

## **ANEC PROPOSALS FOR IMPROVING PUBLIC INTEREST STAKEHOLDER PARTICIPATION IN CEN AND CENELEC**

### **INTRODUCTION**

The New Approach to Technical Harmonisation entrusted the European standardisation organisations with the task of defining European safety standards. This delegation of powers from the legislator to private organisations simplified legislation and law-making on the one hand, and induced a democratic deficit on the other hand. Therefore the European Commission, politicians and consumer organisations in the aftermath of the introduction of the New Approach called for an independent consumer body in standardisation to ensure the legitimacy of the New Approach and to organise consumer representation in standardisation. They referred to existing structures in the bigger Member States, in particular France, Germany and the United Kingdom, where the standardisation process had been opened for consumer participation in the 1970's or even earlier.

Over the past ten years, ANEC has proven to be a reliable, competent and therefore critical partner in the standardisation community and consumer representation in EU standardisation under the New Approach has shown that consumer participation is not a hampering stone for competitiveness but an important and accepted principle of the European standardisation system. Consumer participation is indeed important to counterbalance the industry view. The opening-up of the standardisation process for public interest stakeholders, meanwhile also for environmental groups, as a compensation for the delegation of legislative powers to private bodies has become an indispensable element of the New Approach.

However, public interests stakeholders remain a minority and a typical European standardisation committee dealing with product specifications (e.g. toys, electrical appliances, packaging) consists of approx. 60-80% of members representing corporate interests. Therefore, ANEC believes that rules or rights for public interest stakeholders, such as consumer representatives, need to be reinforced, in particular in standardisation work related to the public interest and when extending New Approach principles to new policy areas. Standardisation plays a prominent role in the 2005 re-launch of the Lisbon objectives and is considered one of the key factors to enhance Europe's competitiveness. The intention to use standardisation instead of legislation in the services area will have a direct impact on consumers and it is vital that the consumer view is an integral part of this concept. The challenge here is two-fold. First, there is no overarching legislative framework, in which standards could operate, as is the case in the product area. Second, there is a need to innovate the European standardisation system so as to ensure that it is equipped to cope with these future tasks.

We see that with current processes, all partners are having representation challenges. In

the longer term, standardisation bodies need to improve synergies and provide innovative, sustainable solutions that enable all relevant stakeholders to voice their opinion and to be counted, irrespective of their size, location, resources etc. In the meantime, we have concentrated on some reasonably straightforward changes to processes in CEN and CENELEC that will make significant improvements in governance. One of our main proposals relates to the concept of balanced representation, ensuring equal and fair chances for all stakeholders to influence the standardisation process and to have their views taken into account<sup>1</sup>.

To this end, this paper<sup>2</sup> elaborates on a number of practical measures ANEC would like to propose to CEN and CENELEC. Hopefully, our proposals will be taken into consideration in the course of the current review of the CEN Strategy Paper 2010.

## RECOMMENDATIONS

The measures that ANEC would like to propose, address four dimensions: **Balanced representation**, **Consensus building**, **Strengthening public interest representation** in the standardisation process, and **Improving efficiency and quality management**.

### Balanced representation<sup>3</sup>

- ANEC urges CEN and CENELEC to add to the catalogue of standardisation principles they are committed to, the principle of balanced representation of all societal stakeholders ranging from business, public authorities, trade unions to NGOs representing the public interest, such as consumers and environmental groups.
- It is proposed to revisit CEN/CENELEC internal rules with the view of identifying opportunities to implement and enforce the principle of balanced representation (see in particular the proposals under Strengthening public interest representation in the standardisation process).
- In this respect, the concrete obligations of CEN and CENELEC members, also deriving from the following commitment in the CEN Strategy 2010, ought to be clarified: “Based on their statutes and on their procedures the NSBs ensure that all interested parties (even national minorities) have a fair chance to participate actively in the development of European Standards. The democratic legitimating of the European

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<sup>1</sup> ANEC acknowledges that apart from gearing up the CEN/CENELEC system for balanced representation, improved public interest stakeholder participation also requires the availability of financial resources. Therefore, we call upon the European Commission and Member States to enshrine in legislation the obligation for national governments to provide funds for public interest stakeholder participation in standardisation.

<sup>2</sup> Further, the aspects related to the legal level (design of directives following the New Approach, mandates given by the European Commission, their follow-up, safeguard procedures, publication of harmonised standards and the quality control of the entire system) will be dealt with in a separate paper.

<sup>3</sup> Annex D provides the reasoning behind our recommendations related to balanced representation.

Standards can only be derived from this process.” (CEN Strategy 2010, page 12). The national practices ought to be subject to regular screening and reporting.

- The concrete obligations for the NSBs should be listed in CEN/CENELEC Guide 2 that in any case, we believe, is due for revision as it dates from the 1970s. Our proposal for revising Guide 2 is provided in Annex C.

### **Consensus building<sup>4</sup>**

- It is suggested to define the term ‘consensus’ on the basis of the notion of ‘substantial objection’ rather than on the notion of ‘sustained opposition’ and to describe how to lodge ‘substantial objection’ (e.g. simply by indicating this in the relevant section of the comments template and, in addition, in the general section of the comments template or in a separate line in the relevant forms).
- Guidance on how the consensus can be established and on how to proceed in the event of a substantial objection would be helpful. This procedure should include CEN Associates and CENELEC Cooperating Partners.

### **Strengthening public interest representation in the standardisation process**

Technical committees, Subcommittees and Working Groups in CEN and CENELEC dealing with issues of public interest are to be identified. For these bodies the following measures are suggested:

- To define a number of stakeholder groups and to establish a stakeholder classification scheme in order to register the occupational background of participants of meetings. An example for such a scheme is provided in Annex B, based on ISO work.
- To record data, such as the percentage of the different stakeholder groups attending meetings. The collected data would be accessible to CEN/CENELEC members, including CEN Associates and CENELEC Cooperating Partners.
- To consider copying the operational procedures, as developed by the ISO Working Group on Social Responsibility for balanced representation in general, and the composition of national delegations attending standardisation meetings in particular (Annex C). For instance, the ISO SR WG rules fix a maximum number of representatives for each stakeholder category. Another ISO SR rule refers to the establishment of stakeholder groups in large committee, consisting of those stakeholders represented, with the possibility to convene during a meeting to develop positions on procedures.
- To assign the task of monitoring balanced representation and decision-making in standardisation groups and eventually of addressing imbalances to Chairs and

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Annex D provides the reasoning behind our recommendations related to consensus building.

Convenors who would be assisted by an advisory group, consisting of one representative from each stakeholder group.

- To revisit the procedures for standards enquiries so as to allow for communicating stakeholder views disagreeing or complementing the national views. For the sake of transparency, national mirror committees should provide information on minority views in addition to the national consensus positions, in particular in the event that the minority view substantially deviates from the national point of view.
- To allow stakeholders to express their opinion in addition to the national positions at TC or SC level.
- To assign an indicative voting right to CEN Associates/CENELEC Cooperating Partners to identify informally their approval/disapproval of committee decisions. This indicative voting right would be applicable to any decision-making, such as approval of new work items, draft standards and resolutions.
- To consider measures so as to resolve negative indicative votes of CEN Associates/CENELEC Cooperating Partners in the same manner as negative votes expressed by NSOs.
- To incorporate the CEN informal “Early conflict resolution mechanism” as adopted by CEN BT in May 2004, into the CEN/CENELEC Internal Rules and extend it to the pre-enquiry stage.
- To make draft standards dealing with subjects of public interest, available free of charge on the Internet, together with the invitation to comment.
- To provide easy access to information with respect to standards development, for instance to provide tools – ideally on-line – so as to identify the exact stage of a draft standard, to generate lists of new work items and enquiry/formal vote documents for a specific period of time (for instance monthly), including the necessary search functions.

### **Improving efficiency and quality management**

CEN has speeded up the production of standards considerably by introducing the 3 years time lead for all new work items. However, ANEC believes that in addition new concepts need to be introduced so as to optimize the process. Therefore we propose:

- To initiate a standards project, only if a feasibility study or a draft specification (e.g. a national standard or a proposal elaborated by a stakeholder) is available. The feasibility study should result in an outline of a draft standard and should be reviewed by the working group in charge and the TC to obtain consensus otherwise the standards work should not commence.
- To nominate one of the Working Group members as project leader for each work item, including preliminary work items. The project leader should be responsible for managing the process. He should be assisted by a small group of stakeholders (and

a consultant, where appropriate) that would be in charge of preparing drafts to be reviewed by the full working group. The comments ought to be compiled together with a recommendation on how to proceed (as it is done after the enquiry). This whole process could be handled in the main by email correspondence. Meetings should be held for the purpose of establishing the principles and resolving disputes.

- To evaluate the process and the project leaders, chairpersons, convenors and secretariats on a regular basis by the participants of the respective groups. It is important to provide guidance on how to proceed.
- To evaluate the consultants, who are recruited in consultation with the Commission and the EFTA Secretariat and advise committees preparing European standards in the context of New Approach Directives, by all parties involved.
- To ensure that a negative assessment of a draft standard by the competent consultant would lead to a halt in the processing of the document until the reasons for the negative evaluation are addressed and rectified.
- To trigger by default the Appeals Procedure in case a European standard fails the formal vote. The BT in cooperation with the management centre of CEN or CENELEC should - in cooperation with all stakeholders - resolve the issue without another vote.
- To consider that often international standards are not elaborated with the participation of public interest stakeholders because in many ISO member countries adequate representation of public interest stakeholders, such as consumers, hardly exists for various reasons. Therefore, safeguards have to be developed in order to ensure that European public policy issues are adequately taken into consideration in international standards. Whenever standardisation tasks related to an EU standardisation mandate are transferred to an international standards committee, a EU monitoring process involving all stakeholders concerned should be ensured.
- To ensure that standards, transposed from the international to the EU level in order to complement EU legislation in the field of health and safety, do not contain options resulting in non-compliance with EU legislation and legal uncertainty. If the international standards are not fully compatible with EU legislation, European standards shall be prepared.
- To implement a quality monitoring system for assessing the quality and effectiveness of European standards and to match the assessment with data on balanced representation.
- To incorporate all of the proposed changes into the CEN/CENELEC system in the training programmes of CEN/CENELEC and NSOs respectively, in order to ensure proper implementation.

In conclusion, ANEC would be pleased to discuss with CEN and CENELEC the options for implementing our recommendations.

## **Annex A: Proposal for a revised CEN/CENELEC Guide 2**

### **Consumer interests and the balanced preparation of standards (2005)**

#### A) General – Balanced representation of social interests

Member bodies of CEN and CENELEC support the principle of balanced representation and decision-making of different social interests in standardisation. It is a goal of standards activity that all interests affected by the work, are properly taken into account. The member bodies of CEN and CENELEC commit themselves:

- to ensure that all relevant stakeholders – business, consultants, certification bodies, government, consumers, and other NGOs – are regularly represented in a balanced way in those national committees dealing with issues of public interests
- to regularly monitor the composition of the national technical committees and to take corrective action, where necessary
- to implement an arbitration procedure/conflict resolution mechanism open to all stakeholders
- to establish written procedures in co-operation with all stakeholders for all of the above
- to prepare an annual report on actions taken and to make it publicly available

#### B) Specific recommendations for consumer representation

Member bodies of CEN and CENELEC acknowledge the important role, which consumer representatives play in standardisation and commit themselves to promote consumer participation in standardisation at the national level wherever possible and, in particular, by :

- inviting consumer representatives to join the managing board of the NSO
- involving consumer representatives both in the planning of the standardisation programmes and in policy matters relevant to consumers
- inviting consumer representatives free of charge to participate in all technical committees dealing with standardisation work of public interest
- encouraging the active participation of consumers in national delegations to European standardisation meetings
- providing consumer representatives with guidance on standards procedures

- finding solutions to overcome financial difficulties where the representation of consumers is hampered by the lack financial resources, e.g. by providing a subsidy allowing consumers to attend at least a minimum number of national and European committees; by providing infrastructure free of charge for a consumer body within the standards organisation; by providing support to consumer organisations when approaching public authorities to obtain financial support
- preparing an annual report on the above and by making it publicly available

Member bodies of CEN and CENELEC will evaluate the situation together with the stakeholders concerned and consider further actions or recommendations to be taken.

CEN and CENELEC will review annually the reports submitted by their members in cooperation with the stakeholders concerned and consider further actions or recommendations to be taken. In particular, CEN/CENELEC will develop and periodically revise a best practices document regarding the subjects mentioned above.

## **Annex B: ISO/TMB/WG SR (Social Responsibility): Guidance on Stakeholder Categories in the ISO/TMB/WG SR**

Recognizing the importance of ensuring balanced participation in the development of SR standards, the ISO/TMB specified that representation in the ISO/TMB/WG/SR shall be organized within six stakeholder categories. These categories are:

Consumers  
Government  
Industry  
Labour  
NGO  
Other

(Note: the ISO/TMB/WG/SR agrees that the other category should be re-named “Service, support, research and others”)

The ISO/TMB/WG/SR notes the importance of ensuring, to the extent possible, that experts, observers and national mirror committee members involved in the ISO 26000 standardization process participate under the appropriate stakeholder category. To this end, the ISO/TMB/WG/SR believes that there is a value in providing guidance on the definition of, the nomination process for, and the verification of these different stakeholder categories.

The following guidance has been developed to assist individuals and organizations to better understand the scope and intent of each stakeholder category. This guidance is a work in progress and, where necessary and based on experience, the ISO/TMB/WG/SR may in the future provide additional or revised guidance for any of these stakeholder categories.

Definition of a representative in the consumer stakeholder category to the ISO TMB WG SR process

### **CONSUMER**

A member of a consumer stakeholder category is a representative of a consumer organization, which is defined as either:

1. An independent organization which is:

- advocating the interests of consumers before other organisations and governments.
- not-for-profit in character
- not involved in the advancement of commercial interests, although it may engage in trading activities related to the provision of consumer information and to promoting its own work
- not affiliated with any political party



or,

2. An organisation or agency that is active in consumer affairs. Such an organization or agency may for example, specialise in one particular consumer issue such as standards, law or consumer protection.

## **Consumer Stakeholder Category -**

### **Guidance to National Standards Bodies**

#### **1. National level**

**All Consumer stakeholder representatives should be committed to the role they are undertaking, which as a minimum requires the representative to be responsible for the following tasks:**

- When appropriate, should be active in the consumer movement in the country and promote dialogue on SR among relevant public interest and /or consumer organisations.
- Participate in the activities of the country SR mirror committee

Participation is understood to involve sharing the position of the consumer representative's organisation, within the national stakeholder group.

**The number of consumer organisations participating in the national mirror committee should not be limited.**

#### **2. International level**

Priority should be given to representatives of consumer organisations that meet definition 1.

**If there is no consumer organization that meets the definition 1, given in 'Definition of a representative in the consumer stakeholder category to the ISO TMB WG SR for Consumer' in a country or if none of the consumer organisations decide to engage in the process then a designated representative from an organisation or agency which meets definition 2 may participate.**

(An example of this is a government department or agency handling consumer affairs and recognised by the public as such, or an independent body within a national standards body representing consumer interests).

**The consumer stakeholder representative should be committed to the role they are undertaking, which as a minimum requires the representative to be responsible for the following tasks in addition to those stated above, in**

#### **1. National level:**

- Participate in one or more ISO/TMB/WG task groups
- Participate in ISO/TMB/WG meetings
- Participate in stakeholder discussions and meetings

Participation is understood to involve sharing the national consumer stakeholder position within the ISO TMB WG SR Consumer stakeholder group.

## **Government Stakeholder Category**

### **Definition**

An individual formally selected by a governmental or inter-governmental body to represent it.

- In most circumstances, this individual is likely to be a salaried civil servant, although it would be possible for a governmental or inter-governmental body to select someone from outside of government (e.g. an academic), to represent a governmental body.
- Under this definition, a government could nominate a national standards body to represent it.

“Government” includes any public sector body, whether it operates at the local, national, regional or international level. The public sector body may take the form of a department, independent commission, board, bureau, office, agency, government owned or controlled corporation of the government.

## **Industry Stakeholder Definition**

The industry stakeholder group includes representatives of:

Enterprises that manufacture products or provide services and pursue primarily commercial interests. This group includes supportive enterprises like energy and water supply, banking, communication, insurance or transport companies. Such enterprises exist of any size and legal form and may operate at local, regional or international level.

Industry also includes employer organizations, business associations, special industry organizations and trade associations representing various industries at the national, regional and international levels.

Excluded are enterprises and other organizations that offer services related to standardization, including certification, registration, accreditation, and related consulting services (SRI services) that pose an inherent conflict of interest. General consulting or advisory services are also excluded unless they have been retained for the purpose of representing enterprises or employer organization in the ISO/TMB/WG/SR process or nominated to represent industry by their national standard bodies.

## **Labour (from CAG N1)**

This category was created for workers as stakeholders and should therefore include only persons designated by independent representative workers' organizations. This means that it cannot include persons or representatives of organizations that deal with labour or workplace issues but do not represent workers nor persons from the human resource departments of companies or from enterprises providing labour-related services or advice or from NGOs that deal with labour or workplace issues. Obviously, it also excludes representatives of organizations established or effectively controlled by employers, industry or governments in any way.

ILO Convention 135 defines worker representatives as "...persons who are recognized as such under national law or practice, whether they are -- (a) trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions; or (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned." This definition provides the basis for an understanding at the international level as to what constitute genuine workers' organizations (usually referred to collectively as trade unions) in any specific situation or country. National standard bodies should invite the most representative workers' organization to nominate an expert. When the standards body is in doubt ICFTU or ILO should be consulted. If ILO is consulted it will apply its procedures for recognizing delegates to the international labour conferences.

## **NGO**

Within the context of the ISO/TMB/WG/SR a non-governmental organization (NGO) is defined as:

A non-profit association of individuals or organizations that has public interest objectives related to the topic of Social Responsibility or any of its component issues.

The following baselines should be considered:

- The mission of the NGO should not be the development of standards, or the provision of standards-related services;
- The NGO should not represent the specific interests of either government, industry, labor unions or consumer groups; and
- Grants or membership dues from, or fee-based services to, for-profit organizations should not be a significant proportion of an NGO's overall funding or compromise the autonomy of its governance.

### Information to be provided by NGO Stakeholder Category members

All organizations participating in the NGO Group shall provide the following information, which will be available to all NGO Group members:

- Proof of charitable/non-profit status
- Publicly available statement of mandate/objectives (e.g. from website)
- Governance structure, including membership and board members' affiliation
- Sources of funding, including roughly which percentage of total funding is derived from grants or membership dues from, or fee-based services to, for profit organizations.

**(Formerly “Other”)**

**Title: Service, support, research and others**

Organisations and individuals, not from other stakeholder categories, that seek to advance understanding of SR through education, training, academic study and research.

Organizations and individuals, not from other stakeholder categories, that develop voluntary standards, codes of practice and SR related tools.

Organizations and individuals, not from other stakeholder categories, that provide services related to the implementation and support on SR activities.

## **Annex C: Extract from procedural rules under development in ISO WG SR**

### **Ensuring balanced participation in TGs**

1. TG Convenors should keep an up to date register of TG experts and observers, including information on their delegation, stakeholder category and expert status.
2. An aggregated summary of the stakeholder balance in the TG should also be kept up to date and made available.
3. Stakeholder Groups are encouraged to nominate at least one (1) “TG coordinator” for each TG.
4. This TG Coordinator will take shared responsibility, along with the respective TG Convenor, for assessing and ensuring adequate stakeholder balance.
5. Each Stakeholder Group is free to establish its own TG Coordinator nomination process.
6. TG Convenors should review stakeholder balance at regular intervals and, in consultation with the Stakeholder Group TG Coordinators, decide if and how to address imbalances.
7. Temporary imbalances should not restrict progress in the TG.
8. There are a wide range of approaches through which TG Convenors can improve balance, including:
  - encourage WG experts from the under-represented stakeholder group(s) to join the work of the TG;
  - encourage WG experts from the under-represented stakeholder group(s) to comment on a specific issue;
  - give more weight to opinions of the under-represented stakeholder group(s) when determining consensus;
  - seek input on an issue from the relevant Stakeholder Group TG Coordinators;
  - invite ISO members and liaison organizations to recommend special advisors from the relevant stakeholder category who would for a defined time period be granted: expert status in that TG only, observer status in the WG and relevant Stakeholder Groups, but neither observer nor expert status in other TGs.
9. The WG Convenors will provide logistical assistance in achieving any of the above, including sending requests from TG Convenors to all WG experts.
10. TG Convenors must register all statements of sustained opposition in the meeting minutes. A participant list, including expert and observer profiles, will also be included in the meeting minutes.

## **Annex D: Rationale for ANEC recommendations related to balanced representation and consensus building**

### **Basic principles of standardisation work**

The internationally accepted principles of standardisation in accordance with the TBT Agreement include transparency, openness, impartiality, consensus, effectiveness, relevance, coherence and the development dimension. Whilst these principles require “that the standard development process will not give privilege to, or favour the interests of, a particular supplier/s, country/ies or region/s” and state that “the impartiality and openness of any international standardization process requires that developing countries are not excluded de facto from the process” the balance or imbalance between different social interests is not addressed. Moreover, the concepts of these principles are not clarified and hence remain ambivalent, in particular with respect to “consensus”.

### **Balance of interests**

It seems that the balance of societal interests has not been subject to a systematic and thorough consideration within the standards organisations even though some NSOs do actively promote consumer representation in standardisation. In some cases, bodies representing the consumer interest have been established at the national level. Last but not least, ANEC is recognized by the CEN as CEN Associate and by CENELEC as Cooperating Partner. However, this does not rectify the inherent imbalance in the standardisation system and does not automatically result in a balanced outcome of the process.

The ISO/IEC Directive Part 1 contains an obligation of the national standards bodies to take into account the views of all relevant interests in developing a national position and in determining their delegations to ISO TC or SC meetings (clause 1.7 Participation in the work of technical committees and subcommittees). *“National bodies have the responsibility to organize their national input in an efficient and timely manner, taking account of all relevant interests at their national level”*. Similarly the CEN/CENELEC Internal Regulations Part 2 stipulates that: *“When forming and briefing its delegation to a Technical Committee meeting, a member shall ensure that the delegation will convey a national point of view that takes account of all interests affected by the work”* (3.2.3.1 Responsibilities of CEN/CENELEC national members).

In our point of view, this provision is too general to be of practical use because there is no definition of “relevant” interests and no guidance on how this should be accomplished in practice. NSBs do not report on the involvement in the decision-making and whether indeed all parties agree with the national point of view. The composition of the national delegations is also at the discretion of the NSOs. There are no provisions in place – neither within ISO/IEC nor within CEN/CENELEC - which oblige NSOs to ensure a balanced composition of their committees or a balanced outcome (except for the ISO SR Guidance Standard). Hence, it is not obvious to which extent the various stakeholders had an influence on the national position building. According to our experience, the national opinions are often determined by business interests and minority views (e.g. from consumers) are “filtered out” by the system. These national imbalances are further amplified at the European or international levels.

## Consensus

The term “consensus” is introduced first in the foreword of the ISO/IEC Directives Part 1 as a basic concept: *“Consensus, which requires the resolution of substantial objections, is an essential procedural principle and a necessary condition for the preparation of International Standards that will be accepted and widely used. Although it is necessary for the technical work to progress speedily, sufficient time is required before the approval stage for the discussion, negotiation and resolution of significant technical disagreements”*.

In the part dealing with the various stages of the development of international standards (clause 2) this is further detailed by referring to the definition of consensus contained in ISO/IEC Guide 2:1996: *“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.”*

Some procedural guidance is also provided: *“Within ISO, in case of doubt concerning consensus, approval by a two-thirds majority of the P-members of the technical committee or subcommittee voting may be deemed to be sufficient for the committee draft to be accepted for registration as an enquiry draft; however every attempt shall be made to resolve negative votes”*. This applies to the committee stage. *Every attempt shall be made to resolve negative votes”* This applies to the enquiry stage.

However, it is not clear what “sustained opposition/ substantial objections” means and how it can be expressed. Whilst the definition in the foreword of the ISO/IEC Directives Part 1 uses the term “substantial objections” the ISO/IEC Guide 2 uses the notion “sustained opposition”. The two expressions have different connotations. Whilst the former seems to indicate a strong disagreement, the latter suggests a continuous or persistent activity, a repeated expression of disagreement.

Moreover, there are no rules for registering such disagreement. One possible option could be that a sustained opposition is expressed through a negative vote. But the provision that *“in case of doubt concerning consensus”* a voting result (two-third majority of the P-members) is considered sufficient to register a document as enquiry document suggests that negative votes do not exclude consensus and do not have to be resolved automatically. A second option could be that *“sustained opposition”* refers to something else than a negative vote without clarifying it.

Finally, there is no guidance on who is allowed to express a *“sustained opposition”*. Whilst the definition of consensus talks about *“absence of sustained opposition to substantial issues by any important part of the concerned interests”* seems to include the views of ISO liaison organisations, the provision that *“every attempt shall be made to resolve negative votes”* appears to limit the consensus building to the ones allowed to vote and thus able to vote negatively – the NSOs. In both cases the ISO/IEC rules are inconclusive, even contradictory.

The CEN/CENELEC Internal Regulations Part 2 use the term consensus in a number of places, but no definition is given. For example, a chairman of a technical committee should try to reach consensus: *“The chairman shall do everything possible to obtain a unanimous decision of the Technical Committee. If unanimity on a subject is not obtainable, the chairman should try to seek consensus rather than rely simply on a majority decision”*. It seems that the provisions of the European standards bodies rely on the ISO/IEC definitions.