Common declaration

on

standardization policy in the field of occupational safety and health

December 2023

Standards are an important element in prevention activity for safe and healthy workplaces. Elaborated at European and increasingly also at international level, they set out technical requirements for products and define measurement methods for emissions such as noise, vibration, radiation, and harmful substances. At the same time, standards increasingly impact upon non-technical areas such as the harmonization of management systems, services, health care, and qualification. Against this background, the signatories have agreed upon a set of joint positions on their standardization policy.

1. Product standardization

Following the principles of the Cracow Memorandum[1], harmonized European Standards must constitute a reliable technical reference for all stakeholders and must support legislation in a consistent manner, without contradictions, in order to contribute to fairness of competition and to the high level of safety called for by the Treaty on the functioning of the European Union (TFEU). Harmonized European standards should reflect the current state of the art and correspond to the highest level of safety and health that can reasonably be expected from a product.

CEN and CENELEC as well as the European Commission and national governmental institutions actively encourage the adoption of ISO and IEC standards at European level whenever possible. In this context, preserving the high level of safety and health for products that is expected of harmonized European standards supporting directives under Article 114 of the TFEU constitutes a major challenge.

For the negotiations on free trade agreements, the signatories call upon the European Commission and the European standardization bodies to ensure that the high level of protection in the trade of products that is required by the EU treaties is respected.

As a matter of principle, it must be ensured that standards continue to support the essential health and safety requirements of the EU Single Market directives and regulations under the rules of the New Legal Framework even where they are developed at international level or as a result of bilateral agreements between trade partners. The signatories stress that standards need to be assessed independently vis-à-vis their satisfaction of the essential health and safety requirements of the European directives. They consider that such assessments have been successfully carried out up to now by the HAS consultants and recommend that the consultant system should be continuously optimized and permanently maintained.

The HAS consultant system established by the EU Commission is basically approved by the signatories, although there is still room for improvement. For example, positively evaluated standards should be listed in the Official Journal of the EU as soon as possible. In addition, the consulting contracts with the HAS consultants should

[1] www.euroshnet.eu/fileadmin/Redaktion/PDFs/Cracow-Memorandum-en.pdf

directly follow one another so that there are no gaps in time and the standards can be evaluated continuously.

2. Role of "Other deliverables"

In addition to traditional standards, technical specifications (TS) and technical reports (TR) written according to strict rules guaranteeing the transparency of the process and a solid representativeness of stakeholders, other types of documents which can be grouped under the heading of "Other deliverables" have been increasingly produced by standardization bodies the last decade.

Those documents include CEN/CENELEC Workshop Agreements (CWAs) and ISO International Workshop Agreements (IWAs) and similar national deliverables.

Since those deliverables can be produced within a short time, they are frequently used to meet the needs of fast-moving industries, such as the IT sector (Information technology), or in a pre-normative framework to quickly publish innovative solutions and research results that may not have reached a sufficient level of stability.

Although they are drafted under the auspices of standards bodies, they differ from traditional standards in that not all essential standardization principles apply to their drafting. They are not designed to reflect a consensus among all relevant stakeholders and can easily be driven by particular interests.

Thus, the signatories point out that CWA, IWA and PAS are neither suitable for regulating aspects of OSH, nor for supporting legislative requirements, nor for meeting the needs of the market when health and safety issues need to be addressed. They strongly recommend specifying OSH-relevant requirements or recommendations in fully-fledged standards meeting the requirements of the ISO/IEC directives and CEN/CENELEC regulations wherever possible. If it is necessary to draw up such documents quickly, technical specifications (CEN/TS, ISO/TS) are preferable. Similarly, purely informative OSH-relevant content can be published quickly via technical reports (CEN/TR, ISO/TR).

The signatories also call upon the standardization bodies to make a clear formal and visual differentiation between standards and new deliverables in order to ensure that users are well aware of the exact nature of the documents. Moreover, they invite CEN and ISO to follow the example of CENELEC which stipulates in its procedural rules that Workshop Agreements shall not be initiated for work on safety matters.

Finally, if work dealing with OSH aspects is nevertheless undertaken as part of these "other deliverables", the signatories will ensure that OSH stakeholders are present at the kick-off meeting and, if necessary, on a case-by-case basis, in the drafting work, in order to defend the OSH principles.

3. Standardization in the field of services

Standardization is considered an important means of liberalizing cross-border trade in services and removing obstacles to trade. If standards are drawn up for services, they

will frequently include references to the people who perform the services. Consequently, such standards may include requirements concerning the safety and health of the service providers, an area which should in fact be regulated by the individual states as part of their implementation of OSH directives under Article 153 of the TFEU. CEN Guide 15 on service standardization takes this into account.

In contrast to products, services are delivered with a particular customer focus and are generally unique to the customer concerned. One particular threat arises from the fact that it may not be possible to standardize the process itself and that in consequence, skills and competencies may be defined instead for the person performing it. This could ultimately lead to an explosion in the certification of persons on the basis not only of their ability, but also of their formal vocational qualifications.

The signatories acknowledge the value of standardized services for the European Single Market. However, it is important to look closely at what is being standardized, and limits will have to be defined concerning the role of standardization in the area of safety-related qualifications.

4. Standardization in the area of the health and safety of workers at work

Article 153 of the TFEU directly focuses on social security and on health and safety aspects at the workplace and sets out the framework for the development of European Directives in this area. Directives developed under Article 153 contain minimum requirements which are to be adopted by the Member States within their responsibility for the improvement of occupational safety and health. In this area, European Standards do not play a role comparable to that in product standardization. However, standardization is possible and has delivered good results in fields including the following: terms and definitions, measurement and planning of measurement, testing and sampling procedures, statistical methods and data exchange, safety signals and warning signs, and selection of equipment.

The signatories call upon the European standardization bodies to take the different role of standards within the scope of Article 153 and Article 114 into account when launching new standardization projects. In particular, the European standardization bodies should evaluate whether new projects within the scope of Article 153 support the Member States in improving occupational safety and health and whether they lead to duplication of work and conflicts with regulations of the individual EU Member States.

5. Standardization of management systems

In the international standardization of recent years, a trend can be identified in which more and more management issues are being standardized. Examples of this are standardization concerning human resource management by ISO/TC 260 or standardization in the area of risk management by ISO/TC 262. The standards in these areas may, although it is not their main purpose, repeatedly also deal with OSH-relevant aspects.

Various management systems have been standardized and have thus, formally or *de facto*, become certifiable. Well-known examples include the ISO 9000 series of standards for quality assurance and ISO 14000 for environmental management systems. Standardization is also addressing other subjects, such as **social responsibility** (ISO 26000) and **OSH management systems** (ISO 45001).

The signatories are concerned that many standards in OSH-related fields would offer no added value, whilst at the same time leading to greater pressure for certification. This would above all affect small and medium-sized enterprises which would have to be certified in order to obtain orders as suppliers or to take part in tendering processes. The signatories will monitor the ongoing standardization of management systems with respect to OSH.

6. Time constraint of standard development

The EU Commission is interested in fast results in standardization work. For this reason, target times for the development of standards have been set, according to which between 18 and 36 months are scheduled for the completion of the development process. Although it is desirable that standardization projects should not be unduly protracted, the pressure exerted by time constraints is not conducive to achieving the desired results. On the one hand, false declarations are being made in some cases when standards are developed. In order to be able to keep to the strict time schedules, small, closed groups begin work on the standards in advance. The actual processing time is therefore much longer as stated. At the start of the project, almost finished documents have been drafted, which can no longer be influenced to the full extent. On the other hand, under strict adherence to the time constraint, the quality of the documents can suffer.

If the documents are not completed on time, the projects are stopped entirely. This approach is also not reasonable. If there are intelligible causes for the long elaboration, for example ongoing research or an ongoing process of consensus building, the elaboration time should be extended with regard to the work already done.

The signatories call upon the European Commission, national governmental institutions and European standardization bodies not to insist on too strict time constraints, unless it is justified due to needs of the technical sector concerned (e.g. digitization, innovative technologies).

7. Digitization regarding standardization work and standardization topics

Digitization in standardization is progressing and has various effects on it, affecting both the process of developing standards and the content of standards. For standards experts, there are easier opportunities to attend meetings, as participation no longer involves extensive travel. On the other hand, there is a lack of personal contacts between experts, which is especially important for standardization work and the consensus building that comes with it. Therefore, the signatories recommend that the technical bodies and working groups try to meet at least once a year in person.

8. Development of Artificial Intelligence in the field of OSH

Progress in the field of Artificial Intelligence (in addition to the perspective of the future European Regulation on AI) with many emerging use cases for systems using complex AI technology requires an in-depth reflection on how OSH issues will be addressed in standards: It is essential that OSH specialists are deeply involved in the work so that it converges towards solutions applicable to manufacturers of work equipment. In order to deal with the means of assessing AI systems, the standards must be a compatible extension of the risk assessment methods currently used in the field of product and workplace safety. In addition to the safety of hardware and software, it will also be necessary to ensure a high relevance of both the model and the data used e.g. in the learning phase of AI, as well as to establish proactive methods for prevention (e.g. cover the dimensions of trustworthiness) and reactive methods for mitigation (e.g. uncertainty estimations and fail-safe behavior for increased resilience), when failures of an AI system have an impact on OSH.

In addition, the clear demarcation between the roles of manufacturer, operator, integrator, and user is increasingly disappearing, as, for example, safety gaps are constantly being rediscovered and then filled, or risks emanating from an AI that continues to learn must be reassessed during operation. When standards are aimed at the user, the social partners are particularly called upon to be involved in the processes. The signatories recommend that OSH organizations be aware of this blurring and discuss how to deal with this development.

9. EU standardization strategy

In February 2022, the EU Commission published its EU standardization strategy. This takes account of the fact that standards are increasingly being developed at ISO level and then are also voted on at European level in parallel, or they are subsequently adopted identically. In the future, the EU intends to increasingly promote fundamental values such as democratic processes and pluralism in standardization. By setting up a High-Level Forum on European Standardization the Commission creates a group which will assist and advise the Commission in anticipating upcoming standardization priorities and will contribute to the EU's role as a global standard-setter.

The signatories stress the importance of maintaining a high level of safety for vulnerable groups, such as workers. For this reason, the signatories ask the European Commission, national governmental institutions, and European standardization bodies to ensure that standardization remains based on consensus- and respects democratic principles. This includes sufficient participation by all parties with an interest in occupational health and safety.

10. Perspectives for future joint commitment

The signatories confirm their excellent cooperation in standardization. They will continue to identify common objectives, find and establish instruments of cooperation, and look for approaches to jointly influence the standardization process while benefiting from efficiency gains. In the European sector forum on Occupational Health and Safety (CEN SECT/SF OHS) they will undertake joint efforts to implement their

initiative on the quality of harmonized standards. They will support working groups of the European Commission by preparing and presenting common positions through their representatives.

In order to support their experts active in standardization, the signatories carry out joint activities such as cross-border seminars, also involving institutions from other countries. They commit to strengthen the cooperation of European occupational health and safety organizations, e.g. EUROSHNET, in order to improve the efficiency of their standardization work, the exchange of views and mutual support in standardization committees relevant to occupational safety and health.

The signatories agree on periodical consultations at management and expert level.

Wiktor Marek Zawieska
Director
CIOP-PIB, Poland
(Centralny Instytut Ochrony Pracy - Państwowy Instytut Badawczy)

Stéphane Pimbert
Director General
INRS, France
(Institut national de recherche et de sécurité)

Raphaël Haeflinger
Director
EUROGIP, France
(EUROGIP)

Pilar Cáceres Armendáriz
Director CNMP
INSST, Spain
(Instituto Nacional de Seguridad y Salud en el Trabajo)

Carita Aschan
Director of Research and Service
FIOH, Finland
(Finnish Institute of Occupational Health)

Benjamin Pfalz
Chairman
KAN, Germany
(Kommission Arbeitsschutz und Normung)