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Opinion

Title

DG ENTR - Impact Assessment on: Proposal for a Regulation of the European Parliament and the Council on European standardisation

(draft version of 14 January 2011)

(A) Context

Standardisation is a voluntary process of developing technical specifications based on consensus among all interested parties. At EU level it has contributed to the completion of the internal market in the context of "new approach" legislation, which refers to European standards developed by the European standards organisations (ESOs). While the use of standards and European standardisation as a policy tool is considered overall as being successful, the public consultation and the report of the European Parliament on the future of the European standardisation indicated that certain problems need to be addressed. This IA report accompanies a proposal for a Regulation on European standardisation. It only concerns the European standardisation system in which the ESOs play a key role, and the standards for the interoperability in the field of information and communication technologies (ICT).

(B) Overall assessment

While the IA report presents a significant amount of information and analysis to support decision making, it should be improved in several regards. The IA report should clarify up-front that possible new EU action related to the acceleration of the standardisation process and the better representation of SMEs/societal stakeholders will be limited to standards developed by the ESOs at the request of the European Commission. On that basis, the existence of the identified problems in the area of standardisation and the justification for EU intervention should be better demonstrated. The IA report should provide greater clarity on the preferred option 3B addressing the problem of 'fora' and 'consortia' standards developed outside the remit of ESO's that cannot be referenced in the public procurement of information technology. The IA report should also better assess the impacts of all of the policy options, including by examining possible synergies and trade-offs between the three preferred options. Finally, the different positions of the stakeholders should be better reflected in the main text of the IA report.

(C) Main recommendations for improvements

(1) Be transparent on the limited scope of possible EU action in the area of standardisation. The IA report should provide greater clarity about the share and economic relevance of standards developed by ESOs at the request of the Commission relative to the standards requested by industry. It should also clarify that the possible new EU action related to the length of the standardisation process and representation of SMEs/societal stakeholders will be limited to standards mandated by the Commission. This should also be reflected in the definition of the specific objectives and in the presentation of the expected impacts of the policy options.

(2) Be clearer about the reasons for further EU action. The IA report should provide illustrative examples of the negative consequences of a slow European standard setting process and of an insufficient participation of SMEs/societal stakeholders, to better demonstrate the existence of the problems in these two areas and the need for new action at EU level (the current problem definition seems to indicate that the measures already taken have significantly improved the situation, and that room for further improvement is rather limited). In this context, the IA report should also discuss whether an improved participation of SMEs/societal stakeholders in the standardisation committees at national level could be considered as a valid policy option. Some illustrations should also be provided to substantiate the problem of the absence of referencing of 'fora' and 'consortia' standards in public procurement of ICT. This applies also to the related problem of the "European digital single market" that cannot be realised because Member States are defining their own solutions/standards which may not be interoperable with those of other Member States.

(3) Improve the presentation of policy option 3B addressing the problem of 'fora' and 'consortia' standards that cannot be referenced in the public procurement of ICT. The IA report should provide greater clarity on the concrete requirements that the referenced standards developed by the 'fora' and 'consortia' will have to comply with. It should better explain the process and safeguards that will ensure that more powerful companies do not impose the use of their standards in public procurement in an anti-competitive manner.

(4) Better assess impacts. The IA report should provide greater clarity about possible synergies and trade-offs between the three identified preferred options. In particular, it should consider the intensity of the trade-off between, on the one hand, a wider involvement of SMEs/societal stakeholders, and, on the other hand, the duration of the standard setting process. On that basis the IA report should analyse the combined impact of the preferred options 1C, 2C and 3B (or explain why this is not necessary). The IA report should also estimate in a more systematic way the costs for various options (for example the costs for running the consultative platform foreseen under option 3B), and should include them in the summary comparison tables. In addition, it should better explain the financial savings and reduced information costs for option 3B. Finally the report should clarify the positive economic impacts of the earlier availability of standards (in particular the reported positive impacts on GDP growth).

(5) Better reflect the different positions of the stakeholders in the main text of the IA report. The IA report should clarify on which policy options the stakeholders were consulted, and how their different positions were taken into account.

Some more technical comments have been transmitted directly to the author DG and are expected to be

incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The Board notes the decision of DG ENTR to remove annex 9 from the IA report.

(E) IAB scrutiny process

Reference number	2010/ENTR/021
External expertise used	No
Date of Board Meeting	9 February 2011