

**ESE technology has presented
solid scientific empirical validation,
while lobbyist tried to create trade barriers
through standardization.**

**by
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President of Portuguese 81 lightning protection committee**

Usually new technologies find detractors and opposition in their beginnings. This reaction is understandable, good and necessary if constructive. But the active opposition, by all means, to technological improvements or changes, sometimes hides the protection of well established commercial interests of the companies that did not attempt to develop this new tech and, therefore, do not hold patent rights on it.

ESE technology started its development in the beginning of 80's. For this reason, the case of the leading group of ESE LPS opponents is getting out of the ordinary because their crusade is getting close to 3 decades: too long to stay anchored in this position, persisting in the same topics and not realizing that time have shown, by the overwhelming positive experience accumulated by this lightning protection system, that their criticisms were unjustified.

This leading group of ESE opponents is a conglomerate of well known conventional lightning protection companies and some ICLP executive members who, at the same time, are former or current officials of TC-81 and TC81X standardization committees.

It is very important to make clear something essential: the scientific validation of conventional lightning protection systems is just empirical.

ESE lightning protection system has also an overwhelming empirical validation: more of 25 years of existence and 550.000 worldwide installed systems, which means four million six hundred thousand years of accumulated experience. But instead of recognizing this conclusive reality, during the last two years and with the aim to create trade barriers, the anti-ESE lobby has concentrated its efforts fighting against the ESE national standards that are in force at several European countries members of CENELEC (see <http://www.intlpa.org/ilpa.html>).

This group, utilizing all their terminals of influence, has tried to force the withdrawal of the ESE European national standards by a loose interpretation of the administrative procedures of CENELEC. The spurious argument they have used was based on a rule of CENELEC which establishes that, when a common CENELEC European standard is published, all conflicting national standards should be withdrawn in a term of 3 years since the publication of the CENELEC one. Conflicting standards are defined by CENELEC internal rules as standards with the same scope.

In February 2006, EN 62305 series were published by CENELEC, where only external passive protection (meshed conductors, Franklin rods and stretched wires) were considered. But ESE opponents interpreted (!!!) that as far as the EN 62305 and the ESE national standards were related to lightning protection, the ESE national ones should be withdrawn before February of 2009.

This claim was not accepted by the National Standardizations Bodies of the European countries having national ESE standards, because ESE is obviously a different lightning protection system from the ones considered in EN 62305 series and therefore conflict was nonexistent and the standards kept in force.

The national position of these European countries was explained to CENELEC authorities, who in their following semi-annual Bureau Technique meeting (BT 134) held in Vilnius, April 2009, did not accept the claim of the anti ESE opponents.

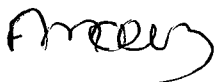
Of course, the opponents were not very happy with this resolution and started then a new campaign trying to deform the decisions taken at Vilnius, by giving misinformation on internet as well as asking in a threatening way to CENELEC the acceptance of their claims.

However, in its following meetings (BT-135 Brussels November 2009) and (BT-136 Cyprus April 2010) CENELEC reaffirmed their BT-134 decisions on this matter.

Commercial competition must serve to get better products or services at best prices and standardization works should not be used as a tool to try the easy elimination of competitors by creating artificial barriers to technology.

Finally let us recall another case of unsuccessful attempt to create barriers through the misuse of the standardization: the case of Slovenian standards where a sentence was introduced to hinder the use of ESE in that country. The Slovenian government was ordered to withdraw this barrier accomplishing the European Commission decision on infringement of the EC Treaty, although still remains some inequitable requirements, i.e. additional revision only for ESE, that must be removed from the national Slovenian regulation in order to comply fully with the EC Treaty.

Lisbon, June 2010.

A handwritten signature in black ink, appearing to read 'Amey'.