**INTERNAL REGULATION**

**WORKING RULES OF PROCEDURES FOR**

**NATIONAL STANDARDIZATION ACTIVITIES**

**Doc. No. RB/DS/001**

**Part I: General Principles**

**Part II: Organization of Standardization Activities**

**Part III:****Structure, Content and the Development of Albanian Standards**

**INTRODUCTION**

These Working Rules and procedures for National Standardization Activities have been developed by the General Directorate of Standardization (DPS) pursuant to Law no. 9870, dated 04.02.2008 “On Standardization”, as amended.

Yet, the Working Rules and procedures 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 the WTO Code of Good Practice for the Preparation, Adoption and Implementation of Standards.

The Working Rules and procedures for National Standardization Activities are intended for all participants in the standardization process: DPS Technical Board (DPS/BT) chair, secretary and members, DPS Technical Committees (DPS/TC) and other technical working bodies' chairs, secretaries, members and experts as well as for DPS staff.

Part I describes general principles of standardization, context and the purpose of standardization and in particular, identifies the intention, the principles and procedures applied when preparing standards. It also describes the involvement of the General Directorate of Standardization (DPS) and Technical Committees in the drafting of Albanian Standards, and the adoption of European and international standards as Albanian Standards (SSH).

Part II describes the principles and rules of standardization, defined on the basis of the principles and rules of European and international standardization organizations, namely CEN and CENELEC and ETSI and ISO and IEC. In particular, the document defines the role of DPS as the national standardization body and its activities as a member of international and European standardization organizations.

Part III describes the structure, content, method of preparation, presentation form, including the manner of writing of Albanian standards developed by DPS.

**Part I:**

**General Principles**

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## 1 Scope

### 1.1 Objectives

This part of the Regulation contains the general framework of standardization work and describes in particular the principles and procedures applicable during the development and/or adoption and approval of standards, as well as technical bodies, legal aspects related to standards and their use, responsibilities and publications of DPS.

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### 1.2 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.

Working Rules of procedures for National Standardization Activities. Part 2: Organization of the standardization activities

Working Rules of procedures for National Standardization Activities. Part 3: Structure, Content and the Composition of Albanian Standards

SSH EN 45020:2006 “Standardization and related activities. General Vocabulary” (ISO/IEC Guide 2:2004)

ISO/IEC Directives, Part 1: Consolidated ISO Supplement – Procedures specific to ISO, 2020, https://www.iso.org/directives-and-policies.html

WTO Code of Good Practice for the Preparation, Adoption and Application of Standards, https://tbtcode.iso.org/sites/wto-tbt/home.html

ISO Policies and Procedures for Copyright, Copyright Exploitation Rights and Sales of ISO Publications (ISO POCOSA 2017), [www.iso.org](http://www.iso.org)

CEN-CENELEC Guide 10:2017, Policy on dissemination, sales and copyright of CEN-CENELEC Publications, https://www.cencenelec.eu/standards/Guides/Pages/default.aspx

Agreement on Technical Co-operation between ISO and CEN (Vienna Agreement), https://www.cencenelec.eu/intcoop/StandardizationOrg/Pages/default.aspx

CENELEC Guide 13, IEC - CENELEC Agreement on Common planning of new work and parallel voting (Frankfurt Agreement), https://www.cenelec.eu/membersandexperts/referencematerial/cenelecguides.html https://www.cenelec.eu/membersandexperts/referencematerial/cenelecguides.html

## 2 Terms and definitions

In this part of the Regulation “Rules and Procedures for National Standardization Activities”, terms and definitions as given in Law no. 9870/2008, as amended, are used. As well as the following terms, which are in compliance with those given in SSH EN 45020: 2006 “Standardization and Related Activities – General Vocabulary” and in CEN & CENELEC Internal Regulation, Part 2, and have the following meanings:

**2.1 Standardization**

The activity of creating, for current or emerging issues, of rules/provisions, for mutual and repeated use, aiming to achieve an optimal level of rule in a given context.

***Note 1***: In particular, the activity consists of the process of formulating, publishing and implementing standards.

***Note 2***: Significant benefits from standardization are the improvement of the suitability of the products, processes and services for the purpose they are created, the reduction of technical barriers to trade and the facilitating of technological cooperation.

**2.2 field of standardization**.

domain of standardization (deprecated) group of related subjects of standardization

***Note***: Engineering, transport, agriculture, and quantities and units, for example, could be regarded as fields of standardization.

**2.3 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.

**2.4 Standardization documents**

Any document approved and published by European and international bodies and adopted by national standardization bodies, such as technical specifications, technical reports, manuals and of special technical agreements which are made available to public.

**2.5 Draft Standard**

A work item in DPS 6th monthly standards work programme, intended to be published as a new, amended or revised standard.

**2.6 European Standard (EN)**

A standard approved and published by ETSI and CEN and CENELEC that carries with it an obligation of implementation as an identical national standard and withdrawal of conflicting national standards.

***Note to entry***: “Harmonised Standard” is a term used in Regulation (EU) No 1025/2012 of the European Parliament and of the Council, meaning a European Standard adopted on the basis of a request made by the European Commission for the application of Union harmonisation legislation.

**2.7 International Standard (ISO/IEC)**

A standard approved and published by ISO or IEC which is made available to the public.

**2.8 Technical Specification (TS)**

A document approved and published by ETSI and CEN andCENELEC, which in the future may be published as a European Standard (EN), but for which:

1. The support needed to adopt it as an EN cannot be achieved;
2. There are doubts whether there was consensus;
3. The subject/subject being treated is still technically unconsolidated; or
4. There is another reason that prevents its immediate publication as an EN.

**2.9 Technical Report (TR)**

A document approved and published by CEN-CENELEC containing informative materials and which is unsuitable to be published as an EN or as a TS.

***Note:*** A TR may contain e.g. data from a questionnaire conducted by CEN-CENELEC members, data on the work of other bodies or data on the level of technological development relating to national standards on a particular issue.

**2.10 Technological development**

The degree of technical capability achieved in a given time in terms of products, processes and services, based on consolidated achievements in science, technology and experience.

**2.11 Guide**

A document approved and published by CEN or CENELEC, which provides rules, guidelines, advice or recommendations regarding European standardization.

**2.12 Harmonization Document (HD)**

CENELEC standard that carries with it the obligation to be implemented at national level, at least by public announcement of the HD number and title and by withdrawal of any conflicting national standards

**2.13 CEN/CENELEC Workshop Agreement (CWA)**

CEN/CENELEC document, developed by a Workshop, which reflects an agreement between identified individuals and organizations responsible for its contents

**2.14 Amendment**

Supplementary document to an EN (and HD for CENELEC) circulated to CEN/CENELEC national members for national implementation, to be read in conjunction with that EN (and HD for CENELEC) and which alters technical provisions of that EN (and HD for CENELEC)

**2.15 Corrigendum**

Supplementary document to one or several language version(s) of a CEN/CENELEC publication, which corrects one or more errors or ambiguities inadvertently introduced during either drafting or printing and which could lead to incorrect or unsafe application of those versions

**2.16 Conflicting National Standard**

A national standard, with the same scope as an EN (and HD for CENELEC) including requirements which conflict with the requirements of the EN (and HD for CENELEC)

**2.17 Common modification**

Changes, amendments or deletions approved by CEN/CENELEC, of that part of the content of a potential CEN/CENELEC adoption document that form and become part of EN (and HD for CENELEC).

**2.18 Special national condition**

National characteristic or practice that cannot be changed even over a long period, e.g. climate change or conditions of the terrestrial electrical system (grounding)

**2.19 A-deviation**

Modification of, addition to or deletion from the content of an EN (and HD for CENELEC), reflecting a national situation due to regulations the alteration of which is for the time being outside the competence of DPS as CEN/CENELEC national member.

**2.20 Date of adoption (dad)**

Date when the DPS Technical Board (BT) adopts the 6-month work programme, which contains draft Albanian Standards (including all publications of CEN, CENELEC, ETSI, ISO and IEC) proposed to be adopted as SSH (Albanian Standards) and/or as DS.

**2.21 Date of announcement (doa)**

The date of announcement (on the DPS website) to receive public comments on each of the draft standards proposed in the 6-month work programme.

**2.22 Date of publication (dop)**

The date when the draft standards proposed in the 6-month work plan are approved as Albanian Standards (SSH) by decision of the General Director of DPS, which is recorded in the protocol.

**2.23 Date of withdrawal (dow)**

The date when an Albanian Standard (SSH) or DS is withdrawn because it has been replaced by an EN or an international standard by decision of the General Director of DPS, which is recorded in the protocol.

**2.24 National Standards Body**

Standards Authority, recognized in national level, which has the right to be a national member/representative in international and regional standardization bodies.

***Note:*** The DPS by law is the national standardization body in the Republic of Albania, recognized by WTO at regional and international level.

**2.25 Consensus**

General agreement, characterized by the lack of continued opposition to substantive issues by each of the parties concerned and by a process, which involves taking into account the views of all stakeholders in the process, and which resolves/conciliates any conflicting argument.

***Note:*** Consensus does not mean unanimity.

**2.26 Regulation**

A document which defines mandatory legal rules, approved by a central or local level authority.

**2.27** **Technical Regulation**

A legal or sublegal act that ensures/defines technical requirements, either directly or by reference to a standard or by incorporating the content of a standard, or a technical specification and/or a code of practice.

**2.28 Code of Practice**

A document, recommending practices or procedures for the projection, manufacture, installation, maintenance and use of equipment, structures or products.

**2.29 Normative Document**

A document setting forth rules, guidelines or characteristics for their activities or outcomes.

***Note***: The term “normative document” is a general term, including standards, technical specifications, codes of practices and regulations.

## 3 Purpose of Standardization

The overall purpose of standardization, further to point 2.1 above, may have one or more specific purposes to make a product, process or service appropriate for the purpose of the function. Such purposes may be, but are not limited to, different controls, use compliance, interoperability, health, safety, environmental protection, product protection/conservation, mutual understanding, economic performance, trade. They can also be overlapping or multipurpose at the same time.

### 3.1 Adequate for the purpose of creation

The ability of a product, process or service to serve a specific purpose under particular/specific conditions.

### 3.2 Compliance

Adaptability of the product, process or service to meet relevant requirements.

### 3.3 Interoperability

The ability of a product, process or service to be used instead of another, meeting the same requirements.

***Note 1:*** The functional aspect of interoperability is called “functional interoperability” and the dimensional aspect is called “dimensional interoperability”.

### 3.4 Different controls

Choosing the optimal number of sizes or types of products, processes or services to meet primary needs.

### 3.5 Safety

Freedom from unacceptable risks and damages.

***Note 1:*** In standardization, safety of products, processes and services is generally considered to achieve an optimal balance for a variety of factors, including non-technical factors such as human behaviour, which would reduce the risk of injury to persons and damage to goods to an acceptable level.

3.6 Environmental protection
Protection of environment from unacceptable damage from the effects of products, processes and services.

3.7 Product protection
Protection of a product against climatic or other negative conditions during its usage, transport or storage.

## 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 11.

### 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).

Standardization documents other than standards are also being developed – technical specifications, technical reports, guides, code of practice, etc.

An important difference between standards and other standardization documents is the required level of consensus for their approval. Standards and technical specifications comprise 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 (essential) elements and other elements, which are informative and are distinguished by context and wording (see the Working Rules of procedures for National Standardization Activities, Part 3).

### 4.3 Standardization system levels

Standardization is performed at the international, regional and national levels, as shown in Table 1 below. International and regional standardization is mainly achieved through the joint contribution of national standardization bodies.

International and regional organizations are linked through cooperation agreements together with national standards bodies, form the global standardization system. They have adopted common working procedures and practices.

**Standardization organizations at different levels:**

Table 1

|  |  |
| --- | --- |
| **Level** | **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** | General Directorate of Standardization (DPS) |

As the national standards body in the Republic of Albania, DPS is responsible for national standardization in all areas of the economy, including telecommunications and represents it in international and regional (European) standardization organizations.

## 5. Standardization for the benefit of the public

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

* Providing a common basis for performance evaluation of the products, processes or services, particularly with regard to safety and accident prevention;
* Providing clear technical criteria for contractual or legal purposes on the basis of technological and scientific achievements;
* They are universally accepted and used.

### 5.1 Quality of goods and services

Standardization should aim to increase the satisfaction of users of the goods and services. Standards should be developed to take into account the user’s requirements and how they will be met. The mosttypical user’s requirements for quality, in terms of suitability for use include: reliability, compatibility, exchangeability and customer’s convenience/satisfaction.

### 5.2 Effective use of resources

Standardization should aim to increase effectiveness and to economize the use of resources. This can be achieved by controlling the diversity, prudently use, reducing waste and shortening/saving time, effectively distributing and maintaining. Although reducing diversity can reduce customer choice, the greater effectiveness that standardization allows can be used to reduce costs and improve quality for the consumer.

### 5.3 Trade promotion

Standardization should support the promotion trade conditions, in particular international trade. Standardization can help in correctness of relationships in purchasing of goods and services, taking into account the user’s and producer’s needs. It can help reduce barriers to trade caused by changes in national practices or individual interests to have unfair advantages. It should promote clear communication between parties in an appropriate form for use in binding legal documents.

The World Trade Organization Technical Barriers to Trade Agreement (WTO) has recognized the important contribution that the use of international standards and conformity assessment systems can make in improving production efficiency and facilitating international trade...

## 6 Principles of developing standards

Standards should be:

a) necessary and required;

b) usable;

c) accepted at the widest level;

d) impartial;

e) planned.

### 6.1 The necessary and required standards

Standards should be developed where there is a need to standardize and the willing among all parties to agree on the standards they require. There must be wide support to build the confidence that consensus can be reached.

### 6.2 Standards for use

Standardization requires the voluntary commitment to start developing a standard and to implement it. Developing a standard is only valid if it is used. User’s requirements for a standard should be well understood at the outset and taken into account when drafting it.

### 6.3 Widely accepted standards

Standardization should be undertaken at the widest possible level, consisting of taking into account the requirements of stakeholders within an acceptable timeframe. Whenever possible, efforts should be made by national standards bodies, to work on international and regional standardization, rather than drafting specific national standards.

### 6.4 Impartial standards

Standards should not give obvious advantage to products or services of:

1. a particular supplier;
2. a special group of people who have common commercial interests;
3. a particular industry of a particular country or countries.

### 6.5 Planned standards

There is a need to plan when and how it is appropriate to standardize, especially in areas of rapid technology development. On the one hand, the incorporation of new ideas can be hampered if the standard fixes the design and methods too quickly. On the other hand, if standardization does not start at the right time, a large number of specific solutions can be useless to use the resources and create confusion among users.

Standardization thus becomes very difficult if not impossible.

Planning a standard is primarily a process of selecting what stakeholders are prepared to agree on when preparing the standard and setting a timeframe to resolve important issues.

When proposing a draft standard, DPS and the BT consider whether:

1. there is need for that standard;
2. it can be agreed in a reasonable amount of time;
3. once published, it can be updated with the latest developments;
4. there is a market for the standard (having in mind that low sales alone should never be a reason for not drafting or adopting the standard).

### 6.6 Performance criteria

Standards should specify the performance required by products, processes or services rather than describing the form of materials involved. This allows a greater freedom to design and produce and encourages the free movement of goods.

### 6.7 Conformity assessment

It is important that a standard contains a clear statement of how compliance with its requirements can be assessed (e.g. specifying an analysis or measurement method)

The manner of writing of each standard should enable conformity with its requirements to be assessed in the same way by the first party (supplier), the second party (buyer) or a third independent party.

 Conformity assessment to a standard, from a third party, is a free and/or available service to carry on but should in no way be made mandatory by the application of a voluntary standard. This means e.g. that a standard should not require the product to have a certification mark. Any type of certification opportunity should be included as an informational element.

## 7 Principles of standardization

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

1. recognition of the state of the art, giving priorityto international agreements and using the results of European and international standardization;
2. consensus;
3. oppeness and extensive participation in technical committees;
4. transparency;
5. the rules for drafting and submission;
6. copyright.

### 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 increasingly based on international agreements. The European Standardization Organizations based on the agreements should endeavour to adopt international standards instead of developing their own new standards (e.g. Vienna Agreement and Frankfurt 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, an Albanian national standard may be developed only for such object for which there are no International or European Standards and draft International or European standards are not under preparation.

### 7.2 Consensus

Standards are drafted and adopted after reaching an agreement between participants in the drafting process.

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 2.5.6 and in the interpretation in ISO/IEC Directives, Part 1: Consolidated ISO Supplement – Procedures specific to ISO, 2020, allows the expression of many different viewpoints, while the standard is developed.

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

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 significant proportion of the concerned interests. 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 does not mean a right to veto. The obligation to address “sustained oppositions” does not imply an obligation to successfully resolve them.

− In case of doubt that a project has sufficient support, the adoption is 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 Extensive participation in Technical Committees

The process of drafting should ensure the representation of a wide range of stakeholders and none of them should dominate the others.

### 7.4 Transparency

Adoption of standards relies on public consultation during their drafting. During the preparation of national, European and international standards, public announcements are made of “the intent of preparing a specific standard” and of the stage of “publishing for public opinion of draft standards”. They promote recognition of work being done and give everyone the opportunity to contribute.

### 7.5 Rules for the preparation of standards

Standards should be carefully and accurately prepared, often taking into account contractual aspects and sometimes their references to legislation. The rules on the structure and content of Albanian national standards should not conflict with those of the preparation of international or European standards (see Part III of the Working Rules of Procedures of National Standardization Activities).

## 8 Legal Aspects

### 8.1 Responsibility of DPS

As the national standardization body in Albania, DPS is responsible for publishing and supplying of standards and standardization documents. DPS has the right to contribute to the drafting of international standards and this right is based on the relevant agreements.

### 8.2 Responsibilities of Technical Bodies

Technical bodies are responsible for drafting Albanian standards. They must take all necessary measures to ensure that standards are free from errors.

No standard shall be written in such a way that it serves as a basis for the acceptance of products that are not in conformity with the rules (including processes or services), from a buyer who requires the product under that standard.

When a Technical Committee identifies, after publication, an error or errors in a standard that could lead to serious consequences, the error, together with all the information, should be referred to the General Director of DPS, who evaluates whether corrective actions should be taken.

Any member or expert of the Technical Committee, who is required by various legal instances to express himself as an expert, in a legal proceeding, shall make it clear that he/she expresses on his or her personal capacity. He/she is not allowed to make declarations on behalf of DPS, unless he/she is authorized by the DPS authorities to do so.

### 8.3 Intellectual property and copyright

Pursuant to Law no. 9870, of 4.2.2008 “On Standardization”, as amended, DPS owns the intellectual property and copyright of all Albanian standards and standardization documents.

### 8.4 Reproduction of national standards

Under normal circumstances, no part of national standards should be reproduced in any form without first obtaining written permission from DPS.

### 8.5 Work of Technical Committees

Contributions made by members and experts of technical bodies to the preparation of national, international and European standards and related documents shall be accepted to be incorporated into a standard and standardization document as provided by them, without modification. According to this, the member of the Technical Committee and the expert must transfer partially or all of the copyright to DPS; and all copyright in the materials and texts where it has contributed will be given to DPS and / or international and European organizations, which are fully responsible for taking appropriate actions to protect the copyright granted to it. Committee members and experts must in a reasonable manner confirm their approval for the granting of copyright (with clearly defined form / statement) required by DPS and / or relevant international and European standards organizations.

***Note*:** When the contribution of a member or expert of the committee is included in the standard, entirely or partially, the contributor reserves the right to use it for his / her own purposes.

### 8.6 Copyright for third parties

A standard may not include any part that violates the copyright of another party unless permission has been obtained from the copyright holder and this has been notified in the introduction to the standard. If copyright exists on a drawing that is important to include in a standard of national origin, the drawing should be as an informational illustration rather than as a requirement of the standard.

### 8.7 Patents

The DPS technical body should be informed on the following:

1. any patent deemed by a committee member to be relevant to the standard being drafted; and
2. any claim that a patent is applicable to a standard when the standard is published or is being drafted. DPS should work with the technical body to agree on the best way to handle this claim. The standard should note that copyright on this patent is recognized at the time of publication.

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

1. it is absolutely necessary;
2. the material will not be in a claim;
3. the patent holder agrees to provide the material in reasonable and accessible terms.

### 8.8 Distribution and sale of standards/standardization documents

**8.8.1** DPS 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.

DPS policy on the distribution and sale of international and European Standards and standardization documents on the territory of the Republic of Albania is in accordance with the international rules relating to copyright, exploitation rights and the sale of publications of ISO/IEC (ISO POCOSA 2017) and with the European rules relating to copyright, exploitation rights and the sale of publications of CEN-CENELEC (CEN-CENELEC Guide 10).

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

### 8.9 Data protection

Technical body members and experts should be provided with a password for controlled access to the document management system used for the electronic circulation of their documents. Access to the system requires compliance with the conditions associated with that access, which includes the commitment to not use personal data for purposes other than those related to the work of the technical bodies.

## 9 DPS’s role as a National Standardization Body in the International and European Standards Organizations

### 9.1 General

DPS is responsible for providing Albania’s representation in the international and European Standardization Organizations. DPS’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 programme of an international or European committee or to be mirroring several international and/or European committees in similar fields.

DPS shall adopt as Albanian standards all standards developed by the European Standardization Organizations and, whenever necessary and practical, 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 Frankfurt Agreement between IEC and CENELEC.

### 9.2 International and European procedures

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

For international work DPS 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 DPS shall follow the CEN/CENELEC Internal Regulations - Part 1, Part 2 and Part 3.

### 9.3 Obligations within International and European standardization

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

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

DPS, as National Standardization Body in the Republic of Albania – member of European and International Standardization Organizations, shall fulfil its responsibilities as a 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 there exists (or is in the process of development) a European or International Standard, in order not to duplicate the work and not to create additional barriers to trade.

DPS 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.

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

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

Details on the implementation of these obligations by DPS are given in the Working Rules and procedures for National Standardization Activities, Part 2.

## 10 Disagreements and appeals

### 10.1 Failure to reach consensus in DPS/TC

In all cases according to Working Rules and procedures 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:

#### 10.1.1 for draft Albanian standards developed at national level

If, as a result of a 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 Technical Board.

On the basis of the report of the Standards Director with all agreement or disagreements and the reasons for the inability for the 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.

#### 10.1.2 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 Technical Board shall immediately be notified by the relevant TC/ technical body Secretary.

The Technical Board shall, in consultation with the chair 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 a 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.

### 10.2 Disagreements in DPS Technical Committees

### Disagreements on the composition of the committees and representation should be introduced to the Technical Board by the relevant TC/ technical body Secretary.

### 10.3 Appeal policy

**10.3.1** Each DPS member or SME may appeal any action or inaction of a DPS Technical Committee, other working body or DPS employee, if it considers that this action or inaction was not in accordance with the Law no. 9870, of 04.02.2008 “On Standardization”, as amended, Working Rules and procedures for National Standardization Activities or, it 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 of the release of minutes of the relevant meeting or voting decision by correspondence. The matters, subject to the complaint may be of a 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:

− they are matters of principle;

− the content of the draft standard could harm DPS’s reputation (e.g. low level of safety and quality).

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

**10.3.2** The documented complaint shall be submitted by the author to the DPS Director General, who shall direct it to the Technical Board within two weeks.

**10.3.3** The Technical Board shall take a decision in accordance to paragraph 4 of DPS Internal Regulation 009 - For the functioning of DPS Technical Board.

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

**10.4 Formal objection to Albanian harmonized standards**

Because of the requirement to progressively fulfil the conditions for membership, DPS is obliged to the requirements applicable to full members of the European Standardisation Organisations i.e. adoption of European standards, including the harmonized European standards (hENs), and withdrawal of conflicting national standards.

Processing and documenting issuing Albanian Harmonized Standards, including processing the formal objection to Albanian harmonized standards, are carried out according to the particular DPS rules (at present: DPS Instruction IP/DS/111 for the adoption of harmonized standards; be redrafted).

## 11 Use of standards

### 11.1 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 conformity with standards compulsory.

Although standards and technical specifications contain requirements, their use is voluntary and obligations to observe only occur if conformity 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 a specific standard, the respective version of the published standard shall apply, which is effective from the date of the contract or declaration.

### 11.2 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 may 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.

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

### 11.3 Conformity assessment to the requirements of regulation or contract

Reference to Albanian standards or other publicly available standardization documents can be made in technical regulations and in 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 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.

### 11.4 Reference to standards in regulations and contracts

#### 11.4.1 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.

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

a) 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;

b) 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”) the regulatory requirements; anyone who is not applying the standard has to choose another route to prove that the regulation requirements are met.

#### 11.4.2 Intergovernmental acknowledgment of standards

International Standards are recognized as the basis of provisions designed to remove 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.

#### 11.4.3 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.

To improve the internal market for goods and strengthen the conditions for placing a wide range of products on the EU market, the **New Legislative Framework (NLF)** was adopted in 2008. It is a package of measures that aim to improve market surveillance and boost the quality of conformity assessments. It also clarifies the use of CE marking and creates a toolbox of measures for use in product legislation.

The package reinforces the application and enforcement of internal market legislation. It:

* improves market surveillance rules to better protect both consumers and professionals from unsafe products, including those imported from outside the EU. In particular, this applies to procedures for products which can pose danger to health or the environment;
* sets clear and transparent rules for the accreditation of conformity assessment bodies;
* boosts the quality of and confidence in the conformity assessment of products through stronger and clearer rules on the requirements for the notification of conformity assessment bodies;
* clarifies the meaning of CE marking and enhances its credibility;
* establishes a common legal framework for industrial products in the form of a toolbox of measures for use in future legislation. This includes definitions of terms commonly used in product legislation, and procedures to allow future sectorial legislation to become more consistent and easier to implement.

Alignment of product legislation - a main objective of the European Commission is to bring product harmonisation legislation in line with the reference provisions of Decision 768/2008/EC. The list of directives and regulations aligned with these reference provisions can be found by following the link:

<https://ec.europa.eu/growth/single-market/goods/new-legislative-framework_en>

The reference to harmonized standards in the NLF regulations and directives which are transposed in Albanian 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 Albanian regulations can be used.

#### 11.4.4 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 practice, guides and recommendations is insufficient to serve as a contractual requirement.

#### 11.4.5 Use of standards for public procurement contracts

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

1. assurance of safety, protection of health and environment;
2. multiple application of already specified product requirements (including services);
3. allowing freedom for technical development, where appropriate;
4. minimizing problems of compatibility with existing equipment.

#### 11.4.6 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 governs 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.

#### 11.4.7 Trade descriptions

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

##

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