

TRADE UNION

ACCESS TO NATIONAL

STANDARDISATION

COMMITTEES





PUBLISHER


EUROPEAN TRADE UNION CONFEDERATION (ETUC)


The **European Trade Union Confederation** speaks with a single voice on behalf of European workers to have a stronger say in EU decision-making. It represents 45 million members from 93 trade union organisations in 41 European countries, plus 10 European Trade Union Federations.

The ETUC aims to ensure that the EU is not just a single market for goods and services, but is also a Social Europe, where improving the wellbeing of workers and their families is an equally important priority. The ETUC standardisation project (ETUC STAND) aims at ensuring, sustaining and reinforcing trade union representation and effective participation in the development of standards. It crystallises its long-held demand that standards should ensure the highest quality of working conditions, including among other things a high level of public and occupational health and safety across Europe. Moreover, the ETUC insists on the autonomy of the social partners - standards should not encroach upon the autonomy of social partners.

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TABLE OF CONTENTS

ABBREVIATIONS	5
EXECUTIVE SUMMARY	7
1. INTRODUCTION	9
2. BACKGROUND INFORMATION	10
2.1 Introducing standards, regulation, and workers	10
2.2 The national dimension of the ESS	12
3. REVIEWING STUDIES ON ACCESS CONDITIONS TO NSBS	13
4. DEFINING ACCESS CONDITIONS TO NATIONAL MIRROR COMMITTEES	17
5. SOME METHODOLOGICAL INSIGHTS	19
6. ACCESS CONDITIONS TO NATIONAL MIRROR COMMITTEES ON THE GROUND: MAIN FINDINGS AND DISCUSSIONS	19
6.1 First encounter point: mapping and informing stakeholders	20
6.2 To pay or not to pay: a multifaceted question	21
6.3 Experiencing the enquiry process	23
7. DISCUSSION AND RECOMMENDATIONS	25
8. CONCLUSIONS	30
9. REFERENCES	32



ABBREVIATIONS

AFNOR	Association Française de Normalisation	KAN	Kommission Arbeitsschutz und Normung
ANEC	European Association for the Co-ordination of Consumer Representation in Standardisation	LST	Lithuanian Standards Board
ASI	Austrian Standards International - Standardisation and Innovation	LVS	Latvian Standard Ltd.
ASRO	Romanian Standards Association	MCCAA	The Malta Competition and Consumer Affairs Authority
BDS	Bulgarian Institute for Standardization	MSZT	Hungarian Standards Institution
BSI	British Standards Institution	NBN	Bureau de Normalisation/Bureau voor Normalisatie
CEN	European Committee for Standardization	NEN	Nederlands Normalisatie-instituut
CENELEC	European Committee for Electrotechnical Standardization	NGO	Non-governmental organisation
CYS	Cyprus Organisation for Standardisation	NQIS/ELOT	National Quality Infrastructure System
DIN	Deutsches Institut für Normung	NSAI	National Standards Authority of Ireland
DS	Dansk Standard	NSBs	National standardisation bodies
EC	European Commission	NWI	New work item
ECOS	European Environmental Citizen's Organisation for Standardisation	OECD	Organisation for Economic Co-operation and Development
EFTA	European Free Trade Agreement	OHS	Occupational health and safety
EN	European standards	OJEU	Official Journal of the European Union
ESOs	European Standardisation Organisations	PKN	Polish Committee for Standardization
ESS	European Standardisation System	SBS	Small Business Standards
ETSI	European Telecommunication Standards Institute	SFS	Suomen Standardisoimisliitto r.y.
ETUC	European Trade Union Confederation	SIS	Swedish Institute for Standards - SIS
ETUI	European Trade Union Institute	SIST	Slovenian Institute for Standardization
EU	European Union	SME	Small and medium-sized enterprise
EVS	Estonian Centre for Standardisation and Accreditation	SN	Standards Norway
HZN	Croatian Standards Institute	SNV	Schweizerische Normen-Vereinigung
ILNAS	Organisme Luxembourgeois de Normalisation	SPS	Sanitary and phytosanitary measures
ILO	International Labour Organisation	TBT	Technical barriers to trade
IPQ	Instituto Português da Qualidade	TC	Technical committee
ISO	International Organisation for Standardization	TFEU	Treaty on the Functioning of the European Union
ISRSM	Standardization Institute of the Republic of North Macedonia	TSE	Turkish Standards Institution
ISS	Institute for Standardization of Serbia	TSR	Tripartite standards regime
IST	Icelandic Standards	UNE	Asociación Española de Normalización
		UNI	Ente Italiano di Normazione
		UNMS SR	Slovak Office of Standards Metrology and Testing
		UNMZ	Czech Office for Standards, Metrology and Testing
		WTO	World Trade Organisation



EXECUTIVE SUMMARY

This study was commissioned by the European Trade Union Confederation to assess the access conditions for trade unions to standardisation work at national level in order to come up with best practices and prepare recommendations to improve access conditions to national mirror committees in the European standardisation system.

European standards have been granted with an important regulatory role in the construction of the European single market. European standards are used to support a wide range of policy objectives, including health and safety at the workplace, energy efficiency, or the cybersecurity of connected objects. When underpinning occupational health and safety, work processes or working conditions, the participation of trade unions is crucial to ensure that workers' voice and concerns are heard and taken into account. The growing use of standards to support public interest has reinforced enduring questions regarding their legitimacy and the ability of the standardisation bodies to ensure a balanced representation of all relevant stakeholders. It is here worth noting that the European standardisation system (ESS) is based on the principle of national delegation in which national standardisation bodies (NSBs) channel access and participation to national mirror committees holding the voting rights in the development of European standards. As such, the inclusiveness of the ESS largely relies on the national level and access conditions to national mirror committees provided by the NSBs. This research is thus addressing the access conditions of trade unions to national mirror committees.

Drawing upon extensive desk research including the websites of the 34 NSBs members of CEN, literature review and an online survey, the results provide evidence that across Europe, trade unions have different conditions to access their NSB and national mirror committees. This is the case regarding three access conditions addressed in this research, namely stakeholder mapping and information flow addressed as a pre-requisite to consider entering the participation journey, the membership fees providing formal access to the standardisation work and the enquiry process.

With regard to stakeholder mapping and the information flow, a process to identify the relevant stakeholders is missing in some NSBs even though the large majority of them have a process in place. Currently, the personal dimension and existing contact networks of managers and chair of mirror committees play a key role in identifying and reaching out to stakeholders. This should be complemented by other resources to guide stakeholder mapping and outreach activities, including the use of external contact database and sharing of key documents allowing stakeholders, such as trade unions, to take an informed decision on their involvement in new standardisation work.

Membership fees to access the NSB and mirror committees represent an important access condition that extend beyond the mere question of the amount of euros to pay. It questions the democratic nature of the standardisation process. The research documents the existence of significant differences among NSBs regarding this specific access condition. Membership fees exist in most NSBs and are variously defined, but some NSBs do also provide free access to standardisation or apply special rates. Access to national mirror committees at no cost should be further encouraged for trade unions and laid down within the CEN membership criteria thus becoming a requirement for member NSBs. The role of the European Commission as well as of Member States should be addressed regarding the funding of participation of trade unions at national level.

Discrepancies regarding the number and type of draft standards made available were also identified among these NSBs, calling for more uniform practices among NSBs.

This research identifies several paths for improving the access conditions of trade unions under scrutiny and provides recommendations that are summarised as follows:

Recommendation 1: NSBs, taking into consideration their various business models, should implement harmonised access conditions across Europe for trade unions participation in the national mirror committees, thus ensuring that national trade unions wherever they may be in Europe, have the same opportunity to be part of the elaboration of the national consensus position.

Recommendation 2: NSBs should review their internal contact data base annually to ensure that a contact name and personal email exist for trade unions representatives. Upon request, the ETUC should support the NSBs in identifying a national contact point within trade unions.

Recommendation 3: NSBs shall proactively share the New Work Item (NWI) form when informing about a new work proposal to ease priority setting for external stakeholders.

Recommendation 4: The EC should consider allowing ETUC and other societal stakeholders receiving European Union financing for standardisation activities to dedicate part of the EC grant to support financially or technically their affiliates at national level.

Recommendation 5: CEN and CENELEC to integrate into their membership criteria a requirement to grant access of trade unions and other societal stakeholders to national committees at no cost, especially as they do not have any financial interest. Should membership fees impede specific trade union participation, the case shall be reported by the NSB or trade union representatives to the ETUC and CEN, or CENELEC when relevant, in order to find an ad hoc solution with the stakeholders concerned.

Recommendation 6: The role of public authorities and Members states in effectively improving the inclusiveness of the ESS should be addressed, including with regard to funding possibilities.

Recommendation 7: CEN and CENELEC¹ should enforce and monitor the effective implementation of their membership criteria and provide clearer guidelines in their internal regulations on stakeholder mapping, information flow, membership policy and enquiry process.

Recommendation 8: The EC should improve the reporting method of Article 24 of the Standardisation Regulation (EU) No. 1025/2012 on the involvement of trade unions at national level to avoid misunderstandings of indicators and discrepancies of the data reported. Fact-checking and gap-resolving procedures involving the Article 24 reporting parties should be developed in this context.

¹ Although the study focuses primarily on access conditions to national mirror committees of CEN members, the recommendations are also valid for CENELEC because of the great similarities between the two organisations.

1. INTRODUCTION

This study has been commissioned by the European Trade Union Confederation to identify and assess the potential gap between stated principles of openness and inclusiveness and the effective conditions under which stakeholders, namely trade unions, may access the work of their national standardisation bodies and standards document under development.

Since the adoption of the New Approach, European standards play an important role in the construction of the European single market. They are used to support a wide range of policy objectives, including health and safety at the workplace, environmental performance, or product safety. Their growing use in support of public interest objectives has reinforced enduring questions regarding their legitimacy and the inclusiveness of the standardisation process.

The European standardisation system (ESS) is based on the principle of national delegation in which national standardisation bodies (NSBs) channel access and participation to national mirror committees holding the voting rights in the development of European standards. As such, the inclusiveness of the ESS is largely relying on the national level and access conditions to national mirror committees provided by the NSBs. Although the conditions of access to the national mirror committees do not inform the possible influence of trade union once they participate, they do form the starting point for trade unions to (try to) exert some influence. As such, this research addresses the access conditions of trade unions to their national mirror committees and NSBs in Europe and focus on the 34 NSBs members of the Comité Européen de Normalisation (CEN). It reports on access conditions to national mirror committees with regard to the NSBs' identification of relevant stakeholders and sharing of information about new standardisation activities, the membership policy of European NSBs and their implementation of the enquiry process aimed at providing national stakeholders with commenting possibilities on draft standards prior to their adoption and publication.

The results of this study highlight that trade unions face unequal access conditions to their NSBs and mirror committees across Europe. This stems from the various practices of NSBs when mapping stakeholders and informing them, different membership policies and participation fees (ranging from free access to standardisation to the payment of full membership fees), and the uneven implementation of the enquiry process, with some NSBs providing free and online access to draft standards while others do only publish dry lists of standards under enquiry. In this view, several actions are recommended to improve and provide uniform access conditions to national mirror committees across Europe.

This study is structured as follows. Section 2 provides the reader with important background information, first regarding the role of standards in regulation and their relevance for workers (2.1), and then regarding the national dimension of European standardisation (2.2). Afterwards, we will review the existing literature and reports on access conditions to NSBs (3). The following section will take stock of the main insights provided by the literature and reports to define the access conditions to national mirror committees under scrutiny (4). After addressing some methodological considerations (5), we will present the results related to each selected access condition in section 6. The results will be discussed, and corresponding recommendations elaborated within section 7 before turning to concluding remarks in section 8.

2. BACKGROUND INFORMATION

2.1 INTRODUCING STANDARDS, REGULATION, AND WORKERS

Formerly, technical specifications were largely the preserve of the regulatory framework of law, with company standards decided by managers and, to a marginal degree, national standards institutions. Today, the regulatory framework of law has yielded ground to the voluntary standards drafted by a wide range of public and private-sector bodies operating internationally or regionally. At the international level, the entry into force of the World Trade Organization (WTO) in 1995 gave international standards a major role in harmonising the technical specifications of goods and services traded on the global markets. In Europe, the entry into force of the so-called «New Approach» in 1985 has granted the European standardisation organisations (ESO) a major role in defining and harmonising the technical specifications of goods traded on the European market. In essence, the «New Approach» had two main objectives: removing technical barriers to trade to create the Single market and achieving a high level of protection in areas of health, safety, environment, and consumer protection. To put it simply, under “New Approach” directives, the legislator is responsible for defining the so-called essential requirements, that is general health and safety objectives that products placed on the Single market must meet. The technical specifications allowing to reach the essential requirements provided by the directives are then laid down in harmonised standards developed by private European and international standard-setting bodies. Thus, the growing role of harmonised European standards and more generally of standards in supporting legislation and policy objectives, has raised important questions and challenges concerning representativeness, legitimacy, and the conditions under which interested parties, including trade unions, can access standardisation activities.

Although the issue of the inclusiveness of standardisation processes is particularly important in the European context, not least because of the existence of related legal requirements, it is also relevant in the global competition to set international standards. Despite the careful wording of the WTO with regard to the principles for the development of international standards², a wide range of international bodies still have the capacity to define technical specifications. As underlined by the OECD, “The central element in the disagreement is whether an international standard is simply one which benefits from de facto or de jure international acceptance and use by the industry, or whether it must come from a demonstrably international body in the sense of one which has an international representation of national members and an international voting structure based on those national members.” (1999, p. 8). Thus, the extent to which these competing approaches perform when it comes to the effective participation of all stakeholders might provide a powerful argument to support one system over the other.

Standards and the process of developing standards, that is standardisation, matter for trade unions and workers. Standards frequently have direct effects on health and safety. An obvious example are standards for machinery safety, individual protective equipment or occupational health and safety management systems³. Standards also have indirect effects on workers, what Slaton and Abbate refer to as the “hidden lives of standards” in organisations: “...standards themselves are a means of capturing labour – whether physical techniques or “knowledge” work – and they provide a medium for redistributing the responsibility for this work among groups of workers, between industry sectors, or

2 In fact, six “Principles for the Development of International Standards, Guides and Recommendations” have been agreed upon by the WTO TBT Committee in 2000. These principles are also largely referred to in the 1025/2012 Regulation and are: transparency, openness, impartiality, consensus, efficiency and relevance, coherence, development dimension. See Annex 4 of the “Second triennial review of the operation and implementation of the agreement on technical barriers to trade”. Available at: <https://docsonline.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/TBT/9.doc>. See also https://www.wto.org/english/tratop_e/tbt_e/principles_standards_tbt_e.htm.

3 It is worth underlining here that a number of trade union organisations expressed serious concerns about the international standard ISO 45001 on occupational health and safety management systems. The cause of their apprehension was that the standard fails to be on a par with the existing of International Labor Standards and Guidelines of the International Labour Organisation (ILO), such as the obligation to provide appropriate personal protective equipment at no cost to workers. In light of the consequences that such inconsistency may have on the future of health and safety at work, the ILO Governing Body decided in late 2017 to terminate its cooperation agreement with the International Organization for Standards (ISO)(see ILO, 2018). Despite concerns of the European Trade Union Confederation, it was proposed that this standard would become a European standard in 2022, thus being automatically adopted by the national member organisations of CEN. This is only one of many cases showing the importance of standards for the organisation of production and, more generally, markets and society.

between producers and consumers.” (Slaton Abbate, p.96). For instance, the standardisation of building materials, which were previously fabricated individually and on the building site, reduced the need for skilled workers on the construction sites and led to a redistribution of technical expertise among building material's manufacturers and construction workers. With standards having direct and indirect effects on the world of work, concerns regarding the process to define and influence them also gained prominence within trade unions.

Unsurprisingly, the growing use of standards for policy purposes and their pervasive impacts upon workers raised policy concerns among the European trade union movement. Even though trade unions recognise the positive role that standards can play in promoting European competitiveness on global markets or in improving working conditions, significant concerns have been voiced regarding the regulatory power granted to non-state actors, that is European standard-setters, and the risk for standards to encroach upon existing labour laws, collective agreements and other issues traditionally addressed within social dialogue structure. Yet, while action could take place at the policy level, the private and so-called voluntary nature of standards also called for effective participation at the level of the technical committees in charge of proposing and drafting new standards. Whether to avoid potential conflict with existing labour laws or collective agreements, for instance by limiting their topic and scope, or to exert direct influence on their content, an effective participation was deemed as necessary.

As early as 1988, in response to the application of the New Approach to the machinery sector, the ETUC created the *European Trade Union Technical Bureau for Health and Safety*⁴ with the objective of supporting trade union representatives working involved in the work of European standardisation bodies. Afterwards, at the national level, a few national trade unions, most notably LO in Sweden⁵, got involved in standard-setting activities and in some countries, dedicated bodies were established to support trade unions participation in standardisation⁶. Ten years ago, the entry into force of the EC 1025/2012 Regulation on European Standardisation has given a new impetus to trade unions involvement in standardisation by recognising trade unions as legitimate stakeholders (art. 5)⁷ and by including financial provisions to support their action in standardisation. In this context, the ETUC concluded a Framework Partnership Agreement (FPA) with the European Commission and European Free Trade Association to represent workers' interests in European standardisation. Standardisation has thus become an integral part of the ETUC as recognised in its action programme 2015-2019 and action programme 2019-2023 adopted at ETUC statutory congress in Vienna⁸.

The wider recognition by trade unions of the strategic dimension of standardisation, both in terms of its use for regulatory purposes and the substantive content of standards for workers, has also prompted trade unions to challenge the functioning, openness, and decision-making processes leading to the creation and adoption of European standards. And this includes the role of the NSBs forming the backbone of the ESS.

4 The Health and Safety Department of the European Trade Union Institute (ETUI) since 2005.

5 Since 2000, the Swedish trade unions have benefitted from public funding for standardisation activities and has set-up a pool of trade union experts in standardisation, the ASTA group. Nowadays, this group gathers more than 70 trade unions experts in various standardisation areas. In 2019, a total amount of €480,000 has been provided to support the participation of consumers, NGOs and trade unions representatives in national, European and international standardisation activities. See : http://www.skardet.se/Pdf/Swedish_Standards_Consumers_Workers_Council.pdf and http://www.skardet.se/Pdf/Presentation_Council_2019.pdf, accessed on 05/10/2022.

6 It is worth mentioning here the German Commission for Occupational Health and Safety and Standardisation (KAN, established in 1994) or Eurogip in France (established in 1991).

7 It is worth clarifying some terminology here: “Annex III organisations” refers to the European stakeholders receiving Union financing for standardisation activities and listed under the Annex III of the regulation. They encompass SMEs, consumers, environmental and social interests. The ETUC belongs to this latter category, social interests, or social stakeholders. By contrast, societal stakeholders refer to consumers, environmental and social interests (thus without SMEs). The terminology of “Annex III organisation” coined to refer to the organisations mentioned in the Annex III of the 1025/2012 Regulation is unfortunate in so far as it suggests that these organisations are of lesser importance - it is all the more regrettable that the Annex III of the regulation is precisely intended to enhance their participation!

8 See ETUC action plan 2019-2023, available at:

<https://www.etuc.org/sites/default/files/publication/file/2019-08/CES-14e%20Congrès-Action%20Programme-UK-02.pdf> accessed on 28/10/2022.



2.2 THE NATIONAL DIMENSION OF THE ESS

Standardisation is an age-old process. However, around the end of the nineteenth century, as a result of industrialisation and international trade, standardisation has been brought from company-level to professional institutes of engineers and private standardisation organisations. Thus, most industrial countries saw the emergence of a national standardisation body (NSB) in the beginning of the twentieth century (see Yates and Murphy, etc.). Nowadays, NSBs still play a crucial role in European and international standardisation as far as participation is organised by the NSB, via their membership of the ISO, IEC or CEN and CENELEC, and the national consensus position is defined within the national mirror committee created to reflect the European or international standardisation work.

The standardisation process is carried out by specialised organisations, the standardisation bodies and takes place within a so-called “technical committee”. In the European standardisation system (ESS), this work is performed by the European standardisation organisations (ESOs) recognised by the Regulation on European standardisation (EU) No 1025/2012 and consisting of the CEN, CENELEC and ETSI. Participation in the work of the CEN and CENELEC (as well as in ISO or IEC) follows the so-called “national delegation principle” where a national standardisation body (NSB) holds the voting rights. In most countries, the NSB is a private organisation benefitting from some form of public recognition. While participation in the work of CEN and CENELEC is formally open to all interested parties, participation is channelled via the NSBs in which ‘mirror committees’ are established to reflect the work of a CEN or CENELEC technical committee. Depending on the sector or country, such mirror committees are either established within the NSB itself or delegated to sectoral standardisation offices outside the NSB. It is within such mirror committees that national positions are discussed, agreed upon and experts nominated and delegated to CEN or CENELEC committees. As such, the inclusiveness of the European standardisation system is largely dependent upon the inclusiveness of the 34 NSB members of the ESOs and forming the backbone of the ESS. Access conditions to NSBs is thus of uttermost importance to achieve a balanced representation at European or international level.

The importance of NSBs in the European standardisation system is also acknowledged by the Regulation 1025/2012 on European Standardisation. In its preamble, the Regulation states that “National standardisation bodies should also encourage and facilitate the participation of stakeholders” (preamble 2). It further underlines that “it is necessary to ensure that the role and the input of societal stakeholders in the development of standards are strengthened, through the reinforced support of organisations representing consumers and environmental and social interests” (preamble 22). Notwithstanding, subsequent provisions to support and facilitate participation at national level remains largely limited to small and medium-sized companies (SMEs, see art. 6 of the Regulation)⁹. Yet, ten years after the entry into force of the Regulation, Small Business Standards, the European association representing SMEs in standardisation, observes that “Increasing further SME participation at the national level is essential to increase the SME influence in the development of European and international standards. Some National Standards Bodies (NSBs) already have in place measures to facilitate the access of SMEs to the standardisation work such as free access to national mirror committees, reduced fees when buying standards, dedicated services and contact points or online platforms to contribute to drafts under Enquiry. Nevertheless, these and other SME supporting measures are not implemented in all countries (...)”.¹⁰ In the absence of a dedicated article encouraging trade unions’ participation in the work of NSBs, we can therefore question the conditions under which trade union representatives can access the work of the mirror committee under the aegis of their respective national standardisation body.

3. REVIEWING STUDIES ON ACCESS CONDITIONS TO NSBS

The following section reviews the existing literature and reports on access conditions to standardisation. It starts by exploring the various “access studies and reports”, including the one delivered by the European Commission. Based on the insights provided by this review, an operational definition of access conditions will be developed to precisely scope the object of enquiry.

Despite the key role played by NSBs within the European standardisation system, international or regional standardisation arenas prevail over the national one in most literature. A few reports and research project have nonetheless been carried out to address access conditions at the national level. Moreover, article 24(3) of the Regulation 1025/2012 requires the European Commission to report on the implementation of the Regulation, including on its article 5 addressing inclusiveness and stakeholder participation. As such, this report will take advantage of the results and insights mainly provided by the following works:

- *Standardisation package. Report from the Commission to the European Parliament and the Council on the implementation of the Regulation (EU) No 1025/2012 from 2016 to 2020.* Brussels, COM(2022) 30 final, 2.2.2022, including preparatory report¹¹.
- *SME access to European standardisation. Enabling small and medium-sized enterprises to achieve greater benefit from standards and from involvement in standardisation.* Henk de Vries, Knut Blind, Axel Mangelsdorf, Hugo Verheul and Jappe van der Zwan, Rotterdam School of Management, Erasmus University Rotterdam, the Netherlands, August 2009.

⁹ While further provision to support participation at national level remain absent, art. 24 (1b) nonetheless requires the Commission to report on “the representation of SMEs, consumer organisations and environmental and social stakeholders in national standardisation bodies”.

¹⁰ “POSITION PAPER on the EU Strategy on Standardisation”, November 2022, available at: https://www.sbs-sme.eu/sites/default/files/publications/2022-11-07_SBS%20position_Standardisation_Strategy_FINAL.pdf

¹¹ *Study on the implementation of the Regulation (EU) No. 1025/2012 (Article 24) : executive summary*, Publications Office, 2021, available at <https://data.europa.eu/doi/10.2873/593923>.

- *Access to Standardisation*, Study for the European Commission, Enterprise and Industry Directorate-General, Final Report. Koos van Elk and Rob van der Horst, EIM Business & Policy Research, the Netherlands, March 2009.
- *Consumer Participation in Standardisation, A review of the European arrangements for co-ordinating consumer representation*. ANEC, Brussels, 1999.
- *Standardisation. A Business approach to the role of national standardisation organisations*. Henk de Vries, Springer Science+Business Media, New York, 1999.

The various reports and research offer several contributions to the analysis of the subject matter. Studies conducted in 1990s (ANEC, de Vries) offer a lot of detailed information on each NSB, in terms of structure, status, financing, or operating mode. It stands out that no single model exists. Instead, we are faced with a variety of national standardisation models that broadly reflects the institutional characteristics of the political and economic system in which they have been created (Tate, 2001). In other words, while the principles for the development of standards, such as openness, transparency, and consensus are shared by all NSBs, the interpretation and effective implementation of these principles give rise to different practices in each country. This also implies that trade unions located in different countries might face different access conditions to their national NSB. This brings us to a second insight provided by the above-mentioned reports and research, the definition of access conditions.

The analysis of the conditions of access to standardisation generally focuses on two distinct but related dimensions. The first concerns access to the standards development process itself, that is the standardisation process. This dimension underlines the need for a balanced representation to ensure that no specific group dominates the process and that the public interest is taken into account in the standard development process. It usually accounts for the various barriers faced by underrepresented actors, such as SMEs, consumers organisations, environmental NGOs, and trade unions. Commonly cited obstacles include a lack of awareness as well as a lack of strategic resources, i.e., money, time, skills and knowledge, to meaningfully participate in the standardisation work.

The second dimension addresses the issue of access to the documents and their content, that is standards and related deliverables. Nowadays, standards are copyrighted documents that are being sold. Each NSB has its own prices, thus displaying significant variations among countries¹². This dimension refers to at least two issues. The first is the adoption of standards by organisations: to deliver their expected benefits, standards must be adopted by the organisations to which they are addressed, and the conditions of access to the document are therefore relevant. The second issue relates to the principles of the rule of law when standards are referred into legislation: one of the core principles of the rule of law is that the law is known and accessible and the fact that standards referenced into law are usually¹³ only available against payment has been and is still subject of much debate as epitomised by the James Elliot¹⁴ case and calls for “free access to standards”.

By analysing access conditions to both the process and the document, a wide range of factors hampering participation have been identified and corresponding recommendations provided. In 2009 two “access studies” have been published that are worth exploring more in depth. The first, the SME Access to European standardisation was mandated by the CEN and CENELEC and aimed at providing recommendations to improve access to European standardisation

12 For instance the pdf version of ISO 45001:2018 is sold at about 30€ by the Estonian Center for Standardisation and Accreditation (EVS, see <https://www.evs.ee/en/search?query=45001&languages=41&languages=42&languages=43&organisations=1&organisations=2&organisations=3&statuses=1&statuses=2&page=1&filtertype=filter&committeeooption=1&onlysuggestedproducts=false&onlyNewEstonianLanguageProduct=false>) while it is priced at about 160€ by the German standardisation body DIN (see <https://www.beuth.de/de/norm/din-iso-45001/289349166>).

13 Some national legislations, for instance in Austria and in the Netherlands, require that standards made mandatory by laws or regulations are made available free of charge, see ECOS, 2018, p. 15.

14 See also Colombo and Eliantonio, 2017 as well as U. Karpenstein, ‘Gefährdet der EuGH den New Approach?’ (2017) EuZW, p. 321 and ff. It is worth clarifying here that even though referenced into law and EU legislation, standards remain formally voluntary. For instance, harmonised European standards provide one of the means to demonstrate conformity with the ‘essential requirements’ for the organisation, the latter being free to prove conformity by other means. The cost for doing so reminds us that although cast as “voluntary”, standards may become de facto a necessary condition for market access.

for SMEs. By use of literature review, a workshop and a survey, the project developed 58 recommendations provided as a toolbox from which NSBs and professional associations can choose to support the participation of SMEs in their country. Interestingly, the report follows a sequential approach to identify the different barriers faced by SMEs in accessing standards and their development process (see table 1). It underlines the importance for SMEs to obtain support “in their immediate environment at national level” (p. 6) and thus provides a range of recommendations for NSBs and professional associations to tackle the identified sequence of barriers. The recommendations include the development of education about standardisation, targeted communication plan and user-friendly information about standardisation, use of the method for stakeholder analysis to identify and invite missing stakeholders, the development of mechanisms to ensure that cost is not a barrier to participation, and the opportunity to submit comments on draft standards via the website of the NSB.

TABLE 1 - SEQUENTIAL APPROACH USED BY THE SME ACCESS TO STANDARDISATION REPORT

SEQUENCE OF BARRIERS TO BENEFIT FROM INVOLVEMENT IN STANDARDISATION:	SEQUENCE OF BARRIERS TO BENEFIT FROM STANDARDS
Awareness of the process of standardisation	Awareness of standards
Awareness of the importance of involvement in standardisation for the SME's own company	Awareness of the importance of standards for the SME's own company
Tracing standardisation projects	Tracing standards
Becoming involved	Obtaining standards
Being involved effectively	Understanding standards
Evaluation	Implementing standards
	Evaluating the implementation of standards

Another access study was published in 2009, the *Access to standardisation* study conducted on behalf of the EC with the objectives of determining to what extent the ESS could ensure appropriate access to all interested parties and of providing related recommendations. The study underlines that “especially consumers”, environmental and trade unions’ interests are only marginally represented in many countries” (p. 10).¹⁵ It also provides us with three specific insights on trade unions participation. First, that the negative or defensive motive, referring to participation intended to avoid potentially harmful issues being incorporated into the standard, is especially high with trade unions. Second, that trade unions see, to a relatively large extent, mainly external barriers to accessing standardisation (p. 8). And third, that one of the most important benefits of standards cited by trade unions is to ‘Improve health and safety conditions at the workplace’ (p. 9). In this view, factors hampering participation are related to both, the characteristics of the stakeholders themselves and to the characteristics of the standardisation system.

Interestingly, the report also points out the link between the access conditions and the structure and business model of respective NSBs. In a system based on the national delegation principle, the effective access conditions to standardisation are to a large extent defined by NSBs. Providing free access to standards or to national mirror committees might have different consequences according to the status of the NSB, whether public or private, and in the latter case, depending on the role played by the sales of standards and membership fees in its business model. The first recommendation of the study is thus for “more uniform organisational structures and business models of the National Standards Organisations as a prerequisite for more efficient and effective European policy making in the area of access to standardisation” (p. 50). As we will see later, diversity is still significant nowadays.

With the entry into force of Regulation 1025/2025 laying down reporting requirements (article 24) on the implementation of the Regulation, including about stakeholder participation at national level (art. 24, letter b), a preparatory study was

¹⁵ The study nevertheless recommends developing a “uniform classification of stakeholders” in order to assess the extent to which the composition of a technical committee is balanced, thus anticipating some concerns raised by article 24 report presented below.

mandated by the EC in 2020 to one of the “big four”¹⁶ to support the realisation of the EC implementation report¹⁷. The study provides a lot of helpful information and figures, for instance regarding the representation of various stakeholders at the technical level (see extract in figure 1) or NSBs providing free access to draft standards (see extract in figure 2). Yet, the results provided must be treated with caution for at least two reasons. First, and as the report points out, “There is a lack of consistency and comparability of data reported between ESOs and Annex III organisations. In particular a difference in the data reported and definitions of the indicators used on common data points related to stakeholder participation in the reporting of the different organisations” (p. 6)¹⁸. It is thus worth pointing out that the data used in figure 1 below are provided by the NSBs and reported by the ESOs. Second, and as the previous point suggests, the lack of clear and precise definitions concerning key dimensions of the report, for example concerning what constitutes a “relevant” TC or the stakeholders included in the category “social stakeholders”, opens the way to different interpretations and reporting practices. The somewhat flattering figures below might thus hide well the gap between self-declared practices of openness and the current access conditions as experienced by stakeholders, in particular trade unions.

FIGURE 1 - REPRESENTATION OF SOCIAL STAKEHOLDERS IN “RELEVANT” NATIONAL TECHNICAL BODIES

Representation of SMEs, consumers, environmental and social stakeholders in relevant CEN and CENELEC national TBs, 2015-2019

INDICATOR	CEN					CENELEC				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
National TBs for which representation is considered relevant for social stakeholders	15.6%	15.5%	13.2%	15.7%	14.7%	12.6%	12.9%	12.4%	13.1%	13.6%
Share of relevant National TBs with social stakeholders represented	62.4%	60.4%	70.1%	81.12%	80%	58.7%	66.2%	73.4%	73.4%	73.9%

FIGURE 2 - FREE ACCESS TO DRAFT STANDARDS

Percentage of the NSBs/NCs/NSOs that implemented the actions indicated in the column

INDICATOR	CEN					CENELEC					ETSI				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
Free access to draft standards	100%	100%	100%	100%	100%	94%	93.9%	94.1%	97.1%	100%	90%	100%	100%	100%	100%

16 The Big Four are the four largest professional services networks in the world, the global accounting networks Deloitte, Ernst & Young (EY), KPMG, and PricewaterhouseCoopers (PwC).

17 Study on the implementation of the Regulation (EU) No. 1025/2012 (Article 24), final report 2020

18 In this line, it is also difficult for the reader of the study to understand the difference between “free access to draft standards” as presented in the section on “SME access to standards” (pp. 23-26) and the indicator “Public enquiry documents made available through IT tools” presented in a section on the use of IT tools. Does it refer to same documents, the latter addressing only the means through which standards are made available or are they referring to different things?

To summarise, studies and reports never fail to underline the relevance of access conditions to improve participation in standardisation. While they tend to follow what we call the participation journey, they usually do not explore in depth some of the key encounter points, such as the enquiry process or practices regarding membership fees. They also very often rely on interviews of experts and self-declaration with few reviews of dedicated aspects and practices on the ground. And finally, they usually fall short of addressing the specificities of trade unions. Some characteristics of the actors might precisely increase the need for more open access conditions. One of the characteristics of trade unions is to work within social dialogue structure, where they are, as social partner, at par with employers to provide as far as possible direct benefits to their members. By contrast, within standardisation, trade unions must frequently pay to access to their NSB where they are considered as one among many stakeholders, with an action perceived as leading, in the best case, to benefits that are unnoticed by most workers. Thus, putting standardisation higher on the agenda of national trade unions is to a large extent related to the conditions of access to standardisation, highlighting that characteristic of the actors themselves and of the system interplays. In other words, it is precisely because of the characteristics of trade unions themselves that improving access conditions at the level of the standardisation system is especially important. Let's now turn to the definition of access conditions and its operationalisation.

4. DEFINING ACCESS CONDITIONS TO NATIONAL MIRROR COMMITTEES

Providing a clear and precise definition of what is meant by access conditions and how they are assessed is of uttermost importance to avoid the pitfalls and inconsistencies reported by the article 24 preparatory study mentioned above. In this study, access conditions refer to the process and requirements that a NSB applies to invite and allow stakeholders to participate to the process of developing standards deliverables (such as European standards, technical specifications, etc.) as well as the access to the deliverables. It thus concerns both access to the process, that is standardisation, and access to the document, that is the standard. It is important to note here that while access conditions matter for participation, they do not mechanically translate into stakeholders' involvement as broader contextual elements will come into play when deciding to get involved or not. They nonetheless provide some of the most important framework conditions under which participation in so-called technical diplomacy occurs.

In fact, access conditions are one of the core issues of what we termed technical diplomacy, that is negotiating processes involving states and non-state actors to set specifications that are allegedly voluntary (Graz and Hauert, 2019). From this perspective, the negotiating process is characterised by different encounter points between concerned actors and rules-setting organisations, such as the CEN. This prompts us to locate more precisely such encounter points in the world of standardisation in order to explore the conditions under which these points can be accessed. This study will focus on access conditions to the national mirror committees under the direct responsibility of the European NSBs that are members of the CEN and will only marginally address access conditions to national mirror committees that are delegated to sectoral standardisation organisations¹⁹.

Following the participation journey as a trade unionist might experience it, main encounter points can be located as follows:

1. The first potential meeting point occurs when identifying relevant stakeholders and sharing information with them. Access to this first meeting point depends in part on the NSB's work in identifying stakeholders and

¹⁹ This is a quite common practice for NSBs to delegate some sector-specific standardisation activities to other organisations. This is the case at the AFNOR, SNV, NBN or IPQ. For instance, in Switzerland, standardisation activities in the field of mechanical engineering are managed by Swissmem, the Swiss Association of Machinery Manufacturers. Private companies might even benefit from such a delegation, such as in the Portuguese case: the related link for "CT 044 – Tabaco e produtos da industria do tabaco" provided by the NSB is redirecting towards Philip Morris International, a practice that is at odds with the WTO criteria for the development of standards (see: <http://www1.ipq.pt/PT/Normalizacao/OrganismosNacionaisNormalizacao/Pages/VisualizacaoONS.aspx>)



making information available in an easy-to-understand language. From the standpoint of an organisation, taking part in standard-setting activities implies first knowing that the development of a new standard of interest for its activities is foreseen or planned. Thus, the first encounter point concerns the availability of information and of the information flow between NSBs and external organisations regarding the initialisation of new standardisation projects. Do NSBs actively inform external organisations and if so, how do they identify relevant organisations? At the same time, do external organisations monitor the work programme and new activities of their NSB and if so, do they proactively contact the NSB? Do NSBs, respectively trade unions, have an individual contact point and do they use it? To sum up, stakeholders mapping and related information flows provides a first dimension to characterise access conditions to national mirror committees and standardisation work.

2. The second encounter points selected in this study refers to a formal and highly debated element for having access to standardisation work at national level, namely membership fees. Once a trade union has decided to get involved in the elaboration of a standard, it will have to comply with the requirements laid down by the NSB to gain access to the negotiating table. In other words, to be pursued, the participation journey often implies the payment of membership or participation fees by the trade union. Unsurprisingly, this represents an important feature of the access conditions that will be assessed.

3. The third encounter points examined within this study concerns the so-called “enquiry process” or the distribution of draft standards for public comments. To put it simply, whether formally involved or not, stakeholders and citizens alike should have, in accordance with the internal regulation of CEN and its member bodies, the possibilities to submit comments on drafts standards prior to their final adoption. The possibility to submit comments provides thus additional potential encounter points between trade unions and the NSB. Yet, the conditions under which the former can concretely access the draft standards and submit their comments remains uncertain and are thus worth exploring more in depth.

To summarise, this study will explore the access conditions to three obvious encounter points: (1) stakeholders mapping and information flow addressed as a pre-requisite to consider entering the participation journey, (2) the membership fees providing formal access to the standardisation work and (3) the enquiry process providing an important step in building the legitimacy of standards and openness of the process. Other features impacting access conditions, such as linguistic barriers and translation issues or access to internal rules defining the organisational structure of NSBs or common rule for drafting the content of standards will also be taken into account and addressed throughout the three encounter points defined above. Before turning to the results, some methodological considerations explaining how data has been collected and analysed are provided in the next section.

5. METHODOLOGICAL INSIGHTS

To gather relevant data and information on the access conditions to the selected encounter points, this study conducted extensive desk research, including a literature review of specialised press as well as printed and online documentation published by standardisation bodies. An online survey addressing access conditions has also been shared via the CEN and ETUC to their member organisations to gather the perceptions of standard-setting bodies and trade unions regarding current access conditions and ways to improve them. Semi-structured interviews also provided additional insights on trade unions’ experiences in accessing standardisation work and helped to identify further paths for improvements.

The website of the European NSBs have been particularly closely explored in order to collect first-hand information on membership fees as well as to assess and experience the enquiry process. Regarding the latter, it is worth pointing out that we used a dedicated e-mail address to test the effective access conditions to standards under enquiry and possibilities to submit comments. The main advantage is that it allows the questioning and differentiating of the means through which the enquiry process is effectively implemented. We can thus distinguish between NSBs that mainly mention the possibility of providing comments and require direct contact with potential justifications to effectively seize this opportunity and NSBs that provide full and direct online access to standards under enquiry and the supporting commenting tools. As the results will show, such a distinction is relevant in order to provide a fine-tuned qualification of this specific access conditions.

6. ACCESS CONDITIONS TO NATIONAL MIRROR COMMITTEES ON THE GROUND: MAIN FINDINGS AND DISCUSSIONS

In this section, the main findings on access conditions are presented. It will start with the question of stakeholder mapping and information flow and then address membership fees and the enquiry process. It will conclude with a discussion of the main findings that highlight a wide range of practices and requirements for accessing standardisation work. This will also be an opportunity to highlight identified cross-cutting issues that shape the conditions of access to mirror committees. On this basis, the study will formulate recommendations aimed at improving access conditions and facilitating the encounter between standard-setting organisations and trade unions.

6.1 FIRST ENCOUNTER POINT: MAPPING AND INFORMING STAKEHOLDERS

The identification of stakeholders considered as relevant targets to be informed is not only an obvious condition shaping access. Without information on the existence of planned or ongoing activities, gaining access to such activities remains logically out of scope. It is also a requirement laid down in the CEN internal regulation and thus applying to all NSBs that are members of the CEN. According to the CEN internal regulations, “the member shall have a process in place to identify and take into account the needs of all stakeholders, with a view to facilitating appropriate representation and participation” (CEN Internal Regulation, part 1:2018, p. 39). How this requirement is implemented and practised is therefore one of the questions that the study will address. Since information on the proper and detailed functioning of NSBs about stakeholder identification is hardly provided on their website or other documents, results are mainly drawn from the survey.

Unsurprisingly almost 77% of the NSBs responding to the survey declare having a process in place to identify stakeholders, with 23% declaring the absence of a corresponding process. The NSB respondents also confirm that all types of stakeholders are equally invited and informed in general, thus showing a high degree of adherence to the stated principle of openness and balanced representation.

When asked about more details on the process used for this purpose, “stakeholders’ analysis”, use of existing “contact list” as well as “check-list” and “guides” are frequently cited. Several respondents also underline that this topic is addressed during the first meeting: “At the first meeting a discussion takes place on whether all relevant stakeholders have been correctly identified. If necessary, further stakeholders are invited after the meeting.” In the same vein, another respondent underlines that “during this [initial] meeting, the present stakeholders are invited to nominate other stakeholders that may be interested in the new standardisation work”.

The different responses suggest a certain diversity in the identification of stakeholders. In some instances, the stakeholder analysis seems to be quite formalised as outlined by a respondent: “Based on the scope of the proposed national/European/International standardisation activity following a holistic value-chain approach the stakeholders are identified (similar to the approach applied in project management), e.g. who will manufacture the product, who will use it, are there suppliers for components affected, does the product/production affect the environment, etc. When this is clarified we will take advantage of our internal contact data base also using intermediary organisations and [the NSB] stakeholder platforms like the presidential committee, the standardisation advisory board, etc.” In other instances, this task is largely considered as an ad hoc activity that is carried out by the secretary, chair, and existing members of the committee. While such an approach is highly pragmatic, it paves the way for a more contingent identification process that might lead to existing networks and contacts being favoured²⁰. A fact that is largely confirmed as over 90% of NSB respondents agreed with the statement that “the personal dimension and network play a crucial role for identifying relevant stakeholders”.

It is also interesting to observe that only 40% of the respondents agreed with the statement that “available process and tools to support the stakeholder identification process are sufficient to fulfil the task”, thus suggesting that rooms for improvement exist. Among the suggested improvements are: the use of AI-based tools to identify stakeholders, the use of public registry or commercial database of organisations or the creation of a communication strategy at the European level to target underrepresented groups with supporting national communication plans. Yet as one respondent puts it, the main issue might not be to identify the appropriate organisations, but rather to get them involved in the standardisation work. And the content and flow of information seems to be important in that regard.

While all trade unions and most NSB respondents confirmed having a contact within the NSB, respectively within a national trade union, using such contacts is of uttermost importance. Looking more in-depth at the information flow, the results suggests that once the information flow between trade unions and NSB is established, both type of actors will be more proactive. For instance, it is precisely the same trade unionist that declares having been contacted by their NSB that also declares having taken contact with them. They are also the trade union respondents declaring

²⁰ It is here worth precising that internal data ranks first for the purpose of identifying stakeholders (90% of NSB respondents), followed by the use of informal data (60%), directory of ministries (55%), internet search (45%), directory of universities (40%), and use of external data (40%).

that they devote some time to monitoring activities as well as knowing the membership conditions and rules. Yet, this does not only highlight the importance of establishing a relationship, it also brings us back to the relevance of the personal dimension in mapping stakeholders and sharing information.

The use of personal networks and existing contacts is not problematic per se but it raises some concerns when it gains prominence in the process. Most importantly, the use of internal data and informal data (e.g. personal contacts) is by definition unlikely to lead to the identification of new stakeholders, including trade unions, and is more prone to result in similar configurations of actors at the mirror committee level. In other words, the actors included in the internal databases *de facto* reflect the importance of the different types of stakeholders in the system and run the risk of reproducing unbalanced representation while not increasing memberships.

Trade unions responding to the survey confirmed the need for targeted information on new standardisation activities that clearly outlines the relevance of the activity for them. The study also confirms the existence of various communication channels to inform stakeholders about standardisation activities, with websites, direct contact, official notification system and social media ranking the highest. Yet, the desk research and website exploration has highlighted an important dimension: access to information and targeted communication.

The provision of information about standards and future standardisation activities is in fact enmeshed in two opposing rationales. The first stems from transparency requirements and implies, as underlined by the CEN-CENELEC membership requirements, that “sufficient and regularly updated information is easily accessible in due time to allow national and European stakeholders to participate in the standardisation process” (2022, p. 37, Internal Regulations, part 1). The second one stems from the business model implemented by NSBs to finance their activities and conceives information on standards and monitoring activities as a commercial service to be sold²¹. In this view, improving access conditions by developing and providing more targeted information will put the NSB business model into question and require clarifying the kind of information that should be freely accessible for the sake of transparency and the kind of information that is part of the kind of business intelligence services provided by the NSBs. This brings us to another important dimension of most NSB business model, the membership fees.

6.2 TO PAY OR NOT TO PAY: A MULTIFACETED QUESTION

The question of membership fees paid to access the work of national mirror committees and of European and international standardisation is a long-lasting issue when addressing access conditions to the European standardisation system. On the one hand, it has been underlined that such fees do only represent a relatively marginal barriers as compared with the investment of other resources, such as time or let alone labour costs if they arose. On the other hand, paying a membership fee remains a cost and is a highly symbolic barrier for social stakeholders such as trade unions that do not have any commercial interest in standardisation activities and pursue common good and public interest objectives. Free access to standardisation work is thus largely considered as a political pre-condition to increase the inclusiveness of the ESS. It is thus worth exploring more in details this specific condition framing access to standardisation.

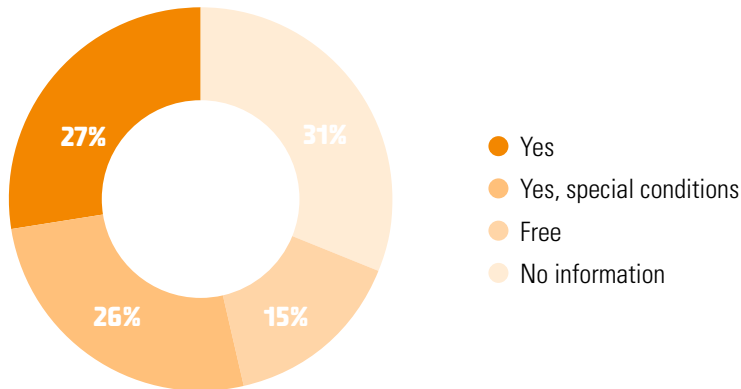
The results provided by the desk research indicates that more than half of the NSBs do apply membership fees (see figure 3 below), the starting price ranging from €80 in Romania to €1,310 in Austria. More precisely, 18 of NSBs apply a membership fee (53%) and among them, 9 apply special conditions for trade unions²². Such special conditions mostly consist of price reductions or rely on a public arrangements providing support to pay the membership fees.

21 See for instance the AFNOR “COBAZ service” sold and advertised as “the all-in-one solution for identifying, consulting, monitoring and deciphering standards” (available at <https://www.boutique.afnor.org/en-gb/services/cobaz-service>), or the DIN “DITR (DIN Software Informationsservice über Technische Regeln) Data service”, available at <https://www.beuth.de/en/standards-management/ditr-data-service>.

22 These are the ASI, SFS, ELOT, MSZT, NEN, ISRSM, ISS, HZN, EVS, and with special conditions: DIN, UNI, ASRO, SIST, UNE, SIS, SNV, NBN, BDS. Finland is somewhat a special case as arrangements to fund trade union participation are specific to each mirror committee, yet on a standard basis trade unions do have to pay a fee.

The minority of NSBs providing free access to standardisation for trade unions account for 15 % of NSBs (5).²³ For the remaining 11 NSBs no clear information could be found on this specific access condition.

FIGURE 3 - SHARE OF NSBS APPLYING MEMBERSHIP FEES (N=34)



In exploring the question of membership fees, the diversity of practice in defining them and addressing membership also stand out. In some cases, fixed fees are defined according to the size of the organisation. In others it depends on a system of points that are attributed according to the size, interest and sector of the organisation. Some do apply special rates for specific stakeholders while others do not. Perhaps more importantly, in researching the information on membership fees available on NSBs' websites, we observed two distinct dynamics shaping the approach to memberships conditions. On the one hand, there is a traditional business approach of membership-based organisations with calls to action to become involved and the promotion of special offers for start-ups and SMEs or trial offers. On the other, special rates or free access to standardisation as well as the availability of detailed information on membership requirements tend to reflect the spirit of the 1025/2012 Regulation in fostering the inclusiveness of the ESS. As we will see, these two dynamics do not only shape the approach to membership conditions as practised in standardisation, they also pertain to the recommendations and potential solutions.

When asked about the acceptability of various measures to support societal stakeholders and trade unions, all survey respondents indicated "national public authorities providing financial support" as the most acceptable one. This is not surprising as far as it potentially accommodates both: concerns related to the financing of NSBs and concerns regarding undemocratic access conditions. This also frames the issue in a different way, asking who must pay rather than whether one must pay a fee or not. In this view, the question of who has to pay might provide a more promising avenue to achieve improvements on this long-lasting issue.

To sum up, membership fees represent an important access condition that extends beyond the mere question of the amount of euros to pay and questions the democratic nature of the standardisation process. Membership fees exist in most NSBs and are variously defined, but some NSBs also provide free access to standardisation. It also stands out that trade unions across Europe are confronted with unequal conditions of access in terms of membership fees to pay to access the work of the national mirror committees, including for the development of harmonised European standards. Improvements on this distinct topic call for a greater harmonisation among NSBs so that trade unions can benefit from equal access conditions to the European standardisation system via their NSBs. And this implies actions to be taken at the European level. This could be done by the ESOs to voluntarily align their practices and implement a policy of free access to standardisation for trade unions and other underrepresented groups. This could also be accomplished by the legislator by ensuring that public funding is made available by the Member States. As we will see in the next section, concerns regarding unequal access conditions across Europe also apply to the public commenting process.

²³ These are the AFNOR, BSI, ILNAS, DS, NSAI.

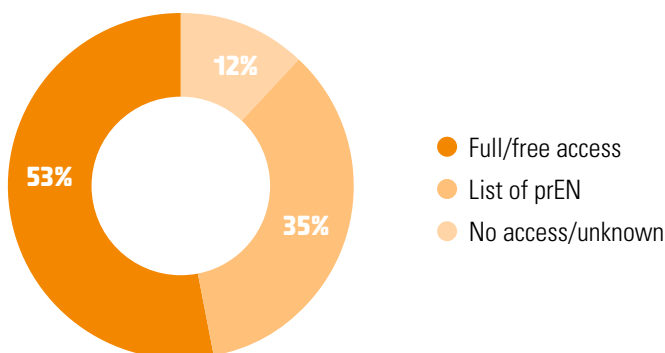
6.3 EXPERIENCING THE ENQUIRY PROCESS

The third encounter point selected in this study refers to the enquiry process that standards have to go through prior to their publication. This particular stage in the development of standards existed long before the entry into force of Regulation 1025/ 2012. Nevertheless, the latter underlines its importance and seems to have brought some improvements at best epitomised by the implementation of IT tools to support access to draft standards and submission of comments. Yet, as we will see below, access conditions to the enquiry process show significant differences between the NSBs leading to unequal conditions of access across Europe. Such disparities are likely to persist as long as more precise definitions of key elements of this step are missing. It is thus worth starting with the formal definition of this step before exploring it on the ground as a trade union representative might experience it.

The CEN-CENELEC Internal Regulations (2022, Part 2, pt. 11.2.2) refer to the enquiry as follows: “When consensus has been reached, the text agreed by the technical body is forwarded by the Technical Committee secretariat to the CCMC, to be distributed to the CEN/CENELEC national members for public comment as a draft standard (abbreviated prEN). This procedure is called the “CEN/CENELEC Enquiry”. (...). The practice of the enquiry is also part of the CEN and CENELEC Membership Requirements laid down in Internal Regulations Part 1 and requires NSBs to “ensure access to draft standards for comment to all interested parties free of charge” (2022, p. 60)²⁴. The 1025/2012 Regulation also refers to public comments in its preamble 18 underlining the role of ICT tools to support the standardisation process, for instance by “providing to all relevant stake-holders an easy-to-use online consultation mechanism for the submission of comments on draft standards”, as well as in its article 2 defining “draft standards” as “a document containing the text of the technical specifications concerning a given subject, which is being considered for adoption in accordance with the relevant standards procedure, as that document stands after the preparatory work and as circulated for public comment or scrutiny;”.

As for membership fees policy, access conditions to the public commenting phase are diverse across Europe, creating unequal access conditions to the ESS. The figure 4 below summarises the results of the desk research. Accordingly, 53% (n=18) of NSBs do provide for free a full online access to standards at the enquiry stage with possibility to submit corresponding comments. For 35% (n=12) of the NSBs, the list of standards under enquiry is available online, but accessing the standard and submitting comments requires to take further direct contact with the NSB. For the remaining NSBs (n=4), access conditions to the enquiry stage remains unclear on the respective website.

FIGURE 4 - ACCESS CONDITIONS TO THE ENQUIRY STAGE



It is here also worth mentioning the discrepancies of the results presented in figure 4 with the survey. For instance, when asked “By which means can non-member organisations or citizens access the draft standard under enquiry?”, all but one NSBs respondents (i.e. almost 93%) indicated “online platforms on the NSB website”. Taking a closer look at the country of

²⁴ It is worth mentioning that previous membership criteria as laid down in the Guide 20 that has been withdrawn in 2018 and integrated into the internal regulations part 1D, was referring to “parties participating” with regard to access draft standards under enquiry (Guide 20:215, p.12).



the respondents and comparing it with our website research, we found that in some cases the online platform referred to was only accessible to members or only provided a list of standards under enquiry and advising for direct contact to access the document and submit comments. For sure, such discrepancies are not related to the willingness of respondents to provide accurate information but rather to different understandings of the question or in that case of “access”. This also warns us about the limits of relying solely on surveys and self-reporting when assessing the inclusiveness of the ESS.

In exploring the online availability of standards under enquiry, the study notes the rather large use of the same ICT tool by NSBs²⁵, echoing the preamble of the 1025/2012 Regulation. For sure, such tools improve and facilitate access to draft standards and the submission of comments and their implementation should be encouraged. Yet, using the same ICT tools do not imply they are used in the same way. In other words, our research shows that for the same period, the standards under enquiry available through this tool are highly different from one NSB to another²⁶. While small differences could be expected, reflecting different numbers of purely national standards under enquiry or small variations in the consultation period²⁷, such differences seem at best explained by varying practices regarding the

25 This tool has been developed on behalf of BSI to elaborate a IT-based draft review system (see <https://www.67bricks.com/case-study/standards-legal-and-regulatory/revolutionising-standards-review-at-bsi/>) and is for instance also in use in Finland, Sweden, Ireland, Denmark, Czech Republic, the Netherlands and Spain.

26 For instance, on the 6.12.2022, NSAI (Ireland) had 317 standards available for public comments, while UNMZ (Czech Republic) had only 56, SIS (Sweden) 195 and the NEN (the Netherlands) displayed only a few national standards. While small differences can be expected, reflecting different numbers of purely national standards under enquiry or variation in the consultation period, such discrepancies seem largely related to varying practices regarding the definition of standards submitted to the enquiry.

27 NSBs tend for instance to close the consultation one or two weeks before the official deadline to process the comments.

definition of standards submitted to the enquiry²⁸. This underlines the need for clarification regarding the range of draft standards that an NSB has to put under enquiry. As long as such clarification are missing, uneven access to draft standards is likely to remain across the European NSBs.

To summarise, access conditions to the enquiry process are diverse across Europe with just over half of NSBs providing full and free online access to draft standards under enquiry. Even in such cases, the study notes discrepancies regarding the number and type of draft standards made available. This further confirms unequal possibilities of accessing and commenting draft standards. Yet, access conditions to the enquiry process benefit from the use of IT tools easing the access to and commenting of draft standards. While such use is encouraged, ICT tools will only deliver their full benefits if it is clear who is entitled to comment and what are the conditions under which draft standards are made available. This will also require proper implementation of the existing regulation: following the definition of the 1025/2012 regulation, all draft standards shall be put under enquiry in all European countries to ensure equal access conditions for trade unions and other stakeholders. This brings us to a more global discussion on the results of the analysis and potential recommendations for improvements.

7. DISCUSSION AND RECOMMENDATIONS

This section discusses the main findings of this research in order to provide recommendations to improve the access conditions to national mirror committees. The recommendations will target the three distinct encounter points that have been explored in the previous sections as well as the overall framework framing access conditions at the national level. As we will see, CEN and CENELEC already implemented a number of improvements to ease the so called “Annex III organisations” access to the European standardisation system. These efforts must now be pursued to address the national level since it is at this level that the inclusiveness of a system based on the national delegation principle is ultimately shaped.

Since the entry into force of the 1025/Regulation and formal recognition of the role of societal stakeholders within the Annex III of the Regulation, including consumers, environmental NGOs and trade unions, these stakeholders have worked, together with the ESOs to generally improve the conditions of access to the ESS. Such improvements include for instance the creation of a dedicated working group to address the specific concerns of these stakeholders, such as the CEN-CENELEC Societal Stakeholders Group²⁹. An important achievement of this group has been to develop a right of opinion for societal stakeholders, providing them, in the absence of voting rights, with a possibility to cast a formal opinion on a draft standard at enquiry or formal vote stage³⁰. Dedicated training materials and publications for civil society organisations have also been developed and promoted to sustain the inclusiveness of the ESS³¹. More recently, online access to normative documents³² has been granted to SMEs and societal stakeholders organisations, thus testifying CEN and CENELEC’s commitment and actions to further improve inclusiveness³³.

28 Not all NSBs participate in all standards and some NSBs might for instance only comment on the draft standards in which they actively participate (the so-called “P-Membership”), while others may submit to all standards regardless of their participation.

29 For its part, the ETSI developed its 3SI program (Societal Stakeholders and SMEs Inclusiveness) which is so far mainly providing a platform for exchanges and discussions, see <https://www.etsi.org/images/files/Brochures/ETSI-3SI-Brochure-WEB.pdf>.

30 Further information on this topic is available at: <https://boss.cen.eu/reference-material/guidancedoc/pages/opinion/>, accessed on 10.10.2022.

31 See for instance the dedicated training available at: <https://www.standards4all.eu> or the CEN-CENELEC publication for civil society, available at: publication on CSO, 2017: <https://www.cencenelec.eu/media/CEN-CENELEC/Get%20Involved/Societal%20Stakeholders/civilsocietyleaflet.pdf>

32 A normative reference is “a document to which reference is made in the standard in such a way as to make it indispensable for the application of the standard.” Such normative reference frequently implies other standards, see <https://boss.cen.eu/reference-material/guidancedoc/pages/normref/>.

33 See <https://www.cencenelec.eu/news-and-events/news/2022/brief-news/2022-12-08-a-new-step-to-strengthen-the-inclusiveness-of-cen-and-cenelec-system/>, accessed on 12.12.2022.

However, the above-mentioned improvements only marginally address the national dimension of the system and the crucial role played by the NSBs in the decision-making process leading to the elaboration and adoption of European standards. As this research highlights, there are significant differences regarding the access conditions of the various NSBs channelling participation in European standardisation and further emphasis should be placed on harmonising and improving access conditions at the national level.

This research proves that trade unions cannot access their NSB under the same conditions across Europe due to the varying practices of the NSBs regarding the three selected encounter points. With regard to stakeholders mapping and the information flow, a process to identify the relevant stakeholders is missing in some NSBs even though the vast majority of them have a process in place. Such a process might be an integral part of the project management approach applied by the NSB to its technical committees, while in other cases stakeholder mapping appears as an ad hoc task that largely relies on internal databases and proposals from existing members. The key role played by the personal dimension, namely the existing networks of managers and chairs of mirror committees is not problematic as far as it is complemented by other means allowing the identification of new stakeholders and experts. Here, a first general recommendation is for NSBs to make systematic use of external databases, such as a public registry or commercial database. Such database should ultimately be used to enrich the NSB's internal database so that each category of stakeholder has some corresponding entries. This looks even more important in the case of trade unions. The good news is that once the contact has been established, more proactive behaviour on both sides can be expected. A more specific recommendation to trade unions is to enter the internal database of NSBs by providing them with some sector-specific contact points. Yet, this is only the first part of the story, the other part being the information flow between the NSB and the potential stakeholders.

As mentioned in the previous section, the provision of standards-related information appears to be enmeshed in two conflicting logics: one consists of devising information as a commodity that can be traded as part of business intelligence services; the other conceives information as a public good essential to guarantee the transparency of standardisation activities in line with the founding principles for developing standards as laid down by the WTO or 1025/2012 Regulation. When it comes to access conditions, the latter should prevail and accessible information to non-members of NSBs should be defined clearly. In other words, what is the information to be made accessible to the public at large when proposals for new standards (or New Work Item, NWI) arise should be clearly defined. Nowadays, the criteria laid down for CEN members address the publication of their "work programme" for "free via public website or other publicly accessible publication"³⁴ and regarding new standards proposals requires that "a list of all NWI is made publicly available." Yet these documents (work programme and list of NWIs)³⁵ do not provide the necessary information allowing stakeholders to identify more precisely what is in the scope of the standard and whether it is relevant or of concern for them. In this view the form used for new work item proposals³⁶, a document including the rationale of the standards and expected benefits or impacts for stakeholders' categories indicated as relevant by the submitting organisation, should be made online available by the NSB and systematically sent to concerned stakeholders' representatives. As the form exists, it has already been completed for new proposals and contains important information for stakeholders to assess the relevance of the work. Its wider distribution is a very cost-effective means to ensure equal information sharing practices by all NSBs and equal access to information.

We can thus summarise the recommendations as follows: firstly, reviewing the NSBs internal contact data base to ensure that a contact name and personal email exist for all type of possible relevant stakeholders as provided by the NWIP. Secondly, sharing the form when informing about a new work proposal to ease priority setting for external stakeholders. This is a joint interest as it would benefit all stakeholders and support renewal of experts.

34 The work programme " indicates, in respect of each standard deliverable: the subject matter; the stage attained in the development of the standards; the references of any other (international) standards taken as a basis." (CEN-CENELEC Guide 22 :2018, p. 23). Most of them do contain, the stage-code or name, a reference and title of the standards, with start and targeted end-date. Some provide the sector concerned (UNI), others provide contact persons (EVS), some provide the scope (DIN, UNMZ).

35 See for instance a few example of the work programme referred to at: https://single-market-economy.ec.europa.eu/single-market/european-standards/notification-system/work-programmes-standardisation-bodies_en or DIN: <https://www.din.de/blob/258146/543b2723b68c6763218455b0f7b4b931/din-work-programme-data.pdf>

36 New proposals have to be submitted via a specific form to the CEN Technical board (see point 11.1, Internal regulation, part 2), a form which is available at <https://boss.cen.eu/reference-material/formstemplates/pages/>



Turning now to the membership fees, this research documents the existence of significant differences among NSBs regarding this specific access condition. In more than three quarters of the cases, trade unions have to pay a membership fee to access the national mirror committees, with about one third of NSBs applying special rates for trade unions' representatives, the remaining NSBs providing access free of charge. Trade unions face thus different access conditions and have been long calling, together with other societal stakeholders, for free access to standardisation (and standards). Several reasons explain why the issue has not yet been solved, such as the jeopardising of the business model of NSBs³⁷ and potential loss of autonomy over their internal governance. Yet, the pay-to-play principle is considered largely undemocratic by societal stakeholders. The question is thus not whether the issue must be tackled or not but rather how to do it.

In this view, the provision of free access to mirror committees by NSBs should be encouraged and promoted as a best practice. Yet, the provision of free access by NSBs has not proven a practicable option so far (see also footnote 37). The way forward should thus focus on the question of who pays rather than on the mere removal of membership fees. NSBs aside, two potential sources of funding stand out: national public authorities and the EC. With regard to the latter, the study recommends that the EC allow *societal stakeholders receiving Union financing for standardisation activities to dedicate part of the EC grant to support their affiliates at national level*³⁸. The James Elliot ruling, recognising harmonized and OJEU-cited standards are part of the EU law, provides some justification for the EC to take a

37 It is worth noting that even if the free access of trade unions and other societal stakeholders to national mirror committees only represented a minor financial loss for NSBs (or no loss at all), this move is perceived as opening the "pandora box" for other stakeholders to ask for free access: SMEs with direct financial interest, or large companies, contributing the bulk of standard-drafting efforts, could be encouraged to request equivalent conditions, thus endangering the business model of many NSBs.

38 In this case, more specific attention should be paid to potential undesired consequences, such as the re-introduction of membership fees by NSBs currently providing access for free or the withdrawal of national public funding in countries where it exists.

more important role, at least for these standards. The EC and societal stakeholders (i.e. ANEC, ECOS and ETUC) can also put some pressure on the CEN-CENELEC to integrate a requirement into their membership criteria to grant trade unions and societal stakeholders access to national committees at no cost. Yet, this will not provide funding mechanisms per se, thus bringing us to the role of national authorities and Member States.

While they are responsible for approving standardisation requests addressed to the ESOs and for designating their standardisation bodies according to Regulation 1025/2012 (art. 10 and art. 27), the role of Member States is left out when it comes to the inclusiveness requirements laid down in the Regulation³⁹. This creates a hiatus between the regulatory requirements to achieve inclusiveness providing solely EC financial support to European, not national, organisations representing the interests of societal stakeholders and the functioning of the ESS that is based on national representation with NSBs organising and channelling participation to European standardisation work. It is thus recommended that the role of public authorities and Member States be addressed in improving the inclusiveness of the ESS, such as by supporting national stakeholders representing trade unions. In this view, Member States should provide financial support not only to allow trade unions access to mirror committees at no cost, but also to support other key dimensions for an inclusive ESS, such as translations of draft standards or administrative support for unmirrored technical committees. If progress to a more active role for Member States can only be expected in the medium term, allowing trade unions receiving Union financing for standardisation activities to dedicate part of the EC grant to support their affiliates at national level could be achieved more rapidly. In the meantime, and as far as a broad agreement exists on the principle that membership fees should not impede the participation of a trade union's representative, it is recommended that *specific cases arising be reported by the NSB or trade union representatives to the ETUC and CEN in order to find an ad hoc solution with the stakeholders concerned*. While this could lead to solving the issue on a case-by-case basis, exploring ad hoc solutions may also pave the way for more permanent arrangements.

With regard to the enquiry process, access conditions to the public commenting phase are unequal across Europe, with just over half of NSBs providing full and free online access to draft standards under enquiry. Moreover, when accessible, available draft standards vary consequently from one NSB to the other. Three recommendations arise from this research and its findings. First, it is recommended to diffuse and reinforce the use of dedicated ICT tools by NSBs to support and ease the commenting process. Second, it is recommended to implement existing requirements and to do so to ensure a common understanding of the breadth of documents that should be made available and their conditions of availability. In this view, and in line with the 1025/2012 Regulation, all NSBs should make all draft European standards available for commenting, disregarding their effective involvement or existence of corresponding mirror committees – and this latter point should be clarified. The effective implementation of the 1025/2012 regulation is at stake here. Turning to who should be entitled to access and comment on the draft standard and at which conditions, CEN-CENELEC Internal Regulations clearly states that access shall be ensured to “all interested parties free of charge.” In this view, ensuring equal access conditions to draft standard across Europe is a matter of effective implementation of the existing requirements laid down in CEN-CENELEC Regulation and in the 1025/2012 Regulation. This raises further concerns regarding the effective implementation of European policies addressing access to standardisation.

The effective implementation of measures included in the 1025/Regulation or CEN-CENELEC policies is a pre-condition to ensure trade unions across Europe can have access to their national mirror committee under equal conditions. Access to information regarding new standards or to the enquiry process as well as membership policy are different across NSBs. More uniform practices in terms of access to standardisation activities must be implemented in the ESS and at the NSB level. Uniform access conditions should entail the different encounter points under scope:

- The stakeholder mapping process, with the establishment and systematic use of trade union contact points.
- The information flow and document sharing policy, with the sharing of the NWI form to non-members to allow stakeholders to take an informed decision on their involvement.
- The membership policy, with public funding to support participation at no cost or at least a kind of “no barriers related to fees” policy that would allow trade unions to participate with full rights.

³⁹ European standardisation is organised by and for the stakeholders concerned based on national representation (preamble 2)

- The effective implementation of the enquiry process, with the provision for all stakeholders, including non-members, of free and full online access to all European draft standards and the corresponding commenting possibility.

Moreover, and even though not under the scope of this study, the delegation by NSBs of sectoral standardisation activities to external organisations should be better regulated and monitored to ensure that access conditions are equivalent to those applied for mirror committees under the direct responsibility of the NSB. Further, it should be forbidden for private companies with huge commercial interest at stakes to become the delegation of sectoral standardisation activities (see the case provided in footnote 19 and calling for immediate action)!

Achieving more uniformity regarding key access conditions to European NSBs and their national mirror committees requires policy action at the European level. In this view, the CEN should enforce and monitor the effective implementation of its membership criteria and provide clearer guidelines on some of the encounter points highlighted above. The CEN "Membership relation and monitoring committee" tasked with the assessment of NSBs compliance to the membership criteria can provide an avenue to achieve more uniform access conditions. Related to this, the current assessment method⁴⁰ would benefit from greater involvement of assessors that are external to the standardisation organisations. Trade unions and other societal stakeholders should be closely involved in the work of this committee. The EC also has an important role in ensuring uniform access conditions across NSBs in the ESS. In its current form, the monitoring conducted as part of the Art. 24 reporting obligations, and addressing elements related to access conditions, should be improved to avoid misunderstandings of indicators and discrepancies in the data reported. In this regard, the Article 24 report should not only rely on the self-declaration of the assessed parties and include the collection of empirical data based on field observations. As such, a conclusive recommendation for the EC and the CEN-CENELEC is to strive, with the support of trade unions, other societal stakeholders and NSBs, for uniform access conditions to national mirror committees across Europe. And this calls also for improving the assessment and reporting practices used to evaluate access conditions in national mirror committees.

⁴⁰ By means of NSB self-declaration or peer-assessment (i.e. assessment by other NSB staff members) or external assessment (assessors appointed by the CEN and CENELEC administrative boards).

8. CONCLUSIONS

Even though the internationalisation of trade has reduced the prominence of national standards, NSBs remain key actors in the ESS. They channel access to European standardisation work, hold the voting rights and organise the national mirror committees in which the national position is decided upon. They also nominate and delegate experts to the CEN or CENELEC technical committees and working groups. As such, an important part of the inclusiveness of the ESS is played out at national level and access conditions to national mirror committees are determinant in this regard.

This research highlights the extent to which trade unions face different access conditions to their national mirror committees across Europe. Such differences are certainly not related to the characteristics of actors themselves but to the characteristics of the ESS and should thus be tackled at this level. This research identifies several paths for improvements and provides related recommendations that are summarised below. Although the study focuses primarily on access conditions to national mirror committees of CEN members, the recommendations are also valid for CENELEC (and its members) because of the high degree of similarity in the structure and processes of the two organisations.

- **Recommendation 1:** NSBs, taking into considerations their various business models, should implement harmonised access conditions across Europe for trade unions' participation in the national mirror committees, thus ensuring that national trade unions wherever they may be in Europe, have the same opportunity to be part of the elaboration of the national consensus position.
- **Recommendation 2:** NSBs should review their internal contact data base annually to ensure that a contact name and personal email exist for trade unions' representatives. Upon request, the ETUC should support the NSBs in identifying a national contact point within trade unions.
- **Recommendation 3:** NSBs shall proactively share the New Work Item (NWI) form when informing about a new work proposal to ease priority setting for external stakeholders.
- **Recommendation 4:** The EC should consider allowing ETUC and other societal stakeholders receiving European Union financing for standardisation activities to dedicate part of the EC grant to support financially or technically their affiliates at national level.
- **Recommendation 5:** CEN and CENELEC to integrate into their membership criteria a requirement to grant access of trade unions and other societal stakeholders to national committees at no cost, especially as they do not have any financial interest. Should membership fees impede specific trade union participation, the case shall be reported by the NSB or trade union representatives to the ETUC and CEN, or CENELEC when relevant, in order to find an ad hoc solution with the stakeholders concerned.
- **Recommendation 6:** The role of public authorities and Members states in effectively improving the inclusiveness of the ESS should be addressed, including with regard to funding possibilities.
- **Recommendation 7:** CEN and CENELEC should enforce and monitor the effective implementation of their membership criteria and provide clearer guidelines in their internal regulations on stakeholder mapping, information flow, membership policy and enquiry process.
- **Recommendation 8:** The EC should improve the reporting method of Article 24 of the Standardisation Regulation (EU) No. 1025/2012 on the involvement of trade unions at national level to avoid misunderstandings of indicators and discrepancies of the data reported. Fact-checking and gap-resolving procedures involving the Article 24 reporting parties should be developed in this context.

To conclude, it is here important to remind readers that improving the inclusiveness at NSB level will strengthen the ESS by demonstrating that the national delegation principle provides a suitable mechanism to ensure balanced representation and consensus-building reflecting the views of all relevant stakeholders, including trade unions. The recent decision taken by the EC to exclude the ETSI, considered to be too driven by the private sector and non-European interests, from the standardisation request for artificial intelligence provides a warning here⁴¹. In other words, improving and uniformising access conditions to NSBs forms the backbone for the democratic legitimacy of European standards. This is of strategic relevance in the global competition to define broadly accepted standards. Implementing policies and recommendations in the field of access to standardisation should thus be considered by the European and national standardisation organisations an opportunity rather than a constraint on their independence and internal operating rules. This is a pre-requisite to ensure effective actions are taken and implemented.

41 See: <https://www.euractiv.com/section/digital/news/commission-leaves-european-standardisation-body-out-of-ai-standard-setting/>, accessed 12.12.2022.

9. REFERENCES

- ANEC (1999), *Consumer Participation in Standardisation, A review of the European arrangements for co-ordinating consumer representation*. Brussels.
- Bamberg, U. (2004) *Le rôle des syndicats allemands dans le processus de normalisation nationale et européen*. *Newsletter du BTS*. 24-25. 12-16.
- CEN-CENELEC (2022) *CEN-CENELEC Internal Regulations, Part 1: Organisation and Structure*.
- CEN-CENELEC (2022), *CEN-CENELEC Internal Regulations, Part 2: Common Rules for Standards Work*.
- CEN-CENELEC (2015), *CEN-CENELEC Guide 20 (withdrawn), Guide on membership criteria of CEN and CENELEC*.
- CEN-CENELEC (2021), *CEN-CENELEC Guide 22, Guide on the organisational structure and processes for the assessment of the membership criteria of CEN and CENELEC*
- De Vries, H. J. (1999) *Standardisation: A Business Approach to the Role of National Standardisation Organisations*, Boston: Kluwer Academic Publishers.
- De Vries, H. J., Willemse, H., & Dul, J. (2005) 'Balancing stakeholder representation: An example of stakeholder involvement in ergonomics standardization'. In W. Karwowski, *Handbook of Standards and Guidelines in Ergonomics and Human Factors* (p. 149-156). CRC Press.
- De Vries, H. J., Blind, K. Mangelsdorf A., Verheul J. and J. van der Swann (2009), *SME access to European standardization. Enabling small and medium-sized enterprises to achieve greater benefit from standards and from involvement in standardization*, Rotterdam School of Management, Erasmus University Rotterdam, the Netherlands.
- Egan, M. (2001) *Constructing a European Market. Standards, Regulation, and Governance*, Oxford: Oxford University Press.
- EIM Business & Policy Research (2009) *Access to standardisation. Study for the European Commission, Final report*, Zoetermeer, Netherlands
- European Commission (2022) *Standardisation package. Report from the Commission to the European Parliament and the Council on the implementation of the Regulation (EU) No 1025/2012 from 2016 to 2020*. Brussels, COM(2022) 30 final, 2.2.2022
- European Commission (2021) *Study on the implementation of the Regulation (EU) No. 1025/2012 (Article 24) : executive summary*, Publications Office.
- Graz, J.-C. (2019) *The Power of Standards*, Cambridge: Cambridge University Press.
- Graz, J.-C. and Hauert, C. (2019) 'Translating technical diplomacy: The participation of civil society organisations in international standardisation', *Global Society* 32(2): 163–183.
- Murphy, C. (1994) *International Organisation and Industrial Change. Global Governance since 1850*, Cambridge (MA): Polity Press.
- Schepel, H. (2005) *The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets*, Oxford: Hart Publishing.
- Tate, Jeffrey (2001) 'National Varieties of Standardization', in Hall, Peter and Soskice, David (eds.) *Varieties of Capitalism. The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press, 442–473.
- Yates, JoAnne and Murphy, Craig (2019) *Engineering Rules: Global Standard Setting since 1880*, Baltimore, MD: Johns Hopkins University Press.

WEBSITES :

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| ➤ www.austrian-standards.at | ➤ www.afnor.org | ➤ www.mccaa.org.mt | ➤ www.une.org |
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