



CEN-CENELEC GUIDE 3

CEN and CENELEC co-operation agreement

Edition 2, August 2009

In the context of the FLES exercise, and more particularly the implementation of its Recommendation 2 on “Safety valve mechanisms for solving technical disputes and providing arbitration”, a draft modification to the CEN/CENELEC Guide 3, prepared by the European Standardization System (ESS) Working Group Internal Regulations (Parts 2 & 3), was approved by CENELEC BT decision D124/115 and by CEN Resolution BT C28/2009. This draft was approved by the CEN and CENELEC General Assemblies for insertion in the second edition of CEN/CENELEC Guide 3.



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CEN and CENELEC co-operation agreement

Foreword

Based on:

- the ISO/IEC agreement of 1976,
- the mutual confidence gained in exercising the above-mentioned agreement,
- the commonly recognized need to represent together regional standardization in Europe towards intergovernmental institutions, organizations etc.,
- the need to coordinate the technical harmonization work for the benefit of all parties interested in European standardization,
- the need to reduce the common costs of their office activities through co-ordination of their daily work where appropriate,

CEN and CENELEC being two European organizations complementing each other and together forming part of the European Standardization System, have defined their relationship and co-operation by the following agreement which replaces the guidelines for co-operation originally contained in the 1977 edition of CEN/CENELEC Memorandum 3.

This second edition of CEN/CENELEC Guide 3 includes a new article addressing the solving of technical disputes between the two organizations and has been editorially updated to reflect the changed world in which CEN and CENELEC operate.

Article 1

CEN and CENELEC recognize the importance of a close co-operation between the two organizations, both organizations having the same legal status as constitutionally independent organizations, voluntarily co-operating.

Article 2

It is agreed between the two organizations that all questions relating to European standardization and certification in the electrical and electronic engineering fields are reserved for CENELEC, the other subjects being reserved for CEN (cf. Articles 11, 12, 13).

Article 3

In relation to other international organizations, CEN and CENELEC recognize the importance of co-ordinated activities and, when possible, common action.

In dealing with important problems of general policy which could influence their work, CEN and CENELEC seek to harmonize as far as possible the viewpoints of the two organizations.

Article 4

CEN and CENELEC recognize the importance of ensuring co-operation with a view to preventing duplication of efforts, engaging in programmes of mutual interest and benefit, and reducing insofar as possible costs of operation.

Article 5

CEN and CENELEC maintain offices under the same address and they will use, for activities agreed to be carried out in common, office paper carrying the names of both organizations to be signed by the official representatives of each organization.

Article 6

CEN and CENELEC co-operate in their daily work inter alia by using common office facilities and, where appropriate, office equipment which is purchased, rented and used in common in order to reduce the costs for each of the organizations.

Maintenance and repair costs of common property are shared.

Article 7

In matters of common interest towards the EC and EFTA both organizations agree to act in common, whenever possible, after consultation of their respective bodies and/or official representatives.

In any case, a full exchange of information is to be ensured by both organizations on such matters.

Article 8

The Presidents, Vice-Presidents and Secretary/Director General meet as frequently as necessary and at least once a year to review questions of common interest.

Article 9

Both organizations have agreed common rules for the presentation of European Standards (PNE) and will endeavour, where appropriate, to achieve common agreement on the presentation of other official documents.

Article 10

Any envisaged change by either CEN or CENELEC of Statutes, Internal Regulations or any other commonly agreed documents should take into account the desirability of unifying the rules of both organizations and should be indicated to the other party as early as possible in order to maintain to the greatest possible extent a unified approach to third parties.

Article 11

The demarcation of technical activities between ISO and IEC will be followed also by CEN and CENELEC, unless an agreement to the contrary is reached.

Article 12

If no work is planned or going on in ISO or IEC in a field where European standardization is necessary, the work shall be allocated to:

- CENELEC, if the products according to existing nomenclatures, or if the rules (for systems, installations, aspects etc.) to be drafted mainly concern electrical technology;
- CEN, in all other cases.

NOTE In case of doubt, the following document drawn up by the Commission of the European Communities should be consulted: "*Harmonized nomenclature for the foreign trade statistics of the EEC countries*" (NIMEXE).

Article 13

Where standards concern closely related electrical and non-electrical products (e.g. toys) or electrical and non-electrical aspects of systems or products (e.g. lifts), CEN and CENELEC should co-operate on the basis of specific arrangements ensuring that no double work is done and that the most efficient working methods are used, with common time-table.

Such arrangements prepared under the responsibility of the Secretary/Director General and agreed by the Presidents will be made known to the relevant bodies of both organizations.

Article 14

The mechanism for ensuring coherence with the agreed work repartition between CEN and CENELEC and for preventing overlap in case of dispute of ownership for an identified project is governed by the following sequence of events:

- Technical expert level:

As experience has proven that most so-called overlaps of work are based upon either a misunderstanding or a misconception about rules and proceedings, it is primordial that the involved technical bodies should clearly identify the problem issue and discuss a possible solution;

- CEN/CMC-CLC/CS level:

In those cases where the technical bodies fail to come to a consensus, the matter is raised with CEN/CMC and/or CLC/CS, who can call for a formal meeting at CMC-CS level with due involvement of technical body representatives. The outcome of any such debate is reported to both BTs for information;

- BT level:

Whenever the CMC-CS intervention proves to be unsuccessful, the problem is formally raised at both CEN and CENELEC BT level. If needed, a coordination meeting at BT level could be called by the Chairmen of both BTs;

- JPG level for final decision:

- the final decision for solving technical disputes remains between the Presidents of the organizations involved in the topic;
- the Presidents may establish under their own consideration an advisory WG composed of relevant experts and BT members in order to get the right technical advice.

Article 15

This agreement remains valid unless a request for modification is received. One year's notice shall be given.