



## **Memorandum of Understanding**

### **Between CEN and ARSO**

The purpose of this Memorandum of Understanding (MoU) is to establish the relationship between:

**CEN**, the European Committee for Standardization, and **ARSO**, the African Regional Organization for Standardization, in order to facilitate the exchange of goods and services between the countries of the EU / EFTA and the countries of ARSO members.

The mission of ARSO is to contribute to the development and promotion of the African economy and its support in the fields of industry, energy, mining, standardization and related fields, such as environment, and develop relevant standards, with a view to strengthening its productivity, quality and competitiveness.

The mission of CEN is to serve the EU / EFTA, its prosperity and competitiveness by eliminating non-tariff barriers to trade - mainly of a technical, procedural or communicational nature - whilst safeguarding health, safety and the environment. CEN produces European Standards (ENs), Technical Specifications (TSs), CEN Reports (CRs), CEN Workshop Agreements (CWAs) and Guides.

CEN and ARSO establish this MoU with the following goals:

- to promote communication between the two organizations;
- to promote mutual understanding of the roles of each organization in their respective regions;
- to promote knowledge of the standards development activities of each organization;
- to adopt a complementary approach to the standardization process in the domains of mutual interest where appropriate;
- to perform and promote, directly or indirectly, regional standardization with the aim of facilitating the exchange of goods and services between the EU / EFTA and ARSO member countries;
- to avoid duplication of work efforts where possible.

## **Article 1**

### **Exchange of information**

CEN and ARSO agree to exchange information regularly on standardization through:

- exchanging institutional documentation (i.e. CEN/CENELEC Internal Regulations and Guides, ARSO Rules);
- establishing relevant contact points for work developed through CEN and ARSO standardization activities; and
- taking appropriate action in order to facilitate the proper exchange of technical documentation.

An easy way to obtain information about CEN is to consult its website at <http://www.cenorm.be> and, in particular, its Business Operations Support System (BOSS). Corresponding information about ARSO is available at: <http://www.arso-oran.org/>

## **Article 2**

### **Exchange of views**

CEN and ARSO will meet regularly, e.g. once a year, in order to exchange views and co-ordinate, as far as possible, their positions on matters of common interest. This may be done together with the other two European Standards Organizations, i.e. CENELEC and ETSI.

CEN and ARSO agree to allow the other party to attend as an observer their respective General Assemblies.

## **Article 3**

### **Transfer of knowledge**

CEN (including its Member National Standards Bodies) agrees to train ARSO officers in matters relating to jobs/tasks performed by regional organizations, in training visits held in Europe.

Within this context, and once agreed by the relevant body within the regional organization, any National Standards Body may approach CEN (or its Member National Standards Bodies) for training on specific issues subject to co-ordination of such activities.

CEN may also promote liaison on these matters between ARSO and the CEN Member National Standards Bodies, which have appropriate facilities.

CEN agrees to conduct seminars, in co-operation with its Members, on the basic values of European Standardization. The seminars will be organized by CEN, together with ARSO, and will address specifically the relevant stakeholders.

CEN and ARSO agree to develop co-operation within the agreed Co-operation Areas mentioned in Annex 1, which is part of this MoU.

## **Article 4**

### **Partner Standardization Bodies (PSBs)**

National Standards Bodies of ARSO may apply to join CEN as Partner Standardization Bodies (PSBs), subject to the fulfilment of eligibility criteria. Details of the current rights and obligations of PSBs can be found in Annex 2.

## Article 5 Provisions

CEN and ARSO recognise that the implementation of activities within the framework of this MoU is dependent on the availability of appropriate funding.

CEN and ARSO agree to regularly review this MoU in order to ensure that it meets its stated goals.

This MoU shall remain in effect until such time as one of the parties requests its termination, normally giving six months' written notice.

This MoU will be published in English.

Dated: 21/9/2005

**European Committee for  
Standardization (CEN)**

Rue de Stassart, 36  
B-1050 Brussels  
BELGIUM

<http://www.cenorm.be/>

Dated: 21 September 2005

**African Regional Organization for  
Standardization (ARSO)**

<http://www.arso-oran.org/>

**ANNEX 1**  
**to the MoU between CEN and ARSO**

**Co-operation Areas**

**1. HARMONIZATION / STANDARDIZATION**

**1.1. Participation in CEN Standardization Activities**

This is offered in the form of the Partner Standardization Body concept, which provides NSBs access to a limited number of Technical Committees, provided the standardization results are implemented when available, and offers observership to the CEN/AG and sector fora related to the Technical Committees in question.

**1.2. Accessibility to CEN Standards**

Details of standards may be made available to ARSO Members which have the status of ISO Member. Details will be provided in CD-ROM format for non-commercial information purposes only, according to the CEN/CENELEC Guide 10, in particular article 6 and 8, as stated in Annex 3.

**1.3. ARSO undertakes to study the lists of published CEN standards with a view to adopt as ARSO standards.**

**1.4. Harmonization Based on Trade Related Priorities**

Harmonization of standards relating to goods and services, on matters of common interest to CEN and ARSO will be done according to trade priorities.

**2. INFORMATION TECHNOLOGY AND NETWORKING**

**2.1 Information Services Management and Policies**

Technical assistance to ARSO Information Services (i.e. processing, storage, retrieval, dissemination of information).

**2.2 Provision of support to enable ARSO to strengthen its Information Technology (IT) services.**

**2.3 Networking between ARSO National Standards Bodies and CEN Member National Standards Bodies.**

**3. AWARENESS**

Raising awareness of the co-operation among beneficiaries and of the benefits of adopting European and International Standards and conformity assessment procedures.

**4. IMPLEMENTATION**

CEN and ARSO agree to address the proposed Areas of Co-operation as mentioned in this Annex by means of workshops, seminars, study visits, studies, training, etc., as appropriate.

**ANNEX 2**  
**to the MoU between CEN and ARSO**

<b>CEN Partner Standardization Bodies</b>	
<b>Definition</b>	A National Standards Body which is a member of ISO and unlikely to become a CEN National Member or Affiliate and from a country which commits to using ENs as a basis for its national standards.
<b>Criteria</b>	<ul style="list-style-type: none"> <li>- A full member of ISO</li> <li>- An NSB which does not fulfil the statutory requirements for becoming a CEN National Member or a CEN Affiliate</li> <li>- An NSB which has accepted the WTO Code of Practice for the preparation, adoption and application of standards</li> <li>- An NSB which intends to adopt ENs as a basis for its national standards and which commits to adopting as national standards ENs developed by TCs in which it participates</li> <li>- An NSB which is ready to enter into a reciprocal exchange of information with CEN on an open basis</li> </ul>
<b>Rights</b>	<ul style="list-style-type: none"> <li>- To sell its national adoptions of ENs, as developed by the TCs in which it participates, in accordance with CEN/CENELEC Guide 10 (policy for the distribution and sales of CEN/CENELEC publications)</li> <li>- To base any other commercial activity relating to CEN deliverables on the provisions of CEN/CENELEC Guide 10 and the CEN 'third country licensing agreement'</li> <li>- To attend as an observer and contribute by correspondence to CEN Technical Committees and subcommittees provided there is a clear commitment to adopt as national standards the ENs as developed by TCs in which it participates</li> <li>- To participate without voting rights in the General Assembly (AG)</li> <li>- To participate without voting rights in the corresponding Sector Activities</li> </ul>
<b>Obligations</b>	<ul style="list-style-type: none"> <li>- Fulfils its financial obligations towards CEN</li> <li>- Provides information to CEN as appropriate</li> <li>- Implements European Standards (ENs) as national standards in its own language or in one of the official CEN languages and shows evidence of the adoption of ENs developed by TCs in which it participates</li> <li>- Withdraws any conflicting national standards when adopting an EN and informs CMC accordingly</li> <li>- Strictly adheres to CEN/CENELEC Guide 10</li> </ul>
<b>Documentation received</b>	<p>All CEN CMC documentation e.g.:</p> <ul style="list-style-type: none"> <li>- Memento</li> <li>- Catalogue</li> <li>- Bulletin</li> <li>- prENs submitted to Enquiry and Formal Vote</li> <li>- Ratified texts of ENs (on CD ROM, subject to licence agreement)</li> </ul>
<b>Subscription</b>	11000 Euro per year (including observer participation in three TCs) plus 1500 Euro per year per additional TC participation
<b>Others</b>	Access to information services: Infodesk

**ANNEX 3**  
**to the MoU between CEN and ARSO**

**CEN/CENELEC Guide 10: Policy for the Distribution and Sales of CEN/CENELEC Publications in all Formats**

**1. Scope**

This Guide establishes the agreed policy for the distribution and sales of CEN/CENELEC<sup>1</sup> publications.

It covers their sales and distribution in all territories, whether as single documents or as included in handbooks, and in all media and all formats, including hard copy and electronic media and facsimile and character coded formats.

CEN/CENELEC publications are those publications defined in the CEN/CENELEC Internal Regulations, Part 2, Clause 1.1.1 (including international standards adopted as European standards), together with their national adoptions where indicated, ratified texts of European Standards and such other publications as might from time to time be identified by CEN SD or CENELEC COMPOL as subject to this Guide.

**2. Considerations of language**

2.1. There shall be only one version of a CEN/CENELEC publication in any one language.

The official language versions (English, French and German) shall be prepared according to the CEN/CENELEC Internal Regulations.

Translations into other European languages are the responsibility of the <sup>2</sup>CEN/CENELEC member or National Committee in whose country that language is the native tongue. The responsible member or National Committee shall certify the accuracy of these translations in accordance with the Internal Regulations, and they shall be deemed definitive language versions.

If two or more members or National Committees share the same native tongue, they shall agree between themselves which member shall be responsible for producing the definitive language versions of CEN/CENELEC publications and shall, as far as possible, ensure that no misunderstanding will occur because of linguistic variations in the countries concerned. The CEN Management Centre (CMC) or CENELEC Central Secretariat (CS) shall be informed of these agreements.

2.2. The translation of a CEN/CENELEC publication into the national language of another member or National Committee is not allowed if it has already been translated and adopted by the responsible member or National Committee as defined in 2.1.

2.3. If the responsible member or National Committee has not translated a CEN/CENELEC publication into its own language within six months of the date of availability (or shortly thereafter), another member or National Committee may make a translation, following

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<sup>1</sup> Note : The expression "CEN/CENELEC" refers, according to context, to CEN or to CENELEC or to CEN and CENELEC jointly.

<sup>2</sup> Note : Members of CEN and CENELEC are to be understood as the national members of CEN and the national committees of CENELEC.

bilateral discussion between the two parties concerned. The CMC or CS shall be kept informed of such discussions.

- 2.4. A member or National Committee may publish a CEN/CENELEC publication in more than one European language, but the official or definitive versions shall be used in each case. No commission is payable for the use of official language versions, but if a member wishes to publish the definitive version prepared by another member or National Committee the member or National Committee responsible for that version shall be informed and a commission shall be payable to that member or National Committee. This commission must be agreed between the two parties and may be symbolic.

### **3. Exploitation rights**

- 3.1. The CEN/CENELEC members and National Committees have, within their own territory<sup>3</sup>, the right to distribute, sub-distribute, adjust, translate, rent, lend, derive revenue from duplication and loan, communicate to the public in total or in part, in summary or with comments, transfer all exploitation licenses and authorise all sub-licenses and otherwise exploit the CEN/CENELEC publications and their national adoptions.

The exploitation rights cover all languages and cover all forms of exploitation known at present, in particular and non-restrictively: publication by all means and via all graphical support systems, by print, press, photocopy, microfilms and via all magnetic, computerised and numerical support systems, memory cards, CD-ROMs, films, photographs, slides, teledistribution, cable, satellite, diskettes and on line document servers.

The ratified texts of European standards shall be provided to CEN/CENELEC members and National Committees primarily for the purpose of preparing their national implementations. CMC and/or CS may also distribute ratified texts to third parties in accordance with their Internal Regulations. The fulfilment of such obligations shall not constitute commercial activity by CMC or CS.

CEN/CENELEC members and National Committees may sell ratified texts in accordance with this Guide.

Ratified texts distributed by CMC and/or CS, or sold by CEN/CENELEC members and National Committees, shall not have the status of European standards otherwise than as national adoptions.

These exploitation rights shall be exercised in accordance with this Guide.

### **4. Policy for sales by CEN/CENELEC Members**

- 4.1. CEN/CENELEC members and National Committees shall exercise the exploitation rights set out in article 3 above in a way that safeguards the interests of other members and/or National Committees and recognises the value of the intellectual property in CEN/CENELEC publications and the costs to the CEN/CENELEC system of its development and maintenance.
- 4.2. CEN/CENELEC members and National Committees shall not pursue an active policy of putting the CEN /CENELEC publications or their national adoptions on the market in the territories that are licensed to other CEN/CENELEC members or National Committees.

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<sup>3</sup> Note "Territory" means for each CEN/CENELEC member or National Committee, the country in which it has its principal seat of operation.

In particular, they shall not engage in any advertising of CEN/CENELEC publications or their national adoptions (whether by print, broadcasting or other electronic media) specifically aimed at those territories, or establish any branch, or maintain any distribution depot therein for the distribution and sale of CEN/CENELEC publications and their national adoptions unless otherwise agreed between the concerned members.

For the purposes of this Guide, actively approaching customers through marketing activities or customer relations management (whether by web-site push technology, sales force or direct [e]-mail) are considered to be an active policy for putting CEN/CENELEC publications or their national adoptions on the market.

Passive advertisement and/or sale of CEN/CENELEC publications and their national adoptions via a public access web-site is not considered "active marketing".

*Respecting this general sales policy CEN/CENELEC members and National Committees are free to market CEN/CENELEC publications and their national adoptions world-wide.*

- 4.3. Orders received from customers in the territories of other CEN/CENELEC members or National Committees must be fulfilled in accordance with European law.
- 4.4. The provisions of articles 4.1 and 4.2 are applicable to the sales by the CEN/CENELEC members and national Committees of individual CEN/CENELEC publications and to CEN/CENELEC publications contained in handbooks, whether they are published as hard copy or made available by electronic media.

## **5. Reproduction by Third Parties**

- 5.1. If a member or National Committee receives a request from a third party to reproduce parts of a CEN/CENELEC publication it shall respond to this request in conformity with its own policy and national law.
- 5.2. If the CMC or CS receives such a request and determines that it falls within the "fair use" provision of copyright law, it shall respond appropriately.
- 5.3. If the CMC determines that the request concerns reproduction that exceeds the legally permitted free use, it shall respond as follows:
  - a) If the request concerns reproduction of one of the definitive language versions the enquiry shall be referred to the member of National Committee responsible for that language version, irrespective of the origin of the enquiry;
  - b) If the request concerns reproduction in one of the three official languages and originates from within the CEN/CENELEC area, the request shall be referred to the member or National Committee from whose territory the request comes;
  - c) If the request concerns reproduction in one of the three official languages and originates from outside the CEN/CENELEC area, the CMC or CS shall respond in accordance with the advice of CEN SD or CENELEC COMPOL members, as appropriate.



## **6. Electronic distribution to end users**

6.1. CEN/CENELEC publications and their national adoptions in electronic media should only be sold or leased to customers in non-revisable formats (e.g. PDF). Revisable files of CEN/CENELEC publications and their national adoptions may be made available to customers for specific purposes, but in virtue of the possibility of the corruption of their content they shall not be regarded as having the full authority of CEN/CENELEC publications.

6.2. Electronic distribution of CEN/CENELEC publications and their national adoptions may be via on-line secure closed point-to-point connections (including fax and e-mail) or via commonly available transportable media (e.g. magnetic tape, diskette or CD-ROM).

On-line distribution of CEN/CENELEC publications and their national adoptions is only allowable if appropriate measures are taken to prevent unauthorised access.

6.3. CEN/CENELEC publications and their national adoptions sold or leased in electronic media shall be supplied with a licence setting out the terms and conditions of use.

6.4. Requests by end users to network CEN/CENELEC publications and their national adoptions shall be subject to contracts with the member responsible for the national adoption requested.

6.5. Contracts with trans-national end users (multinational companies) for the networking of CEN/CENELEC publications and their national adoptions in the territories of more than one CEN/CENELEC member or National Committee shall be written so as to safeguard the interests of all the members or National Committees in whose territories the publications are to be accessible.

## **7. Agents and sub-distributors**

7.1. The provisions of articles 4 to 6 above shall also be applicable to agents or sub-distributors acting for CEN/CENELEC members in the sale or distribution of CEN/CENELEC publications and their national adoptions in all media.

Each CEN/CENELEC member must ensure the implementation of these policies by their agents or sub-distributors.

*Agents under the direct control of a member or National Committee may licence the reproduction of CEN/CENELEC publications and their national adoptions in accordance with the policies of that member or National Committee and in conformity with this Guide. Sub-distributors or other third parties not under the direct control of a member or National Committee may only issue such licenses if the member or National Committee on whose behalf they are acting is a signatory to the agreement.*

## **8. Policy for sales of CEN/CENELEC Publications by National Standards Bodies of Third Countries**

8.1. If a National Standards Body (NSB) in a third country (i.e. outside the CEN/CENELEC area), whether a member of ISO/IEC or otherwise, wishes to adopt a CEN/CENELEC publication as a National Standard, it should be encouraged to do so, and there are no limitations on the sales of that standard domestically except that third parties' rights and the CEN/CENELEC regulations for implementation must be respected, and the value of the intellectual property must be safeguarded.

If, for the purposes of national adoption, the NSB translates the EN into a language that is not spoken by a member or Affiliate of CEN/CENELEC, it is free to actively market the national adoption world-wide, subject to payment of a commission on sales outside its territory to CMC or CS. This commission shall be determined by CEN and CENELEC respectively, on the advice of CEN SD and CENELEC COMPOL, and may be substantial.

If the NSB publishes the national adoption of the EN in one of the three official languages of CEN/CENELEC the official language version must be used and sales by the NSB outside its territory are subject to a commission payable to CMC or CS. Such standards may not be actively marketed in the territories of CEN/CENELEC members or National Committees.

If the NSB publishes the national adoption of the EN in a European language other than one of the three official languages, the definitive language version must be used and sales by the NSB outside its territory are subject to a commission payable to the CEN/CENELEC member or National Committee responsible for preparing the definitive version. Such standards may not be actively marketed in the territories of CEN/CENELEC members or National Committees.

All enquiries on these issues shall be handled by CMC or CS in conjunction with the member(s) or National Committees using that language.

8.2. If a National Standards Body (NSB) in a third country, whether a member of ISO/IEC or otherwise wishes to publish and sell a CEN/CENELEC publication without adopting it as a national standard, there are two possibilities:

a) The NSB wishes to translate into its national language, which is not one spoken by a CEN/CENELEC national member or affiliate and market domestically for the benefit of informing local industry.

This is allowable subject to a commission. Negotiations shall be handled by CMC or CS as appropriate.

b) The NSB wishes to make the CEN/CENELEC publication available in the language of one of the members or National Committees of CEN/CENELEC.

In this case, publication is not allowed. However, appropriate sales arrangements may be made with the responsible member or National Committee as defined in 2.1 above.

All enquiries shall be handled by CMC or CS in conjunction with the member or National Committee responsible for the relevant language version, where appropriate.

## **9. Policy for sales by CEN/CENELEC Affiliates**

9.1. Affiliates of CEN/CENELEC are, by definition, in a transition between non-membership and membership of CEN/CENELEC. Their rights and obligations in relation to sales of a particular CEN/CENELEC publication, therefore, depend on the extent to which, for that document, the affiliate is acting in accordance with the CEN/CENELEC internal regulations, as follows:

a) If the CEN/CENELEC publication is adopted (in any language) as the National Standard, then for that document full Member rights and obligations apply to distribution and sale according to articles 4 to 6 of this Guide.

- b) If the CEN/CENELEC publication is not adopted as a National Standard but intended for commercial or other use, and has no official status under the CEN/CENELEC internal regulations, and exists in parallel with the existing National Standard, then the rules for third countries apply according to article 8.2 of this Guide.