KAN Brief
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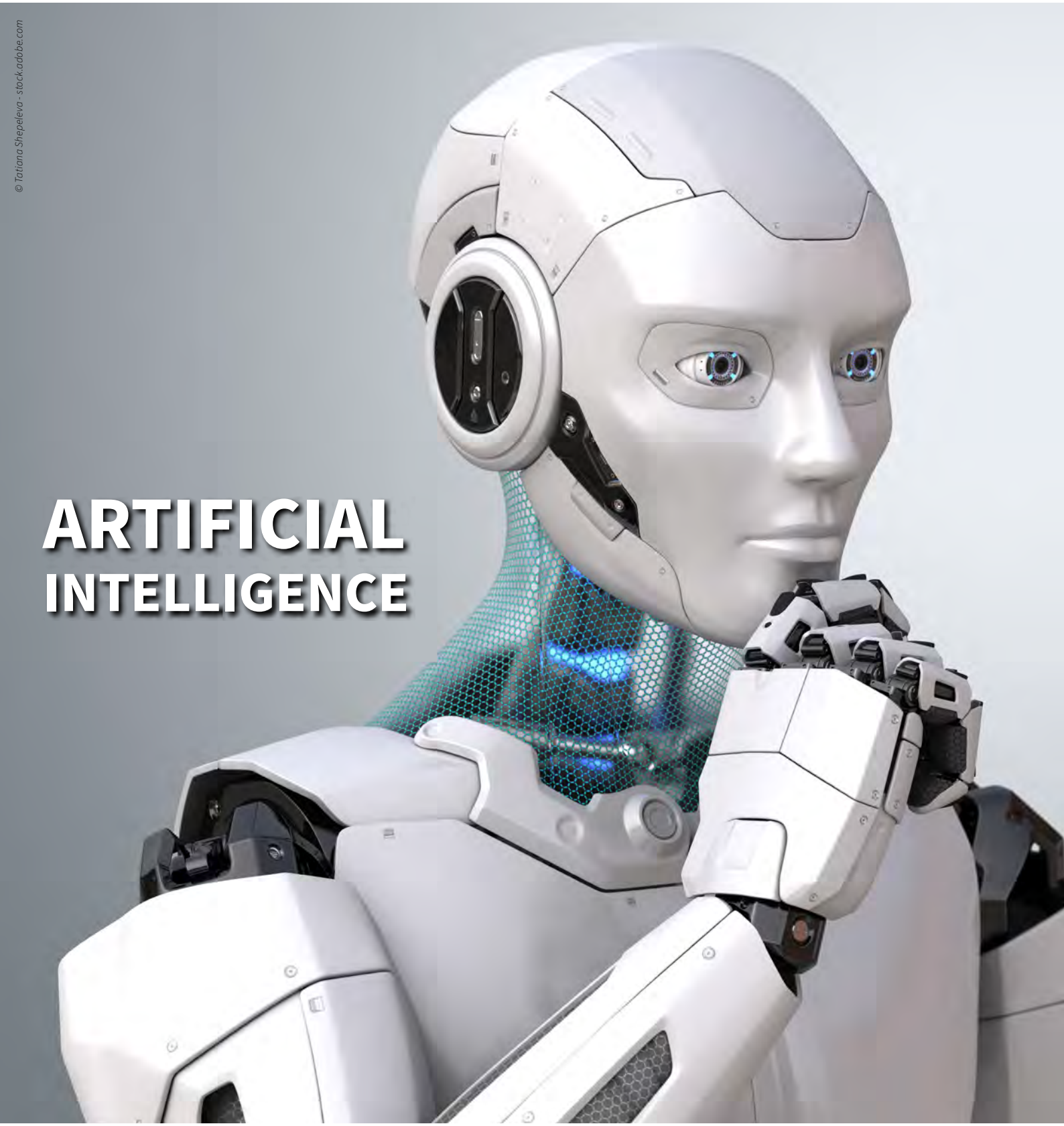
Kommission Arbeitsschutz und Normung



ARTIFICIAL INTELLIGENCE

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KAN – Kommission Arbeitsschutz und Normung

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Crucial to the success of AI: occupational safety and health and standardization

The recent debate on „artificial intelligence" (AI) has been heated. The hype has now largely given way to sobriety, which the OSH community – with its expertise – is able to exploit. The countless national and European papers on the subject have been followed by the EU's legislative process, which gained momentum in April 2021 with the Commission's proposal for a Regulation on artificial intelligence. KAN is monitoring this process closely, engaging in discussion at the interface between occupational safety and health and standardization and making an active contribution to it.

Despite the different interests and priorities of the stakeholders, the discussion also reveals common concerns, which are being raised in the first instance by the social partners, but also by the consumer protection lobby: namely that the desired acceptance of AI and confidence and legal certainty in its application and use will be attained only if these aspects are regulated coherently and organized with the stakeholders' participation. Standardization has an important function in this respect and will be crucial to adding substance to the forthcoming legislation. It is therefore all the more important for the latter to have a sound framework.

The occupational safety and health community has a crucial role to play here. New forms of human-machine interaction; issues raised by safety assessments of work equipment that, increasingly, is intrinsically dynamic; mental stresses and questions of fairness: not for a long time has the human-centric design of work been the subject of such vigorous discussion. This discussion is more than warranted in light of the numbers of working people affected – whether on production lines or at their desks. **«**

Artificial intelligence is now permeating all areas of life and work

The German government is seeking to exploit AI „for the benefit of all". Occupational safety and health is one of the areas impacted by this technology.

Artificial intelligence (AI) is viewed as a key technology of the digital age. As yet however, experts have failed to agree upon a universally valid definition of AI. Some consider it a sub-sector of information technology dealing with automated analysis of large volumes of data (big data), machine learning and, by extension, the „intelligent" behaviour of machines such as robots. Others also group systems that are less complex or not data-driven under the heading of AI. Whatever the definition, the expectations are high: AI systems such as self-driving cars are expected to have perceptive sensors and communicate with their surroundings, and take decisions for human beings.

Many experts consider the possible applications of AI to be virtually unlimited. As a result, the technology has been hyped in recent years, even though it has been under development for decades and has already experienced lean spells („AI winters") characterized by sharp declines in research funding. Achim Berg, president of Bitkom, the German IT industry association, nevertheless considers AI to be a turning-point for industry and society as a whole. His view is that „we must harness the wide range of opportunities offered by AI for all areas of life – whether in medicine, mobility or education", since practical application of the algorithm-driven technology is lagging.

Even so: governments are treating the technology as being of crucial importance, and a race for global leadership has begun. Since publication of the US government's AI strategy in 2016, if not before, other countries have followed suit in seeking ways not only of promoting research and development, but also of commercializing the technology and catching up with the „AI world powers", namely the USA and China.

The German government published a paper describing the key points of its AI Strategy[1] in July 2018. In this paper, it noted that „over the past few years, artificial intelligence has matured considerably and is becoming the driver of digitalisation and autonomous systems in all areas of life."

The German cabinet adopted its national Artificial Intelligence Strategy at the end of 2018 and updated it comprehensively in 2020[2]. The strategy describes various ways by which „AI made in Germany" can be made world class and established as a globally recognized quality mark. As stated in the strategy, the issue is that of individuals' freedom, autonomy, rights to control their own data and make their own decisions; and about hopes, fears, opportunities and expectations. At the same time, however, it is about new markets for German companies, global competition, and Germany's future as an industrial location.

The German government is thus seeking to facilitate „responsible development and use of AI which serves the good of society". Three billion euros is to be made available for this purpose up until the end of 2025. The plan foresees swift and sustainable investment, both public and private, in applications. Whether in medical and environmental technology, manufacturing, service industries, at the workplace or in the form of smartphone apps, AI has the potential to make everyone's lives more innovative, smarter and more personalized.

The German government has set itself the goal of making „comprehensive use of the innovations triggered by the technology for the benefit of society at large". Increasing interaction between human beings and machines/computers requires the highest safety standards to be observed, and hardware and software manufacturers to incorporate these standards directly into their products. The government regards confidence in the technology as being dependent upon AI being explainable and transparent.

In the future, AI will play a significant role in more and more areas of our lives. That is the conclusion drawn in 2020 by a study commission convened by the German parliament[3]. AI functions stated as examples in the commission's final report include recognizing speech commands, filtering out spam e-mails, recognizing images, sorting search results, correcting spelling errors and suggesting products. AI systems translate texts and play Go or chess, and they have been beating human beings at the latter for some time now. The technology is used to control vacuum cleaner robots, advanced driver assistance systems and entire manufacturing plants. It increasingly helps doctors to diagnose medical conditions and select the best treatment for the individual patient.

AI in the world of work

One chapter of the report is dedicated to the world of work. The report states that AI creates new opportunities for employees: dangerous, strenuous and repetitive work could be reduced and AI systems could support people in solving complex tasks. According to the report, however, a fine line exists between supporting people in their activities and restricting their freedom to make decisions themselves.

The study commission remains guarded on whether, as is widely discussed in the media, the use of AI systems endangers jobs. There is a dearth of reliable research results on this subject. The report concludes that past phases of automation did not result in large net decreases in employment, owing to the compensating effects of growth. New uses of AI however are now also affecting areas of cognitively demanding work that in the past proved relatively resistant to automation. AI could therefore contribute to resolving the shortage of skilled labour. It is conceivable that job quality will be enhanced and that the automated activities are in any case those presenting difficulties for human labour or giving rise to adverse working conditions. It is also possible, however, that a disparity could arise on the labour market if certain jobs are eliminated but skilled workers are not available in sufficient numbers for the new jobs being created in the field of AI.

The report concludes that the use of self-learning machines also has an impact upon the protection of individuals' rights to control their own data, the organization of co-determination, transparency and cultures of trust. Users of AI on both the employers' and employees' sides, and among their associations and trade unions, should therefore – in accordance with the principle of good work by design – be able to contribute effectively to defining the goals and configuration of AI systems, just as they contribute to their evaluation and operation and to further development of the social and technical conditions under which such systems are used. The commission calls for easy access to further training and advice on extending the AI expertise of those concerned. Ultimately, people will have to take decisions, for example regarding personnel, an area that is increasingly being partly or fully automated by AI-based systems.

In 2021, the European Commission presented a draft regulation governing artificial intelligence, incorporating the various national AI strategies of the EU Member States. The document makes provision for rules of conduct, minimum standards and prohibitions for four risk levels, with the intention of ensuring user safety and increasing confidence in the development and diffusion of AI. The Commission's aim here is to turn Europe „into the global hub for trustworthy Artificial Intelligence (AI)".

The planned EU regulation governing artificial intelligence sets the course for the safe use of AI systems. Standardization has an important role to play here. You can find KAN's position on the draft regulation and its submission from an occupational safety and health perspective in the article on Page 21 and at **www.kan.de/en/what-we-do/artificial-intelligence.**

Stefan Krempl (freelance journalist)

[1] www.bmwk.de/Redaktion/EN/Downloads/E/key-points-for-federal-government-strategy-on-artificial-intelligence.pdf
[2] www.ki-strategie-deutschland.de/files/downloads/Fortschreibung_KI-Strategie_engl.pdf
[3] https://dserver.bundestag.de/btd/19/237/1923700.pdf (in German)

KAN position paper on the EU draft regulation on artificial intelligence

A new legal framework is intended to make the Single Market a model of trustworthy and innovative artificial intelligence (AI) and enhance the EU's competitiveness internationally. KAN has formulated a position paper on the proposed regulation from the perspective of the occupational safety and health lobby.

On 21 April 2021, the European Commission published a proposal for a regulation laying down harmonized rules on artificial intelligence[1]. The regulation's purpose is to leverage economic potential and ensure that AI is geared to human beings. A further aim is to create legal certainty on what methods and concepts are deemed to constitute artificial intelligence. Trade barriers arising from discrepancies between national regulations are to be avoided, and space and competition for innovation are to be created without prejudice to European fundamental rights.

AI and highly automated applications are among the key developments of our time. Increasingly, they also affect the area of safety. Besides all the opportunities and possibilities it offers, however, AI also gives rise to risks. Its impact on work processes presents challenges for safety, ergonomics, the human psyche and social policy. Changes in skills requirements and work processes, the emergence of new vocations and issues of ethics, data protection and discrimination are among the reasons why AI is growing in significance in occupational safety and health circles. Risk assessment also presents a particular challenge: the capabilities and limitations of complex high-risk AI systems will almost certainly lie beyond the comprehension of human beings tasked with supervising them.

The Commission's proposal ascribes a key role to standardization (based on the New Legislative Framework[2]) in application of the regulation. The first German Standardization Roadmap AI[3], now being revised by DIN, also emphasizes that requirements concerning AI systems such as transparency, robustness and reliability must be specified at the technical level by harmonized European standards, confidence in AI enhanced and innovations promoted.

It is in KAN's interests for the regulation to set out suitable and coherent legal requirements and give rise to corresponding standardization mandates. Standards are to be used as a tool for identifying and reducing risks. As the voice of the German occupational safety and health lobby, KAN published its position paper[4] on the proposal for an EU regulation on artificial intelligence on 1 March 2022. This paper is the result of two exploratory discussions between the German Federal Government, the regional governments, the social partners and the accident insurance institutions.

KAN is of the opinion that the following points in particular require clarification:

- Legal basis of the regulation: the proposal contains obligations directly addressed at the persons, businesses and establishments applying AI systems. It formulates, for example, monitoring and information obligations regarding the use of high-risk systems, particularly in Article 29. It is to be clarified to what extent the legal basis of the regulation is sufficient for such obligations, which also include the systems' operation, and what consequences this has for the users.
- Review of other Single Market legislation with respect to its interfaces with AI: must legislation such as the Low-voltage Directive be amended to take account of the application of AI, in order to ensure a uniform body of legislation?
- Requirements concerning high-risk AI systems: the position paper proposes detailed requirements concerning high-risk systems, for example with respect to supervision by human beings. The mode of operation of more complex AI systems will almost certainly lie beyond the comprehension of persons supervising them. These persons should instead be made aware of the capabilities and limitations of these high-risk systems.

The proposed regulation is currently being negotiated in the responsible committees of the European Parliament. Particular topics of discussion are the definition of AI upon which the regulation is based and the question of what legal arrangement is suitable for the complex subject of regulation to be appropriately addressed. The plenary vote is expected towards the end of the year. In line with the ordinary legislative procedure, negotiations between the Member States have also begun in the Council. Owing in particular to the interwoven ethical, legal, socio-political, technological and economic aspects, it remains unclear when conclusion of the negotiations on the AI Regulation will be possible.

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1 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0206
2 https://ec.europa.eu/growth/single-market/goods/new-legislative-framework_en
3 www.din.de/en/innovation-and-research/artificial-intelligence/ai-roadmap
4 www.kan.de/fileadmin/Redaktion/Dokumente/Basisdokumente/en/Deu/2022-03-01_KAN-Feedback_AI.pdf

Artificial intelligence in the context of functional safety

ISO and IEC are currently working on a technical report that for the first time will lay down principles for development and scrutiny of AI-based functions relevant to safety.

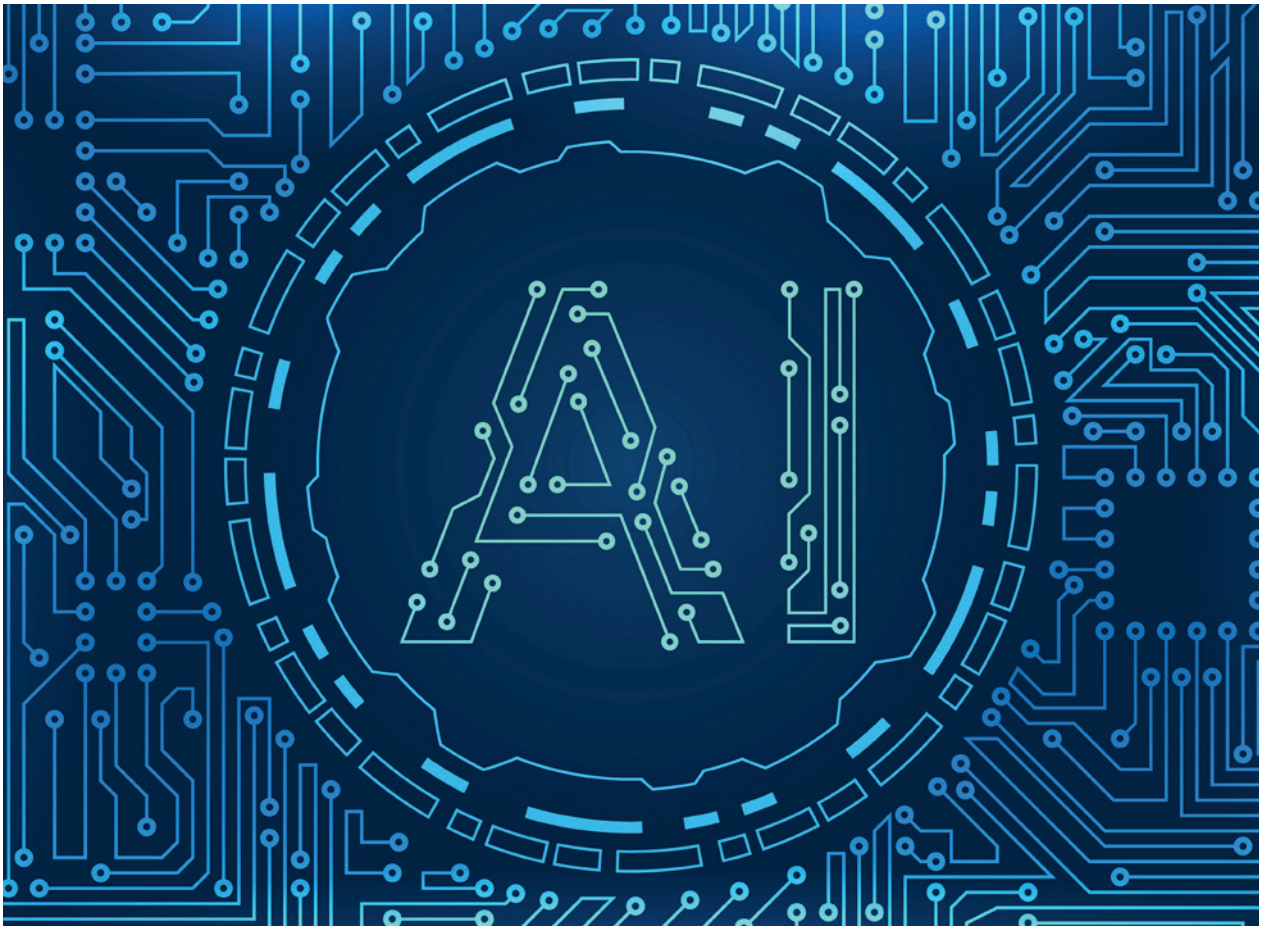
Artificial intelligence (AI) is currently the subject of particular attention, since it is regarded as a key technology of the future and already underpins numerous technical innovations.

The importance of this technology has also been recognized by the European Commission, which presented the first draft of a new regulation on the use of artificial intelligence[1] in April 2021. As soon as this regulation enters into force, a major need will exist for the requirements set out in it to be supported by international standards.

In the area of functional safety, artificial intelligence has not yet been addressed adequately, if at all. For example, the generic functional safety standard IEC 61508[2] contains no usable information on addressing artificial intelligence in the context of functional safety. Nor is provision made for this aspect to be considered in the content of the standard during its current revision.

TR 5469: a bridge between artificial intelligence and safety

One approach to eliminating this deficit is currently being developed by the ISO/IEC JTC 1 SC 42 WG3 working group in conjunction with experts in the IEC SC65A working group responsible for IEC 61508. These parties are jointly developing the ISO/IEC TR 5469 Technical Report, Artificial intelligence – Functional safety and AI systems. Plans have already been made for the Technical Report to serve as a basis for further normative documents such as technical specifications, as a result of which this document acquires great importance. Publication is currently expected in mid-2022.



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The goal of the Technical Report is to promote awareness for the characteristics, safety risk factors, available methods and potential limitations of artificial intelligence. Developers of systems relevant to safety are thus to be equipped to make appropriate use of artificial intelligence in safety functions. Furthermore, the document aims to provide information on challenges and concepts for solutions in the context of the safety of systems employing artificial intelligence.

To this end, Section 5 of TR 5469 provides an initial overview of the relationships between functional safety and artificial intelligence technologies. Section 6 then attempts to provide a qualitative overview of different safety risk levels of AI systems. Assessment of these levels is based upon a combination of AI technology classes and various usage levels.

Usage levels differ according to their possible influence upon the safety function. For example, systems in which artificial intelligence is used within a safety function are viewed as being highly critical, the use of artificial intelligence in the course of development of a safety function less so. No consideration is given in this context however to the actual risk emanating from the system as a whole and its application.

Moreover, classification of the second criterion for evaluation, the **AI technology class**, is based solely on compliance with existing or future functional safety standards. Opinions on this criterion differ, since the failure as yet of current functional safety standards to address artificial intelligence is itself the topic of this Technical Report. Assignment to different AI technology classes is not based on the particular features of the technology concerned; in fact, these features play no role whatsoever in this instance.

In this context, Section 8 could serve as a more effective tool for assessing different AI technology classes and the risks to which they give rise. It addresses not only the topic of safe and trustworthy use of AI systems, but also the specific characteristics of modern AI systems, and presents the risks and challenges posed by them. For example, it is difficult to fully evaluate a system based on deep learning, since the high complexity of such a system prevents it from being described in full. Possible solutions to these challenges and risks, involving suitable verification and validation measures, processes and methods, and also measures for scrutiny and for risk reduction, are considered in Sections 9, 10 and 11. A method for the use of AI technology in safety-related systems that are not suitable for the application of existing functional safety standards is also presented in Section 7.

Altogether, ISO/IEC TR 5469 already provides a wealth of information on the use of artificial intelligence in the context of functional safety within the scope of IEC 61508. In particular, the risks and risk-mitigation methods specific to AI that are presented by the report make a valuable contribution to discussion in this area. However, other concepts still necessitate critical discussion. A separate sector-specific report for automotive applications is currently in preparation.

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[1] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0206
[2] IEC 61508 series of standards: Functional safety of electrical/electronic/programmable electronic safety-related systems

The new EU Standardization Strategy: pointing the way forward for standardization in Europe

The eagerly awaited EU Standardization Strategy was published on 2 February 2022.

During the development phase of the EU Standardization Strategy, the European Commission called on the stakeholders to communicate their wishes for the future of standardization. KAN was among those participating in this process, and made a detailed submission. Four documents have been published as part of the EU Standardization Strategy. The most significant of these is the Communication from the Commission[1] on the subject.

Establishment of new institutions

The measure with the highest profile within the EU Standardization Strategy is the planned creation of two new institutions. The *High-Level Forum* brings together Member States, the European and national standards organizations, industry, civil society and the research community. Its purpose is to assist in setting priorities for the annual work programme for European standardization activity and to make recommendations to the European Commission concerning standardization issues. It is also intended to coordinate European standardization interests and represent them vis-à-vis third parties.

The purpose of the *EU excellence hub on standards* is to pool expertise and enable it to be exploited. The hub's core tasks will be anticipating the need for standardization, supporting standardization work in areas of priority, and monitoring international standardization activities. A *Chief Standardization Officer* is to be appointed who will head the hub and align standardization activities with the EU's policy objectives and strategic interests. The post is a political office comparable to that of a secretary of state.

The future of the European standardization system

One of the concerns raised by KAN is that the titles of harmonized standards should be published more swiftly in the Official Journal of the EU. This step is essential in order for standards to give rise to the presumption of conformity. By applying these harmonized standards, manufacturers can be confident that they have met the relevant requirements of the underlying EU directive or regulation. At present, listing of harmonized standards in the Official Journal takes far too long. The delay in publication of the harmonized standard's status gives rise to legal uncertainty. The European Commission notes that the situation has already improved, but aims to reduce the interval between adoption and publication even further.

The Standardization Strategy also makes provision for the European Standards Organizations (ESOs) to develop harmonized standards and present them to the Commission more quickly following acceptance of the standardization mandate. Solutions and targets for swifter development and adoption of standards are to be drawn up in conjunction with the ESOs, i.e. CEN, CENELEC and ETSI. The strategy lacks more specific measures, however.

A further objective is for the ESOs' governance to be modernized. These measures are aimed in particular at eliminating certain arrangements at ETSI that lead to multinational companies' representation being neither proportional nor transparent, including in terms of voting rights. One provision of the proposed amendment to the Standardization Regulation[2] is that only the delegates of the national standards organizations should enjoy the basic decision-making powers. In addition, the ESOs should make proposals for how small and medium-sized enterprises, civil society and users can be involved more effectively.

Services

Services are increasingly being standardized at international level, and this was therefore explicitly addressed in KAN's submission. Services are linked much more closely than products to the respective regional, cultural and socio-economic context. Potential exists for conflict with national regulatory powers, for example in

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the area of the safety and health of workers at work, the shaping of working conditions or the organization of work. The focus of harmonized service standards should therefore lie on the quality of the service; requirements concerning occupational safety and health, working conditions or the organization of work should be strictly avoided.

The Standardization Strategy does not however address structural aspects of the standardization of services. Rather, the focus lies on advancing standardization in general in the area of services, which currently account for only 2% of European standards. In the advanced manufacturing sector, in particular, service standards are to be developed in greater numbers, for example for supply chain management or predictive maintenance in networked manufacturing. The construction sector is also to benefit from more service standards: in this case, the focus lies on architecture and engineering, and on energy-efficient construction.

Internationalization of European standardization

Standards are increasingly being developed directly at ISO, a trend that is exerting considerable influence on European standardization activity. KAN considers it important that a high level of safety be maintained. It is therefore essential for standardization to continue to be consensus-based and follow democratic principles. This includes ensuring adequate participation by all stakeholders in occupational safety and health.

The EU Standardization Strategy also recognizes these challenges. At present, countries such as China are much more strongly involved in international standardization activity. The EU must be vocal in this arena. Fundamental values such as democratic processes and pluralism in standardization will otherwise be at risk, and the goals of a digital and green economy may not be met. The aim is to establish a strategic approach by the EU and the Member States, one purpose of which is to safeguard the EU's position as a pioneer in key technologies.

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[1] https://ec.europa.eu/docsroom/documents/48598
[2] Proposal for amendments to the Standardisation Regulation (EU) No 1025/2012 https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2022:32:FIN

New legislation governing market surveillance and product safety

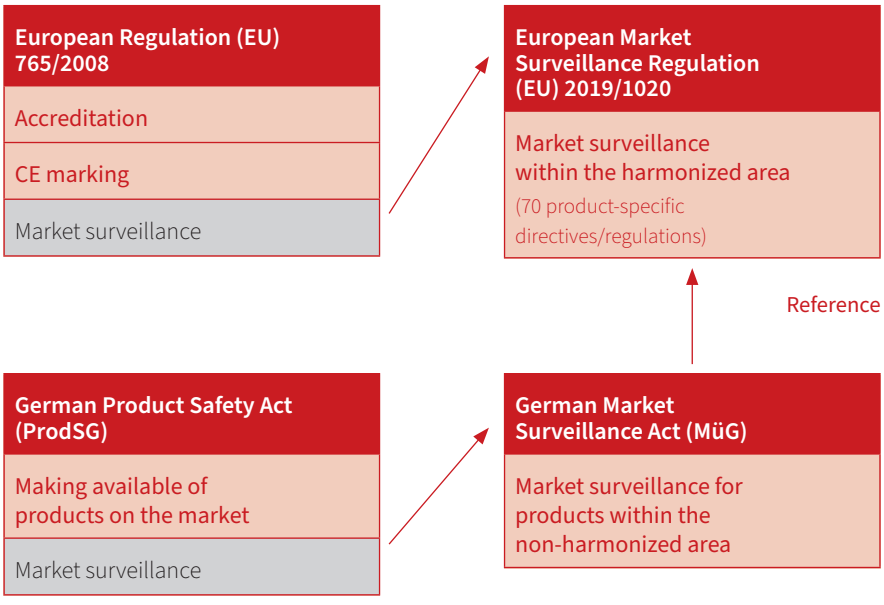
On 16 July 2021, new legislation came into force creating a harmonized legal framework for market surveillance for a large number of products.

Regulation (EU) 2019/1020 on market surveillance and compliance of products[1] establishes a single body of rules for the seventy European harmonized product sectors listed in it in Annex I. The regulation is wide in scope, ranging from lifts, machinery, motor vehicles and construction products to explosives and toys. In future, Regulation (EC) 765/2008, previously the essential regulation governing market surveillance, will contain only the key provisions concerning accreditation and the CE mark. The provisions governing market surveillance have been transferred to the new Regulation (EU) 2019/1020 and adapted to the requirements of the market.

Explicit rules for online trade

For the first time, the Market Surveillance Regulation (EU) 2019/1020 contains key provisions for market surveillance in online trade, thereby addressing the continual growth in sales volume in this sector of the economy. In future, products must be treated in the same way by the market surveillance authorities, whether they are made available on the market online or offline. This presents the market surveillance authorities of the German regional administrations with a new challenge, and requires continual further development of the authorities' surveillance strategies and methods and also closer networking between the authorities. The first step has already been taken with the establishment of a joint facility for use by the regional authorities for surveillance of online trade, and harmonization of the procedure across the regional market surveillance authorities.

Besides making provision for improved instruments for market surveillance, such as covert purchase of products, the new regulation also treats fulfilment service providers, such as logistics companies performing at least two of the services of warehousing, packaging, addressing and dispatching of products, as economic operators. With respect to certain product groups such as electrical equipment, machinery, lifts, PPE and pressure equipment, the regulation also sets out a legal obligation for at least an authorized representative to be appointed in the European Single Market as an economic operator should no manufacturer, importer or fulfilment service provider be established in the EU. The authorized representa-



tive's contact information must be communicated as soon as the product is placed on the market, i.e. when it is made available on the vendor's website. Products offered for sale online for which only the manufacturer or consignor in a third country is stated should therefore no longer present problems for tracking and implementation of adequate measures by market surveillance authorities as was the case in the past. The market surveillance authorities now also have greater authority to remove content from and restrict access to websites or apps (online interfaces) in cases where a serious risk cannot otherwise be eliminated.

Legislative instruments in Germany now structured more clearly

Prior to the new regulation, the German Product Safety Act was the sole statutory instrument in Germany for market surveillance and the measures deriving from it for enforcing safety provisions governing the making available of products on the market. For products for which harmonizing European legislation exists, Regulation (EU) 2019/1020 is now the relevant legislative instrument for product safety, and for non-harmonized products, the German act governing market surveillance and assurance of product conformity (Market Surveillance Act, MüG)[2] of 9 July 2021.

Consequently, market surveillance is now regulated in Germany at national level for the first time by a dedicated act, one which also has an overarching function. Where more specific market surveillance provisions exist in the relevant sectoral product safety regulations, they take priority over the act. The German Market Surveillance Act sets out regulations applicable throughout the country for the performance of market surveillance, from the delegation of powers to the authorities to sanctions and reimbursement of costs.

The German Market Surveillance Act makes reference to the powers and measures of the EU Market Surveillance Regulation. These apply directly only to the area subject to harmonization. Reference to these provisions also transposes them into German law with respect to products that are subject only to the general Product Safety Directive 2001/95/EC (the non-harmonized area). Examples of products within the non-harmonized area are hand tools, work furniture and used products of any kind. Before now, the general principle in Germany was that responsibility always lay with the authority within whose territory the manufacturer or importer of the offending product was established. The new act contains special provisions governing responsibility for market surveillance of online trade that deviate from this principle. This requires market surveillance authorities to work even more closely together in the future in order to keep up with continual changes in the market.

As the key item of legislation, the Product Safety Act continues to govern the conditions subject to which products are made available on the market, exhibited or used for the first time in the course of commercial activity. The act continues to form the basis for implementation of product-specific Single Market directives and the general Product Safety Directive 2001/95/EC. To avoid conflicts between provisions, those governing market surveillance have been transferred to the Market Surveillance Act. The Product Safety Act now only contains the provisions governing random sampling and, for example, implementation of the additional provisions concerning making consumer products available on the market. Transfer of the previous Section 9 concerning installations subject to mandatory regular inspection into a separate law has resulted in the Product Safety Act once again being a "pure" legal instrument governing the making available of products on the market.

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[1] http://data.europa.eu/eli/reg/2019/1020/oj
[2] https://www.gesetze-im-internet.de/m_g_2021 (in German)

The ETUC – the workers' voice in standardisation

The European Trade Union Confederation (ETUC), is the umbrella organisation representing 45 million members of around 90 national trade union confederations in 39 countries and 10 European trade union federations. Confederal Secretary Isabelle Schömann talked to us about the special role that the ETUC plays in standardisation.

The ETUC is an officially recognised organisation under the EU Regulation on European Standardisation. How do you get involved in practice in the standardisation process?
In the framework of the Regulation on European Standardisation (EU) 1025/2012, the ETUC participates directly in numerous political and technical bodies and committees of the European Standardisation Organisations (ESOs), i.e. CEN, CENELEC and ETSI. As such, the ETUC no longer depends on receiving information second-hand from the national standardisation bodies. Receiving information first-hand allows the ETUC to identify in good time any new standardisation projects which may directly affect workers. Direct participation in the standardisation activities also allows us to engage in new standardisation proposals, such as the European standard for hairdressers' gloves.

Beyond this, the ETUC is involved in several working parties organised by the European Commission. These include the "Committee on Standards" and the "Multi-Stakeholder Platform on Information and Communication Technology". We also submit our views on the content of standardisation requests to the ESOs during the formal consultation that the European Commission conducts among the societal stakeholders.

The ETUC represents trade unions in a broad range of sectors. What standardisation topics have been of particular importance in recent months?
The ETUC focuses on standardisation topics which directly affect workers, at both the European level at CEN and the international level at ISO. The range of topics is indeed quite wide. To name a few, we work on standards dealing with the safety of ladders, public procurement, cabin air quality, human resource management, social responsibility and psychosocial risks.

In the framework of the green and digital twin transition, the ETUC is concentrating significant resources on artificial intelligence (AI), in particular in relation to standardisation work, since many harmonised AI standards will, underpin the forthcoming European Regulation on AI. As many of these AI standards are likely to be transposed from the international ISO level to the European level, the ETUC is engaging with both the European and international standardisation bodies.

However, identifying relevant standardisation activities is not always easy: the mere title and scope of a standard do not always indicate whether or not its actual content will directly affect workers.

The EU is increasingly recognising standardisation as a political instrument for asserting its interests in the world. Where do you see challenges for your work at international level?
Standardisation is an eco-system of national, European and international standardisation bodies, working together. The national standards bodies have a crucial role, as they have voting powers in CEN and CENELEC. However, the EU Regulation on Standardisation is not applicable at the international level. At the same time, the primacy principle of international standards over European standards permits de facto transposition of many international standards into European standards.

The ETUC stresses the need to go beyond simply adopting international standards in Europe, especially where EU legislation is to be fully respected. The ETUC has been requesting a change in the principle of primacy of international standards and a review of the Vienna agreement to guarantee robust control of international standards' legality and compatibility with EU law before authorising their application at EU and national levels. Where standards developed at international level are to be used in the European context, the requirements of the EU Regulation on Standardisation must be fulfilled. This includes the facility for representation and effective participation of trade unions and other relevant stakeholders.

How would you describe the impact of the work of ETUC so far, and what are your goals for the future?
Since 2015, our activities have been twofold: first, we have asserted the voice of workers as an indispensable reference within European standardisation and have assured the role of trade unions. Second, we have dedicated more resources to bringing standardisation closer to the trade unions: we aim to strengthen national trade unions' understanding of and engagement with relevant standardisation issues, coordinate technical input on various standards and provide training courses and awareness for the trade union movement.

Thanks to these activities, ETUC-affiliated trade unions have acquired a better understanding of the standardisation world and the positive impact that standards may have, for example on occupational safety and health. Nevertheless, the ETUC regularly calls for vigilance to prevent standardisation activities from interfering with trade union prerogatives and areas of activity.

One major challenge for the ETUC and its affiliates is that of building trade union expertise, as trade unions can make meaningful contributions to technical committee discussion only when they possess the corresponding competence and knowledge. This is particularly the case in new domains such as information and communications technology.

Thank you very much for the interview, and we wish the ETUC the best of success for its work.

Product safety in the draft EU Construction Products Regulation

On 30 March 2022, the European Commission published a proposal for a revised EU Construction Products Regulation. Besides basic requirements for construction works similar to those present in the current regulation, the draft also contains, in Annex I, a significant change in the form of a detailed catalogue of requirements directly applicable to the construction products. These include requirements concerning the functionality of products, environmental protection, the circular economy, information obligations, and the requirements for inherent product safety that are important for occupational safety and health.

A further change is that requirements of the regulation apply not only to the finished construction work in which the construction products are used, but also cater to employees and consumers who handle the construction products. The product requirements are to be evaluated in consideration of the products' entire life cycle.

Particular rules apply to the transposition of these product requirements in European standardization mandates and harmonized standards. The European Commission must first draw up delegated acts specifying in detail what safety requirements are to be implemented for a product family. Where standards are established on this basis, their application is voluntary and – once the references to the standards have been published in the Official Journal of the European Union – gives rise to a presumption of conformity with the legislation they support. The regulation makes provision for a separate declaration of conformity for the product-specific requirements.

The draft regulation will be reviewed over the coming months by the various stakeholders at national and European level. It remains to be seen how far the extensive product safety requirements will hold up in the negotiation process. A further point to be considered is whether the intermediate step by way of the delegated act, which also requires the approval of the European Parliament, adequately satisfies the requirements for product safety.

New contract for HAS consultants

Harmonized standards consultants (HAS consultants) have the task of assessing whether the standards developed by CEN, CENELEC and ETSI satisfy the requirements laid down by the European Commission in its standardization mandates. For some years, the Commission has tasked a company with managing the budget for the consultants' work and appointing consultants to the roles. The contract governing this arrangement expired at the end of March 2022.

The new contract between the European Commission and the new service provider is expected to be awarded in mid-2022. It includes a 55% increase in the budget for the consultants' work, and changes to the specifications for their procedures. Among the points affected are the following:

- Should the HAS consultant submit a negative evaluation result before the formal voting stage, the responsible Technical Committee at CEN, CENELEC or ETSI can respond swiftly, amend the standard and request re-evaluation either before or after the formal vote.
- In the future, HAS consultants may choose from three different evaluation results: that a standard satisfies the requirements of the standardization mandate (compliant), fails to satisfy them (lack of compliance), or satisfies them only subject to certain conditions (conditional compliance).
- HAS consultants are permitted to spend slightly more time on communication with the European standards bodies (at least 75% of their working time for standards assessments, up to 25% for communication and attending meetings).

Recording and presentation of a CEN/CENELEC webinar on the new HAS consultant system: https://experts.cen.eu/trainings-materials/events/2022/2022-03-08-webinar-update-has-system

New Deputy Director of KAN

Christiane Behr-Meenen assumed the post of Deputy Director of KAN on 1 May 2022. A medical engineer by training, Ms Behr-Meenen held the post of Prevention Manager for many years at the German Social Accident Insurance Institution for the public sector in the Free Hanseatic City of Bremen. She completed her degree in occupational safety and health management part-time, and is currently completing her doctorate on the subject of radiation exposure in interventional medicine. Before joining KAN, she headed the office of the Bremen regional authority's labour inspectorate.

Publications

Praxishandbuch Künstliche Intelligenz in der Arbeitswelt (Artificial intelligence in the world of work: a practical manual)

This manual provides comprehensive checklists and test questions for the design of artificial intelligence systems in companies and administrations. It describes quality factors, design examples and the legal background. Technical, ethical and social aspects are explained comprehensibly. The book is intended for members of employee representative councils, divisional managers and interested employees.

Lothar Schröder/Petra Höfers, Bund-Verlag, 2022, 452 pages, ISBN 978-3-7663-7264-2, €48

Events

26.06.-01.07.22 » Online

Conference Human-Computer Interaction International 2022
KAN-Session 28.06: Legislative and normative framework for AI-enabled HCI – Implications and questions from an OSH perspective
https://2022.hci.international

06.07.22 » Online

Seminar
Hands-on-Training Künstliche Intelligenz (KI) bei Medizinprodukten
VDE
https://meso.vde.com/de/kuenstliche-intelligenz-ki-medizinprodukte/

27.-29.07.22 » Dresden

Seminar
Grundlagen der Normungsarbeit im Arbeitsschutz
IAG/KAN
https://asp.veda.net/webgate_dguv_prod 🔍 700044

11.-14.08.22 » Offenbach/M.

Workshop
DKE Young Professionals Camp 2022
DIN/DKE
www.vde.com/de/veranstaltungen 🔍 Camp 2022

06.09.22 » Bremen

Kongress
Betrieblicher Arbeits- und Gesundheitsschutz
LAK Niedersachsen
www.lak-nds.net/index.html

07.09.22 » Berlin

Konferenz
International Bio-Agent Day 2022
BAuA
www.baua.de/DE/Angebote/Veranstaltungen/Termine/2022/09.07-Biostofftag.html

22.-23.09.22 » Chemnitz/Leipzig

GfA-Herbstkonferenz 2022
Quo vadis, Homo Sapiens Digitalis? – Der Mensch in der digitalisierten Arbeitswelt
Gesellschaft für Arbeitswissenschaft (GfA)
www.gesellschaft-fuer-arbeitswissenschaft.de/

25.-28.09.22 » Olhao (Portugal)

International Conference
11th International Conference on the Prevention of Accidents at Work 2021
WorkingOnSafety.net
https://wos2021.net/

28.09.22 » Online

Informationsveranstaltung
Kognitive Technologieassistenz: Einsatzpotenziale von Augmented Reality
BAuA
www.baua.de/DE/Angebote/Veranstaltungen/Termine/2022/09.28-Kognitive-Technologieassistenz.html

05.10.22 » Online

Workshop
Personal Protective Equipment (PPE) – Medical Devices (MD) dual use products
CEN/CENELEC
www.cencenelec.eu/news-and-events/events 🔍 Dual use

11.-13.10.22 » Köln

Konferenz
Maschinenbautage 2022 mit Maschinenrechtstag
MBT Ostermann GmbH
www.maschinenbautage.eu/konferenzen/konferenz-maschinenrichtlinie-2022

20.10.22 » Paris

EUROSHNET Conference
Artificial intelligence meets safety and health at work
EUROSHNET
www.euroshnet.eu/conference-2022

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