

## EU Study on the specific policy needs for ICT standardisation - ANEC comments

### Introduction

ANEC has participated from the start of the study. We replied to the questionnaire in August 2006<sup>1</sup>; participated in the Steering Committee and Working Groups meetings from November 2006 to November 2007; we have made several written comments and we made an oral statement during the Open Workshop on 24 May 2007<sup>2</sup>.

Although some ANEC contributions have been reflected in the course of the study, we take the opportunity of this final consultation to reiterate points that were not but which we believe are integral to it. We focus on the future policy actions in the field of European ICT standardisation and consumer participation (Recommendations 1 to 6). We also intend the submission to add to discussions in the Steering Committee on the way forward for ICT standardisation policy in Europe.

### ANEC positions

- *Balanced representation and the need to differentiate between users and consumers*

ANEC congratulates the study contractors for the huge effort made in producing this research. ANEC expresses its support for the recommendation made to distinguish between the different user categories participating in standardisation, especially the need to distinguish consumers.

Moreover, ANEC is happy that the need to ensure effective balanced representation at the national level is recognised. ANEC has long called on the European standards bodies to reform their processes and procedures in order to ensure a more balanced participation in their technical structures<sup>3</sup>.

- *“Consumers do not want to participate in standardisation”*

ANEC expresses its strong concerns at the stated assumption that consumers do not want to participate in standardisation. Consumer participation in standardisation is weak because of a lack of human and financial resource, especially at the national level. This was the result of a survey that the European Commission (DG SANCO) published in early 2005 to assess the participation of consumer representatives in the work of standards-setting bodies. Given that lack of public funding is one of the major obstacles for consumer participation in standardisation, it is crucial to provide funding for the co-ordination of consumer participation at EU level and to encourage national

---

<sup>1</sup> ANEC-ICT-2006-G-044

<sup>2</sup> ANEC-ICT-2007-G-015

<sup>3</sup> For example, ANEC position paper *Proposals for improving public interest stakeholder participation in CEN and CENELEC* (document ANEC-GA-2006-G-004)

governments to provide resources to consumer organisations at national level. However, we acknowledge that the study partially took this point on board.

In addition to the above, the sources on this topic quoted in the study refer exclusively to participation of SMEs in standardisation, not consumers<sup>4</sup>. Of course, when we refer to the participation of consumers in standardisation+this should refer to the ~~or~~organised participation+of consumers, both at the national or European levels. In this context, reference to ~~an~~individual consumer+participation is out of scope.

➤ *Levels of consumers involvement*

ANEC is worried at the proposal to specify levels of user and consumer involvement in ICT standardisation i.e. when consumer participation is ~~an~~necessary and when it is only ~~a~~desirable ANEC is adamant that consumer involvement needs to be ensured not only when the standardisation is meant to underpin regulation (such as the New Approach) but also when standards, and not regulations, are intended to address societal needs (as a consequence of deregulation or ~~a~~better regulation).

For example, the study suggests that consumer participation in standardisation for public procurement should not be promoted as it is not directly linked to regulation. But, in ANEC's opinion, standards need to be developed to realise the full potential of the legislative instruments which encourage a Design for All approach. This is the case for the Public Procurement Directives which allow accessibility requirements to be covered in public tenders. It is therefore clear that consumer participation should be ensured in such circumstances.

This example illustrates the difficulty of setting clear-cut criteria to define when consumer participation is ~~a~~required and when it should be ~~a~~optional ANEC urges the European Commission to be cautious in this regard.

➤ *New standardisation model proposed*

ANEC calls on the Commission to take the same care when using standardisation to support broader policies as it does when using standardisation to support legislation (e.g. the New Approach). The study makes clear that standardisation activities which do not fall under the scope of the New Approach, even when supporting legislation (e.g. eSignatures, data protection) and policies (eHealth, eAccessibility) could benefit from a direct contribution of standards-setting bodies outside the ESOs. Although, as the study notes, New Approach-related standardisation in the ICT field is marginal, it would mean a further delegation of policy implementation to fora and consortia, often closed to consumer participation.

Although the study recommends the future recognition of consortia standards and specifications in support of European policies only if respecting the usual criteria of openness, transparency, etc. it is far from clear that the procedures of such informal

---

<sup>4</sup> eg: Jackobs 2003

standards-setting bodies can provide the Commission with the assurance that these democratic values will be upheld. It is also likely that the imposition of political requirements on the consortia would not be welcomed.

As stated in our position on the future challenges of ICT standardisation, ANEC believes that ICT standardisation should be based on the following principles, which go beyond the WTO TBT Agreement %Code of Good Practice for the preparation, adoption and application of standards: Openness and transparency; Enhanced consumer participation; Consensus; Implementation and assessment of standards; Cautious use of New Deliverables and non-formal standard setting fora<sup>5</sup>.

➤ *Integration of fora and consortia in European standardisation system*

ANEC believes that not all market players can contribute equally to the development of standards. Often this is due to resources. Industry, which has most to benefit from the use of the standards, is able to contribute and does contribute. But sometimes the imbalance is more institutionalised. We believe that the process of European standardisation must be made more open and balanced to ensure the inclusiveness of all interests that should be expected.

This said, and despite their imperfections, the ESOs (CEN, CENELEC, ETSI) should remain the exclusive partners of the Commission in the provision of deliverables to support both European legislation and broader public interest policies. The Commission should encourage the ESOs to collaborate more closely with fora and consortia and fora and consortia should be encouraged to consider the ESOs as the means for their standards to receive formal European endorsement. ANEC does not wish to see a further fragmentation of the European standardisation landscape.

But in areas where the Commission does not have confidence in the ability of the formal European standardisation system to deliver standards that are fit for the purpose of protecting consumers (e.g. for aspects such as data protection, security, accessibility), ANEC believes it should not hesitate to consider legislation.

### **ANEC in Brief**

*ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the process of standardisation and certification, also in policy and legislation related to standardisation. Our aim is a high level of consumer protection.*

*ANEC was set up in 1995 as an international non-profit association under Belgian law. It represents consumer organisations from the European Union Member States and the European Free Trade Association (EFTA) countries. Our General Assembly is composed of one national member per country, nominated jointly by the national consumer organisations in their country. The European Commission and EFTA fund ANEC, while national consumer organisations contribute in kind ([www.anec.eu](http://www.anec.eu)).*

---

<sup>5</sup> ANEC2005/ICT/035