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ILNAS/OLN/P001

Policy on participation in technical standards committees

Modification: The latest modifications are underlined or strikethrough

Southlane Tower I
 1, avenue du Swing
 L-4367 Belvaux
 Tel.: (+352) 247 743 40
 Fax: (+352) 247 943 40
normalisation@ilnas.etat.lu • www.portail-qualite.lu

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This policy aims to establish a general frame for the work on standardization. It defines the establishment of an *ad hoc* system allowing the participation of the Luxembourg economy actors in technical standards committees.

For the purposes of this policy, we mean by:

1° **Technical standards committee**: body, within national, European and/or international standards organization, working as a technical group of experts responsible for the drafting, writing or reviewing of a **normative document** by applying the principle of **consensus**. The term “technical standards committee” is, in this policy, a generic term that covers both the “technical committees”, “subcommittees”, “working groups”, “maintenance teams” or more;

2° **Consensus**: general agreement, characterized by the absence of strong opposition against the subject issued by any important part of the concerned interests and by a process seeking to take into account the views of all stakeholders and reconcile any divergent positions. Consensus does not necessarily imply unanimity [ISO/IEC Guide 2:2004];

3° **National technical committee**: **technical standards committee** within ILNAS;

4° **European technical committee**: **technical standards committee** within a European standards body;

5° **International technical committee**: **technical standards committee** within an international standards body;


6° **National mirror committee**: national mirror committee of a **European technical committee** or an **international technical committee**;

7° **Program of standardization work**: planning of standardization work established in accordance with the needs identified by the public and the private sector;

8° **Normative document**: document that provides rules, guidelines or characteristics for activities or their results. The term “normative document” is a generic term that covers such documents as standards, technical specifications, codes of practice and regulations provided in the Article 249 of the Treaty establishing the European Community. Is considered as “document” any resource of information with the information it carries [ILNAS modified law of July 4th, 2014]. In principle, technical standards are voluntary, but compliance with them may become mandatory by referring them, directly or indirectly, in a legislative act (by explicit reference or not);

9° **Luxembourgish registration**: notification by the Luxembourg standards body to an international standards organization of the following:

- a) participate actively in the standardization work of an international technical committee, which entails the obligation to vote on any question submitted to a formal vote in the technical committee or subcommittee, on enquiry drafts and final international standard drafts and take part in meetings [P-member], or
- b) follow the work within an international technical committee as an observer, which includes receipt of committee’s documents and the right to submit comments and to attend meetings [O-member].

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(Given the obligations related to the implementation of any European standard at national level within a specified period after its availability, national standards bodies must ensure their representation in **European technical committees** and have, by default, an access to all **European technical committees**);

10° **Standard draft**: preparatory and provisional document in the development of a standard, distributed for review and comments, that may change without notice and should not be cited as a published standard;

11° **Committee documents**: any document distributed within a technical standards committee via the committee's secretariat;

12° **Annual financial contribution**: monetary fee for those enrolled in technical standards committees, but not actively participating in work;


13° **Harmonization** (of national standards): prevention or elimination of differences between the technical content of standards having the same area, especially those that could result in barriers of trading. (The harmonization of these standards is achieved when the products manufactured according to the standard of a country may be considered as complying, without modification, to the standards of other countries and *vice versa*) [CEN/CENELEC Internal Regulations Part 2, Edition February 2017];

14° **Single Point Of Contact (SPOC)**: each working group within a technical standards committee will have to designate a SPOC, who will be in charge of coordinating the work of the working group in which he is active and of communicating with the Luxembourg standards body.

15° **Committee stage**: when a first standard draft, called committee draft (CD), is available, it is circulated for comments and vote to the members of the technical standards committee. This phase of standard development is called **Committee stage**. Several successive CDs can be examined until consensus is reached on the technical content of the document. Once this consensus has been reached, the text is finalized for submission as a European or international standard draft [ISO/IEC Directives, Part 1 and CEN/CENELEC Internal regulations Part 2, Edition February 2017];

16° **Enquiry stage**: after validation, a **European or international standard draft** is distributed to the stakeholders (national standards bodies) for voting and comment for a period of twelve (12) weeks. It is approved as a final draft if the criteria for approval of European and/or international standards organizations are met, otherwise the text is returned to the **technical standards committee** for further study and a revised document is distributed again for voting and comments as a standard draft. [ISO/IEC Directives, Part 1 and CEN/CENELEC Internal regulations Part 2, Edition February 2017];

17° **Approval stage**: the final draft is distributed to stakeholders (national standards bodies) for final vote "Yes" or "No" in a period of eight (8) weeks from the transition from the enquiry stage to the approval stage. If technical comments are received during this period, they are not taken into account at this stage, but they are registered for the future revision of the standard. The text is approved as a standard if the criteria for approval of European and/or international standards organizations are met. If the approval criteria are not met, the text is returned to the technical standards committee for further study in light of the technical arguments presented in support of the negative votes received [ISO/IEC Directives, Part 1 and CEN/CENELEC Internal regulations Part 2, Edition February 2017].

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I – National coordination of standardization work

The *Institut Luxembourgeois de la Normalisation, de l'Accréditation, de la Sécurité et qualité des produits et services* (ILNAS) is the Luxembourg standards body.

A - The executive committee of the Luxembourg standards body

Within ILNAS, the director, his deputy and the head of the standardization department, hereafter named as “executive committee”, are responsible for monitoring **the standardization work program** and its fast implementation. They are also responsible for any decision relating to registration in a **technical standards committee**.

The executive committee decides, following the received requests, of the participation within a **European or international technical committee** and the Luxembourg registration and participation within these committees.

The executive committee oversees the annual monitoring of the work progress by the **national mirror committees**, and may involve any decision concerning them.

~~The executive committee also has the right to cancel an existing registration to a **technical standards committee** in the event of a delegate's failure to notify a change in his/her personal data (change of employer, change of address, etc.) to ILNAS.~~

The executive committee also has the right to cancel an existing registration of a delegate to a **technical standards committee** if this delegate does not respect the applicable "Code of Conduct", or if this delegate missed to notify ILNAS about the modification of his/her personal data (change of employer, change of address, etc.).

B - The procedure of voting on draft standards


All the votes relating to the draft standards, circulated in the committee stage, are made by the **Chairman / SPOC (Single Point of Contact)** based on the consensus position taken internally by a **national mirror committee**, or by the person registered within a technical standards committee.

In accordance with the provisions of European and international standards organizations, only the Luxembourg standards body is entitled to vote on the **draft standards**, released in the **enquiry stage and/or approval stage**, based on the opinion of **national mirror committees** and/or people registered in a **technical standards committee**. This opinion has to be transmitted to ILNAS not later than three working days before the end of the voting period.

In the absence of a **specific national mirror committee** or registered people in a **European technical committee** for a given domain, the Luxembourg standards body votes in general “abstention”.

For **international technical committees**, the Luxembourg standards body will only vote to **standards drafts** in case there is a **Luxembourg registration in an international technical committee**, if a specific **national mirror committee** exists, or if people are registered to these international technical committees.

However, if additional or negative comments, not from the **national mirror committee** or people registered in a **technical standards committee**, are communicated to the Luxembourg standards body, the executive committee will be responsible for the evaluation of these introduced observations.

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The latter, in case of the absence of internal skills on the topic concerned and in order to provide qualified response to the comments, will ask opinion of one or more member(s) of a commission of experts already referenced within the ILNAS network, otherwise, depending on the availability, of an *ad hoc* national expert. Whatever the result of the examination conducted, the executive committee takes the final decision.

Note: In the absence of a qualified national expertise and/or clear position of a vote from the **national mirror committee** concerned, or a person registered in a **technical standards committee**, the Luxembourg standards body could then vote “abstain” on the **standard draft**, except for economic and/or security interests at the national level.

II – Following of the technical standardization work

A - Registration to a technical standards committee

The current conditions allow the free registration to a **technical standards committee** of any person who is active in the field that is within the scope of this committee and is recognized by the executive committee.

Any application for participation in a technical standards committee is recorded and processed by the Luxembourg standards body. There is no limit on the number of registrations to one **technical standards committee** from the same Luxembourgish economic entity.

Each candidate wishing to register to a **technical standards committee** (“technical committees”, “subcommittees”, “working groups”, “maintenance teams” or others within European and/or international standards organization) has to personally submit his application to the Luxembourg standards body. To do this, the candidate has to complete the relevant form (available on the Luxembourg standards body website). By filling out and signing this form, the applicant agrees to have read and approved, but also to meet the terms of this policy. In addition, the applicant declares and undertakes not to be registered or to register, throughout the duration of his/her registration as a national delegate, to the same **technical standards committee** through another national standards body.


The executive committee decides on whether to register the applicant or not after reviewing the personal folder of each candidate, while checking the relevance of a national, economic and/or scientific interest. If the registration is validated, the person automatically becomes part of the concerned **technical standards committee**.

The Chairman / SPOC shall be informed of the validation of registration or of the resignation of a delegate within a **national mirror committee**.

Each registrant has to respect the “Code of conduct” of the national, European or international standards organizations in which he/she participates:

- “CEN/CENELEC Code of Conduct for the technical work” for any registration in a technical standards committee of ILNAS (national), CEN and CENELEC (European)
- “ISO Code of Conduct for the technical work” for any registration in an ISO technical standards committee (international)
- “IEC Code of Conduct for the technical work” for any registration in an IEC standards technical committee (international)

~~comply with the provisions of the Luxembourg standards body and European standards bodies, and/or international.~~

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Besides the free registration to a **technical standards committee**, there is also the possibility of having a read-only access to committee documents without being obliged to participate actively in standardization work. However, such a registration is subject to the payment of an annual fee, which is set by the Minister of the Economy according to the scale for the provision of normative documents (available on www.portail-qualite.lu).

In the absence of recognition by the executive committee of the active participation of any person registered in a **technical standards committee**, the committee documents are provided for read-only, and in this case, an **annual financial contribution** will be due to the Luxembourg standards body.

In case of breach of the rules related to the payment of the due **annual financial contribution**, the registration of the concerned person to the **technical standards committee** will be suspended, and also the distribution, towards the latter, of the relating **committee documents**.

B - Establishment of a national mirror committee

A **national mirror committee** becomes effective only when there are two registrations to the same **technical standards committee** from two separate Luxembourgish economic actors.

Once created, a **national mirror committee** has to designate its Chairman, who is elected for a (renewable and unlimited number of mandates) period of two (2) years by a simple majority of the votes cast by the members who form a **national mirror committee**. If no decision is taken by this majority, a second vote may be taken by an absolute majority of votes. Each member has only one vote (a same economic actor can only have one single vote).

If no decision can be reached via the above mentioned votes, the candidate with the most seniority will be elected as Chairman of the **national mirror committee**.

In the event of the resignation of the Chairman before the expiry of two (2) years, the members of the committee have the possibility of early elections (for the remaining term of office).


The same applies if the role of the Chairman is questioned by the members of the committee by an absolute majority of the votes. If the Chairman has been dismissed from his duties, new elections will have to be organized (for the remaining time of the mandate) according to the principle mentioned above.

The Luxembourg standards body shall be notified of the result of the election of a new Chairperson for each **national mirror committee**, of a possible extension of the post of Chairman, of his resignation or of his dismissal. In order to ensure the continuity of the activity within a **national mirror committee**, a “Deputy Chairman” has to be appointed to replace the Chairman during his absence.

A **technical standards committee** followed at the national level by two or more people, all from the same Luxembourgish economic actor, must meet the same requirements that an authentic **national mirror committee** and designate an “acting Chairman” who has the same responsibilities as the Chairman of a **national mirror committee**. A **technical standards committee** which doesn't reach two registrations can be followed by a single person.

The terms of the election, the duration of the term of office, and the questioning of the roles of “Deputy Chairman” and “Acting Chairman” are identical to those of the Chairman.

The Luxembourg standards body provides access to the **committee documents** to persons with a valid registration. These latter receiving this information must commit to not disclose these documents to a third party. Otherwise, the executive committee may, at any time,

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suspend the access to the **committee documents** to people not respecting this clause, giving reasons for its decision.

The Luxembourg standards body promotes the participation in **standards technical committees**. This includes a communication, for example through institutional partners to allow the entire Luxembourg economy of being able, if interested, to participate in future work.

C – Designation of a SPOC for each working group

Each working group within a **technical standards committee** will have to designate a SPOC, who will be in charge of coordinating the work of the working group in which he is active and of communicating with the Luxembourg standards body.

The Luxembourg standards body shall be notified of the designation of the SPOC and of any changes thereto.

III – Framework for the follow-up of technical standards committees

Every **national technical committee / national mirror committee** meets as a group of experts to reach consensus on the topics within the field of their activities.


- It is up to each Chairman of a **national technical committee / national mirror committee** and up to each “acting chairman” of a **technical standards committee** to organize the group of experts in a professional and efficient manner, ensuring a traceability of the decisions communicated to the Luxembourg standards body. In addition, it is up to each Chairman, after having defined the internal rules, to reach consensus (following the given definition) for any official position provided, whether by formal meetings or through electronic exchanges. If consensus cannot be reached, the following criteria have to be met in order that a decision can be formally approved: At least 70% of the economic actors who took part in the vote are in favour of the decision;
- The economic actors having voted must represent more than 50% of all the economic actors registered in the concerned **technical standards committee**.

For any decision and vote, each representation/entity has only one vote.

During a formal meeting of a **national technical committee / national mirror committee**, any representation of a single economic actor can have a maximum of three people, in order to respect a certain balance compared to other participants.

If at a formal meeting of a **national technical committee / national mirror committee** less than 50% of the registered economic actors are present, a provisional decision can be taken and recorded in the report. After dissemination of the report, the absent economic actors can formulate their objections regarding the decision. These objections have to be sent by mail to the Chairman with the Luxembourg standards body (normalisation@ilnas.etat.lu) in copy. These objections will figure on the agenda of the following meeting in order to take a final decision which will be acted in the meeting report. If the economic actors which have contested the decision are not present at this second meeting, the objections don't have to be considered.

The **national mirror committees** designate delegate(s) for the representation at European and/or international meetings and communicate the details to the Luxembourg standards body. Travel expenses and accommodation are not supported by the Luxembourg standards body.

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The votes on the agenda of European and/or international meetings shall be carried out by the national delegate representing the national mirror committee (*Head of Delegation*).

The Chairman of each **national mirror committee** seeks to identify any position of “conflict of interest”, from any expert registered in several **technical standards committees**. It is, in this case, up to the Chairman to inform the Luxembourg standards body of the “conflict of interest” found.

Each Chairman of a **national mirror committee**, the different members of a **national mirror committee** and any person registered alone in a **technical standards committee** must report annually to the executive committee of their activities. This includes references to any activity and effective participation in the **national mirror committees**, for example through the provision of minutes of meetings (including the attendance and absences excused or not), effective participation in **national, European and/or international technical committees**, the number of **committee documents** annotated with details of the comments made, etc.

In case of non-compliance with these rules, the registration of the concerned person to the technical standards committee is suspended, and also the access to the committee documents towards the latter.

IV – Public enquiry of a draft standard

All draft national (ILNAS), European (CEN, CENELEC and ETSI) and international (ISO and IEC) standards must go through the public enquiry stage during their development in order to be voted on, ratified and published subsequently in as official standards.

At this stage of the process of the creation of standards, all interested socio-economic stakeholders can express their opinion and give a comment on a given project.

During the public enquiry, which means the timeframe during which a comment can be submitted to the Luxembourg standards body, varies accordingly to the nature of the draft standard:

- National draft standard : four (4) weeks
- European or international draft standard : twelve (12) weeks


Upon reception, the Luxembourg standards body shall ensure the transfer of the comments to the **technical standards committee / national mirror committee** responsible for drawing up the draft standard, which will analyze the comments provided and decides whether they will be taken into consideration.

V – Review of standards

The responsible **national technical committee / / national mirror committee** shall ensure that the standards are reviewed periodically. The periodic review shall take place at intervals not exceeding five years. The review may be initiated earlier at the request of the responsible technical standards committee.

As a result of its review, a standard must:

- be confirmed, or
- be modified, or
- be revised as part of a new edition with a new date, or

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- be withdrawn.

The concerned standard is subject to the vote of the **technical standards committee**, with application of the principle of consensus.

If consensus cannot be reached in a **national technical committee / national mirror committee**, the following criteria have to be met in order that the vote can be formally approved:

- At least 70% of the economic actors who took part in the vote must have voted in favour of the same position (e.g. revision);
- The economic actors having voted must represent more than 50% of all the economic actors registered in the concerned **technical standards committee**.

*

This policy is effective upon publication and is relevant to any new application (or pending) in a **technical standards committee**, but also to the current registered delegates, and to current **national mirror committees**.