



Use of WTO Principles in Standardization

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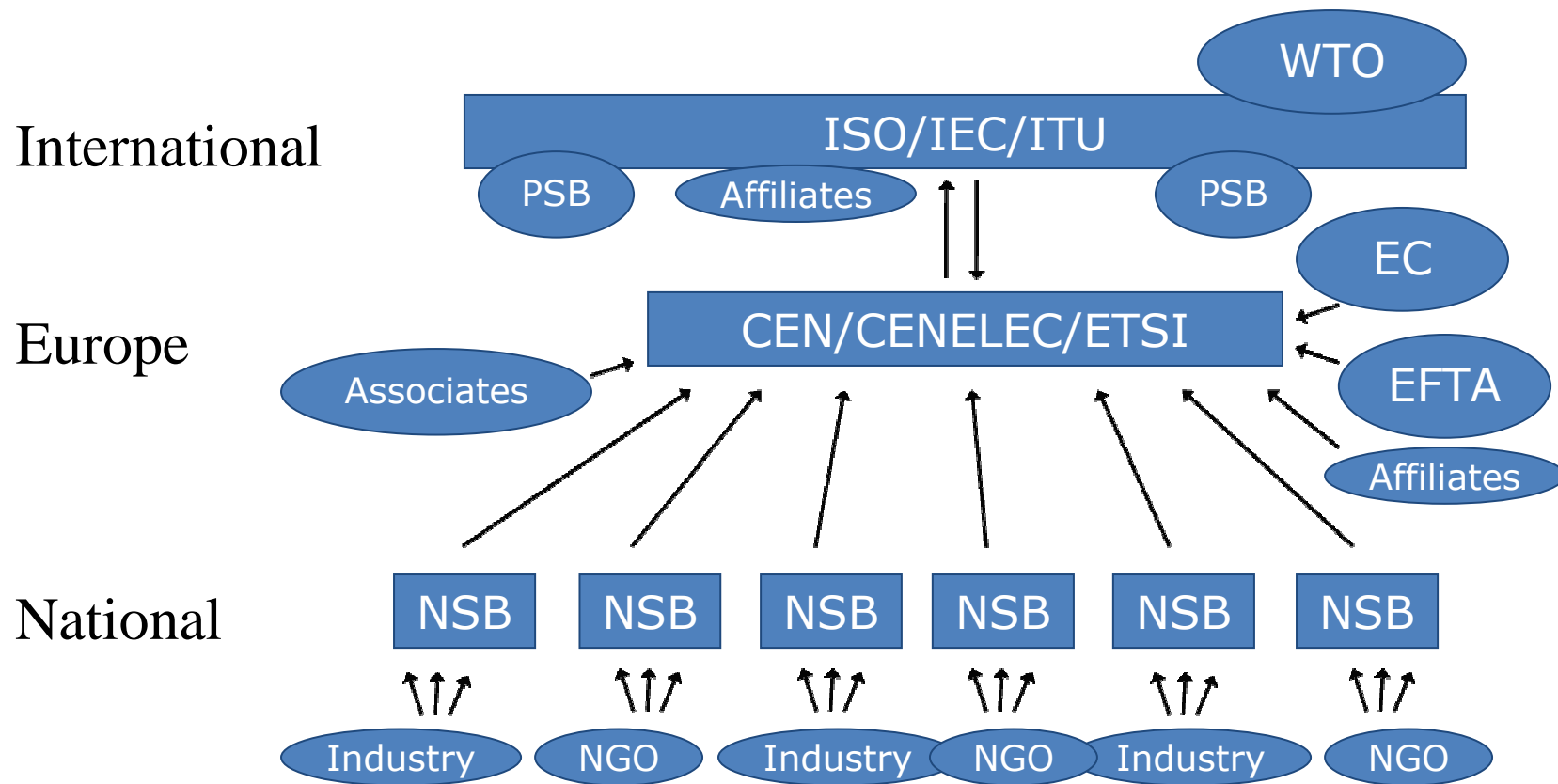
Czech Office for Standards, Metrology and Testing

President



Czech Office for Standards, Metrology and Testing

Standardization word



European standardisation system

The legal foundation for European standardisation has been laid down in Directive 98/34/EC which recognises the three European Standardisation Organisations (ESOs) CEN, CENELEC and ETSI and enables the Commission to request them to undertake standardisation work in specific areas. Although they are private, the ESOs are considered to be bodies pursuing an objective of general European interest. Directive 98/34/EC provides the key features for the current European standardisation system (ESS). Standardisation in the ICT sector has been framed by Council Decision 87/95/EEC.

Inclusion of WTO/TBT standardisation principles

Transparency, openness, impartiality, consensus, efficiency, relevance and consistency are key elements for the development of standards, no matter if on a national or international level. CEN and CENELEC already claim to follow these principles which are also implemented by their national committees.

Integrating a corresponding requirement for the application of these principles in standardisation in the EU (on national, European and international level) into Directive 98/34/EC (or into its successor) is regarded an appropriate instrument for enforcing these principles and make them more public.

Transparency

All essential information regarding:

- current work programmes,
- as well as on proposals for standards, guides and recommendations under consideration
- and on the final results

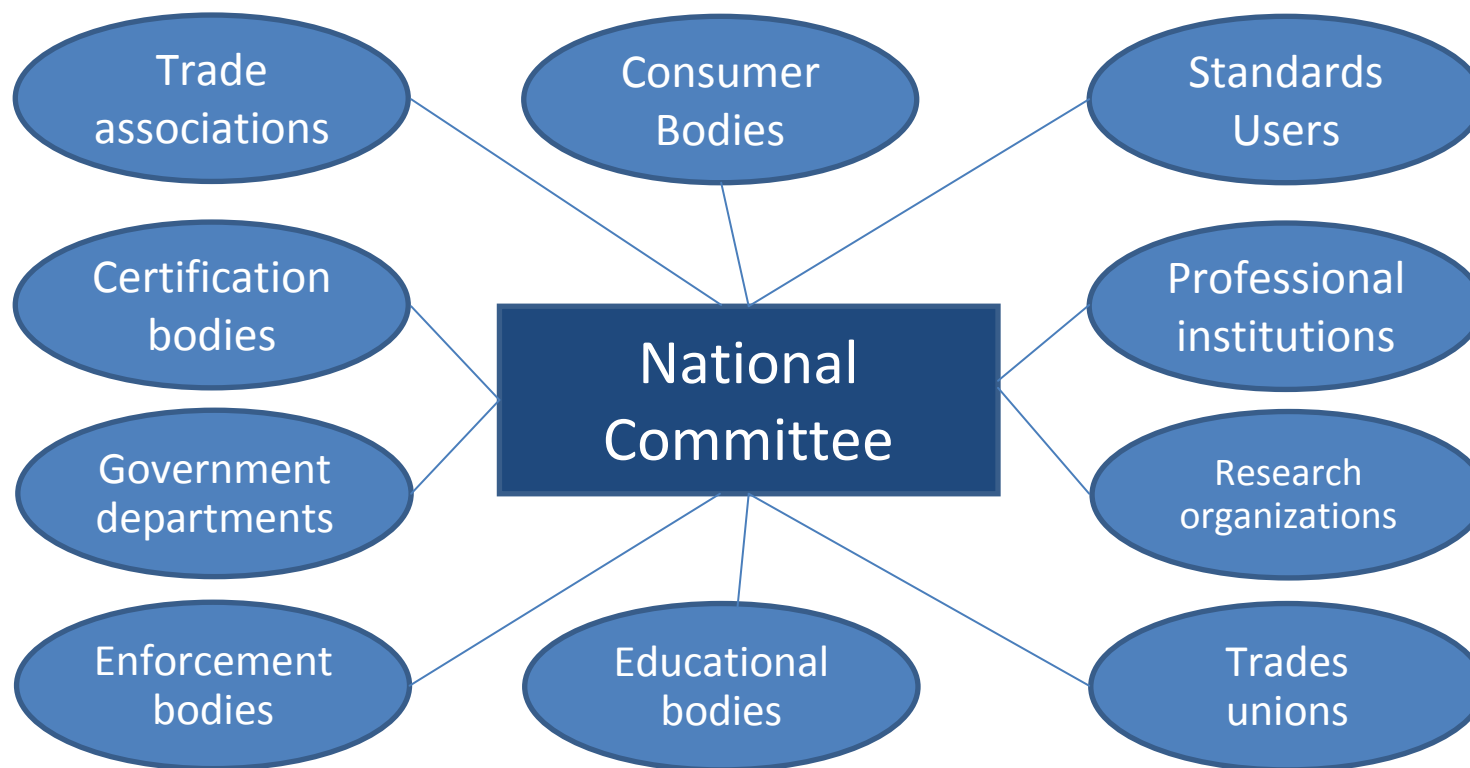
should be made **easily accessible** to **at least all interested parties in the territories of at least all WTO Members.**

Procedures should be established to that **adequate time and opportunities are provided for written comments.** The **information on these procedures** should be **effectively disseminated**

Transparency

- Transparency implies that sufficient and regularly updated information is easily accessible in due time to allow all parties, including other European stakeholders, to participate in the standardization process if they want to. This should also include access to the contributions of all other parties actively involved in the standardization work.
- Procedures should be established so that adequate time and opportunities are provided for written comments. Information on these procedures should be effectively disseminated.
- In addition to those minimum requirements set by WTO, the requirement related to the information on NSB technical bodies' structure.

Representation on Technical (Sub-) committees



Transparency

The revision of the European standardisation system - the 'Small Business Act' - importance of promoting SME participation and defence of SMEs' interests in standardisation - it is essential to improve their representation and participation in the system, especially in the technical committees at national level.

CEN/CENELEC efforts

- 'Toolbox of 58 recommendations' of the study on SME access to standardisation
- the setting up of a helpdesk for SMEs at CCMC, with contact points in every National Standard Bodies;
- the publication of a Guide to help standards' writers take SMEs needs into account



Transparency

Example:

- Full and early notification of all deliverables with a normative character (not only products as required by 98/34, also specifications, guides etc.)
- Active push-info to potentially interested stakeholders for public enquiry and public free-of-charge commenting tool

Openness

Membership of an international standardizing body should be **open on a non-discriminatory basis to relevant bodies of at least all WTO Members**. This would include **openness without discrimination** with respect to the participation at the **policy development level** and at **every stage of standards development**.

Openness

- Openness guarantees participation to the parties that are directly or indirectly affected by the activity in question.
- *At national level* it is important to consider the trade-off between the non-discriminatory approach of openness, the principle of “appropriate representation” of the stakeholders concerned and the “manageable” size in the TC.
- *At European level* the members participation in a particular standardization activity takes place through one delegation representing the consensus established by all national stakeholders.

Openness

- Participation open on a non-discriminatory basis at every stage of standards development - *principle of representative input*
- Principle of “*appropriate representation*” of the stakeholders interests

no explicit requirements in WTO/TBT

- One delegation representing the consensus established by all national stakeholders - *the quantitative and qualitative participation in the relevant technical mirror committees*
- NSB governance - *NSB-NC should ensure adequate representation of stakeholders in their relevant governing bodies (e.g.: Councils; boards other advisory bodies)*



Impartiality and consensus

“All relevant bodies of WTO Members should be **provided with meaningful opportunities to contribute to the elaboration of an international standard** so that the standard development process will **not give privilege to, or favour the interests of, a particular supplier/s, country/ies or region/s**. Consensus procedures should be established that **seek to take into account the view of all parties concerned** and to **reconcile any conflicting arguments**.

Impartiality

The criterion of *Impartiality* should be considered with regard to impartiality in the NSBs-NCs processes, as well as to their structures

- The NSB's rules grant to all actively involved parties the same right to express their opinions and have the same taken into account; equally, all contributions are duly considered without favoring or omitting *ex-ante* any of them.
- Impartiality also includes, especially in the EC mandated work, the ability to keep an independent position and the appropriate balance between private and public economical, societal and environmental challenges induced by the standardization work.



Consensus

- Standardisation is the voluntary process of developing technical specifications based on consensus among all interested parties (industry including SMEs, consumers, trade unions, environmental NGO, public authorities, etc). It is carried out by independent standards bodies, acting at national, European and international level.
- The drafting and consensus building take place in technical bodies. Participation in these phases is essentially through national members, who generally set up mirror committees open to national stakeholders..

Neutrality of interests and impartiality & independency of structures

(no explicit requirements in WTO/TBT)

- NSBs-NCs ensure their neutrality with regard to the interests of those who develop the content of standards. This implies that the NSB-NC structures are as much as possible independent from external factors/stakeholders that can impact on the neutrality of the NSBs-NCs.
- NSBs-NCs independent structures should be linked to the following aspects:
 - Legal independence
 - Financial independence
 - Factual influences

Neutrality of interests and impartiality & independency of structures

With reference to neutrality, the EC Guide on “the Main administrative structures required for implementing the Acquis, (May 2005)” recalls that NSB-NCs should be “*independent, preferably a private body, not dominated by public authorities*”.

Impartiality and Consensus: Possible examples of best practices

- Multi-source financing which guarantees independence from any stakeholder group

Effectiveness and relevance

In order to serve the interests of the WTO membership in facilitating international trade and preventing unnecessary trade barriers, international standards need to be **relevant** and to **effectively respond to regulatory and market needs**, as well as **scientific and technological developments in various countries**.

Effectiveness and relevance

- The relevance of standards is ensured by an efficient standardization work, i.e.: when the working processes produce the expected deliverables within the set deadlines and in respect of the costs supported by the involved parties.
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- Relevance and effectiveness of standards also relate to the capacity of the members of CEN and CENELEC to ensure that technical publications, both at national and European level, are of high quality, duly maintained up to date and easily available to the end users.

Effectiveness and relevance

- ✓ According to Condition 5 of the CEN/CENELEC Auditors Guidelines for Accession, NSB are expected to contribute with expertise to the TCs for which their national economy is active; this also includes a full (multi-stakeholder) public enquiry.
- ✓ NSBs should ensure whenever relevant through Impact/risk assessment studies that new standards do not have distortion or adverse effects on the market and competition. This also concerns the legal aspect of the standardization process

Coherence

In order to avoid the development of conflicting international standards, it is important that international standardizing bodies **avoid duplication of, or overlap with, the work of other international standardizing bodies.** In this respect, **cooperation and coordination with other relevant international bodies** is essential.

Coherence

NSBs-NCs have to look for coordination and cooperation at:

- Planning stage
- Execution and implementation of standardization programmes at European level
- Adoption of final deliverable by CEN and CENELEC
- NSB have to ensure that 100% (or close to the totality) of the adopted CEN and CENELEC standards are implemented at national level

Coherence

Be complementary to legal requirements (no explicit requirements in WTO/TBT)

- NSBs-NCs should be able to develop a systematic approach to identifying role of standards in support of legislation
- Involvement of civil servants is also to be ensured in case of standards that are aimed at supporting legislation (e.g.: in New Approach area)

Development dimension

Constraints on developing countries, in particular, to effectively participate in standards development, **should be taken into consideration** in the standards development process, **tangible ways of facilitating** developing countries' participation in international standards development should be sought.

Development dimension

This WTO criterion is not included in Directive 98/34

This WTO criterion is adapted to the European context, i.e.: the facilitation of the participation of weaker stakeholders in order to ensure a real multi-stakeholder-process in the development of standards.

Development dimension

- The „Development“ dimension at a national level concerns seeking to design the national system in such a way that it does not exclude stakeholder groups from the process of the standardization work. It implies to put in place awareness raising activities, as well as procedures to monitor the participation of different categories of industry and societal stakeholders.
- At a regional level this refers the support for weaker countries and provisions for weaker stakeholder groups which might be supported by specialized regional structures (e.g. societal stakeholders).

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Thank you for your attention

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