



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2011/0150(COD)

23.11.2011

DRAFT 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, as well as 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

PA_Legam

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 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).

Or. pl

Justification

This recalls the current situation.

Amendment 2

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

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 *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.

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.

Or. pl

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 3

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 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 **or their potential for innovation.** Consequently, it is essential to improve their representation and participation in the standardisation process, particularly in the technical committees.

Or. pl

Justification

Standards adopted without sufficient SME involvement discriminate against SMEs not only in

terms of production activities, but also innovation activities.

Amendment 4

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 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.

Or. pl

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 5

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

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

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 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.

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. 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.

Or. pl

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 6

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.

Or. pl

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 7

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.

Or. pl

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 8

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,

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.

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.

Or. pl

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 9

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 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.

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 remove standards and/or specifications from that list.

Justification

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

Amendment 10**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 11**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

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***

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.

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.

Or. pl

Justification

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

Amendment 12

Proposal for a Regulation
Article 2 paragraph 1 point e

Text proposed by the Commission

Amendment

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

Or. pl

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 13

Proposal for a Regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(3) 'draft standard' means a document **(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 the preparatory work and as circulated for public comment or scrutiny;*

containing *a proposed standard that has been submitted for an opinion, for a vote or for approval;*

Or. pl

Justification

A definition from the appropriate European standard should be applied.

Amendment 14

**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:

Or. pl

Justification

Adopted as EN 45020.

Amendment 15

**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;

Or. pl

Justification

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

Amendment 16

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 bodies may not object to a subject ***for standardisation in their programme being discussed at European level in accordance with the rules laid down by the European standards organisations and undertake no action which may prejudice a decision in this regard.***

Or. pl

Justification

National standards entities should only be able to object to the inclusion of a particular standardisation issue in their work programmes. Currently, this is done on the basis of decisions taken by experts from relevant interested parties in special standardisation committees. The market adequacy of standards and their voluntary character are two important principles.

Amendment 17

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

Justification

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

Amendment 18

Proposal for a Regulation

Article 5 – paragraph 1

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:

- (a) the proposal and acceptance of new work items;
- (b) the technical discussion on proposals;
- (c) the submission of comments on drafts;
- (d) the revision of existing European standards or European standardisation deliverables;
- (e) **the dissemination of, and awareness-building about,** adopted European standards or European standardisation deliverables.

Amendment

1. European standardisation **organisations** shall **facilitate the participation of** 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 the following stages of the development of European standards or European standardisation deliverables:

- (a) the proposal and acceptance of new work items;
- (b) the technical discussion on proposals;
- (c) the submission of comments on drafts;
- (d) the revision of existing European standards or European standardisation deliverables;
- (e) **the provision of information on** adopted European standards or European standardisation deliverables.

Justification

The involvement of stakeholders in European standardisation shall be ensured by national

standardisation entities. The national consensus shall then be presented at EU level by a delegate (principle of national representation). The right to disseminate European standards shall remain in the hands of national standardisation entities. Revenues from their sale shall be the means of financing standardisation in Europe.

Amendment 19

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

2. European standardisation **organisations** shall **facilitate the participation of** 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.

Or. pl

Justification

The involvement of stakeholders will vary according to the importance to the market of a given project. Involvement requires specialist knowledge, essential qualifications, interest and funds, Article 5 and Annex III of the Regulation grant privileges only to certain organisations and stakeholder groups. This provision may be considered to be in violation of the principle of equality of arms.

Amendment 20

Proposal for a Regulation Article 6 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The annual European standardisation work programme, as mentioned in paragraphs 1 and 2, shall be adopted in

accordance with the advisory procedure referred to in Article 18(2); moreover, European standardisation organisations shall be included in this process.

Or. pl

Justification

This point should be added in order to ensure market adequacy, the involvement of stakeholders and transparency (of procedures).

Amendment 21

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.

Or. pl

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 22

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 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 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

1. 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 ***in the field of ICT*** which are not national, European or international standards and meet the requirements set out in Annex II.

2. ***The decision referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 18(3); moreover, European standardisation organisations shall be included in the adoption process.***

Justification

The question of the legitimacy of ICT standardisation has not yet been resolved. The obligations imposed on consortia appear to be significantly weaker than those imposed on standardisation organisations. Standardisation, when carried out by standardisation organisations, has the advantage of ensuring the cohesion of a set of standards, which guarantees the functionality of products and systems. No mention is made of this key issue in Annex II.

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.*

Or. pl

Justification

The question of the legitimacy of ICT standardisation has not yet been resolved. The obligations imposed on consortia appear to be significantly weaker than those imposed on standardisation organisations.

Amendment 25

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;

Or. pl

Justification

In order to ensure terminological coherence with the proposed definitions.

Amendment 26

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. ***It shall cooperate with European standardisation organisations.***

Or. pl

Justification

The way in which the Committee is described raises concerns as it implies a significant reduction of current levels of transparency. The way in which European standardisation organisations and national standardisation entities will participate remains unclear.