

Annex I

General terms and provisions applicable to consultants

In the context of the General Guidelines for co-operation between the Commission and the European standards organisations (the European Committee for Standardization, CEN and the European Committee for electro-technical standardization, CENELEC) signed in Brussels on 13 November 1984, taking account of the framework contracts concerning the work to be assigned to CEN and CENELEC in terms of European standardization signed in Brussels on 15 January 1998, and considering the work to be carried out to tight deadlines, the CEN will call on consultants for technical and scientific help with a view to better understanding the work to be done and to ensuring that the harmonised standards are compatible with the directives.

1. Selection of consultants

The consultants to be commissioned by CEN to carry out the work shall be chosen after a call for tender, for a contract period of up to 12 months, renewable up to three times unless due grounds are stated for any exception. Renewal shall not be automatic; at the end of each contract period, CEN shall formally review the consultant's performance before any renewal can be agreed. A consultant may not be contracted for more than 8 years, maximum.

2. Abilities required of a consultant

It is indispensable for a consultant to have sound knowledge in several fields:

- a sound understanding of the fields which he will be required to monitor,
- knowledge and experience of the framing, developing, negotiating and adopting of Community and/or national legislation,
- knowledge and experience of the framing, developing and implementation of national and European standards,

For the consultant to be totally independent of the technical committees and other working groups which he is entitled to monitor, he is required not to have any direct responsibility for the work of these as a member, secretary, rapporteur or chairman¹.

Moreover, the consultant must be a national of a European Community or EFTA Member State.

The consultants shall carry out the work assigned to them in the contract and in a direct contractual relationship with the Contractor. The consultants must remain independent of all interested parties, and must provide proof of their independence. Under no circumstances must the consultants, under this contract, carry out work for the Commission or for which the Commission is responsible or present themselves as Commission consultants.

¹ A consultant may, however, play a role on committees independent of the sector for which he/she is responsible.

3. The consultant's role

The consultant is essentially responsible for helping/assisting CEN in the sector for which he/she is responsible. This help/assistance must not cover the administrative aspects of the work, but shall be confined to the technical and/or scientific aspects.

The consultant's main tasks shall be:

- 3.1 to explain to the different bodies of the contractor (i.e. CEN technical committees and working groups) the different elements of the related directive(s) and mandates especially the essential requirements.
- 3.2 to give advice during the elaboration of standards to the technical committees and other working groups on the consistency of the harmonised standards to be developed pursuant to the related directive(s) and the mandate(s); contacts with the relevant Commission services are necessary to fulfil this task.
- 3.3 to examine if the work programmes of the relevant technical committee(s) cover all aspects indicated in the related directives and mandates (i.e. essential requirements, product families, risks...).
- 3.4 to assess the different standardisation documents produced by the technical committees and other working groups toward the related directive(s) and the mandate(s);

In particular, the consultant shall:

- oversee the standards developed by the Contractor (and possibly other ESOs), to ensure that they comply with a high level of safety according to the essential requirements laid down by the directive(s) concerned and the mandate(s). This supervision should be maintained for the entire duration of the drafting work, during the public enquiry, before the formal vote and during finalisation of the draft ready for publication;

In particular, the consultant shall:

- * identify anomalies in texts being prepared,
 - * identify textual shortcomings in relation to the essential requirements dealt with in the draft standard,
 - * identify gaps which could be bridged by standards to be prepared,
 - * identify any overlapping and contradictions between different standards
 - * identify the need for assessment by other consultants responsible for other sectors of the draft standards
- examine the work of the technical committees and other working groups in the light of work in progress in the other technical committees and other working groups in other ESOs to avoid duplication of effort and contradictions in the harmonised standards and to avoid possible gaps;
 - check each candidate harmonised standard in support of new approach directives and any table giving details of the relationship between the clauses of such a standard and the essential requirements concerned (the annex ZA in CEN regulation);
 - attend any meetings as requested by the relevant Commission Services.

3.5 submit activity reports to CEN, which include, along with the general report:

- * a summary table, showing the standards assessed, the results of assessment as indicated above, the work item number and any pertinent information;
- * a draft calendar of proposed missions/meetings in the forthcoming reporting period.