

Memorandum of Understanding



between the

National Standards Organisations

and

**European Telecommunications
Standards Institute**

As approved by correspondence after NSO #30 (November 2002)

Memorandum of Understanding between the European Telecommunications Standards Institute (ETSI) and the National Standards Organisations in ETSI Member countries.

This Memorandum of Understanding is between:

- the European Telecommunications Standards Institute (hereafter referred to as "ETSI");

and

- the National Standards Organisation (hereafter referred to as "the NSO")

for

(country of the NSO)

represented by:

(name of the NSO)

having the responsibilities defined in article 13.2 of the ETSI Rules of Procedure.

Purpose

The purpose of this Memorandum of Understanding (MoU) is to create a more formalised framework of co-operation between the European Telecommunications Standards Institute (ETSI) and the National Standards Organisations (NSOs) in ETSI member countries who wish to co-operate with ETSI.

Article 1 - Signatories

All recognised national standards organisations notified to the ETSI Director-General under article 13.2 of the ETSI Rules of Procedure shall be entitled to be a signatory of this MoU. For the purpose of this MoU such signatories shall be known as NSOs. Each NSO shall have exclusive responsibility in its country for a particular subject area for which ETSI is responsible.

Article 2 - Information and standardization activities

ETSI agrees to provide access to its approved work programme and, on request, other relevant documents to the NSO. The NSO agrees to inform ETSI of all national standardisation activities in the field of interest of ETSI.

Article 3 - Imposition and release of standstill

The decision to impose or release standstill and associated dates shall rest with the ETSI General Assembly. ETSI has the obligation to inform the NSO as soon as the ETSI General Assembly has decided on standstill. From the date of a standstill, the NSO commits itself not to undertake any national standardisation activity which could prejudice the preparation of an EN (European Standard), nor to publish a new or revised standard which is not completely in line with an existing EN (European Standard). Standstill shall only apply to an individual EN (European Standard) project, i.e. to a work item, accepted by the ETSI General Assembly, with a precise scope and target date. It does not apply to areas or programmes of work as such.

Article 4 - Infringement of standstill

Standstill is not infringed by:

- a) the issue by an NSO of a draft standard for public enquiry intended and designated as a contribution to ISO/IEC and/or CEN/CENELEC/ETSI standardisation;
- b) the publication by an NSO, within three months of the start of standstill, of a national standard which that NSO has already approved;
- c) the publication by an NSO, after notifying the ETSI Director-General, of a national standard adopting without change a published ITU-T or ITU-R Recommendation or a standard in the field of ETSI's interest prepared by the ISO/IEC, where there is no EN (European Standard) already in existence.

In cases b) and c) the NSO commits itself to aligning the national standard with the eventual EN (European Standard), when issued.

Article 5 - Review of standstill

The NSO shall be entitled at any time to request a review of a standstill on a particular work item. The NSO shall submit a written request to the ETSI Director-General seeking derogation from standstill if, on a subject where a standstill is in force and except as in article 4 above, the NSO wishes to:

- 1) change an existing national standard;
- 2) publish a new national standard;
- 3) adopt a draft EN (European Standard) as a national standard;
- 4) take any other action nationally that may prejudice the harmonisation intended.

The ETSI General Assembly shall deliver a decision as rapidly as possible and, in any case, not later than six months from the date of receipt of the NSO's request.

Cases where the necessity for national standardisation activities in the area of a proposed EN is caused by obligations an NSO has with CEN and CENELEC should be brought to the attention of the ETSI Director-General.

Article 6 - Public Enquiry

The NSO undertakes to carry out the public enquiry of an EN (European Standard) in its country. For its part ETSI undertakes to notify 1 week in advance to the NSO the start of a public enquiry and provide access to the relevant draft EN (European Standard) text in the working language as soon as possible after the advance notice. For its part the NSO undertakes to send to ETSI the consolidated comments received in the public enquiry by the deadline set.

One of the purposes of the public enquiry is to give the ETSI Technical Body concerned a clear indication if the draft is likely to be accepted at the final voting. For its part the NSO undertakes to endeavour to reach a national position in the public enquiry to be transmitted to ETSI by the deadline set. Where such a position cannot be reached, diverging views may be given.

Article 7 - Schedule for Public Enquiry

ETSI and the NSO agree to apply the schedule for the public enquiry given in article 13.4 of ETSI Rules of Procedure and in article 2.2.1 of the ETSI Technical Working Procedures.

Article 8 - Voting

The NSO undertakes to carry out the voting on the adoption of an EN (European Standard) in its country either as part of the One-step Approval Procedure or the Two-step Approval Procedure, as the case may be. For its part ETSI undertakes to notify 1 week in advance to the NSO the start of a vote and to provide access to the relevant final draft EN (European Standard) text in the working language as soon as possible after the advance notice. The NSO shall undertake to take into account all views expressed in its country in deciding how to cast the national vote.

Article 9 - Withdrawal of conflicting national standards

When an EN (European Standard) has been approved on a specific matter then on an agreed date set by the ETSI General Assembly the NSO shall ensure that all conflicting national standards on that specific matter are withdrawn. The ETSI Director-General shall notify the NSO accordingly.

Article 10 - Publication or endorsement as national standards

The NSO shall take measures to ensure the visibility of ENs (European Standard) at national level, either by publication of an identical text or by endorsement (by publication of an endorsement sheet or by official announcement) within a short time of their adoption.

In the case of endorsement it shall be stated that the EN (European Standard) has been approved together with the number, title and date of the EN (European Standard), and from where copies of the text may be obtained. The ETSI transposition database shall be updated accordingly by the NSO.

ENs (European Standard) thus published or endorsed, in addition to being European standards, shall be given the status of national standards.

Publication of an identical text means identical in technical content and presentation (except translation) and with no restrictions for application. Options in an EN (European Standard) are options for the user of the standard, but not options from which the NSO may make a selection.

Article 11 - NSO co-operation with ETSI Members

The NSO undertakes to co-operate with the ETSI members in their country with a view to achieving coherence between a vote taken for the adoption of a standard by ballot and a vote taken for the adoption of a standard at an ETSI General Assembly meeting. Noting that the latter case will usually arise only when the draft standard is controversial, every effort will be made to ensure that arrangements made between ETSI members and the NSO at the national level do not inhibit flexibility of national delegations to arrive at timely compromises at the meeting of the ETSI General Assembly. In these cases it would be useful if a representative from the NSO is included in the national ETSI delegation.

Article 12 - Publication and sales of ETSI deliverables

ETSI undertakes to give the NSO the right of publication and/or sales of ETSI deliverables and other of its publications according to a separate sales agreement. ETSI will maintain a dialogue with the NSO so as to create an efficient distribution system for ETSI deliverables in the national market covered by the NSO. The NSO agrees to actively market ETSI deliverables in the territory of its own country through advertising and other appropriate means.

Article 13 - Translation

Once an EN (European Standard) has been approved in English as an official standard, it may be translated into French and German and published equally as an official version of the standard. When a translation is made of an EN (European Standard) into French or German and the NSO concerned gives a certificate of accuracy to the ETSI Director-General, then the EN (European Standard) will also be available to NSOs as an official EN in those languages. In case of conflict of interpretation reference shall be made to the English version of the standard.

Notwithstanding the provision above, each NSO has the right to translate ENs (European Standard) into the language(s) of its own country. ETSI shall recognise standards as official translations if their accuracy has been certified to the ETSI Director-General by an NSO using the relevant language. The costs of all translations of standards shall be covered by the parties interested.

Article 14 - NSO-ETSI meetings

The ETSI Director-General will have periodic meetings with the NSO to manage the co-operation set down in this MoU. In addition to the rights and obligations stipulated in this MoU the NSO have the same rights as those of the Observers of ETSI. Consequently, the NSO has the right to attend meetings of the General Assembly and to receive relevant documents.

Article 15 - Co-ordination with CEN and CENELEC

ETSI undertakes to work closely with CEN and CENELEC to minimise overlaps and to maximise co-operation. The NSO agrees to facilitate the co-operation between ETSI, CEN and CENELEC and support agreements the three bodies enter into. Where any such new agreements will affect the interests of the NSO, ETSI agrees to consult the NSO and take its views into account in arriving at its position. Where a work item is transferred from ETSI to CEN or CENELEC or vice versa after the public enquiry or vote on the adoption of a draft standard relating to that work item, the NSO agrees, in principle, to treat the public enquiry or adoption as valid for the body receiving the work item.

Article 16 - Document handling

ETSI and the NSO agree to work together on the early implementation of an effective electronic mail system in support of the communications necessary between ETSI and the NSO. ETSI and the NSO agree to study together an effective electronic document interchange system.

Article 17 - Training

ETSI agrees to make available to the NSO staff places on any training courses it may organise on the functioning of ETSI or other similar matters.

Article 18 - Mutual assistance and information

The NSO agrees to consider favourably any request for assistance from ETSI in the organisation of any events ETSI wishes to stage at the national level. ETSI agrees to do its best to help the NSO with any standardisation enquiries in ETSI's field of interest.

The NSO undertakes to carry out procedures as may be agreed between ETSI and the NSO from time to time.

Article 19 - Liaison officers

ETSI agrees to keep the NSO informed of the latest version of its Statutes, Rules of Procedure, Technical Working Procedures and telephone contact points. Reports of the meetings of the General Assembly will be made available to the NSO on a regular basis. ETSI agrees to nominate a headquarters staff person as a liaison officer with the NSO. The NSO agrees to nominate a headquarters staff person as liaison officer for ETSI.

Article 20 - Foreclosure of the MoU

If an NSO wants to foreclose this MoU it shall notify the ETSI Director-General 180 days in advance.

For ETSI

For the NSO
(name of the NSO)

.....

.....

Mr. Luis Jorge Romero

.....

ETSI Director-General

.....

Date:

Date: