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Euratex Position Paper

Public Consultation on the Review of the European Standardization System

General Comments

The New Approach Directive and the harmonized standards (publication in the Official Journal) have been the most effective system for industry and it shall remain unchanged. Complying with the harmonized standards carries the presumption of conformity thus gives higher predictability for businesses. The system is clear and helps to reduce internal barriers to trade. Participation at international level must be highly supported and encouraged, but it shall by no means be at the cost of the strength of the European standardization system in supporting European legislation. At the same time, the harmonization of norms must be simplified and national transposition of EU and ISO standards must be strengthened.

The participation of SMEs in the European and international standardization must be better promoted. In general, costs of participation in standardization and prices of standards are too high for SMEs in Europe. It is highly desirable that governments provide more financial support in this regard; at the mean time a good organisation at national level (mirror committees) can lower the participation cost and the participation threshold for SMEs. Furthermore the possibilities of electronic information exchange (virtual committees) should be explored more.

Euratex's answers to the 14 Questions asked in the public consultation are as follows:

1. Do you think that service standards (including process standards) and alternative standardisation documents should be included in the scope of Directive 98/34/EC or its successor?

Yes. Directive 98/34/EC lays down the procedure for the provision of information in the field of technical standards and regulations. According to this Directive, notifications shall be made at drafting stage. It is therefore important to include services standards and alternative standardization documents in this Directive, so that industry is aware of the work that is going on and could take actions or get involved at a stage when significant modifications could still be made. This will also help to avoid potential internal barriers to trade.

2. Are you aware of specific cases where national service standards and alternative standardisation documents have caused technical barriers to trade?

In our view national service standards and alternative normative documents can actually form a barrier to trade. For instance, on flammability of upholstery in UK, we know that BS 5852 part 1 and 2 are still applied for upholstery although they have been withdrawn and replaced by BS EN 1021 part 1 and 2. In general, the EU member states still apply their national standards although EN standards exist, e.g. EN 13772 / 13773 for testing the burning behaviour of curtains and drapes which represent the state of the art and which are accepted by the absolute majority of the EU member states, but it still have not yet the status of a harmonised standard.

These examples, even if they refer less to service standards, clearly raise the question on the withdrawal of conflicting national standards (barriers to trade), when a European standard is published. It is not always clear what the reaction on a national level should be when a European standard is transposed into a national standard. Other examples may show that although national authorities recognise certain documents could become a barrier to trade, they are reluctant to touch existing laws.

3. For areas other than Information and Communication Technology (ICT), should it be possible to refer to documents developed by fora and consortia in legislation and public policies? If it should, how should it be implemented?

No, documents developed by fora and consortia should not be referred to in legislation and public policies. Independent groups of companies/federation develop a standard on its own and recommend it to its members for practice for its own (many times commercial) interests. In some cases industry specifications do work well and could speed up the process, but they are not built on wide consensus, which is crucial to avoid barriers to trade.

In addition, this position applies not only to fora and consortia but also to normative documents of a "lesser" order than harmonised European standards, e.g. technical specifications, technical reports or workshop agreements. The transparency and openness of the standardization process is essential for documents that are quoted in legislation or public policies.

4. How could ESOs and NSOs be encouraged to accelerate their standards development process? Should for example the Community financing for standardisation be subject to conditions in terms of speed of delivery whilst maintaining the openness of the process?

We have two suggestions:

- 1) Link R&D projects and standardization together, making the latter an integral part of the former, and preferably they should take place in parallel processes. Researchers should be encouraged to continue to participate in the standardization process, even when their research project is finished.
 - 2) CEN should establish a mechanism to make sure that the timetables in the National mirror committees do not cause delays in the process; often the work in a CEN WG goes fairly quickly, but the speed would be held up at national mirror committees.
5. Should the WTO principles of transparency, openness, impartiality, consensus, efficiency, relevance and consistency be integrated in the legal framework of European standardisation (especially in EU Directive 98/34/EC or in its successor)? How should this be implemented?

This question is a little bit confusing. The EU is a signatory of the WTO and the three European Standardization Organizations shall also be signatories of standards code of practice of the WTO TBT agreement. If the European Commission is thinking about citing standards developed by other organizations other than the existing ESOs (which we object), then it is very important to cover such principles in the legal framework; again, we stress that we are against such attempts. Although in any case, it would be positive to integrate the quoted principles in the legal framework because it would upgrade the work done by the ESOs in accordance with these principles.

The real problem is, however, not whether or not to integrate these principles in the legal framework, but how the European Standardization Bodies are implementing or would

implement these principles. An appeal mechanism should exist to ensure that the principles are implemented, but that appeal mechanism should not become a way to obstruct the process.

6. How could the participation of consumer organisations, environmental NGOs, trade unions and social partners, and SMEs be best promoted? What should be the role of public authorities (European Commission and Member States) in supporting such a participation in a transparent, open, impartial, consensual, efficient, relevant and consistent European standardisation system?

Work in a WG is confidential until a document is produced. The principles quoted in question 5 should be upheld. All parties concerned should have the possibility to give input at any stage of the process, provided they agree with the goals of standardization. The current structure is good, although special meetings could be organized to gather comments from NGOs that cannot participate in the standardization process so as to avoid disproportional reactions at political level.

On the other hand, more participation from the authorities in standardization is desirable in order to avoid negative reactions at very late stages of the standardization process (sometimes even after publication of the standard).

7. How could the NSOs (National Standards Organisations) deepen their cooperation, and mutualise their activities? Could the following tasks be shared amongst several NSOs?
 - 1) Management of the Secretariats of Technical Committees?
 - 2) Notification of new national standardisation projects?
 - 3) Promotion/sales of standards?
 - 4) Other?

The key answer to this question is finance. Representation on the committees is really problematic. To ensure the secretariat of a CEN or ISO TC or SC is a time-consuming task, if one wants to do it properly. ESOs should also be aware to minimize the administrative burden on TC/SC secretaries. A combination of public and private funding could enable organisations (NSOs or other) to do the job. National standardization bodies do not have enough money to provide a secretary for each committee, so the industry has to fund it. It's also important for industry associations to nominate people. But industry federations do not have the money for standardization work while companies are feeling the importance of standards in more and more areas. If the government could fund it, the scenario would be different.

National projects must be notified to the ESOs, and ESOs' work should be notified to the participants of NSOs.

ISO standards can be bought directly from ISO. But European standards can only be bought from NSOs and are "re-packaged" into a national format. The necessity of such "re-packaging" efforts is questionable. The possibility of purchasing a uniform EN format from a central sales point shall be explored, while the loss of income for NSOs should be compensated somehow.

8. Without prejudice to the national delegation principle, how could the European Standards Organisations (ESOs) manage directly, on a case by case basis, some standardisation activities, especially some Technical Committees?

CEN should try to ensure that the timetable of national mirror committees do not delay the timely delivery of standards.

9. What support should the European Commission provide to facilitate the use of European standards as a means to open global markets? What would be the operational means that the Commission should use? (Support experts' participation in international standardisation activities, translation of European standards into extra-community languages?)

Coordination with industry is essential in external relations activities in order to identify priority concerns and markets. The European Commission should make the process of harmonisation of standards more efficient. Financial support for experts' participation in ISO TCs shall be a priority.

European standards have in the past often played a pioneer role, in particular in those fields where they support European legislation. Non-European countries are sometimes eager to adopt these standards as their own national standards. In such cases a translation would help.

The internationalisation of ENs through the Vienna Agreement is also an issue. The current implementation of that agreement gives Europe only a decisive voice in the first generation of standards. All subsequent amendments or revisions will be done under ISO-lead. Amendments or revisions under European supervision should be facilitated, also because the status of an (harmonised) EN is different from that of an ISO standard.

10. Under which conditions do you think that the European Commission could launch, on a case by case basis, calls for tenders, open to the ESOs and to other organisations, to develop standards supporting EU policies and legislation?

The work shall remain only with the three ESOs.

11. What is, in your view, the most efficient level of participation in the process of standards development: national, European, international?

Although the ultimate goal should be global standards, a level of participation should be chosen that suits the party concerned. Probably SMEs should participate preferably at national level, where the threshold is lower. It is important that communication between the three levels remains possible, i.e. that information and replies go down the chain and back up again.

Vienna Agreement is effective. Whilst some ISO standards work very well, others don't, because we are dealing with too many cultures, often CEN is more efficient. Thus participation is more effective where it is appropriate.

12. In your opinion, where is the major added value in European standardisation with respect to national standardisation?

The major added value of European standards is to create a common technical language (product requirements, test methods, etc.) for more than 30 countries. The mechanism of adoption as a national standard and the subsequent withdrawal of conflicting national standards are essential in this. This applies regardless of the harmonisation status of the standards, but of course it is even more important for harmonised standards. A European standard has the best value when it is cited in the official journal and thus carries the presumption of conformity. But participation to both levels is important where it is appropriate.

13. What are, in your view, the most serious barriers to the use of standards by enterprises: costs of standards (purchasing price)? Costs of operational implementation? Access to information? Knowledge of existing standards?

Costs of operational implementation are the most serious barriers to the use of standards by enterprises, while the purchasing prices of standards are also relatively too high particularly for SMEs. High (associate) member fees are another barrier. Access to information is not particularly a problem.

14. What could the standards organisations do, in addition to their current practice, to facilitate the access to standards, especially by SMEs?

Provide opportunities for/ facilitate SMEs to have their participation costs reduced.

15. *Some additional comments:*

Correlation between testing institutes shall be improved to ensure homogeneous results. The uncertainty of measurement is a factor that is too often neglected in standards, but the only way to improve the reproducibility of test results is by interlab testing. But that requires a lot of time and resources. It should be an integral (and funded) part of pre-normative research projects.

Testing lead time has become a bottleneck for products to get to the market. Good communication between test institutes and manufacturers can help to shorten the lead time.

Review of standards should be more frequent when products concerned have short innovation and market cycles.