



CEN and CENELEC's governance review in support of inclusiveness

Proposal of the Annex III organisations

December 2022

The European Strategy on Standardisation, published in February 2022, “calls on the European Standardisation Organisations (ESOs) to make proposals by the end of 2022 to modernise their governance to fully represent the public interest and interests of SMEs, civil society and users”.

European stakeholder organisations representing consumers, environmental interests, trade unions and SMEs in standardisation - respectively SBS, ETUC, ANEC and ECOS, collectively known as “the Annex III organisations” - have long been requesting the reinforcement and streamlining of inclusiveness in European, national and international standardisation in line with Regulation (EU) 1025/2012. It is crucial that CEN and CENELEC further modernise their governance, not as an end in itself, but in order to help ensure the effective participation of underrepresented stakeholders within the European Standardisation System as part of a system with balanced representation.

As recognised by the EU Standardisation Strategy, “More than ever, standards do not only have to deal with technical components, but also incorporate core EU democratic values and interests, as well as green and social principles.”. Moreover, Regulation 1025/2012 requires European and national standardisation bodies to encourage and facilitate an appropriate representation and effective participation of all relevant stakeholders, explicitly consumers, environmental, trade unions and SME stakeholders, and especially through their European stakeholder organisations (respectively ANEC, ECOS, ETUC and SBS). This is still necessary, as we can confirm that access alone does not guarantee the public interest being taken into account. Having “access” (that is, openness) is not the same as having “effective participation” (that is, inclusiveness). Participation needs not only to be simply possible and passively supported, but actively encouraged and effectively facilitated in line with Regulation 1025/2012.

Inclusiveness is a broad topic including structural changes to the standardisation system, governance and decision-making within ESOs, processes, interactions between the national, regional and international levels, etc. **This paper seeks to identify particular areas within CEN and CENELEC, where ANEC, ECOS, ETUC and SBS believe governance changes can and should be implemented.** Our experience working within the European Standardisation System (ESS) shows that, despite improvements in a few aspects in the last years, there is room for further progress. We are concerned that – despite **ten years** since the introduction of Regulation 1025/2012 - today's decision-making processes and operations within the European Standardisation Organisations (ESOs) still do not yet fully solve the issue of the uneven representation of interests.

As detailed below, the Annex III organisations are putting forward identified gaps and weaknesses, as well as proposed solutions for putting further necessary good governance practices in place within CEN and CENELEC, in short:

- For the National Delegation Principle to work at the service of ESOs and the ESS, **we need to get national standardisation right**. The lack of systematic and active facilitation of the participation of the constituencies of the Annex III organisations – ANEC, ECOS, ETUC and SBS - within NSBs has a knock-on effect on adequate representation, particularly in national, European, and international standardisation.
- The **conditions framing the interplay between European and international standards must be revisited**, and this is particularly urgent in cases where international standards are being adopted as European standards.
- **The rights of the Annex III organisations within CEN and CENELEC must be further reinforced** to ensure they not only 'have access', but that they can 'effectively participate' at national and European level. This reinforcement should be made visible through the creation of an 'Associate Membership' for each of the Annex III organisations – ANEC, ECOS, ETUC and SBS - underlining their distinction from other Partner Organisations - and similar to what ANEC and ECOS used to hold in CEN. Such a term may also help improve the recognition and understanding of Annex III organisations in ISO and IEC technical bodies.

Need for the systematic facilitation of Annex III member participation across NSBs at national level

Issue identified

To date, there is a lack of systematic facilitation of Annex III member participation and effective contribution in standardisation across National Standardisation Bodies (NSBs) at national level. The NSBs, the members of CEN and CENELEC, are an integral and fundamental part of the ESS, holding the voting rights in the CEN and CENELEC technical committees, designating experts to the European and international working groups and committees, and defining national positions. This results in an ecosystem of National, European and International Standardisation bodies which are all working together. A weakness at one level, has consequences for the other levels.

Barriers to access (participation fees, meeting locations or language) hinder representation of diverse interests in national (mirror) committees, when drafting standards, and in the national delegations sent to European and international Technical Committees.

As a consequence of the various barriers, few “non-business” origin or SME experts, are nominated by the NSBs to the European (and International) technical and strategic bodies.

Actions needed

Open up access to ANEC, ECOS, ETUC and SBS to contribute optimally and equitably to strengthen the voice of consumers, environmental interests, trade unions and SMEs in standards-making:

- Ensure **entry-conditions** across the CEN and CENELEC members for Annex III national constituencies are standardised and as barrier-free as possible e.g. :
 - Give access to standardisation activities without obliging NGOs, trade unions or SMEs and SME associations to become a member of the NSB. Access to standardisation

- activities should be free of charge or special rates should be provided in line with the financial capacity and resources of stakeholders;
 - Provide tools to be able to identify those work items (WI) and standardisation initiatives relevant to SMEs, trade unions, consumers and environmental interests. Some NSBs (e.g. DIN) are currently working on monitoring systems to allow searches for relevant WIs and initiatives based on key words. Such initiatives should be extended to other NSBs and could also be brought up to the European level. The identification of relevant ongoing work is a pre-condition to the effective participation of stakeholders.
- **Pro-active outreach to national stakeholders** for them to engage in standards-making (e.g. through making it a condition of the rules of the national standardisation body that interested parties related to ANEC, ECOS, ETUC and SBS at the national level, must be actively sought before the start of new work).
- **Access to normative references** has been one of the difficulties repeatedly expressed by ANEC, ECOS, ETUC and SBS members and experts, concerning their effective participation in technical work at the international, European and national levels. CEN and CENELEC adopted a decision to provide access to normative references to Annex III organisations in January 2022. Such a policy should also be extended at the national level to the national counterparts of the Annex III organisations.
- Considering NSBs undergo regular **assessment of compliance with membership requirements within CEN-CENELEC (MRMC)**, we request that:
 - Balanced stakeholder participation in the relevant national mirror committees is fairly assessed and reflected upon (e.g. in many NSBs, a headcount vote takes place – 1 vote – 1 participant, but ignores the size of the constituency the participant represents).
 - The assessment is done at the very least with the participation of interested stakeholders, and
 - Annex III organisations can participate in the MRMC.
- A proliferation of **national initiatives that support greater stakeholder participation** of the interested parties related to ANEC, ECOS, ETUC and SBS, in the development of standards at national level. Structures like KNU (Coordination network for German environmental NGOs, established in 1996, co-financed by the Federal Ministry for the Environment) and Skaradet (in Sweden) are useful examples to build on, improve, and export to other countries. Regarding SMEs there are specific Committees in Germany (KOMMIT) and in AFNOR that could serve as examples too. Turning to consumers, BSI and DIN have featured dedicated consumer councils and expert groupings for many years, while other national standardisation bodies have regular exchanges at the national level with consumer organisations and/or reserve a seat for a consumer representative in their governance structures. Also in Germany, the public authorities (BMAS) and social accident insurance (DGUV) provide means to KAN (Kommission Arbeitsschutz und Normung) to allow German trade unions to be actively involved in national, European and international standardisation.
- SMEs, trade unions, environmental interests and consumers rely more than many other stakeholders on associations to represent their interest in standardisation. Standardisation bodies should therefore be encouraged to work further with **SME, trade unions, consumer and environmental stakeholder associations** to ensure the representation of their needs in standardisation.
- **Hybrid meetings** to be offered to facilitate access and participation (and reduce carbon footprint), while seeking to ensure remote access results in effective participation;
- While translation of all working documents may not be feasible, at least **translations of basic documents** - such as drafts under Enquiry - should be encouraged to support the broader involvement of all relevant stakeholders, and explicitly consumers, trade unions, environmental and SME stakeholders. It is a win-win situation for the NSBs: they attract more expertise (which they want) and fill a democratic deficit in the standardisation system.

The conditions framing the interplay between European and international standards must be revisited

Issue identified

CEN and CENELEC, in the framework of Regulation 1025/2012 are required to take into account into the standards development, the voice of Annex III organisations. This requirement extends itself to European standards developed through International Standards Bodies (ISO and IEC), especially the ones requested by the European Commission to support European legislation and policies. To achieve that, ISO and IEC need to be made aware of these requirements and provide with means to support and facilitate the effective participation of ANEC, ECOS, ETUC and SBS.

Despite the legal obligation, Annex III organisations are not guaranteed participation or a seat in international technical committees where standards are developed. This is problematic because of the growing share of transposed international standards, in some sectors over 70% (caused by the principle of “primacy of international standards”), and particularly urgent in cases where international standards are taken up as European standards.

A review of the transposition of ISO/IEC standards into European and national standards is therefore necessary.

Actions needed

- As Regulation 1025/2012 requires the Annex III organisations (ANEC, ECOS, ETUC and SBS) to have effective participation in the development or revision of European standards in support of European policies and legislation – implicitly regardless of origin – for their **participation at the international level to be supported by CEN and CENELEC, and for access to be granted to IEC and ISO standards**, in particular in the case of (candidate) European harmonised standards.
- **Review Vienna and Frankfurt Agreements and their guidelines and implementation** documents to ensure facilitation of Annex III participation at the international level too.
This could be secured through a provision on the automatic inclusion of representatives of Annex III organisations at the international level when Work Items are developed under these agreements. Or, at the very minimum, by the systematic support from European NSBs to liaison requests put forward by Annex III organisations.
- Support from **the CEN-CENELEC members (i.e. European NSBs/NCs) in conveying the message on inclusiveness to ISO and IEC** members and central secretariats, including the need for more agile liaison application processes (in case of the absence of automatic inclusion of representatives of Annex III).
- When international standards are adopted as European (harmonised) standards, **the transposition process needs to be better controlled** allowing for more checks regarding conflicting – national and European – legislation/regulation and guaranteeing that the effective participation of all interested stakeholders, in particular of the Annex III organisations, was achieved in the development of those standards.
- Among actions to improve the HAS assessment 'compliant' rate that CEN and CENELEC are putting in place there is a **mandatory checklist for harmonised standards** that in principle seems to be helpful. However, the checklist is not mandatory for those standards initiated at international level, and this needs to be tackled in particular when those international standards are ultimately proposed as candidates for citation.

Further strengthen the rights of Annex III organisations in CEN and CENELEC

Issue identified

There is a need to further strengthen the rights of Annex III organisations in CEN and CENELEC to ensure they not only have access, but can effectively participate. Noting Regulation 1025/2012: “European standardisation organisations shall encourage and facilitate an appropriate representation and effective participation of all relevant stakeholders”.

Actions needed

Ensure the rights of the Annex III organisations are significantly differentiated from the rights of another ‘Partner Organisation’ (Guide 25). **The role Annex III organisations play in European standards-making is unique** and justified by their representation of key interest groups who would otherwise be under-represented in standards-making:

- This reinforcement should be made visible through the **creation of an ‘Associate Membership’** for Annex III organisations – underlining their distinction from other Partner Organisations - and similar to what ANEC and ECOS used to hold in CEN. Such a term may also help improve the recognition and understanding of Annex III organisations in ISO and IEC technical bodies.
- **Broadening the right of appeal for Annex III organisations** also to work to which they have not contributed. SMEs, trade unions, consumers and environmental stakeholders have limited resources and cannot always identify relevant standardisation work at an early stage. This would be a last resort measure, to be used in case a standard would pose significant risks to any of the interests represented by the Annex III organisation.
- Extend the **right of opinion to all Annex III organisations, namely SBS**. Contrary to ANEC, ECOS and ETUC, SBS does not have the right of opinion within CEN and CENELEC.
- **Opinions, appeals and sustained objections are duly noted and considered** by CEN and CENELEC and communicated asap to the European Commission, in particular, in the case of harmonised standards.
- Grant Annex III organisations the right to hold a **TC Secretariat or TC Chairpersonship**.
- Develop a CEN-CLC Guide on ‘Environmental interests and the preparation of European Standards’ similar to Guide 2 Consumers, Guide 5 Trade unions and Guide 17 on SMEs. The existing Guide 33 or CEN Guide 4 are about environmental aspects and impacts of testing, not about representation. And review the outdated Guides 2 and 5. All these guides should also be further promoted among Technical Committees, Secretariats, Chairpersons and Convenors.

Reinforce standardisation processes

Issue identified

Some of the existing steps and procedures within the standards-drafting process are not yet fit-for-purpose to ensure effective access to draft national standards to all relevant parties including a procedure for publicly open enquiry (Reg. 1025/2012, Art 3), or to ensure access to the published deliverables (Reg. 1025/2012, Art 3).

Actions needed

- **Pro-active outreach to national stakeholders** when draft standardisation deliverables undergo public enquiry or formal vote (instead of passive announcement on national websites)
- Make the “public enquiries” really public and allow the public to defend their comments in the (closed) national mirror committees, so that they can effectively be incorporated in the final national position

- Provide **Annex III organisations and representatives of SMEs, trade unions, environmental interests and consumers in the national committees access to normative references, including to ISO and IEC reference documents** relevant to the European standards being developed. It is difficult to effectively contribute to the work if those participating in its development are not able to access all relevant information and standards being referenced
- Provide **free access to draft standards**. Make available free of charge on NSBs' website abstracts of standards. And at least allow the possibility to have an easy, user-friendly and free view of the standard to check it is the right one for ANEC, ECOS, ETUC and SBS members and experts to make an informed decision on whether it is the relevant standard for their area of work and/or if they should get involved in the work.
- Similar to DIN 820-1:2022-12, chapter 7.2, ensure the CEN and CENELEC Internal Regulations define the domains where standardisation work should not take place (e.g. ethical or religious values and related aspects, fundamental human rights, or social rights and values and related aspects in the exclusive competences of social partners according to the TFEU 151 and elsewhere.)

Communicate progress on inclusiveness

Issue identified

Lack of clarity about progress on achieving objectives on inclusiveness, especially at national level. First-hand reports and regular exchanges between CEN and CENELEC and Annex III organisations on inclusiveness challenges and opportunities not only at the European level but also at the national level would be beneficial.

Action needed

- Periodic report by CEN-CENELEC in general, and NSBs in particular, on progress made to EC but also to Annex III organisations. This could form part of an enhanced Article 24 report.

Secure budgets for actions on national inclusiveness

Issue identified

Lack of dedicated budgets for actions on national inclusiveness.

Action needed

- Dedicated budgets for actions (for example through projects) on national inclusiveness in close cooperation and with the agreement of Annex III organisations and their national counterparts.. This could finance initiatives such as, communications material, events, participation of SME, trade unions and societal stakeholder experts in standardisation and training etc.

Raise awareness and ensure implementation of the role of Annex III

Issue identified

Within some standardisation groups there is still lack of awareness on the role & rights of Annex III organisations, and even the requirements of the CEN and CENELEC Internal Regulations.

It is important to stress in awareness-raising that the Annex III organisations (ANEC – ECOS – ETUC – and SBS) each represent a distinct constituency and as such must be differentiated. Hence one cannot be chosen to represent one or more of the others in policy or technical work.

Actions needed

- Training, awareness raising and proper monitoring of implementation within NSBs, ESOs and ISOs about the role and added value of Annex III organisations.
- Mandatory training and periodic re-certification of CEN-CENELEC TC officers to a common curriculum.



About ANEC: [ANEC](http://www.anec.eu) is the European consumer voice in standardisation, defending the collective consumer interests in the processes of technical standardisation, conformity assessment, accreditation and market surveillance as well as related legislation and public policies. www.anec.eu



About ECOS: [ECOS - Environmental Coalition on Standards](http://www.ecostandard.org) is an international NGO with a network of members and experts advocating for environmentally friendly technical standards, policies and laws. We ensure the environmental voice is heard when they are developed and drive change by providing expertise to policymakers and industry players, leading to the implementation of strong environmental principles. **Contact:** info@ecostandard.org



About ETUC: The [ETUC](http://standards@etuc.org) is the voice of workers and represents 45 million members from 93 trade union organisations in 41 European countries, plus 10 European Trade Union Federations. **Contact:** standards@etuc.org



About SBS: [Small Business Standards \(SBS\)](http://info@sbs-sme.eu) is the European association representing and supporting SMEs in the standardisation process at the European and international levels. The association, co-financed by the European Commission and the EFTA Member States, represents the interests of 14 million SMEs across Europe through 21 SME member organisations. **Contact:** info@sbs-sme.eu