



## **VIENNA AGREEMENT FREQUENTLY ASKED QUESTIONS (FAQs)**

### **Question 1 (Why the Vienna Agreement)**

What is the purpose of the Vienna Agreement? Why is it needed?

#### **Answer 1**

The main objective of the Vienna Agreement is to provide a framework for the optimal use of resources available for standardization work, and to provide a mechanism for information exchange between ISO and CEN to increase transparency of work ongoing in CEN to ISO members.

The Agreement recognizes the primacy of international standardization (as stipulated in the WTO Code of Conduct). The aim in developing International Standards is to facilitate the harmonization of national standards, and thereby technical regulations, hence eliminating technical barriers to trade. Ideally, all ISO members should align their own processes with ISO so that approved International Standards can also be adopted simultaneously as national standards in their countries. Where an International Standard is approved as a European Standard simultaneously with its approval as International Standard, this is ensured for all CEN members. Indeed, they are committed to give the status of a national standard to any European Standard and to withdraw any pre-existent conflicting national standard.

The Agreement also, however, recognizes that the Single European Market may have particular needs, for example for standards for which no international need is currently recognized or for standards which are required urgently in the European Union but which have a lower priority at the international level. The Agreement therefore provides a mechanism by which ISO committees can request that work being carried out within CEN be made available for voting and comment by all ISO member bodies at the enquiry and formal approval stages. This allows non-European ISO members to influence the content of European Standards and where appropriate to approve those standards as International Standards.

### **Question 2 (Agreements with other regional standards bodies)**

Does ISO have agreements similar to the Vienna Agreement with other regional standards bodies?

#### **Answer 2**

Yes, it has agreements with AIDMO (Arab Industrial Development and Mining Organization) and COPANT (Pan-American Standards Commission). These are generally limited however to the exchange of information.

### **Question 3 (Main provisions of the Vienna Agreement)**

What are the main provisions of the Vienna Agreement?

#### **Answer 3**

The Vienna Agreement provides three main modes of cooperation between ISO and CEN:

- cooperation by correspondence/exchange of information;

- cooperation by mutual representation at meetings;
- cooperation by parallel approval of standards at the international and European levels.

**Question 4 (General exchange of information)**

How can standards related people in non-European ISO members get general information concerning the activities of CEN?

**Answer 4**

The ISO Central Secretariat (ISO/CS) and the CEN Management Centre (CMC) maintain publicly accessible websites (<http://www.iso.org/> and <http://www.cenorm.be/> respectively) which give a great deal of basic information relative to the activities of the respective organization.

The CEN website includes the CEN BOSS (<http://www.cenorm.be/boss>) which is the unique source of reference for all CEN System Operations, as well as information concerning CEN Technical Committees and their work programmes. The CEN Catalogue is accessible on <http://www.cenorm.be/catweb>.

ISO Online is an electronic information service providing similar information relative to the work of ISO. It includes the Standards Developers' Information Site (SDIS) which is similar to CEN/BOSS.

**Question 5 (Information exchange at the committee level :1)**

How is information exchange at the committee level organized between ISO and CEN?

**Answer 5**

The exchange of information between ISO committees and CEN committees is organized through the respective committee secretariats. Now that most committees are using electronic working methods, this is increasingly a simple question of giving the committee secretariat in the other organization access rights to the committee website by allocating a user name and password.

**Question 6 (Information exchange at the committee level :2)**

What kind of information is exchanged at the committee level?

**Answer 6**

As noted in answer 5, the exchange of information is increasingly being integrated into the electronic working methods of ISO and CEN committees and committee secretariats in one organization generally have access rights to all committee documents in the other organization. They may have more focused interests however and in fact only access such documents as meeting reports and resolutions, some or all draft standards, etc.

**Question 7 (Availability of documentation):**

The parallel ISO and CEN committees should be receiving all relevant documents and information distributed by each other. However, some delegates or experts from ISO member bodies claim they never see any of the CEN materials. What can be done about this situation?

**Answer 7**

Both ISO and CEN committees should instruct their secretariats in terms of what documents of the other organization they want to receive. Again, the use of electronic working methods facilitates the task of committee secretariats since they can download documents from the website of the other committee and then make them available on their own committee websites. This then allows ISO members to access those documents that interest them.

Should a problem arise, the ISO/CS and CMC should be informed.

**Question 8 (Cooperation by correspondence)**

Are contributions by correspondence (sending written comments) well accepted by both ISO and CEN?

**Answer 8**

Yes, contributions by correspondence are well accepted within both ISO and CEN. However, it needs to be noted that, in terms of the Vienna Agreement, the rights and obligations depend upon the development stage that a particular project has reached.

In particular, individual ISO member bodies may submit their national comments on CEN draft standards only at the enquiry stage. CEN has agreed to consider and respond to all comments it receives, including comments on draft European Standards (prEN) which are not being processed under the Vienna Agreement. ISO committees (in the ISO report of voting) and CEN committees (in the CEN table of decisions) are under an obligation to respond appropriately to each and every comment submitted.

At all other stages, contributions from ISO are expected to represent the consolidated view of the ISO committee concerned.

**Question 9 (Automatic work stoppage in ISO or CEN):**

There have been instances in some ISO or CEN committees in which some delegations citing the VA, have demanded that work or new projects cease in an ISO or CEN committee because of the existence of related work already underway in a related ISO or CEN committee. Does the VA support this action to cease work?

**Answer 9**

No, there are no provisions in the VA that support such claims. In addition, the ISO or CEN committee secretariat or chairman cannot stop the work unilaterally due to the existence of related work in the other organization. If such claims or attempts at stopping work are made, they should be brought to the attention of the ISO/CEN JCG [ISO/CEN Joint Coordination Group of the Technical (Management) Boards] for consideration and possible action.

Stoppage of work is only permitted when a committee decides to apply the Vienna Agreement and agreement is reached to assign the work to the committee in the other organization.

**Question 10 (Process for assignment of lead):**

How is assignment of lead to the ISO or CEN committee determined?

**Answer 10**

Assignment of lead to an ISO committee is decided by CEN and, vice versa, assignment of lead to a CEN committee is decided by ISO. (However, it can happen exceptionally that the committee to which lead is being assigned refuses to take the lead - let's imagine a case where CEN assigns the lead to an ISO committee for a 'mandated' standard related to a New Approach EU Directive and that this ISO committee is not in a position to fulfil the conditions of the mandate in terms of content or timeframe.)

The assignment of lead to CEN requires a majority vote of the P-members of the ISO committee involved. It is recommended that such a decision be taken via letter ballot so that all P-members will be engaged in these important decisions, not just those attending a meeting.

As a result of the above decision on the assignment of lead:

\*upon CEN decision, ISO takes the lead to develop the project, with parallel voting in CEN at the prEN enquiry and formal vote stage, and with all comments received from voting in CEN at these stages being addressed by the ISO committee:

or

\*upon ISO decision, CEN takes the lead to develop the project, with parallel voting in ISO at the DIS and FDIS stages, and with all comments received from voting in ISO at these stages being addressed by the CEN committee.

In principle, given the statements in the VA for the primacy of ISO and international standards, assignment of lead should be granted to the CEN committee only in cases related to "mandated" (under the New Approach) standards related to EC Directives and when there is documentation to demonstrate that the ISO committee cannot fulfil the content and timeframe required for implementation of the EC Directive.

A European mandate does not mean it is mandatory for CEN to take the lead or do the standards development work - it simply means that, if ISO takes on the work, the project must be completed in time to meet the European requirements.

It is important to recall that decisions on approval of new work items and on VA implementation questions are two votes with no requirements in the VA that they be linked. No conditions regarding implementation of the VA are acceptable during the new work item proposal ballot (e.g., no CEN member should submit a conditional vote on a new work item stating that they will approve the new work item in ISO only on condition that the VA be implemented and CEN be assigned the lead). Similarly, there is absolutely no requirement anywhere in the ISO/IEC Directives or the Vienna Agreement that states that when a new work item is voted upon in ISO, and at least five European members vote affirmative, the lead for the work automatically goes to CEN.

**Question11 (Review and comment on drafts prior to the ISO DIS or CEN prEN stages):**

When lead is assigned to CEN, this implies that the related ISO committee does not review and comment on drafts until the document is ready for ISO DIS balloting. Can an ISO committee review and comment on drafts prior to the DIS ballot?

**Answer 11**

Yes, the ISO committee may review and comment on all relevant drafts, documents and information from the CEN committee regarding the project (see Q&A 8 above) at any stage. The P members of the ISO committee should instruct their committee secretariat to circulate all such materials and establish mechanisms for developing the committee's consensus positions/comments in a timely manner. This will require some creativity and serious commitment from all involved in order to respect (sometimes very short) deadlines set by the CEN committee. This is because the effort will be seeking to match a technical committee or subcommittee level consensus building process within the ISO committee with a working group level consensus building process within the CEN committee.

It should also be noted that the ISO committee may nominate up to four representatives to attend the relevant CEN committee meetings and represent the ISO committee's consensus positions/comments. Preference should be given to persons from non-European countries to serve as these representatives. It is important to note that these representatives:

- may attend the CEN meetings without the requirement for special invitations to be issued;
- do not have voting powers in the CEN meetings;
- may comment and be actively engaged in the discussion; and

- are expected to represent the ISO committee - not their individual countries.

**Question 12 (Lack of European presence in an ISO committee with a CEN counterpart):**

The Europeans have nearly disappeared from the ISO committee, saying that they can only spend their time in one place, and as they will be obliged to adopt their output as national standards, they have little choice but to work within the relevant CEN committee. What can be done about this situation?

**Answer 12**

Has the ISO committee consciously made a decision to move the work to CEN? If not, then there is no real reason for European members of parallel ISO-CEN committees to go to CEN alone if the ISO committee is meeting the European needs of content and timeliness (when a Directive is concerned). Situations where Europeans have abandoned the ISO committee without good reason should be brought to the attention of the ISO/CEN JCG [ISO/CEN Joint Coordination Group of the Technical (Management) Boards] for consideration and possible action.

**Question 13 (Existing ISO committee and new CEN committee):**

There has been an ISO committee for years, and now CEN is organizing a committee on the same subject. Why doesn't CEN just use the ISO committee?

**Answer 13**

This situation may not really be a problem. In many cases these are regional European committees that simply process the international work, and do little, if any, development work on their own.

**Question 14 (Other deliverables)**

Can publications other than standards be processed under the Vienna Agreement?

**Answer 14**

Yes, in principle this is possible, but needs to be negotiated case-by-case with ISO/CS and CMC, which will provide procedural guidance as necessary.

**Question 15 (Annex Z)**

What is the purpose of annex Z and do such annexes have to be included in ISO documents?

**Answer 15**

When European Standards are developed in support of European "New Approach" Directives, the foreword of the standard is required to contain an indication that it has been prepared to support specific European legislation. This is also indicated in an annex Z which may give more detailed information relating to how the standard supports the mentioned legislation. Such annexes have to be included in drafts issued for the CEN enquiry and formal vote and in final European Standards.

When such standards are being developed under ISO lead in accordance with the Vienna Agreement, the ISO Technical Management Board has agreed that annex Z should be included in both the DIS and FDIS, but the annex is not included in the published International Standard.

**Question 16 (CEN consultants)**

What is the role of CEN consultants?

**Answer 16**

A part of the CEN programme aims at supporting European Union (EU) and European Free Trade Association (EFTA) legislation. In this context, CEN receives mandates (requests for standardization) which are setting requirements for the development of the standards concerned.

The role of the consultants, who are independent experts employed by CEN (but financed by the European Commission and EFTA), is to facilitate the work of the committee drafting such standards and to help CEN ascertain that these standards are actually in line with the relevant legislation and related mandates. The consultants advise the committees during the drafting of the standards and assess the drafts during the enquiry period (ISO/DIS - CEN Enquiry) as far as conformity with the requirements of the legislation and mandate(s) is concerned. Furthermore, they are required to give a formal assessment before a draft is submitted to the CEN formal vote. In cases where they give a negative assessment, the relevant committee (whether ISO or CEN) will need to consider the consultant's comments and decide whether they can be accommodated.

ISO committees are not under an obligation to agree with or accept the assessment of the CEN consultant. If they do not, ISO/CS and CMC will consult with interested parties to determine the best way forward but generally this will imply withdrawing the project from the Vienna Agreement and ISO and CEN finalizing separate standards.

In CEN, if the consultant gives a negative assessment, the draft is not submitted to formal vote pending consultation between the committee and the consultant. If agreement remains unlikely, a decision is taken by the CEN Technical Board on how to proceed.

#### **Question 17 (CEN consultants 2)**

What is the process for appointment of CEN consultants, what qualifications/experience is required and what is their accountability?

#### **Answer 17**

When there is a need to appoint a CEN consultant, an open competition is announced on the public part of the CEN website. In addition, the CEN Members, EC and EFTA are formally informed thereof and are invited to place this announcement on their own website.

Such announcements include a description of the required profile and qualifications, which depend on the field of activity in which the consultants will operate. Anyway, the candidates will be required to have a sound technical background and a good knowledge of European legislation in the area concerned as well as a good knowledge of standardization.

The applications are examined by a panel including representatives of the CEN Management Centre, EC, EFTA, the sector concerned (generally the 'Rapporteur') and CENELEC and/or ETSI, as necessary. The panel selects a number of candidates on the basis of their CV's, interviews the selected candidates and chooses a consultant. In addition, some candidates may be placed on a reserve list. The panel works by consensus.

The role of the CEN consultants is detailed in Answer 16. They are accountable to the Secretary General of CEN.

#### **Question 18 (ISO standards and European legislation)**

Are ISO standards developed under the Vienna Agreement required to support European legislation (EC Directives etc.)?

#### **Answer 18**

ISO's aim is to develop standards that are relevant globally which means that they need to be consistent with (or at least not contradictory to) national and regional legislation around the world. When this can be achieved, it is a "win-win" situation for all ISO members and especially for ISO's European members when the work is carried out under the Vienna Agreement. Unfortunately, because there are different approaches to regulation and reference to standards in different parts of the world, this may not always be possible. In such circumstances, ISO committees will need to decide whether there is scope to develop an International Standard and, if so, national and

regional standards bodies will need to consider whether it is necessary to develop a national or regional bridging document to ensure the coherence of the International Standard with relevant legislation. In extreme cases, it may be concluded that an International Standard is not possible or would not be meaningful, or the differences in regulatory regimes may require national or regional standards bodies to develop their own national or regional standards. ISO committees should not, however, develop standards which are only applicable in particular parts of the world - such standards should be developed in the relevant national and regional standards bodies.

**Question 19 (Revision of EN ISO standards)**

Is it true that all EN ISO standards, irrespective of which organization originally lead the development of the standard, are to be revised under ISO lead?

**Answer 19**

Yes, this was one of the major changes to the Vienna Agreement during its recent rewriting.

It is to be recalled that the original provision for CEN-lead within the Vienna Agreement was foreseen for cases in which there was an agreed need for both an International and European Standard on a subject, but the need was of higher priority within Europe than internationally. In such circumstances, the Vienna Agreement allowed CEN to take the lead in developing the standard and ISO member bodies outside Europe contributed in particular at the enquiry stage to ensure that the standard was applicable internationally. When a need is identified to revise such a standard, then, because it is foremost an International Standard, and consistent with the recognized primacy of international standardization, it is agreed that ISO committees have first refusal in carrying out the revision work.

Of course, this does not preclude the possibility that an ISO committee may not agree with the rationale for revising a particular standard, in which case, if the proposal originated in CEN, then the relevant CEN committee would have the option of revising the standard as a European-only standard. It also does not totally exclude the possibility that, again because of priorities, an ISO committee might concur with the need for revision but might prefer that CEN again leads the work. This might also be for example, because there is an existing CEN working group which could undertake the work but no appropriate group currently exists in ISO. In itself, this is not, however, sufficient reason automatically to assign the work to CEN (an ISO working group can be constituted within three months) and it needs to be stressed again that because the standard is, above all, an International Standard, then its revision should ideally be carried out at the international level whenever possible. ISO committees accordingly need to ensure that the interests of all ISO member bodies are taken into account when they are considering proposals for revision of such standards to ensure that materially-affected, interested parties would not be excluded by assigning the revision to CEN. It is also recalled that ISO member bodies have the right of appeal if they consider that a decision concerning assignment of lead will exclude the interests of stakeholders in their country.

**Question 20 ("Joint" meetings)**

Why is there no provision for joint ISO/CEN meetings within the Vienna Agreement or the Implementation Guidelines?

**Answer 20**

Put very simply, it is considered that a meeting of European experts or national delegations constitutes a CEN meeting and a meeting of European experts or national delegations with their non-European counterparts constitutes an ISO meeting.

Consequently, decisions affecting CEN work are taken in CEN meetings and decisions affecting ISO work are taken in ISO meetings, in accordance with the CEN Internal Regulations and the ISO/IEC Directives, respectively. There might be a case for holding "informal" joint meetings for the purpose of information exchange, but it is considered that the provisions for mutual representation at meetings and document exchange will generally be more than sufficient to ensure such information exchange.

The guidelines do however recognize that it may on occasions be beneficial for ISO and CEN committees (including working groups) to meet in conjunction with each other, for example on consecutive days in the same location. When meetings in conjunction are foreseen, the ISO and CEN committee officers should agree on the meeting schedule to maximize the benefits of meeting in conjunction.

It is to be noted that CEN has a policy that meetings of CEN technical bodies, including meetings in conjunction, are to be held in Europe. Exceptions to this policy have to be considered on a case-by-case basis. ISO member bodies will also need to be aware that they would be expected to bear the costs of hosting both the ISO and CEN meetings in such circumstances.

**Question 21 (Normative references)**

Standards developed under CEN-lead always cite the relevant European Standards in the normative references clause, even though equivalent ISO standards exist. Which standards take precedence?

**Answer 21**

For application of the European Standard, the normatively referenced European Standards take precedence. When ISO publishes such a standard as an International Standard, it includes a normative annex in which the equivalent International Standards are cited. For application of the ISO standard, the standards referenced in that annex take precedence.