

Brussels, 2017-10-05

CEN and CENELEC comments on the Slovak draft Act

Notification number: 2017/322/SK

CEN and CENELEC welcome the possibility to comment on the Draft Act on technical standardisation, amending Act No 264/1999 and other Slovakian acts on technical requirements for products and conformity assessment.

As a general remark, CEN and CENELEC acknowledge the effort made by the Slovakian authorities in clarifying the main requirements and obligations for the Slovak national standardization body (the "Office") with regards to the standardization activities at European level.

We particular welcome the statement under §4 (2) a) regarding the requirement for the "Office" to meet the obligations arising from its membership in the European standardisation organisations and international standardisation bodies. This will be particularly relevant in the framework of the independent assessment exercise that will be run on the compliance to the CEN-CENELEC bylaws by the "Office", including the CEN-CENELEC criteria for membership (see, for instance, the role, composition and organisational framework of the Council (§5 (5))).

CEN and CENELEC also welcome the following clarifications:

- The compliance with Slovak and European standards is voluntary (§3 (10));
- The recognition of the copyright licencing rights of reproduction and distribution provided to the "Office" by CEN and CENELEC on their respective European Standards document (see: §14 (3), (4) and (5)).
- The recognition that Slovak and European standards and their amendments shall be provided for a fee (§15 (1)).

We would however draw the attention to some inaccuracy in the English translation of the text of § 14 8). §14 refers to the authorization by the Office to reproduce or distribute part of a Slovak and European adopted standard.

§14 8) states that for educational purposes the Office, *"shall grant permission for citation of a passage from a Slovak technical standard or technical standard*

*information document free of charge without delay, no later than within ten days of receiving the application for granting the permission (...)*". [emphasis added]

We draw the attention that the inaccuracy in the English translation of the underlined word may lead to some misunderstanding. Indeed, the Slovak text refers to "časti", which should be translated as "*part*" of a standard", not as "*passage*" of a standard".

Considering that the Office will be under the obligation to accept any of such requests of reproduction of a Slovak -but also of an European- standard ("*shall grant permission for citation...*"), the exact definition of the meaning "part" of a standard becomes highly relevant.

If we accept that the word "part" of a standard is the correct translation of "časti", then we face a rather vague definition on how much copyrighted text can be legitimately reproduced for a *fair use*. Indeed, "part" may actually be interpreted as a small paragraph, but also most -if not all- of the relevant text of a standard.

With this in mind, we urge the Slovak authorities to clarify this aspect in order to ensure that the "Office" will be able to licence such use for educational purposes while respecting the copyright rules established by CEN and CENELEC on their European standards.