



*Raising standards for consumers*



## POSITION PAPER

# “Should we split?”

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## 1. Executive Summary

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The ANEC Representatives in service standardisation committees have observed, at European (and international) level, a trend for single standards projects to be split into parts that are then published as discrete standards (e.g. EN 1234-1; EN 1234-2). We are concerned that, under certain circumstances, the publication of these standards as standalone parts may lead to consumer detriment.

This splitting of standards is distinct from development of a horizontal standard to cover a broad range of general requirements, common to a family of standards.

This paper highlights the possible detriment that may be caused if a standard is split inappropriately (see examples in Annex II) and proposes a solution to ensure that the usefulness of service standards in providing a fair and safe service is not jeopardised by such partitions. We suggest the use of a checklist in the guidelines for standardisers that would indicate the conditions under which a project should not be split. We also define criteria (Annex I) that standardisers should consider in making a decision on whether to split a project into different parts.

## 2. Why are standards split into different parts?

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According to the CEN-CENELEC Internal Regulations on the drafting of standards,

*"As a general rule, an individual document shall be prepared for each subject to be standardized, and published as a complete entity. In specific cases and for practical reasons, if the document is likely to become too voluminous, and if portions of the document are intended to serve for certification purposes, (...) the document may be split into separate parts under the same number. This has the advantage that each part can be changed separately when the need arises. In particular, the aspects of a product which will be of separate interest to different parties (e.g. manufacturers, certification bodies, legislative bodies) shall be clearly distinguished, preferably as parts of a document or as separate documents."*<sup>1</sup>

Apart from these indications, there are no criteria regarding when a work item can or should be split leading to decisions being taken case-by-case. The splitting of a work item can be taken as a delegated decision by Technical Committees (TC), but the adoption of work items in a Project Committee (PC) needs to be approved by the CEN Technical Board (BT) so a PC has to consult BT on splitting of an item.

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<sup>1</sup> Clause 5.1.1 (part) of CEN-CENELEC IR Part 3 : 2011 See <http://goo.gl/tGwZCV>

Usually, product standards are split according to the type of products and/or their specific requirements. In ANEC's view, the Internal Regulations tend to reflect the historical focus of CEN-CENELEC on the development product standards.

### **3. Why can it be a problem for services standards?**

Services standards differ from product standards due to the intangible nature of services and the fact that aspects of the service are often performed by different providers. For this reason, service standards need to be approached holistically and the overlap or relationship between the different parts of a standard should always be considered. Service provision is by nature a *continuum*. The splitting of a standard into parts should not alter this *continuum*.

At a practical level, the splitting of a standard can create difficulties in achieving a coherent drafting of the separate parts. There is risk that key elements of service provision might be omitted, creating gaps in consumer protection. If the different parts of the standard are equally important to the safe or the fair provision of a service, but those parts are not normatively referenced, there is risk that service providers might choose to comply with only one part leading to the effectiveness of the standard being weakened. In turn, this could result in reduced industry use and a loss of consumer trust as they feel confused or misinformed about which elements of the standards an organisation complies with. In the worst case, the split may lead to increased risk of accident or injury to consumers. The impact of splitting on conformity assessment (and third-party certification especially) is also not clear.

In order to facilitate completion of the Internal Market for services, the European Commission issued Mandate M/517 for the programming and development of horizontal service standards. It is expected that more services standards will be developed, at the European and international levels. In this context, it is essential that formal criteria for the splitting of service standards are set.

### **4. ANEC proposals for a solution**

Before taking a decision on whether a service standard should be split, we believe standards developers should consider two criteria:

- Whether the parts that would result from a split are interlinked and are key aspects of the continuum in the service provision.

- If so - and it is still necessary to split the document - that all essential aspects and consumer-relevant requirements can be addressed through the use of normative references in the linked parts.

The forthcoming revision of the ISO/IEC Directives Part 2, "Principles to structure and draft documents intended to become International Standards, Technical Specifications or Publicly Available Specifications", could provide an opportunity for the elaboration of such criteria. ANEC submitted a preliminary proposal to the ISO Directives Maintenance Team in November 2013. The CEN/CENELEC Internal Regulations are based on the ISO/IEC Directives.

We also envisage using the opportunity provided by the European Standardisation Organisations' answer to Mandate M/517 to address the splitting of standards.

## Annex I: checklist of consumer relevant aspects

In absence of other criteria, this list provides an overview of the considerations, in the view of ANEC, that need to be addressed when deciding whether to split a standard. It is meant to help not only ANEC representatives working in service standardisation committees, but also TC members. We believe it should be the responsibility of the TC Secretariat to ensure these criteria are taken into account. The criteria should also be applied when a New Work Item Proposal proposes a standard is developed in parts.

The following criteria should be considered:

- Who is addressed by the standard and each of its proposed parts?
- Who is intended to use the standard and each of its proposed parts?
- Which parts of the standard would be related in supporting the continuum of service provision?
- Would the use of normative references in the related parts ensure that all essential aspects and consumer-relevant requirements are addressed?
- Will it be possible to explain clearly the relationship between the parts of the standard in the scope, so there will be no misunderstanding, on the part of the immediate user of the standard, the beneficiary of the service, and those undertaking conformity assessment against the standard?

## Annex II: examples of past and present practice

### *ISO TC 228 WG 7 - Adventurous tourism standard*

- The original Adventurous Activities draft standard in ISO TC 228 WG 7 was based on the essential relationship between the activity being led by people who know what they are doing, participants being informed about key risks and contingency planning for when things go wrong. These aspects are inter-related and provide a continuum in ensuring consumer protection.
- It was agreed the ISO standard on 'Adventure tourism' be split into three distinct parts (Information to Clients – minimum requirements; Leader Competence; Safety Management System requirements) and in such a way that service providers could use only one part.
- Moreover, WG 7 decided to relegate the part on 'Leader Competence' to an ISO Technical Report.
- ANEC believed this means of splitting the standard weakened its intended protection, putting consumers at risk. As a result, ANEC withdrew from the work of in December 2012.

### *CEN TC 412 'Indoor sun exposure services' - Tanning Salons*

- It was announced in January 2013 that the 'Indoor sun exposure services' standard would be split into 3 separate items (even though the standard had already been proposed to comprise two work items, with one divided into two parts). The three items were: Training requirements; Competence of the UV exposure consultant; Service provision. All form a continuum in ensuring the protection of the consumer as the user of the service.
- It was not until its November 2013 meeting that CEN TC 412 agreed to the ANEC proposal have reciprocal normative references in the three parts of the standard.

### *CEN TC 403 'Aesthetic surgery services'*

- Although the original work programme covered only surgical procedures, the TC developed prEN 16372 that also adequately covered non-surgical procedures. In August 2012, a decision was taken to change the title of the draft to 'Aesthetic surgery and aesthetic non-surgical medical services'.
- ANEC supported a decision to extend the scope of the standard in order for its coverage to be as complete as possible, especially noting the boundary between surgical and non-surgical procedures can be unclear. For example,

laser treatment for the removal of tattoos causes hematomas to tissue in a similar way to more usual surgical tools.

- The CEN/BT decided to split the standard into two WI, when presented with the request to extend the scope. A NWIP on non-surgical procedures has to be registered and a draft prepared. Hence, there is a risk of discontinuity between the two parts.

#### *CEN TC 136 'Sports, playground equipment'*

- TC 136 'Sports, playground and other recreational facilities and equipment' WG 2 will develop a standard in three parts on 'fitness club' services.
- In this case, ANEC accepts the reasons for the split. Not all fitness clubs provide cardio training, weight training and group training. Part 1 "General requirements" will address all basic requirements as well as weight training with stationary equipment; Part 2 will be for fitness clubs with additional cardio training; Part 3 will cover additional requirements for group training. Most fitness clubs will not need to meet the requirements of all three parts (although all will need to comply with Part 1).

## About ANEC

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ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 33 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



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