

## ANNEX II

**REQUIREMENTS FOR THE IDENTIFICATION  
OF ICT TECHNICAL SPECIFICATIONS**

1. The technical specifications have market acceptance and their implementations do not hamper interoperability with the implementations of existing European or international standards. Market acceptance can be demonstrated by operational examples of compliant implementations from different vendors.
2. The technical specifications are coherent as they do not conflict with European standards, that is to say they cover domains where the adoption of new European standards is not foreseen within a reasonable period, where existing standards have not gained market uptake or where these standards have become obsolete, and where the transposition of the technical specifications into European standardisation deliverables is not foreseen within a reasonable period.
3. The technical specifications were developed by a non-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ICT technical specifications and which is not a European standardisation organisation, national or international standardisation body, through processes which fulfil the following criteria:
  - (a) openness:

the technical specifications were developed on the basis of open decision-making accessible to all interested parties in the market or markets affected by those technical specifications;
  - (b) consensus:

the decision-making process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity;
  - (c) transparency:
    - (i) all information concerning technical discussions and decision making was archived and identified;
    - (ii) information on new standardisation activities was publicly and widely announced through suitable and accessible means;
    - (iii) participation of all relevant categories of interested parties was sought with a view to achieving balance;
    - (iv) consideration and response were given to comments by interested parties.
4. The technical specifications meet the following requirements:
  - (a) maintenance: ongoing support and maintenance of published specifications are guaranteed over a long period;
  - (b) availability: specifications are publicly available for implementation and use on reasonable terms (including for a reasonable fee or free of charge);

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1025/2012 of the European Parliament and of the Council, ANNEX II. (See end of Document for details)*

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- (c) intellectual property rights essential to the implementation of specifications are licensed to applicants on a (fair) reasonable and non-discriminatory basis ((F)RAND), which includes, at the discretion of the intellectual property right-holder, licensing essential intellectual property without compensation;
- (d) relevance:
  - (i) the specifications are effective and relevant;
  - (ii) specifications need to respond to market needs and regulatory requirements;
- (e) neutrality and stability:
  - (i) specifications whenever possible are performance oriented rather than based on design or descriptive characteristics;
  - (ii) specifications do not distort the market or limit the possibilities for implementers to develop competition and innovation based upon them;
  - (iii) specifications are based on advanced scientific and technological developments;
- (f) quality:
  - (i) the quality and level of detail are sufficient to permit the development of a variety of competing implementations of interoperable products and services;
  - (ii) standardised interfaces are not hidden or controlled by anyone other than the organisations that adopted the technical specifications.

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