

Perceptions

Part 1: Europe – Perceptions from the United States

1. The CEN members bloc vote in ISO

This is a popular perception but one which has been disproved.

An ISO Council study of voting patterns at DIS and FDIS for votes conducted in the period 1998 to 2001 showed there was no discernable regional pattern in the 112/3563 votes (3.1%) which failed DIS or 7/2883 votes (0.24%) which failed FDIS. In other words, CEN members voted with other ISO members in the approval of drafts or were split when opposing drafts.

Similarly, ANSI studies of voting patterns at DIS and FDIS for votes conducted in the years 2002 and 2003 showed no discernable widespread regional pattern. The trend was for the European and non-European members of ISO to vote in unison, either for or against a draft standard.

Of course, similar (but not identical) practices in the CEN member countries may lead to delegates from those countries taking a common view in some ISO committees. This is understandable and not wrong.

What is wrong is for delegates from CEN member countries to insist that an ISO standard includes requirements needed solely to achieve compliance with certain European legal obligations. In such cases, the global relevance of the ISO standard may be compromised. In support of the decision of the September 2003 meeting of the ISO Technical Management Board (ISO/TMB) on the principles of global relevance, CEN will be developing advice for its members on the meaning of global relevance within ISO and the implications for CEN.

2. The CEN member countries dominate ISO

A survey conducted for ISO/TMB in 1999 showed that the CEN members held 63% of the ISO/TC secretariats, 69% of the ISO/SC secretariats and that 59% of the work program was under secretariats held by CEN members. Most of these secretariats are held by AFNOR (France), BSI (United Kingdom) and DIN (Germany). The biggest stakeholder among the ISO members is ANSI (United States) which holds 140 secretariats (DIN is next biggest with 114 secretariats). However, within the past five years, the ISO/TMB has not detected that any ISO secretariat is being managed in favor of a national or regional interest. Hence, whatever the national or regional identity of a secretariat, there is no evidence to say that any is not committed to the primacy of international standardization.

3. The concept of one vote per country in ISO gives Europe an advantage

An often heard claim is that it is unfair for the United States (275m population (2000); GNP \$7.9 trillion (1998)) to have one vote in ISO while CEN members from the European Union (373m population (2000); GNP \$8.3 trillion (1998)) have 15 votes collectively.

This presumes that the CEN members (or at least those from the EU countries) bloc vote, something which has been disproved (See above). Even within the EU, there are significant economic, cultural and infrastructure differences between countries which lead to different votes being returned (in CEN as well as ISO).

Moreover, it must be remembered that ISO is established on the United Nations principle of collective participation without favor to a single country, region or interest group. Hence its TCs and SCs are formed on the basis of representation of all interests with each country being accorded equal status. A 'weighted vote' in ISO could actually undermine the principle of global relevance which the ISO Council and ISO/TMB are now working to reinforce. In addition, successful implementation of the ISO/TMB decision on the principles of global relevance would be expected to make the possibility of dominance through voting numbers redundant. The inclusiveness of ISO standards would not be assured by weighted voting which might advantage the developed countries to the disadvantage of developing countries.

4. CEN is part of the European Commission

CEN is not part of the European Commission.

It is an independent international association established under Belgian law. Information on CEN and the CEN membership can be viewed at www.cenorm.be.

CEN presently comprises the national standards bodies from 22 countries, all of which are members of ISO. 15 of these countries are presently members of the European Union (EU) and 3 are members of the European Free Trade Association (EFTA).

The perception of CEN being part of the European Commission may arise from the issue of 'mandates' from the Commission to CEN. These invite CEN to develop European standards to support European legislation. The EFTA Secretariat may also mandate CEN.

5. The use of European standards in Europe is compulsory

Under the 'New Approach to technical harmonization and standardization', adopted in 1985, compliance with a mandated European standard (known as a 'harmonized standard') confers a 'presumption of conformity' of a product with the 'essential requirements' of the legislation (represented by a 'directive'). A product that conforms to the essential requirements may be legally sold throughout the European Economic Area (EEA), a territory comprising the EU countries and EFTA countries with the exception of Switzerland. About 15% of products in the EEA are subject to one or more directives. A list of the directives in force with lists of the harmonized standards adopted can be found at www.newapproach.org.

However, this does not mean that the use of European standards is compulsory. With one exception (the Construction Products Directive), manufacturers can demonstrate that their products conform to the essential requirements in other ways. And even in the case of the Construction Products Directive, alternative solutions to European standards are possible.

So why have harmonized standards? Quite simply, compliance with a harmonized standard should be the easiest and most cost-effective means for a manufacturer to demonstrate the conformity of a product to the essential requirements.

Use of standards in this way is not unique to Europe – the National Technology Transfer and Advancement Act of 1996 seeks to make greater use of voluntary standards in federal and state agencies within the United States.

6. The European Commission funds the development of European standards

True – in part.

Mandates are usually accompanied by ‘Order Vouchers’ which provide seed corn funding to encourage the development of the European standards. In addition to these Order Vouchers, the European Commission and EFTA Secretariat together meet 45% of the costs of CEN Management Centre (the Central Secretariat in Brussels). This funding sometimes gives non-Europeans the impression that CEN and its standardization activities are owned and funded by the EU and EFTA. However, an independent financial study, conducted in 1999, showed that EU and EFTA funding met only 2% of total costs, with over 90% being met by industry.

7. The European Commission drives the CEN work program

Only about 20% of the CEN work program is mandated at any one time.

Hence 80% of the CEN work program is industry-driven and CEN regrets that many, even within Europe, do not recognize this.

8. CEN Consultants slow the progress of ISO work

CEN/TCs drafting standards under mandate are advised by ‘CEN Consultants’. The task of the Consultant is to determine whether a draft standard adequately meets the requirements of a directive. CEN has made great efforts in recent years to ensure that the assessments made by Consultants do not slow progress of projects, particularly those being developed in parallel with ISO under the Vienna Agreement. But CEN acknowledges that delays do sometimes occur, particularly where the draft is complex or where more than one Consultant is involved in the assessment (as the draft is intended to support more than one directive).

9. The Vienna Agreement allows Europe an unfair advantage

When the New Approach was adopted in 1985, the fear was that European industry would gradually abandon its efforts in ISO and concentrate its resources in CEN on the development of mandated European standards. It is doubtful whether ISO could have continued had such a withdrawal of resource been allowed to happen. The Vienna Agreement, adopted by ISO and CEN in 1991, was a natural and necessary response.

The Vienna Agreement, and particularly its option for the parallel development of standards in the two organizations, not only maintained the commitment of Europe to ISO but allowed ISO access to and even leadership of projects which would otherwise have been undertaken solely in CEN. The key benefit of the Vienna Agreement is that it seeks to achieve the same standard approved in both CEN and ISO (provided it is globally relevant), for the benefit of those that do business in Europe and in other parts of the world. Non-Europeans have an equal range of options under the ISO Directives to propose their standards to become ISO standards, and the newly approved ISO global relevance principles should ensure that proposals from any region or country for ISO standards pass the test of global relevance. It should also be remembered that non-European members of ISO have the right to comment on any draft European standard at the public enquiry stage (‘CEN Enquiry’).

The ‘consolidated’ Vienna Agreement, agreed by CEN and ISO in 2001, offers even more safeguards on the part of CEN to the primacy of international standardization. Up to four observers from ISO may now attend any CEN/TC or WG meeting without being required to seek agreement from CEN. And all standards developed under the Vienna Agreement are now revised in ISO, even if the original was developed under CEN lead.

Part 2: The United States – Perceptions from Europe

1. The United States is not committed to ISO

Not true. ANSI is the biggest single contributor to ISO and its work.

Although ANSI does not routinely adopt ISO standards as American National Standards, a great many ISO standards are used in the USA, and many ISO standards are derived from standards developed in the USA.

Just because the United States does not routinely adopt ISO standards as national standards, as Europe does for its internal market needs, does not mean ISO standards are not used. Many standards fields - such as petroleum products and lubricants, plastics, heavy equipment, mechanical contraceptives and informational technology - are actively worked on by US participants in ISO, and the deliverables are widely used by the US industry.

2. The United States is not committed to the withdrawal of conflicting standards

Use and adoption of ISO standards are considered separate issues in the US. There is no broad-ranging U.S. national policy to seek adoption of as many ISO standards as possible. Within the USA, a sector-based approach allows the industry sector to determine what standards it will use. Where an industry sector chooses ISO standards, these may be nationally adopted and replace conflicting national standards or they may simply be used by industry without the need for national adoption.

Indeed most countries outside Europe have no practical need to adopt the library of ISO standards and withdraw conflicting national standards. This is because these countries do not exist in a treaty-based common market where there is a political necessity to harmonize conflicting national standards.

What works for Europe does not necessarily work for the rest of the world.

3. The United States wants to run or circumvent ISO

The US wants to add value to and ensure the credibility and global relevance of the international standards system, as there are many in the US that do rely on ISO standards. ISO standards are used in the US. But the US believes that other long-established standards developers have a role which complements that of ISO in certain fields. An accommodation among the various international standards developers around the world must be reached to benefit the users of the standards.

By virtue of its extensive level of participation in ISO committees, and at the policy level, it is clear that the U.S. does not want to circumvent ISO. But the US does want to make ISO a more inclusive organization, able to increase the market relevance of its deliverables.

4. The United States promotes the US SDOs ahead of ISO

As noted earlier, the United States acts on a sector-based approach and believes that other long-established standards developers have a role which complements that of ISO in certain fields. ANSI promotes the use of market relevant international standards from wherever they may originate – ISO or elsewhere.

The US features a decentralized system. ANSI accredits over 260 or so entities. Many of these have existed for well over 50 years and some for over 100 years. By comparison, ISO was formed in 1947. It is not surprising therefore that some of the US SDOs were serving an international market before ISO was established.

5. The standards system in the United States is fragmented

The US system is *decentralized* - not fragmented - as it is well-coordinated and duplication of voluntary standards in the USA rarely occurs. In the very small number of cases where duplicate efforts may be started, mechanisms exist to resolve them. In the end, given limited resources to support standardization activities, stakeholders will not provide the financial and expert support for duplicate initiatives, and they will choose one into which they will pour their support.

For the United States, a decentralized system brings many strengths, not weakness. Sectors that need standards immediately can write them; others that can wait 5 years can write them in 5 years. This decentralized standards system has served the United States, and the world, very well for over 100 years.

6. The United States features differing state requirements

True. A fact arising from the US Constitution. Different sectors are affected differently and use different strategies to address this concern. For example, in the petroleum field, the American Petroleum Institute has some 30 state offices to assist with compliance with state regulations. Also in this same field, in the case of marketing operations (gas stations, etc.) the regulations/issues are mostly local, while in other areas (pipeline transportation, exploration and production) the regulations are mostly federal.

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