

CANADIAN STANDARDS DEVELOPMENT

Publicly Available Specifications

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Table of Contents

Foreword.....	4
1. Scope	5
2. Terms and definitions.....	5
3. Introduction.....	6
3.1. Standardization System Overview.....	6
3.1.1. Purpose	6
3.1.2. Context.....	6
3.1.3. SCC.....	6
3.2. The PAS.....	7
3.2.1. Purpose	7
3.2.2. Principles	7
3.2.3. Distinctive Features	7
3.2.4. Types of PAS.....	8
3.2.5. Legal Status & Considerations.....	8
3.2.6. Relationship with formal standardization.....	9
3.2.7. Authorship	9
3.2.8. Copyright & intellectual property rights (IPR).....	9
4. The PAS development process.....	10
4.1. Overview	10
4.2. Project Inception.....	10
4.3. Domain Research.....	10
4.4. Contract.....	10
4.5. Coordination Meeting	11
4.6. Project Development.....	11
4.6.1. Project Announcement.....	11
4.6.2. Steering Group Composition.....	11
4.6.3. Review Panel Composition	11
4.6.4. Drafting process.....	12
4.6.5. Public consultation.....	12
4.6.6. Final consensus and publication	13
4.6.7. Post-publication	13
5. Roles and responsibilities	13
5.1. Developer.....	13
5.2. Sponsor.....	13
5.3. Steering Group.....	14
5.4. Review Panel	14
5.5. Technical Author	14
Bibliography	15

Foreword

These Guidelines are published by the Standards Council of Canada and came into effect on 2021-07-20.

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This publication does not include all the necessary provisions of a contract. Users are responsible for its correct application. Compliance with a PAS cannot confer immunity from legal obligations.

1.Scope

These guidelines outline the principles and key development steps of a Publicly Available Specification (PAS). It provides some procedural detail and is not definitive in nature to account for the intended flexibility of this deliverable. These guidelines are not intended to replace existing specifications but are intended to provide an example of what a PAS could look like in terms of structure, drafting principles and language.

2.Terms and definitions

For the purposes of this PAS, the following terms and definitions apply.

2.1. consensus

general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments

NOTE Consensus need not imply unanimity.

[ISO/IEC Guide 2:2004, definition 1.7]

2.2. developer

an organization that is responsible for the development of a Publicly Available Specification following the steps outlined in this document

2.3. essential intellectual property rights (essential IPR)

intellectual property rights that have been included within a PAS such that it would be impossible to implement the PAS without making use of those rights, and the only way to avoid an infringement of the rights in respect of implementation of the PAS is therefore to request a licence from the owner

2.4. intellectual property rights (IPR)

rights having no tangible form, but representing the product of creative work or invention

NOTE Such rights include copyright and related rights, rights in designs, patents, rights to inventions, whether registered or unregistered.

2.5. international standard

an international standard published by any international standards organization and made available to the public

2.6. National Standard of Canada (NSC)

A standard developed by an SDO compliant to SCC's Requirements & Guidance for a) accreditation of SDOs and for b) adoptions.

2.7. Publicly Available Specification (PAS)

A PAS is an intermediate specification, published prior to the development of a full consensus-based standard. It is a document not fulfilling the requirements for a standard. A PAS is a normative document.

2.8. sponsor

party, or parties acting together, who provide funding on a commercial basis to enable the development of a PAS

NOTE The sponsor is not necessarily the proposer of the project.

2.9. stakeholder

A party that has an interest in a standard, and can either affect or be affected by the standard. Commonly identified Canadian stakeholders may include, but are not limited to: key company/market leaders, industry associations, regulatory bodies, governments, associations, NGOs, academics, and/or consumers expressing the need for the standard

2.10. standard

a 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 achievement of the optimum degree of order in a given context

3. Introduction

3.1. Standardization System Overview

3.1.1. Purpose

Standardization is the activity of establishing agreed criteria that provide a reliable basis on which common expectations can be shared regarding specific characteristics of a product (including a service) or a process. It provides a framework for achieving efficiencies and interoperability that facilitate trade and enhance consumer protection and confidence. Increasingly it is also used to support public policy objectives by offering effective alternatives to regulation.

3.1.2. Context

Standardization can be undertaken by any group of people who share a common objective. It can happen informally amongst groups of colleagues in a workplace, and, in a more structured fashion, by means of:

- a) company standards (e.g. for use in procurement);
- b) industry standards;
- c) national standards produced by formally acknowledged standards bodies (e.g. National Standards of Canada [NSC] developed by SCC-accredited Standards Development Organizations);
- d) regional (e.g. North American) standards; and
- e) international standards.

3.1.3. SCC

Established in 1970 as a federal Crown corporation, the Standards Council of Canada (SCC) is Canada's voice on standards and accreditation on the national and international stage. SCC works closely with a vast network of partners to promote the development of effective and efficient standards that protect the health, safety and well-being of Canadians while helping businesses prosper. As Canada's leading accreditation organization, SCC creates market confidence at home and abroad by ensuring that conformity assessment bodies meet the highest national and international standards. SCC advances Canada's interest on the international scene as a member of the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) by connecting thousands of people to global networks and resources, opening a world of possibilities for Canadians and businesses.

For more information, visit <https://www.scc.ca>

3.2. The PAS

3.2.1. Purpose

A PAS should be developed in response to an identified urgent market need, representing the consensus of the experts within a steering group; very often a request from a sponsor for a standardization document that serves the needs of an emergent market, technology, service or public policy interest. The PAS approach offers a different development model than the NSC as an effective means of quickly introducing standardization in such cases, and for testing the value or validity of a particular approach or methodology. It can also serve as the basis for subsequent development towards more formal standardization.

3.2.2. Principles

3.2.2.1. Consensus

Consensus is the model used for establishing agreement in many types of standardization, including NSCs. It is founded on the principle of establishing general support for a document by seeking to ensure that those likely to be affected by it are able to reach the highest level of acceptance possible of its content, even if it does not represent the optimal position of each party.

The principle of consensus is fundamental to the PAS development model, and it is the objective of a steering group to resolve conflicting views, both amongst its own members and in the case of any that arise from public consultation. However, it should be noted that consensus does not imply unanimity, and in order to arrive at a solution that best serves the wider public interest it may not be possible to accommodate all positions that emerge.

3.2.2.2. Transparency and Confidentiality

The PAS development process should balance transparency, accountability and independence against the need to respect and protect commercial confidentiality. The identities of the organizations represented in the steering group should be available and are usually published in the foreword of the PAS for which they are responsible. The identities of individuals contributing to the process should not be made public without their explicit consent.

Most documentation generated in the development of a PAS (e.g. proposals, contracts, working drafts, research reports) is confidential to the steering group or sponsor, as appropriate. However, individuals serving on a steering group are permitted to undertake wider consultation within the organizations that they represent. Comments received as part of the public consultation, together with the responses of the steering group, may be made available without identifying their source.

3.2.3. Distinctive Features

A PAS typically has the following distinctive features that distinguish it from an NSC:

- a) Public acknowledgement of the relationship with the sponsor in the foreword and

- often by other means such as the use of logos.
- b) A flexible, client-driven approach to the development, design and delivery of the document. This often demands a compressed timescale (to the extent consistent with due consultation and effective consensus building) and an intensive commitment of resources.
- c) The first draft of a PAS is not generally a collective effort.
- d) The steering group drafting the PAS may not include a balance of affected stakeholders.
- e) The public consultation should last four weeks.
- f) A short initial lifespan (three years) with the opportunity to extend for one further period of three years.

3.2.4. Types of PAS

A PAS usually fits into one of the following types:

- a) A specification, which gives a coherent set of absolute requirements, each objectively verifiable. The result is a non-negotiable set of criteria for products, services or systems. It is particularly suited to giving the performance criteria demanded of a product, or the fundamental elements of a service or management system.
- b) A code of practice, which contains minimum recommendations and guidance, where the recommendations relevant to a given user have to be met in order to support a claim of compliance. Depending on the context and field of application, a code of practice usually reflects current good practice as employed by competent and conscientious practitioners.
- c) A guide, which primarily contains information and guidance. It may also include recommendations where appropriate but these are generally of a nature that would not support reliable claims of compliance.
- d) A method of test, which provides repeatable and reproducible procedures with consistent outcomes for the assessment of material, product or process performance.
- e) A method of specifying, which gives characteristics of a material, product, process or system so that a customer can select the values needed before agreement with a supplier.
- f) A vocabulary, which is a compendium of terms and definitions, which helps harmonize the use of language within a given sector, field or discipline.
- g) A classification, which is an ordering of items or grading system for use across a given sector, field or discipline.

3.2.5. Legal Status & Considerations

A PAS is voluntary in that there is no obligation to apply it or comply with it, unless, its application is directly demanded by regulatory instruments. In itself, a PAS has no particular legal status although it may be used as a component of, or the basis of, an agreement that does (e.g. a contract).

A PAS is always subordinate to the law. It is important that it is drafted to avoid any confusion between the provisions contained within it and requirements imposed by law. In general, it is not acceptable for a PAS to contain provisions that are already requirements imposed by law, nor to contain any statement recommending or requiring compliance with the law. It is also not advisable to quote legislation/regulation, and no attempt should be made to offer any interpretation of the law. Reference to particular legislation/regulation is permissible where it is relevant

and potentially helpful in applying the PAS, noting that any reference may become out-of-date during the lifespan of the PAS.

To ensure that PAS end-users are aware of its limitations, a disclaimer in the actual PAS is recommended and it can be included in the introductory pages of the document (e.g., “The user should be aware that the process used to develop this document does not include the full consensus process normally associated with standards. It is the responsibility of the user of this document to judge the suitability of the document for the user’s purpose.”).

3.2.6. Relationship with formal standardization

A PAS should not be developed if an existing standard developed using a full consensus process (such as an NSC or international standard) covering the same scope and field of application is available or under development. Exceptions may be considered if it can be demonstrated that the potential benefits of such a PAS outweigh the risk of causing confusion in the market or of undermining the status of a pre-existing document.

3.2.7. Authorship

In contrast to standards developed by technical committees, the first draft of a PAS is rarely a collective effort. It is usually entrusted to a technical author, either supplied by the sponsor or contracted on a commercial basis by the developer.

In common with standards developed by technical committees, the first draft is subject to validation stages that usually result in further iterations of the text. Editing and final preparation is undertaken by the developer.

3.2.8. Copyright & intellectual property rights (IPR)

3.2.8.1. General

Normally all the development material and content of the PAS are the property of and are copyrighted by the developer, unless other arrangements have been agreed to by appropriate affected parties involved; this is particularly important where details of IPR-protected technology are intended to be incorporated in a PAS.

3.2.8.2. IPR in contributions

The collaborative development of a PAS will lead to the creation of new work. The contributor should ensure it has ownership of the content being shared or has obtained the appropriate permissions to do so.

A contributor retains the IPR in their own unique contribution providing that the contribution existed in a publication prior to its submission to the PAS development process. The existing publication should not adversely affect the promulgation and exploitation of the PAS and the contributor continuing to use their own unique contributions may not reference the PAS as the source.

3.2.8.3. Patents and third-party IPR

The contributor should ensure appropriate disclosure to the developer if patents are involved in their contributions. Appropriate permissions should be

obtained before use of the patented content. Where the disclosure involves a potential claim it may be sufficient to make a declaration that a third party is likely to have IPR claims over the technology (without identifying specific claims or applications for IPR).

3.2.8.4. Disclosed essential IPR

The developer should work with the steering group to agree on the best way to address disclosed IPR or claims. In assessing whether such IPR may be included as a requirement of a PAS it is reasonable for the steering group to take account of the most restrictive licensing terms of any IPR. A note drawing attention to essential third-party IPR should appear at the appropriate point in the published PAS. This may include a summary of the most restrictive licensing terms which the IPR holder has indicated involves the IPR and the PAS content to which it is applicable.

4. The PAS development process

4.1. Overview

The PAS development process is characterized by the following features:

- a) A contract for financial sponsorship.
- b) An accelerated process closely managed by a dedicated project manager with the intention of eliminating all avoidable delays to progress.
- c) Domain research by the developer to identify other potentially conflicting or complementary national and international standardization documents and projects.
- d) Oversight by a steering group of experts constituted specifically for the purpose and chaired by a suitable member independent of any conflicting interests.
- e) Proactive public consultation, usually of shorter duration than for an NSC, and targeted in particular at a selected review panel identified as having expertise and a close interest in the subject matter.
- f) A flexible and customized approach to the design and delivery of the final product, allowing also for visible sponsor association.

4.2. Project Inception

A proposal for a PAS can come from any source, generally from a prospective sponsor. Once a market need has been ascertained, a detailed formal project proposal should be prepared by the developer for approval by the sponsor, setting out a draft scope for the PAS and identifying the range of services and options that are appropriate, the proposed author of the first draft, and the fee and payment schedule for undertaking the work.

4.3. Domain Research

As a minimum, the developer undertakes reasonable research to identify:

- a) national and international standardization documents and projects that may relate to the proposed scope of the PAS project; and
- b) stakeholders who may have an interest in it.

A report of the findings is sent to the sponsor and technical author to inform the preparation of the first draft and the composition of the steering group and review panel.

4.4. Contract

A formal contract should be signed between the sponsor and the developer which sets out the terms and conditions under which the project is to proceed, and the resulting PAS is to be

published.

4.5. Coordination Meeting

Once a PAS contract has been signed with a sponsor, the developer organizes a coordination meeting (typically including the developer's project manager, the representative of the sponsor and the technical author) at which the PAS process and the duties and roles of both the sponsor and the developer should be clearly explained and a draft schedule is proposed.

The draft scope of the PAS as developed during the inception of the project is further discussed and refined at the initial meeting and consideration is given to the composition of the steering group and review panel.

4.6. Project Development

4.6.1. Project Announcement

A public announcement is made of the commencement of the project and further details are sent directly to all stakeholders identified by the domain research as having a potential interest in the subject matter. The announcement includes basic details of the project and invites stakeholders to engage with the PAS process by taking part in the public consultation and to consider nominating appropriate experts as members of the review panel.

The project announcement is also a means of identifying interest groups who may make a valuable contribution through membership of the steering group.

4.6.2. Steering Group Composition

Typically a steering group has between 8 and 12 members, including the sponsor, the technical author and representatives of organizations identified as being important stakeholders in the project. These may include:

- a) industry;
- b) central and local government departments, agencies and other regulatory bodies;
- c) trade associations;
- d) professional bodies;
- e) consumer interests;
- f) testing, certification and accreditation bodies;
- g) academia.

The sponsor is asked at the initial meeting to identify important stakeholders and provide named contact details if available. The developer domain research and PAS announcement to stakeholders are also designed to identify organizations or candidates. To ensure a fair and transparent representation of relevant interests, the ultimate responsibility for the composition of the steering group resides with the developer. Steering group meetings are chaired by the project manager.

4.6.3. Review Panel Composition

The review panel comprises a wider representation of interested parties that are likely to benefit from or be affected by the implementation of the PAS. A panel comprising between 20 and 150 representatives is usual. Members should be drawn from those stakeholders identified by the steering group, informed by the domain research and other types of market engagement.

4.6.4. Drafting process

The first draft (the “base document”) is usually supplied either by the sponsor or by the technical author. It is usually subject to a gap analysis by the project manager to reveal any areas defined by the draft scope that may be missing. After editing and any further necessary reworking, the document is submitted to the steering group for consultation.

A review of the comments received leads to the development of a draft that is sufficiently mature to be issued for a wider public consultation.

4.6.4.1. Scope statement

The scope statement is an essential part of the early stage of the development of a PAS, defining both the scope of the document and the scope of the project to develop it.

The scope is a definitive statement of the type of PAS, the subject being standardized, and its application. It should also indicate subject matter that a user may expect to be included but which is in fact excluded, and, where possible, direct users to where the subject is covered.

While the scope statement should be short and succinct, it is important that it is worded to take into account the implications of the PAS for its users.

4.6.4.2. Structure

The normative section of the PAS should include the scope, normative references, terms and definitions, technical content, and if applicable, normative annexes. If annexes are included, they should be identified as “normative” or “informative”.

4.6.4.3. Language

If dealing with a highly specialized topic or addressing a very specialist readership, a PAS may need to use technical language not readily understood by nonspecialists. Nonetheless, every effort should be made to keep the tone of the PAS clear, direct and free of jargon, and its structure intuitive to its intended users.

Taking into account the wider context in which a PAS may be used, it should be noted that it is likely to be translated into other languages. It is therefore important to guard against the possibility of mistranslation, or the introduction of ambiguities, deliberate or accidental.

Whenever possible, any requirements contained in a PAS should be expressed in terms of performance rather than design or descriptive characteristics to ensure innovation is not impeded.

A PAS should be capable of supporting legitimate claims of compliance and conformity where appropriate to its stated purpose (e.g. by containing only provisions that are measurable and verifiable).

4.6.5. Public consultation

The consultation stage usually lasts for four weeks and is undertaken through an online forum open to the public. The stakeholders identified at the public

announcement stage should be notified of the consultation, as well as the members of the review panel. The consultation is a vital stage in validating the draft and therefore a major factor in establishing the authority and credibility of the published PAS.

4.6.6. Final consensus and publication

Comments arising from the public consultation are discussed by the steering group, with the aim of achieving a document underpinned by consensus.

Prior to publication, the sponsor should endorse the final draft and provide permission to being publicly associated with the PAS as outlined in the contract. Approval of the PAS is based on a simple majority of the steering group. The developer publishes the PAS promptly and makes it available under reasonable terms and conditions.

4.6.7. Post-publication

A PAS is valid for an initial maximum period of three years. The validity may be extended for a period up to three years, at the end of this period, it should be transformed with or without change into another type of normative document or withdrawn.

5. Roles and responsibilities

5.1. Developer

The developer should be the publisher of a PAS and the principal facilitator of the development process. Unless otherwise contractually agreed, the developer holds the copyright on all content and retains exclusive rights of commercial exploitation of a PAS.

As the project facilitator, the developer provides a dedicated project manager to manage the development of the document, together with access to facilities for meetings and document circulation. In cases where the sponsor does not nominate a technical author, the developer takes responsibility for identifying, contracting and supervising an appropriate expert. The developer retains the ultimate authority over the composition of the steering group and review panel and over the decision to publish a PAS. It reserves the right to decline to publish a PAS if it has serious concerns about the content of the document, the degree of consensus underpinning it, or about its potential impact on the organization's reputation.

As the publisher, the developer should arrange for the production, sales and marketing of the document.

5.2. Sponsor

The sponsor enters into an agreement with the developer to take a prominent role in the development of a PAS.

Working in conjunction with the developer, the sponsor will usually propose the nature and scope of the project, which is subject to amendment and confirmation by the steering group, and which will subsequently be reflected in the scope statement. The sponsor may nominate a technical author to undertake the initial drafting.

The sponsor may propose members for the steering group and review panel, and to comment on other nominations, but has no power of veto. Likewise, the sponsor has no power of veto over the

final content of the PAS, but is free at any time to withdraw from the project or to decline the opportunity to be publicly associated with it.

5.3. Steering Group

The role of the steering group is to review successive drafts and to resolve comments arising from public consultation in order to achieve the level of consensus needed on which the final document is published.

The steering group takes responsibility for the scope of a PAS and for its final content, subject to the ultimate rights reserved by the developer.

5.4. Review Panel

The review panel should be composed of organizations, companies and occasionally individuals who have been identified as having a visible and legitimate interest in the subject matter of a PAS. The panel does not meet collectively, but its members are each advised of the availability of the public draft and encouraged to make detailed comments on it.

5.5. Technical Author

The technical author is an individual, identified and appointed by mutual agreement between the developer and the sponsor, responsible for delivering the first draft of a PAS for consideration by the steering group.

Together with being expert in the subject matter in question, the technical author is expected to be familiar with the principles of standardization and standards drafting.

Bibliography

ISO/IEC Guide 2:2004, Standardization and related activities – General vocabulary

ISO/IEC Directives, Part 1, Consolidated ISO Supplement, 2020

BSI PAS 0:2012, Principles of PAS standardization