

No.	Questions	Answers
1.	Do you think that service standards (including process standards) and alternative standardization documents should be included in the scope of Directive 98/34/EC or its successor?	<p>We are in doubt in the intention of the question. Regarding the service directive, the health and safety area are not covered by the Directive (2006/123/EC) Article 1.6.</p> <p>Hence standards pursuant to the Service Directive are not relevant to PSA and we do not have comments to this question.</p>
2.	Are you aware of specific cases where national service standards and alternative standardization documents have caused technical barriers to trade?	Not to our knowledge.
3.	For areas other than Information and Communication Technology (ICT), should it be possible to refer to documents developed by fora and consortia in legislation and public policies? If it should, how should it be implemented?	<p>Yes, it should be possible to use standards developed by NSBs subject international consensus in a transition period until European standards can be or has been developed. The procedures must however be the same when adopting documents issued by the NSO.</p> <p>For your information, the PSA have extensively use of standards in our framework. For further information, see Annex to this reply form.</p>
4.	How could ESOs and NSOs be encouraged to accelerate their standards development process? Should for example the Community financing for standardisation be subject to conditions in terms of speed of delivery whilst maintaining the openness of the process?	On the national arena, the NSOs should have sufficient budget funds to finance some of the costs associated with standardization work, particularly the costs involved in participation in standardization meeting. Trough improved founding; acceleration of work items could be obtained. One should also pursue more efficient collaboration procedures, including the focus on increased networking systems.
6.	Should the WTO principles of transparency, openness, impartiality, consensus, efficiency, relevance and consistency ¹² be integrated in the legal framework of European standardisation (especially in EU Directive 98/34/EC or in its successor)? How should this be implemented?	In our view all sound principles like transparency, openness, impartiality, consensus, efficiency, relevance and consistency should be pursued, but we do not have any proposals to how this could be implemented in directives and legal framework.
7.	How could the participation of consumer organisations, environmental NGOs, trade unions and social partners, and SMEs be best promoted? What should be the role of public authorities (European Commission and Member States) in supporting such a participation in a transparent, open, impartial, consensual, efficient, relevant and	In our opinion standards will have the best quality and be best targeted when developed in cooperation with all parties involved in the use of the standard. Information and awareness of the standardization work and the implication of standards will also help in enhancing participation. See also the reply to question 4 regarding increased participation and acceleration of standardization projects.

	consistent European standardisation system?	
7.	How could the NSOs (National Standards Organisations) deepen their cooperation, and mutualise their activities? Could the following tasks be shared amongst several NSOs? <ol style="list-style-type: none"> 1. Management of the Secretariats of Technical Committees? 2. Notification of new national standardisation projects? 3. Promotion/sales of standards? 4. Other? 	We suggest this line of thoughts should be pursued further.
8.	Without prejudice to the national delegation principle, how could the European Standards Organisations (ESOs) manage directly, on a case by case basis, some standardization activities, especially some Technical Committees?	No comments.
9.	What support should the European Commission provide to facilitate the use of European standards as a means to open global markets? What would be the operational means that the Commission should use? (Support experts' participation in international standardisation activities, translation of European standards into extra-community languages?)	The Commission could look into the following elements; <ul style="list-style-type: none"> • To provide for easier access • To make the standards more affordable to users • To facilitate translation into local languages.
10.	Under which conditions do you think that the European Commission could launch, on a case by case basis, calls for tenders, open to the ESOs and to other organisations, to develop standards supporting EU policies and legislation?	It must be a clear mandate for the work and only the formal standardization organizations as ESO, NSO and ISO/IEC should be invited to submit the tender.
11.	What is, in your view, the most efficient level of participation in the process of standards development: national, European, international	The higher / fewer levels, the better.
12.	In your opinion, where is the major added value in European standardisation with respect to national standardisation?	More efficient use of resources and less documents for the industry to adhere to. Facilitates cross border harmonization.

13.	What are, in your view, the most serious barriers to the use of standards by enterprises: costs of standards (purchasing price)? Costs of operational implementation? Access to information? Knowledge of existing standards?	We suggest the overview of which standards are available and standard being in process of being developed, the share volume of standards/ normative references and the costs associated with use. Locally it is also a question of language used in the standards.
14.	What could the standards organisations do, in addition to their current practice, to facilitate the access to standards, especially by SMEs	See answer question 13. Could use of standards be free of charge?

APPENDIX

“Petroleum Safety Authority” (Reference to the OGP report “Regulators’ use of standards”, section 13.1)

The Petroleum Safety Authority Norway (PSA) is responsible for developing and enforcing regulations which govern safety and working environment in the petroleum activities on the Norwegian continental shelf and associated land facilities. The regulations assume that the activities maintain prudent health, environmental and safety standards. They are developed to be a good tool for the industry and for the authorities’ supervision. Therefore, the regulations contain a large degree of functional requirements where standards and norms specify the regulations’ level of prudence.

Therefore, the Norwegian offshore regulations rely heavily on national and international standards. An effort was made a few years back to revise the regulations to become functionally, with guidelines to suggest how the regulations could be fulfilled. This effort resulted in a significant reduction of regulatory text (from 1200 to 300 pages) on account of references to standards. In the same timeframe some of the text in the previous regulations was used as basis for the development of the industry NORSOK standards.

This report provides some excerpts from the five main Norwegian offshore regulations with guidelines and their way of making use of and references to industry standards and norms, including lists of these references as of October 2008.

The Framework Regulation of 31 August 2001 (revised 6 June 2008) is jointly issued by Petroleum Safety Authority Norway (PSA), Norwegian Pollution Control Authority (SFT) and Norwegian Social and Health Directorate (NSHD).

The guidelines to the respective regulations recommend solutions, inter alia in the form of industry standards, as a means of fulfilling the requirements contained in the regulations. The recommended solution becomes the recognised norm by way of this recommendation in the guidelines to the regulations. If a recommended solution is opted for, it will constitute a key basis for documenting fulfillment of official requirements. First, some general principles are included in Section 8 on Prudent petroleum activities in the guidelines in the Framework Regulations (http://www.ptil.no/framework-hse/category408.html#_Toc249166723), which reads as follows: “

This is a fundamental provision for the petroleum activities, and it largely carries forward current law, cf. inter alia the Petroleum Act Section 10-1 and the Working Environment Act Section 4-1, cf. also the other sections of Chapter 4 and the previous Safety Regulations Section 9 on prudent activities which applies in both the health and safety area. As regards health-related aspects attention is drawn to Section 12 on health related matters with comments.

The term “prudent” as used here entails no substantive change in relation to the term “fully satisfactory” as employed in the Working Environment Act. The term

‘activity/activities’ as used here means the same as in the Working Environment Act, i.e. it is approximately synonymous with “establishment” or “undertaking”. The requirement of the first paragraph as to an overall assessment is based on the conception of a coherent view of health, environment and safety for the individual activity. The opportunity to undertake coherent assessments will vary from activity to activity based on what factors are to be taken into account. The first paragraph second sentence states that in addition to other relevant factors account shall be taken of the activity’s distinctive characteristics, local conditions and operational premises. The outcome of an individual and overall assessment may for example be that factors such as noise and climatic conditions should not be regarded as isolated factors, and that the responsible person should as far as possible assess the overall strain that the individual factors may entail. In the sphere of the Working Environment Act the requirement addresses all factors that may have a bearing on the employees’ physical and mental health and welfare. What measures the individual activity needs to initiate to fulfill the requirement as to) prudent petroleum activities follows from the requirements of the health, environment and safety legislation. However, the requirements must be viewed in relation to the fact that levels of health, environment and safety should be further developed, inter alia in relation to technological developments, cf. the second paragraph and the authorizing acts’ purpose clauses.

It follows from the Petroleum Act, the Pollution Control Act, the Working Environment Act and the health legislation that the level of health, environment and safety described in the second paragraph should be developed in step with technological developments, and also with the general development of society, cf. the purpose clauses and requirements as to satisfactory/prudent activities in the authorising acts.

In order to lay the basis for this to happen the authorities have largely turned to the regulations’ function requirements, which describe what is to be achieved rather than provide concrete solutions. At centre-stage when establishing the regulations’ required level of health, environment and safety is, alongside the wording of the regulations, the authorities’ interpretation of the body of rules, individual decisions made and guides provided by the authorities. Customary practice in the industry, requirements and specifications emerging in other documents such as nationally and internationally recognized industrial standards, for example standards drawn up under the auspices of CEN, CENELEC, ISO AND IEC, will also be normative. The same applies to industry standards prepared under the auspices of Norsok and API etc. In addition, there are rules drawn up by classification institutions, and rules drawn up by other public authorities that do not apply directly to petroleum activities but which nonetheless are relevant to the area in question. The same is true of official requirements that are not directly applicable to petroleum activities but regulate

corresponding or contiguous areas, for example requirements laid down by the Maritime Directorate, the Labour Inspection, etc.

Other Norwegian legislation may also be relevant as a source of law for supervision of petroleum activities. Attention is drawn to the Petroleum Act Section 1-5 which gives other Norwegian law effect in petroleum activities.

Attention is drawn to Section 18 on documentation as regards the use of standards in the health, work environment and safety area that the Norwegian authorities recommend in comments to the supplementary regulations. ”

The Framework Regulations Section 18 on documentation and the appropriate guidelines, with quotes as follows.

“When the party responsible makes use of a standard recommended in the guidelines to a provision of the regulations, as a means of complying with the requirements of the regulations in the area of health, working environment and safety, the party responsible may as a rule take it that the regulation requirements have been met. When other solutions than those recommended in the guidelines to a provision of the regulations are used, the party responsible shall be able to document that the chosen solution fulfils the requirements of the regulations. Combinations of parts of standards shall be avoided, unless the party responsible is able to document that an equivalent level of health, working environment and safety is achieved. ”

The Guidelines to Section 18 Documentation reads a.o.:

“The guidelines to the regulations provide guidance on the requirements of the regulations designed to promote understanding of and compliance with the requirements, including suggestions as to how the requirement can be complied with. This does not prevent standards or other recognised norms from being applied where relevant in order to fulfill a requirement set out in the body of rules, so long as the requirement is met. ”

Application of recommended standards in the area of health, working environment and safety
The authorities ’ recommended solutions are stated in the comments to the individual sections of the supplementary regulations. The authorities recommend use of various industrial standards or other normative documents, in the event with supplementary items contained in the comments, as a means of fulfilling the regulations ’ requirements. Normative documents are referred to by date of publication and publication/revision number, for example NORSOK R-003N Lifting equipment operations, Revision 1, October 1997. The recommended solution becomes the recognised norm by way of this reference in the comments to the regulations. In areas where no industry standards have been published, or such standards have not be regarded as satisfactory, the authorities in certain cases offer in the comments to the provisions solutions that indicate ways of fulfilling the requirements. Such recommendations have the same status as the recommended industrial standards

mentioned above. According to the second paragraph, the party responsible can as a rule assume that the recommended solution fulfils the requirement of the regulations in question.

Use of recognised standards is voluntary in the sense that other technical solutions, methods or procedures can be opted for provided the party responsible can provide documentary proof of compliance with the requirements of the regulations, cf. third paragraph. In the event of other solutions being used than those recommended in the comments to a provision contained in regulations, the party responsible must, under the third paragraph, be able to provide documentary proof that the solution chosen fulfils the requirements of the regulations. To obtain the best possible understanding of the level that it is desired to achieve through the regulations, the regulations and the comments need to be viewed collectively. Norms that are recommended in the comments will be central factors in interpreting the individual requirements of regulations and when establishing the level for health, working environment and safety. Combinations of parts of norms should be avoided, unless the party responsible is able to document that an equivalent level in relation to health, working environment and safety is achieved.

In the comments to the supplementary regulations the terms ‘should’ and ‘may’ are used when reference is made to recommended solutions to fulfil the requirements of the regulations. In that connection these terms mean the following:

Should means the authorities’ recommended manner of fulfilling the function requirement. Alternative solutions with documented equivalent functionality and quality can be employed without being submitted to the authorities for approval.

May means an alternative, equivalent manner of fulfilling the function requirement, for example where the comments recommend using maritime norms as an alternative to a NORSOK standard.

When the industry or other parties publish standards, such standards are normally expected to be applied to new facilities and the sphere that the standard describes. Hence where the authorities recommend using such standards it is not the intention to go beyond the premises laid down for the standards, unless this is specifically stated.

In the event of major rebuilding or modifications of existing facilities, the new standards should be applied. Where the new standards are not considered appropriate, this should be justified on safety grounds. Safety grounds for not applying new standards may for example be that applying new standards to existing solutions is considered to entail a particular risk. Existing facilities are facilities where plans for development and operation (PDO) have been approved, or a specific license for installation and operation (PIO) has been granted, cf. the Petroleum Act Section 4-2 and Section 4-3 respectively, or facilities that have been authorised to carry on petroleum activities. Where mobile facilities are concerned, it is assumed that a facility is new when new consent is sought, in the same way as under the safety rules that applied up to the point when these regulations came into force.”

Annex F1 provides a list of all standards referred in the most relevant guidelines to the regulations. No references to standards are made in the regulations themselves, as that would create an administrative burden on PSA when operators or others wanted to seek deviation from details in the standards referred to. Now, with the references to the standards in the guidelines, it is up to the operators to make his own assessment and judgement on any deviation in respect of the regulations and document his decision for later references, e.g. in the case of an audit by the regulators. The Framework Regulation, Section 3, establishes the general rule that maritime rules can provide an alternative basis to the petroleum rules within certain areas.

As can be seen from the above excerpts and particularly Annex F1, the Norwegian regulators makes extensive use of national and international standards and thus places a large responsibility on the standards makers to set the detailed requirements for the installations in the Norwegian sector of the North Sea. This is a challenge that should to be clearly understood by the Standards Development Organizations and the industry supporting their work.