

**AMENDMENTS 001-113**

by the Committee on the Internal Market and Consumer Protection

**Report****Lara Comi**

European standardisation

**A7-0069/2012**

Proposal for a regulation (COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))

**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 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

*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.

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 standardisation<sup>1</sup> has set out an important number of strategic recommendations regarding the review of the European Standardisation System.***

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<sup>1</sup> *OJ C 70 E, 8.3.2012, p. 56.*

**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*

(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 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 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*

*Amendment*

(17) The viability of the cooperation between the Commission and the European standardisation system depends on careful

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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**.

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 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

(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 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

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 the relevant provisions in those Directives.

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 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 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

##### *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 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.

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 **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.

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 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 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 Organisations** 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 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

##### *Amendment*

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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 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.

**Amendment 29**  
**Proposal for a regulation**  
**Recital 34**

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 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.**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

### **Amendment 30**

#### **Proposal for a Regulation**

##### **Recital 36**

*Text proposed by the Commission*

*Amendment*

(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.

(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 31**

#### **Proposal for a regulation**

##### **Recital 37**

*Text proposed by the Commission*

*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

(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.

*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*

*Amendment*

(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.

(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*

*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”) **and** financing of European standardisation.

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 compulsory, and which is one of the following:

*Amendment*

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

*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;

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 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:

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

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

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

*Text proposed by the Commission*

*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*

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 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

*Amendment*

1. When a Member State **or the European Parliament** considers that a harmonised standard does not entirely satisfy the

cover and which are set out in the relevant Union legislation, it shall inform the Commission thereof.

requirements which it aims to cover and 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 69**

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

*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 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

*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

parties;

information to interested parties *and the provision of this information to persons with disabilities*;

#### Amendment 79

##### 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

*Amendment*

(b) other **national and European** bodies which have been entrusted with carrying out the work referred to in points (a), (c)

cooperation with the European  
*standardisation bodies*.

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*

*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;

(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

3. The Commission, *after consulting the European Standardisation Organisations*,

paragraphs 1 and 2, on the amounts of the grants and, where necessary, on the maximum percentage of financing by type of activity.

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 89**  
**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*

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 **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 99**  
**Proposal for a regulation**  
**Article 19 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(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*

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

*Amendment*

*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*

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*

*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

*standardisation body*, through processes which fulfil the following criteria:

**Amendment 105**  
**Proposal for a regulation**  
**Annex II – point 2 – point 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 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 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 108**

***International Standardisation Organisation***, through processes which fulfil the following criteria:

*Amendment*

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*

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*

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

**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 activities which:

*Amendment*

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