

## **KAN contribution on the Commission roadmap on a standardization strategy**

**Feedback to the publication of the Roadmap of the  
European Commission of 28th of June 2021**

The Commission for Occupational Safety and Health and Standardization (KAN) is the voice of the German occupational safety and health lobby in standardization. KAN is composed of representatives of the employers, employees, the Federal Government and the Länder, the German Social Accident Insurance Institutions and DIN (German Institute for Standardization). As a neutral liaison body, it coordinates the public interests in occupational safety and health and contributes collective opinions to standardization and legislative projects. It identifies deficits from the point of view of occupational health and safety and makes suggestions for improvement.



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## **1 Introduction**

The European Commission has announced the publication of a European standardization strategy for the 3rd quarter. Against this background, the Commission invited interested stakeholders to comment on its plans.

In its update of the EU industrial strategy of May 5, 2021, concretized by a roadmap of June 28, 2021, the EU Commission identifies several areas in which it sees a need for action in the field of standardization.

The Commission for Occupational Health and Safety and Standardization (KAN) would like to express its thanks for the opportunity to comment and would like to bring the following considerations of the German OH&S community to the attention of the EU Commission.

## **2 The future of the European standardization system**

### **2.1 Approach of the EU Commission**

The European standardization system is a decisive factor in the success of the EU internal market and basis for the EU's competitiveness. To ensure that European and international standards are in line with the EU's strategic interests, a flexible and efficient standardization system is needed. The Commission considers that the European Standardization System (ESS) is currently not sufficiently prepared for the challenges of the EU resulting from the green and digital transition. In the opinion of the EU Commission, the development of standards takes too long, and many standards do not meet the qualitative requirements, which leads to delays in listing in the Official Journal of the EU.

For this reason, the EU Commission has formed a Joint Task Force with the European Standards Organizations (ESOs) to develop a procedure to ensure speed and quality. In particular, the EU Commission is now seeking feedback on whether the current European standardization system is indeed fit for purpose and capable of supporting the EU's strategic interests, or whether changes in governance and working methods are needed to improve the performance of the European standardization system.

## 2.2 KAN's response

The proven standardization system of the "New legislative Framework" (NLF) should be retained. KAN welcomes the EU Commission's statement that the current standardization backlog must be reduced at all costs, and that it is imperative to avoid delays in the publication of standards in the Official Journal of the EU for the future - even during revision activities of European legislative acts, as it is currently the case with machine safety. This is the only way to create legal certainty for companies and consumers and avoid unnecessary costs. To this end, it is necessary to strengthen the balance between qualitative requirements by EU legislation and flexibility of the ESOs in setting standards.

KAN supports the proposal of the 17 member states in the so-called non-paper on harmonized standards to make the mandates for standard setting by the Commission flexible enough to be able to meet the requirements of the standardization mandates. In addition, it would seem sensible to publish clear criteria for the evaluation of harmonized standards to be able to finalize these without delay.

In addition, appropriate deadlines for the evaluation of standards up to publication in the Official Journal of the EU should be ensured to prevent standardization backlogs in the future. In KAN's view, however, a distinction must be made between the time required for candidates for harmonized standards to be formally recognized as such by the EU Commission, as addressed above, and the time required for technical content to be developed in standardization committees. The latter is only too long in certain areas where, due to very rapid technological development, the state of the art also changes very quickly, such as information and communications technology. It would be counterproductive to put time pressure on large parts of standardization for conventional products without digitized security technology, although the usual time taken there to develop standards is not a problem for industry or other stakeholders. In any case, increased speed in the development of standards must not be allowed to lead to a loss of quality in terms of content.

## 3 Service standardization

### 3.1 Approach of the EU Commission

The EU Commission sees the need to promote harmonization of the internal market in the area of services as well. Although services generate 70% of the EU GDP, they account for only 2% of standardization activities at EU level. Potential barriers in

the internal market, especially in the area of business services, could be reduced through standardization. Examples mentioned in the EU Industrial Policy Update of May 5, 2021 include IT, legal or engineering services. Based on these considerations, the EU Commission plans to evaluate the "merits of a legislative proposal for the regulation of key business services supported by harmonized standards." The idea is to "first assess the main areas of business services where harmonized standards could bring added value." In the roadmap, the EU Commission also mentions that the Commission would like to advance standardization in the services sector beyond the announced initiative on "business services".

### **3.2 KAN's response**

In general, service standards are an instrument for creating standardized services. They make it possible to compare the services to be provided and the quality achieved. In the best case, they can thus also support the market for services across borders, if they are consistent with the respective existing legal rules and regulations. On the other hand, services, more so than products, are often still linked to their regional, cultural, and socio-economic context and are correspondingly distinctive. This context is highly heterogeneous in the member states. Therefore, an analysis of the market relevance and the expected acceptance of a possible standardization on a case-by-case basis is also urgently required in the area of service standardization.

The exact formulation of some legal areas lies in the competence of the member states (e.g. Art. 153 TFEU on occupational health and safety and Art. 168 on health care). The EU Commission itself already explicitly points this out in the roadmap. In the past, there have already been frequent conflicts in the preservation of national competences around service standardization. Standards are increasingly attempting to cover all the requirements that must be considered in the performance of a service. Thus, service standards are quick to establish requirements, e.g., for occupational health and safety, but also, under certain circumstances, for the further design of working conditions and relationships, or of the organization (e.g., number of employee meetings per year; size of management span...).

In addition, it is sometimes difficult to separate the safety of the service recipient and the safety of the service provider (occupational health and safety, Art. 153 TFEU), especially in the case of services with close contact to the body, such as in the healthcare sector.

Should the EU Commission wish to use harmonized standards to promote the internal market also of services, the focus must, in KAN's view, be on the quality of

the service provided in order to be able to compare and evaluate it well. By contrast, formulating the requirements for occupational health and safety and the organization or conditions of work of service providers is a matter for national competence and cannot therefore form part of the standards. This should be reflected in the standardization mandates. The scope of service standards must be specified in the standardization mandates in such a way that they take account of national characteristics of services, do not conflict with national responsibilities or sets of rules and regulations, and thus do not have a negative impact on the social security systems of the member states. This is the only way that standards can be applied unchanged at European or international level. If this is not taken into account, acceptance of service standards will continue to wane in some areas.

## **4 The internationalization of EU standardization**

### **4.1 Approach of the EU Commission**

The EU Commission also wishes to encourage the development of a more strategic and coordinated approach to global standard setting in areas of strategic interest to the EU. Global leadership in technologies goes hand in hand with leadership in setting standards and ensuring interoperability, the Commission argues. In this regard, the EU Commission is now also seeking feedback on how the EU can leverage and promote its global leadership role in standards setting.

### **4.2 KAN's response**

Using international standardization as a strategic tool to establish itself as a global technology leader is an understandable desire. Standardization is an important factor contributing to the functioning of the global economy. However, in KAN's view, it must be ensured that the high level of safety in Europe is maintained. In this context, particular care must be taken to ensure that the traditional values of consensus-oriented standardization organized based on democratic principles continue to govern the global standardization system.

KAN thus welcomes the EU Commission's statement that principles such as transparency, broad participation of all relevant parties and the drafting of standards by consensus form the indispensable basis of the European standardization system. From KAN's point of view, it is therefore particularly important to ensure the adequate participation of all parties with an interest in

OH&S, including the social partners. This can be achieved if the EU Commission creates structures and procedures which support their participation. However, the conditions for the development of international standards are different from those at European level, particularly regarding facilitating the effective participation of all relevant stakeholders. In this respect, KAN observes with concern the proliferation of international standardization in a few subject areas by individual interested parties. Standardization applications are being submitted in such numbers and at such speed that other groups, although they are certainly interested, are in some cases no longer able to muster the resources to adequately participate in the standardization process. This applies in particular to standardization topics which also affect occupational health and safety issues, which are often already defined by laws and government regulations in the EU member states. According to standardization, it is permitted to fall below the legally specified level of protection, which must be prevented at all costs. The increased standardization efforts at international level therefore represent a challenge.

## **Annex:**

As part of the internal consultation within KAN circles, the social partners introduced further aspects which go beyond occupational health and safety and thus KAN's remit. We bring these aspects to the attention of the EU Commission below:

The EU Commission must ensure that subsidiarity and thus the existing national scope for regulation are maintained. This relates on the one hand to occupational health and safety (see KAN response above), and on the other hand also to the original and legally privileged fields of action of the social partners (monetary and non-monetary remuneration and compensation, working and shift time, working conditions and relations). It is imperative to avoid any overlap between standardization and these fields of action.

With regard to internationalization, KAN observes with concern the proliferation of international standardization in a few subject areas by individual interested parties. In the view of the social partners, this problem also arises from standardization which inadmissibly affects their original and legally privileged areas of activity. A current example is the numerous standards on human resource management which have only been emerging for a few years. Interference by standards in the regulatory areas of the social partners must be prevented at all costs.