

HOW MUCH POLICY DOES STANDARDIZATION NEED?



Strategy conference

26 March 2014

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Federal Republic of Germany, Bonn

Conference proceedings



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Edited by: Commission for Occupational Health and Safety
and Standardization (KAN)
– Secretariat –
Alte Heerstr. 111, 53757 Sankt Augustin, Germany
Tel. +49 2241 231 3462
Fax: +49 2241 231 3464
E-mail: info@kan.de
Website: www.kan.de

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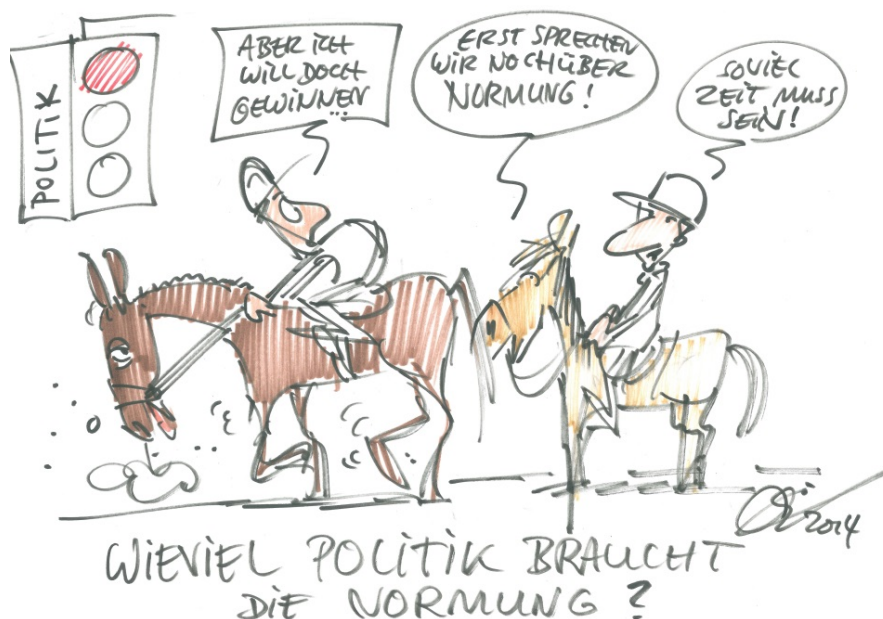
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How much policy does standardization need?

On 26th March 2014, the Commission for Occupational Health and Safety and Standardization (KAN) held a strategy conference to mark its 20th anniversary. Around 150 delegates attended the event in the Art and Exhibition Hall of the Federal Republic of Germany in Bonn, where the question of the day was, "How much policy does standardization need?"

Two aspects on the current European policy agenda are the Transatlantic Trade and Investment Partnership with the United States and the strengthening of Social Europe, both of which would result in more harmonization. That in turn would have a major impact on the foundations upon which European standardization is built and the role it plays.

There can be no certainty as to what future developments will bring; opportunities and risks are inextricably linked. The point of our conference was to help shape the opinion-forming process. The morning and afternoon sessions each started with a keynote speech, one on TTIP, the other on Social Europe. The audience and the panel then discussed how these developments would affect their work and, of course, the field covered by KAN – standardization.



*But I want to win! - Let's talk about standardization first. First things first!
How much policy does standardization need?*

Welcome addresses

Association for the Promotion of Occupational Safety in Europe (VFA)

I am delighted to welcome you to today's conference, held by the Commission for Occupational Health and Safety and Standardization.

I am particularly pleased to see so many former KAN members here in the Federal Art and Exhibition Hall.

Yesterday's KAN meeting saw the election of a new Chair, in line with our principle of rotating chairmanship. The post has now passed from the governmental representative, Mr Koll, to Mr Breutmann from the Confederation of German Employers' Associations (BDA). He will hold the position until 2016, when a trade union representative will again take over. Mr Breutmann, I should like to take this opportunity to wish you every success as chairman of KAN over the next two years.

This tripartite structure – government, employers and employees – is a trademark feature of KAN and I believe it reflects a principle that has more than paid off.

As you all know, the reason for this conference being staged now is that KAN is turning 20 this spring, which means that coming-of-age references are practically inevitable.

Standing here now, as one of the parents, looking at what has become of our offspring, I am more than happy with the result. 20 years ago, the initial intention was to establish a new basis upon which to support the social partners in their involvement in the standardization process – an aim with which we as social accident insurance institutions are extremely familiar. To quote you, Mr Coenen, speaking as the head of the prevention division in what was then the HVBG, the expectation was that "this new body will evolve and strengthen the partnership between occupational health and safety and standardization."

Not yet a toddler, the new organization quickly became established as an instrument for coordinating our national occupational health and safety interests and ensuring they are



Hans-Joachim Wolff

Alternating chair of the Association for the Promotion of Occupational Safety in Europe (VFA)

taken into consideration in standardization activities. Indeed, those initial years were marked by a steep learning curve.

As KAN passed from infancy to adolescence, it began to look beyond national borders, increasingly seeking to join forces with members of the occupational health and safety community in other European countries. These efforts culminated in the creation of the EU-ROSHNET network, of which KAN was one of the co-founders.

The fact that this morning's topic is the Transatlantic Trade and Investment Partnership is testimony to the fact that occupational health and safety and standardization have long since become globalized issues and that KAN must gear up to these challenges.

I am pleased that our conference has been so well received and that so many people have joined us to discuss the future of KAN's work.

As KAN enters adulthood, we at the DGUV and VFA hope that it will remain youthful and vivacious and that it will always manage to strike a balance between the need to concentrate on details in standards and the ability to take on board political signals in the fields of occupational health and safety and standardization.

Federal Ministry of Labour and Social Affairs (BMAS)

In the past, particularly in the 1980s, standardization was a key driving force for European business. Standardization and the New Approach gave the single market a considerable boost. But another buzzword I can recall was the "social dimension" of the single market – an area in which occupational health and safety played a major role. In 1989, the European Framework Directive on Safety and Health at Work came into effect, followed by (to date) 19 individual directives for specific areas of occupational health and safety. In contrast to the Single Market Directives, these directives do not make explicit reference to European standardization. Nonetheless, we are currently seeing a rise in European and international standards that *do* contain social aspects. "OSH management systems" and "corporate social responsibility" are just two cases in point.

So how are we going to deal with this situation? To answer that, I would like first to consider the general picture in Europe. What position is Europe in at the moment? On the one hand, it is still an economic stronghold but, on the other, there are crises here and there – the "economic crisis" or, unfolding as we speak, the crisis in Ukraine to name but two. And, against that backdrop, work on standards and, in particular, Single Market Directives is continuing apace.



Michael Koll

*Federal Ministry of Labour and
Social Affairs (BMAS)*

Two points currently on the table are the European Product Safety Regulation and the Market Surveillance Regulation, in which standardization would obviously also have its part to play. At the same time, though, we are also seeing bilateral and regional agreements being signed or planned – TTIP is one of them. But if we turn our attention to the health and safety of workers at work in Europe, we see that stagnation has begun to set in. One manifestation of this is that the present Commission’s “REFIT Programme” has essentially stopped any further work on directives. The programme is intended to improve legislation but also to remove red tape and to ensure deregulation. In this context, work has currently been suspended for directives concerning the health and safety of workers at work.

There is also no sign of a new European Community Strategy yet although the last one expired in 2012. We have been waiting since then and we urge the European Commission to adopt a new strategy. Of course, we could be provocative and say, “If everything is slowing down in Europe, standardization should be given even more weight in occupational health and safety.” But my response to such suggestions is quite clear: the European institutions, primarily the European Commission, which has the right to initiate legislation, must not shirk their political responsibility. They are responsible for safe products and for safe and healthy working conditions. European standardizers must respect that responsibility. In Germany, the basic agreement between DIN and the government states explicitly that the interests of the public must be protected.

Within this nexus, KAN plays a pivotal role, covering both single market issues and the safety and health of workers at work. It monitors standardization activity, issues comments and establishes far-reaching principles in this area. It is explicitly mentioned in the German Product Safety Act, and DIN’s Presidial Board has noted its importance as a means of pooling the opinions of OH&S stakeholders. KAN also has very good European connections, as demonstrated by the presence of our friends from the rest of Europe today, especially France, and the signing of the Common Declaration on Standardization Policy in the Field of Occupational Health and Safety. Participation in networks, for example the EUROSNET network, is also vital, and KAN has put out feelers to the European Parliament too. In fact, I

am delighted to report that a representative of the European Parliament is with us today – Thomas Mann.

From the government's point of view, I can say that KAN has proven to be an excellent guardian of public interests too. This has been reflected in specific standardization projects, for instance on machinery safety, which is, of course, very important in the single market. One topic of which I have pleasant and very clear memories is safety of agricultural machinery; another, still on the agenda and still unsolved, is safety of construction site vehicles. There are still numerous fatal occupational accidents caused by construction site vehicles reversing. In my opinion, standardizers must tackle these difficult issues and devise technical solutions.

KAN has also exerted influence at the political level too, in its work on the new European Regulation on Standardization and the definition of "standardization stakeholders". I should like to thank everyone who helped found KAN, everyone who developed it and breathed life and energy into it, for the tremendous work the organization has done. For the government, KAN is more important than ever, especially when it comes to such fundamental questions as today's: "How much policy does standardization need?"

KAN – an exemplary model?

As the Chairman of KAN, I am thrilled our event has drawn such a large audience to Bonn today. But perhaps the high attendance figures are in part due to the fact that the programme for this conference is about *action*, not *reaction*. We are engaging in a stimulating debate about issues that will impact on Europe's future. The question of how standards are dealt with will be crucial, especially when it comes to concluding the TTIP negotiations successfully.

The fact that we are discussing this question as part of KAN's anniversary celebrations is evidence in itself of how important KAN is for OH&S stakeholders. And I should like to take this opportunity as we kick off today's event to thank everyone who helps make it a success, be it through keynotes or contributions to discussions. I would also like to thank the KAN Secretariat for the courage it has displayed in using this anniversary as a platform from which to take a strategic look at the challenges ahead.



Norbert Breutmann

Chairman of KAN

Confederation of German Employers' Associations (BDA)

My speech today is intended to explore whether KAN can serve as an example for others to follow. But to help you understand its exemplary nature, I should like first to take you on a journey into the past; a journey that will explain the ideas that led to KAN being created.

The beginning of the 1990s saw a lively debate about whether a "neutral" consensus machine was actually needed for occupational health and safety in standardization. Today, 20 years on from KAN's inception, the critics are falling silent. KAN has notched up numerous successes – one particularly successful aspect is that we social partners feel KAN integrates and represents extremely well. We look back proudly over the past 20 years, in which KAN has grown to become a permanent fixture in national and European standardization. Its recommendations are taken very seriously; its advice and expertise are much sought after.

As standardization has changed during the course of the past two decades, this flexible, small project, sensitive as it is to changes in standardization, has evolved too. While the focus was originally very much on product standardization, KAN's current activities include constructive yet critical monitoring of the ongoing ISO project concerning OSH management systems.

It is quite a balancing act and I feel it highlights one point in particular – whereas the intention 20 years ago was to enable the social partners to exert an influence, that influence has now become vital as the subjects covered by standards become increasingly non-technical. And so I would like, in my capacity as an employers' representative, to speak on behalf of the other social partner too and say, "We need KAN – today more than ever!"

Among those who recognize the value of both social partners being included in decisions concerning German industry is Federal President Joachim Gauck. In his speech to the last Employers' Congress in Berlin, he was met with thunderous applause from the 1,000-strong audience when he stressed, "If it were not for our long-practised social dialogue, Germany would not have weathered the financial crisis so well. It is a dialogue that cannot be taken for granted, a dialogue that has to be nurtured and that is the envy of many a nation."

Integrating this social-partner dialogue into standardization with OH&S relevance and thus ensuring that the social partners could influence safe product design was one of the catalysts for the creation of KAN 20 years ago. Today we can be sure, if we weren't already, that that approach was the right way to go.

It was right because standards have gained in significance as part of European Union legislation. Since the introduction of the "New Approach" in 1985, safety and health requirements to be met by products placed on the EU market have only been set out in very general stipulations in EC Single Market Directives, on the basis of Article 114 of the Treaty on the Functioning of the European Union (TFEU). These abstract requirements are fleshed out in harmonized European standards. Product requirements are no longer permitted in national regulations or regulations issued by German social accident insurance institutions. If they were, national differences might prevent free movement of goods.

The government (both at the federal and federal-state level) and the German social accident insurance institutions are therefore extremely keen to see harmonized European standards developed that support the protection objectives set out in the Single Market Directives and ensure a high level of safety.

In contrast, the European legal system does not provide for complete harmonization in the area of social security. EC occupational health and safety directives (based on Article 153 of

the TFEU) set out minimum requirements, which can be exceeded when transposed into national laws.

Harmonized European standards are therefore not a suitable means of supporting directives in this field. They cannot cater for national differences. In Germany, the requirements are transposed in the form of acts, ordinances and in regulations issued by the German social accident insurance institutions.

Germany's basic position on the role of standardization in the field of occupational health and safety is set out in the German Consensus Statement, which is currently being debated. The government is attempting to redefine the role of standardization in the context of rules and regulations issued by itself and by the German social accident insurance institutions, and has brought the various stakeholders to the table for this discussion. And I can reveal that KAN, in cooperation with DIN, will assume an important function in this process.

So we have seen that the two core areas of KAN's activities are:

- assessing standards in the area of product safety (machinery, equipment, plant, services) to determine whether they meet OH&S requirements as set out in the directives and
- ensuring that standards do not cross the boundaries specified in the German Consensus Statement with regard to the health and safety of workers at work and do not conflict with national OSH legislation.

The European standards regulate the safety properties of work equipment. They have been and are still gaining in significance as a result of the EU's "New Approach".

Awareness of the importance of the **quality of these standards**, especially their practicability, needs to be strengthened. This applies to the reader-friendliness, transparency and user-friendliness of the standards.

Workplace OH&S aspects should not be included in standards if they concern employers' duties, employees' rights and duties and organization of occupational health and safety.

These aspects are dealt with exhaustively in European and national regulations. Matters that are subject to the principle of collective bargaining autonomy can therefore not be included in standards. Consequently, I, and I am specifically speaking as a representative of the employers now, regard KAN as a useful tool with which to counteract a standardization trend that could get out of hand and have a detrimental impact on, in particular, small and medium-sized enterprises (SMEs). In this context, KAN also acts as a watchdog.

In addition, we at the BDA also see KAN as an institution with which to increase the social partners' involvement in standardization and improve the flow of information when standardization mandates are issued, especially to prevent the health and safety of workers at work being included in standards. The debate surrounding the question of whether it makes sense to standardize OH&S management systems has shown how important KAN is when it comes to agreeing and asserting common national OH&S interests.

This task looks set to become even more important. With more and more "intangible standards" (corporate social responsibility (for which a revision seems very likely), service standards, quality assurance, mental stress, ergonomics standards, etc.), the need to get involved in standardization policy will grow too.

And that will be true, above all, at the European and international level, not just the national level. In particular, however, efforts must be made to prevent standardization being expanded to take in social aspects and areas subject to collective bargaining or, if that cannot be prevented, to at least monitor and voice an opinion on the standardization activity.

So what is special about the KAN model?

A model is an imitation of reality, an attempt to reduce complexity and concentrate on the essentials. And that is precisely what happened 20 years ago when KAN was founded and the representatives of the stakeholders in the OH&S standardization process chose to participate in a discussion and decision-making platform – explicitly at the request and with the consent of those stakeholders. More importantly, KAN also takes decisions on behalf of the stakeholders, thereby avoiding what would otherwise be a lengthy coordination process. That means KAN can help avoid prolonged standardization processes as well as being able to react quickly to developments.

KAN can also serve as a "role model" for the European OH&S community. I have heard that the European social partners would also like to get more involved in standardization content and policy. That desire can be seen in the newly founded Working Party on Standardization of the Advisory Committee on Safety and Health at Work. The Franco-German declaration signed yesterday would also not have been possible if it were not for the initiative and support provided by KAN. Even at the global level, I am not aware of any other institution that compares with KAN.

Standardization is prevention right from the outset. Consequently, KAN is an early warning system for topics with which the prevention field will find itself confronted, as can be seen in the topics of today's conference.

Quite simply, there is no alternative to KAN. It enables us, the social partners, to bring "our" issues to the table and then have them incorporated into the standardization process. This set-up makes our job much easier because it enables us to find out about a wide range of problematic topics and gives us a very simple way of exerting influence – just as the Machinery Directive stipulates.

My wish for the future would be to see KAN's methods of work become more dialogue-oriented, with more workshops and seminars. I would like to see the stakeholders brought together to discuss contentious issues, where there is a risk that a consensus might not be found, not just for KAN studies.



Europe, here we come!

KAN is a future-compliant model, a model that – at least in the area of standardization – will help stall the loss of certainty about the future that is currently a general concern.

I look forward to the keynotes and discussions and I hope we will all learn something new today and enjoy finding out more when we get home.

Transatlantic Trade and Investment Partnership (TTIP)

TTIP keynote – core messages



Günther Petrasch

Siemens AG

Head of Government Affairs Munich

Consequently, such agreements are only signed if both sides are convinced that they will benefit. If not, negotiations may well take place but nothing really gets signed. For instance, the free trade agreement between the EU and India has come to a standstill and negotiations with Mercosur have been ongoing since 1995 though the two sides have not moved substantially closer to a deal in all that time.

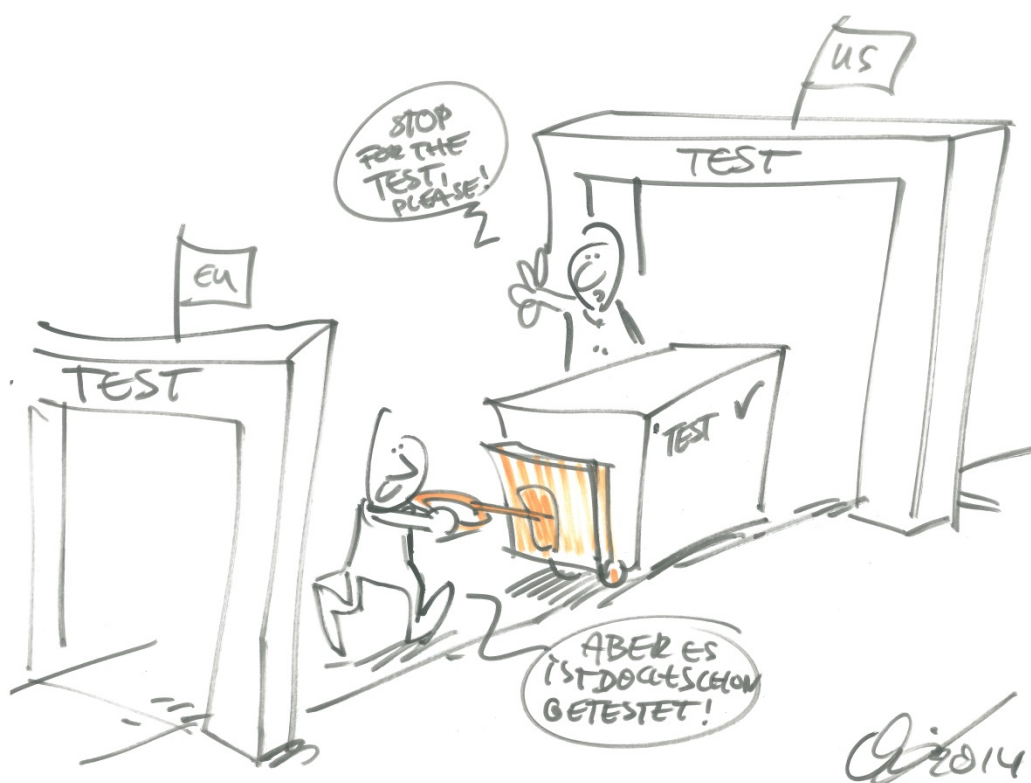
Siemens believes that TTIP will provide essential impetus and strengthen Europe due to the focus on transatlantic relations. The speaker, Mr Petrasch, stated that the negotiations were initially a political process, in which standardization, though a very important element, was naturally not the only topic. He discussed four key aspects, as described below.

1. Why do we need free trade and TTIP?

Trade is all about mutual advantages. You cannot sell something if nobody wants to buy it. So both sides benefit if they can trade. The concept of “**comparative advantages**” follows on from that idea. Put simply, if each country specializes in certain products and can make them more cost-efficiently compared to the other (hence the “comparative”), both countries can benefit from international trade. In practice, however, each country is concerned about the adjustments that have to be made as a result of this approach. With a potential shift in the economic importance of specific sectors, not all market players will benefit equally from a free trade agreement.

Trade is always beneficial. The US is Germany's most important trading partner and Germany has no reason to fear competition with the US.

Studies assume that TTIP will **increase economic growth** in the EU by between 0.3 and 0.7 percentage points and by between 0.1 to 0.4% of GDP for the US. But the idea is that TTIP will bring **jobs**, not just growth. In Germany alone, a total of 180,000 jobs could be created over a period of 10 to 15 years. Siemens is a good example of what that would mean. The company has a global workforce of approximately 360,000, of whom roughly 118,000 are in Germany, i.e. one third of the workforce. Siemens generates around 11 billion euros of its turnover in business with customers in Germany, that is roughly 14%. Since Siemens Germany has an export rate of 68%, its employees' jobs depend on exports. The figures are similar for the whole of the electronics industry.



Stop for the test, please! – But it's already BEEN tested!

The Bali Agreement has revived the **multilateral negotiations** at WTO level, which Siemens continues to support. However, the company advocates far-reaching liberalisation, based on bilateral agreements too. At the moment, TTIP is by far the most important **bilateral agreement** since the EU and US together account for around half of global GDP and some 30% of worldwide trade happens at the transatlantic level. In other words, goods and services worth 2 billion euros are traded across the Atlantic every day. Moreover, EU companies hold around 62% of all foreign investment in the US. So a common economic area would be large enough to establish **rules that would, effectively, have global significance**.

2. What are the economic objectives behind the agreement?

Mr Petrasch stressed that, in the modern world, free trade agreements were not just about **removing customs tariffs** in order to **open up markets**, but also about eliminating **non-tariff barriers to trade (NTBs)** and forming an **investment partnership**. This is also true of "CETA", the "comprehensive economic and trade agreement" between the EU and Canada, and the agreement signed between the EU and South Korea in 2009.

Market liberalization

Although the average transatlantic customs tariffs are low (3.5% for the US and 5.3% for the EU in 2013), they are quite significant in some sectors, e.g. automotive (as much as 10%), televisions (as much as 14%) and clothing (as much as 12%). That soon adds up as the volume of trade is so large. The chemicals industry pays roughly one billion dollars in tariffs per year, the automotive industry approximately 920 million. Siemens alone could benefit from annual savings in the mid double-digit millions if tariffs were removed. Mr Petrasch added that the liberalization efforts also concerned **public procurement markets**, which were crucial for a number of European and American businesses. Liberalization of the **service sector** could result in huge cost cuts, e.g. in telecommunications or delivery services. A comprehensive agreement could also increase **employee mobility** – an essential aspect as Germany and the US are dependent on highly qualified professionals.

TTIP presents a unique opportunity to help raise German competitiveness and prosperity by removing tariffs and NTBs, ensuring a robust investment environment and protecting intellectual property.

Regulatory cooperation

Non-tariff barriers to trade, such as product standards, certification requirements, regulations and country-specific product or service requirements, are extremely effective tools for restricting market access. Having the same regulatory requirements on both sides of the Atlantic could have a positive impact on growth, employment and innovation. Furthermore, common standards would strengthen the position of the transatlantic partners in their global trading activities. The topic consequently enjoys top-billing on the political agenda. However, both the EU and the US have **long-established regulatory systems**, which are based on different paradigms.

Even their understanding of what **internationally applicable standards** are differs hugely. In Siemens' view, any harmonization of standards can only be carried out on the basis of the standards developed by ISO and IEC. In the areas of relevance to Siemens' operations, the harmonized European standards largely correspond to the ISO and IEC standards. The

US should be encouraged to adopt the ISO/IEC standards or at least to put forward their own standards as input for the ISO and IEC standardization process. This particularly applies to new areas of regulation, such as e-mobility or smart grids.

Blanket harmonization seems so unrealistic that policymakers are favouring the principle of mutual recognition. But that is not possible in all cases either.

However, blanket harmonization seems so unrealistic that policymakers are favouring the principle of **mutual recognition**. But that is not possible in all cases either. Conformity assessment certificates, for instance, could only be mutually recognized if both sides did the groundwork to make

the underlying regulation systems compatible. With the US system still extremely fragmented, market access akin to that provided by the harmonized EU market cannot be ensured. For these reasons and given the huge differences in the factors influencing the various sectors, Siemens believes progress will only be possible for **specific industries**, e.g. pharmaceuticals and automotive. The negotiators should draw up annexes especially for the IT sector and financial services too. Siemens also backs calls for the regulatory requirements for medical devices, such as CT scanners, to be harmonized.

3. Significance of TTIP for SMEs and consumers

Apart from major corporations such as Siemens, there are many other stakeholders that could benefit from the agreement, especially Germany's "Mittelstand", i.e. SMEs and family-run businesses. Siemens has approximately 53,000 employees in the US, generates a turnover of around 14 billion euros there, is represented in each state and, with over 100 production facilities, has a considerable local presence. So Siemens has already overcome the hurdles to trade and is creating added value at a multi-local level, not just globally. But that cannot be said of most small and medium-sized enterprises. So SMEs that export could actually benefit even more than large companies if trade barriers were to fall. A TTIP chapter dedicated to SMEs reflects this point.

TTIP would be beneficial for businesses, employees and consumers.

Employees could also reap the benefits of TTIP-induced economic growth, with export-oriented businesses being able to pay more. In addition, removal of tariffs should bring further price cuts on products ranging from smartphones to cars and jeans. The EU estimates that families will save up to 545 euros per year as a result.

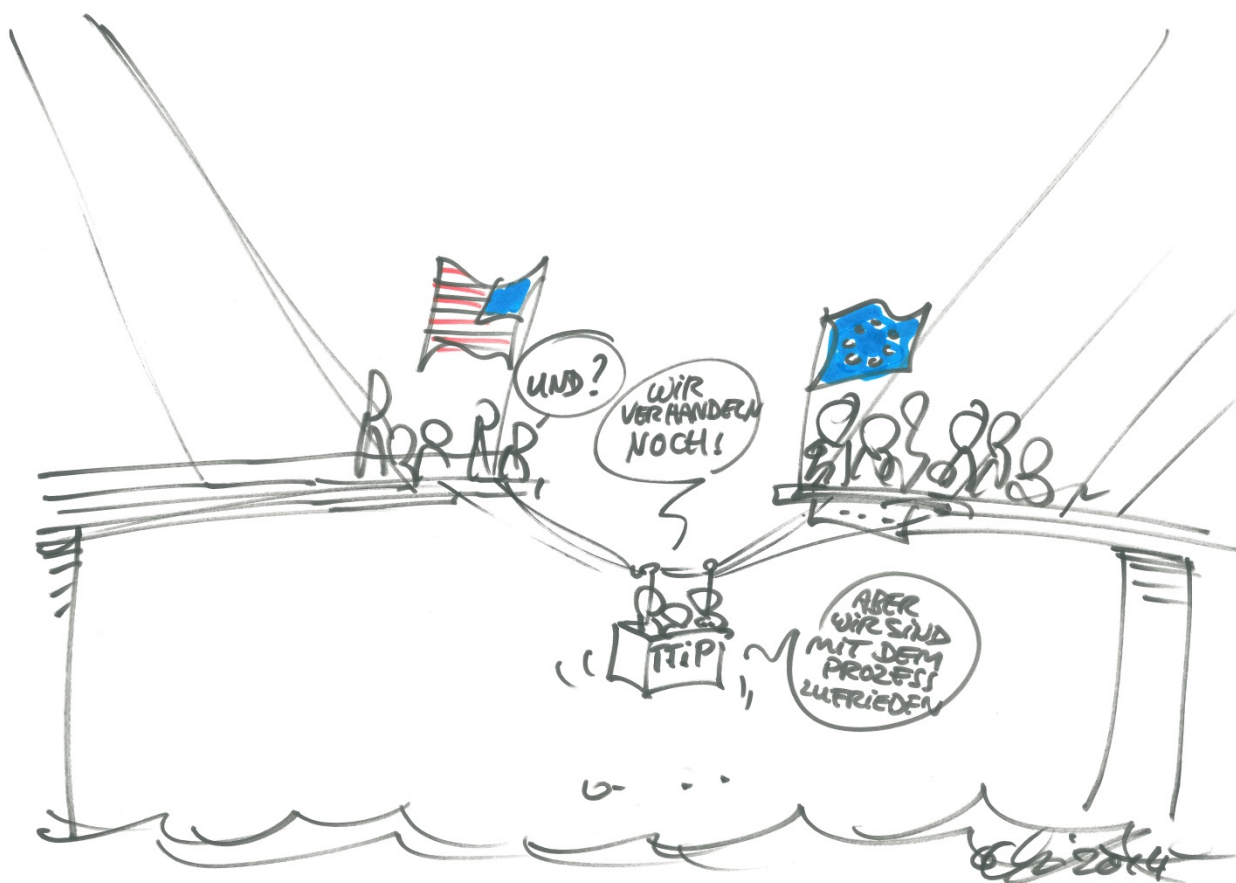
4. What are the challenges for the political negotiations?

There have been four official rounds of negotiations since June 2013 and four more are scheduled for this year. Both sides have **offensive and defensive interests** in wide-ranging segments, such as movies, music and agriculture. One example of the EU's defensive interests is the issue of "geographic indications" (GIs). With "Parma ham" being produced in Iowa, for instance, and large quantities of "champagne" being consumed in the US, Europe wants continued protection for products such as champagne from Champagne, Parma ham from Parma and "Nürnberger Bratwurst" sausages from Nuremburg. But the EU also has offensive interests, one of them being the desire to see procurement markets liberalized. Ultimately, a reasonable compromise will have to be found between the two ends of the scale. Mr Petrasch, for his part, was convinced that the negotiations would eventually come to a successful conclusion. The current plan is to complete them by the end of 2015. Even though that would be a year later than originally intended, it is still an ambitious deadline. The negotiations for the EU-South Korea Free Trade Agreement, which did not include as many aspects, took three and a half years.

However, TTIP has been receiving bad press, especially recently. Mr Petrasch felt that concerns about "**chlorine chickens**" or a **lobbyist agreement** were exaggerated, pointing out that the negotiating mandate never included welfare or food standards. Nor are public services, water supply for instance, included in the mandate. In particular, the **investor-state dispute settlement** (ISDS) mechanism, part of the agreement relating to **protection of investments**, has sparked considerable public debate although all investment protection agreements have a component of this nature. Mr Petrasch explained that critics feared companies would appeal to the arbitration panels on the grounds of, for example, **social or environmental requirements** that put them at a disadvantage and that this would result in governments having to pay out large sums in **compensation**. Even though there were famous cases of this, for example, the Vattenfall lawsuit against Germany's nuclear phase-out, that was not the intention, according to Mr Petrasch. Furthermore, a decision has not yet been made as to whether said lawsuit is actually admissible. The Federation of German Industries (BDI) is currently drawing up proposals for ways to make dispute settlement mechanisms more transparent and prevent individual companies exploiting investment protection clauses in order to circumvent, for example, stricter health and environment rules. Whereas Germany's Federal Government does not feel that such an agreement is necessary with constitutional states such as the US, Siemens believes that investors do need robust protection for their investments, e.g. against discrimination and direct or indirect expropriation. In Mr Petrasch's opinion, the agreement needs to ensure that both sides maintain their regulatory autonomy.

Whilst it is important to take people's concerns seriously, we must not allow the public debate to be dominated by the critics and opponents of globalization.

He went on to say that the TTIP negotiations were more **transparent** than any other negotiations in the past. There are stakeholder dialogues and public consultations, to which any interested group can contribute. The EU Commission has set up an advisory group, which includes a wide range of interest groups. Though NGOs and some policymakers continue to criticize the lack of transparency, Mr Petrasch pointed out that the European Council issued a negotiating mandate to the EU Commission and it went without saying that neither side in a negotiation wants to put all its cards on the table all the time.



Well? - We're still negotiating! - But we're happy with the process!

Discussion

Technical standards and TTIP: conceivable only for non-harmonized topics

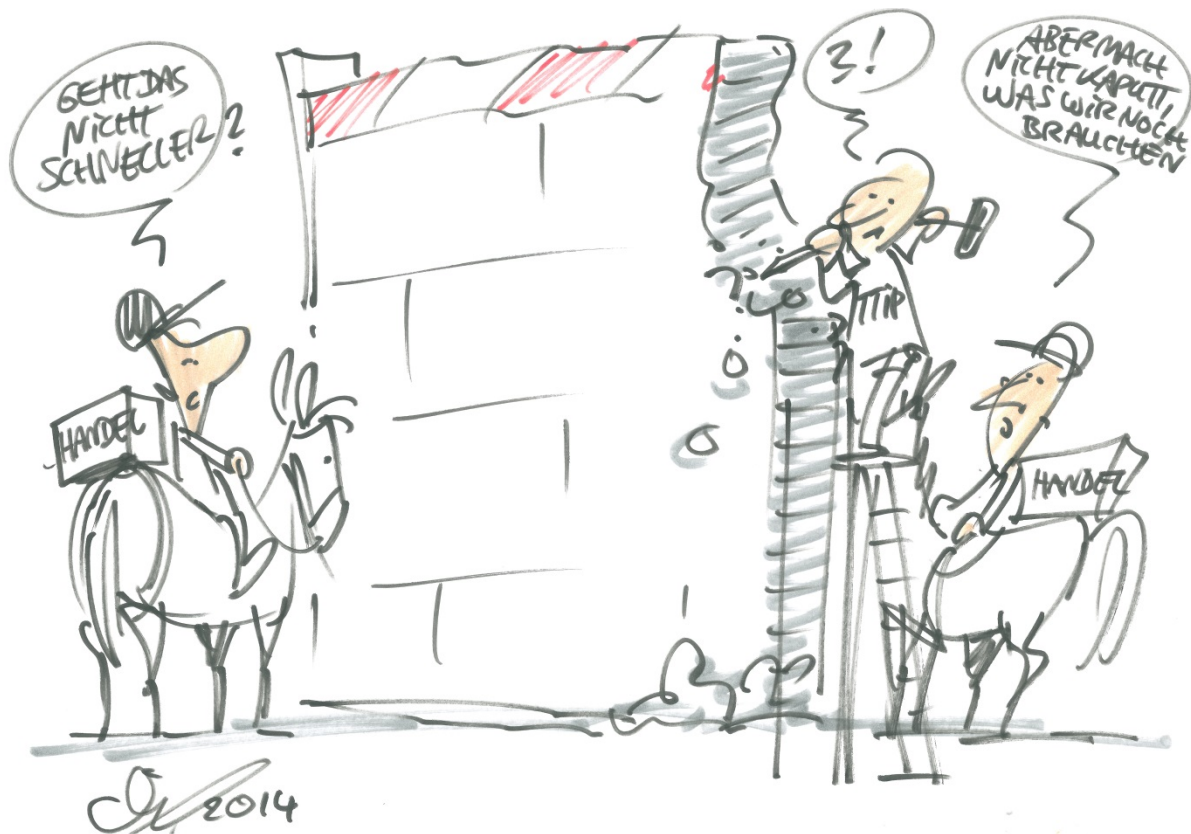
Rarely have discussions been as heated as the negotiations of the Transatlantic Trade and Investment Partnership (TTIP). This is understandable, given that the issue is essentially the elimination of barriers to trade beyond tariffs, i.e. including the creation of common standards. But what is the possible significance for occupational safety and health?

Does the free-trade agreement strengthen the role of ISO? This question, which was put to an audience vote electronically both before and after the discussion, was intended to document the opinion-forming nature of the conference. As indeed it did: before the discussion, a majority believed that the TTIP would strengthen international standardization; after the discussion, 54% believed it would not.

Dr Torsten Bahke, Chairman of DIN's Executive Board, was not surprised by this result, given that the bodies of standards on the two sides of the Atlantic are based on very different philosophies. Whereas in Europe, efforts are made to develop a body of standards that is as free of contradictions as possible, no consistent body of standards exists in the USA. But why is this? A brief look at their histories shows that the two private-sector standardization systems have developed in very different directions. Almost 600 standards bodies exist in the USA. The majority are accredited by ANSI (the American National Standardization Institute), which is a member of ISO. ANSI however does not develop standards itself, nor does it have the power to implement ISO standards by withdrawing national standards.



Rüdiger Reitz (DGUV), Torsten Bahke (DIN), Günther Petrasch (Siemens AG)



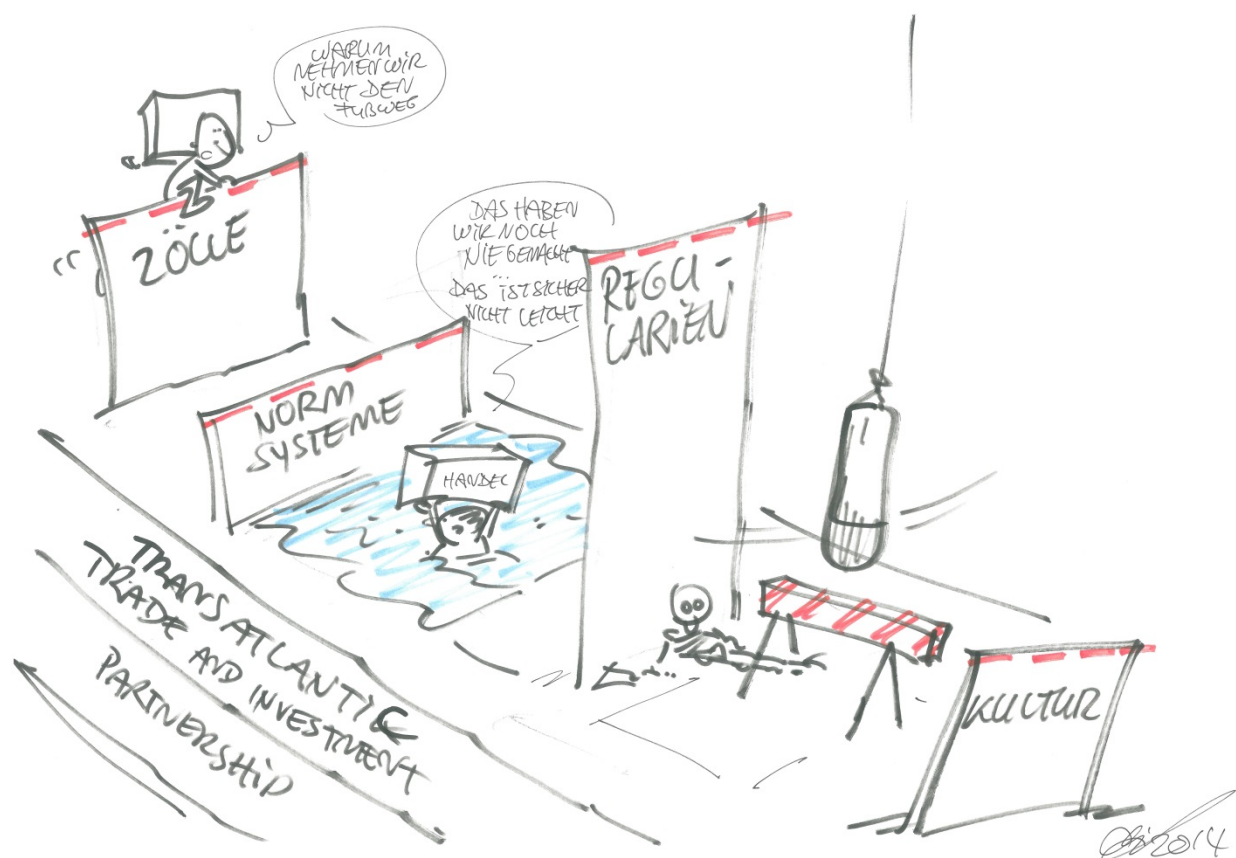
Can't you go any faster? - But don't break anything we still need!

In Europe, purchasers of products are entitled to assume that a manufacturer's EC declaration of conformity means that the EU legislation listed is observed. Their counterparts in the USA receive a declaration of conformity based upon a certification standard. In other words, whereas CE marking in Europe confirms the observance of the general safety objectives of EU "laws", conformity in the US merely means that the product complies with "a standard" – of some kind. This is not comparable with the statutory approach to prevention embodied in the CE product safety mark. Safe products are the goal of those on both sides, however. Furthermore, manufacturers on both sides would appreciate a single standard, with a view to selling their products worldwide. EU experts however are involved at ISO, in the interests of the European and national bodies of standards; conversely, the Americans leave it to the market to determine which standard prevails internationally.

A possible solution: bilateral standards with ISO quality

Now that non-tariff barriers to trade are being eliminated, what solution is now conceivable? Since complete harmonization is likely to remain utopian owing to the differences between the statutory frameworks, Bahke proposes a third way: the development of new, common

specifications in innovative fields that have not yet been harmonized. This would however require industry on both sides of the Atlantic to take the initiative. Günther Petrasch, head of Government Affairs at Siemens in Munich, who delivered the economic keynote paper on the TTIP, welcomed this proposal. As a representative of a global company with investment and manufacturing interests not only in the USA, he considered it important that these bilateral results should ultimately lead to an international standard, ideally at ISO-IEC level.



Tariffs, standardization systems, rules and regulations, culture
Why can't we just use the path? – We've never done that... it's bound to be difficult.

The level of protection in Europe must not be watered down

These bilateral discussions must however not be to the detriment of occupational safety and health in Europe, warned Rüdiger Reitz, who represented the German Social Accident Insurance on the discussion panel. Reitz, head of the DGUV's Product Safety and DGUV Test unit, shared the prevailing view of the audience (65%) that the agreement could have an impact upon occupational safety and health in Europe. He drew attention to the position paper of

the German Social Accident Insurance (DGUV), which explicitly lists topics that it considers non-negotiable. "The level of product and workplace safety attained in Europe must not be weakened by the agreement," was how Reitz summarized his demands, a view of the TTIP that is also shared by KAN.



Will TTIP strengthen the role of international standardization? – There is no alternative!

A different take on consensus

With Töm Klöwer and Martin Hesselbach



That's all part of it!





Social Europe

Extracts from the keynote

In his keynote, Thomas Mann MEP gave answers to a number of questions concerning Social Europe. How much “Europe” do we need? How much national individuality? What can be done to promote a strong and social Europe? Using examples, Mr Mann mapped out his vision of a social Europe.

“Europe” provides the framework. Within that large European social fabric, member states can move closer together where there is common ground, if beneficial and possible, in the medium term. At the same time, national features should be maintained if doing so benefits those involved.

curity benefits worldwide. In order to maintain that level, Europe has to be competitive. “Weakening the strong does not strengthen the weak”, as Mr Mann put it. There is no disputing that measures are required to strengthen business. That goes both for manufacturing industry and services. The EU is in need of a reindustrialization strategy. But business also needs rules and supervision. One example is the improvement in European banking supervision: the Single Supervisory Mechanism (SSM) will commence work at the European Central Bank in Frankfurt before the end of 2014, in collaboration with national supervisory authorities. Social security is a key factor of a strong economic structure. But there is quite some way to go before equal treatment becomes a reality in all member states.

1. How might one explain “Social Europe”?

The crucial thing is that the citizens must be able to feel they are part of Social Europe.

2. Are close economic ties the best way to achieve a peaceful Europe?

The European Union accounts for just 7% of the world’s population but 25% of global gross national product and 50% of social se-



Thomas Mann

Member of the European Parliament (CDU) and Vice-President of the Committee for Employment and Social Affairs

3. How actively should we shape social welfare legislation?

For instance, Europe is pursuing a partial harmonization approach, based on minimum requirements, for the health and safety of workers at work.

The German "Meisterbrief" qualification is a perfect illustration of how wrong it would be for Europe to intervene in everything. Regulated professions must not be done away with completely. The member states' diversity must be preserved. Nor would it make sense to impose the German training system on others if their systems work just as well. It is, however, beneficial to establish a European framework to enable qualifications to be compared – but not to specify training content.



If we don't get the balance right, the only place we're going is down!

4. What resources does the EU have at its disposal to achieve more justice and solidarity as well as promoting economic development? Could standardization play a greater role as a "soft" form of regulation?

The EU provides support for social issues in, for example, financial form through the European Social Fund, the European Regional Development Fund and the Cohesion Fund. Other types of support include measures to promote intergenerational justice and active ageing in

Europe. Increasing security and combating poverty and unemployment also help bring about more peace, economic development and justice. For all its weaknesses, the social dialogue between employers and employees is a good basis upon which to identify more common ground and ways of moving closer together in Europe.

Standardization can also be a way of moving closer together. In terms of health and safety, perhaps this could be done in a system overseen by a KANEUROPE.

Subsidiarity has its place. But when it comes to issues for which common rules for the single market make sense, they should not be drawn up in haste but rather with the necessary attention to detail.

If standards are prepared in a consensus-based approach, with a focus on the long term and appropriate involvement of the relevant stakeholders, the door could open wider for standards designed to strengthen Social Europe.

Discussion

"We need a strong social Europe with equally strong minimum standards"

Is social policy in Europe an unnecessary luxury at the expense of competitiveness? Or is a social balance absolutely essential for the promotion of growth in the interests of all citizens? What role does standardization play in a social Europe? Experts in social policy from the European Parliament, employers' and employees' representative bodies and the German government debated this topic.

The European parliamentarian Thomas Mann stated clearly in his introductory speech that Europe has a colourful map of social systems. He considers it crucial that citizens be conscious of social security: "Social Europe must be so defining that we are aware of being a part of it."



Michael Koll (BMAS), **Stefan Gran** (DGB), **Renate Hornung-Draus** (BDA), **Thomas Mann**, (MEP/CDU), **Angela Janowitz** (KAN)

How are social aspects reinforced in a market economy?

The Lisbon Treaty obliges the EU to pursue a social market economy. The efforts towards "more Europe" notwithstanding, the panel members did not however wish to see stricter regulation by Brussels, nor a one-size-fits-all social system. Both Renate Hornung-Draus, Director-General European Union and International Social Policy at the Confederation of German Employers' Associations (BDA) and Stefan Gran, representing the German Trade Union Federation (DGB) in Brussels, believe that substantially more is to be gained by creating a European framework that provides scope for the attainment of common goals.

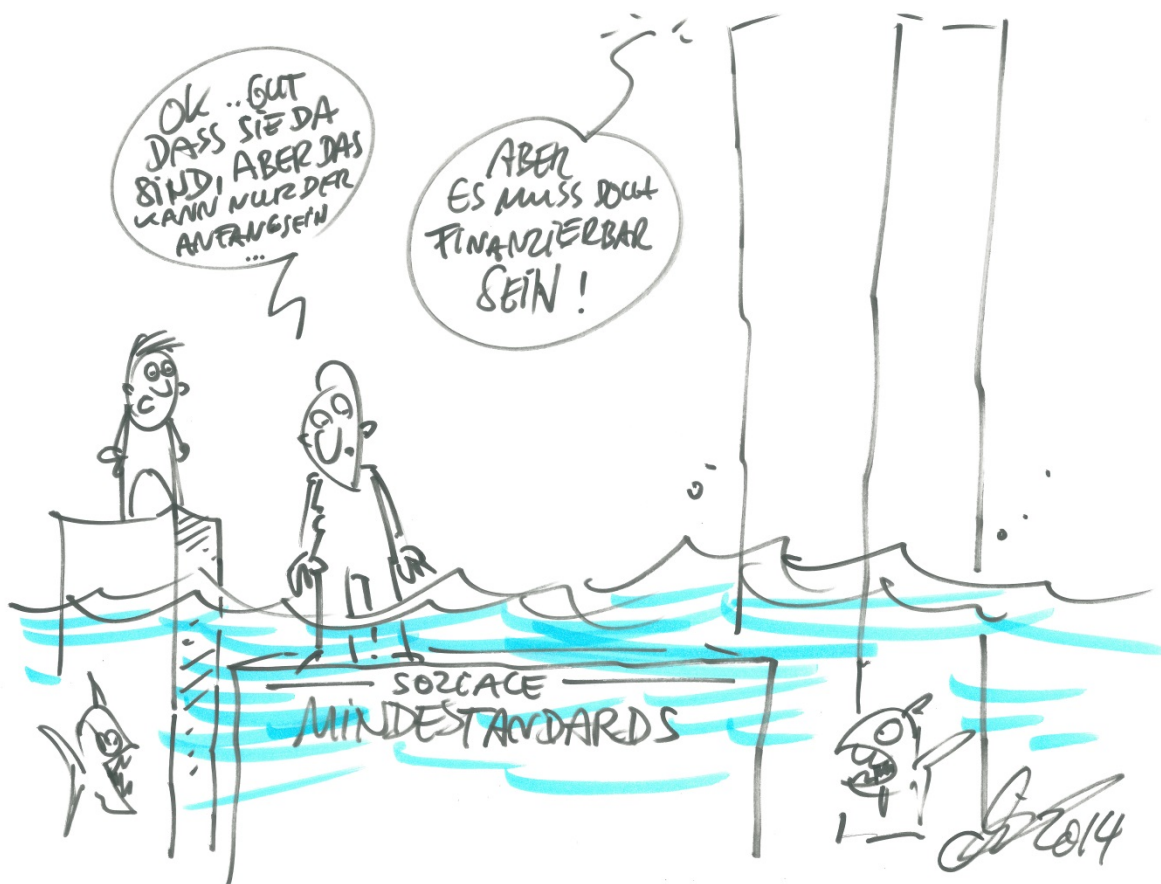
In the view of Michael Koll of the German Federal Ministry of Labour and Social Affairs (BMAS), too, national flexibility must also be retained on a common European foundation in the sphere of occupational safety and health. We should not overstretch ourselves by seeking to harmonize completely the different social systems in the Member States. Why should the Scandinavians not be allowed to retain their tradition of allowing OSH provisions to be negotiated by the social partners rather than being regulated by statute? The European concert must retain the diversity of its instruments.



Someone always gets something wrong but it's the general impression that counts!

Extending the concept of minimum requirements

How, though, can the desire for European framework conditions and the respect for national traditions be reconciled? The minimum requirements model, which has a firm place in occupational safety and health, may also be an appropriate way of progressively harmonizing the social systems in other areas. Stefan Gran also takes a favourable view of the minimum requirements system, whilst however warning that standards would have to be revised upwards at appropriate intervals in line with technical and social developments.



*OK... it's good they're there but that's just a start... - But it has to be affordable!
Minimum social standards*

The European Commission is currently seeking to simplify the legislation for the EU level. With the "Regulatory Fitness and Performance (REFIT)" programme, it is considering suspending EU legislative instruments in certain areas, including that of occupational safety and health, or abandoning projects that are currently in progress. The future of "smart regulation" in a social Europe is unclear. A final decision in this matter will be taken by the new Commission.

Toolbox for a social Europe

Further tools exist in addition to EU legislative instruments, such as the social dialogue and standardization. In the social dialogue, the social partners are able to reach joint agreements on OSH issues, either across the board or for specific sectors. The representatives of the social partners made it clear that they value this instrument highly, since it permits balanced and practical arrangements, but that it also has its limitations.



Is a standard an instrument? - I can't hear anything?! - Perhaps it's a drum?

We are currently witnessing an increasing encroachment by standardization into non-technical areas of social policy. The forces behind this trend are companies who wish to see standards harmonized worldwide, and a lack of statutory regulation in certain countries. The EU Treaty states however that occupational safety and health is a matter for government policy. Renate Hornung-Draus considers it questionable for technical standards to be created by private organizations in areas which by rights should be regulated via democratically legitimized institutions – at EU level, specifically by the European Parliament and the Council

of Ministers. The delegates were vocal in calling upon the European Commission to draw up a clear strategy defining the areas in which standardization is possible and beneficial.

Creating a shared umbrella for a social Europe whilst at the same time permitting the individual colours of the Member States was one of the key conclusions of the discussion. Another was that standardization is a tool that should be used only very selectively.



That doesn't sound social! - You said it did yesterday!

Closing remarks



Heinz Fritsche

Vice-Chairman of KAN

German Metalworkers' Trade Union (IG Metall)

As we reach the end of our conference, I would like to come back to the image that has accompanied us throughout the day: **KAN has come of age.**

Today's birthday party is drawing to an end. I don't know about you but that is often precisely the point when I pour myself one last glass of red wine, put some good music on, lean back on the sofa and reflect on the past and the future.

I think today's event has shown that KAN would do well to take some time out to reflect too. An entry by our funding bodies in our guestbook reads, "KAN is a successful project; if it didn't already exist, somebody would have to invent it." If we had wanted to invite critics along today, it would have taken quite a while to find

some. Theoretically, we could just lean back and say, "That's it, we've proved our worth now."

But a 20th birthday is also the perfect time to look to the future and ask those all-important questions. Is it time to start a family? Do I need a career change? A relocation? In short, where is life taking KAN? Yesterday, we witnessed the signing of a joint declaration with our French counterparts and today we have repeatedly heard that Europe is essential for standardization but also for our co-existence.

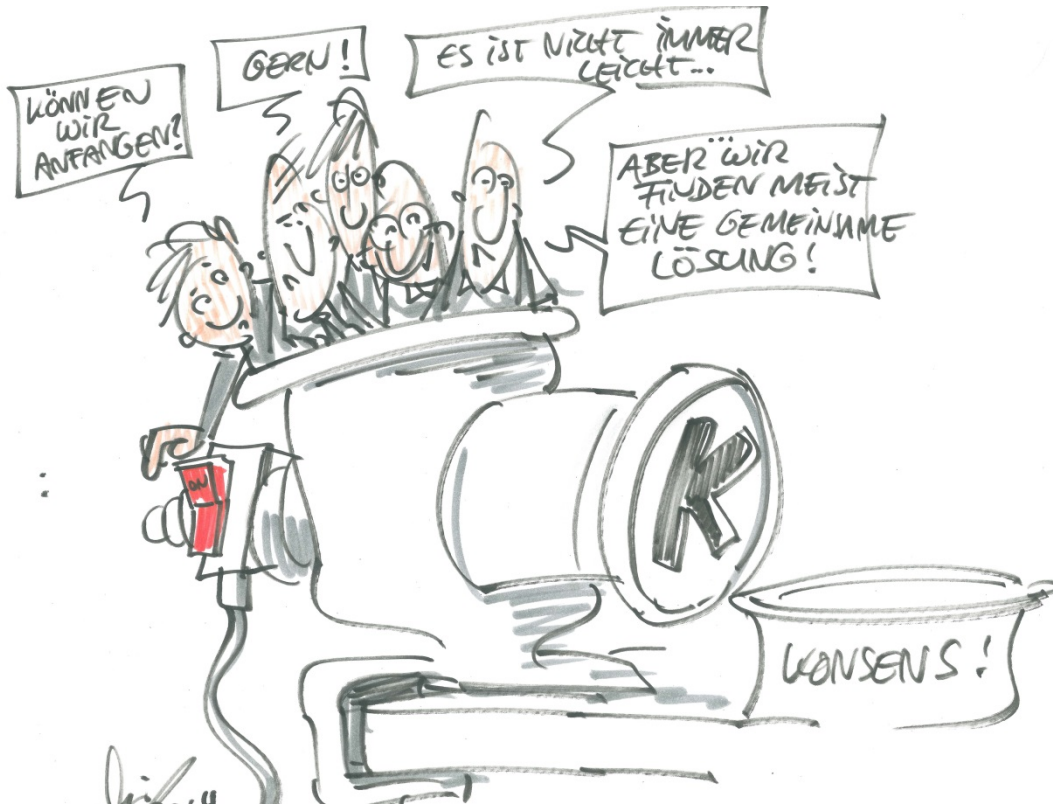
In my view, there were three ideas that were recurrent throughout today.

- First and foremost, I have rarely experienced a day of such impressive and emphatic promotion of democracy. Many speakers highlighted the concepts of participation, transparency, involvement and the opportunity to have an opinion conveyed in contrast to

merely looking on as the deluge of rules and regulations continues. I think that point was made clear in this morning's discussion of TTIP, and the discussion we have just heard concerning Social Europe also spotlighted democracy – not a surprise in an election year.

- The second recurrent theme had to do with being thorough and precise in one's work and reviewing. Standards writers know a thing or two about that, of course. After all, if anything is prepared and well thought through, it is standards. Nonetheless, a bad idea is still a bad idea even if it is in a standard. And it does not get any better by being upgraded to a European directive or transposed into national law.
- That is why the third recurrent theme makes KAN so invaluable and why I personally never have trouble investing working and travelling time for it – I am referring to KAN's watchdog function. Imagine KAN did not exist. Where would standardization in the OH&S field be then? I think a great number of projects would have just been waved through. And all of us – employers, employees, inspectorates and social accident insurance institutions' technical inspectors – would have had our work cut out trying to solve problems in the workplace. And we would always have been confronted with them after the horse had bolted. But we have been spared all of that because the Commission for Occupational Health and Safety and Standardization spoke out very early on and, thanks to its privileged position, DIN listened. So I can only join the previous speakers in saying that KAN would have to be invented if it did not already exist but, luckily, it does!

I would like to finish off my end-of-party thoughts by making a case for the idea that KAN should be Europeanized even further. After all, hardly any other project can claim to have been as European from infancy as KAN was. Many speakers today have mentioned that the reason for KAN's inception, the "New Approach", was European itself. Our website, our "KANBrief" and much more of what we do is already presented in numerous languages and we try to coordinate as many projects as possible with our European partners. I think we could do with more of that in the future. It would do us good and it can only make life easier for us all.



Can we get started? - Yep! - It's not always easy... - But we usually find a solution we all support! - Consensus!

So, with this outlook for the next 20 years and speaking in an art gallery, in which I feel it has become clear that achieving a consensus in standardization and in occupational health and safety is an art in itself, I would like to wish you all a good, and hopefully short, journey home. But I would first like to say a big "thank you" to all of the KAN team, the team at the Art and Exhibition Hall of the Federal Republic of Germany and everyone else involved in making this such a well-organized event. It was almost as if we were sitting at home, having a party with our friends! And I should like to thank you, and particularly our European guests, who have travelled so far to be with us. Finally, I would of course like to thank the numerous panel members and members of the audience for their input. Thank you for making it such a great birthday party.

Common declaration on standardization policy in the field of occupational safety and health



Raphaël Haeflinger, **Nathalie Guillemey** (standing in for Stéphane Pimbert) and **Norbert Breutmann** (left to right)

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 OSH management systems. Against this background **EUROGIP** (represented by R. Haeflinger), **INRS** (Institut National de Recherche et de Sécurité pour la prévention des maladies professionnelles et des accidents du travail, represented by S. Pimbert) and **KAN** (Kommission Arbeitsschutz und Normung, represented by N. Breutmann), supported by the social partners, have agreed upon a set of joint positions on their standardization policy.

1. **Product standardization**

Following the principles of the Cracow Memorandum¹, 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 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 that is expected of harmonized European standards supporting directives under Article 114 of the TFEU constitutes a major challenge.

For the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the USA, the French and German OSH parties 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 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 French and German OHS parties 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 CEN consultants and recommend that such consultants continue to be assigned. They also call upon the European Commission to ensure adequate enforcement of market surveillance at national level by the Member States.

¹ www.euroshnet.eu/pdf/Cracow-Conference-2008/Memorandum-en.pdf

2. Role of new deliverables

Besides traditional standards, new types of document produced by standardization bodies are increasingly emerging which can be grouped under the heading of "new deliverables". These documents include CEN Workshop Agreements (CWAs) and Publicly Available Specifications (PAS). Although they are drafted under the auspices of standards organizations, they differ from traditional standards in that they are not designed to reflect a consensus between all stakeholders.

Originally, these deliverables were intended for fast-moving sectors such as that of information technology, since they can be produced within a short time. New deliverables are driven by particular interests; they are increasingly being used to address health and safety issues. Since in the view of the OSH parties, the production and use of such deliverables is associated with problems, EUROGIP, INRS and KAN reject the use of CWAs and PAS for the regulation of OSH aspects. The French and German OSH parties 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.

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, it is inevitable that they will 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 French and German OSH parties 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. EUROGIP, INRS and KAN 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**

Various management systems have been introduced in recent years in France, Germany and elsewhere. Systems have been standardized and have thus 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 in the ISO 26000 standard**. There are also efforts to incorporate topics such as sustainability or health management in standards or new deliverables.

In October 2013, ISO approved the request by the British Standards Institute (BSI) to develop an international standard for **OSH management systems (ISO 45001)** based upon OHSAS 18001, which is already in use in numerous countries. In their comment to their national standards institutes, German and French OSH parties drew attention to the fact that adequate provisions governing OSH management systems already exist in the form of the ILO guide to OSH management systems and its implementation at national level. EUROGIP, INRS and KAN are therefore concerned that the ISO standard 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 who would have to be certified in order to obtain orders as suppliers or to take part in tendering processes. Since the ISO Project Committee 283 has started working on the standard "Occupational health and safety management systems – Requirements", EUROGIP, INRS and KAN have decided to become actively involved in the standardization work both in the national mirror committees and in ISO/PC 283.

6. Perspectives for future joint commitment

EUROGIP, INRS and KAN 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 Strategic Advisory Board for Occupational Health and Safety (CEN/SAB OHS) they will undertake joint efforts to implement their initiative on the quality of harmonized standards. They will support the Working Party on Standardization of the Advisory Committee on Health and Safety at Work of the European Commission by preparing and presenting common positions through their representatives. In order to support their experts active in standardization, they carry out cross-border seminars, also involving institutions from other countries, such as CIOP, FIOH, HSE, INAIL and INSHT. They commit themselves to strengthening the EUROSHNET network 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.

Finally, EUROGIP, INRS and KAN agree on periodical consultations at management and expert level.

Signed in Bonn on 25 March 2014

Raphaël Haeflinger
Director

EUROGIP
55 rue de la Fédération
75015 Paris



Stéphane Pimbert
Director General

INRS
65 bd Richard Lenoir
75011 Paris



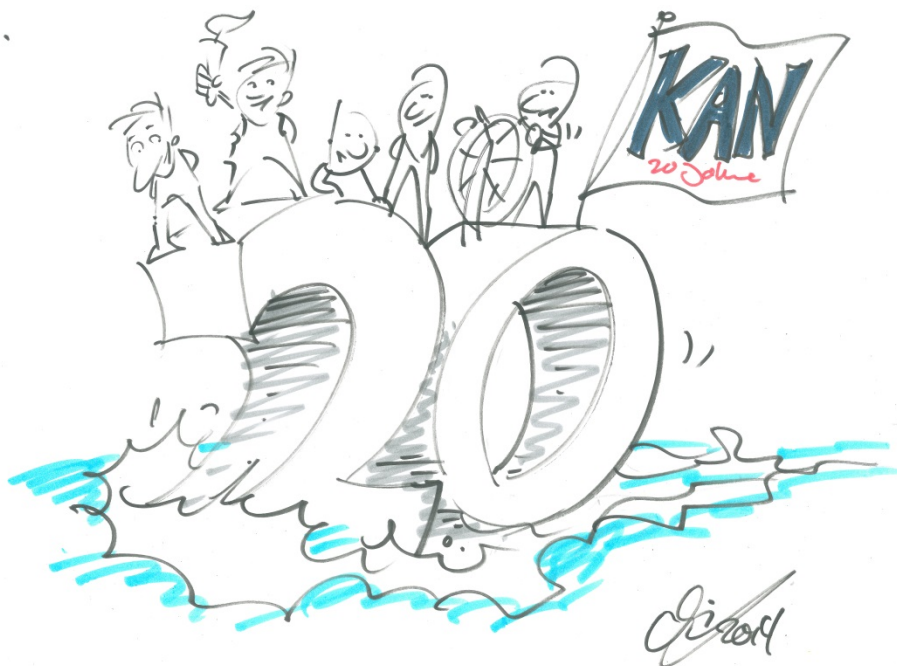
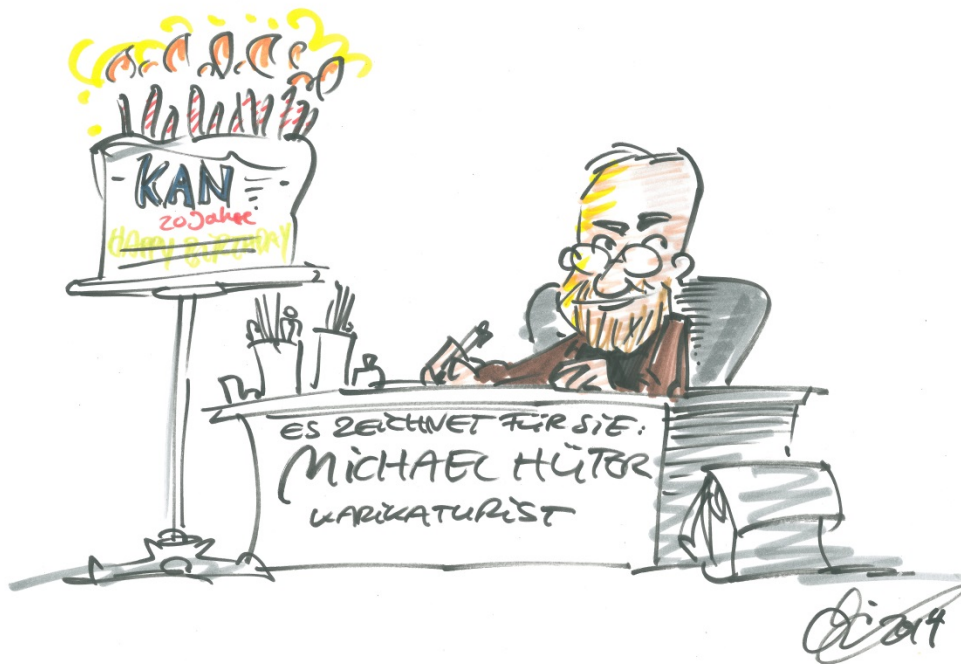
Norbert Breutmann
Chairman of KAN

KAN
Alte Heerstraße 111
53757 Sankt Augustin





Caricatures by Michael Hüter – 20 years of KAN





Still a lot of challenges on the path ahead