

Relationship between voting for ENs in CEN and their use in the UK by BSI

General

This paper looks at the relationship currently established by the stakeholders at British Standards Institution (BSI) with acceptance in the UK of European Core Standards and EuroNorms prepared by technical committees, and published in the UK as BS EN documents.

Although CEN includes electrical standardisation under CENELEC, this paper considers the writers knowledge of preparing BS ENs under CEN only.

With effect from 1st June 2020, the UK is classed as a non-EEA national member of CEN and CENELEC. We are currently in a transition period, extended until 31st December **2021**, and the UK has full member's rights and obligations as a non-EEA country.

CEN Internal Regulations for Voting

CEN Policy is stated in Internal Regulations Part 2:2020 dated July 2020.

The following table extracts relevant CEN regulations with regards to preparing ENs, with the author's comments.

My Ref	<u>CEN IR Part 2: 2020</u>		PFP Comment
	Clause	Relevant Text	
1	6.1.3	A voting decision may be reached either by a show of hands at the meeting or outside a meeting by correspondence. When a decision is taken by vote, only members may vote. . . and only one vote per member may be cast. An abstention shall not be counted as a vote. In cases where a vote is found to be necessary, this will require a simple majority of those voting.	Establishes that members have one vote and any abstentions are ignored.
2	6.1.4	In the following cases the provisions of clause 6.2 apply and the vote shall be done by correspondence: a) approval of EN and HD; c) in CEN, any adoption of a new work item to become an EN (except amendments or revisions); d) approval, by the Technical Boards, of standardization requests from the European Commission;	Voting for EN's has to be by correspondence, and not by show of hands at meeting. The EC has direct link to implement standards, and CEN is required to obtain approval from the EC before commencing any new CEN work. i.e. CEN is NOT independent of the EC
3	6.2.2.1	Votes from all members are counted first, and the proposal shall be adopted <ul style="list-style-type: none"> • if 55,00 % or more of the votes cast (abstentions not counted) are in favour, AND <ul style="list-style-type: none"> • if the population of the countries of the Members having voted positively reaches 65,00% or more of the population of the countries of all Members having voted (abstentions ignored). 	This is first stage vote by correspondence The initial one vote per member highlights that if a few small countries voted positively could make a big difference, hence:- The population requirement ensures that smaller countries can't out-vote the larger populations.

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4	6.2.2.2	In case the proposal is not adopted in accordance with 6.2.2.1, the votes of the members from EEA countries shall be counted separately, applying the same approval criteria as in 6.2.2.1.	This is second stage vote if first failed, but only EEA countries counted as voting. UK is excluded in the count, whether we voted Yes or No in first stage
5	6.3.1	If an EN has been approved in accordance with 6.2.2.1 all CEN national members shall be bound to implement it.	Even if UK voted “No” then BSI are bound to implement the EN.
6	6.3.2	If an EN has failed to meet the approval criteria of 6.2.2.1, but has been approved in accordance with 6.2.2.2, all CEN national members from EEA countries shall be bound to implement it, together with those CEN national members from non-EEA countries which have voted affirmatively.	If UK voted “yes” and it passed at stage two then we are bound to implement the EN, BUT, if it passed and UK had voted “NO” then by implication we are NOT bound to implement the EN.
7	Annex D.2	Weightings allocated for 6.2.2.1 by countries (only some listed here) are:- EEA Countries Germany 13.402%, France 10.826% Italy 9.766% Spain 7.551% Poland 6.138 % non- EEA Countries Turkey 13.304% UK 10.745% Switzerland 1.376% N. Macedonia 0.336%	Note that the weightings are only added up for members voting, with main power block being Germany, France, and Italy. Spain and Poland do demonstrate some interest. Out of the five non-EEA countries the UK replies to most voting opportunities; Turkey rarely votes.

At a CEN plenary meeting in 2019, the members of CEN agreed that all new work should be approved by the European Commission before being started. I am not sure whether or not this refers to updating of existing ENs.

BSI Brexit Statement

The BSI has published on the web a statement about Brexit and CEN standards. I have edited some of the text, and it relates to the table above.

CEN voting procedure

From 1 July 2020, BSI has been classed as a non-EEA member of CEN. In the types of vote listed in sub clause 6.1.4 of CEN internal regulations part 2 (e.g. new or amended European standards), weighted voting is applied. In the first stage, votes from all members are counted and the proposal is adopted if the weighted voting criteria are met. There are no changes to the UK in this stage; our weighting remains the same. However, if the proposal is not adopted in the first stage the votes of only the EEA countries are counted separately. In this situation, the UK’s vote would not be counted.

Therefore, if the proposal passes stage 1, all members are obliged to implement it, including BSI.

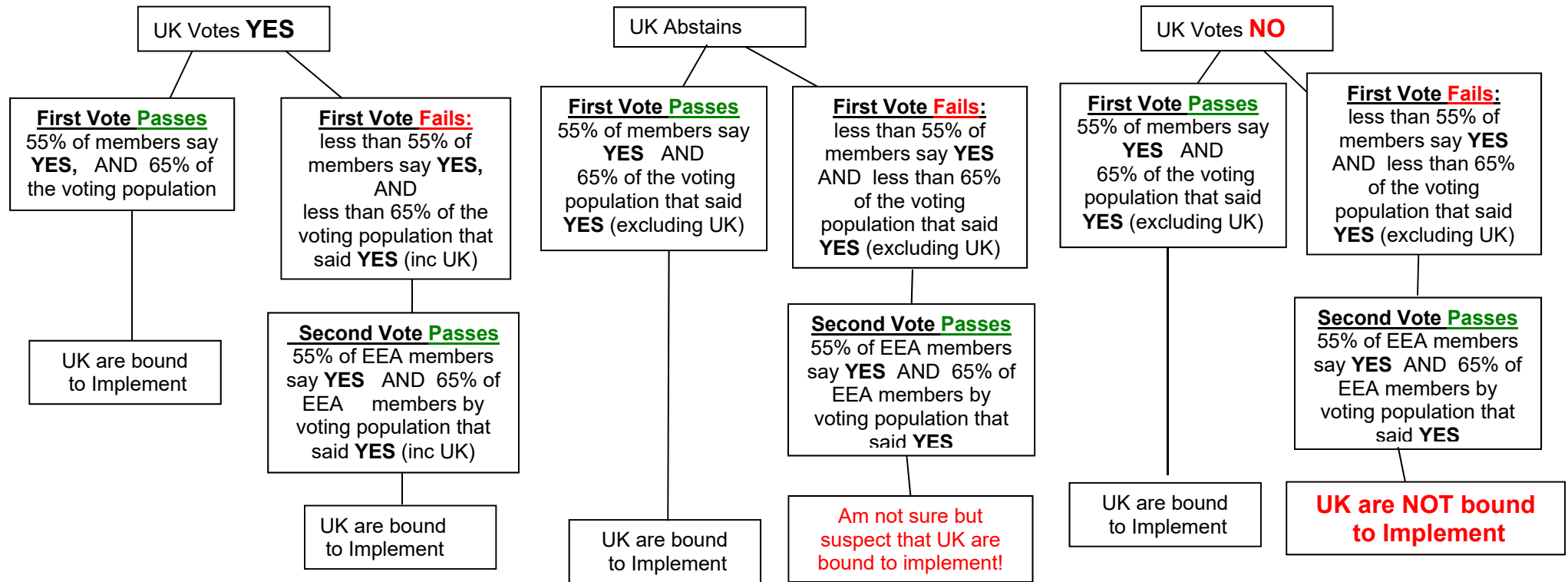
If the proposal fails stage 1 but passes stage 2, all EEA members are obliged to implement it, along with any non-EEA members that voted positively. This means that if BSI voted negatively, it would not be obliged to implement the decision.

If BSI voted positively, we would be obliged to implement the decision. If the proposal fails stage 2, there is no further action.

PF Comment: *In my opinion this announcement is misleading, because it implies at a quick read “If BSI voted negatively it would not be obliged to implement the EN.” Whereas in fact it is more than likely that the EN vote passes at first stage, so the UK are bound to accept the EN.*

My understanding in flowchart terms of the current situation with regard to BSI and voting is as below:-

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CEN Voting procedure for ENs with UK as non-EEA country

CONCLUSIONS

The UK standards would appear to be controlled by CEN and approved by the EU through the EC at least until the end of 2021.

BSI will not be permitted to publish any UK standard or code of practice that contradicts EN standards, and agrees not to copy text from any EN standard into a BS document while remaining a non EEA national member of CEN.

BSI stakeholders should be made more aware of the voting implications.

BSI should consider altering their default “abstain” position on EN voting to default to “No”, with BSI committees given option to vote “Yes”.

Three examples of voting are given on page 4 – they show the effect of population voting and the UK’s status.

Statement

The opinions expressed in this paper represent the writer’s true and professional opinions on the matters to which they refer, and are not necessarily the views of BSI, CEN or Government. They are presented to give an informed view of the current situation as the UK leaves the EU.

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Examples of CEN Voting

Example One

First Vote - EEA countries 6 vote yes and 5 vote no
Non - EEA countries 0 vote Yes but 2 vote No
Hence first vote fails on first condition as 6/13 is only 46.15% and needs 55.00%, hence:

At Second Vote of only EEA countries first vote ALSO fails as 6/11 is only 54.55% and needs 55.00%, so the EN FAILS.

Example Two

First Vote - EEA countries 7 vote yes (Germany, France, Italy, Spain, Poland, Netherlands and Belgium)
4 vote no (Portugal, Sweden, Austria, Norway and Ireland)
3 abstained
non-EEA countries 0 vote Yes
1 vote No (UK)

Hence at first vote on first condition the vote passes as 7/12 = 58.33% so check on population vote gives

$$\frac{(13.402+10.826+9.766+7.551+6.138+2.785+1.846)}{(13.402+10.826+9.766+7.551+6.138+2.785+1.846+1.662+1.646+1.430+0.880+0.784+10.745)} = \frac{52.314}{69.461} = 75.31\%$$

and as it requires 65.00% the EN now passes at first vote and binds the UK to ADOPT the EN.

Example Three

To demonstrate the population effects, consider a small country, say Denmark voting yes, and Turkey (non-EEA) voting No.

First Vote EEA countries 8 vote yes (Germany, France, Italy, Spain, Poland, Netherlands, Belgium and Denmark)
4 vote no (Portugal, Sweden, Austria, Norway and Ireland)
3 abstained
non-EEA countries 0 vote Yes
2 vote No (UK and Turkey)

Hence at first vote on first condition the vote passes as 8/14 = 57.14% so check on population vote gives

$$\frac{(13.402+10.826+9.766+7.551+6.138+2.785+1.846+0.937)}{(13.402+10.826+9.766+7.551+6.138+2.785+1.846+0.937+1.662+1.646+1.430+0.880+0.784+10.745+13.304)} = \frac{53.251}{82.765} = 63.62\% \text{ i.e. fails}$$

Second Vote EEA countries only 8 vote yes (Germany, France, Italy, Spain, Poland, Netherlands, Belgium and Denmark)
4 vote no (Portugal, Sweden, Austria, Norway and Ireland)
3 abstained

Hence at first vote on first condition the vote passes as 8/12 = 66.67% so check on population vote gives now

$$\frac{(13.402+10.826+9.766+7.551+6.138+2.785+1.846+0.937)}{(13.402+10.826+9.766+7.551+6.138+2.785+1.846+0.937+1.662+1.646+1.430+0.880+0.784)} = \frac{53.251}{59.653} = 88.85\% \text{ so ADOPTED}$$

But because the UK voted "No" we are not bound to adopt this EN unless required for trade!