

CEN-CENELEC GUIDE 16

Request for EC financial support – Guidance to the secretariat/convenorship of the responsible technical body

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The present guide lays down some fundamental principles that were agreed between CEN MC, CLC/CS and the European Commission for the allocation of contracts dealing with financial support from the Commission in the context of mandated work. A first draft of this guide was adopted by the CENELEC Technical Board with Decision: D134/C058.

The CEN Technical Board approved a revised version of the document with Resolution 4/2009 and agreed to its publication as a CEN-CENELEC Guide. The revised document was adopted by CENELEC BT with Decision D134/C198. The General Assemblies of CEN and CENELEC approved the document by correspondence for publication as CEN/CENELEC Guide 16.



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Request for EC Financial Support – Guidance to the secretariat/convenorship of the responsible technical body

Introduction

Everywhere in the European Union, managing the money provided by tax payers through public funding requires extraordinary precautions. As a minimum, service providers are submitted to tendering processes to ensure that the tax payer gets the best value for his effort.

When CEN or CENELEC benefit from a contract of the European Commission to develop a standard, they manage public funding and distribute it to a number of players. Some of these players are cited in directives, for example the ESOs and their National Members. Because of this official appointment, they are not required to go through tendering processes. Some of the official partners they are obliged to deal with by law also benefit from this monopoly situation and are exonerated from tendering.

However, such is not the case of working group convenors or other market players appointed by the technical bodies, when they apply for a share of public funding to reward the work they perform as secretary to their groups. Experience has shown that the technical bodies must and do in effect perform tendering in such situation.

The purpose of this document is to provide a clear picture of these rules that already apply, but that are discovered by the technical bodies often too late, when the contract is already signed – and sometimes even worse: after the contract is closed, leading to the obligation to refund the European Commission partly or integrally.

The ambition of this document is to allow technical bodies to get a full picture of the obligations by which they will have to abide when evaluating whether to apply for public funding. In some cases, they will consider that the public funding is worth accepting constraints such as opening the Working Group convenor positions. In some other cases, they will consider that the funding is not worth such obligations, and they will perform the work on a strictly voluntary basis. In both cases, they will have taken their decision based on clear information, which is deemed an improvement as compared to the situation when this document was written.

1 Background

In the context of the negotiations between the European Standardization Organizations (ESOs) and the European Commission (EC) on the Framework Partnership Agreement (FPA), the EC raised some concerns associated with the EC financing for the mandated work to CEN and CENELEC and the respect of the principles laid down in the Financial Regulations of the European Community. In particular, worries were expressed about the openness and transparency of the procedures for the appointment of those convenors and secretaries in CEN and CENELEC technical bodies who are coming from industry or third organisations other than CEN and CENELEC Members in charge of the respective technical body.

Indeed, according to the current provisions of the Framework Partnership Agreement related to the EC financing of CEN and CENELEC technical bodies work, only the man/days cost of permanent staff of NSBs or NCs can be considered as eligible for EC financial support. Therefore, industry experts acting as convenors or secretaries can receive EC financial support only in quality of external “subcontractors”.

However, according to the EC Financial Regulations, any “subcontractor” financed under EC projects has to be selected following a tender procedure ensuring the necessary openness and transparency. As for the CEN-CENELEC Internal Regulations Part 2, the following provisions foresee that:

1.1 Art 3.2.3.2 Responsibilities of the Secretary (TC)

(extract)

The secretary, appointed by the member holding the secretariat, shall in consultation with the chairman ensure that the Technical Committee functions efficiently and, in particular, that agreed timetables are kept to. The secretary is responsible for ensuring that the CEN/CENELEC Internal Regulations are followed. (...)

1.2 Art.3.3.3.2 Responsibilities of the Secretary (Subcommittee)

(extract)

The secretary, appointed by the member holding the secretariat, has the same responsibilities as the secretary of a Technical Committee (...).

1.3 Art.3.4.2 Membership (WG)

(extract)

(...) Each Working Group shall have a convenor who is responsible for the proper conduct of the work, with or without the help of a secretary. The convenor is appointed by the parent body. (...)

2 Selection procedure

Against this background, in order to ensure the financial support from the EC, it is necessary to detail a dedicated procedure to be followed by the NSB-NC holding the secretariat/convenorship of the corresponding technical body (TC, SC, WG, BTTF, BTWG, PC, Workshop, Project Team) in all those cases where the following 3 conditions are met:

- 1) The concerned technical body is going to work for a standardization project where the co-financing from the European Commission is needed,
- 2) The current secretary and/or convenor of the technical body is/are external expert/s (e.g. industry); hence they fall under the “subcontractor” category according to the EC Financial Regulations,
- 3) The technical body intends to request financial support from the European Commission.

In case ALL these 3 conditions are met, before the project work actually starts, the following procedure must be launched, completed and duly documented:

- a) An open call for candidature to the post of convenor or/and secretary is launched by the NSB-NC holding the secretariat/convenorship of the corresponding technical body and put on its website. A corresponding notice in English will be sent to CENELEC/CS or CEN/CMC and a hyperlink shall be foreseen on the corresponding ESO website.
 - b) The deadline for receiving the candidatures (CVs) will be set at least 30 calendar days from the publication of the call on the NSB-NC website.
 - c) After publication of the call for candidatures, the NSB-NC constitutes a selection panel. Invitations shall be sent at least to the TC officers (convenors/secretaries) and experts of the concerned technical body, except in case of conflict of interest. A representative of the NSB-NC shall participate in the selection panel with voting rights. The selection panel shall appoint a chairman, who will be responsible of the reporting of the selection process.
 - d) The selection procedure itself shall be based upon a clearly identified grid of criteria associated with the requested task; the grid shall be defined and agreed by the selection panel on the basis of the following criteria and weight vote:
 - technical skills: 40 %
 - language (English) skills: 15 %
 - negotiating capacities: 10 %
 - knowledge of the rules and practices governing CEN-CENELEC technical work: 15 %
 - knowledge of the European and international framework related to the tasks to be assigned: 20 %
- The percentages are given as an example and may have to be adapted to the specific requirements of particular cases.
- e) The selection panel shall select the candidate with the higher score.
 - f) For future reference in the final project report, a report of the selection process shall be provided by the NSB-NC to CEN/CMC or CENELEC/CS with the name of the convenor/secretary selected and including:
 - print copy of the web call published by the NSB-NC,
 - all the CVs received,
 - the selection grid with the scores for each candidate duly completed and signed by all members of the selection panel.

During the selection process, it is also recommended that the corresponding ESO Secretariat (CEN/CMC or CENELEC/CS) is kept informed.

3 Implementation of the project and reporting

To be noted that the NSB-NC holding the secretariat/convenorship of the corresponding technical body (TC, SC, WG, BTTF, BTWG, PC, Workshop, Project Team) shall sign a contractual agreement with the ESO secretariat (CEN/CMC or CENELEC/CS) and commit itself to keep a record of all administrative and financial aspects associated with the subcontractors.

Therefore the concerned NSB-NC must ensure the overall coordination of the procedure and it has a contractual responsibility for the correctness of the appointment procedures for subcontractors.

During the implementation of the project, particular attention should be paid to the pieces of justification of the actual activities provided by the convenors/secretaries "subcontractors". Indeed, the costs of the convenors and secretaries will only be considered as eligible by the European Commission under the following conditions:

- a) the selected convenor or secretary signs a service contract with the NSB-NC holding the secretariat of the concerned technical body;
- b) the selected convenor or secretary fills out a timesheet, which shall be validated by the responsible NSB-NC and included in the project report.

Finally, to be noted that, depending on the contractual arrangements taken with the NSB responsible for the project, convenors/secretaries "subcontractors" may invoice to the project 100% of the his/her cost, or may decide to contribute to the co-financing of the project by invoicing only a part of the actual cost incurred.