DIGITALEUROPE

6 AUGUST 2021

DIGITALEUROPE's input to the European Standardisation Strategy Roadmap

Introduction

DIGITALEUROPE thanks the European Commission for the opportunity to provide input to this Roadmap on the upcoming European Standardisation Strategy. We have previously provided input and recommendations on the matter of standards in the past months, such as through our paper on the European Standardisation Strategy[1] as well as our joint letters with other trade associations to the Council and Commission.[2] Many of the points reflected below were therefore already raised in these previous publications.

Key Messages

▶▶ The European standardisation system and the New Legislative Framework underpin the EU Single Market and are essential to Europe's competitiveness and innovation.

▶▶ The European Standardisation Strategy should urgently address the recent bottlenecks such as with the interface between the Commission, European Standardisation Organisations and HAS consultants.

▶▶ Efficient development and high quality of standards can go hand in hand. The goal of speeding up the standardisation process should not come at the cost of safety, quality, innovation, or lead to the use of less inclusive and more top-down and prescriptive instruments.

▶▶ The best way for the EU to set an international example is through the support of active European participation in standardisation on the global stage, in international standard developing organisations, such as ISO and IEC, global fora and consortia.

---

1 https://www.digitaleurope.org/resources/digitaleurope-views-and-messages-for-the-new-european-standardisation-strategy/

2 https://www.digitaleurope.org/resources/joint-industry-recommendations-for-effective-harmonised-standardisation/

▶▶ Stakeholder interaction, for example through the Multistakeholder Platform for ICT Standardisation, remains key and plays an essential role for dialogue and bringing in international perspectives.

▶▶ DIGITALEUROPE supports measures to bolster the inclusiveness of the European standardisation system, in particular to ensure the involvement of SMEs, civil society organisations and industry.

▶▶ Inclusiveness and stakeholder collaboration can also be aided by the digital transformation of standards development processes, such as through virtual or hybrid meetings when possible and useful.

▶▶ The European Standardisation Strategy should promote and encourage standards awareness among various communities, including policy-makers and regulators.

Recommendations

In the Roadmap document, the Commission accurately identifies various aspects related to standards development and their uptake in Europe that should be addressed. These include not in the least alleviating the standardisation bottlenecks, more strategic and agile approaches to standardisation priorities and development, also at a global level, and including all stakeholders from an early phase and increasing resources for training and education. We have structured our input according to the main questions posed in the Roadmap.

Is the European standardisation system fit-for-purpose to support European strategic interests?

Yes, the European standardisation system, with the New Legislative Framework (NLF), have proven to be essential to the EU's drive to continually increase competitiveness and innovation, to facilitate the Single Market and to ensure product compliance with European norms and regulations. However, recent interpretations and consequent practices in how this system should be applied have caused an adverse impact.

As noted in the Roadmap, the Commission acknowledges the problems identified by stakeholders with the current state of the standardisation framework: delayed citations and cumbersome procedures, sometimes related to prescriptive standardisation requests or difficulties in the interface between the Commission, the European Standardisation Organisations (ESOs) and HAS consultants.

A lack of coherence and coordination at an early stage in the preparation of the relevant standardisation initiatives has sometimes led to uncertainty or resulted in

DIGITALEUROPE

delays before products based on approved standards were placed on the EU market.

In particular, the Commission's interpretation of articles 10(5) and 10(6) of the regulation 1025/2012 (following the decision of the Court of Justice of the EU in the James Elliott Court case[3]) has materially undermined the system in recent years. Lack of clarity on the scope of the HAS consultants' and desk officers' remit, some inconsistent application of requirements or resource constraints have led to several key standards in the field of Safety, EMC and Radio being delayed or in some cases not cited at all.

It is unfortunate that while the intent of the Commission's revised and inappropriately technical review process was to bring legal certainty, it has had the opposite effect in many cases and many safe and compliant products on the EU market can no longer avail of 'presumption of conformity' – a corner stone for the implementation of the NLF and the success of the Single Market.

This has also had an impact on how the NLF is perceived from outside the EU. The process whereby globally accepted international standards (usually with substantial contribution and support from EU members' national committees) are subjected to additional deep technical scrutiny, modification and even still may be somehow restricted in the EU has led to confusion and in many cases frustration among stakeholders, including smaller and larger manufacturers in Europe and internationally.

To preserve the credibility of the European standardisation system and ensure it continues to function, it is time to reconsider the Commission's review process and whether it is fit-for-purpose. While there is no doubt that the Commission has a critical role to play within standardisation[4], it is important to ensure that the ESOs and relevant stakeholders are appropriately consulted across the different stages, from the initiation to the citation of the harmonized European standards.

The European Standardisation Strategy should aim to address these conflicts and bottlenecks, while striking the right balance between speed and quality, especially relevant for the development and deployment of emerging technologies.

Efficient development and high quality of standards do not need to be at odds and can go hand in hand to provide continued value from

---

3 Case C-613/14 - James Elliott Construction

4 As stated in Article 10(6) of the EU Regulation 1025/2012: "Where a harmonised standard satisfies the requirements which it aims to cover and which are set out in the corresponding Union harmonisation legislation, the Commission shall publish a reference of such harmonised standard without delay in the Official Journal of the European Union or by other means in accordance with the conditions laid down in the corresponding act of Union harmonisation legislation."

standardisation. The goal of speeding up the process[5] overall should not be achieved at the expense of safety, high quality, or innovation, nor should it be a reason to step aside from the standardisation process altogether or undermining market driven solutions through the use of more prescriptive or top-down instruments. Other instruments, like Commission developed technical specifications, implementing acts and other similar legislative devices wouldn't necessarily be based on a broad consensus of all stakeholders and be ready for market adoption.

This is particularly worrying when fit-for-purpose international standards and specifications are available, and possibly also inconsistent with obligations under the Technical Barriers to Trade Agreement of the World Trade Organization.

Europe should avoid unduly creating its own unique technical standards as they create technical barriers to trade, restrict market access and prevent interoperability of products and services globally which negatively impacts the competitiveness of European companies in the international markets. If there is no justified regional or national overarching health, safety or national security related requirement, undermining the importance of and value from global voluntary consensus standards is inappropriate and should be avoided.

DIGITALEUROPE strongly supports the newly set up **joint taskforce between the Commission and the ESOs** to assess and evaluate the current process and come up with practical solutions, based on the current legal and regulatory framework.

Pragmatic steps forward could be realized through avoiding inconsistencies and improving clarity of the terms and definitions in the Regulations and Directives, and their related standardisation requests. The joint taskforce should also aim to clarify better the work to be done by the ESOs and the technical experts in the Technical Committees, and the remit for the legal check of the HAS consultants.

The back-and-forth between technical experts and HAS consultants is a clear bottleneck that can be addressed through better guidelines and coordination, including the Commission emphasizing timely outcomes from its reviews (including but recognizing the limitations of HAS consultants and desk officers)[6], and to increase technical and legal support on all sides. DIGITALEUROPE

---

5 The result of standards development process is not always a Standard. It could be a different kind of document and the process might differ per deliverable. It is important to choose the right deliverable at the project initiation to ensure timely and in correct format to be used to effectively influence the intended outcome. Methods like Fast-Track and Publicly Available Specifications can also help convert a specification into an international standard.

6 The time restrictions on communication between HAS consultants and technical experts, as currently delineated in the HAS consultant contract, should also be reviewed or dropped to allow more flexible and dynamic arrangements. Especially when establishing a new process, it is key to allow sufficient communications between all parties to address open issues without undue delay.

supports the aim of the Commission to ensure sufficient budget and resource allocation for this process. We also encourage reviewing time to be prioritised appropriately and not be used disproportionately for legacy technologies that will fade away in the coming years.[7]

How can the EU leverage and promote global leadership in standards-setting?

DIGITALEUROPE acknowledges the overall ambition of the Commission and EU institutions for European standards to be globally relevant. While standardisation is by its nature primarily technical work, there can indeed sometimes be a political and even geo-political dimension to it. This is certainly a facet to feature in the European Standardisation Strategy and related initiatives.

The ESS should set the objective of an appropriate level of **European participation in standards development on the global stage**, in strategic areas in light of political, economic, environmental, societal, and technological drivers to produce market relevant standards. Such influence is necessary to foster alignment between the EU and international partners, and to avoid that the EU market would fall behind the global state-of-the-art.

DIGITALEUROPE underscores therefore the **importance of active participation, in the international standard developing organisations, including at ISO, IEC and ITU, as well as global fora and consortia**, depending on the kind of standards under consideration.[8] It is especially through this method that European stakeholders, sometimes in leadership roles, can integrate European positions and expertise and values in international standards, and consequently have a global influence.

A good way to support this ambition is then through **strong stakeholder interaction**. The Multistakeholder Platform for ICT Standardisation plays an essential role here and provides an important forum for stakeholder dialogue to bring in international perspectives on the latest technical innovation and market developments.

The Commission can also support this through better coordination and support for European experts in international standardisation bodies, as well as by leveraging existing partnerships at the international level. We can point in particular here also to the new EU-US Trade and Technology Council and its planned working group on technology standards cooperation. DIGITALEUROPE

---

7 For example the continuing work on current valid GSM (2G) or WCDMA (3G) harmonised standards. This strategy would also align with depreciation in activity within groups such as 3GPP on legacy technologies.

8 Such as OASIS, W3C, Ecma, IEEE, DICOM, HL7 and others, and thus the importance to allow for global ICT specifications to be identified for use in European public procurement.

recommends here the participation of private sector technical experts so discussions on standards cooperation would be fruitful and grounded in current and future needs.[9]

Are changes required to improve the performance of the European standardisation system?

We do not think major changes are required, as a more pragmatic interpretation of the existing Standardisation Regulation, and its consequent operating practices, can already help to strengthen the European standardisation system. That said, as elaborated above, improvements should be done to address bottlenecks and issues with efficiency, speed and stakeholder collaboration in thoughtful ways.

In regard to this latter point, DIGITALEUROPE fully supports the goal of the Commission to preserve the inclusiveness of the European standardisation system, in particular to **ensure the involvement of SMEs, civil society organisations and industry**.

Many stakeholders, such as smaller businesses, may indeed lack the capacity to fully engage directly in the standardisation system. Awareness raising as well as support for stakeholders directly, or associations and gatherings thereof, is critical to have appropriate representation and contributions of these actors. This should not merely aim to have more 'people at the table', but also provide support for their engagement and effective participation in the process.

Even various practical steps can help, such as measures to embrace **digital transformation of standards development processes** to enable a more collaborative environment that ensures the timeliness of published standards. Based on the participation data in standards development during COVID pandemic, ESOs should be more flexible, for example through virtual or hybrid meetings whenever possible and confirmed to be useful.

The Strategy should also continue to **promote and encourage a standards-knowledgeable workforce by building standards awareness and competences** among various communities. There also needs to be targeted approach to standards education both at the political and the industry level. Policy-makers, including regulators need to learn more about the strategic value of standards, better understand their development process and the dynamics and financing for the participation by different stakeholders in the international standards setting.

---

9 https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2990

Education, training, and retraining programmes should therefore be tailored to relevant audiences, including industry executives, individuals who participate in the development or implementation of standards, university and college students, young and emerging policy and engineering professionals, and other interested parties.

FOR MORE INFORMATION, PLEASE CONTACT:

Jochen Mistiaen

Senior Policy Manager

jochen.mistiaen@digitaleurope.org / +32 496 20 54 11

About DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE Membership

Corporate Members

Accenture, Airbus, Amazon, AMD, Apple, Arçelik, Assent, Atos, Autodesk, Bayer, Bidao, Bosch, Bose, Bristol-Myers Squibb, Brother, Canon, Cisco, DATEV, Dell, Dropbox, Eli Lilly and Company, Epson, Ericsson, ESET, Facebook, Fujitsu, GlaxoSmithKline, Global Knowledge, Google, Graphcore, Hewlett Packard Enterprise, Hitachi, HP Inc., HSBC, Huawei, Intel, Johnson & Johnson, JVC Kenwood Group, Konica Minolta, Kyocera, Lenovo, Lexmark, LG Electronics, Mastercard, Microsoft, Mitsubishi Electric Europe, Motorola Solutions, MSD Europe Inc., NEC, NetApp, Nokia, Nvidia Ltd., Oki, OPPO, Oracle, Palo Alto Networks, Panasonic Europe, Philips, Pioneer, Qualcomm, Red Hat, ResMed, Ricoh, Roche, Rockwell Automation, Samsung, SAP, SAS, Schneider Electric, Sharp Electronics, Siemens, Siemens Healthineers, Sky CP, Sony, Swatch Group, Technicolor, Texas Instruments, Toshiba, TP Vision, UnitedHealth Group, Visa, VMware, Waymo, Workday, Xerox, Xiaomi, Zoom.

National Trade Associations

Austria: IOÖ
Belarus: INFOPARK
Belgium: AGORIA
Croatia: Croatian Chamber of Economy
Cyprus: CITEA
Denmark: DI Digital, IT BRANCHEN, Dansk Erhverv
Estonia: ITL
Finland: TIF
France: AFNUM, SECIMAVI, numeum

Germany: bitkom, ZVEI
Greece: SEPE
Hungary: IVSZ
Ireland: Technology Ireland
Italy: Anitec-Assinform
Lithuania: INFOBALT
Luxembourg: APSI
Netherlands: NLdigital, FIAR
Norway: Abelia
Poland: KIGEIT, PIIT, ZIPSEE
Portugal: AGEFE

Romania: ANIS
Slovakia: ITAS
Slovenia: ICT Association of Slovenia at CCIS
Spain: AMETIC
Sweden: Teknikföretagen, IT&Telekomföretagen
Switzerland: SWICO
Turkey: Digital Turkey Platform, ECID
United Kingdom: techUK