



TOGETHER FOR A FAIR DEAL FOR WORKERS

As a partner organisation has no vote, the ETUC would like to express a **symbolic** “fundamental disagreement” on draft BT C 086/2024 (BT N 15901).

Under Agenda item 2.4 at the Technical Board’s Common Session meeting of 29 May 2024, the High Level Forum was discussed. During the discussion, it was suggested “to have – at the next BTs meeting - an Annex III presentation of proposals for increasing inclusiveness”.

The aim of this symbolic fundamental agreement is to contribute to that next BT meeting discussion.

In December 2022, in the framework of the EU standardisation strategy, [ANEC-ECOS-ETUC-SBS](#) have submitted proposals, in support of inclusiveness.

One of the proposals/actions regards to “ensure the CEN and CENELEC Internal Regulations define the domains where standardisation work should not take place (e.g. ethical or religious values and related aspects, fundamental human rights, or social rights and values and related aspects in the exclusive competences of social partners according to the TFEU 151 and elsewhere.)”

To date and to our knowledge, this proposal has not been addressed by CEN and/or CENELEC (other proposals are still under discussion).

We propose to complement the CEN-CENELEC Internal Rules part 2 – 2024 edition:

Proposal

Add following paragraph to chapter “1.3 Policies” of the IR part 2:2024:

Standardisation work may not address content that:

- a) Is subject to legislation or political decisions by authorised institutions or bodies at national or EU/EFTA level;
- b) Define societal, social, ethical religious or ideological values;
- c) Fall within the scope of the social partners at national and/or European level (e.g. social values)

Note: The TFEU, article 151-153, defines that legislative initiatives are primarily carried by the social partners in bilateral/trilogue discussions; at international level, primarily the International Labour Organisation (ILO) sets these conventions/standards.



Detailed justification for the proposal:

The governance structure of CEN and CENELEC is proven successfully to elaborate technical standards, for products (and services). But it is not fit for social/societal/ethical standards, for the following reasons:

- Social/societal/ethical criteria must first and foremost be addressed in legislation (and/or equivalent acts). Public values cannot be laid down by market driven, privately governed bodies, especially when it regards harmonised technical standards, which are “part of EU law”;
- The market driven, privately governed standardisation bodies rely heavily on the contribution of technical experts that are working for companies/corporations, who agree to pay for the hours they spend in standardisation activities and the related costs. These costs are seen as an investment because they allow these companies/corporations to participate in the development of technical references that are key to their success in the market and help them remain competitive. By comparison, societal stakeholders (e.g. consumers, trade unions, environmental stakeholders), non-profit organisations (and even public authorities) cannot recuperate their investment in standardisation work (as they do not sell products/services). Their active participation in standardisation is a pure cost¹. They can only participate with specific funding. As a consequence, these weaker stakeholders are, in most cases, not properly represented (i.e. imbalanced participation). This implies also that standards should remain within the traditional technical domains and not address social, societal or ethical issues.

Some examples:

- ✓ In 2018, the Dutch ministry of public health, left the NEN mirror committee of ISO/TC 126 “Tobacco” because they were always outvoted by the Tobacco industry². The issue was also reported in the Dutch Parliament³.
- ✓ In 2010-2012 and despite initial reluctance, CEN started to elaborate a standard on “Halal food – General principles and requirements”. The standardisation system proved not to be fit, to elaborate such ethical/religious standards.
- ✓ In 2018-2022, trade unions participated (and paid) in the NBN and DIN mirror committees of CEN/TC 436 “cabin air quality”. Overrepresentation by the wider aviation industry made that social stakeholders, as minority participants, were outvoted (i.e. similar situation as with first example).
- ✓ ISO was/is conscience that social/societal standards need a different approach. For the elaboration and adoption of ISO 26000:2010 “Guidance on Social Responsibility”, it deviated from the traditional adoption mechanism. For ISO 26000, six different stakeholder groups were formed and managed over its development time (2003-2010).
- ✓ In 2024, the German public television broadcasted a documentary⁴ on the rising construction costs of housing. Through interviews with experts, entrepreneurs, DIN-management and academics, the documentary also revealed that the (German) standard-setting processes are not transparent and dominated by (industry) interest groups.

¹ This was stated/conformed at the CEN-CENELEC Technical Board common session meeting of 29 May 2024.

² [tabaknee.nl](https://www.tabaknee.nl)

³ [Dutch parliament](https://www.dutchparliament.nl)

⁴ [Youtube](https://www.youtube.com/watch?v=...)