapporteur wishes to emphasise that in most Member States public authorities show a limited interest in participating in the standards development process, notwithstanding the importance of standardisation as a tool to support EU legislation and policies. Your Rapporteur believes that Member States, and in particular market surveillance authorities, should send representatives to take part in all national technical committees mirroring the development of standards mandated by the Commission. The participation of national authorities is particularly crucial for the proper functioning of legislation in the areas covered by the ‘New Approach’, and for the avoidance of ex-post objections to harmonised standards.

(c) Enabling the participation of societal stakeholders in European standardisation

Your Rapporteur recognises the importance of the principle of national delegation as a cornerstone of the European standardisation system, particularly in the standards-development process of CEN and CENELEC. It should be noted, however, that – as confirmed by several studies – the participation of stakeholders representing societal interests such as consumers (including people with disabilities), environmentalists and workers remains very weak or inexistent in national technical committees. Therefore, it is necessary to ensure direct participation by those stakeholders at European level by maintaining financial support for the European organisations established to represent those public interests. Their involvement offers to the system a significant aspect of legitimacy, improves the quality of the consensus and renders European standards more representative.

(d) Standardisation in the areas of services

Standards have contributed to a considerable improvement in the quality and safety of goods, but their availability in the area of services lags considerably behind the economic importance and potential of this sector. The development of European service standards, as provided for in Directive 2006/123/EC on services in the internal market, should generate further harmonisation in the services sector, increase the transparency, quality and competitiveness of European services and promote competition, innovation, the reduction of trade barriers and the protection of the consumers. Your Rapporteur supports, therefore, the Commission’s proposal to include service standards in the legal framework of European standardisation, as

this will provide a proper legal basis on which the Commission can request the European standardisation organisations (ESOs) to develop standards in well-defined and carefully assessed areas, while ensuring that service standards are related to the needs of the market and the consumers, taking into account the public interest.

(e) Improving and accelerating the European standard-setting process through more transparency and consultation

Your Rapporteur considers that it is essential for European standards to be developed within a reasonable period of time, in particular in those areas where standards are needed quickly in order to meet the requirements of public policies and rapidly changing market conditions. Your Rapporteur invites therefore the national and European standardisation organisations to continue improving their effectiveness, bearing in mind that the acceleration of the standardisation process must not take place to the detriment of the principles of openness, quality, transparency and consensus among all interested parties.

Your Rapporteur believes that the standard-setting process will be partly accelerated through better consultation between the Commission and the ESOs prior to issuing a mandate, which will enable them to analyse the market-relevance of the proposed subject matter, ensure that this is limited to defining the technical means for reaching the policy objectives set by the legislator, and respond more quickly as to whether they are able to undertake the standardisation project. To that end, your Rapporteur proposes a consultation phase between the Commission, the ESOs and the relevant stakeholders during the preparation of the mandate in order to ensure the market relevance of the requested standards. A broad consultation with all relevant stakeholders should also take place prior to the adoption of the annual European standardisation work programme of the Commission.

Your Rapporteur notes also the importance of the Committee set out in Article 18 of the proposed regulation as a forum between the Commission and the Member States for the discussion of issues related to standardisation. Your Rapporteur believes that this Committee should, where appropriate, be open to the observership of national and European standardisation organisations and all relevant stakeholders.

(f) ICT technical specifications

Your Rapporteur recognises that fora and consortia contribute considerably to the standardisation system by providing ICT technical specifications with global relevance that are often more receptive to innovative technologies. Your Rapporteur agrees with the introduction of a new system allowing the use, in particular in the field of public procurement, of specifications developed by organisations other than the ESOs. It must be, however, emphasised that those specifications should have a different status from standards, and that the ESOs should be consulted in this process in order to guarantee the coherence of the system.

(g) Financing

Your Rapporteur is aware that the current system of EU funding in support of European standardisation often leads to frustration due to the high cost of auditing and delays in the

authorisation of payments which at times outweigh the benefits of the financial support. The Commission has made in this proposal a considerable effort to reduce the administrative burden imposed on the ESOs, for example by providing the possibility of a robust simplification of lump sums, clearly disconnected from any verification of actual costs of implementation. This proposal constitutes a further shift towards a performance-based system, based on the definition of agreed indicators and objectives. Your Rapporteur invites the Commission to ensure the financial sustainability of the system and propose, in the light of the future revision of the EU Financial Regulation, additional measures to reduce the administrative burden.

III. Conclusion

The purpose of this draft report is to cover the key issues that require close consideration in this proposal so as to facilitate the discussions in the Committee. While your Rapporteur reserves the right to table more amendments after having further examined the Commission's proposal and conducted further consultations, her intention at this stage is to generate a fruitful discussion in the Committee and looks forward to further suggestions.

1.2.2012

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on the Internal Market and Consumer Protection

on the proposal for a Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council (COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))

Rapporteur: Franck Proust

SHORT JUSTIFICATION

The purpose of this Commission proposal for a regulation is to revise the existing directives. The current system is quite effective, and it is important that this regulation should only provide for an evolution of the provisions already in place, rather than revolutionising them.

Standardisation contributes to numerous aspects of economic activity, particularly growth, productivity and opening-up of markets. It has many effects on trade. Standardisation can also be used by certain protectionist countries as a technical barrier to trade.

For that reason, the European Union must promote international standards, as it does via international standardisation bodies, or by means of bilateral approaches, particularly when negotiating trade agreements. It would also be desirable for the Commission to include international objectives in its work programme.

Our opinion is mainly concerned with technical specifications in the field of ICT. These are most commonly drawn up by forums and consortia, i.e. groups of undertakings of various sizes whose aim is to draft specifications together. In the majority of cases, these forums and consortia have an international dimension, and their work therefore has international repercussions. They are not subject to the same obligations as European standardisation bodies (ESB). The ICT sector is a particularly dynamic one, for which standardisation must be very reactive in order to ensure interoperability but also promote competition and innovation. There are therefore many more technical specifications in the ICT sector than elsewhere.

From the international point of view, technical specifications must be encouraged as, being

drawn up by organisations with international dimensions, they make it possible to open up markets outside Europe and limit technical barriers to trade.

However, at present they are inadequately recognised at European level, and many Member States cannot refer to them in invitations to tender for public contracts.

In its proposal, the Commission proposes making it possible to recognise these technical specifications in the field of ICT as ICT standards, on the proposal of a Member State or at its own initiative, provided that they comply with certain requirements. However, we do not believe that this approach will make it possible to solve the problems outlined above.

Firstly, it will result in interference by the Commission in the standardisation process, as it can decide on its own initiative that a technical specification should be a standard without its having been drafted by an ESB. It is important to avoid interference by policy-makers with standardisation, as the latter constitutes a voluntary process. Moreover, although, in order to be recognised as ICT standards, technical specifications must comply with requirements set out in the annexes to the proposal, on what basis will the Commission recognise one technical specification rather than another as the standard?

The next problem is that it will create confusion between standards and technical specifications. Forums and consortia are not subject to the same obligations as ESB, particularly as regards consulting SMEs and social, environmental and consumer protection bodies. Nor are they required to comply with the principle of coherence, whereby it is not possible to adopt contradictory standards or to draft a standard which duplicates another. We believe that it is important to retain a clear distinction between standards and technical specifications, at the risk of allowing a parallel system of standardisation to develop.

Lastly, the criteria with which ICT technical specifications must comply in order to be recognised as standards by the Commission seem to us to be incomplete. They forget certain WTO criteria, particularly that of coherence.

Finally, by decision of 28 November 2011, published in the Official Journal of the European Union on 30 November 2011, the Commission decided to create a European multi-stakeholder platform on ICT standardisation, comprising representatives of the national authorities of the Member States and EFTA countries, representatives of SMEs and industry, and other civil-society stakeholders. The remit of the platform will be to advise the European Commission on standardisation in the ICT sector (work programme, needs, implementation, etc.).

Thus, without denying the work done by forums and consortia in the field of ICT, we propose that the Commission, after consulting the multi-stakeholder platform on ICT standardisation, allow all Member States to refer to the technical specifications in invitations to tender for public contracts or in the implementation of European Union policies provided that they comply with the requirements of the annex, the latter incorporating all the WTO criteria.

AMENDMENTS

The Committee on International Trade calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) European standards should continue to be adopted by the European standardisation bodies, namely European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI).

Amendment

(3) Does not affect the English version.

Amendment 2

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Standardisation plays an increasingly important role in international trade and the opening-up of markets. Thanks to the Dresden and Vienna agreements, the Union seeks to promote the drafting of standards at international level, thus making European undertakings and industries more competitive on the international scene. But standardisation may also be used by third countries as an anti-competitive instrument, creating technical barriers to trade. Cooperation between European and international standardisation bodies is therefore fundamental, but the Union should also promote bilateral approaches by coordinating its standardisation work with its partners, for example in the context of the transatlantic dialogue.

Amendment 3

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The promotion of European standards should also be undertaken by means of bilateral contacts when negotiating agreements or by seconding standardisation experts to third countries, as has been done in the case of China. Such an initiative should also be launched, as a priority, with India, Russia and Brazil.

Amendment 4

Proposal for a regulation Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) In addition to standards drawn up by national, European and international standardisation bodies, technical specifications are drafted by forums and consortia. Those technical specifications are useful to deal with a situation where a no standards exist. Particularly thanks to the international dimension of forums and consortia, those technical specifications make it possible to open up markets outside Europe and limit technical barriers to trade, especially in the field of information and communication technologies (ICT). The Union should encourage contact between standardisation bodies and those forums and consortia, albeit while taking care not to generate a system which competes with standardisation.

Amendment 5

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Standards are important tools for undertakings and especially small and medium-sized enterprises (hereinafter ‘SME’) which, however, are not adequately involved in the standardisation system so that the risk exists that standards do not take into account the needs and concerns of SME. **Consequently**, it is essential to improve their representation and participation in the standardisation process, particularly in the technical committees.

Amendment

(13) Standards are important tools for undertakings and especially small and medium-sized enterprises (hereinafter ‘SMEs’) which, however, are not adequately involved in the standardisation system so that the risk exists that standards do not take into account the needs and concerns of SME. **Standardisation rules should encourage SMEs to actively contribute their innovative technology solutions to standardisation efforts. Furthermore**, it is essential to improve their representation and participation in the standardisation process, particularly in the technical committees.

Amendment 6

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) European standards are of vital interest for the competitiveness of SMEs which, however, are in general under-represented in standardisation activities, in particular at European level. Thus, this Regulation should ensure an appropriate representation of SME in the European standardisation process by an entity with appropriate qualifications.

Amendment

(14) European standards are of vital interest for the competitiveness of SMEs which, however, are in **some areas** under-represented in standardisation activities, in particular at European level. Thus, this Regulation should ensure an appropriate representation of SME in the European standardisation process, **while maintaining the principle of national delegation and avoiding an unnecessary duplication of structures at European level** by an entity with appropriate qualifications. **Special attention should be devoted to the representation and needs of SMEs with regard to international standardisation work.**

Amendment 7

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Public authorities should make best use of the full range of relevant standards when procuring hardware, software and information technology services, for example by selecting standards which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. Standards in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC. Therefore, it is necessary to provide for the possibility that ***technical specifications*** for

Amendment

(19) Public authorities should make best use of the full range of relevant standards when procuring hardware, software and information technology services, for example by selecting standards which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. Standards in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC. Therefore, it is necessary to provide for the possibility that ***invitations to tender*** for

public procurement could refer to **standards** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

public procurement could refer to **certain technical specifications** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

Amendment 8

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Some **standards** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of the **standards** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European standardisation bodies, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **standards** and their associated standardisation processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade Organisation for international standardisation organisations.

Amendment

(20) Some **technical specifications** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of the **technical specifications** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European standardisation bodies, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **technical specifications** and their associated standardisation processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade Organisation for international standardisation organisations.

Amendment 9

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) The selected **standards** in the field of information and communication technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

Amendment

(22) The selected **technical specifications** in the field of information and communication technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

Amendment 10

Proposal for a regulation Article 2 – point 1 – point e

Text proposed by the Commission

(e) ‘ICT standard’ means a standard in the field of information and communication technologies.

Amendment

deleted

Amendment 11

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Each European and national standardisation body shall **promptly** reply to, and take due account of, any comments received from any other European and national standardisation body and the

Amendment

2. Each European and national standardisation body shall reply **within one month** to, and take due account of, any comments received from any other European and national standardisation

Commission with respect to any such draft.

body and the Commission with respect to any such draft.

Amendment 12

Proposal for a regulation

Article 4 – paragraph 3 – point a

Text proposed by the Commission

(a) the publication of draft standards in such a way that parties established in other Member States have the opportunity to submit comments;

Amendment

(a) the **prompt** publication of draft standards in such a way that parties established in other Member States have the opportunity to submit comments;

Amendment 13

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. European standardisation bodies shall **ensure** an appropriate representation of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations and environmental and social stakeholders, in particular through the organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

Amendment

1. European standardisation bodies shall **encourage** an appropriate representation of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations, **workers** and environmental and social stakeholders, in particular through the organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

Amendment 14

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. European standardisation bodies shall **ensure** an appropriate representation, at technical level, of undertakings, research centres and universities and other legal

Amendment

2. European standardisation bodies shall **encourage** an appropriate representation, at technical level, of undertakings, research centres and universities and other legal

entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research and technological development.

entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework programme for activities in the area of research and technological development.

Amendment 15

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Best practice model

European standardisation bodies shall support, foster and disseminate best practice models for the involvement of stakeholders in national standardisation bodies.

Amendment 16

Proposal for a regulation Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The European standardisation work programme shall also include objectives for the international dimension of European standardisation, in support of Union legislation and policies, and outline who is to make what efforts to develop international cooperation.

Amendment 17

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The European standardisation work programme referred to in paragraph 1 shall outline how the standardisation work is to be incorporated into the Europe 2020 strategy and how coherence between the two will be maintained.

Amendment 18

Proposal for a regulation
Article 6 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The European standardisation work programme referred to in paragraph 1 shall be forwarded to the European Parliament and the Council for their opinions.

Amendment 19

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may request one or several European standardisation bodies to draft a European standard or European standardisation deliverable within a set deadline. They shall be market-driven, take into account the public interest and based on consensus.

1. The Commission may request one or several European standardisation bodies to draft a European standard or European standardisation, deliverable within a set deadline, ***which is ambitious and to which are annexed clear lists of requirements, interim objectives and details of public funding.*** They shall be market-driven, take into account the public interest and based on consensus.

Amendment 20

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

The Commission shall inform the relevant European standardisation body, within **three months** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Amendment

The Commission shall inform the relevant European standardisation body, within **two months** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Amendment 21

Proposal for a regulation Chapter IV – title

Text proposed by the Commission

Standards in the field of ICT

Amendment

Technical specifications in the field of ICT

Amendment 22

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Recognition of technical specifications in the field of ICT

Amendment

Use of technical specifications in the field of ICT

Amendment 23

Proposal for a regulation Article 9

Text proposed by the Commission

Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission may

Amendment

Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission, **after**

decide to recognise technical specifications which are not national, European or international standards and meet the requirements set out in Annex II, **as ICT standards.**

consulting the European multi-stakeholder platform on ICT standardisation, may decide to recognise technical specifications **in the field of ICT** which are not national, European or international standards and meet the requirements set out in Annex II **for the purpose of awarding public contracts or implementing Union policies.**

Amendment 24

Proposal for a regulation Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Use of ICT standards in public procurement

ICT standards referred to in Article 9 shall constitute common technical specifications referred to in Directives 2004/17/CE and 2004/18/CE, and Regulation (EC) No 2342/2002.

Amendment 25

Proposal for a regulation Article 11 – paragraph 1 - point e

Text proposed by the Commission

Amendment

(e) the translation, where required, of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European standardisation bodies or, **in duly justified cases** into languages other than the official Union languages,

(e) the translation, where required, of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European standardisation bodies or into languages other than the official Union languages **when that makes it possible to promote European standards in third countries,**

(The wrong numbering in the French version of the Commission proposal should be corrected.)

Amendment 26

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission shall decide on the financing arrangements referred to in paragraphs 1 and 2, on the amounts of the grants and, where necessary, on the maximum percentage of financing by type of activity.

Amendment

3. The Commission shall decide on the financing arrangements referred to in paragraphs 1 and 2, on the amounts of the grants and, where necessary, on the maximum percentage of financing by type of activity. ***The Commission shall ensure that the Union funding is only supplementary in nature and is made contingent on compliance with specific requirements, so that funding for European standardisation continues to be provided mainly by the private sector.***

Amendment 27

Proposal for a regulation Article 16 - point b

Text proposed by the Commission

(b) adapt the criteria for recognising standards in the field of ICT set out in Annex II to technical developments;

Amendment

(b) adapt the criteria for recognising standards in the field of ICT set out in Annex II to technical developments, ***without, however, creating or abandoning any of the criteria,***

(The wrong numbering in the French version of the Commission proposal should be corrected.)

Amendment 28

Proposal for a regulation Article 16 - point c

Text proposed by the Commission

(c) adapt the criteria for organisations representing SME and societal stakeholders set out in Annex III to further developments as regards their non-profit making nature and representativity.

Amendment

(c) adapt the criteria for organisations representing SME and societal stakeholders set out in Annex III to further developments as regards their non-profit making nature and representativity ***without, however, creating, abandoning or abolishing any criterion or organisation.***

(The wrong numbering in the French version of the Commission proposal should be corrected.)

Amendment 29

Proposal for a regulation Annex II – point 2 – introduction

Text proposed by the Commission

2. the technical specifications were developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ***standards*** in the field of information and communication technologies and which is not a European, national or international standardisation body, through processes which fulfil the following criteria:

Amendment

2. the technical specifications were developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ***technical specifications*** in the field of information and communication technologies and which is not a European, national or international standardisation body, through processes which fulfil the following criteria:

Amendment 30

Proposal for a regulation Annex II – point 2 – letter a

Text proposed by the Commission

the technical specifications were developed on the basis of open decision-making accessible to all *interested operators* in the market or markets affected by the *standard*.

Amendment

the technical specifications were developed on the basis of open decision-making accessible to all *parties concerned* in the market or markets affected by the *technical specification*.

Amendment 31

Proposal for a regulation Annex II – point 2 – letter b

Text proposed by the Commission

the *standardisation* process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.

Amendment

the process *of drafting technical specifications* was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.

Amendment 32

Proposal for a regulation Annex 2 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) coherence:

(i) the technical specifications do not contradict existing national, European and international standards or those in the process of being drafted, nor do they

duplicate them.

(ii) this provision should respect the principle of technological neutrality and not be applied in an anti-competitive manner.

PROCEDURE

Title	European standardisation
References	COM(2011)0315 – C7-0150/2011 – 2011/0150(COD)
Committee responsible Date announced in plenary	IMCO 23.6.2011
Committee(s) asked for opinion(s) Date announced in plenary	INTA 23.6.2011
Discussed in committee	23.11.2011 20.12.2011
Date adopted	26.1.2012
Result of final vote	+: 21 -: 6 0: 0
Members present for the final vote	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, María Auxiliadora Correa Zamora, Marielle De Sarnez, Christofer Fjellner, Yannick Jadot, Metin Kazak, Bernd Lange, Emilio Menéndez del Valle, Vital Moreira, Paul Murphy, Cristiana Muscardini, Franck Proust, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Peter Šťastný, Gianluca Susta, Keith Taylor, Jan Zahradil, Paweł Zalewski
Substitute(s) present for the final vote	Amelia Andersdotter, José Bové, George Sabin Cutaş, Mário David, Syed Kamall, Silvana Koch-Mehrin, Inese Vaidere, Pablo Zalba Bidegain
Substitute(s) under Rule 187(2) present for the final vote	Véronique De Keyser, Jutta Haug, Pier Antonio Panzeri, Traian Ungureanu

1.3.2012

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council on European standardisation and on amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council (COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))

Rapporteur: Adam Gierek

SHORT JUSTIFICATION

The Regulation of the European Parliament and of the Council aims to increase the positive effect of European standards on the functioning of the market, economic growth, innovation and the competitiveness of firms. Among other things, it seeks to shorten the standardisation process in cases where standards are drafted at the request of the Commission, to ensure that SMEs and societal stakeholders are properly represented in the standardisation process (particularly in cases where standards are drafted at the request of the Commission) and to make the application of Information and Communication Technology standards more widespread, thereby improving interoperability and increasing the number of standards on innovative and rapidly developing production technologies, such as nanotechnology, biotechnology and nuclear technology, and also stepping up the consolidation of existing legislative frameworks.

The Committee on Industry, Research and Energy decided to take advantage of the amending of Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council, which became necessary in view of the development of technology and the globalised economy. It is vital that new legislation be drafted to consolidate previously introduced directives on standardisation policy and to update the aforementioned directives.

The most important changes concern the definition of the Commission's powers and those of the Committee on Technical Standards and Regulations. Recent changes include bringing standardisation in the area of services into the legislative framework and dealing separately with Information and Communication Technology. The basis for the financing of

standardisation by the EU has also been revised.

Rapporteur's position

The rapporteur welcomes the proposal for a new Regulation of the European Parliament and of the Council to consolidate existing EU standardisation policy and to introduce new elements to take account of new challenges, and is of the opinion that it provides a solid basis for the modernisation of links between the EU and the European standardisation system. Such elements include taking account of standardisation in the area of services and including it in the notification system. The section on financing European standardisation through the Commission – which creates an improved legal basis and simplifies procedures – is very welcome.

Nonetheless, certain elements of the proposal raise concerns regarding the operational effectiveness of public-private partnerships.

Changes to the provisions of the regulation are vital in order to transform the regulation into an implementation tool to support the single market, apply European standards with a view to enhancing competitiveness and innovation, facilitate the participation of stakeholders and ensure sustainable development. The European standardisation system should be improved by introducing new elements that give added value.

Specific remarks

- 1) The European standardisation rules in force are not defined or mentioned.
- 2) There is no reference to the principle of national representation, which is the basis of European (and international) standardisation.
- 3) There are no provisions relating to the standstill principle, which is vital for the harmonisation of standards at EU level.
- 4) Many provisions are of a general character, which, in view of the extensive delegation of powers to the Commission, are too open to interpretation. Clarification is required. This also concerns certain definitions and actions, especially in those areas in which the Commission has introduced proposals that affect the functioning of the existing system and its coherence.
- 5) The Commission's draft proposal suggests that the specifications of various fora and consortia be applied instead of European standards, with the terms of such specifications being easier to fulfil. One of the foundations of the democratic process of standardisation is social consensus. The integrity of the European standardisation system is its strength, as it ensures the coherence of a set of standards. The involvement of fora and consortia in the system should not lead to the establishment of contradictory standards or competing specifications, nor should it hinder the participation of SMEs (the costs of participating in fora are high, and the decision-making criteria are not always democratic). Moreover, certain fora and consortia may be dominated by actors from outside the European Union. Therefore, the setting of standards should be restricted, as far as possible, to the currently recognised European standardisation organisations, and advantage should be taken of the many possibilities offered by those organisations as regards the drafting of documents using an

accelerated consensus-based process that involves all stakeholders from all EU Member States (e.g. by organising thematic conferences).

The application of the specifications of fora/consortia should be permissible in strictly defined cases (e.g. in public procurement procedures in places where no standards exist), while maintaining the same requirements regarding: consensus, openness, voluntary participation, transparency, etc., as well as European standardisation organisations.

6) There is no reference to the latest technologies, such as nanotechnology, biotechnology or nuclear technology.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) European standardisation also helps to boost the competitiveness of enterprises by facilitating in particular the free movement of goods and services, network interoperability, means of communication, technological development and innovation. Standards produce significant positive economic effects, for example by promoting economic interpenetration on the internal market and encouraging the development of new and improved products or markets and improved supply conditions. Standards thus normally increase competition and lower output and sales costs, benefiting economies as a whole. Standards may maintain and enhance quality, provide information and ensure interoperability and compatibility, thereby increasing value for consumers.

Amendment

(2) European standardisation also helps to boost the competitiveness of enterprises by facilitating in particular the free movement of goods and services, network interoperability, means of communication, technological development and innovation. ***European standardisation strengthens the competitiveness of business when coordinated with the international standardisation system.*** Standards produce significant positive economic effects, for example by promoting economic interpenetration on the internal market and encouraging the development of new and improved products or markets and improved supply conditions. Standards thus normally increase competition and lower output and sales costs, benefiting economies as a whole. Standards may maintain and enhance quality, provide information and ensure interoperability and compatibility, thereby increasing value for

consumers.

Amendment 2

Proposal for a Regulation

Recital 3

Text proposed by the Commission

(3) European standards should continue to be adopted by the European standardisation **bodies**, namely European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI).

Amendment

(3) ***The European standardisation system should continue to be run by and for stakeholders in line with the principles of cohesion, transparency, openness, consensus, independence from special interests, market adequacy, effectiveness and national representation in the decision-making process, and*** European standards should continue to be adopted by the European standardisation **organisations**, namely the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI).

Justification

This recalls the current situation.

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) European standards play a very important role within the internal market, **mainly** through the presumption of conformity of products to be made available on the market with the essential requirements of those products laid down in Union harmonisation legislation.

Amendment

(4) European standards play a very important role within the internal market, **for example** through the presumption of conformity of products to be made available on the market with the essential requirements of those products laid down in Union harmonisation legislation.

Justification

A large proportion of European standards (70%) do not directly support EU policy or legislation, which makes the text slightly misleading.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) *The* development of voluntary standards on services should be market-driven whereby the needs of the economic operators and stakeholders directly or indirectly affected by the standard prevail and should take into account the public interest and be based on consensus. They should primarily focus on services linked to products and processes.

Amendment

(8) ***Services activities often correspond to national specificities. Therefore the*** development of voluntary standards on services should ***address well-defined and carefully assessed areas. It should*** be market-driven whereby the needs of the economic operators and stakeholders directly or indirectly affected by the standard prevail and should take into account the public interest and be based on consensus. They should primarily focus on services linked to products and processes. ***Within the scope of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications¹, standardisation is only permitted on a subsidiarity basis.***

¹ OJ L 255, 30.9.2005, p. 22.

Justification

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications aims to ensure that (professional) qualifications in the Union are of a high quality and thus constitutes a definitive set of rules for the further development of mutual recognition procedures which must be given priority in terms of validity.

Amendment 5

Proposal for a Regulation Recital 10

Text proposed by the Commission

(10) Within the Union, national standards are adopted by national standardisation **bodies** which could lead to conflicting standards and technical impediments in the internal market. Therefore, it is necessary for the internal market and for the effectiveness of standardisation within the Union to confirm the existing regular exchange of information between the national standardisation **bodies**, the European standardisation **bodies** and the Commission, about current and future standardisation work. This exchange of information should be aligned with Annex 3 to Agreement on Technical Barriers to Trade approved by Council Decision No 80/271/EEC of 10 December 1979 concerning the conclusion of the Multilateral Agreements resulting from the 1973 to 1979 trade negotiations.

Amendment

(10) Within the Union, national standards are adopted by national standardisation **entities** which could lead to conflicting standards and technical impediments in the **EU** internal market. Therefore, it is necessary for the **EU** internal market and for the effectiveness of standardisation within the Union to confirm the existing regular exchange of information between the national standardisation **entities**, the European standardisation **organisations** and the Commission, about current and future standardisation work, **and also about regulations on the standstill principle concerning their application to national standardisation entities under European standardisation organisations**. This exchange of information should be aligned with Annex 3 to Agreement on Technical Barriers to Trade approved by Council Decision No 80/271/EEC of 10 December 1979 concerning the conclusion of the Multilateral Agreements resulting from the 1973 to 1979 trade negotiations.

Justification

The absence of the standstill principle (Articles 4 and 7 of Directive 98/34/EC). Standstill is an excellent instrument that enables technical obstacles to trade to be avoided and which also supports technical harmonisation at EU level.

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) **Standards** can contribute to helping European policy address the major societal challenges such as climate change,

Amendment

(12) **When standards are mainly market-driven tools that are used voluntarily by stakeholders, they** can contribute to

sustainable resource use, ageing, and innovation in general. By driving the development of European or international standards for goods and technologies in these expanding markets, Europe could create a competitive advantage for its companies and facilitate trade.

helping European policy address the major societal challenges such as climate change, sustainable resource use, ageing, and innovation in general. By driving the development of European or international standards for goods and technologies in these expanding markets, Europe could create a competitive advantage for its companies and facilitate trade.

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Standards are important tools for undertakings and especially small and medium-sized enterprises (hereinafter 'SME') which, however, are not adequately involved in the standardisation system so that the risk exists that standards do not take into account the needs and concerns of SME. Consequently, it is essential to improve their representation and participation in the standardisation process, particularly in the technical committees.

Amendment

(13) Standards are important tools for undertakings and especially small and medium-sized enterprises (hereinafter 'SME') which, however, are ***sometimes under-represented and*** not adequately involved in the standardisation system so that the risk exists that standards do not take into account the ***appropriate*** needs and concerns of SME ***nor their potential for contributing innovative technologies. Standardisation rules should encourage SMEs to actively contribute their innovative technology solutions to innovative standardisation efforts.*** Consequently, it is essential to improve their representation and participation in the standardisation process ***in all stages of the process***, particularly in the technical committees.

Amendment 8

Proposal for a Regulation Recital 14

Text proposed by the Commission

(14) European standards are of vital interest for the competitiveness of SMEs

Amendment

(14) European standards are of vital interest for the competitiveness of SMEs

which, however, are *in general* under-represented in standardisation activities, in particular at European level. Thus, this Regulation should ensure an appropriate representation of SME in the European standardisation process *by an entity with appropriate qualifications*.

which, however, are under-represented *in a number of areas* in standardisation activities, in particular at European level. Thus the Regulation should ensure an appropriate representation of SME in the European standardisation process. ***Granting SMEs effective membership of the European Standardisation Organisations, including voting rights is expected to have a positive impact on the involvement and participation of SMEs in standardisation.***

Justification

Stakeholders, including SMEs, participate in European standardisation at national level, where they deal with similar firms and local governments and are able to work in their native language. The national consensus, obtained with the participation of SMEs, is then submitted to the appropriate technical committees at EU level by a delegate from the national entity (the principle of national representation).

Amendment 9

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Standards can have a broad impact on society, in particular on the safety and well-being of citizens, the efficiency of networks, the environment, accessibility and other public policy fields. Therefore, it is necessary to ensure that the role and the input of societal stakeholders in the elaboration of standards is strengthened, through the support of organisations representing the interests of consumers, the environment and societal stakeholders.

Amendment

(15) Standards can have a broad impact on society, in particular on the safety and well-being of citizens, the efficiency of networks, the environment, accessibility and other public policy fields. Therefore, it is necessary to ensure that the role and the input of societal stakeholders in the elaboration of standards is strengthened, through the support of organisations representing the interests of consumers, the environment and societal stakeholders. ***Granting those organisations effective membership in the European Standardisation Organisations, including voting rights, will have a positive impact on the quality of standards.***

Amendment 10

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Standards should ***as far as possible*** take into account environmental impacts throughout the life cycle of products and services. Important and publicly available tools for evaluating such impacts throughout the life cycle have been developed by the Commission's Joint Research Centre.

Amendment

(16) Standards should take into account environmental impacts throughout the life cycle of products and services. Important and publicly available tools for evaluating such impacts throughout the life cycle have been developed by the Commission's Joint Research Centre.

Amendment 11

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The viability of the cooperation between the Commission and the European standardisation system depends on careful planning of future requests for the development of standards. This planning could be improved, in particular through the input of interested parties. Since Directive 98/34/EC already provides for the possibility to request the European standardisation bodies to elaborate European standards, it is appropriate to put in place a better and more transparent planning in an annual work programme which should contain an overview of all requests for standards which the Commission intends to submit to European standardisation bodies.

Amendment

(17) The viability of the cooperation between the Commission and the European standardisation system depends on careful planning of future requests for the development of standards. This planning could be improved, in particular through the input of interested parties, ***by introducing mechanisms for collecting opinions and facilitating the exchange of information among all interested parties.*** Since Directive 98/34/EC already provides for the possibility to request the European standardisation bodies to elaborate European standards, it is appropriate to put in place a better and more transparent planning in an annual work programme which should contain an overview of all requests for standards which the Commission intends to submit to European standardisation bodies.

Amendment 12

Proposal for a Regulation Recital 19

Text proposed by the Commission

(19) Public authorities should make best use of the full range of relevant standards when procuring hardware, software and information technology services, for example by selecting standards which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. **Standards** in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC. Therefore, it is necessary to provide for the possibility that technical specifications for

Amendment

(19) Public authorities should make best use of the full range of relevant standards **and technical specifications** when procuring hardware, software and information technology services, for example by selecting standards **and technical specifications** which can be implemented by all interested suppliers, allowing for more competition and reduced risk of lock-in. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts specify that technical specifications in public procurement should be formulated by reference to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, or equivalent. **Technical specifications** in the field of information and communication technologies, however, are often developed by other standard developing organisations and do not fall in any of the categories of standards and approvals laid down in Directives 2004/17/EC and 2004/18/EC.

public procurement could refer to **standards** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

Therefore, it is necessary to provide for the possibility that technical specifications for public procurement could refer to **technical specifications** in the field of information and communication technologies, in order to respond to the fast evolution in the field of information and communication technologies, facilitate the provision of cross-border services, encourage competition and promote interoperability and innovation.

Justification

Standards are defined according to the region in which they originate or the method by which they are developed, not according to the industrial sector.

Amendment 13

Proposal for a Regulation Recital 20

Text proposed by the Commission

(20) Some **standards** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of the **standards** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European standardisation bodies, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **standards** and their associated standardisation processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade Organisation for international standardisation **organisations**.

Amendment

(20) Some **technical specifications** in the field of information and communication technologies are not developed according to the criteria set out in Annex 3 of the Agreement on Technical Barriers to Trade. Therefore, this Regulation should lay down a procedure for the selection of the **technical specifications** in the field of information and communication technologies that could be used in public procurement, involving a broad consultation of a large spectrum of stakeholders, including the European standardisation bodies, enterprises and public authorities. This Regulation should also lay down requirements, in the form of a list of attributes, for such **technical specifications** and their associated standardisation processes. These attributes should ensure that public policy objectives and societal needs are respected, and should be founded on the criteria developed within the World Trade

Justification

Standards are defined according to the region in which they originate or the method by which they are developed, not according to the industrial sector.

Amendment 14

Proposal for a Regulation

Recital 21

Text proposed by the Commission

(21) In order to further innovation and competition ***between standardised solutions***, the recognition of a particular technical specification should not disqualify a ***competing*** technical specification from being recognised in accordance with the provisions of this Regulation. Any recognition should be subject to the attributes being fulfilled and to the technical specification having achieved a ***minimum*** level of market acceptance. ***Market acceptance should not be interpreted as having been widely implemented in the market.***

Amendment

(21) In order to further innovation and competition, the recognition of a particular technical specification should not disqualify a technical specification from being recognised in accordance with the provisions of this Regulation. Any recognition should be subject to the attributes being fulfilled and to the technical specification having achieved a ***significant*** level of market acceptance.

Justification

Standardised solutions should not contradict each other. A set of standards should be cohesive. Standardised technical solutions ought to give equal opportunities to enterprises so that they may be competitive as far as their designs or services are concerned. For consumers, standardised technical solutions ought to act as a clear indicator of what to buy.

Amendment 15

Proposal for a Regulation

Recital 22

Text proposed by the Commission

(22) The selected ***standards*** in the field of information and communication

Amendment

(22) The selected ***technical specifications*** in the field of information and

technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

communication technologies could contribute to the implementation of Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

Justification

Standards are defined according to the region in which they originate or the method by which they are developed, not according to the industrial sector.

Amendment 16

Proposal for a Regulation Recital 23

Text proposed by the Commission

(23) Situations may arise in the field of information and communication technologies where it is appropriate to encourage the use of, or require, compliance with specified standards at Union level in order to ensure interoperability in the single market and to improve freedom of choice for users. In other circumstances, it may also happen that specified European standards no longer meet consumers' needs or are hampering technological development. For these reasons, Directive 2002/21/EC of the European Parliament and the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services enables the Commission, where necessary, to request European standardisation bodies to draw up standards, to establish a list of standards and/or specifications published in the

Amendment

(23) Situations may arise in the field of information and communication technologies where it is appropriate to encourage the use of, or require, compliance with specified standards at Union level in order to ensure interoperability in the single market and to improve freedom of choice for users. In other circumstances, it may also happen that specified European standards no longer meet consumers' needs or are hampering technological development. For these reasons, Directive 2002/21/EC of the European Parliament and the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services enables the Commission, where necessary, to request European standardisation bodies to draw up standards, to establish a list of standards and/or specifications published in the

Official Journal of the European Union with the view to encourage their use, **or to make their implementation compulsory**, or to remove standards and/or specifications from that list.

Official Journal of the European Union with the view to encourage their use or to remove standards and/or specifications from that list.

Justification

The standards are not binding; they are, and should remain, voluntary.

Amendment 17

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) The financing of standardisation activities should also be capable of covering preliminary or ancillary activities in connection with the establishment of standards or other standardisation products. This is necessary primarily for work involving research, the preparation of preliminary documents for legislation, inter-laboratory tests and the validation or evaluation of standards. The promotion of standardisation at European and international level should also continue through programmes relating to the technical assistance to, and cooperation with, third countries. With a view to improving market access and boosting the competitiveness of enterprises in the Union, it should be possible to give grants to **other bodies** through calls for proposals or, where necessary, by awarding contracts.

Amendment

(29) The financing of standardisation activities should also be capable of covering preliminary or ancillary activities in connection with the establishment of standards or other standardisation products. This is necessary primarily for work involving research, the preparation of preliminary documents for legislation, inter-laboratory tests and the validation or evaluation of standards. The promotion of standardisation at European and international level should also continue through programmes relating to the technical assistance to, and cooperation with, third countries. With a view to improving market access and boosting the competitiveness of enterprises in the Union, it should be possible to give grants to **those entities carrying out the abovementioned activities** through calls for proposals or, where necessary, by awarding contracts.

Justification

It is important that it is only national and European Standardization organizations that validate and revise European standards. Otherwise it is not possible to ensure the necessary involvement of SMEs, NGOs etc. At the same time the risk of creating parallel systems are imminent if other organizations are allowed to validate and revise standards.

Amendment 18

Proposal for a Regulation Recital 36

Text proposed by the Commission

(36) The advisory procedure should be used for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were not yet published in the Official Journal of the European Union, given that the relevant standard did not yet lead to the presumption of conformity with the essential requirements set out in the applicable Union harmonisation legislation.

Amendment

(36) The advisory procedure should be used for the implementing decisions with respect to the objections to ***the annual European standardisation work programme and to*** harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were not yet published in the Official Journal of the European Union, given that the relevant standard did not yet lead to the presumption of conformity with the essential requirements set out in the applicable Union harmonisation legislation.

Justification

The Member States should be consulted over the standardisation work programme.

Amendment 19

Proposal for a Regulation Recital 37

Text proposed by the Commission

(37) The examination procedure should be used for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were already published in the Official Journal of the European Union, given that such ***a decision*** could have consequences on the presumption of conformity with the applicable essential requirements.

Amendment

(37) The examination procedure should be used ***in relation to all standardisation notifications with European standardisation organisations, recognition of technical specifications in the areas of information and communication technology, nanotechnology, biotechnology and nuclear technology,*** for the implementing decisions with respect to the objections to harmonised standards which the Commission considers justified and where the references to the harmonised standard concerned were already published in the Official Journal of the European

Union, given that such **decisions** could have consequences on the presumption of conformity with the applicable essential requirements.

Justification

The procedure for recognising technical specifications in the field of new technologies should have provision for Member States to make comments.

Amendment 20

Proposal for a regulation

Article 1

Text proposed by the Commission

This Regulation establishes rules with regard to the cooperation between European standardisation bodies, national standardisation bodies and the Commission, the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies, the recognition of technical specifications in the field of information and communication technologies (hereinafter “ICT”) **and** financing of European standardisation.

Amendment

This Regulation establishes rules with regard to the cooperation between European standardisation bodies, national standardisation bodies and the Commission, the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies, the recognition of technical specifications in the field of information and communication technologies (hereinafter “ICT”), financing of European standardisation **and the conditions for a balanced representation of European stakeholder organisations.**

Amendment 21

Proposal for a regulation

Article 2 – point 1 – introductory part

Text proposed by the Commission

(1) ‘standard’ means a technical specification for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:

Amendment

(1) ‘standard’ means a technical specification, **approved by a recognised standard-setting body**, for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:

Amendment 22

Proposal for a regulation Article 2 – point 1 – point c

Text proposed by the Commission

(c) ‘harmonised standard’ means a European standard adopted on the basis of a request made by the Commission for the application of Union *harmonisation* legislation;

Amendment

(c) ‘harmonised standard’ means a European standard adopted on the basis of a request made by the Commission for the application of Union legislation *and the references for which are published in the Official Journal of the European Union*;

Amendment 23

Proposal for a Regulation Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘ICT standard’ means a standard in the field of information and communication technologies.

deleted

Amendment

Justification

Standards are defined according to the region in which they originate or the method by which they are developed, not according to the industrial sector. Furthermore, there is a lack of clarity as to the true meaning of the term 'ICT standard' in this definition.

Amendment 24

Proposal for a Regulation Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘draft standard’ means a document containing *the text of the technical specifications concerning a given subject, which is being considered for adoption in accordance with the relevant standards procedure, as that document stands after*

Amendment

(3) 'draft standard' means a document containing *a proposed standard that has been submitted for an opinion, for a vote or for approval*;

the preparatory work and as circulated for public comment or scrutiny;

Justification

A definition from the appropriate European standard should be applied.

Amendment 25

Proposal for a Regulation

Article 2 – paragraph 4 – first part

Text proposed by the Commission

(4) 'technical specification' means a **specification contained in** a document which lays down one of the following:

Amendment

(4) 'technical specification' means a document **setting the technical requirements that a product, process or service must fulfil**, which lays down one of the following:

Justification

Adopted as EN 45020.

Amendment 26

Proposal for a Regulation

Article 2 - paragraph 8 a (new)

Text proposed by the Commission

Amendment

(8a) 'standstill principle' means that national standardisation entities refrain from further work on projects that are already underway;

Justification

This definition appears in Articles 4 and 7 of Directive 98/34/EC.

Amendment 27

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. National standardisation bodies may not object to the inclusion of a subject for standardisation in the work programme of a European standardisation body. **deleted**

Justification

National standardisation bodies, which are members of European standardisation bodies, should be free to object to the inclusion of a subject for standardisation in the work programme. It is this freedom that guarantees both the voluntary nature of standardisation and the actual market relevance of a standardisation mandate given by the European Commission.

Amendment 28

Proposal for a Regulation Article 3 - paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. While a European standard is being drawn up, or following its approval, national standards entities shall not be able to undertake any actions that could have a negative impact on the goal of harmonisation and, in particular, they may not publish – within a given area – a new or updated national standard that is not fully consistent with the existing European standard.

Justification

This provision would fulfil the criteria of the standstill principle moved from Directive 98/34/EC.

Amendment 29

Proposal for a regulation Article 4 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the publication of draft standards in

(a) the publication of draft standards in

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such a way that parties established in other Member States have the opportunity to submit comments;

such a way that parties established in other Member States have the opportunity to submit comments. ***If translation is needed, it should be carried out at the expense of the interested party;***

Amendment 30

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Stakeholder Participation in European standardisation

Amendment

Stakeholder participation in European standardisation ***and facilitation of access to standards***

Amendment 31

Proposal for a regulation Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. European standardisation bodies shall ***ensure*** an appropriate representation of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations and environmental and social stakeholders, in particular ***through the*** organisations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

Amendment

1. European standardisation bodies shall ***encourage, facilitate and support*** an appropriate representation the small and medium-sized enterprises (hereinafter 'SME'), consumer organisations and environmental and social stakeholders, in particular ***by facilitating*** organizations referred to in Annex III, at the policy development level and at least at the following stages of the development of European standards or European standardisation deliverables:

Amendment 32

Proposal for a regulation Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Standards should be conceived and adapted so as to take account of SMEs' characteristics and the SME environment, especially in the case of small craft businesses and microbusinesses, thus enabling them to have improved and less expensive access to standards.

Amendment 33

Proposal for a regulation

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In order to ensure user access to the European standards established in support of EU legislation and policies, it is necessary to envisage differential systems for establishing prices and the introduction of special fees and discounted standards packages, especially for SMEs, microbusinesses and craft businesses.

Amendment 34

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. European standardisation bodies shall ***ensure*** an appropriate representation, at technical level, of undertakings, research centres and universities and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union under a multiannual framework

2. European standardisation bodies shall ***enable*** an appropriate representation, at technical level, of undertakings, research centres and universities, ***market surveillance bodies in the Member States*** and other legal entities, in standardisation activities concerning an emerging area with significant policy or technical innovation implications, if the legal entities concerned participated in a project that is related to that area and that is funded by the Union

programme for activities in the area of research and technological development.

under a multiannual framework programme for activities in the area of research and technological development.

Justification

‘Appropriate representation’ is a vague phrase that combined with the demanding obligation of ensuring the representation potentially could block the whole standardization system. The standardization organization can only do their best to try to involve stakeholders but if they won’t participate it should not block the system. At the same time the Members States market surveillance bodies should get involved in the standardization process and ensure quality and knowledge in the process.

Amendment 35

Proposal for a regulation

Article 6 — paragraph 1

Text proposed by the Commission

1. The Commission shall adopt an annual European standardisation work programme **which** shall indicate the European standards and European standardisation deliverables that it intends to request from the European standardisation bodies in accordance with Article 7.

Amendment

1. The Commission shall adopt, **after consultation with the European Standardisation Organisations and relevant stakeholders, for instance those referred to in Annex III and national standardisation organisations**, an annual European standardisation work programme, **and shall inform them of its publication. The work programme** shall indicate the European standards and European standardisation deliverables that it intends to request from the European standardisation bodies in accordance with Article 7.

Amendment 36

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Commission may request one or several European standardisation bodies to draft a European standard or European standardisation deliverable

Amendment

1. The Commission may request one or several European standardisation bodies to draft a European standard or European standardisation deliverable within a set deadline. They shall be

within a set deadline. They shall be market-driven, take into account the public interest and based on consensus.

market-driven, take into account the public interest and based on consensus. ***The Commission shall consult and inform the relevant stakeholders, including all interested parties of requests made in accordance with paragraph 1.***

Amendment 37

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The relevant European standardisation body shall indicate, within ***one month*** following its receipt, if it accepts the request referred to in paragraph 1.

Amendment

2. The relevant European standardisation body shall indicate, within ***two months*** following its receipt, if it accepts the request referred to in paragraph 1.

Amendment 38

Proposal for a Regulation Article 7 – paragraph 3

Text proposed by the Commission

3. The Commission shall inform the relevant European standardisation ***body***, within ***three months*** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Amendment

3. The Commission shall inform the relevant European standardisation ***organisation***, within ***one month*** following the receipt of the acceptance referred to in paragraph 2, about the award of a grant for drafting a European standard or European standardisation deliverable.

Justification

The explanatory memorandum points out that the time taken to draw up standards is an issue that ought to be addressed. The optimisation of processes ought to affect all interested parties. Therefore, it is proposed that the time taken to reach a decision on granting subsidies should be reduced to one month (the same amount of time that European standardisation organisations have to reach a decision on accepting an application).

Amendment 39

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The decision referred to in paragraph 2(a) of this Article shall be adopted in accordance with the advisory procedure referred to in Article 18(2).

Amendment

4. This decision referred to in paragraph 2(a) of this Article shall be adopted in accordance with the advisory procedure referred to in Article 18(2), ***after consultation with the monitoring committee for the corresponding directive for the sector.***

Amendment 40

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. The decision referred to in paragraph 2(b) of this Article shall be adopted in accordance with the examination procedure referred to in Article 18(3).

Amendment

5. The decision referred to in paragraph 2(b) of this Article shall be adopted in accordance with the examination procedure referred to in Article 18(3), ***after consultation with the monitoring committee for the corresponding directive for the sector.***

Amendment 41

Proposal for a Regulation
Chapter IV — title

Text proposed by the Commission

Standards in the field of ICT

Amendment

Technical specifications in the field of ICT

Justification

Standards are defined according to the region in which they originate or the method by which they are developed, not according to the industrial sector. Furthermore, there is a lack of clarity as to the meaning of the term 'ICT technical specifications' in the definition of a standard.

Amendment 42

Proposal for a regulation Article 9

Text proposed by the Commission

Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission may decide to recognise technical specifications which are not national, European or international standards and meet the requirements set out in Annex II, *as ICT standards.*

Amendment

Either on proposal from a public authority referred to in Directive 2004/18/EC or on its own initiative the Commission, ***after consultation with representatives of all interested stakeholders, including the European standardisation bodies,*** may decide to recognise technical specifications ***in the field of ICT*** which are not national, European or international standards and meet the requirements set out in Annex II, ***for use in public procurement and policies to ensure interoperability in ICT.*** ***When evaluating conformity of technical specifications with the requirements laid down in Annex II, the Commission shall take due account of the opinion of consulted stakeholders, including of European standardisation bodies.***

Amendment 43

Proposal for a regulation Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) the translation, ***where required,*** of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European standardisation bodies or, in duly justified cases into languages other than the official Union languages,

Amendment

(e) the translation of European standards or European standardisation deliverables used in support of Union policies and legislation into the official Union languages other than the working languages of the European standardisation bodies or, in duly justified cases into languages other than the official Union languages,

Amendment 44

Proposal for a regulation
Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) the drawing up of information to explain, interpret and simplify European standards or European standardisation deliverables, including the drawing up of user guides, best practice information and awareness-building actions;

(The wrong numbering in the French version of the Commission proposal should be corrected.)

Amendment

(f) the drawing up of information to explain, interpret and simplify European standards or European standardisation deliverables, including the drawing up of user guides, **summaries of standards**, best practice information, awareness-building actions **and training modules**;

Amendment 45

Proposal for a regulation
Article 13 – paragraph 4 – point b

Text proposed by the Commission

(b) SME, consumer organisations and environmental and social stakeholders are appropriately represented in European standardisation work, as referred to in Article 5(1).

Amendment

(b) SME, consumer organisations and environmental and social stakeholders are appropriately represented in European standardisation work, as referred to in Article 5(1), **provided that relevant experts from those stakeholders are available and willing to participate.**

Justification

The standardization organization can only do their best to try to involve stakeholders but if they won't participate it should not block the system.

Amendment 46

Proposal for a regulation
Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to allow SMEs to benefit fully from the understanding and application of the European harmonised standards, the financing granted to the European

Standardisation Bodies for the purposes of translation shall cover a significant portion of the total cost incurred and the translation funding procedures shall be simplified. Grants awarded for the translation activities referred to in point (e) of Article 11(1) shall take the form of lump sums per translated page to be paid in advance and upon evidence being provided that European standards are effectively translated.

Amendment 47

Proposal for a regulation Article 16 – point a

Text proposed by the Commission

Amendment

(a) update the list of European standardisation bodies set out in Annex I;

deleted

Amendment 48

Proposal for a Regulation Article 16 - point b

Text proposed by the Commission

Amendment

(b) adapt the criteria for recognising *standards* in the field of ICT set out in Annex II to technical developments;

(b) adapt the criteria for recognising *technical specifications* in the field of ICT set out in Annex II to technical developments;

Justification

In order to ensure terminological coherence with the proposed definitions.

Amendment 49

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 16 shall be conferred on the Commission for ***an indeterminate period of time*** from 1 January 2013.

Amendment

2. The delegation of power referred to in Article 16 shall be conferred on the Commission for ***five years*** from 1 January 2013. ***The Commission shall submit a report on the powers delegated no later than six months before the closure of the five-year period. The delegation of power shall be renewed automatically for identical periods unless it is revoked by the European Parliament or the Council.***

Amendment 50

**Proposal for a regulation
Article 17 – paragraph 3**

Text proposed by the Commission

3. The delegation of powers referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.

Amendment

3. The delegation of powers referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. ***The institution which initiated the internal decision-making procedure with regard to revoking the delegation of powers shall make every effort to inform the Commission, within a reasonable time-frame prior to adoption of a final decision, indicating the delegated powers liable to be revoked and the potential grounds for revocation.***

A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.

Amendment 51

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That **committee** shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission shall be assisted by a committee. That **Committee** shall be a committee within the meaning of Regulation (EU) No 182/2011. **The Committee shall meet at least two times per year with European and national standardisation organisations and Member States.**

Justification

The decisions are fundamental for the standardization system that is why the European standardization organizations and the Member States have to be involved.

Amendment 52

Proposal for a regulation
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. The European Standardisation Bodies shall send **an** annual report on the implementation of this Regulation to the Commission. It shall contain **detailed** information on the following:

Amendment

1. The European Standardisation Bodies shall send **a short and concise** annual report on the implementation of this Regulation to the Commission. It shall contain information on the following:

Justification

The word 'detailed' is used in the English version, which may create more red tape without helping in terms of implementation. The report should instead be targeted and relatively concise.

Amendment 53

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. By 31 December 2015 and every **five**

Amendment

3. By 31 December 2015 and every **three**

years thereafter, the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation. This report shall contain an evaluation of the relevance of the standardisation activities receiving Union financing in the light of the requirements of policies and legislation of the Union.

years thereafter, the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation. This report shall contain an evaluation of the relevance of the standardisation activities receiving Union financing in the light of the requirements of policies and legislation of the Union.

Amendment 54

Proposal for a regulation Annex II – point 2 – point c – point ii

Text proposed by the Commission

(ii) information on (new) standardisation activities was widely announced through suitable and accessible means.

Amendment

(ii) information on (new) standardisation activities was **publicly and** widely announced through suitable and accessible means.

Amendment 55

Proposal for a regulation Annex II – point 2 – point c a (new)

Text proposed by the Commission

Amendment

***(ca) appropriate representation:
(i) the technical specifications were developed with the participation of all interested parties;
(ii) representation of all categories of stakeholders was balanced.***

Amendment 56

Proposal for a regulation Annex III – point a – introductory part

Text proposed by the Commission

(a) A European organisation representing SME in European standardisation activities

Amendment

(a) A European **horizontal** organisation **solely** representing **craft businesses and**

which:

SMEs in European standardisation
activities which:

(The wrong numbering in the French version of the Commission proposal should be corrected.)

Amendment 57

Proposal for a regulation Annex III – point a – introductory part

Text proposed by the Commission

(a) A European organisation representing
SME in European standardisation activities
which:

Amendment

(a) A European **horizontal** organisation
representing **crafts and** SME in European
standardisation activities which:

PROCEDURE

Title	European standardisation
References	COM(2011)0315 – C7-0150/2011 – 2011/0150(COD)
Committee responsible Date announced in plenary	IMCO 23.6.2011
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 23.6.2011
Rapporteur(s) Date appointed	Adam Gierek 28.6.2011
Discussed in committee	5.10.2011 20.12.2011
Date adopted	28.2.2012
Result of final vote	+: 38 -: 5 0: 2
Members present for the final vote	Gabriele Albertini, Josefa Andrés Barea, Zigmantas Balčytis, Bendt Bendtsen, Maria Da Graça Carvalho, Jürgen Creutzmann, Pilar del Castillo Vera, Gaston Franco, Adam Gierek, Norbert Glante, Andrés Gyürk, Fiona Hall, Edit Herczog, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Judith A. Merkies, Angelika Niebler, Jaroslav Paška, Aldo Patriciello, Vittorio Prodi, Miloslav Ransdorf, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Francisco Sosa Wagner, Konrad Szymański, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Maria Badia i Cutchet, Satu Hassi, Jolanta Emilia Hibner, Yannick Jadot, Seán Kelly, Alajos Mészáros, Vladko Todorov Panayotov, Mario Pirillo, Pavel Poc, Vladimír Remek, Jean Roatta, Hannu Takkula

PROCEDURE

Title	European standardisation			
References	COM(2011)0315 – C7-0150/2011 – 2011/0150(COD)			
Date submitted to Parliament	1.6.2011			
Committee responsible Date announced in plenary	IMCO 23.6.2011			
Committee(s) asked for opinion(s) Date announced in plenary	INTA 23.6.2011	EMPL 23.6.2011	ENVI 23.6.2011	ITRE 23.6.2011
Not delivering opinions Date of decision	EMPL 7.7.2011	ENVI 13.7.2011		
Rapporteur(s) Date appointed	Lara Comi 11.7.2011			
Discussed in committee	5.10.2011	23.11.2011	25.1.2012	28.2.2012
Date adopted	21.3.2012			
Result of final vote	+: -: 0:	36 0 2		
Members present for the final vote	Pablo Arias Echeverría, Cristian Silviu Buşoi, Jorgo Chatzimarkakis, Sergio Gaetano Cofferati, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia de Campos, Cornelis de Jong, Christian Engström, Vicente Miguel Garcés Ramón, Evelyne Gebhardt, Louis Grech, Mikael Gustafsson, Małgorzata Handzlik, Malcolm Harbour, Iliana Ivanova, Philippe Juvin, Edvard Kožušník, Toine Manders, Hans-Peter Mayer, Sirpa Pietikäinen, Mitro Repo, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler			
Substitute(s) present for the final vote	Regina Bastos, Frank Engel, Ashley Fox, Marielle Gallo, María Irigoyen Pérez, Constance Le Grip, Antonia Parvanova, Sabine Verheyen			
Date tabled	26.3.2012			