DIGITALEUROPE

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DIGITALEUROPE Response to the Standardisation Strategy

Executive summary

DIGITALEUROPE welcomes the recent publication of the European Commission's Standardisation Strategy to update the European Standardisation System, which we have been collectively building and strengthening for the past 30 years. We stand ready to support the Commission in leveraging global standards to support a resilient, green and digital EU Single Market. We believe that this will be best achieved through a standardisation framework that encourages innovation, reduces fragmentation due to differing regional or national requirements, fosters scaling up and supports the deployment of products across the EU.

In this paper, we outline our key messages towards a successful realisation of the Strategy:

▶▶ Position the New Legislative Framework as the cornerstone of a functioning Single Market.

▶▶ Advocate that open, voluntary, market-driven consensus- based standards are the best way to facilitate international trade.

▶▶ Stress the need for strong industry and stakeholder engagement throughout the lifecycle of the standards making process.

▶▶ Caution against forced governance changes in ETSI.

▶▶ Request the Multi-Stakeholder Platform (MSP) for ICT Standardisation is preserved and will be related to the new EU High-Level Forum on standardisation.

▶▶ Advocate for increased cooperation between European Standards organisations and international counterparts.

▶▶ Request more concrete actions to skill up and incentivise European stakeholders in order to increase influence and engagement globally.

Introduction

The European Standardisation System (ESS) has been and should continue to be based on open, voluntary, market-driven and consensus-based standards as the best way to facilitate international trade and market access. The New Approach and the New Legislative Framework are built on these principles and they should remain the cornerstones of the public-private partnership which underpin the ESS.

The ESS is a well proven and balanced public-private initiative that permits establishing essential requirements that industry and other stakeholders can transpose into market-driven, voluntary European standards.

DIGITALEUROPE believes that this system is an essential EU asset in achieving a resilient, green and digital Single Market because it leverages the technical expertise and experience of industry to support EU policy objectives. This results in standards attuned to market needs and attractive for industry adoption, fostering market-driven innovation. In an international context, initiatives which would disturb the balance within the ESS risk foregoing the EU's competitive advantage in leveraging standards as the enabler for EU policies.

Key Messages

A Partnership with Industry

Including industry at every stage of the development of European standards is central for the aspiration of setting global standards in support of a resilient, green and digital EU Single Market. We stress the importance of broad representation of industry stakeholders and note that direct industry membership and participation in decision-making is an important element of achieving this in ETSI.

Openness, transparency and inclusiveness are enhanced by involving private companies directly into the standards development process to ensure that adopted standards align with business and technology realities, so that market incentives can work to amplify policy objectives. By leveraging industry's broad and deep experience, market-driven ETSI standards can effectively support the twin transition and reinforce the EU's competitiveness on the global stage.

One of the main advantages of industry-driven standards is the vast number of experts that companies and other stakeholders make available to contribute, peer-review and test the work. At a time when the safety and security of EU citizens are paramount in an increasingly complex digitised economy and at the centre of EU policies, having high-quality standards based on industry's tested experience in the market should be prioritised.

As the Commission recently recognised with respect to open source software, pooling of efforts results in improved deliverables and lower costs for society; the same is true for standards. The "*integration of open source*" envisaged by the Strategy is an increasingly important part of industry engagement through ETSI and CEN/CENELEC, which can further bolster the interaction and collaboration between standards-setting and open source communities.

Inclusiveness also means that industry should have the opportunity to be adequately represented in the relevant decision-making processes within the European Standardisation Organisations (ESOs) and throughout the standards development lifecycle. Standardisation work at CEN/CENELEC and ETSI relies primarily on voluntary industry effort. It is industry's participation that makes standards happen.

Consequently, to make this system work and justify the huge investment made by the stakeholders, it is important that all parties fulfil their roles, respect each other's timeframes and regularly consult with each other. This is especially true in the context of the requests to develop harmonised European standards, as stated in Article 10 of EU Regulation 1025/2012, which requires that the Commission consult with ESOs. A balanced partnership model should be respected to bear its fruits.

A global & competitive Europe

European leadership should be achieved and maintained in collaboration with, not in isolation from, the private sector and other global players and regions. We encourage learning from EU success stories in setting global standards. Projects like the 3GPP[1] and the worldwide membership in ETSI have successfully brought global players together in the EU to work towards standards that benefit Europe and are adopted globally, thereby tremendously increasing the market and competitiveness for all European companies.

The ability to deliver innovation and to successfully compete in the global economy requires cooperation, not protectionism. We therefore strongly believe that it is in the EU's best interest to foster strategic partnerships with all European and global contributing partners. Digital sovereignty must not disconnect the EU from the global economy or burden the ability of European companies to scale up and compete on an international level.

European Standardisation Organisations' governance

For a successful public-private partnership on standardisation, the ESOs should remain free to define their own governance rules under the WTO

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[1] https://www.3gpp.org/

Technical Barriers to Trade (TBT) criteria.[2] EU Regulation 1025/2012 on European standardisation recognises that there are two systems: national delegation in the case of CEN and CENELEC, or direct participation in ETSI. Both systems satisfy the WTO TBT criteria of openness, consensus, voluntary application and independence from special interests.

In digital industries, ETSI has been a major European success story. This in part is due to its direct model of participation which permits private companies, EU/EEA and other national governments, National Standardisation Bodies (NSBs) and other stakeholders to work together and shape the development of standards, including harmonised European standards, and allows these participants to engage in the governance of ETSI. The European Court of Justice recognised that ESOs are governed by private law.[3]

We note that the Commission and Member States already approve standards requests and that decisions at ETSI about the approval of harmonised European standards are already taken on the basis of a national vote under ETSI's rules. No evidentiary record has been established by the Commission to justify the need for any extra steps, the addition of which could risk timely delivery. Further, NSBs often lack the resources to fulfil the additional tasks proposed by the Commission, and such changes in the ETSI's processes may delay the development of standards.

DIGITALEUROPE consequently cautions against interfering with the governance rules at ETSI as the outcome could be the exact opposite of what is intended.

International alignment

To leverage global economies of scale European standard-development bodies should, as a high priority, achieve harmonisation between European standards and international standards. Through international harmonisation, the EU can promote European standards at the global level and therefore have the potential to build resilience into the European economy that will strengthen our industry for decades to come. The engagement in the development and adoption of international standards in the EU promotes international trade and investment, and helps European companies, including SMEs, reduce their global compliance costs.

The EU should set the example and be a world leader in digital and technological sovereignty by spearheading the development of international standards in partnership with global stakeholders and within international fora. This will ensure

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[2] https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

[3] Such as in the James Elliott case (C-613/14), see
https://curia.europa.eu/juris/liste.jsf?lgrec=fr&td=;ALL&language=en&num=C-613/14&jur=C

that EU-led standards are also embraced in other jurisdictions and allows stakeholders to focus their experts. The solution is increased standardisation excellence, coupled with cooperation and trust amongst stakeholders on the basis of international standardisation.

An example of an area where the EU could be a global leader in setting the international standard is that of Accessibility. There is a global demand to have the ETSI standard EN 301 549 adopted at international level. In order to mitigate the risk that other countries will set alternative requirements for accessibility, the Commission should work with the ESOs and Annex III organisations to promote the adoption of EN 301 549 as an international standard. Diverging global standards will increase compliance costs for companies, including SMEs, and users with accessibility needs could experience different or lower quality standards between countries.

Several important and useful suggestions for improvements were also provided through the output of the Global Challenges Ad-hoc Group in the Multi-Stakeholder Platform on ICT Standardisation, such as better support from EU institutions and the Member States to fund and accommodate European participation in international standardisation bodies, strengthening coordination and joint projects between Standards Developing Organisations and better awareness of standards with governments and public administrations (for example, for use with public procurement).

Improving standards development & citation

Concrete actions are required to address inefficiencies and bottlenecks. As speed and efficiency without compromising on quality are of critical importance to the continued success of the ESS, we would appreciate seeing more concrete actions in the Strategy that directly address the existing bottlenecks, some of which are not within but above the system.

DIGITALEUROPE appreciates the intention behind the announced actions and proposed governance changes to enhance inclusiveness, but we are concerned that they risk adding delays to the process. Instead, we believe that clear and specific suggestions are needed on how to speed up the process of citing standards in the EU Official Journal and how to improve the efficiency of the work involving HAS consultants.

Technical specifications

Global, market-driven voluntary standards are the best available means to support essential requirements in legislation and to avoid the risk of introducing technical trade barriers. The Commission should refrain from developing common technical specifications in lieu of market-driven

standards. Industry standards are developed following considerable effort and investment by industry, which contributes significant expertise to the ESOs and European NSBs. As experience in Europe and elsewhere has shown, this investment and expertise could not be replaced by any single entity alone.[4]

In this context, we appreciate the intention of the European Commission to create an 'EU excellence hub' for standards and the creation of the role of the 'Chief Standardisation Officer' in order to better coordinate and leverage expertise within the Commission.

However, failure to make a clear statement and to reassure stakeholders that common specifications will only be developed as a last resort may ultimately create confusion and risk erosion to a system that potentially reduces stakeholders' interest in participation and contribution of their technologies. We see a clear risk that the proposed EU excellence hub and the apparent intention by the Commission to create common specifications by itself could be interpreted as a parallel, competing activity to that of the ESOs, and we seek reassurance that this is not the aim.

The suggestion that the Commission could develop its own common specifications when, for example, there are delays in the development of harmonised European standards, or a lack of consensus among stakeholders, may isolate Europe from advances in other countries and could result in low-quality specifications being implemented in the Single Market.

Unless carefully constrained, the prospect that a small select group of officials at the Commission, even if assisted by some external experts, could develop specifications may lead to outdated technical requirements being imposed on the market and consumers, and result in potential vulnerabilities and other implementation or market adoption issues because not enough experts are reviewing the standards during their development. Further, it would be helpful if industry would have a structural way of communicating with the newly proposed EU excellence hub.

Such region-specific common specifications would also both present the risk of introducing a technical barrier to trade as well as deprive industry of opportunities for global scale and instead raise costs. To avoid such risks, the Commission should focus on the development of new harmonised European standards,

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[4] For example, in the US the National Technology Transfer and Advancement Act (NTTAA) of 1995 and the Office of Management and Budget (OMB) Circular revised in 1998 were in response to the realisation that the US Government's tendency to develop its own specifications dramatically increased the cost of procurement while providing no tangible technical benefit. See https://www.washingtonpost.com/business/capitalbusiness/the-air-forces-10000-toilet-cover/2018/07/14/c33d325a-85df-11e8-8f6c-46cb43e3f306_story.html.

The NTTAA specifically directs the US government to look to consensus standards in lieu of developing its own government unique standards.

revision to existing standards, and cooperate with ESOs when there are delays in their development rather than develop its own common specifications.

Maintaining the MSP

The Multi-Stakeholder Platform on ICT Standardisation (MSP)[5] has enabled the Commission to benefit from the collective advice of all relevant stakeholders and should be employed as a key asset in executing the EU Standardisation Strategy. The membership of the MSP takes into account the fact that the global ICT standardisation ecosystem is much more complex and multi-faceted than in other sectors. By including all key stakeholders, including well-established global ICT standardisation fora & consortia, the Commission has been able to build on perspectives of and cooperation among all players in the ecosystem in working towards standards that adopt European values and support EU policies.

In the same vein, DIGITALEUROPE wishes to reiterate its desire for the Commission to lift the current suspension on the identification of fora & consortia technical specifications as foreseen under EU Regulation 1025/2012.

Recognising the prominent importance of ICT standards in the context of EU policy, including the twin transition, the ability to leverage cooperation among all players in the global standardisation ecosystem is of utmost importance. Given the success of the MSP over the past ten years, we strongly recommend continuing the MSP, potentially as an ICT-dedicated sub-group under the new High-Level Forum. This would also enable a continuation in generating the annual Rolling Plan on ICT Standardisation, a highly successful and unique EU instrument in leveraging the global ICT standardisation ecosystem towards supporting EU values and policies.

Stakeholder participation & inclusiveness

We welcome incentives to increase participation in standardisation, however more concrete actions are required to secure the resources and expertise necessary for this to happen. ESO governance changes alone neither ensure nor are they necessarily the best way to achieve this. SMEs, together with representatives of civil society and consumers, have an important role in the economic growth of Europe. We believe ESOs already cater for this and appreciate that there is always room for improvement. However, active participation of these stakeholders is not only (and, arguably, not at all) a matter of present ESO governance structures but is mainly about continued efforts to facilitate and enable their involvement to play an active role in the process.

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[5] https://digital-strategy.ec.europa.eu/en/policies/multi-stakeholder-platform-ict-standardisation

Along a similar line, we agree with the importance of connecting research to standardisation and the need to promote standardisation expertise in academia through various programs to secure future competence. DIGITALEUROPE looks forward to evaluating the 'Standardisation Booster' when it is launched.

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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, Banco Santander, Bayer, Bidao, Bosch, Bose, Bristol-Myers Squibb, Brother, Canon, Cisco, Danfoss, Dassault Systèmes, DATEV, Dell, Eli Lilly and Company, Epson, Ericsson, ESET, EY, Facebook, Fujitsu, GlaxoSmithKline, Global Knowledge, Google, Graphcore, Hewlett Packard Enterprise, Hitachi, HP Inc., HSBC, Huawei, Intel, Johnson & Johnson, Johnson Controls International, JVC Kenwood Group, Konica Minolta, Kry, Kyocera, Lenovo, Lexmark, LG Electronics, Mastercard, Microsoft, Mitsubishi Electric Europe, Motorola Solutions, MSD Europe Inc., NEC, Nemetschek, 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, Sopra Steria, Swatch Group, Technicolor, Texas Instruments, TikTok, Toshiba, TP Vision, UnitedHealth Group, Visa, Vivo, VMware, Waymo, Workday, Xerox, Xiaomi, Zoom.

National Trade Associations

Austria: IOÖ
Belgium: AGORIA
Croatia: Croatian Chamber of Economy
Cyprus: CITEA
Czech Republic: AAVIT
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
Moldova: ATIC
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: TechSverige, Teknikföretagen
Switzerland: SWICO
Turkey: Digital Turkey Platform, ECID
Ukraine: IT Ukraine
United Kingdom: techUK