ETUI congratulates the European Commission for the excellent Proposal ...

Many aspects can be readily supported, others will need more careful consideration
The Commission proposal arrives after a large amount of technical and political work that has involved thousands of Experts.

All these documents raise the need to ensure continuous improvement when preparing standards …
Our objective is to improve the Commission’s Proposal in order to move from an open loop model to a feedback loop ensuring a closer connection between the Producers and Users of standards, including Business, Society, Environment.
Our reflections are based on fifteen years of work on some new-approach directives. Here, Trade Unions started working on standardization with two objectives in mind:

1) analysing the impact of harmonised standards on workers
2) contributing to finding solutions to problems

Our experience with formal objections is discouraging: the procedure is too heavy to be considered an efficient mechanism to solve standards shortcomings…
This flowchart describes the formal objection procedure applicable to a product (in this case a machine) regulated by a new approach directive. The procedure is so complex that:

- Market Surveillance Authorities very rarely have the resources needed to prepare the documentation required
- The European Commission has no technical expertise to assess the documentation submitted by Authorities in a timely manner
- CEN technical committees are reluctant to start again the risk assessment needed to take into account and solve the standard's defects.

The consequences are:

- Shortcomings are not solved, with increased risk to **workers** and extra costs to **industry** purchasing and using the products, who often has to add extra safety equipment to the product in order to maintain compliance with national safety policy
- Mandates are not re-formulated according to the evidence of standard's defects
- CEN technical committees are unable to benefit from the evidence of defects for revising the standard
But the main ISSUE here is NOT the complexity of formal objections, that must be considered as a necessary ‘safety net’… Our concern is that there is no safety net for the large number of standards produced outside the new approach.

Take the current action plan: 2010-2013 Action Plan for European Standardisation

**POLICY ACTIVITIES**

1. ACCESSIBILITY
2. CHEMICALS
3. CONSUMER PROTECTION AND PUBLIC HEALTH
4. ENERGY AND ENERGY EFFICIENCY
5. ENVIRONMENTAL PROTECTION AND SUSTAINABILITY
6. MATERIALS TECHNOLOGIES
7. METROLOGY, MEASUREMENT AND TESTING
8. SECURITY INDUSTRIAL POLICY
9. SINGLE MARKET FOR GOODS
10. SPACE AND GALILEO
11. TRANSPORT

only few policy areas are supported by new approach directives …

What is the consequence?
What happens when problems are detected in mandated standards supporting directives and/or EU policies in areas not covered by the New Approach?

What mechanisms are in place to ensure that the Stakeholders affected by mandated standards in - for example - areas like Service, Security, Waste Management, Energy, Emissions can challenge defective standards?

And what mechanisms are in place to ensure that stakeholders’s concerns are taken into account to improve the mandate(s) originating the defective standard(s)?

The three questions above merit closer examination. At another level, prevention is better than cure:

- Are mandates prepared by considering all potential problems? For example, are the mandates for Service standards prepared by assessing potential conflict with national legislation and/or collective agreements?

It seems that the current standardisation system needs improvement in term of Structures & Operation … this brings into play the IMCO Report of 2010 …
The IMCO report makes explicit a number of interesting reforms. They are more easily visible after aggregating part of the Report's content in the way shown above. These recommendations have been unanimously adopted by IMCO, they deserve the greatest attention. What happens if we apply them to the current standardisation system?
The IMCO Report helps move from this model …

… to this system

The new system is centered around a multi-stakeholder platform covering all mandated sectors (including ICT).

It allows a combination of Structures and Governance
The creation of a multi-stakeholder platform is necessary because:

- The move from engineering standards to service standards needs the establishment of a "control room" to fully evaluate the impact of standards covering untangible rather than tangible items; moreover, it cannot be forgotten that when something goes wrong in a service standard, reference cannot be made to legislative "essential requirements" as for new approach directives;
- Only a central platform can supervise coherently standardisation penetrating in areas where a market already exists, and standardisation covering areas where market is still not consolidated. Take the case of the mandate for the development of standards on supply chain security. Here, the policy context includes directives on aviation and maritime security, whereas no directive exists for the supply chain security in the internal market. In other words: no security standard or legislation for EU internal market transport activities is available, and security gaps exist between the various links in the supply chain. One potential problem is the possibility that a CEN standard can reduce the security level in areas where some MS have a stricter national security regulation.
This model - emanating directly from the IMCO Report - has the potential to capture the complex reality of Standards in so many diversified policy areas. It combines a proactive dimension (the quality of a mandate has a direct influence on the quality of the standards drawn up) with a reactive mechanism whereby problems with standards can be timely identified and fed back into the loop, ensuring an adequate connection between standards' content and users' needs & expectations.

Ultimately, this system is closed loop and has the potential to achieve continuous improvement.
Some recommendations from ETUI (a)

1. To move the criteria *openness, consensus, transparency, maintenance, availability, neutrality, stability, quality, appropriate representation*, from Annex II into an article making the respect of those criteria as a requirement to be fulfilled by all mandated standards;

   **Justification**

These principles are identical with the recent Commission's proposals for "good governance" and "better regulation" and their observance is indispensable for both the accountability of European standardisation and the acceptance and legitimacy of European legislation and policies: they should be clearly laid down in a legally binding act.
Some recommendations from ETUI (b)

2. To add the new following paragraph to Article 5:

The Commission will report to the Parliament and the Council on the state of play of the implementation at national level of the measures taken by Member States to enable the social partners to have an influence at national level on the process of preparing and monitoring the harmonised standards according to Art. 7 of Directive 2006/42/EC and Art. 5 of Directive 89/686/EEC

**Justification**

An enquiry amongst the Member States has shown that the efforts of their public authorities to ensure the representation of trade unions range from allocating valuable resources (in no more than three Member States) to doing nothing (almost everywhere).
Some recommendations from ETUI (c)

3. To modify Article 5 as follows: European standardisation bodies shall ensure an appropriate representation at national and European level of small and medium-sized enterprises (hereinafter 'SME'), consumer organisations, workers, and environmental stakeholders, in particular through the organisations referred to in Annex III (…)

4. To modify Annex III by adding:

(e) A European organisation representing workers in European standardisation activities (…)

Justification

Standards quantify the level of risk that workers are exposed to: ensuring that their voice is heard in standard work is a matter of principle. A defective standard can impact different stakeholders in different ways: for business it can cause economic loss, for workers it can cause death. Moreover, participation in standardisation weights differently for workers and industry, since trade unions do not share the economic benefits pursued by market players.
5. To provide financial support to non-profit organisations consisting of market surveillance authorities and OHS experts carrying out EU-wide, cooperative risk assessment work aimed at improving harmonised standards.

Justification

Cross-border, project-oriented work is currently carried out by few Member States to identify and research defects in mandated standards. This resource-consuming work is carried out in cooperation with industry purchasing products, consumers, workers, and it is intended to help fund the representation on selected CEN & ISO committees of a representative of these stakeholders, in order to help draft the relevant standards.

This valuable work to improve standards' quality is undermined by a lack of resources. ETUI's recommendation is perfectly in line with Recital 29 of the EC Proposal "The financing of standardisation activities should also be capable of covering ... work involving research, ... and the validation or evaluation of standards."