

## Position Paper

### **BITKOM comments on the Final Report on the Independent Review of the European Standardisation System<sup>1</sup>**

26. June 2015

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BITKOM welcomes the efforts taken by the European Commission and by Ernst & Young for conducting the Independent Review of the European Standardisation System.

BITKOM appreciates the opportunity to provide comments on the final study and in preparation for the workshop on 01. July 2015. We react to many of the recommendations made in the study from Ernst & Young, but re-group them according to the cluster topics to be addressed at the workshop on 1 July.

#### **GOVERNANCE**

→ *On Recommendation 1 – Improve the speed of standards development through an alternative scheme for specific standardisation needs*

BITKOM 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.

Timely availability to accommodate market needs is what is most important. Such timely availability is usually best achieved in bottom-up, market driven standardisation.

Timeliness also includes quality, and rightly so. Standardisation should aim for best-quality technologies to be standardised. Quality should not be compromised for speed, but a proper balance is needed. 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.

→ *On Recommendation 5 – Adapt patents rules and procedures within the ESS to ensure transparency of patent declarations*

BITKOM supports the efforts taken by the members of standards setting organisations to constantly improve their IPR policies for addressing new market challenges and achieving sustainable improvements with the consensus of all stakeholders. These improvements include the transparency of patent declarations.

BITKOM members are actively involved in these review activities, e.g. in ETSI but also in global standards setting organisations. BITKOM members also support the efforts taken, for instance, by the ETSI secretariat and the European Patent Office (EPO) to further align available information.

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<sup>1</sup> The Report is publicly available on the Commission Website:

<http://ec.europa.eu/DocsRoom/documents/10444/attachments/2/translations/en/renditions/pdf>

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Regarding the interaction of patents and standards in the ICT sector, BITKOM considers it important that all efforts for achieving improvements in patent declaration take into consideration the diversity of technologies and technology layers within which standards are developed.

→ *On Recommendation 9 – Ensure involvement and participation of Annex III organisations in standardisation*

BITKOM is very supportive of an effective environment for the Annex III organisations to contribute to standards developments with qualified experts early on. While standards setting organisations cannot actually 'ensure' the involvement and participation, their processes must be open and transparent to allow and encourage involvement and participation.

→ *On Recommendation 11 – Strengthen guidelines to improve consistency in working methods and processes in the ESS*

The points raised around this recommendation in the study have not yet been perceived as problematic by BITKOM. There may be good reasons for the differences existing in practice in the different standards setting organisations. We therefore suggest some further dialogue and fact finding.

## INTERACTION

→ *On Recommendation 2: Leverage on R&I projects – and other prenormative activities – to favour the timely start of standardisation activities*

BITKOM supports efforts to create awareness early on with R&I projects on a possible exploitation path of their results for standardisation or for parallel and other interaction and cross-benefit. While standardisation should not be taken as an evaluation criterion for R&I project proposals or for the assessment of project results, R&I projects may deliver valuable contributions to standardisation and may, vice versa, make use of standards as a basis for innovation on the implementation level and on top of standardised technologies.

BITKOM is ready to collaborate with public administrations and standards setting organisations to further contribute to activities around awareness creation regarding the interaction between R&I activities and standardisation.

→ *On Recommendation 3: Ensure SME's participation in the development and use of standards*

Similar to the involvement of Annex III organisations, BITKOM strongly supports efforts to further encourage and facilitate the participation of SMEs in standards development.

As mentioned above in the context of Annex III organisations, standards setting organisations cannot actually 'ensure' SME participation, but they should make

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constant efforts in improving their working environment in order to facilitate SME participation. 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. Proper means in this respect are, for instance, the use of modern ICT technologies for remote participation in meetings and discussions. ETSI as well as global standards setting organisations like W3C, OASIS or Ecma International have established good practices in this respect. BITKOM encourages standards setting organisations to review their processes as well as daily practice to ensure that

- Remote participation is allowed and actually enabled for the meetings;
- Members participating remotely have the same rights and responsibilities including chairmanship, editor or other lead roles.

BITKOM encourages the European Commission to contribute to such efforts, e.g. by promoting the equal status of remote participation to physical presence.

→ *On Recommendation 6 – Anticipate needs through strategic and operational planning; and*

→ *On Recommendation 12 – Strengthen the link between standardisation activities at international level and EU policy and legislative needs, and identify priority areas of work at international level*

BITKOM supports the EU Rolling Plan for ICT standardisation and 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 (MSP). 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. The EU ICT Rolling Plan provides a very valuable overview on policy priorities and effectively translates policy objectives and strategies into proposals for actions. BITKOM recommends to continue on this successful path by further improving the Rolling Plan based on lessons learned and best practice.

BITKOM concurs with the study that the close collaboration in the MSP 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. 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 on ICT standardisation matters already at the planning stage.

For the highly dynamic ICT sector we would like to stress the importance and high benefit of these instruments. They are unique in the world. They include all relevant players in European and global ICT standardisation. They ensure a broad common understanding on policy objectives and related standardisation needs.

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The positive example of the MSP can certainly 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.

→ *On Recommendation 7 – Ensure the consistency of data on the standards development process*

BITKOM does not see an issue for ICT standardisation in this respect. ICT standardisation is highly bottom up responding to market needs and requirements. Contribution to ICT standardisation as well as the commitment to respective standardisation activities are, therefore, strongly backed by the respective business plans of the stakeholders involved. BITKOM sees this as a largely consistent picture throughout ICT standardisation both in Europe and globally with relevance to EU business and policy needs.

## COMMUNICATION

→ *On Recommendation 4: Educate on the European standardisation*

BITKOM welcomes the recommendation to strengthen education activities around European standardisation and suggests to widen this scope by not limiting education activities on European standardisation only but on standardisation in general for success and innovation on a global market.

Especially in the ICT sector, global standards are critical for competitiveness and market success. A large number of the most relevant ICT standards are successfully developed in bottom-up processes in European and global standards setting organisations.

Education activities should address the different aspects of standardisation, including in particular, but not limited to

- the technical level of using and implementing standards to achieve interoperability or to innovate on the implementation level on top of the implemented standards;
- the role of standardisation in the context of open innovation and the potential for exploiting innovative technologies and bringing them to broad, global market adoption;
- the aspect of market access by developing and implementing standards complying to regulatory requirements;
- the legal aspects, e.g. of copyright or patents at the intersection to standardisation.

BITKOM is ready to actively contribute to education activities.

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→ *On Recommendation 8 – Develop an integrated information system to monitor the standards development processes; and*

→ *On Recommendation 10 – Develop a centralised information system supporting access to standardisation documents and wide participation*

BITKOM is sceptical about the feasibility of these recommendations. Existing systems are diverse and there are complex issues including copyright and different business models of standards development organisations.

BITKOM strongly supports all efforts to improve the availability of information. The ESOs as well as DIN and DKE on the national level, for instance, regularly aim for improvements in making available information and in interlinking available information systems, as well as improving access to standardisation deliverables. We support that new IT technologies and tools are constantly being evaluated and, based on a strict cost-benefit-analysis, adopted and integrated in order to improve information. Such an incremental and piecemeal process is the most successful and cost-effective. It is also more scalable and capable to cope with the dynamics of the IT market than possible monolithic approaches.

BITKOM suggests to continue on this successful path. This should include an exchange with the leading global ICT standards setting organisations for exchanging best practices and, if possible, look for collaborative approaches.

→ *On Recommendation 13 – Develop partnership with SDOs and other standardisation related projects (e.g. ETP) outside the ESS for a coordinated approach to the identification of the needs and standards development*

BITKOM agrees to the need expressed in this recommendation and sees the ICT sector on the forefront of this already. The ICT Multi-Stakeholder Platform, the EU Rolling Plan for ICT Standardisation and the collaborative processes established around these have implemented effective mechanisms for a coordinated approach on identifying policy objectives and proposals for actions how standardisation can support the implementation of the respective policy objectives.

The MSP is an effective forum 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. A large amount of relevant ICT standards is developed in industry-driven, global standards setting organisations 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. This is of high relevance for Europe regarding the use of highly innovative global standards for competitiveness and growth in Europe. In fact, given the 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.

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Such instruments like the MSP and the Rolling Plan, however, need to be designed so that they take into consideration the specific needs of the respective sectors. For ICT we recommend to continue on the successful path as established.

Regarding the actual technical work in technical committees, BITKOM would like to stress the importance of having the best qualified technical experts included into the standards development work. It is worth noting that, in an increasingly globally integrated environment, these experts may not always have a local base in Europe. Possible implications which the national delegation principle may show in this respect should be analysed and assessed with the objective of avoiding barriers for expert participation in order to ensure high-quality European standardisation deliverables.

### **Concluding Remarks**

BITKOM believes that the European Standardisation System is overall well governed and we appreciate regular efforts to look for improvements in order to increase the attractiveness and effectiveness of the system and its processes. Thus we see benefit in the independent review and are ready to contribute actively to the follow-on dialogue and decision making process leading to concrete proposals for actions.

Regarding the ICT sector in particular, Regulation 1025/2012 together with the establishing of the ICT Multi-Stakeholder Platform have taken a major step towards better and more effective collaboration between all relevant stakeholders in European and global ICT standardisation and towards making global ICT technical specifications available for use in Europe. These are essential steps towards facilitating innovation and collaboration around standardisation in support of EU policy priorities and of growth and global competitiveness.

BITKOM shall be available for further discussion, collaboration or for clarifications at any time.

### **About BITKOM**

BITKOM represents more than 2,200 companies in the digital sector, including 1,400 direct members. With more than 700,000 employees, our members generate a domestic turnover of 140 billion Euros a year, exporting high-tech goods and services worth another 50 billion Euros. Comprising 1,000 small and medium-sized businesses as well as more than 250 start-ups and nearly all global players, BITKOM' members offer a wide range of software technologies, IT-services, and telecommunications or internet services. They produce hardware and consumer electronics or operate in the sectors of digital media and the network industry. 76 percent of the companies' headquarters are located in Germany with an additional amount of 10 percent in other countries of the EU and 9 percent in the USA as well as 5 percent in other regions. BITKOM supports an innovative economic policy by focussing the modernization of the education sector and a future-oriented network policy.