

Call for tenders to produce a study on the access conditions to national mirror committees in the European standardisation system

This call for a subcontractor to provide expertise is published as part of the implementation of the “ETUC STAND” project Work Programme 2021.

The ETUC will make the call for tender publicly available on its website, as of Friday 02 July 2021, and for 21 calendar days (deadline for submission of bids: Friday 23 July 2021).

1. Introduction and background information on the project

Traditionally, standards have been written for industry and by industry. But over the last decades, we have seen our economy move away, from an industry-based one, to a service-based economy (e.g. servitisation of products). Also, standardisation bodies have adapted to this changing economy and now draft standards on Social Responsibility (ISO 26000), management systems (ISO 9001, 45001), services, digitalisation, etc. These are all new standardisation fields in which, contrary to the past, worker’s issues appear.

Therefore, the European Trade Union Confederation launched the ETUC STAND project, which is aimed at sustaining and reinforcing trade union representation and effective participation in European standardisation. The project runs since 2015 with the financial support of the European Commission and the European Free Trade Association (EFTA).

There is evidence that working conditions are among the major societal challenges that standards can help to address, under the precondition that trade unions are able to achieve appropriate representation and effective participation in the European standardisation organisations. In this context, the ETUC standardisation project is aimed at strengthening our voice in standardisation to ensure standards promote high-quality working conditions and do not encroach upon the autonomy of social partners.

Moreover, the ETUC, recognizing that many of the areas subject to standardisation are political by nature, strongly insists on the respect of collective bargaining and collective agreements that may potentially be challenged by the development of standards.

2. Objective of the study

Regulation 1025/2012 provides the legal outlines of the European Standardisation system. The regulation foresees that the European Standardisation system facilitates access to under-represented stakeholders. This is addressed by requesting the European Standardisation Organisations (ESOs) to have an “inclusive” standardisation system. In particular, Article 5 of the Regulation requires the ESO’s *“to encourage and facilitate an appropriate representation and effective participation of all relevant stakeholders, including SMEs, consumer organisations and environmental and social stakeholders in their standardisation activities”*.

The National Standardisation Bodies (NSBs) – the members of the ESOs - are at the basis of the European standardisation system. They are an integral and fundamental part of the European Standardization system. It is the NSBs who hold the voting rights in the CEN-CENELEC and ISO technical committees, designate the experts to the European and international working groups, define national positions, make standardisation proposals, co-finance the ESOs, sell the (European) standards and ultimately define the ESOs political orientations. In this view, the inclusiveness of the European standardisation system is largely dependent upon the participation of all interested stakeholders at national level, that is within the mirror committee at NSBs level.

The appropriate national positions – the input to the ESO’s - can only be defined if the relevant national stakeholders are involved or have influence in this process. While at the European level, much has been done to facilitate direct access of societal stakeholders and SME’s, it is perceived that at national level, there is room for improvement in a number of countries.

Barriers to national participation appear in different forms and formats: they can be of financial nature, of linguistic nature, outreach and communication, limited or no awareness of public enquiries on draft standards, domination of one stakeholder group over another (outvoting), lack of proper identification of relevant stakeholders, etc.

To make the case, some examples:

- in 2018, the Dutch ministry of public health and Environment (RIVM) left the Dutch national mirror committee for “Tobacco” as it was dominated by the Tobacco industry (resulting in limited influence from the public authorities in the decision-making process of national mirror committee).
- In another case, a national social stakeholder was asked to pay a membership fee, while the NSB’s own rules foresaw invitation facilities for specialist knowledge.
- The public enquiry portal of one NSB is not operational since several years. No public enquiries on standards take place, even if it is a legal obligation.

The National Standardisation Bodies also play a crucial role in the international arena, that in the shaping of International Standards such as ISO standards. The crucial role of the NSBs is even sharpened by the CEN and CENELEC policy and the EU policy of “primacy of international standards”. This results into an eco-system of National, European and International Standardisation bodies which are all working together. A weakness in one part, has consequences for the other parts. As it is perceived that national access can be improved, this study aims to look at the national barriers of the NSBs which form the CEN-CENELEC and ISO system.

3. Tasks to be performed by the subcontractor

By conducting a study focusing on the access conditions to national mirror committees in the European standardisation system, the ETUC STAND's objectives are:

- To **inform** national trade unions and other interested parties about the **effective access conditions** to standardisation work in their country (NSB), with the view of supporting and fostering active participation at national level.
- To **identify best practices** and obstacles regarding access conditions to mirror committees.
- To provide **recommendations** in order to diffuse identified best practices and to lower obstacles.
- [To **incentivize harmonization** of the national operating procedures of CEN/CENELEC members.]

The subcontractor will collect data and conduct an analysis of the access conditions, for the 34 NSBs member of the CEN-CENELEC, for societal stakeholders. In the framework of this call, access conditions refer at least to the following elements:

- Process in place to identify societal stakeholders at NSB level (as mentioned by CEN/CENELEC Internal Regulations Part 1, pt. 1D, 2.3).
- Membership fees, if any, to access to one or several mirror committees.
- Modalities of the "Enquiry" process (as stated for instance by CEN/CENELEC, Internal Regulations part 2, pt. 11.2.2).
- Ease of access to NSB internal rules and regulations when requested.
- The level of linguistic barriers to working documents, leading to (European) standards

While the analysis shall primarily rely on evidence provided by NSBs, access conditions as experienced by trade unions (participating or not) in specific mirror committees shall also be collected and analysed to complete the study. The selection of such mirror committees will take place in agreement with the ETUC secretariat.

3.1. Deliverables:

The sub-contractor will have to provide the following deliverables:

- An interim report of the study
- A final report of the study
- A short and easy to understand summary of the report to be used in communication material, meetings and events
- On case-by-case and following the publication of the report, the sub-contractor will be asked to assist/participate in meetings/events with relevant stakeholders

Before the start of the study, there will be a kick-off meeting organised (either a face to face or virtual meeting) to discuss the different steps of the study;

Halfway through the execution of the study, a second meeting is recommended to go over the preliminary results and the presentation of the interim report by the contractor to the ETUC STAND secretariat;

To close the study and with the delivery of the draft final report of the study, a meeting shall take place to go over the comments made by the ETUC STAND secretariat;

The subcontractor is also expected to participate in some events to disseminate the results of the study. The subcontractor will present the results on behalf of the ETUC STAND project. The dates of these events will be communicated by the ETUC STAND secretariat, well in advance.

4. Expertise, experience and skills required

Sound expertise is required on the following issues:

- Knowledge of the wider of the role of standards in the economy and policy and good understanding of workers-related issues
- ISO and CEN policy regarding standardisation
- Profound knowledge on the interaction between legislation and standards
- Good knowledge of the standardisation processes of National Standardisation bodies, CEN and ISO.
- Good understanding of trade union working
- Standardisation policy of the European Commission, the “Better regulation” policy and “REFIT” activities
- European Commission policy standardisation

Skills required:

- Academic Degree
- Proven research and presentation skills (in English);
- Proven skills in drafting study reports;
- Ability to work within specified deadlines and to respect budgetary limits;
- Ability to work in a multicultural context and understanding of different industrial relations culture and traditions;
- Good administration and project management skills;
- minimum 2 years of active participation in service standards-writing activities at European (CEN) or international level (ISO).

5. Time schedule and reporting

The subcontractor will be asked to perform the above-mentioned tasks by 15 November 2021. The draft study report as well as the draft leaflet text should be submitted to the ETUC secretariat by 1 October 2021.

Please note that the exact dates of the above-mentioned events may be subject to slight changes and will be decided upon by the steering committee.

6. Payment

The total maximum budget available for the fees of the subcontractor is **15.000 € (VAT and all taxes included)** as follows:

The subcontractor will be remunerated in various instalments (advance and final payment). This amount covers the fees but does not include the travel and subsistence costs incurred for study visits and presentation of the results at two events. These will be covered by ETUC on the basis of EU rules and thresholds.

Prices shall be fixed and not subject to revision during the performance of the contract.

7. Selection criteria

The selection criteria are:

- Verifiable expertise, experience and skills, as required and described in part 4 of this call;
- Proven track record of ensuring the quality of the tasks, both in terms of content and format (i.e. previous publications), in the relevant subjects specified in this call for tenders;
- Quality of the methodology proposed and financial offer (price quality ratio);

8. Form, structure and content of the tender

Tenders must be written in English. They must be signed by the tenderer or his duly authorised representative and be perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include at least two sections:

i) **Technical proposal**

The technical proposal must provide all the information needed for the purpose of awarding the contract, including:

- Specific information covering the technical and professional capacity, as required, in particular:
 - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
 - Detailed curriculum vitae of the key coordinator and other team members, when applicable;
 - A selection of the main works and/or articles made by all the experts involved, in relation to the relevant subjects specified in this tender.

- Specific information concerning the proposed methodology for delivering the tasks listed in part 2 of this call.

ii) **Financial proposal**

Prices of the financial proposal must be quoted in euros, including if the sub-contractor is based in a country which is not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

Prices must be fixed amounts and shall not include travel expenses for the attendance to the Steering Committee meetings and other project events which will be covered by ETUC on the basis of EU rules and thresholds.

9. Award Criteria

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

10. Content and selection of the bids

This call for tenders will be published on the ETUC website on Friday 2 July 2021 and will be kept online for 21 calendar days. Offers must be sent at the latest on Friday 23 July 2021. Offers must be sent to ETUC electronic format (by e-mail to amartin@etuc.org), indicating clearly **"Call for Tender: ETUC STAND"**.

A committee will be formed comprising three representatives of the ETUC Secretariat. The committee members will evaluate the tenders that have been deemed admissible. An evaluation report and classification of tenders will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

1. The name and address of the contracting authority, the purpose and value of the contract or framework contract;
2. The names of any excluded candidates and the reasons for their rejection;
3. The names of candidates selected for consideration and the justification for their selection;
4. The names of candidates put forward and justification of their choice in terms of the selection or award criteria.