

# European Multi-Stakeholder Platform on ICT Standardization

**Meeting:** 17 October 2013

**Title document:** Identification process- ICT technical specifications

**Document for:**

<b>Information</b>	<b>X</b>
<b>Decision</b>	
<b>Discussion</b>	

The revised version of the document aims at improving understanding through minor modifications in the text and in Annex 1 (Flowchart) and reflects the decision of the MSP of 13 June 2013 to name the evaluation task forces 'evaluation working groups' and to integrate into the process flow chart the following step: evaluation(s) already undertaken in (a) Member State(s).

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# European multi-stakeholder platform on ICT standardisation

## Referencing of technical specifications in the field of ICT

### Identification Process and Criteria for the Referencing

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#### Part I – Identification of ICT technical Specifications

##### 1. INTRODUCTION

Articles 13 and 14 of the European Parliament and Council Regulation 1025/2012 on standardisation provide the Commission and the Member States with the possibility to propose to "identify" ICT technical specifications which meet the requirements set out in Annex II of the same Regulation. Identified ICT technical specifications may, subsequently, be referenced, primarily to enable interoperability, in public procurement.

The Commission will also promote the referencing of "identified ICT specifications" in EU policies especially when interoperability between devices, applications, data repositories, services and networks must be further enhanced.

The Member States and the Commission also are given the possibility to propose to identify a modified specification or to withdraw the identification when a specification no longer meets the criteria.

The "identification" of such an ICT technical specification shall be formalised via Commission Decision further to the consultation of the European multi-stakeholder platform on ICT standardisation (the Platform) and after a broad public consultation.

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##### 2. INTEROPERABILITY

ICT interoperability allows several systems or components to exchange information, to store information and to use the information that has been exchanged. Interoperability between public services in Member States is a prerequisite for cooperation and exchanging information to improve public service delivery, to reduce costs and to increase the quality of service. Governments of Member States need interoperable systems to fulfil their tasks. Member States administrations need to exchange information efficiently and effectively across borders if they are to discharge their responsibilities and provide services to people and business (ISA, 2012). ICT interoperability reduces the potential for vendor lock-in and allows for competition while supporting innovation.

The fast evolution in the ICT domain and the continuous emergence of new, global and innovative ICT services, applications and products fuels the demand for global standards to meet growing interoperability expectations. The global nature of ICT industry requires global standards supporting interoperability at global level. The new Regulation aims at responding to these challenges by providing the possibility to complement the traditional standardisation work performed in the European standardisation organisations (ESOs) by

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global fora & consortia specifications in domains where those organisations clearly have the lead and the required high level of technical expertise.

European standards established by the ESOs, can easily be referenced by European legislation, policies and public procurement. Referencing ICT technical specifications has, so far, not been done in a coherent and consistent manner. With the new Regulation, in particular art. 13 and 14, ICT technical specifications may become eligible for referencing in public procurement provided they are established by open, transparent and democratic consensus building processes, comply with public interest expectations and European competition rules and have a significant market acceptance. The ESOs already adhere to such principles. Compliance with these criteria provides the guarantee that the ICT technical specifications also respond to public interest expectations and that they will support competition amongst compliant products, services and applications.

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### 3. IDENTIFICATION OF ICT TECHNICAL SPECIFICATIONS

The identification of an ICT technical specification results from the verification of its compliance, with the following provisions set by the Regulation:

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- a) The ICT technical specification has market acceptance and, with the aim to foster innovation and competition, a particular specification will not disqualify a competing specification from being identified;
- b) The ICT technical specification complies with the coherence principle; i.e:
  - It covers a domain where the adoption of new European standards is not foreseen within a reasonable period;
  - Existing ESO standards have not gained market uptake;
  - Existing ESO standards became obsolete;
  - Where transposition of the proposed specifications into a European standard is not foreseen within a reasonable period;
- c) The ICT technical specification complies with the attributes set by Annex II of the Regulation on European standardisation;

d) The Platform established by Commission Decision 2011/C349/04 shall be used as a forum for consultation of European and international standardisation organisations, Member States and relevant stakeholders.

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Subsequently to a positive result of this consultation, the Commission will issue a Decision on the identification of the ICT technical specification.

The reference to the identified ICT technical specification will be published in the Official Journal of the European Union.

Identified ICT technical specifications do not have the status of a European Standard although they can be referenced, for interoperability purposes, in European public procurement in accordance with art 14 of Regulation 1025/2012. This gives them the

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status of "Common Technical Specifications" under the EU public procurement legislation.

The Platform web-site, accessible to all members, will ensure full openness and transparency on the identification procedure by providing access to all relevant documents. Further public access will be granted to the proposed Commission Decision and the accompanying documents during the consultation.

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The identified ICT technical specifications can contribute to the implementation of Decision 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for public administrations (ISA) which establishes, for the period 2010-2015, a programme on interoperability solutions for European public administrations and institutions and bodies of the Union, providing common and shared solutions facilitating interoperability.

#### 4. THE GOVERNANCE PROCESS FOR THE IDENTIFICATION OF ICT SPECIFICATIONS

##### 4.1. The actors: Roles and responsibilities

###### 4.1.1. The Commission

In accordance with the Regulation on European Standardisation 1025/2012, the Commission can propose ICT technical specifications for consideration under the identification process.

Further to a positive advice provided by the Platform, the Commission will publish a Decision to formalise the identification of an ICT technical specification.

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The Commission services, DG ENTR and DG CONNECT, are jointly providing the secretariat of the Platform. The secretariat will support the submission of proposals as well as the evaluation process and relevant consultation procedure to be carried out within the Platform. Finally the Commission services will maintain the Platform's document server accessible to the members as well as a public website.

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###### 4.1.2. The Member States

Member States can, in accordance with the Regulation on European standardisation EC/1025/2012, propose ICT technical specifications for considerations under the identification process.

During the public consultation, the Member States' representatives in the Platform have the responsibility to inform all interested parties at national level and ensure they are adequately consulted. Their consolidated comments should be submitted to the secretariat of the Platform prior to the Commission Decision concerning the identification of an ICT technical specification.

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#### 4.1.3. The Platform

The Platform is composed of representatives of Member States, industry organisations, SMEs, societal stakeholder organisations, and European and international standards setting organisations. The Platform members have the responsibility to inform and consult their interested constituency about the identification process and the proposed decision to be taken by the Commission.

Within the process to identify ICT technical specifications process, the Platform will consider whether the information on the proposed candidates is correct and complete, and whether it provides a sufficient level of compliance with the relevant requirements and criteria set out in the regulation.

The internal rules of the Platform are adopted in accordance with the horizontal rules concerning the creation and adoption of expert groups [see C (2010)7649 of 10.11.2010 and SEC (2010)1360 of 10.11.2010]. The Commission will make public the advice of the Platform.

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#### 4.1.4. The Evaluation working groups

The task of the evaluation working groups is to prepare a draft evaluation report, for further treatment in the Platform, on the compliance of the submitted ICT technical specification with the criteria set by Annex II of Regulation 1025/2012. The evaluation working groups are composed of experts nominated by interested Platform members. The evaluation working groups will appoint a group leader who will coordinate the work, convene meetings and ensure the transmission of group's report including the draft statement for advice to the Secretariat for further distribution to the Platform, within the timeframe decided at the outset. An evaluation working group can be established to prepare the evaluation for a specific submission or several submissions (covering the same domain). Several working groups can be established in parallel. The task forces report to the Platform and will prepare their report and draft statement of advice on the specifications proposed for identification, in view of the discussion in the Platform. The evaluation working groups shall take into account evaluations on the same technical specifications already available, notably in the Member States. The evaluation working groups will perform their work electronically; physical meetings can be organised on an exceptional basis with authorisation from the relevant Commission services.

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## 4.2. The process: the subsequent steps

The governance process includes the following steps:

#### 4.2.1. Submission of ICT technical specifications to be considered for "identification"

The process is initiated by the submission of a (set of) ICT technical specification(s) to the Secretariat of the Platform, by filling out the pro forma information sheet provided in annex 2.

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In the case of second and subsequent submissions involving specifications from the same forum or consortium, the part of the information sheet on processes need not be repeated unless the originating organisation has implemented new procedures.

In accordance with the Regulation on standardisation policy 1025/2012 submissions can be made by Member States or by the Commission services.

#### 4.2.2. Verification of the information sheet for completeness by the Platform secretariat

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The Commission staff, acting as the Secretariat of the Platform, will verify the information sheet for correctness and completeness. If further information is required the Secretariat will complete the information sheet. If necessary, the Secretariat may contact the submitter and/or the specification-originating organisation with a request for further information and/or clarification.

#### 4.2.3. Submission to the Platform

Further to the submitters approval of the updated information sheet, the completed information sheet(s) on the proposed ICT technical specification(s) being considered for identification will be made available to the members of the Platform four weeks before the next Platform meeting, with the aim of getting a broad and balanced view of stakeholders on the basis of the technical expertise available in the organisations represented in the Platform and of jointly developing a common consensual view on that basis.

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A first exchange of views on the information sheet will be scheduled for the meeting of the Platform. The members of the Platform will be invited to propose candidates for participating in the evaluation working group, to be formally appointed at the Platform meeting.

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#### 4.2.4. First discussion in the Platform and establishment of the evaluation working groups

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The Platform meeting will provide room for a first exchange of views on the data provided by the information sheet. The Platform will formally confirm the establishment of the evaluation working groups and define its calendar. As a general rule this calendar should provide sufficient time for the evaluation process (e.g. 4 to 8 weeks) while taking into account the deadline referred to in 4.2.6. Platform

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members will be invited to forward their comments to the evaluation team, with copy to the secretariat of the Platform.

4.2.5. *Draft evaluation report by the evaluation working group.*

The evaluation working group prepares a draft report on the assessment of compliance of the data provided by the information sheet with the criteria set by the Regulation. The draft report contains a draft statement of advice. The evaluation working group will consider all comments received from the Platform members. The evaluation task force will address its report to the Platform.

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4.2.6. *Formal advice on identification by the Platform*

The report prepared by the evaluation working group, including the draft statement of advice on the proposed identification of ICT technical specifications, will be forwarded to the Platform no later than six weeks prior to discussion in a second Platform meeting. The Platform should reach the broadest possible consensus on the identification of the specification submitted and formulate its advice on the possible identification.

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4.2.7. *Draft Commission Decision*

The Commission services will prepare the subsequent draft Commission Decision in view of launching the broad consultation.

4.2.8. *Broad consultation of stakeholders*

The Commission's proposal complemented by the information sheet and the report(s) of the relevant Platform discussions will be submitted to a broad consultation of stakeholders, through on-line publication. The broad consultation will take two months.

During the consultation period, each member of the Platform will consult its own members or interested constituency on the proposal made by the Commission, complemented by the final information sheet and the report(s) of the relevant Platform's discussions.

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4.2.9. *Commission Decision concerning the identification of the proposed ICT technical specification(s)*

Subsequent to the broad consultation and taking into account the comments received, the Secretariat of the Platform will prepare the report on the results of the broad consultation together with any proposed Commission Decision identifying the proposed specification where this is the outcome. The Commission Decision will list all the procedural steps and will confirm that the selected candidates for identified ICT technical specification comply with the requirements and criteria laid down in the Regulation on European standardisation policy, in particular the coherence principles and the attributes listed in Annex II of the Regulation. The proposed

Commission Decision will be issued in accordance with the Commission's internal procedures.

If the broad consultation does not reach a consensus on the identification process, the report on the consultation will be forwarded to the Platform for further discussion and agreement on a future course of action.

*4.2.10. Adoption of Commission decision and publication of the Decision in the OJEU*

Further to its adoption by the Commission, the Decision on the identification will be published in the OJEU as well as on the public part of the multi-stakeholder platform website.

**4.3. Different types of submission**

*4.3.1. Submission of new ICT technical specifications for “identification”*

The governance process described above is applicable in combination with all the requirements set out in Part 2 of the document.

*4.3.2. Submission of a new version of an identified ICT technical specification*

Since most of the information has already been provided and examined for the submission of the previous version of the ICT technical specification, the evaluation process should be simplified.

*4.3.3. Submission for a withdrawal of recognition*

The submission should be limited to an indication why ICT technical specifications which have been identified no longer comply with the requirements and criteria for identification.

**4.4. Timing**

Submissions may be forwarded at any time and given the fast-moving nature of ICT, the aim should be to complete the process within the Platform in the most appropriate delay for new submissions. However, it should be possible to deal with submissions of new versions of an already identified ICT technical specification or submissions for withdrawal of an identified technical specification in an even shorter period.



## 5. INTRODUCTION

Part II provides information on the requirements that will be used to assess ICT technical specifications submitted with a view to their recognition. The requirements consist of:

- The general conditions covering the coherence between the submitted ICT specifications and the activities of CEN, CENELEC and ETSI;
- The process and deliverable attributes.

The submitting authority, with the assistance of the Secretariat of the Platform, will draw up the information sheet (pro forma in Annex). This information will allow the Platform to consider the compliance of the submitted ICT technical specifications with the general conditions as well as the criteria.

## 6. GENERAL CONDITIONS

Identified ICT technical specifications are specifications where the following general conditions are fulfilled:

- 1) The specification has market acceptance.
- 2) The specification complies with the coherence principle:
  - It covers a domain where the adoption of new European standards or standardization deliverables is not foreseen within a reasonable period;
  - Existing European standards or standardization deliverables have not gained market uptake;
  - Existing European standards and standardization deliverables became obsolete;
  - Where transposition of the proposed specifications into a European standard or standardization deliverables is not foreseen within a reasonable period.

## 7. THE ATTRIBUTES

The attributes provide public authorities with a tool to assess whether the proposed ICT technical specifications provide them with sufficient guarantees that public policy objectives and societal needs are respected.

- (1) Standards shall be developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops standards in the field of information and communication technologies and which is not a European, national or international standardisation body, through processes which fulfil the following criteria:

(a) Openness:

The standardisation process shall occur on the basis of open decision-making accessible to all interested operators in the market or markets affected by the standard.

(b) Consensus:

The standardisation process shall be collaborative and consensus based. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.

(c) Transparency:

All information concerning technical discussions and decision making shall be archived and identified.

Information on (new) standardisation activities shall be widely announced through suitable and accessible means.

Participation of all interested categories of interested stakeholders shall be sought with a view to achieving balance.

Consideration and response shall be given to comments by interested parties.

(2) The following requirements shall be reflected in the standards:

(a) Maintenance:

Ongoing support and maintenance of published standards/specifications shall be guaranteed over a long period.

(b) Availability:

Resulting standards/specifications shall be publicly available for implementation and use on reasonable terms (including for a reasonable fee or free of charge).

(c) Intellectual property rights essential to the implementation of standards/specifications shall be licensed to applicants on a (fair) reasonable and non-discriminatory basis (FRAND), which includes, at the discretion of the intellectual property right-holder, licensing essential intellectual property without compensation.

(d) Relevance:

The standard/specification shall be effective and relevant.

Standards/specifications shall need to respond to market needs and regulatory requirements, especially when those requirements are expressed in standardisation request according to Article 8(1).

(e) Neutrality and stability:

Standards/specifications whenever possible shall be performance oriented rather than based on design or descriptive characteristics.

Standards/specifications shall not limit the possibilities for implementers to develop competition and innovation based upon them.

Standards shall be based on advanced scientific and technological developments.

(f) Quality:

The quality and level of detail shall be sufficient to permit the development of a variety of competing implementations of interoperable products and services.

Standardised interfaces shall not be hidden or controlled by anyone other than standard/specification setting organisations.

Annexes:            Annex 1: Flowchart  
                      Annex 2: Information sheet