

## **Introduction**

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This public consultation is being conducted as part of the evaluation of Regulation (EU) 1025/2012 in response to the EU strategy on standardisation presented by the European Commission (COM(2022) 31). The European Standardisation System (ESS) provides the framework for requesting EU standards and standardisation deliverables in support of EU public policy and legislative needs, covering a wide range of industrial ecosystems.

The evaluation assesses the performance of the ESS in the evolving landscape of technical standardisation. It determines whether the existing framework is adequate and capable of delivering standards and technical specifications to support EU policy and legislative needs, while also maintaining global relevance.

### **Purpose and scope**

The objective of this public consultation is to gather insights from a range of stakeholders with direct or indirect involvement in the ESS. It will look into various aspects of the ESS, including its achievements, efficiency, impact, relevance, EU added value, and alignment with EU policies and instruments. The public consultation will also help in gathering qualitative and quantitative data underpinning these assessments.

The public consultation will inform the assessment on the functioning of Regulation (EU) 1025/2012, the cornerstone of the ESS.

Your participation in this survey is a valuable contribution to the evaluation of the ESS and the Regulation. It will also help in identifying possible areas for improvement.

### **Data protection policy**

Before you begin the questionnaire, please carefully review and accept the privacy statement. This statement provides essential information on the use and handling of the data you provide. Your privacy and data protection are of the utmost importance.

Thank you for your participation in this evaluation. We look forward to your valuable insights and contribution.

### **About you**

#### **\* Language of my contribution**

Bulgarian Croatian Czech Danish Dutch **English** Estonian Finnish French German Greek Hungarian Irish Italian Latvian Lithuanian Maltese Polish Portuguese Romanian Slovak Slovenian Spanish Swedish Select box

**\* I am giving my contribution as**

Academic/research institution   Business association   Company/business   Consumer organisation   EU citizen   Environmental organisation   Non-EU citizen   **Non-governmental organisation (NGO)**   Public authority   Trade union   Other   Select box

**\* First name: Borbala**

**\* Surname: Szucs-Bartfai**

**\* Email (this won't be published): bszucsbartfai@actonline.org**

**\* Which category best describes your role within the European Standardisation System (ESS)?**

international standardisation body

EU standardisation organisation

representing societal stakeholders in line with the requirements outlined in Annex III of the Regulation

national standardisation body

national authority / market surveillance authority

other national authority

**industry association**

company

research institution

none of the above

**\* Regarding standardisation, in what ways do you / does your organisation participate in the ESS?**

\*Please select all that apply.

**participation in standardisation activities at the EU level.**

**participation in standardisation activities at the national level.**

**direct use of standards**

use of standards for public procurement

inform(s) others about standards

other (please specify)

none of the above

**\* Country of origin Additional help available**

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

Afghanistan Åland Islands Albania Algeria American Samoa Andorra Angola Anguilla Antarctica Antigua and Barbuda Argentina Armenia Aruba Australia Austria Azerbaijan Bahamas Bahrain Bangladesh Barbados Belarus **Belgium** Belize Benin Bermuda Bhutan Bolivia Bonaire Saint Eustatius and Saba Bosnia and Herzegovina Botswana Bouvet Island Brazil British Indian Ocean Territory British Virgin Islands Brunei Bulgaria Burkina Faso Burundi Cambodia Cameroon Canada Cape Verde Cayman Islands Central African Republic Chad Chile China Christmas Island Clipperton Cocos (Keeling) Islands Colombia Comoros Congo Cook Islands Costa Rica Côte d'Ivoire Croatia Cuba Curaçao Cyprus Czechia Democratic Republic of the Congo Denmark Djibouti Dominica Dominican Republic Ecuador Egypt El Salvador Equatorial Guinea Eritrea Estonia Eswatini Ethiopia Falkland Islands Faroe Islands Fiji Finland France French Guiana French Polynesia French Southern and Antarctic Lands Gabon Georgia Germany Ghana Gibraltar Greece Greenland Grenada Guadeloupe Guam Guatemala Guernsey Guinea-Bissau Guinea Guyana Haiti Heard Island and McDonald Islands Honduras Hong Kong Hungary Iceland India Indonesia Iran Iraq Ireland Isle of Man Israel Italy Jamaica Japan Jersey Jordan Kazakhstan Kenya Kiribati Kosovo Kuwait Kyrgyzstan Laos Latvia Lebanon Lesotho Liberia Libya Liechtenstein Lithuania Luxembourg Macau Madagascar Malawi Malaysia Maldives Mali Malta Marshall Islands Martinique Mauritania Mauritius Mayotte Mexico Micronesia Moldova Monaco Mongolia Montenegro Montserrat Morocco Mozambique Myanmar/Burma Namibia Nauru Nepal Netherlands New Caledonia New Zealand Nicaragua Niger Nigeria Niue Norfolk Island North Korea North Macedonia Northern Mariana Islands Norway Oman Pakistan Palau Palestine Panama Papua New Guinea Paraguay Peru Philippines Pitcairn Islands Poland Portugal Puerto Rico Qatar Réunion Romania Russia Rwanda Saint Barthélemy Saint Helena Ascension and Tristan da Cunha Saint Kitts and Nevis Saint Lucia Saint Martin Saint Pierre and Miquelon Saint Vincent and the Grenadines Samoa San Marino São Tomé and Príncipe Saudi Arabia Senegal Serbia Seychelles Sierra Leone Singapore Sint Maarten Slovakia Slovenia Solomon Islands Somalia South Africa South Georgia and the South Sandwich Islands South Korea South Sudan Spain Sri Lanka Sudan Suriname Svalbard and Jan Mayen Sweden Switzerland Syria Taiwan Tajikistan Tanzania Thailand The Gambia Timor-Leste Togo Tokelau Tonga Trinidad and Tobago Tunisia Türkiye Turkmenistan Turks and Caicos Islands Tuvalu Uganda Ukraine United Arab Emirates United Kingdom United States Minor Outlying Islands United States Uruguay US Virgin

Islands Uzbekistan Vanuatu Vatican City Venezuela Vietnam Wallis and Futuna Western Sahara Yemen Zambia Zimbabwe Select box

**\* To what extent are you aware of Regulation (EU) 1025/2012 on European Standardisation and its main provisions?**

to a large extent

to a moderate extent

to a small extent

not at all

I don't know

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

\*

I agree with the [personal data protection provisions](#)

**General questions**

**To what extent has Regulation (EU) 1025/2012 achieved its general objectives?**

	to a large extent	to a moderate extent	to a small extent	not at all	I don't know
*reduce the time taken by the standardisation process for standards developed at the request of the Commission		X			
*ensure that SMEs and societal stakeholders are adequately			X		

	to a large extent	to a moderate extent	to a small extent	not at all	I don't know
represented in the standardisation process, especially for standards developed at the request of the Commission					
*broaden the use of ICT standards and thus enhance interoperability through a more integrated European public procurement market for ICT products and services		X			
*remove ambiguities in the previous legal framework related to the former co-existence of three different legal instruments on EU standardisation (Decisions 87/95/EEC and 1673/2006/EC and Directive 98/34/EC)		X			

\*Could you please explain your response in detail?

We appreciate the Commission's consideration towards making European standardisation more inclusive to different market participants. Moreover, we agree with the Commission that ensuring a balanced stakeholder representation and meaningful inclusion within the European Standardisation Organisations (ESOs) is important and relies primarily on industry efforts and consensus to develop holistic European standards. The private sector's participation in standardisation ensures that standards remain reliable, adaptable, and closely aligned with the evolving needs of industries and consumers. It fosters transparency, open collaboration, and a sharp focus on technological applicability.

However, we remain cautious regarding Article 10 in the rules governing ESOs, adopted in 2023 and Decisions 87/95/EEC and 1673/2006/EC and Directive 98/34/EC. With respect to Article 10, we are concerned that giving national standardisation bodies from the EU and European Economic Area (EEA) the exclusive power to make key decisions in the approval of standardisation requests, work items, and standards in support of EU legislation will practically exclude industry stakeholders from these decisions, making the standardisation process less inclusive. The Commission and the Member States already have the power to define the content of the standardisation requests through the Committee on Standards. For example, the European Telecommunications Standards Institute (ETSI) and its members can choose whether they will accept the request or not, and national standards organisations and representatives of national governments at ETSI already approve harmonised standards through the European Standard Approval Procedure (ENAP) of national votes. Thus, we are apprehensive towards an overly institutionalised approach that heavily favours Member States to the detriment of the private sector, as this may introduce disproportionate political influence. Industry stakeholders provide invaluable expertise and practical insights, ensuring that standards remain voluntary, globally relevant, and aligned with market realities. Collaborative initiatives that gather global industry leaders, through ESOs like ETSI or projects like 3GPP, have generated international standards, which increase Europe's competitiveness.

Therefore, the App Association believes that amendments made to Regulation (EU) No 1025/2012 in 2023 do not improve the governance in the European standardisation system and should be revised to ensure an inclusive approach to governance and participation in alignment with the international standards system. Although these national bodies consist of relevant stakeholders in a Member State, they do not have the resources to carry out the additional responsibilities proposed by the Commission. This amendment decreases overall inclusiveness in the European standardisation process and risks the timely delivery of needed standards.

Increased inclusivity within the standardisation process is especially important for small and medium-sized enterprises (SMEs) that frequently encounter challenges in navigating the complexities of ESOs despite heavily relying on the standardised technologies developed through ESO processes. The App Association's diverse community faces significant challenges in tracking and participating in the standardisation activities that deeply impact their ability to innovate and create

European jobs. We call on the EC, through this regulation, to provide focused support to SMEs to increase their participation in standards through steps including, but not limited to, the following:

- Consistent and targeted EC engagement (through targeted outreach, participation in key conferences, and other means) with the SME community to education on the relevance and opportunities to participate in the development of standards;
- In partnership with ESOs, committing resources to eliminating barriers to SME participation in standardisation, including through grants to support participation, timely translation of key standards, focused measurement of SME participation in standardisation, and other means;
- Increasing the presence of standardisation education in university curriculum.

While we appreciate the Commission's commitment to increasing SME engagement in standardisation, we hold reservations about the amendment's potential impact on greater SME involvement. The amendment grants increased decision-making authority to national bodies, which would reduce SME participation. Additionally, participation through National Standardisation Organisations (NSOs) may pose financial challenges for SMEs and limit their influence on European standards. NSOs introduce additional layers of decision making that include not only technical merits as well as additional considerations, such as legal. This added complexity within the NSOs will slow down the standardisation process and pose practical barriers for SMEs seeking representation within each NSO member of ETSI.

In regard to Decisions 87/95/EEC and 1673/2006/EC and Directive 98/34/EC, while we support the clarity and guidance provided, we note that the SMEs operate with minimal resources and experience and therefore their obligations to the standardisation community should be apportioned based on their abilities to contribute while growing their business. For example, Decision 1673/2006/EC identifies that it is important that SMEs are able to apply European standards and that standards should 'be designed and adapted to take account of the characteristics and environment of such enterprises'. While we are encouraged to see the decision acknowledge the importance of SMEs in the standardisation community, it does not adequately elaborate on how SME characteristics and environment will be taken into account when determining the parameters of a standards participants' necessary financial contribution to European standardisation.

We urge the Commission to proactively engage with the App Association's community of startups and small businesses, especially those focused on technologies like internet of things (IoT) software and hardware development, and to task national bodies with doing the same. Furthermore, we recommend that the Commission instruct national bodies to offer financial support, such as subsidies, for participation fees and expenses, wherever feasible. Such enhanced outreach and subsidies would significantly advance the EU's objective of fostering a dynamic and effective European standards ecosystem.

Keeping the European economy connected to global standardisation efforts will allow European small businesses like our members to scale up, compete, and create jobs.

**\* To what extent has the process defined by the Regulation facilitated the identification of ICT technical specification for public procurement referencing, and made the overall public procurement process more efficient?**

to a large extent

to a moderate extent

to a small extent

not at all

I don't know.

Could you please explain your response in detail?

The Standardisation Regulation reinforces the central role European Standards Organisations (ESOs), namely, the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC), and the European Telecommunications Standards Institute (ETSI) have as the only entities allowed to develop European standards in support of EU legislation.

Therefore, the Standardisation Regulation can ensure that European standards contribute to the success of the international standardisation system if it continues to evaluate how to avoid putting discriminatory barriers to trade in place via standards that ultimately disadvantage European businesses and consumers. The Regulation drives market-driven standardisation by supporting voluntary, consensus-based, open-participation technology standards, which is vital for EU competitiveness and national security.

In addition, we appreciate the Commission's continuous consideration towards making European standardisation more inclusive to different market participants. Moreover, we agree with the Commission that ensuring a balanced stakeholder representation and meaningful inclusion within the ESOs is important and relies primarily on industry efforts and consensus to develop holistic European standards. The private sector's participation in standardisation ensures that standards remain reliable, adaptable, and closely aligned with the evolving needs of industries and consumers. It fosters transparency, open collaboration, and a sharp focus on technological applicability.



**In your opinion, where has Regulation (EU) 1025/2012 provided most added value (compared with not having this legal framework in place)?**

**\*Please select 'yes', 'no' or 'I don't know' for each item.**

	Yes	No	I don't know
*facilitation of conformity assessment procedures in the internal market via the development of harmonised standards	X		
*facilitation of product compliance in the EU	X		
*removal of trade barriers		X	
*reduction of transaction costs		X	
*increased level of interoperability	X		
*increased adoption of a common technical language in the EU market	X		
*increased opportunities to introduce products and services into the internal market	X		
*development of EU	X		

	Yes	No	I don't know
standards with global signalling effect			
*facilitated alignment of EU and international standards	X		
*other (please specify)			

**To what extent are the provisions of the Regulation suitable for addressing the wider strategic objectives, as outlined in the 2022 EU strategy on standardisation (COM(2022) 31)?**

	to a large extent	to a moderate extent	to a small extent	not at all	I don't know
*the Regulation contributes to the development of future market needs, particularly as regards the establishment of new value chains for a resilient, green and digital internal market	X				
*the Regulation contributes to the development of standards when there is	X				

	to a large extent	to a moderate extent	to a small extent	not at all	I don't know
an urgent market need					
*the Regulation contributes to the development of services standards	X				
*the Regulation allows integrity, inclusiveness and accessibility in the ESS, including fair representation of all societal stakeholders		X			
*the Regulation helps EU stakeholders take a prominent role in global standards-setting	X				
*the Regulation contributes to the promotion of EU democratic values, including at global level	X				
*the Regulation contributes to ensuring that	X				

	to a large extent	to a moderate extent	to a small extent	not at all	I don't know
cutting-edge research and innovation inputs are provided in the standards-development process					

**Specific questions: Speed and timeliness**

**To what extent are you satisfied with the development time of EU harmonised standards?**

**\*Rate your level of agreement with the following statements.**

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know.
*the time taken to develop harmonised standards is efficient			X			
*the collaborative standard development does not unnecessarily extend the duration					X	
*the standards are developed in a time frame that allows timely implementation in relevant industries			X			

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know.
*the duration of the development process provides ample time for clear communication and preparation for implementation			X			
*there is sufficient time for thorough feedback and revisions during the standard development process			X			
*compared with other standard-setting processes, the duration for developing harmonised standards is satisfactory			X			
*the time taken to develop harmonised standards is consistent with bringing innovation to the market				X		

**Could you please explain your response in detail?**

The standardisation process requires clear communication and collaboration in order to meet its goal of establishing market-driven standards developed by all contributors of the industry. It is important that the Regulation continues to consider this component to achieve the goals of

standardisation within European and to make all European participants competitive on a global scale.

**How important are the following aspects of the governance of the ESS in accelerating the development of harmonised standards?**

**\*Please rate the level of importance of the following processes.**

	not at all important	slightly important	moderately important	very important	extremely important	I don't know.
*coordination between ESOs, NSBs and the Commission (including collaboration on drafting standards)				X		
*the clarity of the Commission's strategic objectives for the European Standardisation formulated through the annual EU work programme on EU standardisation					X	
*societal stakeholder engagement and participation in standardisation activities					X	
*the process of standardisation requests					X	
*the process of standards-development					X	

	not at all important	slightly important	moderately important	very important	extremely important	I don't know.
*the process of citation of standards-deliverables					X	
*the availability and use of EU financing			X			

**To what extent do you perceive barriers within the current governance of the ESS that affect the speed of harmonised standard development?**

**\*Please rate your level of agreement with the following statements.**

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
*there are additional obligations and administrative delays that hinder a speedy development of harmonised standards		X				
*the internal procedures within the European standardisation organisations are burdensome			X			
*the additional requirements from the Commission to allow the citation of			X			

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
harmonised standards are too burdensome						
*poor communication and coordination among stakeholders within the system leads to a slow standard development process					X	
*insufficient allocation of resources (such as funding, personnel and information) within systems impedes the rapid development of harmonised standards				X		
*the lack of technical experts leads to a slow standards-development process					X	
*the absence of clear and decisive leadership and responsibility in the standards-				X		



	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
development process is an impediment and leads to a slower process of developing harmonised standards						
*the discrepancy between policy and stakeholder needs for the standards-deliverable leads to a slower process				X		

**Specific questions: Competitiveness of European businesses**

**To what extent do you agree/disagree with the following statements about EU standards and standardisation deliverables' impact on in the competitiveness of EU businesses within the internal market?**

**\*Please rate your level of agreement with the following statements.**

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
*European standards and standardisation deliverables facilitate cross-border activities and trade in the internal market					X	
*European standards and				X		

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
standardisation deliverables facilitate the market deployment of innovative technologies						
*European standards and standardisation deliverables reduce production costs for companies			X			
*European standards and standardisation deliverables reduce compliance costs for companies			X			
*European standards and standardisation deliverables increase interoperability of components and products				X		
*European standards and standardisation deliverables facilitate access to the EU market for SMEs				X		
*European standards and standardisation			X			

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
deliverables enhance companies' growth (e.g. market share)						
*European standards and standardisation deliverables enhance companies' productivity			X			

**Specific questions: Support to EU policy and legislation**

**In your view, how effective is the Regulation in developing European standards in support of EU legislation and policies?**

**\*Please rate the impact for each of the following goals.**

	very high	high	moderate	low	very low	I don't know
*in response to new policies and legislation supporting standardisation		X				
*in ensuring timely delivery of requested standards and standardisation deliverables		X				
*in anticipating strategic future market needs in standardisation		X				

	very high	high	moderate	low	very low	I don't know
*in improving product safety		X				
*in improving sustainability		X				
*in fostering interoperability between ICT systems		X				
*in ensuring adherence to EU democratic values		X				

### Inclusiveness of the European Standardisation process

To what extent do you believe that Regulation (EU) 1025/2012 has ensured the engagement and effective participation of the following stakeholders?

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
*SMEs and start-ups				X		
*societal stakeholders				X		
*the research/academic community				X		
*Member States' public authorities				X		

In your opinion, what is the level of representation and engagement in the development of the following types of standards?

\*Please rate the impact of each of the following types of standards.

	very high	high	moderate	low	very low	I don't know.
*standards for services			X			
*standards for products			X			
*standards to improve interoperability			X			

**Specific questions: Competitiveness of European businesses at global level**

**To what extent do you agree/disagree with the following statements about European standards and standardisation deliverables' impact on to the competitiveness of EU businesses at the global level?**

**\*Please rate your level of agreement with the following statements.**

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
*European standards and standardisation deliverables facilitate market access outside the EU/EEA			X			
*European standards and standardisation deliverables facilitate the establishment of business partnerships around the globe			X			
*European standards and standardisation deliverables				X		

	strongly disagree	disagree	neither agree nor disagree	agree	strongly agree	I don't know
facilitate innovation in EU businesses						
*European standards and standardisation deliverables enhance the cost-competitiveness of EU businesses				X		
*European standards and standardisation deliverables improve the price-competitiveness of EU businesses				X		

**Specific questions: Policy coherence**

**Can you identify any new policy area where the ESS should improve its presence?**

**\*Please select 'yes', 'no', 'I don't know' for each item.**

	Yes	No	I don't know
*artificial intelligence	X		
*quantum computing	X		
*blockchain and distributed ledger technologies	X		
*the Internet of Things (IoT)	X		

	Yes	No	I don't know
*5G and future telecommunication networks	X		
*autonomous vehicles	X		
*biotechnology and gene editing	X		
*renewable energy technologies	X		
*nanotechnology cybersecurity	X		
*smart cities technologies	X		
*digital health	X		
*sustainable manufacturing and the circular economy	X		
*space technologies, in-orbit services and commercial spaceflight	X		
*robotics	X		
*new materials	X		
*defence	X		
*other (please specify)			

**In your view, what are the barriers preventing the ESS from extending its reach into these technical areas?**

**\*Please rate your level of agreement with the following statements.**

	strongly disagree	disagree	neither agree nor disagree	agree strongly	agree	I don't know
lack of experts to run new ESO technical committees					X	
lack of financial resources to run new ESO technical committees		X				
lack of interest of industry or other stakeholders in providing experts	X					
lack of cooperation with other specialised standards-setting bodies			X			
lack of consensus between the different actors of the ESS			X			
national interests in developing national standards	X					
primacy of international standards			X			



	strongly disagree	disagree	neither agree nor disagree	agree strongly	agree	I don't know
existence of other standard-developing bodies			X			
timespan to develop and adopt EU standards			X			
other (please specify)						

### Final section

Considering the need for the ESS to adapt to a rapidly changing environment and support the EU's strategic goals, what action areas do you consider essential?

\*Please rate your level of agreement with the following statements.

	strongly disagree	disagree	neither agree nor disagree	agree	Strongly agree	I don't know
future standardisation needs and expediting the standard development process to spur innovation and prevent others from gaining a competitive edge	X					
promoting stakeholder involvement and inclusivity					X	

	strongly disagree	disagree	neither agree nor disagree	agree	Strongly agree	I don't know
in order to ensure standards meet market and consumer demands						
improving cooperation, coordination and communication between standardisation bodies in the EU					X	
raising awareness of the benefits of standardisation for competitiveness and innovation and sustainability					X	
adapting the ESO/NSB network organisation and procedures for future needs, especially in technology convergence					X	

**In addition to the responses and comments already provided in response to this questionnaire, please use the space below for any additional remarks you wish to make.**

We would like to bring light to three additional matters for the Commission's consideration.

### 1. Avoiding Europe-Specific Standards

While we acknowledge the necessity for ESOs to develop standards in response to Commission requests and the value of these standards to both European consumers and the competitiveness of European businesses, we urge the Commission to avoid the creation of Europe-specific standards that give undue priority to political considerations and potentially compete with internationally developed standards created through a bottom-up approach.

The development of Europe-specific standards, when not aligned with international standards, may inadvertently lead to the emergence of technical barriers to trade. This could hinder the free flow of goods and services, impacting both the European market's accessibility and the ability of European enterprises to engage in global trade effectively.

Such an approach may inhibit product interoperability and negatively affect European competitiveness by stifling the growth of European companies, particularly SMEs. Isolating Europe from international standardisation carries the inherent risks of developing lower quality or outdated standards that could harm businesses and consumers alike.

## 2. International Cooperation

We urge the Commission to continue encouraging international cooperation in the European standardisation process. Our ongoing recommendation is for ESOs to continue their efforts to harmonise European standards with global counterparts. This alignment not only fosters the global use of European standards but also bolsters the European economy in the long term. Furthermore, we stress the importance of the Commission's engagement with EU stakeholders in international consortia and fora, such as the International Telecommunications Union (ITU), the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the Organization for the Advancement of Structured Information Standards (OASIS), the World Wide Web Consortium (W3C), and IEEE. These collaborations can significantly impact the global standards landscape. Moreover, we generally encourage the Commission to design its policies to complement bilateral efforts such as the EU-U.S. Trade and Technology Council's working group on technology standards cooperation, and others. The Commission should take all steps practicable to ensure that standards governance is open and accessible.

## 3. Harmful Licensing Practices of Standard-Essential Patents

We also emphasise the ongoing importance of the Commission's attention to abusive standard-essential patent (SEP) licensing practices that significantly harm European entrepreneurship and innovation, and which undermine the goals of the European Standards Strategy. Both within and outside of Europe, standard-setting organisations (SSOs) enable SEP licensors to voluntarily commit to license their SEPs on fair, reasonable, and non-discriminatory (FRAND) terms to mitigate abuse of the inherent gatekeeper role a SEP holder has to use of a standard once it is developed. The

FRAND construct is designed to provide any innovator with the opportunity to use a standard while ensuring a fair return on investment for the SEP holder. However, App Association members in Europe and around the world continue to face anticompetitive behaviour from certain opportunistic SEP licensors that leverage ambiguities in Commission and SSO policies to game the standards system to accomplish unreasonable licensing terms. Some SEP licensors systematically disregard their voluntary FRAND commitment in order to impose unfair licensing terms, excluding SMEs from the market. For example, some SEP holders simply refuse to license to certain entities in a value chain, which is currently disrupting supply chains in critical industries such as automotive.

While such well-documented and cross-sectoral abuses are currently being discussed in parallel Commission policy initiatives focused on abusive SEP licensing practices, such practices represent the largest single barrier to standard use today and are therefore inextricably linked to the European Standards Strategy. The Commission should, therefore, provide European standards bodies with guidance on how to address standard organisation participants' practices that discourage the use of European standards.

The App Association, therefore, supports the Commission's proposed regulation on SEPs as a positive path towards establishing a transparent and fair SEP licensing framework within the European Union. As stated in the proposed regulation, wide implementation determines the success of a standard and, therefore, the Commission must reinforce that European standards processes, and European standards themselves should be available for use by any interested stakeholder on truly FRAND terms.

You can upload any document in support of your replies to this survey here.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed  
Select file(s) to upload

I agree to be contacted for more in-depth discussions regarding the ESS.

\*If you answer 'yes', we might contact you using the email address you provided at the beginning of the survey.

Yes

No

**Submit**