

KAN position paper on the governing of occupational safety and health aspects in DIN SPECs, VDE SPECs, VDE rules of application, CWAs and IWAs

8 December 2022

1 Background to KAN's position

Annex 4 of the 1995 WTO TBT Agreement¹ governing the preparation, adoption and application of standards forms a significant basis for the rules governing the development of standards, technical specifications (TSs) and technical reports (TRs). Standardization work should therefore be conducted in observance of this annex. The rules have been set out at international level in the ISO/IEC directives² and adopted at European level by CEN/CENELEC³ and the national standards organizations such as DIN/DKE⁴, which have also amplified them.

Rules governing the following aspects lend significant legitimacy to the standardization work:

- The composition of the committees responsible for the work
- The means by which stakeholders can participate in the standardization work
- The authorizing procedures by which the final working documents are released for publication

Where European and international standardization work is concerned, the rules also include the principle of national delegation.

Documents that are not subject to all the above rules, however, may be drawn up and published more rapidly by national, European or international standards organizations. This may be useful where a need exists for technological changes in fast-moving industries such as the IT sector to be addressed appropriately, or research results standardized swiftly and trialled in the field. However, this solution is not appropriate for documents of relevance to occupational safety and health⁵; such documents should be drawn up and adopted by committees subject to the full rules for standardization work, as described above.

¹ Committee on Technical Barriers to Trade. Second triennial review of the operation and implementation of the agreement on technical barriers to trade. G/TBT/9, 13 November 2000. Annex 4 pp. 24-26;

https://docs.wto.org/dol2fe/Pages/FE_Search/ExportFile.aspx?id=4879&filename=Q/G/TBT/9.pdf

² www.iso.org/directives-and-policies.html

³ <https://boss.cen.eu/reference-material/refdocs/pages>

⁴ www.din.de/de/ueber-normen-und-standards/din-norm/regeln-der-normung-187188

⁵ According to the resolution adopted at the 1/2015 meeting of KAN, requirements are relevant to occupational safety and health when they may have a direct or indirect influence on:

- the prevention of accidents at work, or
- the prevention of work-related health hazards or occupational diseases, or
- the humane design of work.

2 Documents to which essential parts of the rules for standardization do not apply

2.1 DIN SPECS

- Under DIN's mechanisms, DIN SPECS⁶ are specifications drawn up in accordance with the PAS procedure⁷. PAS stands for "publicly available specification".
- Anyone may submit an application for development of a DIN SPEC.
- DIN conducts an internal review to determine whether the planned scope of the project conflicts with standards and standardization documents already in existence. Applications concerning issues such as personal safety and the safeguarding of health are subjected to particular scrutiny.
- Should DIN agree to the application and approve the business plan internally, the latter is posted on the website for public comment.
- Consortia created specifically for the purpose then draw up the documents. Three members from different organizations suffice for formation of a consortium. The organizations need not represent different stakeholders.
- Following their completion, the documents are available free of charge through the website of Beuth Verlag⁸.
- DIN SPECS are reviewed systematically three years after publication. For this purpose, DIN consults the original consortium. The consortium decides whether the DIN SPEC is to be reaffirmed for a further three years, revised, transposed to a different form of publication (such as a technical specification or standard) or withdrawn. Should the original consortium no longer be reachable or should it fail to comment, DIN reaches a decision itself. After six years, reaffirmation of the DIN SPEC unamended is no longer possible.

2.2 VDE SPEC

- VDE SPECS⁹ are comparable to DIN SPECS and can be launched in the field of electrical, electronic and information technology.
- Anyone may apply for development of a VDE SPEC.
- Should the application be accepted, the VDE project management office drafts a business plan in conjunction with the applicant. The VDE first conducts an internal review to determine whether the project conflicts with legislation and

⁶ www.din.de/en/innovation-and-research/din-spec-en

⁷ www.din.de/resource/blob/333450/8a6836bf777c84c2f45c729fb8408d40/prozessbeschreibung-data.pdf

⁸ www.beuth.de/de/regelwerke/din-spec-pas/din-spec-pas-standards

⁹ www.vde.com/en/working-areas/standards/spec

regulations or binding parts of harmonized standards. Sub-clause 5.1 of VDE SPEC 90000 V1.0 (2020-06)¹⁰ describing the procedure further states that an application is to be rejected if, in particular, the document is intended to specify aspects of occupational safety, health, environmental protection and fire safety or legally regulated aspects of building law.

- The business plans are approved internally and then posted on the website for public comment.
- Following the business plan comments phase, a project group develops the VDE SPEC. Participation in this project group is open to any interested person. In the interests of the VDE SPEC's desired agility, however, a balanced composition as required for conventional standardization work is not a requirement for the project group.
- The final documents are available free of charge through the DKE website¹¹.
- VDE SPECs are reviewed no later than two years after their completion. The original project group decides whether the VDE SPEC is to be reaffirmed, revised and republished, transposed to a different form of publication (such as a technical specification or a standard) or withdrawn without replacement.

2.3 VDE rules of application

- VDE rules of application¹² are intended as recommended good practice describing the state of the art and a minimum level of safety. At the same time, they are to pave the way for European and international standardization activity. They become available more quickly than an equivalent standard.
- Anyone may apply to the VDE for development of a rule of application. The VDE responds to the application by first checking whether a need for the rule of application exists.
- VDE rules of application are developed by DKE working groups or other VDE committees. They may also be an outcome of the adoption of work results published by institutions outside the VDE.
- Where a document originally launched as a rule of application is not prepared in accordance with the criteria of the VDE's body of rules and regulations (VDE 0022), it can be published only as a VDE SPEC or DIN SPEC.
- When VDE rules of application are drawn up in the same way as VDE specifications in accordance with the requirements of the VDE body of regulations

¹⁰ www.vde.com/resource/blob/1970554/134b2b45b8126637f24e91530237344a/vde-spec-verfahrensbeschreibung---download-data.pdf

¹¹ www.vde.com/en/working-areas/standards/spec/vde-spec-publications

¹² www.dke.de/de/normen-standards/produkte/anwendungsregeln

(VDE 0022) (i.e. in particular with participation of the stakeholders, publication of a draft, public enquiry procedure and, if appropriate, arbitration and conciliation procedure), and no reservations are expressed regarding their content, they can, like VDE specifications, acquire the status of generally acknowledged good practice.

- For this purpose, the DKE first prepares a manuscript. Depending on the wishes of the relevant working group, this involves:
 - either the procedure being transferred to the DKE's usual standardization process, including a public enquiry, or
 - at least one DKE standards committee assuming the task of commenting on the VDE rule of application and authorizing its publication once the comments have been resolved.
- The rule of application can then be published and sold through the VDE website¹³.
- A rule of application must be reviewed no later than five years following its publication.

2.4 CWA

- CEN and/or CENELEC Workshop Agreements (CWAs) are developed in a temporary workshop set up in accordance with CEN-CENELEC Guide 29¹⁴. Further specifications governing CWAs can be found in Annex A.2 of Part 2 of the CEN-CENELEC Internal Regulations¹⁵. CWAs reflect only the consensus between individuals and organizations registered for the workshop. They alone are responsible for its content. *National* normative documents at variance with the CWA are permitted to remain in force.
- A party wishing to launch a CEN/CENELEC workshop must find a national CEN/CENELEC member willing to act as its secretariat, and must submit a concept for the workshop. With the support of the CEN/CENELEC workshop's secretariat, the proposer completes a form and drafts a project plan. The draft project plan is to include an outline of how a wider range of stakeholders can be involved during development of the CWA.
- A website¹⁶ provides information on workshops constituted in this way.
- In addition, the workshop proposer(s) and the CEN/CENELEC secretariat are expressly called upon to reach out to potential stakeholders during this phase.

¹³ www.vde-verlag.de/normen/anwendungsregeln

¹⁴ www.cencenelec.eu/media/Guides/CEN-CLC/cenclguide29.pdf

¹⁵ https://boss.cenelec.eu/media/BOSS%20CENELEC/ref/ir2_e.pdf

¹⁶ www.cencenelec.eu/news-and-events/news/?News+types%5B%5D=4484&tags%5B%5D=&page=1

Stakeholders are then involved directly (rather than through a national delegation). Experts not only from Europe but from all over the world are able to participate in such a workshop and vote on the CWA.

- The workshop chair determines when participants have reached agreement on the final wording of the CWA and when the CWA is adopted.
- Annex A.2 of the CEN-CENELEC Internal Regulations prohibits safety-related requirements being made the subject of a CENELEC Workshop Agreement. No comparable arrangement exists for *CEN*; a CEN CWA may therefore contain requirements concerning safety and thus occupational safety and health. In such cases, CEN-CENELEC Guide 29 requires an application to be submitted to the CEN Technical Board (a steering committee). The Technical Board determines whether the document may be drafted even though it addresses safety aspects. Such CWAs must be subjected to a public enquiry phase.
- No later than three years following its publication, the CWA is reviewed and a decision taken whether it is to be reaffirmed for a further three years, revised or withdrawn. Six years following its publication, the CWA is either transposed into a different form of publication or withdrawn without replacement.

2.5 IWA

- An International Workshop Agreement (IWA) is an ISO document produced by a workshop rather than by ISO Technical Committees (for details, see Annex SI to Part 1 of the ISO/IEC Directives¹⁷).
- Anyone is free to propose an IWA on any topic by contacting ISO/CS (Central Secretariat). ISO/CS forwards the proposal to ISO/TMB (Technical Management Board) for approval.
- If the proposal is accepted, ISO/TMB initiates consultations with member organizations to identify a candidate willing to serve as an organizer and support the applicant.
- The format and content of an IWA and its drafting process are determined largely by the proposers. The purpose of an IWA may also be for ISO, as an international organization of high repute, to give visibility to professional practices or reference documents; to build relationships within a profession or sector; to gain global visibility through ISO members' sales networks; or to develop a forum exclusively for members, for example for communication through a dedicated website.

¹⁷ www.iso.org/sites/directives/current/consolidated/index.xhtml#_idTextAnchor616

- IWAs on the same topic and in competition with each other are permissible. The technical content of an IWA may compete with the technical content of an existing ISO or IEC document or the proposed content of an ISO or IEC document under development. Conflict of this kind is permissible only where explicitly authorized by ISO/TMB.
- Information on the planned IWA is made available to all ISO member organizations to enable them to inform potentially interested parties of the proposal.
- Any individual or organization may participate directly – i.e. not through a national delegation – in an IWA's development. The workshop secretariat, chair, and proposer(s) should strive to ensure that as broad and balanced a range of interests as possible is represented in each workshop.
- The chair is to ensure that the widest possible consensus is reached. To this end, workshop meetings are also to be repeated until the chair believes that the best possible consensus has been reached.
- ISO/CS distributes the resulting document to the ISO member organizations, which in turn may disseminate it at their discretion. IWAs are also published and sold through the ISO website¹⁸.
- Three years after its publication, a review must be performed to determine whether an IWA is to be reaffirmed for a further three years, withdrawn or transposed into a different form of document (ISO standard, ISO/TS or ISO PAS). Six years after its publication, it is either transposed into such an ISO document or withdrawn without replacement.

¹⁸ www.iso.org/store.html

3 KAN's position

To accelerate the development process in the interests of technological progress, the essential principles of standardization do not apply in full to the development of DIN SPECs, VDE SPECs, VDE rules of application, CWAs and IWAs. These principles include specifications regarding the composition of the responsible committees, participation by stakeholders (including the principle of national delegation at European and international level) and the authorizing processes by which working documents are approved for publication.

In contrast, standardization committees developing standards, technical specifications (DIN/TSs, CEN/TSs, ISO/TSs) and technical reports (DIN/TRs, CEN/TRs, ISO/TRs) must satisfy the requirements of the ISO/IEC Directives or the formal mechanisms of CEN/CENELEC or DIN 820. KAN's position is therefore as follows:

1. Where justification exists for OSH-related requirements or recommendations to be set out in documents¹⁹, fully-fledged standards should therefore be used for this purpose wherever possible. Moreover, where a need exists for documents of this kind to be developed swiftly, the TS is the document of choice. Equally, purely informative content relevant to occupational safety and health can be published swiftly by means of TRs.
2. DIN empowers the KAN Secretariat to review proposals for DIN SPEC projects at a very early stage to determine whether they might impact upon occupational safety and health issues. Should the review by the KAN Secretariat conclude that occupational safety and health issues might be affected, DIN should, if necessary in conjunction with the KAN Secretariat, communicate this to the proposers at an early stage and implement one of the following solutions:
 - The proposers and DIN – with the support of the KAN Secretariat if necessary – reformulate the business plan for the DIN SPEC so as to avoid OSH issues being impacted, since this is in any case not the primary objective of the proposal.
 - The proposers' intention is to regulate occupational safety and health issues in a DIN project:

¹⁹ Policy paper on the role of standardization in the safety and health of workers at work (in German):
www.kan.de/fileadmin/Redaktion/Dokumente/Basisdokumente/en/Deu/2021-02_Grundsatzpapier-Update-en.pdf

- Where feasible, such activity takes place in a normal standards committee with the objective of developing a standard, a DIN/TS or a DIN/TR.
 - Where not feasible:
 - DIN SPEC projects which the DIN Executive Board has also classified as being directly relevant to occupational safety and health can be launched only with KAN's agreement;
 - an expert from the stakeholders represented in KAN may participate at no cost as an observer in DIN SPEC projects of indirect relevance to safety/occupational safety and health.
3. The procedural rules for *CENELEC* Workshop Agreements already specify that they must not address safety aspects. In KAN's view, however, *CEN* Workshop Agreements and IWAs are also not suitable for regulating occupational safety and health and other safety aspects, for the reasons stated above.
4. The rules governing VDE rules of application should clarify that the latter cover safety concerns only if they satisfy the provisions for a DIN/TS (such as participation of the stakeholders and approval by a DKE committee).

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