

Guidance - Characteristics of the CEN-CENELEC Workshop Agreement and CEN-CENELEC Workshop guidelines

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1. Scope

The text below details the characteristics of the CEN-CENELEC deliverable known as the 'CEN-CENELEC Workshop Agreement'.

The concept of the CEN-CENELEC Workshop Agreement (CWA), adopted in 1997 (CEN BT 78/1997 and CEN CA 31/1997) and initiated in the ICT area, was extended in 1999 to the non-ICT area (CEN CA 9/1999). During 2003, the Business Model for CWAs was systematically considered, resulting into a revised CWA Business Model (CEN BT 20/2003 and CEN CA 11/2003). As a means of implementing the new Business Model, use will be made of a Service Contract between CEN-CENELEC and the CEN-CENELEC Members, concerning the development, contracting and management of CEN-CENELEC Workshop secretariats.

2. The CEN-CENELEC Workshop Agreement

CEN-CENELEC launches Workshop Agreement

CEN (Comité Européen de Normalisation) and CENELEC (Comité Européen de Normalisation Electrotechnique) have introduced a publication: the CEN-CENELEC Workshop Agreement (CWA). This publication is intended to satisfy market demands for a more flexible and timelier alternative to the traditional European Standard (EN), but one which still possesses the authority derived from the openness of participation and agreement inherent in the operations of CEN or CENELEC and their national members. It is this openness that distinguishes the CWA from documents developed by industry consortia featuring limited participation (such documents are commonly known as de facto standards).

Participation in CEN-CENELEC Workshops

The CEN-CENELEC Workshop Agreement is developed by the participants in a CEN-CENELEC Workshop who are interested in developing one or more reference documents where neither the lack of openness of a de facto standard nor the additional rigour of an EN is judged to be appropriate. Participation in a workshop will be open to anyone, non-Europeans being welcome, and the opportunity to participate will be widely advertised in advance by its proposers and by CEN-CENELEC and its member bodies.

Wider market approval for de facto standards

Industry consortia will be able to seek the wider market approval of their documents by submitting them to the workshop process.

Advancing CWAs to ENs

The CWA may be further developed into an EN (if such additional authority is required by the market), by transferring it into the traditional CEN-CENELEC committee process.

CEN-CENELEC meets market needs

Thus, the CEN-CENELEC Workshop Agreement meets market needs in bridging the gap between consortia documents and European Standards, providing openness in process and wide visibility of the CWA to all market players.

This document details the characteristics of the CEN-CENELEC deliverable known as the 'CEN-CENELEC Workshop Agreement' (or acronym 'CWA') and the process leading to its development. These are general characteristics which are supported by detailed rules for the operation of the CEN-CENELEC Workshops that are responsible for the development of the Workshop Agreements.

The CEN-CENELEC Workshop Agreement is a technical agreement, developed by an open workshop structure within the framework of CEN-CENELEC and owned by CEN-CENELEC as a publication, which reflects the consensus of only the registered participants responsible for its contents. The Workshop Agreement therefore does not represent the level of consensus and transparency required for a European Standard (EN) and is not designed to support legislative requirements (e.g. the New Approach) or to meet market needs where significant health and safety issues are to be addressed. It is instead designed to offer market players a flexible and timely tool for achieving a technical agreement where there is no prevailing desire or support for a standard to be developed.

Moreover, the market players wishing to participate in the Workshops are not limited to the geographical confines of Europe. This is a direct response, both to the increasing globalization of trading patterns, and the influence of consortia in the development of international technical agreements outside the formal standardization system.

The conditions that have to be met in the development phase of the Workshop Agreement are deliberately light to facilitate its elaboration. CEN-CENELEC ask that the content of the Workshop Agreement does not **conflict** with existing European Standards (see also clause 2.1); however, this does not mean that a CEN-CENELEC Workshop Agreement cannot **compete** with the requirements of a European Standard nor indeed compete against another CEN-CENELEC Workshop Agreement. A CWA must be withdrawn if publication of an EN brings the CWA into conflict with the EN.

The operation of the Workshops themselves is entirely separate from the traditional Technical Committees responsible for the development of CEN-CENELEC standards, although this must not be interpreted as meaning there cannot be an interface between the Workshops and the Technical Committees. An established CEN-CENELEC Workshop Agreement can be proposed for conversion to an EN on condition all the characteristics of an EN and the standards development process is followed; similarly, the members of a Technical Committee might encourage the creation of a Workshop to address a market need it cannot meet through the development (or revision) of an EN or an CEN-CENELEC TS.

2.1 Initiation and acceptance ([see also Flowchart](#))

The proposal to create a CEN-CENELEC Workshop shall be specified in a Business Plan, drafted in accordance with a template.

The Business Plan shall define the CWA projects to be developed by the Workshop; the timescale for each project; whether the project is to be submitted to a comment phase and its duration; the language versions in which the CWA is to be published; the participants in each project; the resource requirement for each project and whether this is to be provided voluntarily by the participants or funded.

The Business Plan shall normally be submitted to public comment for a minimum of 60 days, and sent to the CEN-CENELEC members, unless, any of the following cases apply:

1. where the proposed secretariat of the WS and CCMC have identified a Technical body at European or International level (ISO, IEC, CEN and/or CENELEC) dealing with a topic similar to the proposed WS;
2. where the proposed secretariat of the WS and CCMC have identified management system's aspects to be dealt with in the WS, the proposed Workshop secretariat and CCMC prepare a justification in accordance with ISO Guide 72:2001 "Guidelines for the justification and development of management system standards". This justification shall be circulated as an annex to the draft Business Plan;
3. where the proposed secretariat of the WS and CCMC have identified Conformity Assessment's aspects to be dealt with in the WS, the proposed Workshop secretariat and CCMC respect the corresponding ISO CASCO toolbox documents* and may ask CEN-CENELEC TC 1 for guidance;

*Link with ISO CASCO 17007 "Guidelines for drafting normative documents suitable for use for conformity assessment".

4. where the proposed secretariat of the WS and CCMC have identified safety aspects [1] to be dealt with in the WS.

Note [1]: In CENELEC, safety matters are excluded from being the subject of Workshop Agreements

The Business Plan is then submitted to BT for review within 4 weeks and no information is circulated with regard to a Kick-Off meeting date [2]. If no concerns are raised by any of the BT members, the Kick- Off meeting date is announced and the BP is posted on the Web site for 60 days. If concerns are raised in relationship with one of the cases listed above, CCMC shall deal with the concerns with the relevant BT member and the proposed Secretariat and the Workshop proposers within 2 weeks. If no solution is found, the issue shall be put to the attention of the CEN or CENELEC BT for decision.

Note [2]: In CEN, the 4 weeks review by BT is carried out in accordance with the process for adoption of a BT resolution by correspondence

The Kick-Off meeting shall otherwise take place at least 60 days after the publication of the proposal. Any comments received during this period shall be considered with the proposed Secretariat and Workshop proposers. The Kick-Off meeting will seek to reach consensus on the Business Plan amongst the participants.

The Chairperson of the Kick-Off meeting shall be agreed between the proposers and CCMC. The Secretariat to the Kick-Off meeting may be provided by CCMC or a CEN-CENELEC Member.

Where the resource requirement is to be funded, the repartition of funding among the participants shall be defined. The business plan shall allow processes for new participants to join the Workshop up to and including the end of the drafting phase (see 2.2)

All the elements of the adopted business plan shall be respected by the Workshop and its participants.

CCMC shall record the organizations of those participants who support adoption of the CWA in the CWA's foreword. This is to allow CEN-CENELEC to demonstrate the support of identified market players in the approval and publication of the CWA. A practical approach is to include the following sentence into each foreword:

"This CWA has been approved by participants from the following organizations:"

CEN-CENELEC copyright and exploitation right principles also apply to CWAs. The principles of the IPR policy apply to participation in Workshops. Registered participation in a Workshop is subject to having accepted the transfer of exploitation rights to CEN-CENELEC.

The development of the CWA project may be undertaken directly by the Workshop or by a Project Group (which may be a virtual group) responsible to the Workshop. The Kick-Off meeting shall decide the Workshop Chairman; confirm the Workshop Secretariat (which shall be held by a CEN-CENELEC Member or exceptionally by CCMC); appoint any other officers; the Chairman and Secretariat of any Project Groups shall be immediately nominated.

The Workshop Secretariat should be allocated to a particular CEN or CENELEC Member if that CEN or CENELEC Member is the first point of contact with the client; if the proposal clearly emanates from that Member's country; or if the proposal falls within the domain of a TC already held by that Member.

For other proposals, where there is only a single candidate, the secretariat will be allocated to that member on condition that it has signed the Service Agreement with CCMC. Where there are two or more candidates, and if both or all have signed the Service Agreement with CCMC, the allocation will be made on the basis of the information provided by the member as to its suitability and after consultation with the Workshop sponsor. CCMC should ensure that the implementation of this simple rule does not unduly delay the progress of the Workshop proposal.

Meeting venues within countries of the CEN-CENELEC Members are to be preferred for the Kick-Off meeting.

2.2 Development

The Workshop Chairperson is responsible for ensuring the development of the CWA respects the principles of the adopted business plan and requirements of this document.

The Workshop Secretariat shall bring major problems encountered in the development of the CWA to the attention of CCMC in order for solutions to be found. Irrespective of the above, any CEN-CENELEC member may exercise the right of appeal in accordance with the CEN-CENELEC IR Part 2, clause 7 including where this Guidance document is not observed.

The adopted business plan will define the languages in which the CWA is to be drafted and published. At least one must be an official language of CEN-CENELEC (English, French or German). Drafting in one language shall be permitted.

The **conflict** with European standards shall not be permitted. The absence of conflict is a requirement to safeguard the overall coherence of the deliverables adopted by the European standards bodies and the credibility of European standardization in the market. The Workshop Secretariat shall contact CCMC in cases where possible conflict could arise from adoption of a CWA project.

A CWA is not required to follow the CEN-CENELEC Internal Regulations, Part 3. However, editors of CWAs are recommended to use the STD-Template and may ask the Workshop secretariat to provide them with it (link : <http://www.cen.eu/cenorm/workarea/downloads/downloads.asp>).

The following text shall be added in the Foreword of the CWA:

"The CEN-CENELEC Workshop Agreement is a technical agreement, developed by an open workshop structure within the framework of CEN-CENELEC and owned by CEN-CENELEC as a publication, which reflects the consensus of only the registered participants responsible for its contents. The Workshop Agreement therefore does not represent the level of consensus and transparency required for a European Standard (EN) and is not designed to support legislative requirements (e.g the New Approach) or to meet market needs where significant health and safety issues are to be addressed. It is instead designed to offer market players a flexible and timely tool for achieving a technical agreement where there is no prevailing desire or support for a standard to be developed."

An internal enquiry, managed by the Secretariat, shall be conducted in order to receive and process comments from the Workshop's participants.

The drafting phase shall be considered complete once the Workshop Chairperson believes consensus to have been reached among the Workshop participants on the content of the draft text of the proposed CWA.

2.3 Optional comment phase

Although optional, the use of an external comment phase is recommended to ensure as transparent a process as possible in the development of the CWA.

The commitment of a Workshop to submit a draft text to an external comment phase should be recorded in the Workshop business plan; however, a Workshop shall not be precluded from submitting a draft to such a comment phase, upon the agreement of its participants, even if a commitment to do so was not included in the business plan.

Where the CWA(s) is(are) developed using public funding, such external enquiry should be obligatory. In such a case, the CEN-CENELEC Members will be notified of the draft's availability on the CEN-CENELEC web site. The CEN-CENELEC members may undertake further necessary actions to make the draft available nationally.

Where the CWA(s) is(are) dealing with safety issues such external enquiry is obligatory.

The minimum duration of the comment phase shall be 60 days.

Comments shall be sent to the Workshop Secretariat at the conclusion of the comment phase and be reviewed by the Workshop participants (or Project Group).

The draft text may be revised following the review of comments. The revision stage shall be considered complete once the Workshop Chairman believes consensus to have been reached among the Workshop participants on the content of the revised draft.

2.4 Adoption and publication

When consensus has been reached by the Workshop participants on the content of the draft text, the Workshop Chairman shall seek the support of all participants in its formal adoption as a CWA including the support of those not present at the Workshop meeting.

The names and organizations of those participants supporting its adoption shall be recorded and sent by the Workshop Secretariat to CCMC for retention. The organizations supporting the CWA's adoption shall be listed in the CWA's foreword.

The Workshop Secretariat shall submit the agreed CWA text to CCMC. Submission of the text shall be in all the language versions in which the Workshop wishes the CWA to be published. CCMC shall add the CEN-CENELEC foreword and CWA cover page to the text and allocate an identifier in the format 'CWA xxxx' before circulating the text to the CEN-CENELEC Members for publication.

Publication of the CWA by the CEN-CENELEC Members may be through electronic media or paper, although the obligations placed on the individual CEN-CENELEC Members shall be limited to the announcement of the CWA in national journals and national catalogues.

The CWA is not assigned the status of a standard (as defined in EN 45020:2006) and hence the obligation placed upon CEN-CENELEC Members to withdraw pre-existing national standards in conflict with published CEN-CENELEC standards (i.e. the EN and HD) does not apply to the CWA.

CEN-CENELEC standstill (as defined in clause 5 of the CEN-CENELEC Internal Regulations Part 2) does not apply to the CWA or a CWA project.

2.5 Exploitation and sales rights

Exploitation rights in respect of CWAs shall be assigned to CEN-CENELEC and the CEN-CENELEC Members, and the Workshop Agreements shall be exclusive CEN-CENELEC copyright, except in cases where cross-licensing arrangements are negotiated with other organizations contributing copyrighted material.

The CWA shall be made available through the CEN-CENELEC Members who will be entitled to sales revenue. The primary responsibility for distributing a CWA should be with the CEN-CENELEC member managing the Workshop. Other CEN-CENELEC members should be entitled to distribute them as they wish.

2.6 Lifetime

The CWA should be valid for a limited duration of 3 years or until its transformation into another deliverable whichever is the sooner. When 3 years have passed, CCMC should consult the former Workshop participants to see whether a renewal of the publication for a further 3 years is appropriate; if not, the CWA shall be withdrawn.

CCMC should act as contact for issues arising from application of the CWA. CCMC should be empowered to contact any or all of the former Workshop participants in discharging this duty.

In the context of maintenance, CCMC is entitled to introduce minor changes to the published CWA text ensuring that these changes are supported by all organizations which are listed in the Foreword as having approved the CWA. If maintenance requires major changes, or in case an organization would disagree with the minor changes proposed by CCMC, there will be a need to create a new Workshop, with a CEN or CENELEC Member as Workshop secretariat.

3. Additional guidance material

3.1 Guidance on how to start a new CEN-CENELEC Workshop

3.1.1 First contacts

Contact should be made with a CEN-CENELEC National Member or with CCMC's unit that responsible for Workshops.

A CEN-CENELEC Workshop that enters the formal process for Workshop creation has to be described in the form of a document called the Workshop's Business Plan. It is recommended that a proposed Workshop is described by making use of the Business Plan template as early in the process as possible, to assist the discussions with CEN-CENELEC.

3.1.2 Funding the workshop

The price of the Workshop service offered by CEN-CENELEC is subject to prior negotiation with sponsors or proposers and the CEN-CENELEC Member that will take the Workshop Secretariat. There may be a fee for registered participation in the Workshop (as part of the Workshop funding process). If the European Commission is the Workshop sponsor, CCMC should be involved.

All costs related to the participation of interested parties in the Workshop's activities have to be borne by themselves.

3.1.3 The formal process

When the contents of the business plan in all its aspects has been agreed upon between CEN-CENELEC (CCMC and a CEN or CENELEC National Member) and the proposers, the Kick-Off meeting of the Workshop can be convened (see clause 2.1). This meeting has to be convened by minimally 60 days notice and requires the availability of the full Business Plan.

The formal launch of the Workshop happens at a Kick-Off meeting subject to sufficient support for the Workshop's Business Plan and the successful allocation of the roles of Workshop Chair and confirmation of Workshop Secretariat.

3.2 Guidance on CWA as final deliverable of CEN-CENELEC

3.2.1 CWA Copyright, patents, trade marks, Intellectual Property Right (IPR)

The CEN-CENELEC copyright principles also apply to CWA. (See guidance document GD - Copyright).

The principles of the IPR Policy are also applicable to CWA and CEN-CENELEC Workshops must be formally reminded of these principles.

3.2.2 Exploitation rights and assignment statement

The transfer of exploitation rights is made an integral part of the registration form of participants. The information is also included as relevant on web pages related to Workshops as a reminder. CWA exploitation rights are always granted to CEN-CENELEC NSB/NC, which have in all cases the right to publish and exploit them.

3.2.3 CWA on web sites

Under certain (exception) conditions, CWAs may appear on the CEN or CENELEC Members' and CEN or CENELEC web sites.

The Director General, on behalf of CA, may decide whether a CWA can be made available free of charge on these web sites. This is conditional on:

- a)** CEN-CENELEC system overhead and sales loss being compensated by the WS participants and this compensation being identified in the WS Business Plan;
- b)** this act of compensation by the WS participants being made clear to those accessing the CWA from these web sites;
- c)** a particular contractual arrangement between the European Commission/EFTA Secretariat and CCMC , subject to the agreement of CEN or CENELEC/CA (e.g. eEurope).

3.2.4 Numbering of CWA

The number is attributed in a unique CEN or CENELEC chronological order, independently of the status or nature of the deliverable, thus avoiding duplication of numbers and facilitating the possible later evolution of the deliverable. This permits that on the same subject e.g. CWA xxxx one day moves to CEN-CENELEC TS xxxx and/or to EN xxxx.

3.2.5 CWA Pricing

CEN or CENELEC members and CCMC are entitled to implement and price the CWA as with any other CEN-CENELEC publication.

See also CEN-CENELEC Guide 10: Policy for the distribution and sales of CEN-CENELEC publications in all formats

4. Supporting tools

- Internal Regulations - Part 2, A.2: CEN-CENELEC Workshop Agreement
- CEN CA 9/1999: Subject: CWA - CEN Workshop Agreements
- CEN BT 78/1997: Optimization - New CEN deliverables - CEN Workshop (WS) and CEN Workshop Agreement (CWA)
- Template of a CEN Workshop Business Plan (Word)
- CWA - Example of a title page (Word)
- Typical Workshop Secretariat Service (pop-up 1)
- Role of the Workshop Chairperson (pop-up 2)
- Profile - Workshop Project Team

Flowchart

