



Raising standards for consumers



POSITION PAPER

European Standardization System Strategy 2020

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Contact Person: Stephen Russell, Secretary General
(Stephen.Russell@anec.eu)

European Association for the Co-ordination of Consumer Representation in Standardisation
aisbl

Av. de Tervueren 32, Box 27 – B-1040 Brussels, Belgium / t: +32-2-7432470 / f: +32-2-7065430 / e:
anec@anec.eu
www.anec.eu

1. Introduction

This position paper expresses ANEC's views on the draft strategy of the European Standardization System 2020, circulated for public comment in April 2013.

As both a CEN Associate and CENELEC Co-operating Partner, ANEC welcomes the chance to comment on the strategic objectives of the European Standardization System for the years to 2020, as well as on CEN and CENELEC's own ambitions.

Our comments should be seen in the context of the ANEC Strategy 2014-2020, sent to public comment in December 2012, and planned for adoption at the ANEC General Assembly meeting in June 2013.

2. General comments

Although European standards are the foundation on which the Single Market for goods has been built over the past 20 years, CEN, CENELEC and ETSI are private associations in whose work the societal interest may not be naturally represented. Through adoption of the Standardisation Regulation¹, the European Institutions have recognised the value that societal stakeholders bring in the development of European standards, especially noting the will of the Single Market Acts to extend the formal use of European standards to the field of services and to broader European public policies. Naturally, ANEC welcomed the new legal and financial bases that the Standardisation Regulation has provided for European associations representing weaker societal stakeholders, and the political expectations it sets out, through Article 5 of the Regulation and Annex III.

Consumer representation in standardisation is weak or non-existent in most EU and EFTA countries, as confirmed by the Access to Standardisation Study done for the European Commission in 2008/2009². The EXPRESS Report³ also noted that the participation of societal stakeholders at national level is weak in many countries and, to address this weakness and so guarantee the relevance of a European standardisation process built on national delegations, there has been recognition since the 1990s of the importance of ensuring the participation of such stakeholders directly at the European level.

Furthermore, **consumer representation** must not be confused with **consumer expertise**. Consumer expertise is even scarcer, especially given the added complexities of legislation and the convergence of technologies. This scarcity of expertise, coupled with voluntary and unpaid participation on which the consumer movement relies, places the consumer voice at a very considerable disadvantage compared with the business interests that participate in mirror committees.

The Standardisation Regulation sets an expectation that the participation of the experts of European associations in the standards development process be made "effective". Although European-level representation of the societal interest is not new (ANEC was founded in 1995), our contribution in CEN and CENELEC remains that of observers. And although ANEC has a vote in ETSI, it is only one vote as a (small) member from Belgium, compared with up to 45 votes for members with the highest financial turnovers. Moreover, ETSI does not have a special category for consumer representation in its governance or technical levels.

Such strengthening of our representation, as seen in the Regulation, is perhaps overdue as our participation has always helped to achieve the broadest relevance of European standards. We have welcomed the proposals CEN and CENELEC are

¹ <http://tinyurl.com/3e3mulh>

² <http://tiny.cc/shf1mw>

³ <http://tinyurl.com/yz7gys6>

putting in place to introduce an “effective participation”, and indeed started to put in place before adoption of the Regulation. We trust that this will allow the views of our representatives to be taken into account in the consensus that technical committees are required by the Internal Regulations to reach on the content of a draft EN before it is put to the Formal Vote (of adoption) by the national members of CEN/CENELEC. As such, we would expect any sustained disagreement we voice would need to be addressed by the technical committee before the standard could proceed (as in the case of a national delegation that may have a similar sustained disagreement).

Nevertheless, we are pleased CEN/CENELEC are also considering the development of an “early conflict resolution” which could be triggered in cases where we (or others) believe the sustained disagreement has not been properly resolved by the committee. We also welcome the commitment to review the appeals procedure against the adoption of an EN in order to provide an independent expert advice to the Technical Board in its decision on an appeal, should one prove necessary.

ANEC has great expectations that the concept of an “effective participation” along these lines will be adopted by the technical bodies in the same spirit shown by the governance bodies in finalising their proposals. Indeed, this will be key given the intention of the Commission to examine whether the “Annex III Organisations” should have “voting rights” as part of its independent review of the ESS. We trust “effective participation” will be the platform on which the contributions of societal stakeholders become enmeshed in the standards development process and allow their role to be considered as important in the shaping of European standards as that of the business interest (which, while contributing the most to the process in terms of resources, do have the most to gain commercially from influencing the content of a standard).

Without effective consumer representation in the writing of standards, products will not be as safe, as interoperable, as accessible or as sustainable as they could be. Of course, it is not the interests of business to ignore the needs of consumers if it wants to sell its products and services, but our experience is that business tends to focus on the needs of the mainstream or “average” consumer - where costs are lowest and profits highest - to the detriment of vulnerable consumers: those who are young, old or disabled. When standards are used for legislation or other public policy objectives, it is essential they take account of the needs of all consumers and not only the mainstream.

3. Specific comments

3.1 European standardization system to 2020

ANEC notes the proposal for the partners of the European Standardization System to co-sign these strategic objectives with CEN, CENELEC and ETSI.

Given their context, we believe it more appropriate to consider these objectives as being between the ESOs on the one hand, and the European Commission & EFTA on the other, possibly as a precursor to a revision of the General Guidelines⁴ of March 2003.

3.2 CEN and CENELEC ambitions for 2020

Global Influence

The need for European Standards is sometimes questioned, given the increasing globalisation of markets. In this context, ANEC can understand the need for globally-agreed International Standards where possible. However, there is a significant minority of Harmonised Standards (and other European Standards) that provide a presumption of conformity to legislation (legislation from which business and consumers benefit). This leads us to conclude that the development of a standard within Europe is to be preferred if the resulting standard is to support European legislation or broader public policies. Certainly, and for these reasons, we believe CEN and CENELEC must maintain separate votes of adoption for standards developed in parallel with ISO and IEC under the Vienna and the Dresden Agreements.

Regional Relevance

ANEC is convinced the standardisation of services has much to offer in removing unnecessary costs from the European economy, although we believe development of service standards at European level will be frustrated without a harmonising legislative framework. Without such a framework, national deviations in European Standards will continue to undermine ENs where conflicting national legislation cannot be overcome⁵.

⁴ <http://tinyurl.com/c8kuamh>

⁵ e.g. EN 15733 on the services of real-estate agents

Wider Recognition

By regulators

ANEC welcomes the commitment of CEN and CENELEC to reinforce the recognition of European standardisation by regulators through an acknowledgement of the role that the public interest has to play in the development of standards.

We trust the actions now being taken to enhance the voice of societal stakeholders through an “effective participation” will be implemented effectively at the technical level and help to facilitate this goal.

By society

ANEC welcomes the appreciation that consumer awareness of European standards, and confidence in standards, need to be strengthened. While we also welcome the CEN/CENELEC’s ambition of fostering the “appropriate” involvement of societal stakeholders in the standardisation process, we do not believe “appropriate” is a suitable adjective in the context of a strategic document, as opposed to a legal text, and suggest its deletion.

Moreover, the participation of consumers in European standardisation, through the national level or directly at the European level through ANEC, will not in itself bring about these changes.

ANEC would therefore welcome the support of the CEN and CENELEC communities in implementing its own (for the moment, draft) strategic objective for 2020:

“Noting the continued predominance of the national delegation principle in formal standardisation at both the European and international levels, ANEC will strive to strengthen the interaction between the consumer movement and standardisation nationally, working to build relationships among consumers, national standards organisations and national authorities, while providing support that is tailored and sustainable.”

Network of excellence

We do have some concerns about the intent of CEN and CENELEC to shorten the three-year timeframe for the development of an EN, in order to mirror the “Living Laboratory” and similar initiatives in ISO. As the Director-General reported to the First European Standardisation Summit in Albena last year, CEN and CENELEC are routinely developing standards well within the three-year timeframe. Hence we question whether certain initiatives (including a proposal to amend the Guidelines to the Vienna Agreement in order to deprecate CEN lead even in the revision of Harmonized Standards) are being put forward to streamline the internal processes of the NSBs at the risk of not addressing genuine European market needs.

From our perspective, it would seem unwise to reduce the parameters of the three-year timeframe that were chosen carefully to ensure the key characteristics of transparency and consensus of the EN would not be placed at risk. Further, if timeframes are reduced, the possibility for voluntary experts to participate on behalf of societal stakeholders is further reduced.

Innovation and Growth

In ANEC's opinion, innovative standards need to be developed to bring about greater consumer participation in new product and service development. It is key to remember that innovation and growth are not goals in themselves but are intended to contribute to increased economic wealth to the benefit of all in society. Hence the business interest and the consumer interest are not mutually exclusive. It is not in the interests of product manufacturers (or service providers) to ignore consumer needs and expectations if they are to be successful. However, manufacturers and service providers do wittingly or unwittingly tend to focus on the needs of the "average" or mainstream consumer where costs are lowest and profits highest. ANEC often acts to defend the interests of vulnerable consumers (children, the elderly and those with disabilities) in the standardisation process (a prime example is the revision of the EN 60335-2 standards for electrical domestic appliances to achieve deletion of the "exclusion clause" or "limitation clause").

Sustainable System

Once again, ANEC looks to the support of CEN and CENELEC to ensure the process of standards development remains open and enables consumer representatives to achieve a genuinely effective participation. Moreover, as part of the Strategy, we would appreciate the members of CEN and CENELEC taking steps to ensure there is a dialogue with the consumer movement at national level, including through the use of a consumer council that can harness consumer expertise where it exists.

The adaptation of the planned CEN/CENELEC interactive e-learning tool for SMEs to the needs of societal stakeholders is a useful step but will need to be supported by more concrete actions in individual countries if the benefits of societal participation in European standardisation are to be enhanced and fully realised.

About ANEC

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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**European association for the coordination
of consumer representation in standardisation aisbl**

Avenue de Tervuren 32, box 27, B-1040 Brussels, Belgium
Tel.: +32 2 743 24 70 / Fax: +32 2 706 54 30
E-mail: anec@anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

www.anec.eu
<http://companies.to/anec/>



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