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Comments on the Final Report on the Independent Review of the European Standardisation System[1]

OpenForum Europe (OFE) appreciates the efforts taken by the European Commission and by Ernst & Young for conducting the study on the Independent Review of the European Standardisation System. OFE closely followed the development of the study, provided input, inter alia via the chair of the MSP task force on the Rolling Plan, and contributed to the consultation.

OFE welcomes the collaborative approach in the study process and thanks the Commission for the opportunity to provide comments on the final study and in the preparation for the workshop in July.

As OFE represents some major global and European technology and service providers in the ICT sector as well as open source communities, our input below will be from an ICT perspective and largely limited to aspects in the report relevant to ICT.

Speed and Timeliness

OFE welcomes that timeliness is seen with the intended scope of having "a standard available at the time it is needed". This gives the right focus on market need and avoids an understanding of looking at speed for the sake of speed only.

Timely availability to accommodate market needs is what is most important. Such timely availability is usually best achieved in bottom-up, market driven standardisation, that includes support for all stakeholders in all phases of the standards development processes. Stakeholders include government agencies, users, Annex III organisations as well as vendors.

OFE agrees with the report on the importance of quality for standardisation deliverables, assuming that timely availability is achieved. Only high quality standards will satisfy market needs and achieve successful market uptake. Quality should not be compromised for speed. Similarly important is a proper process allowing all interested parties to participate in the standards development and in consensus building. Experience has shown that neither quality nor proper consensus building processes is an issue for timeliness where there is a real market need for the respective standard.

As far as standardisation requests for European standards are concerned, they should be limited to the regulated areas like health, safety, the environment and public interest in the context of the New Legislative Framework. With few exceptions, ICT standards do not fit

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1   The Report is available online at
     ec.europa.eu/DocsRoom/documents/10444/attachments/2/translations/en/renditions/pdf.

these categories.

The relation between standardisation and R&I

The study also explores the benefit of early involvement of research into the standardisation planning and process. OFE is sceptical about putting too much emphasis on the transfer of research results into standardisation. Whilst certain research topics and projects may be suitable for a close linkage to standardisation, standardisation should not be a prime focus for research projects, and having standardisation included in research projects just for the sake of including standardisation should be avoided. Again, market need is what is most important regarding standardisation developments. Where R&D results are transferred into standardisation it is important that the respective openness are ensured for broad stakeholder participation since research consortia are usually limited to project participants only. Therefore it cannot be assumed that R&D results will be taken over one-to-one into a standard.

What is becoming much more critical in the ICT sector is the relation between open source and standardisation. Open source and community work is currently where technology progress and innovation in ICT are taking place. Such innovation can be carried forward into new standardisation activities when appropriate. Open source can also be used as a vehicle to promulgate standards, and to provide implementation feedback on standards; an open source reference implementation of a standard is an increasingly common mechanism. Therefore, forward-looking SDOs need to have processes in place that allow for collaboration with open source activities.

Regarding competitiveness of industry, the companies which perform best in the market place tend to be those which develop and operate in a proper balance between the stability of standardisation and agility of open source and community development. They are most effective in driving and leveraging innovation and accommodating customer needs. Policy-makers should consider the positive factors of the inter-relation between standardisation and open source, e.g. by allowing for respective processes to be at work or to evolve rather than putting the entire focus on speed or on mandating standards developments.

SME participation in the development and use of standardisation

OFE has strong liaisons with SMEs and SME organisations active in open source technology development and working with open source business models. What is most important for SMEs to participate in the development of standards are open and transparent processes making use of modern ICT technologies and allowing for remote participation in the development and consensus-building processes.

SMEs cannot easily afford to spend time and money on long distance travel merely to attend physical meetings. Moreover, they need to have easy and remote access to all relevant information. Global ICT standardisation bodies have implemented highly transparent processes making use of online technologies; and they work primarily with online meetings with remote participation for everyone. These are best practices that could be a model for other standards bodies as well.

Probably more important than SME participation in standards development is the implementation of standards for SMEs. Standards provide a basis for SMEs to innovate on

the level of the implementation and provide technologies and services. By implementing internet standards, for instance, innovation and growth have been created – especially to the benefit of European SMEs and job creation around IT technologies and the world wide web. The standards that form the basis of this are open standards, freely available via the world wide web for implementation for everyone.

Standardisation and patents

Patents are a central element of technology development. Including patented technologies into standardisation may well be important for ensuring that state-of-the-art technology is available for high quality standards and for exploitation of innovative technologies. The critical issue is the availability of patented technologies and the rules for making use of them as standards essential patents. Standards bodies have implemented different IPR policies reflecting the specific interests and needs of the respective sectors they serve. Hence there are, for instance, major differences between standardisation resulting from research intensive technology areas, telecommunications standardisation or IT standardisation.

OFE strongly believes that standards in the area of software interoperability should be available royalty-free and for easy implementation in open source. Regarding EU policy, this is well expressed in the European Interoperability Framework (EIF) and in the EU Commission Guide for ICT Procurement. OFE recommends that the EIF be reconfirmed in its current form. Public authorities should actively apply the EIF as well as the Guide and request the use of open standards for software interoperability. This will also ensure a fair ground for open source and will thus allow to make use of the innovation that open source can bring in combination with open standards and in fair competition with proprietary offerings.

The leading global IT standards bodies, with the support of all their membership, have long implemented Royalty-free IPR policies or policies with Royalty-free options. In other areas standards bodies have implemented FRAND policies ensuring the availability of patented technologies in standards for licensing for any implementer.

OFE supports recommendations to increase transparency regarding standards essential patents. Some further study and analysis on the processes regarding patent declaration and the availability of information may help to provide more insights.

Strategic and operational planning

OFE welcomes the positive assessment of the EU Rolling Plan in ICT Standardisation and the collaboration established between the European Commission and all stakeholders in the ICT Multi-Stakeholder Platform. We agree to this positive assessment and to the benefits of such collaboration for effective and strategic standardisation planning, especially in support of EU policy objectives. OFE concurs with the study that such close collaboration with the involvement of all stakeholders leads to a fruitful and effective bottom-up approach regarding strategic and operational aspects for standardisation. Such a bottom-up approach is successful regarding buy-in from all relevant parties and collaboration for achieving agreed objectives.

We are not sure whether the model of the MSP and the EU ICT Rolling Plan could be transferred to other sectors than ICT. For the highly dynamic ICT sector, however, we would like to stress the importance and high benefit of these instruments. They ensure a

broad common understanding on policy objectives and related standardisation needs. OFE recommends to further build on the achievements made with the MSP and the EU ICT Rolling Plan and further increase the level of trust and collaboration among all stakeholders and leverage collaboration for strategic planning and operational effectiveness.

Information on Standardisation Requests and in the context of the Committee on Standards and the Annual Union Work Programme

OFE supports recommendations to increase transparency regarding the intention and development of standardisation requests and the Annual Union Work Programme. For ICT, the MSP should be leveraged for early consultation on the market need regarding planned standardisation requests. With this unique advisory committee in place, the European Commission has access to fast stakeholder response on all issues regarding ICT standardisation. While some units in the Commission have made use of the MSP for early discussion of planned standardisation requests, others have not yet taken such an approach. The Commission should aim for a clear policy of early consultation of the MSP already at the planning stage.

Similarly, the positive example of the MSP can be a model for the Committee on Standards (CoS) to allow for more stakeholder participation, at least at a level of observers. Participation of industry in the CoS would allow for better information exchange regarding market developments including critical issues and thus contribute to better regulation and more transparency regarding the Annual Union Work Programme.

Partnership between European Standardisation Organisations (ESOs) and other standardisation related bodies

OFE supports the recommendation to further develop and strengthen the relations between the ESOs and other standardisation related bodies. In the ICT domain this refers in particular to global ICT standardisation bodies, so-called fora and consortia. The huge majority of relevant ICT standards is developed in industry-driven, global standards bodies like OASIS, W3C, IETF or Ecma International. Regulation 1025/2012 has taken a major step forward, with Articles 13 and 14 for making these global ICT specifications available for public procurement in Europe. While the process applied is still too complicated, and still takes too much time, it is of high relevance for Europe regarding the use of highly innovative global standards for competitiveness and growth in Europe. In fact, given the high relevance of global ICT specifications for the competitiveness of industry in the global market place, they should be preferred to European standards and should be encouraged as first preference, while European standards should be limited to areas where there is a strong policy or regulatory need and where no global or international standards are yet available. Moreover, the MSP includes the most relevant global ICT standards bodies and therefore provides a unique forum in the world for strategic and operational collaboration.

The ESOs still too often try to create borders and exclude global ICT standards bodies from relevant discussions and decision making processes in Europe. This may, for instance, be observed in the context of coordination groups and in standards landscaping and gap analysis projects in future-relevant areas like smart cities, e-mobility, cloud, security, etc. With the increasingly ubiquitous use of IT technologies in many different

sectors it makes no sense that the ESOs hold strategic planning discussions and execute strategic work just amongst themselves. They should always be obliged to establish proper dialogue structures and create an appropriate level of openness for involving global ICT standards bodies. The MSP should be leveraged as the place for starting such discussions and collaborations and the European Commission should act as a facilitator requesting such openness for all project initiated by the Commission or where the Commission sees relevance for public policy.

OFE submits these comments and suggestions based on the expertise of OFE's members in European and global and international standardisation, and is available at any time for further discussion or to provide required clarifications.

About OpenForum Europe
(OFE) is an independent, not-for-profit organisation, supported by major IT suppliers including Google, IBM, Oracle and Red Hat, as well as SMEs, user and consumer organisations, and national partners across Europe. It focuses on delivering an open, competitive ICT market. Views expressed by OFE do not necessarily reflect those held by all its supporters.

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