

BULGARIAN INSTITUTE FOR STANDARDIZATION

RULES FOR NATIONAL STANDARDIZATION ACTIVITIES

Part 1:

General Principles

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FOREWORD

BDS *Rules for National Standardization Activities* are developed in compliance with the principles and rules of the International Standardization Organizations ISO and IEC, the European Standardization Organizations CEN, CENELEC and ETSI and WTO/TBT *Code of Good Practice for the Preparation, Adoption and Application of Standards*.

The *Rules for National Standardization Activities* are intended for all participants in the standardization process (TB's chairmen, secretaries and members, TC's and other technical working bodies' chairmen, secretaries, members and experts as well as for BDS staff).

The *Rules for National Standardization Activities* comprise the following parts:

Part 1: General Principles

Part 2 Organization of the Standardization Activities

Part 3: Structure, Contents and Drafting of Bulgarian standards

This second edition supersedes the *Rules for National Standardization Activities, Part 1: General Principles*, 2010 edition.

In comparison with the previous edition the following significant modifications have been made:

- a new clause 2, "Normative references" was added;
- a new term "normative document" was added;
- the definitions of the terms were justified in compliance with BDS EN 45020:2007;
- the sources of terms were updated;
- the texts in clause 4 concerning the aims of standardization were justified and complemented;
- the texts concerning the principles of standardization were justified and complemented;
- a new clause 8 "Use of standards" was added;
- the texts concerning the voluntary standard's status, verification of conformity and conformity assessment were complemented and updated;
- Annex A (informative) was deleted and his content concerning reference to standards in regulations was included in clause 8;
- the previous clause 7 became clause 9 "Legal issues";
- issues concerning the responsibility of the standards' users, the use of standards in proceedings and BDS experts' participation in proceedings were included in the new clause 9;
- the texts in clause 9 concerning copyrights, exploitation rights, and distribution rights were updated;
- the texts in clause 10 concerning duties in relation of International and European standardization were complemented and updated; The EU Directive 98/34/ was replaced by EU Regulation 1025/2012;
- in the new clause 11 the texts concerning disputes and appeals and particularly the case of failure to reach consensus and appeals against decisions of BDS working bodies were justified and complemented;
- in the Bibliography the publications were updated and additional publications were cited;
- editorial changes were made for text improving.

Rules for National Standardization Activities, Part 1: General Principles were developed in implementation of the *Law on National Standardization* and *BDS Statute* and approved by BDS Governing Board on 21 February 2014.

1 Scope

This part of the *Rules for National Standardization Activities* describes the context of standardization, identifies the aims and principles, the role of Bulgarian Institute for Standardization (BDS) and its technical bodies for standardization activities at national, European and International level.

2 Normative references

The following documents, in whole or in part, are normatively referenced in this document and are indispensable for its implementation. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including amendments) applies.

Rules for National Standardization Activities. Part 2: Organization of the standardization activities, 2014

Rules for National Standardization Activities. Part 3: Structure, Contents and drafting of Bulgarian standards, 2014

БДС EN 45020:2007 Standardization and related activities. General vocabulary (ISO/IEC Guide 2:2004)

ISO/IEC Directives, Part 1: Consolidated ISO Supplement – Procedures specific to ISO, 2013, www.iso.org

WTO/TBT Code of Good Practice for the Preparation, Adoption and Application of Standards <http://www.wto.org>

ISO POCOSA 2012, ISO Policies and Procedures for Copyright, Copyright Exploitation Rights and Sales of ISO Publications, www.iso.org

CEN/CENELEC Guide 10:2010, Guidelines for the distribution and sales of CEN/CENELEC publications, www.cen.eu

3 Terms and definitions

For the purposes of this document terms and definitions of *Rules for National Standardization Activities, Part 2* and *Part 3* as well as the following apply:

3.1

standardization

activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context

NOTE 1: In particular, the activity consists of the processes of formulating, issuing and implementing standards.

NOTE 2: Important benefits of standardization are improvement of the suitability of products, processes and services for their intended purposes, prevention of barriers to trade and facilitation of technological cooperation.

[BDS EN 45020:2007, definition 1.1]

3.2

standard

document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context

NOTE: Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits.

[BDS EN 45020:2007, definition 3.2]

3.3

National Standardization Body

standardization body, recognized at the national level, that is eligible to be the national member of the corresponding International and Regional Standardization Organizations

NOTE: Bulgarian Institute for Standardization (BDS) is recognized as the National Standardization Body in the Republic of Bulgaria.

[BDS EN 45020:2007, definition 4.4.1]

3.4

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.

[BDS EN 45020:2007, definition 1.7]

3.5

normative document

document that provides rules, guidelines or characteristics for activities or their results

NOTE 1: The term "normative document" is a generic term that covers such documents as standards, technical specifications, codes of practice and regulations.

NOTE 2: A "document" is to be understood as any medium with information recorded on or in it.

NOTE 3: The terms for different kinds of normative documents are defined considering the document and its content as a single entity.

[BDS EN 45020:2007, definition 3.1]

3.6

regulation

document providing binding legislative rules, that is adopted by an authority

[BDS EN 45020: 2001 7, definition 3.6]

4 Context of standardization

4.1 General

Standardization is an activity that includes the creation of consensus-based standards and standardization documents, their adoption by recognized bodies and the voluntary application of these documents for public benefit.

Standards do not in themselves impose any obligations of adherence. Regulations, contracts, e.g., which the law requires to be implemented, may however refer to standards in such a way as to make compliance with them compulsory.

NOTE: Explanations concerning the voluntary status of standards and their use for reference in regulations and contracts and for the purposes of conformity assessment are given in clause 8.

4.2 Types of standards and standardization documents

Standards are prepared for various reasons and for different purposes, e.g. standards that provide provisions for products, processes and services, test methods, interface standards, terminology standards, codes of good practices and others. Hence, a clear distinction shall be made between a specification (that prescribes requirements to be fulfilled) and a code of good practice (document, recommending mode of action).

Other types of standardization documents are also being developed unless standards - technical specifications, technical reports, guides, code of good practices, e.g.

An important difference between standards and other standardization documents is the required level of consensus for their approval. Standards and technical specifications comprising requirements to be fulfilled by products, processes and services (normative requirements), while other type of documents contain only recommendations.

The contents of any type of standard can be divided into normative elements (essential part) and other elements, which are informative and are distinguished by context and wording (see the *Rules for National Standardization Activities, Part 3*).

4.3 Standardization system

The Global standardization system includes standardization activities at three levels - international, regional and national levels. Examples of organization in all three levels are shown in the Table.

International and regional standardization is achieved through the collective efforts of national standards bodies. The International and the regional organizations are linked by collaboration agreements and, together with the national standards bodies, form a Global standardization system. They have adopted agreed work procedures and modes of co-operation.

Table – Examples of Standardization Organizations at different levels

Level of standardization	Name of organization
International	International Organization for Standardization (ISO) International Electrotechnical Commission (IEC) International Telecommunication Union (ITU)
Regional (European)	European Committee for Standardization (CEN) European Committee for Electrotechnical Standardization (CENELEC) European Telecommunications Standards Institute (ETSI)
National	Bulgarian Institute for Standardization (BDS) Foreign national Standardization Bodies

The National Standardization Body in the Republic of Bulgaria is the Bulgarian Institute for Standardization (BDS), created according to the *Law on National Standardization*, (State Gazette, Issue 88 of 4 November 2005). BDS is member of the International Standardization Organizations (ISO and IEC) and of the European Standardization Organizations (CEN and CENELEC).

As a National Standardization Body of the Republic of Bulgaria, BDS is responsible for the standardization activities at national level and for the organization of participation of Bulgaria in the activities of International and European Standardization Organizations.

5 Aims of standardization

The main aims of standardization can be summarized as follows:

- a) to ensure fitness for purpose of products, processes and services;
- b) to support the sustainable development of the society – increasing safety of products, processes and services, health's and life's protection of humans and animals, environmental protection;
- c) to provide efficient use of resources – increasing the production efficiency and the effective use of labor, materials and energy;
- d) to enhance removal of the technical barriers to trade;
- e) to encourage the innovations and the economic growth.

From a public point of view, the main objectives in developing standards are:

- to provide an agreed basis for assessing products, processes or services, particularly regarding safety and the prevention of injury;
- to offer unambiguous technical criteria for legal purposes and contracts on the basis of scientific achievements and technologies;
- to be universally recognized and used.

5.1 Fitness for purpose of products, processes and services

Standardization aims to satisfying expectations of users of goods and services. Standards shall be formulated in a manner which recognizes user requirements and how they will be satisfied. Typical user requirements for quality in the sense of fitness for purpose include reliability, compatibility, interchangeability and convenience.

5.2 Sustainable development of society

Standardization aims to increase the quality of life by improvements in health, safety, security, comfort, convenience and environmental protection, identify hazards and reduce risks.

In this respect, the standardization shall provide solutions for sustainable development in four main dimensions – economic, social, environmental and institutional to meet the human need while preserving the natural balance in the environment, so that these needs can be met both now and in the distant future.

In the economic dimension, the standards provides solutions in almost all human activities such as agriculture, construction, engineering, manufacturing, transport, healthcare, information technologies, food, water, energy, quality management, conformity assessment, services and other.

In the environmental dimension, the standards provide support for environmental management, measurement of the effect of greenhouses gases, determination the water quality, air and soil, as well as identification of the harmful effects of human activity.

In social and institutional dimension, the standards support governments, civil society and business to adapt the society aspirations, as social responsibility, health, safety machinery, safe food and water, access for elderly and disabled people to products, to concrete implementation.

5.3 Efficient use of resources

Standardization targets to increase efficient and economical use of the resources. This can be achieved through variety control (variety reduction), economies of scale, reduction of waste in time and materials, distribution efficiency and ease of maintenance. Although variety reduction may restrict consumers' choice, the greater efficiency that standardization allows can be used to reduce the costs and improve the quality.

Special attention shall be paid to find standardization solutions to ensure energy efficiency and new energy technologies, as well as to energy management systems.

5.4 Removal of technical barriers to trade

Standardization targets to support conditions that promote trade, particularly international trade. Standardization can help to ensure fairness in conditions for the purchase of goods and services, taking into account the needs of both suppliers and users. It can help to remove barriers to trade caused by differences in national practices or by individual interests securing undue advantage. The standardization shall promote creation of clear and unambiguous juridical communication between parties.

The World Trade Organization (WTO) *Agreement on Technical Barriers to Trade* recognizes the important contribution that the use of international standards and conformity assessments systems can make to improve efficiency of production and facilitate the international trade.

5.5 Encouraging innovations

Standards support the innovation development and encourage the market acceptance of innovative solutions. The experts developing standards should work in close cooperation with the scientific communities. The timely involvement the results of the research activities should be practice.

Standardization should be an activity, providing exchange of innovative ideas for standards development that shall facilitate the market acceptance of innovative products and to improve their applicability, providing interchangeability and compatibility with the new and existing products, services, systems and processes.

6 Conditions of standard development

The main requirements to support the international trade through standardization and standardization process are defined in the *Agreement on Technical Barriers to Trade. Annex 3: Code of good practice for the preparation, adoption and application of standards*. To implement these requirements in the development of a standard/document it is necessary to comply with the following conditions:

- a) to have a necessity of standard;
- b) to be applicable;
- c) to be coherent;
- d) to take into account the technological innovation and competition;
- e) to be impartial (not to give priority to individual interests);
- f) to be planned and updated in defined time limits.

6.1 Necessity of a standard

Standards shall be created only if there is a genuine need for standardization and readiness of all parties concerned to agree on the standards that they need. A necessary condition for the development of a standard is to have sufficiently wide support from the stakeholders and to be suitable for their purposes.

6.2 Applicability of standards

Standardization requires the voluntary commitment in the standards development process and readiness to continue in their implementation. The standard development is of value only if the standard will be applied. The user's requirements for a standard shall be clearly understood at the beginning and born in mind throughout its development.

6.3 Coherence of standards

The activity on standards development shall be based on the widest level of agreement giving the possibility to all interested parties to express their position within a certain time limits.

Whenever practicable, duplication of effort shall be avoided by contributing of national standards bodies to international or European standardization rather than developing standards at national level.

6.4 Impartiality of standards

Standards shall not give preference to any commercial interests. Standards shall not give significant advantage to the products or services of:

- a) any individual supplier;
- b) any particular group of people sharing a specific commercial interest;
- c) the industry of any particular country or countries.

6.5 Planning work and updating in defined time limits

There is a need to plan when and how is appropriate to standardize, particularly in a rapidly developing fields of technology. On the one hand, the flow of new ideas may be hindered if standards fix designs and methods too early. On the other hand, if standardization does not start soon enough, a large number of independent solutions may be wasteful of manufacturing resources. Then standardization of a given product would become more difficult, if not impossible.

Planning the development of a standard is essentially a process of considering what the interested parties are prepared to agree, and enough time needs to be allowed for resolution of the important disputable issues.

When a new standard project is proposed, the relevant Technical Committee should satisfy themselves that there is a need for it, that it can be agreed in a reasonable time, it can be maintained as an up to date and there is a market for the standard. These conditions may not be observed strictly. The most important is the proposal to deliver the accurate information about the real business and the achieved objective to demonstrate compliance with the market needs.

7 Principles of standardization

The process of achieving the standardization objectives is based on the observing of principles of standardization:

- a) recognition of the state of the art, giving priority to the international agreements and using the results of the European and International standardization;
- b) achieving consensus;
- c) wide voluntary participation of all stakeholders and their balanced/appropriate representation in the standards development process;
- d) transparency at all stages of the work;
- e) compliance with the rules for development and layout of standards;
- f) prevention of the domination of particular interests at the expense of the public interest;
- g) observance of the copyrights and distribution rights.

7.1 State of the art, international agreements and results of the European and International standardization

Standardization is an activity that establishes provisions representing the achieved level of technological development in various areas of business and life.

Standardization is increasing based on international agreements. The European Standardization Organizations based on the agreements should endeavor to adopt international standards instead of developing their own new standards (e.g. Vienna Agreement and Dresden Agreement). The National Standardization Bodies, in turn, participate in the work of the International and European organizations for standardization, thereby avoiding duplication of effort and achieving a high level of consistency.

By virtue of the international agreements, a Bulgarian national standard may be developed only for such object for which there is no International or European Standards or draft standards are not under preparation.

7.2 Consensus

Consensus, which requires the resolution of substantial opposition, is an essential procedural principle and a necessary condition for the preparation of 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.

The process of achieving consensus as defined in 2.4 and in the interpretation in *ISO/IEC, Part 1 (ISO / IEC Directives - Part 1, Consolidated ISO Supplement, 2013) Directives*, allows the expression of many different viewpoints, while the standard is developed.

„Sustained oppositions“ are views expressed at minuted meetings of committee, working group (WG) or other groups and which are maintained by an important part of the concerned interest. The notion of “concerned interest(s)” will vary depending on the dynamics of the committee and must therefore be determined by the committee leadership on a case by case basis by the Technical Committee (TC)/Working Group (WG) management (Chairman/Head of the working group).

On the other hand those expressing “sustained oppositions” have a right to be heard and the following approach is recommended when a sustained opposition is declared:

- The leadership must first assess whether the opposition can be considered a “sustained opposition”, i.e. whether it has been sustained by an important part of the concerned interest. If this is not the case, the leadership will register the opposition (i.e. in the minutes, records, etc.) and continue to lead the work on the document.
- If the leadership determines that there is a “sustained opposition”, it is required to try and resolve it in good faith. However, a sustained opposition is not akin to a right to veto. The obligation to address the “sustained oppositions” does not imply an obligation to successfully resolve them.
- In case of doubt whether a project has sufficient support, the adoption becomes by a vote, where two-thirds of the voting members of the relevant TC or WG have a positive vote. All contrary opinions are registered.

7.3 Voluntary participation, balanced/appropriate representation and voluntary use of standards

All interested legal entities on the territory of the Republic of Bulgaria can voluntary join the Bulgarian Institute for Standardization and participate in the standardization work by their representatives.

In the standards development the participation of the widest possible range of stakeholders shall be ensured, avoiding the dominant influence of someone of them.

The participation of the small and medium sized enterprises (SME) in the standardization process is especially important as they represent the majority of industry, social sphere, the environmental sphere and the consumer organizations.

7.4 Transparency

Public acceptance of standards relies on public consultation in their development.

At the stages "New Work Item Proposal" and "Public Enquiry" on draft Bulgarian standard at national level, European or international standard, the information is published at *BDS website* and at *BDS Official bulletin* in order to inform the public for the work done and to allow the contribution of all who are interested in the work.

The opinions of the BDS members are expected to be presented from the very beginning and through all stages of standards development. Opinions on draft standards received from all stakeholders outside the Technical Committees are reviewed and discussed by Technical Committees.

Transparency in the preparation of standards does not however extend to making technical body's proceedings known to the parties which are not engaged with the standardization activity as well as media.

7.5 Respecting the rules for standards drafting and presentation

Standards shall be drafted and presented with care and precision, taking into account that they can be applied for the purposes of regulations and contracts.

The rules of International and European Standardization Organizations include detailed guidelines for development and presentation of the standards content. The rules for the common elements of International and European standards are identical, allowing International Standards to be adopted as European Standards with minimum modifications and vice versa.

The rules for the structure, drafting and presentation of Bulgarian national standards are not differing from those for the preparation of International and European Standards (see *Rules for National Standardization Activities, Part 3*).

7.6 Copyright and distribution rights

Pursuant to the *Law on National Standardization*, BDS holds the copyright and distribution rights of all Bulgarian standards and standardization documents. BDS copyright protection on Bulgarian standards and Bulgarian standardization documents is carried out under the *Law on copyright and related rights*.

BDS has the exclusive right to issue, reproduce, distribute and sell Bulgarian standards and Bulgarian standardization documents.

BDS as an international and European Standardization Organizations' member is responsible for the copyright preservation of these organizations and their members on the territory of Republic of Bulgaria.

Legal aspects regarding copyright and distribution rights are given in 9.6 and 9.7.

8 Use of standards

8.1 Status of voluntary standards

The principle of voluntary participation in standards development requires it to be extended also to their use.

No National Standardization body, International or European Standardization Organization has the power to make the compliance with standards compulsory. Although the standards and technical specifications contain requirements, their use is voluntary and obligations to observe only occur if compliance of them:

- is required in commercial description of product, process or service;
- is required by contract;
- is made compulsory by law or by an exclusive reference in another regulation.

Unless stated otherwise, for contracts or declaration of conformity in which reference is made to specific standard, the respective version of the published standard shall apply, which is effective from the date of the contract or declaration.

8.2 Verification of conformity to the standard requirements

It is essential that standards contain clear indications of how conformity to its requirements can be verified (i.e. by specifying a test method or measurement).

The wording of any standard shall be such that conformity to its requirements to be verified equally by first party (supplier), second party (purchaser) or an independent third party.

Third part conformity assessment to a standard is an optional service and it shall not in any way be imposed through the application of a voluntary standard. This means, for example, that a voluntary standard shall not require a product to bear a certification mark.

The certification provisions shall be included as informative elements only or in separate standards.

8.3 Conformity assessment to the requirements of regulation or contract

Reference to Bulgarian standards or other public available standardization documents can be made in the technical regulations and in the contracts in order to facilitate the determination of requirements and the manner of assessment of conformity to the requirements of the relevant regulation or contract.

As the standards and the other public available standardization documents can be written in different ways, not only as a requirement but as statements, guidelines or recommendations, the way of reference in contracts and regulations shall be consistent with the degree of compulsoriness of provisions of standards and other standardization documents.

8.4 Reference to standards in regulations and contracts

8.4.1 Reference to standards in regulations

By reference to standards in regulations and contracts the incorporation of detailed technical provisions in their texts and duplication of technical requirements are avoided. The legislative bodies have the right to cancel the

reference or to replace it or to include in the regulation the necessary technical requirement at any time.

The reference to standards in regulations can be done in such a way that the compliance with these standards becomes mandatory (exclusive reference) or the standards to be used only as a means of assessment of conformity to the regulation requirements (indicative reference):

- **exclusive reference** – makes the use of a standard mandatory; the standard, or part of it referred to, has to be followed exclusively, i.e. the text of the standard ceases to be voluntary in the context of the legal requirement;
- **indicative reference** – a standard is indicated as a means of compliance; compliance with the standard is indicated as one way of fulfilling (e.g. “presumption of conformity”) regulatory requirements; anyone who is not applying standard have to choose another route to prove that the regulation requirements are met.

8.4.2 Intergovernmental acknowledgment of standards

The International Standards are recognized as the basis of provisions designed to remove the technical barriers to trade. The implications of this regulatory interest have been formulated by ISO and IEC jointly in a code of principles of “reference to standards” in regulations.

8.4.3 European legislation – The New Approach Directives

Within the framework of the New Approach to technical harmonization and standards adopted by the EC Council of Ministers in 1985, conformity to certain (harmonized) standards was recognized as a means creating an entitlement to free movement of goods throughout the European Union. The extent of that freedom varies according to the applicability of the relevant New Approach Directives.

The reference to harmonized standards in the New Approach Directives which are transposed in Bulgarian legislation is an example of recognition the “presumption of conformity”, so that other means of demonstrating the conformity with the essential requirements of the relevant Bulgarian regulations can be used.

8.4.4 Standards referred to in contracts

A specification can form part of a contract or an annex to it. The existence of relevant standards makes writing contract specifications easier. The usefulness of the standards for contract specifications depends on how well their scope covers the needs of the contracting parties. Many standards contain options from which a choice has to be made when drafting a valid contract. A reference to codes of good practice, guides and recommendations is insufficient to serve as contractual requirements.

8.4.5 Use of standards for public procurement contracts

Standards can be useful practically in the public procurement contracts. In such cases there is a need of standards to take account of such factors as:

- a) assurance of safety, protection of health and environment;
- b) multiple application of already specified product requirements (including services);
- c) allowing freedom for technical development, where appropriate;
- d) minimizing problems of compatibility with existing equipment.

8.4.6 International and European public procurement requirements

International and European obligations reinforce the use of standards in public procurement contracts above certain financial thresholds. The *World Trade Organization (WTO) Agreement of Government Procurement* requires government procurement specifications, where appropriate, to be based on International and European Standards. In Europe, the EU Procurement Directives govern public supplies, public services, public works and utilities contracts. These directives encourage contracting bodies to define their technical specifications by reference to national standards implementing European Standards where these exist.

8.4.7 Trade descriptions

A standard can form part of a trade description when cited by number or when compliance with it is claimed.

9 Legal issues

9.1 Responsibility of BDS

BDS, as Bulgarian National Standardization Body, is responsible for the publication and distribution of national standards and standardization documents, International, European and foreign national standards (see 8.6).

BDS is obliged to adopt the European Standards identically, and is not permitted to alter the text of an approved European Standard.

Standards are produced and published in the public interest. Compliance with a standard however cannot provide complete reassurance that a product (or service) is safe or no risk if all other requirements specified in regulations are not met.

9.2 Responsibilities of technical bodies

BDS technical bodies shall be responsible for the development of Bulgarian standards. They shall take all necessary measures to ensure that standards are precise and clear.

Each standard shall be written in such a way as not to result in the obtaining of product, process or service non-conforming to that standard.

Where, post publication, an error or errors in a standard is identified that it considers misleading or have serious consequences, the error, together with all relevant information shall be referred to the BDS Managing Director who shall consider what, if any, corrective action is to be taken.

9.3 Responsibilities of standards' users

The standards' users are responsible for the selection of standards which in every respect have to be suitable for their needs, as well as for the products use (including services) to which they relate. BDS is not responsible for the selection and use of standards.

9.4 Use of standards in proceedings

The fact that a standard has been prepared and approved by consensus should enable any interested party in legal proceedings to defend the claim that the standard reflects the mutual agreement and acceptance by all interested parties.

Depending on the nature of the matter and the circumstances a party may assert the claim that the standard reflects the state of the art at the time of its publication. On the same basis, the court may admit as evidence a standard and on this basis to determine the sentence.

9.5 BDS experts' participation in proceedings

Each representative or an expert in Technical Committee, which was notified in any form that it will be involved in legal or administrative proceedings of a nature which is related to the work of the relevant Technical Committee, shall immediately notify the BDS Managing Director.

When a representative or an expert in BDS technical body was called personally to give an opinion as an expert in litigation at the hearing by the court, he shall clearly show that the expressed opinion is on its own behalf. It is possible that its appearance before the court to be on behalf of BDS only if it is authorized by the Chairman of BDS Governing Board.

9.6 Intellectual property

9.6.1 Copyright

9.6.1.1 Contribution to the standards development

Contributions made by the representatives and experts in the BDS technical bodies in the development of Bulgarian standards and related documents shall only be accepted for inclusion in standard on strictly defined conditions.

According to that all rights of copyright on the material and texts contributed for the purpose of the standard shall be fully vested by BDS and/or the International and European Standardization Organizations, as the case may be, who will be exclusively responsible for taking the necessary actions for protection the copyright so assigned.

The representatives and experts in the BDS technical bodies shall confirm their agreement to make such assignments to BDS and/or the international and European Standardization Organizations through a special declaration signed at any meeting of the working body or in an electronic format when working by correspondence.

Where contribution made by representatives and experts in the BDS technical bodies are included in a standard, in whole or in part, the contributor retains the right which they had to exploit such contributions for their/its own purposes.

9.6.1.2 Reproduction of national standards

Bulgarian standards/standardization documents or part of them shall not be reproduced in any form without prior written permission from BDS.

9.6.1.3 Third-party copyright/patents

No material known to infringe another party's copyright shall be included in a standard unless permission has been obtained from the copyright holder and acknowledgement is made in the standard foreword. If copyright exists in a drawing, which is essential to be included in a standard of national origin, the drawing shall only be as an

informative illustration and not as a requirement.

During the development of standard/standardization document the responsible BDS technical body shall be informed of the following:

- any patent that is thought to be relevant to the standard under development; and
- any claim in relation of a patent that is used in a standard, whether the standard has been published or is under development. BDS together with the technical body shall undertake any actions to agree the best way to address such a claim. A note, drawing attention to such patent rights that are known at the time of publication, shall appear at the appropriate place in the standard.

Material that is known to be the subject of a patent shall only be included in a standard of national origin if:

- it is absolutely necessary to do so;
- the material shall not impose requirements;
- the patent holder agrees to grant the copyright protected material on reasonable, accessible and non discriminatory terms.

Details on the formulation of the text of standards related to third-party copyright/patents are given in *Rules for National Standardization Activities, Part 3*.

9.7 Distribution and sale of standards/standardization documents

9.7.1 BDS observes the rights on distribution the publications of the International and European standards and standardization documents in a way that protects the interests of the other national members of International and European Standardization Organizations ISO/IEC and CEN/CENELEC.

BDS policy on the distribution and sale of International and European Standards and standardization documents on the territory of the Republic of Bulgaria is in accordance with the international rules relating to copyright, exploitation rights and the sale of publications of ISO/IEC (*ISO POCOSA 2012*) and with the European rules relating to copyright, exploitation rights and the sale of publications of CEN/CENELEC (*CEN/CENELEC Guide 10*).

9.7.2 Policy on the distribution and sales of standards according international and European rules is properly applied also for Bulgarian standards/standardization documents developed at national level under the *Rules for National Standardization Activities, Part 2*.

9.8 Data protection

The representatives and experts in the BDS technical bodies, depending on their role, shall be provided with password-controlled access to the document management system used for the electronic circulation of the documentation of technical bodies, including the documentation of European and International Standardization Organizations in accordance with established BDS procedures.

Access to the system shall require compliance with the conditions attached to that access, which include the undertaking not to use personal data for purposes other than those associated with the technical body activities.

10 BDS's role as a National Standardization Body in the International and European Standards Organizations

10.1 General

BDS is responsible for providing the gateway for the Bulgaria's representation in the international and European Standardization Organizations. BDS's national technical bodies shall act as "mirror" ones to the relevant International and European Committees and provide the national input to them.

NOTE: In certain cases, some national committees may cover particular aspects of the work program of an International or European Committee or to be mirroring to several international and/or European committees in similar fields.

BDS shall adopt as a Bulgarian standards all standards developed by the European Standardization Organizations and whenever necessary and practical possible the standards of the International Standardization Organizations.

NOTE: This principle is also ensured through the cooperation, involving sharing work and parallel voting, in the International and European bodies, formalized by the Vienna Agreement between ISO and CEN, and the Dresden Agreement between IEC and CENELEC.

10.2 International and European procedures

When participating in the activities of International and European Standardization Organizations, BDS is required to work in accordance the procedures and the rules of the International/European Organizations.

For international work BDS shall follow the *ISO/IEC Directives - Part 1: Procedures for the technical work, together with the ISO Supplement and IEC Supplement; ISO/IEC Directives - Part 2: Rules for the structure and drafting of international standards*, and when relevant, the *ISO/IEC Directives, Procedures for the technical work of ISO/IEC JTC 1*.

For European work BDS shall follow the *CEN/CENELEC Internal Regulations - Part 1, Part 2 and Part 3*.

10.3 Obligations within International and European standardization

The cooperation agreements at international, regional and national level, forming Global standardization system, ensure standards' developing, based on consensus and applicability of the standards in the global market.

BDS strictly implements its obligation under all contracts and agreements signed between BDS and the International and European Standardization Organizations and the other National Standardization Bodies.

BDS, as National Standardization Body in the Republic of Bulgaria – member of European and International Standardization Organizations, shall fulfill its responsibilities as signatory of the *WTO TBT Agreement on Technical Barriers to Trade, Annex 3: Code of Good Practice for the Preparation, Adoption and Application of Standards*, and *Regulation 1025/2012 EC of the European Parliament and of the Council on European standardization*

An important part of the responsibilities of the National Standardization Bodies related to these obligations is the implementation of the procedures for notification of draft national standards and observance of the "standstill" on projects where for the same object exists (or is in the process of development) European or International Standard, in order not to duplicate the work and not to create additional barriers to trade.

BDS requires its national mirror Technical Committees to determine the national position on the draft International and European standards at the relevant stages of International and European procedures requiring decisions by consensus.

BDS shall adopt all European standards as national and withdraw any conflicting national standards regardless of its position expressed during the vote.

BDS should adopt as national, the international standards for which there is identified interest in the country.

Details on the implementation of these obligations by BDS are given in the *Rules for National Standardization Activities, Part 2*.

11 Disputes and appeals

11.1 Failure to reach consensus in BDS/TC

In all cases according to *Rules for National Standardization Activities, Part 2* the principle of consensus shall be observed for the adoption of standards/standardization documents by working bodies, but if disputes cannot be resolved within the Technical Committee the following procedures shall apply:

a) for draft Bulgarian standards developed at national level

Where as a result of public enquiry on second draft standard it becomes clear that there is not sufficient support for its publication as a national standard, the matter shall be referred to the relevant Technical Board.

On the basis of the report of Managing Director with all agreement or disagreements and the reasons for inability document to be published as a national standard the Technical Board shall take a decision whether to continue the work with new terms or other standardization document (Technical Specification, Technical Report, etc.) to be published or the project to be stopped.

b) for draft standards of European or International Standardization Organizations

In the event of a Technical Committee failing to reach consensus for positive national position on a draft International or European Standard due to contradicting opinions, a final decision shall not be taken by the Technical Committee and the relevant Technical Board shall immediately be notified.

The Technical Board shall, in consultation with the chairman and secretary of the Technical Committee and, if necessary, with other competent experts, propose a decision.

If as a result of consultations, the Technical Committee has not yet been able to reach consensus on positive national position, the Technical Committee shall vote in the relevant International or European Organization with "abstain" or with "negative vote" with the respective reasons.

11.2 Appeal policy

11.2.1 Each BDS member or SME may appeal any action or inaction of a Technical Committee, other working body or BDS employee if it considers that this action or inaction was not in accordance with the *National Law on Standardization, BDS Statute or Rules for National Standardization Activities* or, is not in the interest of trade relations as well as of public interests such as safety, health and environment.

The complaints on matters arising from meetings or vote shall be submitted within one month after the release of minutes of the relevant meeting or voting decision by correspondence.

The matters, subject to the complaint can have technical or administrative nature. Appeals on decisions concerning proposals for New Work Items, Committee Drafts, drafts at Public Enquiry and Final Drafts of national, European and International Standards are eligible for consideration if:

- are matters of principle;
- the content of the draft standard could harm BDS reputation (e.g., low level of safety and quality).

All complaints shall be documented properly so as to support the authors' observations.

11.2.2 The documented complaint shall be submitted by the author to the BDS Managing Director, who shall direct it to the relevant Technical Board within two weeks.

11.2.3 In considering the complaint the Chairman of Technical Board shall first assess whether on the matter can be taken immediate decision or further action is needed to make a decision. If further action is required, the Chairman of Technical Board shall define a special independent commission to hear the parties on the complaint in the shortest possible time.

The Chairman of the Technical Board shall report to the relevant BT for the commission's conclusions and make appropriate proposals. Technical Board makes decisions based on the commission's conclusions and proposals of the Chairman of the Technical Board.

11.2.4 During the examination of the complaint, any activity that is in progress shall be continuing, including the stage of adoption from BDS/TC or BDS/BT. However, a document may not be approved and made public available until a decision on the appeal is not taken.

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Document history

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