

# DUE PROCESS

Excerpt from : ANSIEssentialRequirements:Due process requirements for American National Standards  
*Approved by the ANSI Board of Directors*  
*2004 Edition*

## *Section 1.0 Essential requirements for due process*

These requirements apply to activities related to the development of consensus for approval, revision, reaffirmation, and withdrawal of American National Standards (ANS).

Due process means that any person (organization, company, government agency, individual, etc.) with a direct and material interest has a right to participate by: a) expressing a position and its basis, b) having that position considered, and c) having the right to appeal. Due process allows for equity and fair play. The following constitute the minimum acceptable due process requirements for the development of consensus.

Excerpt from : ANSIProcedures for U.S. Participation in the International Standards Activities of the ISO  
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## *B.8 Criteria for Appeals*

The provision of appeals is important for the protection of directly and materially affected interests and for the organizations involved in the development of U.S. positions in international activities and is required as a part of due process. This section provides for the right to appeal, indicates what may be appealed, and gives general criteria regarding the appeals mechanism.



Headquarters  
1819 L Street, NW  
Suite 600  
Washington, DC  
USA  
20036

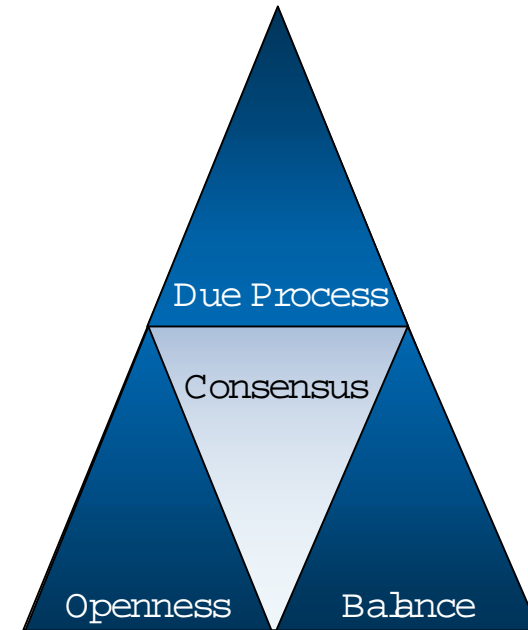
phone  
202 293 8020  
fax  
202 293 9287

<http://www.ansi.org>

New York Office  
25 West 43rd Street  
New York, New York  
USA  
10036

phone  
212 642 4900  
fax  
212 398 0023

# THE CARDINAL PRINCIPLES



# C O N S E N S U S

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## *Annex A: Definitions*

Consensus means substantial agreement has been reached by directly and materially affected interests. This signifies the concurrence of more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.

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## *B7.2 Consensus*

Consensus for a U.S. position is established when substantial agreement has been reached by the U.S. national interests that are directly and materially affected by the proposed international standard. Additionally, if the proposed U.S. position is based on giving consideration to changes in an existing U.S. national standard, the consensus process shall include U.S. national interests that are directly and materially affected by the U.S. national standard.

*Excerpt from : ISO/IEC Guide 2:1996 – Standardization and related activities – General vocabulary*

## *1.7 Consensus*

General agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

NOTE – Consensus need not imply unanimity.

# O P E N N E S S

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## *1.1 Openness*

Participation shall be open to all persons who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Voting membership on the consensus body shall not be conditional upon membership in any organization, nor unreasonably restricted on the basis of technical qualifications or other such requirements.

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## *B4.1 Openness*

Participation shall be open to all U.S. national interested parties\* who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Participation shall not be conditional upon membership in any organization, or unreasonably restricted on the basis of technical qualifications or other such requirements.

Timely and adequate notice of the formation of new activities related to international standards shall be provided to all known directly and materially affected interests. Notice should include a clear and meaningful description of the purpose of the proposed activity and shall identify a readily available source for further information.

\* **U.S. National Interested Party:** A U.S. national interested party is any individual located in the United States, representing an organization, company, government agency, or themselves, including U.S. branch offices of foreign companies, that is directly or materially affected by the relevant standards activity.

# B A L A N C E

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## *1.3 Balance*

The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance.

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## *B4.2 Balance*

The process of developing U.S. positions shall provide an opportunity for fair and equitable participation without dominance by any single interest.

Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation. The requirement implicit in the phrase “without dominance by any single interest” normally will be satisfied if a reasonable balance among interests can be achieved. Unless it is claimed by a directly and materially affected person (organization, company, government agency, individual, etc.) that a single interest category dominated the development of the U.S. position, no test for dominance is required.

In defining the interest categories appropriate to U.S. TAG membership, consideration shall be given to at least the following:

- Producer
- User
- General interest

Where appropriate, more detailed subdivisions should be considered.