KAN Kommission Arbeitsschutz und Normung

KAN position paper on the inclusion of occupational safety and health stipulations in “new deliverables”

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Verein zur Förderung der Arbeitssicherheit in Europa e.V.

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Contents

1 Introduction 4
2 CEN Workshop Agreements und DIN SPEC (CWA) 5
3 Publicly Available Specifications (PAS) and DIN SPEC (PAS) 7
4 DIN SPECs (prestandards) 8
5 DIN SPECs (technical reports) 8
6 KAN's position 8
6.1 Procedure for CWAs 8
6.2 Procedure for ISO/PAS and national PAS outside Germany 10
6.3 KAN's goals in its approach to new deliverables 10

1 Introduction

New deliverables such as CEN Workshop Agreements (CWA) and Publicly Available Specifications (PAS) are documents drawn up under the aegis of standards bodies, such as DIN, CEN or ISO, outside of the normal standardization process (see Table 1).
At the DIN Deutsches Institut für Normung e.V., new deliverables are classified as "DIN SPECs". They do not form part of the German body of standards (DIN 820-4, 6.1.1, 2nd sentence).

New deliverables differ from standards in that they do not take as long to draw up. Some of them are intended to cater for change in fast-moving industries such as IT and to speed up the process of translating research findings into practice.
The rise in the number of new deliverables reflects their increasing acceptance on the market, e.g. in the fields of service standards and e-business. Cases of new deliverables being prepared on topics related to occupational safety and health are also on the increase.

In the opinion of the Commission for Occupational Health and Safety and Standardization (KAN), the concept behind these documents is such that they are not a suitable means of making stipulations on occupational safety and health. Documents such as DIN SPECs (prestandards) and DIN SPECs (technical reports), which are drawn up by a standards body, can include safety and health aspects by virtue of their nature.

Table 1: Specifications by the DIN, CEN and ISO standards bodies [1]

DIN	CEN	ISO
DIN SPEC (CWA)	CEN Workshop Agreements (CWA)	International Workshop Agreement (IWA)
DIN SPEC (PAS)		Publicly Available Specification (ISO/PAS)
DIN SPEC (Prestandard)	Technical Specification (CEN/TS)	Technical Specification (ISO/TS)
DIN SPEC (Technical Report)	Technical Report (CEN/TR)	Technical Report (ISO/TR)

[1]Auch bei CENELEC und IEC werden vergleichbare Spezifikationen erstellt. Bei CENELEC ist die Behandlung von Sicherheitsaspekten in CWA ausgeschlossen.

2 CEN Workshop Agreements und DIN SPEC (CWA)

CWAs are prepared under the aegis of the European Committee for Standardization, CEN, in temporary workshops that are specifically set up for that purpose and only exist until the end of the project. As a rule, anyone can take part in the preparation of a CWA. Proposers are required to submit a business plan along with their proposal. The plan must set out the reasons for the workshop, the proposers and the CEN contacts, the objectives, the work programme (including the timescale) and the funding of the workshop.

Proposals for CEN workshops must be presented to the CEN Technical Board members (CEN/BT) for a four-week review, before the business plan is announced and published on the CEN website, if the subjects proposed

1. are already being worked on by a European and/or international technical body,
2. lie within the area of management system standardization,
3. relate to conformity assessment procedures or
4. deal with the topic of safety.

If, during the four-week review period, the CEN/BT members determine that the proposed CWA does not conflict with existing standards in any of the four above-mentioned points, the business plan is published online and the kick-off meeting is announced, giving at least 60 days for a public comment phase. If, however, concerns are raised, they must first be examined and, where necessary, discussed and eliminated by the CEN/BT. Persons wishing to take part in a workshop must register and, in some cases, pay a participation fee.
At the kick-off meeting, the participants adopt the business plan and then a draft CWA is produced. The chairperson determines when a consensus on the document is deemed to be established. Public comment phases are only compulsory for projects funded by the public purse or covering safety aspects but they are generally recommended.

CENELEC, the European Committee for Electrotechnical Standardization, also draws up CWAs. In accordance with the CEN/CENELEC Internal Regulations (Part 2, A.2.1.1, last paragraph), safety aspects must not be dealt with in CENELEC Workshop Agreements.

As a rule, any expert is welcome to participate in the preparation of a CWA. However, there is no structured means of finding out about new workshops (e.g. via DIN); the information is only available by constantly checking the CEN site.
The “open to all” approach poses other problems too: the “any” means experts from outside of Europe can take part as well – the rules do not include any restrictions on who can participate. For instance, in Workshop 53 "Biosafety Professional Competence (BSP)"there were several participants from the US, who wanted to incorporate the biosecurity aspect, which is considered much more important in their country.
Another problem is that participation often entails expenses for long journeys. Since the workshop participants can come from non-European countries, meetings are not necessarily held in Europe. Two of the plenary meetings for WS 55 "Guidance Document for CWA 15793:2008 Laboratory Biorisk Management Standard" took place in Seoul and Atlanta, making it difficult for European representatives to participate effectively. Currently, the CEN/CENELEC guidelines on CWAs only say that the kick-off meeting should preferably take place in a CEN/CENELEC member state but there is no binding rule to this effect.

If a public comment phase is planned for a CWA, OSH experts can also submit comments. Whilst the workshop participants must take note of those comments, they can also reject them provided they cite their reasons for doing so. In KAN’s experience, it is not always easy to understand the reasoning and agreed changes are sometimes not implemented. The workshop chairperson determines when the workshop participants can be deemed to have established a consensus. From then on, it is no longer possible to influence the document or prevent its publication.
In its foreword, the published CWA only lists the organizations (the old version of the guide refers to a list of the countries) that approved its publication. Organizations that were involved but voted against its publication are not listed. The workshop secretariat at the CEN/CENELEC Management Center (CCMC) keeps a record of the names of the workshop participants but they are not published in the CWA.

A further problem is that when a CWA comes up for review to decide whether it is to be renewed for another three years, advanced to a standard or withdrawn, CEN asks only the former workshop participants for their opinion. This makes it difficult for other stakeholders to have a say.

DIN SPECs (CWAs) are European documents (CWAs) which are adopted at national level. DIN can initiate new DIN SPECs as well as adopting finished ones. However, "DIN will reject any proposals involving aspects of occupational safety and health,

environmental protection or fire protection." (DIN rules of procedure on DIN SPECs (CWAs)).

3 Publicly Available Specifications (PAS) and DIN SPEC (PAS)

Rather than being prepared by specially created groups, ISO/PAS documents are drawn up within the existing structure of the standards body. Alternatively, expert groups can be set up under the umbrella of an appropriate standards committee. At DIN, DIN SPEC (PAS) documents are drawn up by temporary committees.
In the case of an ISO/PAS, the umbrella committee decides whether the finished document should be published.
At DIN, the Chair of the Executive Board has to give approval for publication of a DIN SPEC (PAS).

As with CWAs, the allotted time frame for preparing a PAS is just a few months long. ISO does not place any restrictions on the topics that can be covered by a PAS. DIN, on the other hand, states in its Rules for preparing DIN SPEC (PAS) that PAS documents must not include occupational safety and health stipulations and rejects all such proposals.

As with the CWAs, there is no compulsory public enquiry for PAS documents.
If there is a comment phase, comments concerning the PAS can be presented. However, once again, there is no requirement for a consensus among all stakeholders, nor for comments to be taken into account. Though the latter is also true of standardization in the conventional sense, standards do require a consensus among all stakeholders.
Although it is the international standards committee (for ISO/PAS) or the Chair of the Executive Board of DIN (for DIN SPEC (PAS)) that decides whether the document is published, it is virtually impossible to influence the document at this stage.

To date, the KAN Secretariat has not been involved in the preparation of PAS documents. However, it has established that it is very difficult to obtain information about PAS projects at international level.

PAS documents are also prepared by national standards organisations outside Germany. In these cases, it is exceptionally rare for German OSH experts to be able to influence the contents. Yet such documents can go on to have a significant impact, for example, if they are advanced to a European standard.

4 DIN SPECs (prestandards)

Prestandards, which are prepared by a standards committee, are intended for subject matter that has not yet developed to a level that would enable it to be included in a standard. Like standards, they are prepared in accordance with the DIN 820 series of standards, but they are not published as standards due to reservations voiced by some stakeholders.

In KAN‘s view, this form of document can be used for occupational safety and health matters - even if there is no consensus among all stakeholders. For instance, a prestandard can be used to try out product requirements or to prepare a European standard at national level. The prestandard can be completed in a short amount of time and then submitted with the proposal for a European standard.

5 DIN SPECs (technical reports)

Technical reports are a means of recording data and knowledge that document the results of standardization activities and are not intended for publication as a standard or DIN SPEC (prestandard). Technical reports are also prepared by standards committees.

As such, KAN feels that these documents are not suitable for governing product safety requirements. In exceptional cases, however, a technical report can be a suitable means of publishing, for example, new ideas about OSH aspects (including technical aspects) to observe how practicable it is. Technical reports are intended to contain informative matter only (see definition above), nothing of a normative nature (neither requirements, nor recommendations, which, by definition, are also normative).

6 KAN’s position

As a rule, CWA and PAS documents are not suitable means of making occupational safety and health stipulations.

6.1 Procedure for CWAs

If it is necessary for OSH experts to be involved, the question of how their participation in the workshops can be organised needs to be addressed.

Table 2: Document checklist (for business plans, CWA drafts and CWAs)

	No	Yes
Does the document cover OSH aspects in the form of specific requirements?		
Does the specified OSH level fall below the existing level in Germany?		
Does the document deal with OSH aspects by covering the training of persons responsible for OSH tasks?		
Does the document call for certification of OSH activities?		
Does the subject matter overlap with that of European directives under Articles 114 and 153 of the TFEU or national legislation containing provisions on OSH aspects?		

When a CWA is announced on the CEN website, the KAN Secretariat checks whether it is to include OSH stipulations. If so, the KAN Secretariat informs the stakeholders represented in KAN and endeavours to ensure that OSH experts are involved in the document's preparation. If the CWA concerns safety matters, DIN's Commission on Safety Engineering is automatically informed through the enquiry conducted by CEN/BT.
In exceptional cases, the Secretariat itself can take part in the preparation process. Sometimes, it is not possible for individuals to participate in person, for example because a fee is charged for participation in the workshop. In such cases, the intention is that an official set of OSH expert comments (possibly official KAN comments) will be submitted regarding the business plan. These comments will call for a public comment phase. If there is a public enquiry, the intention would be that the OSH experts would again submit comments if necessary. If publication of the document is imminent, the expert involved must decide whether the document is desirable in terms of safety and health, using the above checklist.

In KAN's view, if approval is given for the document, it can be adopted by DIN and the organization of the OSH representative involved can be listed in the foreword.

If the document is rejected, a public announcement by KAN is planned. Possible platforms for doing this are the website of the BAuA (the Federal Institute for Occupational Safety and Health), the relevant expert committees and subcommittees of the German Social Accident Insurance (DGUV), EUROSHNET, etc. In such cases, KAN will refrain from giving its support to DIN's adoption of the document. DIN's Commission on Safety Engineering will be informed that the document has been rejected and will inform KAN when the CWA comes up for periodic review. When the document is up for revision, the intention is that KAN will call for it to be withdrawn and not advanced to a standard.

6.2 Procedure for ISO/PAS and national PAS outside Germany

KAN shall only take action with regard to other countries' national PAS documents if it is informed of a planned PAS or a document in the enquiry stage. Such PAS documents can have a significant impact if they are used as a stepping stone to standardization.
It is not possible for KAN to take independent steps to actively obtain such information. Apart from that, the procedure for PAS documents is the same as for CWAs

6.3 KAN's goals in its approach to new deliverables

It is the opinion of KAN and DIN that the CEN/CENELEC guidance document for drawing up CWAs does not completely rule out OSH stipulations in CWA specifications.
Consequently, in KAN's view, once CWAs that cover safety and health expire, they should be reviewed and withdrawn. In order to cater for the OSH matters that were the subject of said stipulations, a standard can be proposed to CEN – provided the content does not conflict with the German Consensus Statement.

Furthermore, as the guidance document stipulates, there must be a compulsory public comment phase for all CWA and PAS documents relating to safety. But the same must also apply to specifications including health aspects so as to provide more scope for influence and more transparency with regard to the health requirements in the documents.

The CEN workshop meetings should take place within Europe. Since the documents are European, European participation and a European secretariat should be mandatory.
To enable OSH experts to take part in the preparation of PAS documents, ISO/PAS documents should be announced on the ISO website – in much the same way as CWAs are on the CEN site. However, this method would not be particularly effective for finding out about national PAS documents being prepared outside Germany.

The German Consensus Statement specifies that, in principle, there should be no standardization in the area of the safety and health of workers at the workplace. In exceptional cases where, according to the Statement, a particular topic is not suitable for standardization, KAN can approve the inclusion of the topic in a DIN SPEC Prestandard or DIN SPEC Technical Report. In addition, these forms of document can be used if new safety aspects are to be defined to test reactions or used as the basis of a proposal for a European standard.

Due to the difficulties at the national level already mentioned, DIN SPEC (PAS) documents should not be used for these exceptions. At the European and international levels, if it is not possible to prevent OSH stipulations being made in standards documents, KAN's aim is to have said stipulations incorporated into Technical Specifications or Technical Reports.

There is no disputing that each of these forms of document has its place. Efforts must be made to improve how the suitability of each one is communicated and acted on. It must be ensured that the various forms of publication are only used for purposes for which they are suitable.
The DIN documents should make clear which type of DIN SPEC is involved. Furthermore, the nature of the document in question should be described in more detail, in the introduction or foreword, for example, so as to prevent misapplication. The foreword should also state whether a public enquiry took place.
As a general conclusion, communication with users of standards and new deliverables must be much more transparent when it comes to the differences between and the significance of the different document types.