

**Draft report of
Background Research on ISO and IEC
for Consumers International Project
“Decision-making in the Global Market”**

Prepared by Bruce J. Farquhar

31st May 2004

Table of Contents

Background	3
Introduction	3
1. The role of international standards in the global economy	3
2. Analysis of existing structures and procedures in ISO and IEC	8
3. Models of the Policy Process	13
4. Inventory of proposals for reform	20
Annexes	
ISO/IEC Joint Statement on Consumer Participation in standards work	25
List of abbreviations used in this report	28

Background

The following report has been commissioned as part of the project Decision-making in the Global Market. Consumers International is carrying out this project with support from the Ford Foundation. This background research paper has been drafted to inform the discussions within the project concerning consumer representation in international standards setting in the International organisation for standardisation (ISO) and the International Electro-technical Commission (IEC).

Introduction

ISO and IEC are two of the best-known international standards organisations. Both are private non-governmental organisations that serve as networks for national standards bodies.

IEC was established in 1904. The object of the organisation is “to promote international co-operation on all questions of standardization and related matters, such as the verification of conformity to standards in the fields of electricity, electronics and related technologies, and thus to promote international understanding. This object, inter alia, is achieved by issuing publications, including International Standards.”¹ The IEC has 5,204 publications including some 4737 international standards².

ISO was established in 1947 to “promote the development of standardisation and related activities in the world with a view to facilitating international exchange of goods and services and developing cooperation in the spheres of intellectual, scientific, technological and economic activity”.³ In order to achieve these objectives the organisation develops and issues international standards⁴. ISO has issued 14,251 international standards and standards-type documents⁵. ISO is active in the following sectors: generalities, infrastructures and sciences, health safety and environment engineering technologies, electronics, information technology and telecommunications, transport and distribution of goods, agriculture and food technology, materials technologies, construction and specific technologies.

1. The role of international standards in the global economy

The relative importance of the work of ISO and IEC has increased in recent years. This has been due to the reliance on standards as a means of avoiding technical barriers to trade and achieving the goals of regulatory reform and also with the considerable broadening of the scope of international standardisation activity.

1.1 WTO Technical Barriers to Trade Agreement

As a result of the Uruguay round of the GATT the technical barriers trade agreement (TBT) now applies to all signatories to the GATT. It is no longer a voluntary code as was the case under the Tokyo round. The TBT agreement also introduces specific

¹ IEC Statutes and Rules of Procedure 2001 Article 2

² The IEC in Figures as at 22 January 2004 accessed on the IEC web-site

³ ISO Statutes and Rules of Procedure; Article 2.1 ISO Statutes

⁴ Article 2.2.2 ISO Statutes

⁵ ISO in Figures January 2004

requirements with respect to the use of international standards. Article 2.4 of the TBT Agreement (art. 2.4) directs governments to use international standards as “a basis for” a technical regulation except when such standards “would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.”

1.2 Broadening of scope of international standards work

Another factor in the increasing importance of international standards has been the new initiatives launched by ISO in particular in respect of new areas of standardisation activity. ISO has pioneered work on management systems standards. The ISO 9000 series has been followed by the ISO 14000 series environmental management series that has in particular caught the attention of environmental NGOs. ISO has also considered initiatives in the fields of electronic commerce, services, tourism, alternative dispute resolutions and complaints handling, second hand goods and most recently corporate social responsibility. All of these initiatives have extended the range of ISO’s activities and raised its importance for consumer groups as well as other social stakeholders. .

1.3 International standards in the European Union

The use of international standards has also been promoted through the adoption of extensive standards policies at national and regional levels. The European Union (EU) has placed a considerable emphasis on the use of standards in its pursuit for the establishment of the internal market in Europe. The adoption of the so-called “New Approach” to technical harmonisation was one of the major implementing actions of the single market programme⁶. As a result European standards now account for some 90% of the output of national SDOs in Europe with only 10% being exclusively national standards. This is the reverse of the same proportions at the beginning of the 80s. So as not to create new barriers to trade the European standards bodies concluded co-operation agreements with their international counterparts. As a result of these agreements approximately 40% of the 10000 standards under the control of the European Committee for standardisation (CEN) are based on international standards and approximately 90% of those standards under the control of the European Committee for Electro-Technical Standardisation (CENELEC).

1.4 US and other countries use of standards regulation reform work

Countries outside the European Union also have policies with respect to the use of standards in support of their regulatory frameworks. In the United States for example federal Agencies are obliged to defer to voluntary consensus standards where the use of these standards meets legitimate regulatory objectives.

⁶ This approach saw national regulations being harmonised at the European level through the adoption of Directives that establish a general requirement for goods to be safe but do not go into any great product-specific technical details other than to specify essential safety requirements applicable to all products. European standards are one way of demonstrating compliance with the essential safety requirements. Use of a Harmonised European standard resulting in a presumption of conformity with the legislation and often requiring a less onerous conformity assessment procedure to be applied than would be the case if another standard or technical specification were applied.

1.5 Current issues in the standards world

The current debate in the standards world very much surrounds what constitutes an international standard. The Sanitary and Phyto-sanitary (SPS) agreement dealing with food issues clearly identifies the three organisations that are considered to write international standards for the purposes of the agreement⁷.

The TBT agreement has not defined the organisations that write international standards for the purposes of the TBT agreement. Rather there is a reference to international standards in the original agreement

“Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.”⁸

In the second triennial review the TBT committee of WTO adopted a set of criteria to which international standards should conform⁹. These include transparency, openness, impartiality and consensus, effectiveness and relevance, coherence, and a development dimension.

Essentially there are two camps within the debate as to what constitutes an international standards development organisation. The EU has a more hierarchical view that sees ISO and IEC at top of pyramid with regional and national standards bodies there under. US view differs and allows for more competition. The result has been difficulty in tying down the definition of international standards bodies in the WTO TBT triennial reviews. Brazil has promoted the idea of singularity¹⁰. Under this concept only one organisation would be recognised in each area of standardisation. This principle however does not consider the value that may result from competition between standards development organisations (SDOs). One representative from a sustainable development NGO has described the application of this principle in the case of sustainable management standards as unwise¹¹.

US-based SDOs have actively pursued the concept of their being multiple international standards organisations not only ISO and IEC. The standards policy of ASME, the American Society of Mechanical Engineers, an accredited SDO in the US, emphasizes alternatives to International Organization for Standardization (ISO) standards if they meet

⁷ Codex Alimentarius Commission, the International Office of Epizooties, and the International Plant Protection Convention (Annex A).

⁸ Agreement on Technical Barriers to Trade, Annex 1, para. 2

⁹ Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement, G/TBT/9, Annex 4 (13 November 2000).

¹⁰ Communication from Brazil, G/TBT/W/140 (28 July 2000).

¹¹ Market Access, Sustainable Management Standards and Technical Equivalence Paper prepared for the CBI-convened Global Forum on Trade, Environment and Development 23-27 June 2002, Quito, Ecuador Tom Rotherham International Institute for Sustainable Development (IISD)

TBT intent with regard to non-discrimination and transparency, both technically and procedurally, and promote recognition that “international standards” are not synonymous with ISO standards¹².

ISO and IEC have had to respond to this debate and the developments in WTO. ISO has in particular launched a number of initiatives aimed at addressing some of the issues raised for example in the second triennial review of the WTO TBT agreement. An overview of these was presented to the ISO TC/SC Chairs Conference in June 2003¹³. There are three elements to the initiatives, working cooperatively and effectively with existing standards and their developers; enhancing the effective participation of developing countries; and engaging a broad range of stakeholders in standards development. ISO is cooperating with a number of SDOs including the International Telecommunications Union (ITU) and, of course, CEN as we have seen. It has also responded to the criticism it has received about its close cooperation with CEN by launching some pilot projects with US SDOs taking a leading role on some international standards projects. The SDOs include the American Society for Testing and Materials (ASTM International), the American Petroleum Institute (API) and the Institute of Electrical and Electronics Engineers (IEEE). Developing countries make up a significant part of ISO’s membership. 75% of ISO’s membership is from developing countries. Of this 75% 52% have not participated in any ISO TC or SC meetings in the last two years and 42% are not registered as members of any ISO TC or SC¹⁴. ISO is promoting partnership and twinning arrangements as a means of building capacity. Other initiatives in respect of stakeholder involvement include the ISO Council standing committee on strategies (CSC/STRAT) examining ethics in the ISO system including stakeholder engagement. The ISO/TMB Strategic advisory group on social responsibility is also examining ISO processes with respect to involvement of stakeholders. Possible future scenarios identified were a code of ethics for national standards bodies; direct participation of stakeholders (previously debated in JTC1); a tri-partite balance of interested parties (following the UN agency and International Labor Organisation (ILO) models) and a future role of value for national standards bodies in new paradigms.

Opportunities for reform do exist. ISO is increasingly sensitive to the status of international standards under WTO and recognises the need to meet the criteria that have been established. Attention has therefore been directed to the question of stakeholder participation. ISO went through a strategic review process in 2000 resulting in a strategy that did identify the need to address improvements in stakeholder involvement. ISO now has its Horizon 2010 process underway. This is a consultation exercise aimed at developing a strategy for 2005-2010. At the time of writing it was possible to access the submissions from the American National Standards Institute (ANSI) in the US and from the Standards Council of Canada (SCC). Both submissions comment on the application of the current rules and the ISO/IEC statement on consumer participation. The ANSI

¹² ASME standards policy ASME Board on Government Relations CY 2003-2004 Objectives

¹³ Inclusiveness/Exclusiveness -ISO/TMB Initiatives Presented by Steven P. Cornish ANSI Director, International Policy Member of the ISO Technical Management Board ISO TC/SC Chairs Conference June 5 & 6, 2003 Geneva, Switzerland

¹⁴ ISO/DEVCO/TMB Survey 2002

submission goes on to address whether other models of participation do not have to be considered, in particular direct stakeholder involvement. A number of NGOs including CI have commented as part of this exercise. We will look at the recommendations coming out of this consultation process in greater detail later. The intention is for ISO to agree the new strategy at its general assembly meeting in autumn 2004.

1.6 A brief overview of consumer representation in standardisation to date

We shall look at consumer representation in ISO and IEC in greater detail when we go on to examine the structures of the two organisations shortly. To put the activities in ISO and IEC in context we can state that there is a long tradition of consumer representation in standards work at the national level. The right of French consumers to be consulted in standards work was guaranteed by law in 1941¹⁵. The forerunner of the Consumer Policy Committee of the British Standards Institution, the woman's advisory committee established in 1951 and the Consumer Council of DIN, the German standards organisation was established in 1964. In Europe the need for coordinated consumer representation at the European level became increasingly important with the adoption of the new approach and the ambitious single market programme. A project was started in 1983 and eventually led to the development of ANEC the European association for the coordination of consumer representation in standardisation in 1995.

Internationally the ISO Council took a resolution in 1964 where they stated their desire to promote consumer participation in standards work in recognition of "the wish for consumers at national and international level for greater involvement in the framing of decisions affecting their interests"¹⁶ COPOLCO, the ISO Committee on Consumer Policy was established in 1978. Under the present arrangements COPOLCO reports to the ISO Council. ISO and IEC issued a joint statement on consumer participation in standardisation work in 1979. This statement recognised the basic principle that all interests should be taken into account in the international standardisation process including that of consumers. Specific recommendations were made to ISO and IEC national members. The latest version of this statement is examined in greater detail later.

¹⁵ Article 5 of the decree of 24 May 1941

¹⁶ ISO Council Resolution 48/1964

2. Analysis of existing structures and procedures in ISO and IEC

2.1 Summary of constitutional frameworks

2.1.1 Membership

ISO

The membership of ISO consists of national standards bodies most broadly representative of standardisation in their respective countries. National bodies interested in countries without a member body can be registered as either a correspondent or subscriber member with no voting rights. Only one body in each country may be admitted to membership. There are currently 148 national standards bodies, comprising 97 member bodies, 36 correspondent members and 15 subscriber members¹⁷.

The general assembly of members meets once a year. A council consisting of the ISO officers and eighteen member bodies governs the operation of the organisation in accordance with the policy laid down by the members. Five of the council members are drawn from the five ISO member bodies that are considered to be the largest contributors to the operations of the organisation. The other thirteen are elected for two-year terms¹⁸. The technical management board consists of twelve members and a chairman. Four of the members are appointed from the four organisations that reflect the most significant responsibility and productivity within the technical committee structure. The other eight are elected from amongst the membership and serve three-year terms. The TMB has the responsibility for the general management of the technical committee structure¹⁹.

Within the technical committee structure ISO members can elect to be participating “P” members or observing “O” members of specific technical bodies. This principle also extends to membership of ISO policy development committees including, as we shall see later, COPOLCO the consumer policy advisory committee.

The organisation may cooperate with other international organisations interested partially or wholly in standardisation or related activities. The council lays down the conditions of cooperation²⁰.

IEC

The membership and structure of IEC are similar to those of ISO. Any country who wishes to participate in the work of the IEC must form a national electro-technical committee. There can only be one national committee for each country. National committees are admitted as full members or as associate members depending on their level of economic activity. Associate members can participate in the work of the

¹⁷ ISO in figures for the year 2003

¹⁸ ISO Statutes Article 7

¹⁹ ISO Statutes Article 8

²⁰ ISO Statutes Article 15

commission but have no voting rights. There are currently 62 national committees of whom 11 are associate members²¹.

The general assembly of the member is called the Council. The council delegates the management of the commissions work to the council board. Specific management responsibilities in the field of standards are in turn delegated to the standards management board and in the field of conformity assessment to the conformity assessment board. Membership on the council board is automatically granted to national committees whose individual membership fees are equal to the maximum fixed percentage of the total dues. Ten other members are elected from the membership²². An Executive Committee (ExCo) comprised of the office-bearers implements the decisions of the Council and Council Board and prepares the agendas and documents for the Council Board and supervises the operation of the Central Office and communication with National Committees²³. The standards management board consists of a chairman and fifteen members. Six members are appointed upon nomination by those six national committees who pay the highest percentages of the membership dues, combined with the highest percentages of technical committee and subcommittee secretariats. Nine other members are elected from the membership. Account is supposed to be taken of the personal; qualifications, a balanced geographical distribution and the number of TC/SC secretariats held by their respective national committees²⁴.

2.1.2 Stakeholder participation and consultation

General participation and consultation

ISO and IEC have recognised the need for consumer participation in standards work. They have agreed a common policy statement and a set of recommendations for their national membership. The recommendations are annexed to this paper. A second document from ISO “The Consumer and Standards: guidance and principles for consumer participation in standards development” published in March 2003 elaborates on the policy statement.

The arrangements that exist for stakeholder participation and consultation are based around the technical work and in the case of ISO the policy advisory committees. The arrangements are also based around the national delegation principle. Stakeholders are directed to the national members of ISO and IEC. International or broadly based regional organisations can apply for liaison status to participate in the technical work of ISO or IEC. This process is examined in greater detail later.

ISO has formed its own consumer policy advisory committee in the form of COPOLCO. The membership of COPOLCO is however still nominally the national members of ISO. The presence of consumer representatives on national delegations to the annual

²¹ IEC in figures as at 22 January 2004 accessed on the IEC web-site

²² IEC Statutes Article 8

²³ IEC Statutes Article 9

²⁴ IEC Statutes Article 10

COPOLCO meeting is dependant on the largesse of the national members. Other organisations attend the COPOLCO meetings as observers. These include Consumers International and ANEC, the European association for the coordination of consumer representation in standardisation. IEC does not maintain its own Consumer Policy Committee rather it has participated as an observer on an ad hoc basis at ISO COPOLCO meetings. Occasionally some IEC issues have been able to be raised and addressed in COPOLCO meetings but the main thrust of COPOLCO is clearly ISO.

The influence of COPOLCO has increased sharply through the nineties with COPOLCO often taking the lead in proposing new avenues of work that are eventually taken up within ISO.

The work of the technical management board, policy setting and governance bodies of ISO are not open to the public. The general assembly holds a one-day open session as part of its annual meeting usually around a specific theme of current interest to its membership. International and regional inter-governmental organisations and some NGOs participate at these events. The ISO Council is completely closed to outside participation. The Technical Management Board to which the council delegates a lot of authority in respect of the technical work is similarly closed. Of course the TMB is only comprised of 12 members so many ISO members are also formally excluded. However practically influencing the TMB seems to rely on cultivating personal relationships with serving members of the TMB. This process is made difficult for NGOs and other organisations outside the ISO membership, as the list of members of the TMB is not published outside the ISO membership. One could imagine that developing countries who are underrepresented on the TMB with only two members are also disadvantaged. SDOs from developing countries are often unable to attend other meetings in person and thereby could have difficulty cultivating the necessary personal relationships. The only information publicly available from ISO about the work of the TMB is the TMB communiqué an after the fact newsletter outlining some of the decisions taken by the TMB.

The situation in IEC is essentially the same. The Council, Council Board and Standards Management Board are not open to the public. Their documents are also password protected on the web site. Another important committee in IEC is ACOS, the advisory committee on safety. It draws its membership primarily from Technical committees and subcommittees dealing with safety matters but also has four experts knowledgeable in safety matters but having no officer affiliation with any IEC Technical Committee or Subcommittee dealing with safety matters. These experts are appointed in their own personal capacity. There is no specific provision for consumer participation. Documents are not publicly available.

There have recently been measures introduced to provide financial support for participation by representatives from developing and least developed countries in the work of ISO. This aid has been extended to consumer representatives. DEVCO, the developing countries policy development committee of ISO, has established a technical assistance fund. Other initiatives include sponsorship by national members of participants

from developing countries and training events held in developing countries. Two of these training workshops have been targeted at consumer representatives²⁵.

2.1.3 Accreditation Process

There is no formal accreditation process for NGOs as such. In comparison for example with the accreditation schemes that exist for the United Nations, WHO, Codex Alimentarius or regional standards bodies such as CEN in Europe as we shall go on to discuss in greater detail under benchmarking later. Rather there is a system of approving on a case-by-case basis individual liaisons between NGOs and specific technical bodies.

This provision is contained in the ISO/IEC Directives.

There are four classes of liaison status. These are

Category A – organisations active at the technical committee or subcommittee level

Category B – for organisations that simply wish to be kept informed of the work of a technical committee or subcommittee

Category C – reserved for the use of JTC1 that is a joint technical committee of ISO and IEC that deals with information technology and

Category D – for organisations who wish to be active at the level of a working group or project team.

This last category was introduced in 2001 to accommodate organisations with a very narrow interest in the work of a technical committee. An application for a liaison has to be made to the central secretariat that refers the application to the technical committee. The P-members of the TC then make a proposal to the secretary-general.

Once a liaison has been established organisations are sent copies of all relevant documentation and are invited to participate in meetings.

There does not appear to be any cases of a international or broadly based regional organisation having been denied liaison status after consultation with the p members. Both CI and ANEC have active liaisons. However the fact remains that NGOs do not have a right to participate and must apply each time and in theory at least a negative vote from a P-member would disqualify an NGO from immediate registration as a liaison. The process for dealing with a negative vote is also unclear from the ISO directives.

ISO and IEC do not provide any specific additional secretariat or resource support for organisations in liaison. As discussed above there are some resources available for the policy development committees dealing with consumer issues and developing countries issues. These resources have been increased in recent years.

The process does not differentiate between business and social NGOs. However the need for social NGOs to participate independently appears to be higher as there is a perception

²⁵ ISO/COPOLCO/DEVCO seminars, Making an impact: Consumer representation in standards-setting Regional seminar programme, Bangkok, Thailand – 8 September 2003 and Making an impact: consumer representation in standardization, will be held 6 April 2004 Cairo Egypt

that industry dominates most of the national standards development organisations. For example a recent study of the ISO 14000 process found that the participants in the TC207 committee are heavily concentrated in large global industry, and that small business, consumer, and environmental groups remain underrepresented²⁶.

2.2 Transparency

As previously noted management body documents from ISO and IEC are not publicly available. Documents from specific technical bodies are available to organisations that have a liaison with them. They should also be available to NGOs who participate in national mirror committees. ISO technical body business plans and IEC technical body strategic policy statements are all publicly available on the web. These are relatively recent initiatives by ISO and IEC taken to increase the transparency of the technical work especially with respect to the concern that the work of the technical bodies should be relevant to the market place.

2.3 Accountability

There is an appeals process but this is only open to ISO and IEC members and not to liaison organisations.

National bodies have the right of appeal²⁷

- a) to the parent technical committee on a decision of a subcommittee;
 - b) to the technical management board on a decision of a technical committee;
 - c) to the council board on a decision of the technical management board,
- the appeal has to be lodged within 3 months of the decision in question. The decision of the council board on any case of appeal is then final.

There are certainly instances where national consensus building procedures have been compromised or evaded all together and this has gone unrectified by ISO. One well-documented example is the case of the proposal for a new work item for an environmental communications standard where the US national committee disregarded its own procedural rules to issue a counter-proposal to the Swedish proposal for a new work item²⁸. Another instance is voting on an ISO standard on cigarette lighters where national subsidiaries of international and European organisations suddenly applied for membership of national mirror committees in order to oppose a requirement for child resistance in the standard.

²⁶ Naomi Roht-Arriaza, The International Organization for Standardization: Drafting of the ISO 14000 Series, in *The Greening Of Trade Law 251* (Richard H. Steinberg ed., Rowman & Littlefield, 2002).

²⁷ ISO/IEC Directives — Part 1: Procedures, 2001, article 5

²⁸ ISO14000 Update June 2001 Voil VII No.6 (Business and the Environment's ISO 14000 Update Service)

3. Models of the policy process

Critical analysis of how process works

3.1 Case study

Stage	Main features
Preliminary stage	Work items that are not sufficiently mature for processing to further stages
Proposal stage	<p>New work item proposal for A new standard A new part in an existing standard In ISO revision or amendment of an existing standard or part A technical specification or a publicly available specification</p> <p>Proposal may be made by A national body The secretariat of the relevant technical body Another technical body An organisation in liaison The TNB or one of its advisory groups CEO</p> <p>To be accepted requires a commitment in IEC by 25% of P-members in technical body (minimum of four) In ISO 5 P-members And approval by a simple majority of the P-members of the technical body</p>
Preparatory stage	Work may be carried out in a working group in ISO or project team in IEC. P-members making commitment to proposal must nominate experts. Other P-members and A- or D- organisations in liaison may also nominate experts Preparatory stage ends one a working draft is ready for circulation to the members of the technical body as a first committee draft (CD)
Committee stage	Principal stage at which comments from national bodies are taken into consideration

	3 month consultation process to all P and O members Compilation of comments circulated to P and O members within four weeks of closure of period for comment
Enquiry stage	Five month vote draft distributed to all national members
Approval stage	

3.2 Benchmarking / cross-comparative analyses between national, regional and international

Foundation of ISO process is national delegation principle so measurement of the ability of stakeholders to participate in national delegations and in the work of ISO members is very important.

There are a number of research reports that have addressed specifically the issue of consumer representation in standardisation internationally. A report from 1997 examining the situation nationally in countries whose national SDOs were members of ISO COPOLCO²⁹ found that of the 41 members responding to the survey 16 had a consumer committee, 18 had consumer participation in the governing body and 37 had consumer participation in technical committees. A survey conducted for Consumer International in 2000 garnered a 34% response rate from the 264 members that comprised the CI membership at that time. 86% of those responding had contact with their National SDO and 80% attended meetings with them. 48% had membership of the board of the national SDO and 50% of the national SDOs had a consumer policy officer for consumer organisations to liaise with. The survey also identified overwhelming interest to participate in international standards work (86%) and national standards work (83%).

When seeking to establish a benchmark of its members practices against which to compare ISO and IEC it is probably better to take the most influential SDOs. De Vries ranked SDOs for their influence in ISO according to the following formula number of WG secretariats + 2 x number of SC secretariats and 4 x number of TC secretariats³⁰. The presence of consumer representation in the board of the SDO and the existence of a national consumer standards committee is identified from the COPOLCO directory³¹.

²⁹ Langmann G. (1997) Consumer Representation in Standardization: A Review of the National Arrangements for Coordinating Consumer Representation in ISO-COPOLCO Member Countries, ANEC - European Association for the Co-ordination of Consumer Representation in Standardization, Brussels

³⁰ Standardization A business approach to the role of National Standardisation Organisations Henk J. de Vries Kluwer 1999

³¹ COPOLCO Directory 4th edition 2000

Country	Ranking	Consumer representation in board	Consumer committee
United States	715	Yes	Yes
Germany	711	Yes	Yes
UK	602	Yes	Yes
France	392	Yes	Yes
Sweden	181	Yes	Yes
Japan	143	Yes	Yes
Canada	114	Yes	Yes
Netherlands	113	Yes	Yes
Russia	80	Unknown	Unknown
Norway	76	Yes	Yes

It is interesting to note that with the exception of Russia in respect of which data was not available all the SDOs have consumer committees and have or have had consumer representation at the governing board level. ISO has its consumer committee COPOLCO but does not have consumer representation in its governing body.

ANEC the European association for the coordination of consumer representatives in standardisation has also reported on the national arrangements specifically in Europe most recently in May 2001³². ANEC found that in the 18 EU and EFTA member states 10 had consumer representatives on the boards of the national SDOs and 11 had consumer committees devoted to the consideration of standards issues (7 of these inside the national SDOs and 4 outside). In the remaining countries consumer groups were consulted on an ad hoc basis. Finally only 9 countries provided financial support for consumer participation in standardisation. The vast majority of this support comes from government. The European Commission has more recently carried out its own survey. The Commission findings have borne out the findings of the earlier ANEC studies.

Europe is an important case study as the European regional standards writing model in CEN and CENELEC is essentially the same as the international model found in ISO and IEC and both organisations have a large standards output. Other regional groups such as COPANT simply don't write anything remotely resembling the number of standards as CEN or ISO and do not generally operate in areas of consumer priority thereby lessening considerably the interest in NGOs to participate in their work. Accordingly they can be discussed for benchmarking purposes. Codex is also interesting model as there has been a considerable demand from NGOs to participate in their activities so NGO issues have been better addressed.

³² ANEC, Consumer representation in standardisation national arrangements in the EU and EFTA May 2001

CEN created a form of associate membership for European NGOs and industry associations. Associate members have the right to participate in the General Assembly (without voting rights), the Administrative Board when policy matters are being discussed, the Technical Board and any other technical body. They also receive all relevant documentation and information, including draft standards. Since associate membership was introduced in 1993, there have only been 8 organisations admitted to CEN as associate members. Few industry groups have chosen to follow this route. This probably reflects the fact that ultimately the majority of industry federations and associations are concerned with the standards work in their own specific sector and a liaison with the technical committee involved is sufficient for their means. Rather the introduction of associate membership has very usefully provided a means for social partners to become more closely involved in the work of CEN. Consumers, Trade Unions, environmental groups and a European group representing the interests of SMEs are all associate members of CEN. Associate membership has not opened the floodgates and unnecessarily diluted the principle of national delegations that is as much the basis for CEN's work as it is for ISO. In an ISO context one could also imagine that associate membership might also provide a means for entry for NGOs involved in development issues.

3.3 ISO and IEC compared to their recommendations to their own members

The fundamental issue is whether there should be direct stakeholder participation at the international level. It should be relatively easy to make case in the specific instance of disadvantaged groups such as consumer groups, development NGOs, trade unions or environmental groups. They are invariably a minority interest at the national level so it is too easy for their voice to be lost in the drive for national consensus and a national line to present at international standards meetings. Direct participation gives voice to their concerns. This principle has been accepted in many other arenas such as the Codex Alimentarius and in the United Nations Economic Commission for Europe where global technical regulations for vehicle safety are being developed. The World Trade Organisation itself also interfaces directly with international NGOs.

<p>1. National bodies shall support ISO and IEC initiatives aimed at encouraging consumer representation in standardization.</p>	<p>IEC's participation in COPOLCO has been very patchy in the past. IEC does have a Consumer committee of its own.</p>
<p>2. There should be provision at the national level for consumer participation in the initiation and planning of the standards work programmes, both national and international, as well as in policy matters relevant to the consumer.</p>	<p>Outside COPOLCO there is no direct participation in the policy-making bodies of ISO e.g. Technical Management board, council or General Assembly. IEC does not recognise consumer representation above national level in policy matters.</p>
<p>3. At the national level, consumer interests should be invited to participate in all technical committees executing standards projects affecting the interests of the consumer. The degree of participation should reflect the relative importance to consumer interests of the particular project.</p>	<p>ISO does not have any established policy or procedure requiring it to actively seek the direct participation of NGOs in its work technical or otherwise.</p>
<p>4. If consumers are not able to finance their participation in the standardization process themselves, the national body should enable consumers to participate in priority areas of consumer interest. It should be recalled that consumers form an integral part of the consensus-building process.</p>	<p>ISO does not provide any financial support outside secretariat services to COPOLCO</p>
<p>7. Standards work can be technical and complex by nature. Where possible and necessary, national bodies should provide consumer representatives with guidance and training on standards procedures and with briefings on technical issues, in order to make their contribution both effective and based on a knowledge of real possibilities. Consumer representatives should receive early notice concerning upcoming meetings and should receive documents in sufficient time to review them thoroughly. There should also be access for persons with disabilities, for anyone who requires it.</p>	<p>COPOLCO has arranged some training courses for consumer representatives</p>
<p>8. National bodies should ensure effective communication to consumer groups, other relevant organizations and the general public, on the results of their standards work of interest to consumers. Whenever possible, they should use publicity</p>	<p>ISO publishes a newsletter, Focus, but it is only available upon payment. Other information is available on the ISO website. It is in somewhat of a decentralised format and a lot of information regarding the technical work, technical</p>

<p>expertise and new possibilities offered by technological development (such as the Internet), to encourage feedback and the application of standards.</p>	<p>management and policy development is password protected.</p>
<p>9. National bodies should be encouraged to "sound out" consumer opinion through existing consumer organizations or, if no such organizations exist, on their own initiative.</p>	<p>ISO only formally consults with its members. A more recent development has been the creation of ad hoc multi-stakeholder groups to examine the feasibility of ISO in specific sectors such as Corporate Social Responsibility. The direct involvement of consumer groups in this work is to be welcomed but this process has not been formalised.</p>
<p>10. During the standards-writing process, consumer input should be sought in particular at the (following) stages:</p> <p>(omitted for length – see chart of standards process below and annex of text of recommendations)</p> <p>To target consumer input, the setting of priority areas of work is very important.</p> <p>There should be a process for identifying priority areas of work where consumer participation is deemed essential, as well as areas where consumer involvement is considered less critical, i.e. when keeping consumers informed may be sufficient. Technical committees and standards bodies should work with consumers to try to identify priority issues for consumer participation, for example on the basis of the priority areas identified by COPOLCO.</p> <p>Standards bodies should also seek to identify, for the priority areas, consumer representatives. They should organize an effective system of communication between these representatives and the officer in charge of that work at the national standards body.</p>	<p>COPOLCO has its own priorities group and COPOLCO in general has been able to influence the priorities adopted by ISO. There is however a need for better publication of these activities to interested groups and through CI. This is under discussion.</p>
<p>11. National bodies are invited to study the composition and terms of reference of the various consumer committees of other</p>	<p>COPOLCO is a committee composed of national delegations from ISO members. National consumer committees, where</p>

<p>national bodies, and to consider whether any changes in their own national structures would be appropriate in order to follow these recommendations.</p>	<p>they exist, usually consist of representatives of consumer organisations. We have also seen that national SDOs and European SDOs allow direct consumer participation at higher technical management, policy and governance levels something ISO and IEC do not.</p>
<p>12. National bodies should provide a mechanism to allow consumer representatives to request that standards projects be initiated and to ensure that these initiatives have normal opportunities to progress.</p>	<p>Organisations in liaison can propose new work items to technical bodies otherwise the only avenue open to consumer groups is through COPOLCO</p>

4. Inventory of proposals for reform

The ISO Horizons exercise has clearly identified stakeholder involvement as being an area for concern and one where ISO needs to do better. The consultation process that ISO has undertaken has necessarily solicited a number of proposals for reform addressing this important issue. A summary of the findings of the consultation has been made available to ISO members³³. The main general findings of the analysis with respect to stakeholders are contained in the following box.

³³ ISO Strategic planning process: results of the consultation and analysis of the responses GA 2004-STRAT UPDATE 2004-02-10

ISO's current practices are considered to be consistent with ISO's stated principles, and it has been noted that the national delegation principle works well, ensuring substantial stakeholder participation.

However the vast majority of responses indicate that it is difficult to guarantee access to all stakeholders and that there are significant margins for improvement, in particular as far as participation of certain stakeholders' groups are concerned, notably:

- **consumers and SMEs** (indeed, most of the comments concern these two groups of stakeholders);
- **regulatory authorities** (their participation is sometime considered insufficient, in particular when standards with a potential for reference in technical regulations are concerned);
- **direct participation from industry** (notably concerning fast-changing fields and emerging technologies).

Many recommendations were made with respect to action that could be undertaken by ISO to strengthen and extend stakeholder participation.

These lines of action can be grouped into three main categories:

- communications and promotion;
- modification/improvement of processes (concerning participation and dissemination of information);
- development of new mechanisms to foster the participation of disadvantaged categories of stakeholders.

Proposals concerning lines of action to be considered for each of the above categories are outlined below.

Communications and promotion

- Increase communication efforts to raise awareness and promote the concept of balanced stakeholder representation;
- develop guides for national standards bodies, addressing the issue of how to associate civil society and small and medium enterprises;
- improve communication concerning ISO's deliverables other than standards, raising awareness of the alternatives to full standards development.

Process improvement

- **Develop statistics on stakeholder diversity** (representation within national mirror committees, delegations and experts) – to enable national standards bodies to document what they have done to ensure balanced representation of interests;
- **disseminate information more broadly at earlier stages in the process**, offering means for electronic consultation (or even "e-membership") to larger groups of stakeholders and encouraging national public enquiries at earlier stages;
- give the **right** (as opposed to Chair's discretion) to certain groups of stakeholders to participate in committee work as observers;
- target at an early stage for better participation of representatives from regulating authorities;
- assess the ITU-T model for direct participation and **pilot test balanced direct participation in selected fields** (most likely high tech, emerging technologies).

New mechanisms to foster participation of certain groups of stakeholders

- **Facilitate the development of international networks of stakeholders from civil society**,
- also leveraging the use of the Internet and electronic means for exchanging information, supporting their direct participation in ISO committees as liaison organizations;
- consider the **possibility of creating a fund to support participation of consumers** (in a way similar to what is currently done for developing countries).

Source : ISO Strategic planning process: results of the consultation and analysis of the responses GA 2004-STRAT UPDATE 2004-02-10

Some proposals and issues that have been made are not reflected in this summary.

Consumers International in particular stressed the need to ensure better implementation of its joint ISO/IEC policy on consumer participation. CI also proposed ISO to consider strengthen CI's role along the lines of the European model where ANEC is represented in the European standards bodies not only at the technical level but also at the strategic level.

ANEC proposed complementing national representation of consumer interests and other NGO interests by regional and international organisations and establishing a status equivalent to the one of Associate Members in CEN³⁴.

ANEC also additionally called for

- Measures to be implemented seeking to establish a balance of social interests, including balanced composition of project teams or Chairman's advisory groups;
- Establishment of a conflict resolution mechanism within ISO;
- Identifying stakeholder interests in addition to the national positions;
- Identifying TC members/participants according to interest groups;
- Public access to draft standards in order to ensure input from all stakeholders, in other terms commitment to consult stakeholders who are not represented, for instance in writing;
- and finally the Establishment of an internal mechanism to monitor the above mentioned measures.

ANEC stated its conviction that International Standards Bodies have to comply with the same principles European standardisation is based on.

The International Institute for Sustainable Development (IISD) expressed its belief that not enough is being done to encourage the establishment of representative mirror committees at the national level. The IISD also proposed that the ISO CS should have a process in place to verify that NSBs are taking necessary and reasonable steps to truly represent a national consensus position of all interested parties. IISD also proposed that it would be appropriate for each NWIP to include guidance for NSBs to follow in determining the composition of their national delegations and mirror committees. Depending on the extent of which the NWIP related to a field of NGO interest no specific guidance will be needed; in others, the credibility of ISO's engagement in a field of standardization may be undermined if proactive steps are not taken.

Echoing ANEC and CI IISD also expressed its belief that liaison organizations must be integrated not only into the standardization process but also into the governance structures of ISO CS and TCs. IISD also went on to propose that TCs should be required

³⁴ ANEC comment on ISO Horizon Consultation referred to in the ANEC comment on the Commission working document on the role of European standardisation in the framework of European legislation and policies ANEC 2003/GA/054 11 December 2003

to address governance and representation issues in their business plans, setting clear targets for stakeholder participation in CAGs, for example.

IISD goes on to discuss the nature of consensus within the work of ISO. They identify that paragraph 8 of Annex 4 of the Report of the Second Triennial Review of the TBT Agreement states that “Consensus procedures should be established that seek to take into account the views of all parties concerned and to reconcile any conflicting arguments.” Article 1.17.5 of the ISO Directives, Part 1 states “Technical committees and subcommittees shall seek the full and, if possible, formal backing of the organizations having A-liaison status for each International Standard in which the latter are interested.” IISD state that their experience to date suggests that there is a distinct absence of any mechanism that would enable TCs to seek the full and formal backing of liaison organizations.

The IISD also directed ISO’s attention to the report prepared by the NGO members of ISO TC207.³⁵ The 14 recommendations contained in this report in particular address the need to ensure balanced representation in national delegations and enhancing the effectiveness of direct representation at the international level.

ANSI stressed the need to give greater consideration to direct multi-stakeholder participation in the work of ISO as well as ensuring effective implementation of stakeholder participation in the work of national delegations. ANSI also proposed surveying member bodies on their internal requirements and practices for stakeholder engagement, and share and encourage the use of best practice in this regard. ANSI also proposed to amend the ISO processes to encourage member bodies to conduct public review and comment at all major stages of ISO standards development³⁶.

Summary of proposals

On the basis of the inventory of recommendations of reform and the analysis of the research work undertaken we can present a list of recommendations for reform of ISO and IEC. These are presented below in the manner of the list contained in the ISO analysis.

³⁵ ISO/TC 207/N590: “Increasing the Effectiveness of NGO Participation in TC207”

³⁶ ISO Horizon 2010 Consultations to Update ISO Strategies for 2005-2010 Contribution from the American National Standards Institute October 2003

Communications and promotion

- Increase communication efforts to raise awareness and promote the concept of balanced stakeholder representation;
- develop guides for national standards bodies, addressing the issue of how to associate civil society and small and medium enterprises and ensure their implementation in practice;
- improve communication concerning ISO and IEC's deliverables other than standards, raising awareness of the alternatives to full standards development.

Process improvement

- **Develop statistics on stakeholder diversity** (representation within national mirror committees, delegations and experts) – to enable national standards bodies to document what they have done to ensure balanced representation of interests;
- **disseminate information more broadly at earlier stages in the process**, offering means for electronic consultation (or even "e-membership") to larger groups of stakeholders and encouraging national public enquiries at earlier stages;
- give the **right** (as opposed to Chair's discretion) to certain groups of stakeholders to participate in committee work as observers;
- target at an early stage for better participation of representatives from regulating authorities;
- assess the ITU-T model for direct participation and **pilot test balanced direct participation in selected fields** (most likely high tech, emerging technologies)
- consider involvement in technical management and policy committees for international organisations through access to information and/or direct participation. (General Assembly, TMB, Council, TC CAGs in ISO, Council, Council Board, standards management board and advisory committees in IEC)
- Give right of appeal to NGOs and/or develop some other conflict resolution mechanism
- Identify positions of stakeholder groups within national delegations
- ISO and IEC CS needs to establish procedures to monitor quality of consensus and spread best practice with respect to stakeholder involvement

New mechanisms to foster participation of certain groups of stakeholders

- **Facilitate the development of international networks of stakeholders from civil society**,
- also leveraging the use of the Internet and electronic means for exchanging information, supporting their direct participation in ISO committees as liaison organizations;
- consider the **possibility of creating a fund to support participation of consumers** (in a way similar to what is currently done for developing countries).

Annex

Recommendations

ISO and IEC make the following recommendations jointly to the national bodies (member bodies and National Committees) of both organizations:

1. National bodies shall support ISO and IEC initiatives aimed at encouraging consumer representation in standardization.
2. There should be provision at the national level for consumer participation in the initiation and planning of the standards work programmes, both national and international, as well as in policy matters relevant to the consumer.
3. At the national level, consumer interests should be invited to participate in all technical committees executing standards projects affecting the interests of the consumer. The degree of participation should reflect the relative importance to consumer interests of the particular project.
4. If consumers are not able to finance their participation in the standardization process themselves, the national body should enable consumers to participate in priority areas of consumer interest. It should be recalled that consumers form an integral part of the consensus-building process.
5. Where a technical committee is developing an International Standard primarily of interest to consumers, national bodies should seek the active participation of consumers in national delegations.
It is essential that the consumer representatives are involved when the delegation is briefed and that the consumer view is taken into account when decisions on the national position are taken.
6. To assist national bodies in this effort, technical committees should include a statement in their new work item requests to highlight the fact that a specific international standardization matter is of particular interest to consumers (as required by the ISO/IEC Directives, Part 1, Annex C).
7. Standards work can be technical and complex by nature. Where possible and necessary, national bodies should provide consumer representatives with guidance and training on standards procedures and with briefings on technical issues, in order to make their contribution both effective and based on a knowledge of real possibilities. Consumer representatives should receive early notice concerning upcoming meetings and should receive documents in sufficient time to review them thoroughly. There should also be access for persons with disabilities, for anyone who requires it.
8. National bodies should ensure effective communication to consumer groups, other relevant organizations and the general public, on the results of their standards work of interest to consumers. Whenever possible, they should use publicity expertise and new

possibilities offered by technological development (such as the Internet), to encourage feedback and the application of standards.

9. National bodies should be encouraged to "sound out" consumer opinion through existing consumer organizations or, if no such organizations exist, on their own initiative.

10. During the standards-writing process, consumer input should be sought in particular at the following stages:

- during the establishment of standardization work programmes
- as soon as a subject is proposed to the standards body for study, at the time the feasibility of the project is being established and prior to the establishment of the draft proposal
- when establishing the scope of the standard (e.g. health and safety, fitness for use and environment), listing the characteristics, assigning the tasks to the members of the committee and determining whether research among consumers is necessary
- during the technical committee's work, whenever a decision is to be made that affects the established scope and/or the required performance level(s);
- whenever national delegations are briefed for their participation in international standards work, encouraging representation of consumer interests on national delegations;
- following the circulation of the draft, when the committee considers all the comments received;
- at the voting stage

(A list of key moments for consumer input in standards development is given at Annex.)

To target consumer input, the setting of priority areas of work is very important.

There should be a process for identifying priority areas of work where consumer participation is deemed essential, as well as areas where consumer involvement is considered less critical, i.e. when keeping consumers informed may be sufficient. Technical committees and standards bodies should work with consumers to try to identify priority issues for consumer participation, for example on the basis of the priority areas identified by COPOLCO.

Standards bodies should also seek to identify, for the priority areas, consumer representatives. They should organize an effective system of communication between these representatives and the officer in charge of that work at the national standards body.

11. National bodies are invited to study the composition and terms of reference of the various consumer committees of other national bodies, and to consider whether any changes in their own national structures would be appropriate in order to follow these recommendations.

12. National bodies should provide a mechanism to allow consumer representatives to request that standards projects be initiated and to ensure that these initiatives have normal opportunities to progress.

13. Particular attention should be paid to providing a close coordination of all activities arising from these recommendations within the same country. This would also facilitate a common approach to matters of consumer interest in international standardization.

Key moments for consumer input in standards development

Stage in process Consumer input

New work item

Consumer representatives should be involved in identifying new work items for the standards bodies, and should be informed of the commencement of work on new work items to allow them to identify priorities for direct consumer participation.

Consensus-building within working group

Consumer representatives may wish to participate directly on priority issues.

Consensus-building within SC/TC

Consumer representatives should be consulted as part of the national consensus-building process on matters of consumer interest.

Enquiry draft voting (DIS in ISO, CDV in IEC) (as above)

Approval vote (FDIS in ISO/IEC) (as above)

Publication of new standard

Where possible, consumer representatives should help to ensure that standards are actually used.

Periodic review/revision

Consumer representatives should provide feedback from the practical application of the standard.

List of Abbreviations used in this report

AFNOR – French National Standards Institute

ANEC – European Association for the Coordination of Consumer Representation in Standardisation

ANSI – American National Standards Institute

API – American Petroleum Institute

ASME – American Society of Mechanical Engineers

ASTM – American Society for the Testing of Materials

BSI – British Standards Institution

CEN – European Committee for Standardisation

CENELEC – European Committee for Electro-Technical Standardisation

CI – Consumers International

CS – Central Secretariat

CSC/STRAT - ISO Council standing committee on strategies

COPOLCO – Consumer Policy Committee of ISO

DEVCO – Developing Countries Policy Committee of ISO

DIN – German National Standards Institute

ExCo – Executive Committee of the IEC

IEC – International Electro-Technical Commission

IEEE – Institute of Electrical and Electronics Engineers

IISD – International Institute for Sustainable Development

ILO - International Labor Organisation

ISO – International Organisation for Standardisation

ITU – International Telecommunications Union

NWIP – New Work Item Proposal

SC – Sub-committee

SCC – Standards Council of Canada

SDO – standards development organisation

SPS – Sanitary and Phyto-sanitary

TC – Technical Committee

TBT – Technical Barriers to Trade

TMB – ISO Technical Management Board

WG – Working Group

WTO – World Trade Organisation