



QUESTIONNAIRE ON CONSUMER REPRESENTATION IN STANDARDISATION ACTIVITIES AT NATIONAL, EUROPEAN AND INTERNATIONAL LEVEL

EVALUATION REPORT

1. EXECUTIVE SUMMARY

1.1. Introduction

A Questionnaire on Consumer representation in standardisation was launched at the end of 2003 as part of the implementation of the Consumer Policy Strategy. This strategy states that the Commission will examine how to ensure greater and more effective participation of consumer representatives in the work of standard-setting bodies at national, European and international level.

The questionnaire was designed to collect information on consumer associations' experience, difficulties, views and proposals on the issue of representation of consumer interests in standardisation activities with a view to identifying future needs and opportunities for improving representation.

Out of 154 questionnaires sent, the Commission received feedback from 39 Consumer Associations from the 25 Member States¹ and 4 Consumer Policy Committees in Standardisation Bodies². Two public consumer protection entities also replied but have asked not to disclose their answers.

This report provides a picture of the present situation of consumer representation in standardisation in the European Union.

The report is structured in accordance with the main chapters of the questionnaire:

¹ 27 Consumer Associations from "old" Member States and 12 from "new" Members.

² Austrian Standard Institute; British Standard Institute; Deutsches Institut für Normung and Consumers Commission of Lithuania Standards Board-LST.

- I. Level of awareness, participation, information and involvement in standardisation activities
- II. National organisation of the representation of consumers in the standardisation process
- III. Financial, technical and administrative support available to perform the standardisation work
- IV. Experience in participating in standardisation work
- V. Critical problems that prevents the organisation from participating in the standardisation process; specific problems encountered by the organisations when participating in the process; general problems of the standardisation system itself
- VI. Evaluation of the participation in the standardisation system
- VII. General Evaluation of the level of consumer representation and its effectiveness in the standardisation system
- VIII. Proposals to improve the participation of consumers' representatives in the standardisation system.

Please note that since the questionnaires have rarely been completed in their entirety, it is not possible to provide accurate statistics on the answers received.

1.2. Summary of main results

Consumer Associations are aware of the importance of standardisation activities for consumers and they require an improvement of the system in order to ensure greater consultation of consumers throughout the standardisation process.

An increased awareness of safety issues is needed, and in this respect, the role of consumer associations is crucial to inform consumers of their rights and to promote a better quality of products and services available on the market. Moreover, rather than considering consumers to be a threat to their business, industry should recognise that they provide valuable input to improve the quality of products and services.

Consumer Associations are willing to become active participants in standardisation activities. However this will only be possible through an increase in their financial and human resources, which are at present too limited to enable active participation in the process. A lack of public funding is considered to be a clear obstacle to the representation of consumers' interests in standardisation.

Furthermore, consumer representation in standardisation should be improved by the adoption of specific mandatory requirements.

With regard to potential differences within the European Union, answers revealed a clear imbalance between Member States' perception of the importance of standardisation of products and services. On the one hand, there are some Member States with extensive experience of consumers' issues; they are strongly represented at national level and often benefit from a legal framework which supports the participation of consumer associations in national standardisation bodies. On the other hand, there are some

countries with no experience in the field: the consumer organisations are young, with a low level of expertise and resources, and with minimal participation in the standardisation process.

It is worth highlighting the following submission from a Consumer Committee within a standardisation body, which provides a picture of the current situation: “The burden of consumer representation in Europe is carried by two-three countries with very little support from other countries. The situation is worse proportionately at international level (...). Other countries need significant funding and support from their national standards bodies and government if true representation is to be achieved at national level (...). Funding at the international level is, in practice, so limited that consumer interests are rarely represented and, when they are, it is almost always by those from developed countries. This does not help to develop international standards which will create a level playing field for developing and developed countries and contribute to reducing barriers to international trade”.

Furthermore, most “new” Member States experience a lack of resources, a lack of technical expertise and a lack of interest in standardisation issues on the part of public authorities. Where interest is shown, it is usually at national level and rarely at European level. Also, most of the “new” Member States responding to the questionnaire indicate a lack of information from their European counterparts.

Many express the need for the European Union to find a way to reduce these national differences in order to develop an integrated approach to standardisation issues, and to promote harmonised European standards.

1.3. General conclusions

- The sample is quite limited: out of 154 questionnaires sent only 39 replied. It is therefore difficult to draw conclusions that are valid for each situation
- In practice, the level of involvement is diverse, depending on countries and specific situations of the organisations concerned
- There is a general awareness of the importance of consumer representation in standardisation
- Consumer Associations and Consumer Committees within a standardisation body have access to general information on standardisation activities
- Consumer organisations understand the role played by their organisation
- However, in many cases the resources available are limited and consumer organisations experience conflicting priorities preventing an adequate involvement and monitoring
- The lack of financial resources and expertise are the main problems preventing full participation of consumer organisations

- In some cases, consumer organisations feel that the added value of consumers' representation is not recognized
- There is a very uneven level of influence of consumer organisations in the standardisation process, ranging from no recognition to full consideration
- The framework for participation is varied: ranging from no formal right, to full, institutionalised involvement of consumer organisations
- The majority of requests outlined relate to a more consistent and binding framework and increased financial and technical support
- One particular problem concerns the participation of consumer organisations in international standardisation which seems to be out of reach for them at present.

2. EVALUATION

2.1. Level of awareness, participation, information, and involvement in standardisation activities

Awareness

Consumer Associations are aware of the general content and implications of standardisation activities at national, European, and international level. Most associations are informed, involved, and take part in standardisation activities at a national level³, a few at European level⁴ (participation mostly through ANEC) and fewer still at international level⁵.

Consumer Committees within standardisation bodies are well informed, involved, and participate in standardisation activities at all levels of the standardisation process.

The majority of information is exchanged during technical working groups and standardisation committees. It relates mainly to policy and technical issues, consumer-related standards (services and broad consumption products) and procedures of control, certification and accreditation.

Priority issues

While all areas of standardisation are considered to be important, the priority issues are the safety and quality of products and services, with child safety taking overall priority. Other areas that are mentioned are environmental protection, design for all, global market place standards, e-commerce and information society, sustainability (including corporate social responsibility). Safety and quality are seen as “the most important and

³ National level: Information: 31 in 39; involvement: 27 in 30; participation: 27 in 30.

⁴ European level: Information: 24 in 39; involvement: 14 in 30; participation: 15 in 30.

⁵ International level: information: 20 in 39; involvement: 9 in 30; participation: 11 in 30.

the most problematic areas for consumers” because “they affect consumer’s health and daily quality of life”.

Having identified a lack of standards in the service sector, some consumer associations have made it one of their key priorities. Consumer associations recognise that most of the complaints received concern services such as banking, public services or healthcare, and consequently they believe it is necessary to conduct public consultation in these areas of weakness.

The importance of standardisation for consumer’s interests is supported by the fact that “legislation is being replaced by standards” and that “standards provide supplementary guarantees in relation to the regulation”. Standards have a major role to play in the prevention of accidents, the protection of the environment, the increase of consumers’ confidence and in the reliability of products and services available on the market.

One of the responding Consumer Committees within a standardisation body gave a clear definition of the importance of standards for consumers: “Whilst legislation is needed to provide over arching frameworks for consumer protection, standards play a useful part in providing the detailed application of the law. Standards are more accessible for contributions from all stakeholders including consumers to ensure the needs are met. They are also more flexible and can be updated relatively easily to take account of changes in the market or technical developments. Where no legislation exists standards can avoid confusion and consumer detriment by providing more cohesive application and interpretation of market issues”.

Participation

Participation in the standardisation process is a priority for 72% of the consumer associations who responded: “participation makes the association more effective and gives experience and knowledge to protect consumers”. One association stated that “after legislation, standardisation is the main way of intervention for the promotion of consumers’ interests”; another declared, “participation contributes to an improved level of consumer representation and hence standards with an increased level of consumer protection”.

For the 23% of consumer associations who do not consider standardisation as a priority, some of the reasons given were that “standardisation is complementary to other activities of consumer protection” and that “the limited resources do not permit the necessary occupation with standardisation and oblige Consumer Associations to make a strict selection of fields of intervention”.

Logically, all Consumer Committees in standardisation bodies who answered the questionnaire are actively participating to the standardisation process. In fact, one of them states that such participation is “the sole task of the Committee”. Another emphasised that “it is important to be involved in all levels of activity - at the policy level to frame the standards programmes and to ensure consideration is given to balance the views of different stakeholders; involvement at the technical level is necessary to ensure that detailed consumer issues are identified and that solutions are incorporated into the standards under development. The earlier a consumer becomes involved in the standardization process, the more influential he can be on the resulting standard”.

All aspects of the standardisation process (technical preparatory work, public enquiry, vote etc.) are considered to be important for consumers since “standardisation is a continuous process where one part cannot live without the other” and all aspects should be dealt with to guarantee the best possible results.

The priorities of respondents who participate in standardisation activities are:

- Consumer rights awareness
- Provision of strategic advice
- Conformity assessment of services and products
- Capacity building
- Dissemination of information on standards
- Legal and financial aspects of standardisation
- Participation at a strategic level

Activities

Consumer Associations are involved in standardisation work primarily through participation in working groups, and through indirect contacts and other associations or bodies: “we are involved both directly and indirectly through all means to achieve our objectives (...) we initiate and accompany standardisation projects”. The following ways of being involved in standardisation activities were also mentioned:

- Didactic and informative updating of standardisation work;
- Development of projects to promote standards and consumer participation in standardisation;
- Ex-post action through the media;
- Participation in advisory bodies.

Human resources

The number of people working on standardisation related issues in each organisation differs widely. In Consumer Associations, it ranges from no staff or occasional work, to full time representatives. For most Consumer Associations, those working on standardisation related issues are directly employed by the association (even if, for some Consumer Associations, they do not work on a full time basis); some Consumer Associations have volunteers carrying out standardisation activities.

Consumer Committees within standardisation bodies usually have designated staff following standardisation related issues who are directly employed by the standardisation body.

The qualifications of those working on standardisation related issues are diverse: engineers, biologists, architects, lawyers, technicians, sociologists, journalist, economists, physics, researchers, active consumers, consumer policy experts or experts in the respective policy areas. They often possess a degree level qualification or equivalent in a range of different disciplines as well as relevant experience in the field.

2.2. National organisation of the representation of consumers in the standardisation process

There are mixed perceptions regarding the representation of consumers in the standardisation process and how this representation functions in the national standardisation process. The general conclusion is that consumer representation in standardisation varies according to the standardisation issue in question, the availability of experts and financial resources, and the openness of standardisation bodies or individual committees to accept consumer representatives.

Most of the Consumer Associations believe that they directly represent consumer interest in the national standardisation process. In some Member States, individuals and consultants also represent consumers' interests: "the representation is shared between Consumer Associations and the public authority responsible for consumer policy, but specialists in some areas and specialist consumer bodies may represent particular consumer groups".

National framework

Consumer representation in standardisation is usually organised via a consumer committee acting within the national standardisation body. Responses revealed a great deal of variety in the way that participation of consumer representatives is organised throughout the European Union. Mechanisms include general laws on consumer protection, laws on standardisation, or by the statutes of the standardisation body. In some countries, the participation of consumer representatives is discretionary.

In some Member States the participation of consumer representation is established simultaneously by legal framework and voluntary agreements⁶; in others it is established by proactive initiatives carried out by the standardisation bodies; in a small number of countries, it is made by occasional, proactive, non codified initiatives from Government and/or standardisation body.

⁶ Czech Republic: "It is a mixture of tools- the law stipulates possibility of any counterpart to participate in standardisation process- consumers are not mentioned explicitly; voluntary agreement may surely be concluded with national standardisation body". The Act 22/1997 was also mentioned;

France: The "Code of Consumption" was identified as legal basis. The Decree of 26/01/84 on standardisation and the Decree of 1995 on conformity (by this law Consumer Association should be invited for participating in all working groups on standardisation) were also mentioned;

Belgium: reference to the Law 3/04/2003 (M.B 27/05/2003) on standardisation;

Greece: mention of Law 372/76 and the President Decree 155/97;

Spain: the "Spanish Consumer Law" as a general law of consumer protection (by this law consumer shall be represented by Consumer Associations in all the issues affecting them and Consumer Council should be notified of all laws drafted to be able to participate as stakeholder);

UK: Consumer Policy Committee of the British Standard Institute refers to the Royal Charter and the Memorandum of Understanding between the Government and the British Standard Institute;

Hungary: reference to the Act XXVIII of 1995.

According to respondents it is possible to conclude that generally legislation concerning the participation of consumers' representatives in the standardisation process or concerning the status and rights of consumer representatives in the standardisation process does not currently exist.

A consumer association advanced the view that only consumer associations should have the right to speak in the name of consumers and that this provision should be incorporated in a national legal framework.

Stakeholders' representation

A majority of respondents consider there to be an imbalance of representation of stakeholders in their national standardisation process. This is attributed to a number of factors:

- Standards were initiated and are still promoted by the industry
- Many consumer associations are not active in their national standardisation body
- Other stakeholders do not perceive the advantages of the participation of consumers to the normalisation process
- There is a lack of technical and financial resources to participate.

Moreover, some Consumer Associations believe that the political and economical policy direction of their Government presents an obstacle to consumers' participation in standardisation because authorities tend to value industry to the detriment of consumers and their representatives.

2.3. Financial, technical and administrative support available to perform the standardisation work

Financial support

50% of Consumer Associations who responded receive external financial support for participating in standardisation activities. The sources of funding are firstly the Government and the public authority responsible for consumer policy, and secondly the National Standardisation body. None of the respondents receive financial support from industry. The percentage of the overall budget that Consumer Associations spend on standardisation activities is very low (negligible or around 1-2% of the global budget).

All the Consumer Committees within standardisation bodies receive financial support from the National standardisation body, the Government, and the Public Authority responsible for Consumer Policy. Their budget is much more substantial than the budget of consumer associations.

For most Consumer Associations, there has been no significant increase in the average annual budget dedicated to standardisation activities over the last five years. In contrast Consumer Committees within standardisation bodies have seen an increased average annual budget for standardisation activities.

Technical support

Technical support provided to Consumer organisations by external sources comes mainly from National Standardisation, from the Government and from the Public Authority responsible for Consumer Policy. Some Consumer Associations also receive technical support from individual partners, voluntary contributions from their own members, and from consultants of their association. The range of technical support includes training, publications, representation, technical and policy advice and exchange of expertise.

Administrative support

While the majority of Consumer Associations do not received administrative support for participating in standardisation activities, all the Consumer Committees within standardisation bodies benefit from administrative support from Consumer organisations, National Standardisation Bodies, and from the Government.

Contacts with public authority

Most of the Consumer Associations and the Consumer Committees within standardisation bodies maintain contact and collaborate with the public authority responsible for consumer policy in relation to the standardisation activities. These contacts consist mainly of participation in meetings, analysis of technical documentation, mutual exchange of information, and assistance and training.

2.4. Experience in participating in standardisation work

The involvement in standardisation activities over the last three years varies according to the standardisation level, the availability of resources and the willingness of standardisation bodies to accept consumer representatives.

Around 65% of Consumer Associations who responded have been ‘frequently’ or ‘occasionally’ involved in standardisation activities, while 35% have ‘rarely’ or ‘never’ been involved in standardisation activities. Involvement is most frequently at national level; moderately at European level and to a lesser extent at international level.

Not surprisingly, Consumer Committees have been frequently involved in all levels of the standardisation process.

The main standardisation areas where both types of organisations are involved are:

- safety and quality of products and services
- general decisions about standardisation policy
- energy labelling
- design for all

2.5. Critical problems

A large majority of the Consumer Associations (92%) who responded believe that there are critical problems preventing them from fully participating in the standardisation process. Specific problems identified are a lack of budget, followed by a lack of expertise, and a lack of information. To a lesser extent, conflicting priorities and complicated procedures also affect the participation of Consumer associations in the standardisation process.

Two of the responding Consumer Committees also claim to be facing a lack of budget and a lack of expertise that they believe prevents them from participating effectively in the standardisation process.

Budgetary limitation is an important issue for the representation of consumer interests in standardisation activities. Some Consumer Associations indicate that they are obliged to limit the areas of standardisation activities on which to concentrate according to their human and financial resources. As one Consumer Association noted “the lack of resources (financial and technical) forces consumer associations to make a strict selection of what they consider to be the most important for consumers”.

Another significant obstacle mentioned by a few respondents concerns the political and economical policies of the national Governments which do not encourage the participation of consumers’ representatives in the standardisation process. Furthermore, since the standardisation system is not autonomous from industry, consumer representatives are often considered to be ‘outsiders’ in the system.

In terms of performance of the standardisation work carried out, the main obstacles identified are: the working language being predominantly English; the technicality of the domain; a lack of engagement on standards on services by all parties; and a delay in receiving information.

2.6. Evaluation of the participation in the standardisation system

When participating in the standardisation process, consumer organisations aim to guarantee the representation and recognition of consumers’ needs and rights.

A majority of respondents consider that their participation in the standardisation process has been useful. While most respondents replied that their requests or suggestions have been sufficiently taken into account in final decisions on standards, the answers show that effective acknowledgement is difficult to evaluate. In practice, each situation appears to be specific and the level of recognition of suggestions made by Consumer Associations or Consumer Committees strongly depends on the standardisation areas concerned and on the technical group involved. “Everything has happened: from total recognition, to complete ignoring” declared one Consumer Committee.

In some cases, suggestions of Consumer Associations led to an adaptation of draft legislation and to the improvement of standards with a greater “consumer” perspective.

2.7. General Evaluation of the level of consumer representation and its effectiveness in the standardisation process

Most respondents consider that the level of consumer representation and its effectiveness in the standardisation process are insufficient. They believe that an improvement in the quality and safety of products and services will only be possible through a balanced representation of consumers’ interests in the standardisation process.

“Standards will be used increasingly to support general regulation or agreements. To be credible, standards need to have requirements that reflect real consumer needs and have a high level of consumer protection. History shows that neither industry nor government representatives alone can really represent the consumer interest. Consumers need to be represented in all areas where there is a consumer concern/need”.

2.8. Proposals to improve the participation of consumers’ representatives in the standardisation system

A new standardisation culture is necessary to ensure the systematic integration of the interests of consumers in the process.

Some consider that the European Commission and national Governments (through the public consumer protection entities or the standardisation body) should intervene to promote the interests of consumers and encourage the participation of consumer representatives by legislative and/or other means.

Concrete measures have been suggested to improve the standardisation system. For example, some respondents recommended that the European Commission should:

- Improve European Directives in order to guarantee more balanced representation in the standardisation process and a consumers’ perspective and culture in all processes
- Introduce measures to provide resources to the consumers organisations
- Put pressure on national Governments in order to encourage them to support an increased participation of consumers representatives in the standardisation process, and to achieve greater compliance with the European Union’s rules
- Undertake an evaluation of the effects and contents of the standards.

Additionally, the respondents propose that national Governments should:

- Improve national standardisation systems and national standards
- Put pressure on the national standardisation body in order to improve the participation of consumer’s representatives;
- Acknowledge the participation of the consumers representatives as being of “general interest for society”;
- Introduce measures to provide adequate resources to consumer organisations.

Some respondents even suggested that the participation of consumer representatives in the standardisation process should be mandatory and regulated by law.