



UNCONFIRMED MINUTES OF THE 34TH COPOLCO PLENARY MEETING – Nadi, Fiji, 16-17 May 2012

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| Prime Minister of Fiji | Honorable Commodore Josaia Voreqe Bainimarama |
| Attorney-General & Minister for Industry and Trade | Honorable Aiyaz Sayed-Khaiyum |
| Permanent Secretary for Industry and Trade | Mr. Shaheen Ali |
| ISO Vice-President (policy) | Mr. Sadao Takeda |
| COPOLCO Chair | Ms. Norma McCormick |

Members

| | | | | |
|-------------------------|-------------------------------------|---|--|--|
| ABNT Brazil | Mr. Mr. | Amorim Fragoso | Carlos Ricardo | ABNT ABNT |
| AFNOR France | Mr. | Reuss | Rémi | AFNOR |
| ANSI USA | Ms. Ms. | Golodner Hughes | Linda Karen | National Consumers League ANSI |
| BIS India | Prof. Dr. | Khanna Sharma | Sri Ram Anant | University of Delhi, Delhi Consumer Action & Network Society - CANS, Jaipur |
| BSI UK | Ms. Mr. | Ferguson Spinks | Anne Jim | BSI - CPIU UK National Consumer Federation |
| BSN Indonesia | Ms. Ms. Ms. Mr. | Adiati Agustina Ishak Judawati | Frida Srie Nus Nuzulia Ganef | Ministry of Trade Ministry of Trade Ministry of Trade Ministry of Trade |
| DIN Germany | Ms. | Both | Karin | DIN – Consumer Council Germany |
| DNTMS Fiji | Mr. Ms. Ms. Mr. | Ali Devi Kumar Vadei | Shaheen Sangita Premila Anare | Ministry of Industry & Trade Ministry of Industry & Trade Consumer Council of Fiji Department of National Trade Measurement & Standards |
| DSM Malaysia | Ms. Ms. Mr. Ms. Ms. | Bogal Nadarajan Nadason Veerabarathi V. Maniam | Siti Raikhan Aina Ratna Devi Marimuthu Mohana Priya Thiagalethchumi | DSM Malaysian Association of Standards Users Malaysian Association of Standards Users DSM Ministry of Domestic Trade, Co-Operatives and Consumerism |

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|----------------------------------|---|--|--|---|
| IRAM Argentina | Mr. | Zucal | Guillermo | IRAM |
| JISC Japan | Ms. Prof. Mr. Mr. Mr. Prof. | Kawamura Matsumoto Nakakuki Ozawa Takagi Tan | Makiko Tsuneo Takashi Hironori Hidetoshi Michelle | Shufuren Hitotsubashi University Japanese Standards Association (JSA) Ministry of Economy, Trade and Industry NCOS Tezukayama University |
| KATS Republic of Korea | Mr. Mr. Ms. Mr. Ms. Mr. Ms. Ms. Ms. Ms. Mr. | Cho Hong Kim Ko Lee Lee Moon Ryu Ryu Song You | Ki Sung Sung-man Jai Ok Young Bong Suh-hyue Wi-ro Eunsook Ji Youn Yon-ok Vo-kyung Moon Sun | KTR (Korea Testing & Research Institute) KATS Consumers Korea KTR (Korea Testing & Research Institute) Consumers Korea KATS National Food Safety Information Service KATS KATS Consumers Korea KTR (Korea Testing & Research Institute) |
| MCCAA Malta | Mr. | Farrugia | Francis | MCCAA |
| NSI Namibia | Mr. Mr. | Gaweseb Kaakunga | Michael Riundja Ali (Othy) | NSI |
| SA Australia | Mr. Ms. Mr. Ms. Ms. Mr. | Dee Easton Furbank Mackay Sharma Thomson | Bill Robyn John Ruth Ashwini James | Compliance Solutions Consumers' Federation of Australia Self-employed ACCC – OECD SA SA |
| SABS South Africa | Dr. Mr. Ms. | Johnston Tom Trollip | Clifton Mollo Alexis | SABS SABS SABS |
| SAC China | Ms. Mr. Mr. Mr. | Cao Gao Xu Zeng | Lili Jianzhong Jianjun Yi | CNIS - China National Institute of Standardization AQSIQ - General Administration of Quality Supervision Inspection and Quarantine CNIS - China National Institute of Standardization |
| SCC Canada | Ms. Ms. Mr. Mr. Mr. Mr. | Bank Bruni Dulmage Geralde Kingston Tanguay | Jeanne Sondra Rae Doug Darryl Charles | CSA SCC ULC Standards CSA SCC Union des Consommateurs |

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|---------------------------------------|-----|-------------------|--------|------------------------------------|
| SII Israel | Mr. | Peleg | Ehud | Israel Consumer Council |
| SIS Sweden | Mr. | Henriksson | Jens | The Swedish Consumers' Association |
| SN Norway | Mr. | Aas | Finn | SN |
| | Mr. | Kili | Terje | SN |
| | Ms. | Murvold | Merete | SN |
| TTBS Trinidad and Tobago | Mr. | Williams | Steve | TTBS |

International / Regional organizations

| | | | | |
|--------------|-----|-----------------|--------|---|
| CI | Ms. | Kim | Jai Ok | |
| IEC | Mr. | Bukkjaer | Gert | IEC |
| OIML | Mr. | Birch | John | OIML |
| ANEC | Mr. | Pindar | Arnold | European association for the co-ordination of consumer representation in standardization |
| UNECE | Mr. | Drake | Graeme | ISO/CASCO |

ISO Central Secretariat

| | | | | |
|---------------|-----|------------------------------|-----------|-----------------------|
| ISO/CS | Ms. | Kissinger- Matray | Dana | Secretary of COPOLCO |
| | Ms. | Lazarte | Maria | Communication Officer |
| | Ms. | Le Breton | Micheline | COPOLCO Secretariat |

Apologies:

DS – Denmark
GOST-R – Russian Federation
INN – Chile
NEN – The Netherlands
SIST – Slovenia
TISI – Thailand

AGENDA ITEM 1 OPENING OF THE MEETING

1. The official opening ceremony started with introductions by the Honourable Attorney-General and Minister for Industry and Trade, Mr. Aiyaz Sayed-Khaiyum and the Permanent Secretary for Industry and Trade, Mr. Shaheen Ali. Opening addresses were delivered by the Honourable Prime Minister of the Republic of Fiji, Commodore Josaia Voreqe Bainimarama, and the ISO Vice-President, Mr. Sadao Takeda.

2. The Chair opened the plenary and invited heads of delegations to introduce themselves and members of their delegations.

Note – The opening address by the Honorable Prime Minister Commodore Josaia Bainimarama and the press release appear at annex 1 and 2. The address by the Vice-President, Mr. Sadao Takeda appears at annex 3.

AGENDA ITEM 2 ADOPTION OF THE AGENDA

3. The Chair indicated that Mr. Graeme Drake would report on the first day of the plenary for CASCO. The agenda was accepted with this change.

AGENDA ITEM 3 ADDRESS BY THE ISO VICE-PRESIDENT, POLICY

4. Mr. Sadao Takeda, ISO Vice-President (Policy) talked about ISO's global system, its global networking. He reported on the collection of 19023 ISO Standards. ISO Vice-President pointed out the production of 1208 standards in 2011. There are 600 liaison organizations. He referred to the seven key objectives of the Strategic Plan 2011-2015 and to the ISO Action Plan for developing countries 2011-2015.

5. The ISO Vice-President mentioned various key issues ISO is addressing, i.e. water, sustainability, climate change, energy, nanotechnology, security.

6. The ISO Vice-President mentioned ISO's contribution to Rio +20. The United Nations Conference on Sustainable Development, will be held in Rio de Janeiro, Brazil, on June 20-22, 2012: ISO will host an official event in partnership with ABNT (Brazil).

7. The ISO Vice-President mentioned new TCs established since 2008, e.g. on road traffic safety management systems, network services billing, product recall, energy management, consumer product safety, second-hand goods, anti-counterfeiting tools, as examples of work of interest to consumers. In 2009 a TC on fraud countermeasures and controls was formed.

8. The ISO Vice-President added that consumers can provide valuable input to NSBs. He talked about how to identify and influence the standards that are of market relevance. He referred to the ISO XML Programme; it is a publishing system with a central repository of structured content. He highlighted the ISO Living Laboratory as a means to optimize standards. Six videos were launched in 2011 addressing areas where ISO standards are involved. He explained that case studies and analysis on the benefit of standards are available online.

9. Mr. Takeda talked about the benefits of standards. He informed members of the new task group on ISO Governance: among the recommendations will be clarifying the role of the ISO President and other officers. All recommendations will be considered by the 2012 General Assembly in San Diego (USA) in September.

AGENDA ITEM 4 TABLING OF THE MINUTES OF THE 33RD COPOLCO MEETING HELD IN LONDON ON 25-26 MAY 2011

10. The confirmed minutes of the London meeting were accepted as presented.

AGENDA ITEM 5 CHAIR'S AND SECRETARY'S REPORTS ON ITEMS NOT OTHERWISE COVERED IN THE AGENDA

11. The Secretary referred to the follow-up actions to the decisions taken at the 2011 plenary meeting (COPOLCO 14/2012 appearing at p. 71). The proposals on warranties and customer contact centers went out to ISO members for vote to be submitted by 30 July 2012. She gave an update on COPOLCO Resolution 11/2011, and the ISO/TMB Process Evaluation Group (PEG). Another task of PEG was to examine processes within ISO. There is an ad-hoc group on identifying stakeholders. As to the follow-up on COPOLCO Resolution 12/2011 on the definition of

"consumer", she informed members that there is a new online browsing platform providing access to ISO standards, graphical symbols, country codes or terms and definitions.

12. The Secretary referred to ISO Connect: it is an easy way to see what is happening (news, events, projects) and get involved or comment on IT and eServices projects in ISO. Regarding ISO/IEC Guide 50, Safety aspects – Guidelines for child safety its revision will take place starting in September. BSI had just nominated a project leader: Dr. Mike Hayes.

13. The Terms of Reference of the COPOLCO Chair's Group appear at page 81 of the working documents with comments. A consultation was launched among the Chair's Group and also to the wider group of COPOLCO.

14. The Chair asked members for support and comments: ANSI, AFNOR, SA, SCC supported the changes and requested that the Terms of Reference be reviewed on a regular basis.

15. The Chair referred to CASCO activities. She highlighted the interest of ICPHSO to liaise with COPOLCO. She also gave an update on her involvement with Security-related activity in ISO committees. The TMB had reactivated the ISO Strategic Advisory Group on Security and mandated it to produce a final report for the February 2013 TMB meeting, focusing on reviewing the Council gap analysis of ISO security standardization activity, and considering further standardization work on disaster planning, recovery and rehabilitation.

16. The Chair indicated that she was participating in a pilot roll-out of the "User Friendly Standards" initiative within ISO/TC 223. She will be the convener of Working Group 2 on terminology. She indicated that she would attend the next meeting of ISO/TC 223 in Bogota the week after the COPOLCO meeting.

Secretary's note: ISO/TC 223, Societal security, published ISO 22301:2012, Societal security – Business continuity management systems – Requirements in June 2012.

17. Ms. Anne Ferguson (BSI) indicated that for BSI, Mr. John Hood is active in Societal security. The next plenary meeting of TC 223 will take place in Bogota right after the COPOLCO meeting and that she will attend as a representative.

Secretary's note: COPOLCO Resolution 1/2012 appears under agenda item 15.2

COPOLCO Resolution 2/2012

Chair's and Secretary's report (2)

COPOLCO,

thanks the COPOLCO Chair and Secretary for their report appearing at COPOLCO 14/2012, notes the proposed Terms of Reference of the COPOLCO Chair's Group appearing at Annex 4 to COPOLCO 14/2012,

approves these Terms of Reference.

AGENDA ITEM 6 RESULTS AND FOLLOW-UP ACTIONS

2012 workshop, *How do consumers know what they are getting?*

18. Dr. Clifton Johnston (SABS) summarized the presentations of the 2012 workshop that took place the previous day. It started with opening addresses by the Honorable Attorney-General and Minister for Industry and Trade, Mr. Aiyaz Sayed-Khaiyum and Ms. Norma McCormick, Chair of COPOLCO.

Note – The press release on Counterfeiting and fraud - ISO standards as solutions appears at Annex 4.

19. Mr. Watisoni Rauicava, Border Control, Fiji Revenue and Customs Authority, talked about counterfeit products and risk to human health and safety, customs evolution from a taxation role to that of consumer protection, and counterfeit being managed by international criminal organizations.

20. Mr. Rae Dulmage, Underwriters Laboratories Canada, explained how UL takes an aggressive stance against counterfeiting. It involves education, enforcement and partnerships. Interpol provides free interactive training.

21. Mr. Doug Geralde, Regulator Relations Advisor (CSA) reported interesting statistics: trade in counterfeit amounts to USD 500 billion annually, it comprises 5-7% of the world trade, and it is growing 20-25% annually. He added that there is a need for proactive market surveillance.

22. Mr. John Birch, AM Honorary Board Member, CIML, spoke about the global metrology system protecting consumers against short measure and fraud, and regulatory measurements. He also talked about deregulation of electricity utilities impacting on consumers.

23. Via a video message Mr. Olivier Peyrat, Past Chair of ISO/CASCO, emphasized that consumer confidence is achieved through trust or verification. Trust is only achieved through a long and successful track record, and that good conformity assessment can help achieve consumer confidence.

24. Mr. Graeme Drake, representing the UN/ECE, reported that non-compliant and counterfeit products are increasing and becoming more difficult to detect. UN/ECE WP 6 is making recommendations to governments. There is a database of market surveillance authorities and a code of best practice on market surveillance. UNECE is willing to cooperate more actively with COPOLCO.

25. Members discussed the following three questions during the table discussion:

What was the most surprising/compelling/relevant thing you have heard today?

Participants cited the level and magnitude of counterfeiting across the globe. They also observed the rapid growth of counterfeiting, high professional quality of counterfeit goods, easy movement of counterfeit goods across borders, lack of cooperation among agencies, and inadequate penalties.

What obstacles are there to "consumers knowing what they are getting?"

Participants cited conflicts between social responsibility and profit, complexity of products, consumer ignorance, no complaint culture in some societies, and ignorance of where to report problems.

Could standards or guidance help reduce these barriers and increase consumer confidence?

In view of the level and magnitude of counterfeiting across the globe, standards can improve consistency and promote best practices. Standards are necessary and need to be user-friendly and understandable, but consumer education in the native language on the detriments of counterfeiting is the key. A year-long campaign on the perils of counterfeiting was suggested. Standards are needed on market surveillance.

26. One suggestion was combining legislation first with standards providing technical support. A multifaceted approach is needed: many standards already exist.

27. Panellists from Fiji, Indonesia, Brazil, Argentina, and ANEC presented country case studies and lessons learned. Highlights of the table discussions are listed below:

What elements are needed for enforcement and effective market surveillance ?

The participants identified a strong legal framework, human resources for enforcement, and effective testing facilities. They mentioned improved border control, information sharing between agencies (local and international). They suggested systems and hotlines to facilitate reporting faulty/illegal products, and improved recall provisions and strong deterrents. They also highlighted use of social networking services to inform consumers, and improved product traceability.

Are there good practices / useful lessons which can be replicated internationally?

The participants mentioned harmonized market surveillance rules. For example the EU and UN/ECE WP.6 have a glossary and guidelines on market surveillance. They also highlighted effective use of media, and sharing information on goods passing through ports of entry.

In what specific areas could standards or guidance be helpful that are not currently covered?

Ideas included market surveillance, comparative testing, developing MoUs between agencies, compensating consumers, border control, consistent classification of complaint data, and common formats for accident data sharing.

28. The Chair concluded by emphasizing following key points and inviting comments on where ISO could usefully contribute:

- Better practices for border protection
- Better sharing of information regarding problem products, including recalls and seizures
- Guidelines for market surveillance strategies
- Collecting data feedback from consumers to regulators (partnership)
- Emphasis on consumer information and education ("where to go and who to turn to when things are not right")
- Supply chain transparency - traceability

29. Dr. Johnston added that there was no mention of the value of third-party certification, or accreditation. These have not yet solved consumers' problems (also see the discussion under 15.2).

30. The participants discussed Ms. Bank's suggestion of formal liaison to PC 246, and PC 247 on fraud countermeasures and controls, and anti-counterfeiting tools. The Chair and Secretary emphasized representation by CI and NSB representatives as covering this aspect. Attendance by COPOLCO to TC meetings was also a challenge.

31. Mr. Jim Spinks (BSI) argued for easier access to standards for developing country NSBs. Fijian experts had difficulties in downloads; they asked if special provision could be made to allow extra copies.

32. The participants also discussed credibility of certification (see agenda item 15.2) and agreed on the need for more effective market surveillance.

33. Led by delegations of BIS, AFNOR, ANSI and BSI, the members recommended the revision of ISO/IEC Guide 46, *Comparative testing of consumer products and related services – General principles*, and requested publication of CASCO's informative brochure on market surveillance.

COPOLCO Resolution 3/2012

COPOLCO workshop, *How do consumers know what they are getting?* (1)

COPOLCO,

acknowledges the multiple challenges for consumers to have confidence in the integrity of goods and services they purchase,

highlights the scale and extent of trade in counterfeit goods, amounting to 5-7% of all trade worldwide,

notes that a number of factors encourage counterfeiting, such as the rising volume of trade and e-commerce, consumer demand, consumers' lack of awareness, economic pressures, low enforcement and penalties, inconsistent enforcement and increasing involvement of organized crime,

underscores the threat of counterfeiting to consumer health and safety, and to the economy,

emphasizes the role of all involved parties in effective market surveillance, including consumers, suppliers, customs, consumer protection, and other relevant agencies,

decides to launch the revision of ISO/IEC Guide 46, *Comparative testing of consumer products and related services – General principles* and to examine its relevance to counterfeiting,

further decides to establish a task group to undertake further research and make recommendations to COPOLCO for its 2013 meeting, including consideration of ways to raise consumers' awareness of the threat of counterfeiting,

requests the Secretary to correspond with the members to invite nominations for this task group.

COPOLCO Resolution 4/2012

COPOLCO workshop, *How do consumers know what they are getting?* (2)

COPOLCO,

invites COPOLCO members to ensure adequate national consumer participation in the work of ISO/PC 246, *Anti-counterfeiting tools*, and ISO/TC 247, *Fraud countermeasures and controls*,

notes international and national initiatives on market surveillance: a European Commission proposal for a single market surveillance instrument for Europe, UN/ECE glossary and guidance, EMARS best practices guidance, an information document from ISO/CASCO, and others,

requests the product safety working group to collaborate with international organizations such as the OECD Working Party on product safety on:

- consistent classification of incident data, and

- *development of common formats for incident data sharing.*

further requests the working group, Consumer protection in the global marketplace, to liaise with UN/ECE, ICPEN and ISO/TC 247 on:

- *ways to solve issues associated with fraudulent claims,*
- *the need for greater collaboration and cooperation on issues relating to market surveillance, and the use of harmonized and relevant standards, and*
- *to identify gaps, report back on findings and make recommendations to the 2013 COPOLCO meeting.*

2011 workshop, Homes for tomorrow: Building through standards: task groups

Results and follow-up actions of the task group on Sustainable Housing: Greening our homes

34. Ms. Anne Ferguson referred to Annex 2 COPOLCO 15/2012 appearing at p. 96. Ten main topics were discussed during the 2011 workshop in London; five items were examined in detail:

- Consumer involvement in existing sustainability work
- Energy impact assessment
- Energy management systems for residential housing
- Smart meters data
- Sustainable low-cost housing

35. Ms. Ferguson informed members of actions proposed by the task group on consumer involvement in existing sustainability work, and energy impact assessment. Other actions are to further investigate three possible energy management system standards for residential housing, smart meter data, and sustainable low-cost housing.

36. Mr. Drake (ISO/CASCO) mentioned that work is underway within TC 242, *Energy management* to develop standards on energy management, performance and auditing.

37. Ms. Anne Ferguson contrasted this with her proposed investigations, dealing with guidance for residential housing.

38. Ms. Sondra Bruni commented that strong support and championing is needed to go further with the development of standards for sustainable, low-cost housing.

Results and follow-up actions of the task group on Sustainable Housing: Rebuilding after disasters

39. Ms. Linda Golodner (ANSI) referred to Annex 3 to COPOLCO 15/2012 appearing at p. 106. She wished to continue some research and consult COPOLCO members and others on whether to recommend additional guidance. She will ask members about the types, experience, changes made since, what to prepare and lessons learned.

40. Ms. Golodner referred to the 13 issues that were raised during the 2011 workshop and break-out sessions appearing in the appendix to the report of the task group appearing at p. 108-111.

41. Ms. Golodner mentioned that one potential gap in standardization was for inspection of homes after disasters, especially to deal with questions of insurance claims for homes sustaining damage or destruction after disasters and gaps in such insurance. She indicated that a lot of work is done on emergency preparedness. We should avoid duplication of work.

42. Ms. Golodner concluded by saying that more members are urged to join the task group. She also invited members to actively participate in a survey that she intended to circulate. An interim report will be submitted to the Chair's Group. After the circulation of the survey another report would be delivered to the next plenary.

COPOLCO Resolution 5/2012

Task group on sustainable housing

COPOLCO,

thanks the task group on sustainable housing for their investigations,

asks the task group to use the priority template to help establish whether there is support to propose further standardization in this area, and in light of this,

invites the working group, Priorities from the consumer's point of view, to consider sustainable housing as a new priority area,

approves the five actions outlined in Annex 2 to COPOLCO 15/2012,

requests the task group to work together with the COPOLCO Secretariat to implement these actions.

COPOLCO Resolution 6/2012

Task group on rebuilding after disasters

COPOLCO,

thanks the COPOLCO task group, Rebuilding after disasters, including emergency shelters, for its report,

approves the proposed actions outlined in Annex 3 to COPOLCO 15/2012,

welcomes the proposal to provide an interim report to the 2012 Chair's Group meeting,

anticipates final recommendations from the task group for the 2013 COPOLCO plenary meeting,

invites COPOLCO members to participate in a survey on past experiences with disasters.

AGENDA ITEM 7

WORKING GROUP, CONSUMER PROTECTION IN THE GLOBAL MARKETPLACE

43. Mr. Bill Dee, convenor of the working group, referred to COPOLCO 16/2012 appearing at p.114. Mr. Dee reported on ISO/TC 68/SC7/WG 10, *mobile banking and payments* activities and the New Work Item Proposal on financial services. More participation is needed in working group 10. The working draft ISO 12812, *Mobile financial services* will have three new parts: mobile person-to-person payments, mobile person-to-business payments, and general mobile banking operations. There are seven parts in total. Additional experts are welcome to participate in the development of ISO 12812.

44. Regarding ISO 22222, *Personal Financial Planning – Requirements for personal financial planners* the working group recommended not to revise this standard at the moment, following the consultation to COPOLCO members.

45. Mr. Dee indicated that a survey for a recommendation to revise ISO 10002 on complaints handling into a certifiable standard showed that the majority of the respondents were not in favour. Therefore the global market working group recommended not to pursue this proposal.
46. As to the NWIP on assessment and improvement of energy services, the Technical Management Board (TMB) intends to discuss allocation of the work at its next meeting in June 2012. Mr. Robin Simpson (CI) was involved in the project.
47. Mr. Dee gave an update on Customer contact centres and consumer product warranties: ISO members need to submit a ballot by 30 July 2012. The NWIP on consumer product warranties is an initiative that developing countries need, as developed countries have detailed regulatory regimes.
48. Mr. Dee reported on the interoperability priority area; the project is in abeyance because leadership is required. He mentioned that the CD2 version of ISO 10008 on e-commerce went out for comment. As for ISO 14452 on Network services billing, is expected to be published in the third quarter of 2012.
49. Finally Mr. Dee indicated that there is a proposal from Canada on vulnerable consumers. They agreed to do some preliminary work on this issue.
50. In response to a question from Mr. Ehud Peleg on stakeholder representation, the Secretary referred to the Global Directory. A new field will be added that shows the stakeholder category of the nominated expert. This will allow consultation on the number of consumer representatives participating in a TC.
51. Prof. Sri Ram Khanna indicated that BIS was considering the nomination of a Chair to lead the work on Customer Contact Centers, but requested clarification on the level of commitment required for overseas travel and running meetings. He indicated that BIS would contact the ISO Central Secretariat later with their decision.
52. The Secretary mentioned that work can be handled by correspondence; it does not mean that a meeting is needed at each document development stage.
53. A workshop on financial services took place in conjunction with the meeting of ISO/TC 68 in May 2011, to which the COPOLCO Secretary and a CI representative were invited. It was a good opportunity to present consumer's view and make contact with representatives of ISO/TC 68.

COPOLCO Resolution 7/2012

Global marketplace working group (1)

thanks the working group, Consumer protection in the global marketplace, for the report appearing in COPOLCO 16/2012,

having considered the New Work Item Proposal on financial services appearing at Annex 1 to COPOLCO 16/2012,

considers that the proposal needs further development based on comments submitted to date,

invites the Global marketplace working group to amend the proposal,

requests the Secretary to circulate the amended proposal to the members of COPOLCO for approval by correspondence.

COPOLCO Resolution 8/2012
Global marketplace working group (2)

COPOLCO

notes the results of the consultation to COPOLCO on the proposal for a revision of ISO 22222, Personal financial planning – Requirements for personal financial planners, appearing in Annex 3 to COPOLCO 16/2012,

further notes the results of the consultation to COPOLCO on the proposal to recommend a revision of ISO 10002, Quality management – Customer satisfaction – Guidelines for complaints handling in organizations in Annex 4 to COPOLCO 16/2012,

concurs with the recommendation of the working group, Consumer protection in the global marketplace, not to recommend revision of these standards at this time,

encourages COPOLCO members to support a positive national vote on ISO/FDIS 14452, Network services billing – Requirements.

AGENDA ITEM 8 WORKING GROUP ON CONSUMER PARTICIPATION

54. Ms. Anne Ferguson (BSI) and Mr. Guillermo Zucal (IRAM) are the new co-convenors of this working group, replacing Mr. James McCabe (ANSI).

55. Speaking to her report (COPOLCO 17/2012) appearing at p. 149; Ms. Ferguson referred to the Terms of Reference, and the revision of the Developing Talent comment paper. She reported that the Work Plan appearing at p.153 lists details and status of on-going projects; a workshop session took place last October in Geneva on barriers to consumer participation. Members shared good practice and challenges in their own countries and proposed possible mechanisms for increasing involvement. Representation and participation must be strong at the national level.

56. Ms. Ferguson encouraged members to use the ISO Directory of consumer interest participation. As funding is a very important aspect, she suggested that members communicate ideas where and how to find funds. A task group will be set up with Mr. Zucal, co-convenor of the working group, to lead this group. She suggested applying the Key Performance Indicators in working groups.

57. The Chair emphasized that we have to raise awareness of ISO consumer brochures, and monitor whether consumers are using them. She highlighted the need to inform the ISO Council Standing Committee on strategies about funding needs and limited resources.

58. Discussion ensued on the importance of balanced stakeholder participation in standards work.

59. Mr. Arnold Pindar (ANEC) added that ANEC has the same problem. Cooperation between COPOLCO and ANEC is necessary as in finding volunteers for standardization work is difficult.

60. Ms. Karen Hughes (ANSI) supported facilitating actions towards engagement of consumer stakeholders as articulated in the COPOLCO terms of reference and the ISO 2011-2015 Strategic Plan.

61. Ms. Ferguson explained that any funding for consumers usually comes from government departments. It is important for the national governments to recognize the importance of consumer involvement.

COPOLCO Resolution 9/2012

Participation group (1)

COPOLCO

thanks the working group on consumer participation for its report appearing at COPOLCO 17/2012,

confirms the substance of the proposed terms of reference appearing in Annex 1 to COPOLCO 19/2012,

decides to defer exact formulation of the group's terms of reference to the next meeting of the COPOLCO Chair's Group in order to ensure consistency with other COPOLCO working groups' terms of reference,

approves the work plan appearing at Annex 2 to COPOLCO 17/2012, subject to minor changes arising from the 2012 meeting, and in relation to the plan,

endorses the working group's ongoing efforts to increase consumer participation in standards, technical committees and working groups at the national and international levels,

encourages the group to investigate further ways of providing funding for such participation, through a new task group.

COPOLCO Resolution 10/2012

Participation group (2)

COPOLCO

asks the ISO Central Secretariat to promote the ISO Directory of consumer interest participation among the members of ISO, and in particular, to encourage members to fill in and update their entries,

requests the COPOLCO Secretary to obtain feedback on the extent to which ISO members are implementing the new ISO brochure, *Involving consumers – Why and how*, at the national level,

further requests the ISO Council to consider the feasibility of encouraging ISO members themselves to work with national governments, and others as appropriate, to raise awareness of the value of consumer participation in national committees and to assist such participation through financial and other means.

AGENDA ITEM 9

WORKING GROUP ON PRODUCT SAFETY

62. Ms. Ratna Devi Nadarajan (DSM), co-convenor of the working group referred to COPOLCO 18/2012 appearing at p.178. Ms. Nadarajan referred to the product injury data system. She highlighted topics that had been raised at the October 2011 meeting and additional items discussed at the May 2012 working group meeting. Ms. Nadarajan introduced the APEC Product Safety Incidents Information Sharing System (PSIISS).

63. Ms. Sondra Brunj mentioned that Canada supported liaising with organizations such as the OECD, APEC and ICPHSO to share and exchange information actively with the goal to achieve a worthwhile outcome. She encouraged promotion of standards and how to measure the impact of standards in the safety area.

64. Ms. Linda Golodner (ANSI) indicated that she had some injury data to transmit. She and Karin Both (DIN) indicated their support for lower surface temperature levels of household appliances.

65. Mr. John Furbank (SA) indicated Australia's abstention from support for the adoption of lower surface temperature limits in various parts of IEC 60335.

66. Answering a question from Professor Khanna (BIS) on how ISO measures the impact of standards the Secretary said that it is difficult to gauge the number of standards sold at the national level. Regarding measurement of their impact, it has to be precise and also depends on which standards.

67. Mr. Gert Bukkjaer indicated that the same discussion is taking place in IEC. It is indeed difficult to measure the impact of standards because even if IEC standards are free, it is difficult to know if the standard is being used.

COPOLCO Resolution 11/2012

Product safety working group (1)

COPOLCO

thanks the Working Group on product safety for its report appearing at COPOLCO 18/2012,

refers to COPOLCO Resolution 16/2011, Product safety working group (3), related to facilitating a more coordinated international injury data system,

recognizes the global benefit of establishing an international product injury database,

acknowledges its limitations in undertaking such a project alone,

decides to liaise with organizations such as the OECD, APEC and ICPHSO to share and exchange information actively with the goal to achieve this worthwhile outcome,

invites the working group on product safety to facilitate this dialogue.

COPOLCO Resolution 12/2012

Product safety working group (2)

COPOLCO

refers to COPOLCO Resolution 16/2011, Product safety working group (3) on safety of household appliances for all consumers (removal of the "exclusion clause" in the IEC 60335 series of standards),

notes the progress made by IEC/TC 61, Safety of household appliances on the issue of surface temperature levels of household appliances, which is of particular importance for older consumers and children (revision Part 1 and Part 2-6 "ovens" of IEC 60335),

expresses its serious concern that children and other vulnerable consumers be adequately and appropriately protected from high surface temperatures and urges the technical committee to address these concerns,

further noting that IEC TC 61 will hold its plenary meeting in June 2012,

expresses its support for the adoption of lower surface temperature limits for Part 1 and Part 2 - 6 "ovens" within IEC 60335, Household and similar electrical appliances,

invites COPOLCO member representatives to encourage IEC/TC 61 to launch the revision of the relevant IEC 60335 series of standards on the safety of electrical household and similar appliances, based on the work done in CENELEC.

COPOLCO Resolution 13/2012

Product safety working group (3) – pursuing further safety issues and participation in Guides revision

COPOLCO,

approves the proposal of the product safety working group to pursue further work according to COPOLCO 18/2012 and as discussed at the 2012 Plenary, and to submit a progress report for the next meeting,

encourages the group to support consumer participation and related actions to promote the positive development of ISO/IEC Guides and standards dealing with product safety, in particular:

- ISO/IEC Guide 51, Safety aspects – Guidelines for their inclusion in standards,
- ISO/IEC Guide 50, 2002, Safety aspects – Guidelines for child safety,
- ISO/IEC Guide 71, Guidelines for standard developers to address the needs of older persons and persons with disabilities,
- ISO/IEC FDIS 82079, Preparation of instructions – Structuring, content and presentation, Part 1: General principles and detailed requirements.

COPOLCO Resolution 14/2012

Product safety (4) – pursuing further safety issues and participation in Guides revision

notes the outcomes from product safety working group regarding ISO 10377, Consumer product safety – Guidelines for suppliers and 10393, Consumer product recall – Guidelines,

suggests that ISO promotes their adoption and use,

requests that ISO measures the impact of these guidance standards post-publication.

AGENDA ITEM 10 TRAINING GROUP

68. Mr. Guillermo Zucal (IRAM) reported on behalf of the co-convenors, Ms. Caroline Warne (BSI) and Ms. Sadie Homer (CI) who were not able to attend and who conveyed their apologies. Referring to COPOLCO 19/2012 appearing at p. 206 Mr. Zucal reported on the Terms of Reference of the training group. He referred to the brochure [Developing Talent](#) prepared by DEV-T which lists training activities and assistance, and recommended that members read and comment on this brochure.

69. Another interesting discussion was raised during the training group meeting on the revision of the Distance Learning Module; *Consumers and Standards, Partnership for a better world*. A small task group is revising the DLM. Mr. Zucal encouraged members to consult this module and send comments to the co-chairs of the training group. He reported that an article entitled "Trainers at your service!" was published in the ISO Focus+ [January edition](#) on the pool of trainers that came out of this programme.

Secretary's note – the training workshop in Côte d'Ivoire (see p. 208 of the working documents) was postponed to July 2012.

COPOLCO Resolution 15/2012

Training Group (1)

COPOLCO,

thanks the Training Group for its report appearing at COPOLCO 19/2012,

confirms the substance of the proposed terms of reference appearing in Annex 1 to COPOLCO 19/2012,

decides to defer exact formulation of the terms of reference to the next meeting of the COPOLCO Chair's Group in order to ensure consistency with other COPOLCO working groups' terms of reference,

notes the establishment of a task group to review the distance learning module, Consumers and standards: Partnership for a better world,

further notes that it will develop a new section, Being an effective consumer representative,

encourages the Training Group to advance this revision,

invites the members to promote its use and submit comments for the revision.

COPOLCO Resolution 16/2012

Training Group (2)

COPOLCO,

acknowledges two additional follow-up regional and national training workshops that have taken place in Oman and Ghana,

expresses its appreciation to all participants, donors and host institutions who contributed to the success of these events,

asks ISO to encourage its partners and their sponsors to consider the role of standards in consumer protection in their training and other initiatives for developing countries,

requests the training group and ISO/DEVCO to consider how to address the need to refresh the regional and national pool of trainers,

urges the COPOLCO members to take note of the brochure, Developing talent.

AGENDA ITEM 11 WORKING GROUP, PRIORITIES FROM THE CONSUMER'S POINT OF VIEW – PRIORITY PROGRAMME AND ANNUAL REPORT

70. Referring to COPOLCO 20/2012 appearing at p. 233 Ms. Sondra Bruni (SCC), co-convenor of the working group, reported that a new Key Person: Mr. Robin Simpson (CI) was added for the Financial Services priority area. The Social Responsibility priority area was moved to the watching brief status. A second version of the working draft on Second-hand goods will be completed soon. There were no new priority area templates submitted.

71. Ms. Anne Ferguson gave a brief presentation during the working group meeting on the outcome of sustainable housing during the COPOLCO workshop in 2011. A template for a new priority area will be submitted at the next priority working group meeting.

72. Discussion was raised on priorities-setting methodologies from other countries and what processes are being used. Australia indicated that they would bring forward a suggestion to the Chair's Group meeting in October concerning a priority-setting methodology to apply to all working groups. The group noted alignment on DEVCO CAG's priorities for developing country

participation in key technical committees and priority technical committees identified by the COPOLCO priority group for five areas: environmental management, road traffic safety management systems, energy management, second-hand goods and food products.

73. A circular will go out to COPOLCO members, and possibly also to DEVCO members, inviting them to confirm that these are the five main areas where consumer representatives from developing countries should receive support.

COPOLCO Resolution 17/2012

Priorities Group

COPOLCO,

thanks the working group, Priorities from the consumer's point of view, for its report and annexes appearing at COPOLCO 18/2012,

supports the group's recommendation to promote support for developing country consumer representatives within priority technical committees,

further supports developing country representatives to pair with key persons in a twinning arrangement,

congratulates ISO/PC 245, Cross border trade of second-hand goods on the progress made to date, and anticipates the finalization of the second Working Draft of ISO 20245, Cross-border trade of second-hand products,

looks forward to a new Priority template submission arising from the 2011 COPOLCO workshop, Greening our homes,

encourages members to share their NSBs' Priority setting mechanisms,

approves the Priority Programme, Annual Report and Handbook published as annexes to COPOLCO 20/2012.

AGENDA ITEM 12 RESULTS-BASED PLANNING AND REPORTING

74. The Chair presented this item on behalf of Mr. Jay Jackson (SCC). She referred to COPOLCO 21/2012 appearing at p. 243. This planning model was discussed during the last Chair's Group meeting in Geneva and during the 2011 plenary meeting in London. The objectives will be linked with the appropriate objectives of the ISO Strategic Plan.

75. The Chair presented samples of the planning template and asked members to look at this template but not approve it.

76. Led by Mr. Jim Spinks (BSI) the members supported the development of the model, provided that it measures real impacts rather than output, align with COPOLCO's Terms of Reference and not be too burdensome to implement.

COPOLCO Resolution 18/2012

Results-based planning and reporting, KPIs

COPOLCO,

acknowledges the work and reporting for the Key Performance Indicators appearing in Annex 1 to COPOLCO 21/2012,

thanks the group for its investigations into enhanced methods to measure performance,

asks the COPOLCO Secretary to consult the members of COPOLCO to invite further comments on results-based planning and reporting mechanisms, in the light of the ISO Strategic Plan 2011-2015,

requests the COPOLCO Chair's Group to consider comments resulting from the consultation and comments made at the 34th plenary meeting,

further requests the COPOLCO Chair's Group to consider results-based planning and reporting at its next meeting.

AGENDA ITEM 13 ACTIVITIES OF CONSUMER INTEREST WITHIN LIAISON ORGANIZATIONS

13.1 Agenda item Activities of Consumers International with respect to standardization

77. Ms. Jai Ok Kim (KATS), representing Consumers International reported on behalf of Ms. Sadie Homer. She referred to COPOLCO 22/2012 appearing at p. 266.

78. The theme for the World Consumer Rights Day 2012 (15 March) was "Our money, our rights: campaigning for real choice in financial services". Ms. Kim reported that financial services, food safety, nutrition, security, sustainable development, consumers in the digital age, and consumer protection and empowerment were CI's strategic priorities.

79. CI and Trans-Atlantic Consumer Dialogue (TACD) will hold a [workshop](#) on "Making financial services work for consumers: A global challenge" in Washington D.C. on 6 June 2012. Ms. Kim invited members to contact her or Ms. Sadie Homer if they wanted to attend.

80. Ms. Kim reported on the 19th CI World Congress which took place in Hong Kong in May 2011.

81. The NWIP on energy services to users was sent out to ISO members for vote with a closing date of March 2012. CI thanked Mr. Bill Dee (SA) for his hard work.

82. A workshop on ISO 26000, *Guidance on social responsibility*, will be taking place in Geneva on 7-8 November 2012. Participation from developing and developed countries is welcome.

13.2 Agenda item Recent activities of the Organisation for Economic Co-operation and Development (OECD) Committee on Consumer Policy (CCP)

83. Ms. Ruth Mackay is Chair of the OECD working party on Consumer product safety. She reported on behalf of Mr. Jay Jackson, referring to COPOLCO 23/2012 appearing at p. 269.

84. Ms. Mackay mentioned that OECD is celebrating its 50th anniversary this year. Its mission is to promote policies that will improve the economic and social well-being of people around the world. It provides a forum in which governments can work together to share experiences and seek solutions to common problems.

85. When created the OECD had 18 European member countries plus the United States and Canada. Today there are 34 member countries that span the globe, including South America and the Asia Pacific region. The OECD membership includes advanced and developing economies and importantly it also works closely with emerging giants like China, India and Brazil and developing economies in Africa, Asia, Latin America and the Caribbean.

86. The main areas of activity the CCP is involved with are online and mobile payments, digital content products, financial consumer protection, the role of consumer complaints in consumer policy making, and industry-led regulation.

87. Ms. Mackay reported that injuries associated with consumer products are affecting tens of millions of persons worldwide each year, with treatment costs that are estimated to exceed USD 1 trillion per year. That is only one of the costs – the cost to business in understanding and complying with regulations that vary from country to country is also significant.

88. She mentioned some areas of focus on how to address safety concerns in a consistent way: Promote harmonization of standards, provide web access to studies of hazards, establish restricted web directory of safety experts, pool information on product hazards on a web-based platform, and enhance international co-operation on traceability.

89. OECD is also focusing on sharing information on practices and policy developments. Ms. Mackay reported that the global portal on Product Recalls will be launched in October 2012. This is an ambitious and promising project. It seeks to bring together information on product recalls in different jurisdictions into one data base. Once in place, it will have a significant impact worldwide. She highlighted the creation of an online inventory to strengthen information-sharing on policy and regulatory developments worldwide.

90. Ms. Mackay indicated that OECD is co-operating with 14 non-member countries. OECD also reaches out to non-members such as APEC, ASEAN, ISO/COPOLCO, and UN/ECE. The collaboration has resulted in OECD participation in some of their meetings and vice versa.

91. She reported that a workshop was held on risk assessment.

92. The Secretary asked how to provide consumer input, through a web site of OECD.

93. Ms. Mackay recommended to ask Mr. Jay Jackson (SCC) or via the secretariat. There is a password-protected web site.

94. Ms. Mackay announced that the meeting of ICPHSO, International Consumer Product and Health Safety Organization will be held in Australia in October 2013, and that OECD is co-hosting this meeting.

13.3 Agenda item Activities of the International Organization for Legal Metrology (OIML)

95. Mr. John Birch AM, Hon. represented OIML and referred to COPOLCO 24/2012 appearing at p. 284.

96. Mr. Birch reported that OIML is an inter-governmental treaty organization and that members are required to enact OIML recommendations (standards) into their national measurement legislation.

97. Mr. Birch emphasized that there were no consumers present in TCs on water meters in ISO or OIML. He particularly drew members' attention to the work of the Technical Committees on pre-packaging and utility meters. He also added that some years ago the Australian National Standards Commission was involved in the approval and certification of telephone metering, and this work was published in the OIML Bulletin. A major aspect of OIML's work at regional level is training and implementation. Another regional interest is identification of regional standards that are not taken up by standards organizations; e.g. rice moisture measurement. This provides a fairer return for rice farmers in Asia. OIML has looked at sustainability aspects, but metrologists have not been involved in the work on climate change.

98. Standards and metrology are equally under estimated because they are seen as a technical rather than policy matter. Yet the policy implications are important. As an example, breathalysers and speed cameras are legal measuring instruments covered by OIML Recommendations. Over the past forty years they have had a dramatic impact on changing drivers' behaviour and reducing the road toll. They are very cost effective compared to road construction and should be the preferred policy option by government. However voters do not like having their behaviour changed, and voters and politicians like building roads. In this regard, politics supersede policy, which standards and metrology support.

99. In addition to OIML there are seven regional legal metrology organizations which cover the globe, with the exception of the Indian subcontinent. These organizations are generally involved in facilitating the harmonized implementation of OIML recommendations in their region through training courses and workshops.

100. Mr. Birch has been particularly involved with the Asia Pacific Legal Metrology Forum (APLMF) which was established in 1994 as a Specialist Regional Body in APEC and has provided a wide range of training courses. The most recent was on custody transfer of liquid fuels held in Singapore on 6-8 March 2012. APLMF was also co-sponsor of the Symposium on Metrology for Economic and Social Sustainability held in Beijing on 13-15 December 2011.

101. A study prepared by Mr. Birch on the economic and social benefits of legal metrology is available on the OIML website and also on the ISODOC Server at COPOLCO useful links, Presentations and other resources.

102. Regarding pre-packed goods Mr. John Furbank (SA) asked whether OIML could look at models from different countries to get consumer participation involved in this area. He said that there used to be a consumer representative at OIML.

103. Mr. Arnold Pindar (ANEC) suggested contacting Mr. Robin Simpson (CI) to provide input on water meters.

104. Responding to a question from Mr. Guillermo Zucal (IRAM), Mr. Birch confirmed that OIML recommendations have the force of law once recommendations are implemented.

105. Mr. Birch confirmed that India is a full member of OIML. OIML researched what India was doing in telephone billing and found out that there were no standards in place. The work is published in the OIML bulletin.

106. In response to a question from DNTMS about rice moisture measurement. The issue is about the right amount of moisture so that the rice does not crack. Mr. Birch said that many farmers were not able to get a correct price. OIML has successfully developed a field test for rice moisture. The Pacific Island Forum (PIF) wants to set that up. The island states need a well-structured solution to their problems; out of 14 islands 11 have no metrology or standards infrastructure.

13.4 Agenda item International Electrotechnical Commission (IEC)

107. Referring to his report appearing at Annex 3, Mr. Gert Bukkjaer, IEC representative to COPOLCO, summarized developments of interest to consumers. Mr. Bukkjaer indicated that while the IEC standards for consumer products in principle are voluntary trade standards. Many CLC EN (CENELEC) safety standards are covering requirements of the EU Directives based on CE marking, which are implemented as national laws. Therefore these EN standards are in practice "mandatory" as being the only way to prove that the requirements of the law are fulfilled.

108. The "exclusion clause" (additional requirements for vulnerable people) was inserted in EN IEC 60335-1 by CLC/TC 61, *Safety of household and similar electrical appliances*. The IEC meeting in June will discuss how to coordinate the European and International versions.

109. Electric toys, IEC 62115, amendment 2 has been published. Functional safety and protection of toy parts from higher voltages than 24 V, when connected to a TV, computer, etc. will be covered by A11. A draft amendment containing requirements for LED's in toys are soon to be circulated in IEC and CLC.

110. A new standard for audio/video, information and communication technology equipment; IEC 62368-1 was issued in 2010 by IEC TC 108 and replaces the existing standards IEC 60950 and IEC 60065. The new IT standard will have a huge scope and will be one of the most important safety standards in IEC.

111. Mr. Bukkjaer reported on the revision of ISO/IEC Guide 50 on child safety, to be done in parallel with ISO. As to the status of the revision of Guide 51, *Safety aspects – Guidelines for their inclusion in standards*, the compilation of comments with observations will be circulated to COPOLCO and ACOS, then the revised draft will go to the members of JWG for review and approval. It will go for a 3 month CD with a closing date of 15 October. The compilation of comments will be submitted early November to the JWG members for review.

112. As to Guide 71 IEC SMB has agreed to revise this guide on guidelines for standards developers to address the needs of older persons and persons with disabilities. Regarding Guide 110, *Home control systems – Guidelines relating to safety* it was agreed to send the draft to SMB for approval and circulation to NC/TCs and await their comments.

113. A European Mandate for standardization activities regarding nanotechnologies was discussed by SMB. It was agreed to establish collaboration between ISO 352 and IEC TC 113, and IEC should establish a communication channel with CEN and CLC to support the execution of the mandate.

114. The IEC Market Strategy Board (MSB) has worked with the "White Paper" on Smart electrification and has considered how crucial and important electrical energy storage will soon become.

115. Concerning automotive electronics, smart meters and smart grids the work is getting more and more interrelated. It is a combination of safety and performance. There are many interest groups involved: ISO, IEC, CLC, CEN, the EU Commission, the car industry and the power suppliers. For smart grids standardization is not only important, but the key issue in itself as it is combining so many different items.

116. IECEE represents 3rd party testing and certification for conformity assessment. It was agreed during the COPOLCO workshop on anti-counterfeiting that conformity assessment will play an important role. It is under discussion how to introduce Smart Grid in the CB Scheme. IEC has no standards against counterfeiting, but this topic is being discussed in the IECEE. It is difficult to make sure that a product is genuine and trace the origin of the product. In Europe there are new regulations as a New Legal Framework, with very detailed rules.

117. Mr. Bukkjaer referred to the Affiliate Country Programme. It is aimed at developing countries and newly industrialized countries. Several thousand IEC standards are now used in developing countries as national ones thanks to this programme.

118. Mr. Vadei (DNTMS) asked questions about traceability of certificates, and Mr. Bukkjaer responded that IEC conducts certification as part of its conformity assessment schemes.

119. To a question from Dr. Clifton Johnston on whether ISO IEC standards on toy safety are diverging, Mr. Bukkjaer responded that they complement each other. Mr. Bukkjaer added that unless you can check each product, you have to have a third-party certifier to avoid counterfeiting.

A new IEC standard on electric toys will meet the need from IEC and CENELEC for better traceability.

AGENDA ITEM 14 REGIONAL DEVELOPMENTS AND INITIATIVES

14.1 Agenda item Enhancing consumer participation in developing countries: priority issues for the Developing Countries COPOLCO Group

120. Referring to COPOLCO 26/2012 appearing at p. 286, Mr. Steve Williams (TTBS), Chair of the DCCG, mentioned the roles of this group. The following countries participated in the DCCG: South Africa, Indonesia, Canada, India, Fiji, UK, USA and Trinidad and Tobago. Mr. Steve Williams pointed out concerns raised; one was about the false perception that consumers do not believe that they are affected by counterfeit products. Counterfeit products are also made by some large companies. The difficulty in recognizing counterfeit products was also discussed. Consumers are price sensitive. Mr. Williams mentioned the difficulty with implementing consumer protection laws. The question of whether NSBs are doing enough to address the concern was also mentioned. More action was needed to bring this problem to the attention of the NSBs and businesses.

121. Mr. Williams briefly reported on second-hand goods. ISO/PC 245, *Cross-border trade of second-hand goods* met in Ottawa in March 2011. Mr. Rae Dulmage (SCC) is the Chair of this committee. A second working draft is being finalized and will be made available for comments. The final draft is expected to be completed in 12 months.

14.2 Agenda item Developments of consumer interest in European standardization: Report by an ANEC representative

122. Mr. Arnold Pindar, President of ANEC referred to COPOLCO 27/2012 appearing at p. 287, he mainly commented on the three topics below.

The future European standardization system and ANEC Strategy 2020

123. ANEC's role in representing weaker stakeholders in European standardization has been recognized in the draft Standardization Regulation put forward by the European Commission. In case of the adoption of the regulation by the European Parliament and Council it will strengthen ANEC's voice in the European Standardization Organizations (CEN, CENELEC, and ETSI).

124. Mr. Pindar mentioned the creation of a high level working group in CEN and CENELEC for a societal strategy group. The intention is to develop a toolbox for consumer engagement with European standardization. Mr. Pindar reported that consumer participation is low within ANEC's membership; this issue will be on ANEC's agenda. He added that COPOLCO and ANEC could work more closely to improve active consumer participation.

Removal of "Exclusion clause" in EN 60335 standards on the safety of household appliances. This topic will be discussed under the IEC agenda item.

125. Progress on fire safety in hotels

ANEC is a member of a stakeholder consultative committee established by HOTREC (European Hotel and Restaurant Association) of which the objective was to develop a charter for fire safety, which failed. It is clear to ANEC that Europe needs legislation backed up by standards to deal with fire safety in hotels. Mr. Pindar felt that it was unlikely to achieve legislation at this time, but that the development of a formal standard is a possibility.

126. Mr. Pindar concluded by saying that the economic downturn is affecting ANEC' work. However, ANEC's new strategy 2020 is providing opportunities to investigate new ways to justify the value ANEC is giving through standardization for the protection of consumers.

127. Mr. Jens Henriksson (SIS) indicated that ANEC had published a report on vulnerable consumers, and that he would send a copy of this document to the COPOLCO Secretariat. The report appears at Annex 6.

**14.3 Agenda item Developments of consumer interest in the Asia-Pacific:
Report by a representative of the Asia-Pacific members of COPOLCO**

128. Referring to COPOLCO 28/2012 appearing at p. 291, Ms. Ratna Devi Nadarajan (DSM) reported on the discussions of the activities in 2012 these included work on product recalls, second-hand goods, network services billing, the APEC PSIISS (Product Safety Incidents Information Sharing System) and updates from Fiji, Indonesia, Japan, Korea and Malaysia members. She informed members that the standards on consumer product safety, ISO/PC 243 and product recall in ISO/PC 240 had just been approved for circulation as Final Draft International Standards.

129. As to next steps Ms. Nadarajan emphasized that close coordination and active collaboration with all COPOLCO working groups, Asia Pacific ANCO and COPOLCO is necessary. She proposed that a Pacific Islands Countries Consumer Network on standardization be established.

130. Ms. Anne Ferguson (BSI) welcomed the closer collaboration between AP ANCO and COPOLCO and the initiative.

131. Mr. Shaheen Ali, the Permanent Secretary for Industry and Trade also greatly welcomed and supported the collaboration between the Pacific Island countries and COPOLCO to allow the Pacific island countries which are not part of COPOLCO to have a voice. As Pacific island countries were not part of the standardization process they often were victims of it, for example with food safety.

132. The Chair recognized their involvement and encouraged island countries' active participation in standardization.

COPOLCO Resolution 19/2012

ANCO

thanks ANCO for its report,

supports the ANCO initiative to establish a Pacific Island Consumer Network on Standardization,

encourages Pacific Island Countries to voice their consumer concerns through ANCO to COPOLCO.

**14.4 Agenda item Developments of consumer interest in the Latin American
region: report by a representative of CT 153 PAN-
COPOLCO (COPANT)**

133. Mr. Guillermo Zucal (IRAM) referred to COPOLCO 29/2012 appearing at p. 295. He indicated that the regional committee CT 153 PAN-COPOLCO started 3 years ago in order to promote COPOLCO's activities and encourage consumer participation in the region. Eighteen countries are following COPOLCO's activities in the region.

134. The committee will be meeting twice this year. Due to large distance between the different countries in South America it is difficult to bring people together physically but they use e-mail a great deal.

135. Ms. Anne Ferguson (BSI) underlined that Webex meetings are a solution to help participation.

136. Mr. Zucal emphasized the need for more contact, more meetings and more regional events on consumer participation. He indicated that CT 153 would aim in the future to improve contacts, follow an action plan, expand fund-raising, and strengthen ties with Consumers International.

AGENDA ITEM 15 ACTIVITIES OF CONSUMER INTEREST UNDER ISO AND IEC BODIES OTHER THAN COPOLCO

15.1 Agenda item ISO and ISO/IEC groups reporting to the TMB

137. The Chair referred to COPOLCO 30/2012 appearing at p. 297 and reported on the sustainability guide drafting group. She briefly reported on ISO/TC 223, *Societal Security*. The committee will hold its next meeting in Bogota the week following the plenary.

15.2 Agenda item Conformity assessment (CASCO)

138. Mr. Graeme Drake, representing ISO/CASCO, referred to COPOLCO 31/2012 appearing at p. 300. He highlighted the "Building Trust" brochure, a good description of conformity assessment and technical infrastructure. He added that accreditation is a level of assurance of the competence of a certification body. Auditing, calibration, evaluation, inspection, testing are all activities of conformity assessment.

139. ISO has a neutrality policy, not to favor any one of three types of conformity assessment: 1st party, suppliers declaration of conformity; 2nd party, or purchaser, or 3rd party, an independent auditor (neither supplier or purchaser).

140. Mr. Drake indicated that the new CASCO Chair is Mr. Lane Hallenbeck from ANSI and that linkage with COPOLCO is well established.

141. The ISO/CASCO structure comprises a Chairman's Policy and Coordination Group (CPC), the Technical Interface Group (TIG), several working groups and the Strategic Alliance and Regulatory Group (STAR). CASCO has to remain neutral and provide standards for any form of conformity assessment. There is a guidance on Complaints mechanisms and schemes for product certification bodies.

142. As to the credibility of ISO 9001 certification a brochure on conformity to ISO 9001 was produced explaining what to do when things go wrong. A working group composed of IAF, ILAC, ISO, IEC addresses the credibility of ISO 9001 certification. Mr. Drake referred to the Web site, and to ISO Guide 27, *Guidelines for corrective action to be taken by a certification body in the event of misuse of its mark of conformity*. Mr. Drake pointed out the guide on market surveillance which should be published in August/September 2012.

143. Prof. Sri Ram Khanna (BIS) asked what has been done and how many complaints have been registered for fraudulent claims to ISO 9001 certification. Mr. Drake indicated that complaints are not recorded online. The [site](#) is about the complaints process. An International Accreditation Forum (IAF) link indicates which accreditation body is in charge in each country.

144. Discussion then ensued on the relationship between accreditation and certification and the basis for credibility of certificates. The participants noted the joint work of IAF/ILAC/ISO/IEC on integrity of accreditations and certifications. They also noted Mr. Drake's remark during the earlier discussion on the workshop outcomes that ISO publishes standards but does not certify to them. There was common agreement that producing more standards might not be the solution, but rather effective implementation. The participants therefore expressed support for measuring

implementation of standards. There is no single solution for effective market surveillance: it can be done by manufacturers, by authorities, by competing manufacturers, or even by consumers to some extent, although it is onerous for consumers to check traceability of marks, especially for specific schemes. The whole process needed re-examination to investigate from the source, not at the output alone, as willful intent to defraud also exists.

145. Mr. Drake then indicated that ISO/IEC Guide 7, *Guidance on drafting normative documents suitable for use for conformity assessment* was being revised as ISO/IEC 17007. The new version specifies use of exact language and tight requirements (no "if applicables").

146. The COPOLCO Chair emphasized the need to strengthen the connection between consumer organizations and ISO members to create a channel for complaints and redress.

147. Mr. Bill Dee (SA), indicated that the International Consumer Protection Enforcement Network (ICPEN) is also investigating misleading certification.

148. Participants supported Prof. Sri Ram Khanna's suggestion for the development of an easily accessible system to collect and expose misleading claims in order to protect legitimate ones. They also agreed on the need to seek information on the nature, extent and scope of the problem, and to collect this information from NSBs and channel it into the task force of the CPC which is addressing credibility of ISO 9001 certifications.

149. Prof. Khanna suggested that COPOLCO should seek inputs on the nature, extent and scope of the problem first to consult the NSBs and then to direct the answers to the task force.

COPOLCO Resolution 1/2012

Chair's and Secretary's report (1)

COPOLCO,

thanks the COPOLCO Chair and Secretary for their report appearing in COPOLCO 14/2012, recognizes problems with credibility of certification to ISO 9001, which undermine consumer confidence,

invites COPOLCO members to support the Chair in her activities to address the issue of unreliable certification to ISO standards,

requests the CASCO CPC Task Force on consumer complaints, with the support of the COPOLCO Chair and Secretary, to gather COPOLCO members' views, to collect information on the nature, extent, and scope of the problem; and to report on recent developments within ISO to address this issue,

further requests the Chair to encourage the International Consumer Protection Enforcement Network (ICPEN) to put priority on the issue of false and misleading certification claims.

15.3 Agenda item Developing country matters (DEVCO)

150. The Secretary highlighted the letter on requests for technical assistance appearing at COPOLCO 32/2012 (p. 217), which was sent to the DEVCO members. She encouraged members to coordinate a national response to this consultation to the DEVCO Secretary.

AGENDA ITEM 16 REVIEW OF THE COPOLCO WORK PROGRAMME

151. The Secretary reported that the work programme for 2012 was published as an annex to COPOLCO 33/2012 appearing at p. 313-314. It is based on the comments and decisions made at this meeting for the activity undertaken. A new draft covering 2012-2013 will be developed for approval of the COPOLCO members and then submitted to the ISO Council.

AGENDA ITEM 17 NEXT MEETING

152. Mr. Francis Farrugia from Malta invited COPOLCO members for the 2013 events for the week starting 20th May. Mr. Farrugia already proposed a workshop theme dealing with Consumer product safety area.

AGENDA ITEM 18 ANY OTHER BUSINESS

153. The Chair warmly reiterated her gratitude to the Ministry of Industry and Trade, DNTMS and Consumer Council of Fiji for hosting the 2012 COPOLCO plenary meeting and related events. She also thanked the COPOLCO Secretariat and participants for their contributions, and encouraged members' active participation throughout the year, especially through working groups. Finally she reiterated the importance of balance in regional participation in COPOLCO: that developing countries from all regions, including the Asia-Pacific region, should feel welcome to participate in COPOLCO's activity.

COPOLCO Special Resolution 1/2012

COPOLCO,

expresses its deeply felt gratitude and thanks to the Ministry of Industry and Trade of Fiji, the Department of National Trade Measurement and Standards, the Consumer Council of Fiji, corporate sponsors, and all dedicated staff, for their outstanding hospitality, support, and excellent arrangements – despite recent weather events and flooding – which ensured a very successful and outstanding COPOLCO meeting.

Annex 1 – Opening address by the Honorable Prime Minister Commodore Josaia Bainimarama

Annex 2 – Press release of the plenary

Annex 3 – Address by ISO Vice-President Sadao Takeda

Annex 4 – Press release of the workshop

Annex 5 – IEC report

Annex 6 – Report on vulnerable consumers by ANEC



REPUBLIC OF FIJI



COMMODORE JOSIA VOREQE BAINIMARAMA, CF (Mil), OStJ, MSD, jssc, psc
Prime Minister and Minister for Finance, Strategic Planning, National Development and Statistics, Public Service, People's Charter for Change and Progress, Information, i-Taukei Affairs, Provincial Development, Sugar Industry and Lands and Mineral Resources

SPEECH AT THE 34th ISO/COPOLCO MEETING AND SPECIAL EVENTS

PLENARY OPENING

Sofitel Fiji Resort and Spa
09.00 Hours, 16 May, 2012

Attorney General and Minister for Industry and Trade
Mr. Sadao Takeda, ISO Vice-President,
Ms. Norma McCormick, Chair of the ISO Committee on Consumer Policy (ISO/COPOLCO),
Your Excellencies, Members of the Diplomatic Corps,
Private Sector Representatives,
Government Officials,
Ladies and Gentlemen.

Bula Vinaka and a good morning to you all. I welcome all delegates to the 34th ISO/COPOLCO meeting. It is a great privilege for Fiji to host this meeting, a first in the Pacific region. I welcome in particular those of you who are visiting our shores for the first time. A special Bula to you.

Our hosting of the ISO/COPOLCO is another commitment of my Government's will to enhance consumer protection and enforce standards nationally, and to collaborate internationally

I have been informed of the productive discussions that took place yesterday on strategies to combat consumer fraud, and to eliminate the incidences of trading counterfeit products. Today and tomorrow, you will engage again to develop plans and recommendations that can be implemented to safeguard consumer interests by improving market surveillance, trade regulations, and standards.

Ladies and Gentlemen, we know that there are no easy solutions to address these issues. To preserve the integrity and the longevity of international trade and commerce, while protecting and giving redress to consumers, it is our responsibility to find sustainable and viable national and global solutions.

I must congratulate COPOLCO for its unwavering commitment to promoting consumer interests and ensuring they are addressed at a global level. For the past thirty three (33) years COPOLCO has made tremendous contribution towards policies that strengthen consumer safety

through standards development and the promotion of fair trade and environmentally-safe products.

Consumers have been among the first to call for the development of standards for environmental management, resulting in ISO 14000 series of standards published in 1996. Consumers also were at the forefront of ISO's decision in 2004 to produce international standard on social responsibility (ISO 26000).

As mentioned yesterday by the Minister for Industry and Trade, my Government has brought about a number of legal changes and policy initiatives to enhance consumer protection. At the same time consumers have been given a prominent role in the development of trade standards in Fiji.

In 2011, the CEO of the Consumer Council of Fiji was appointed the Chair of the Trade Standards Advisory Council (TSAC). This is the national body on standards, under the Trade Standards and Quality Control Decree.

My Government considers that in policy development all stakeholders including consumers must be consulted. This means multi-level engagement, credibility and tangible outcomes. Policies and standards should be developed in consensus, taking into account the interests of all stakeholders – particularly those who will be impacted.

With the direct contributions of all stakeholders, addressing basic consumer needs will ensure that policies and regulations will be more market-relevant and have immediate effect. This will not only enhance consumer confidence in goods and services, but will also enable those goods and services to circulate freely within and across our borders.

My Government upholds the importance of accountability and transparency and has imbibed these values and principles into the various laws. Fiji is one of the few countries in the Pacific to directly address Standards and Metrology. Relevant laws were amended in 2010 to make enforcement easier and meaningful, with the introduction of on-the-spot fines for illegal practices, which has given consumers greater protection.

At the same time we recognise the importance of maintaining standards under all circumstances. For example following the recent floods we have waived the fees for metrological compliance to ensure that there is ease for businesses affected by this natural disaster while continuing to give protection to consumers from unfair trade practices.

Therefore ladies and gentlemen, we as policy makers are obliged to ensure that a holistic approach is taken to address matters pertaining to consumer protection and development of standards. In developing such policies we must be cognizant of and take into account the adequacy of the laws, the resources allocated for policing and enforcement, the socio-economic circumstances, the business environment and practices.

Given globalisation and modern day trade and commerce practices, there must be international collaboration. Such collaboration requires amongst other things the treatment of all agencies, of all countries, fairly and equally. It requires all countries to commit and adhere to internationally acceptable standards and practices.

Of course such gatherings provide the perfect opportunity to continue such international collaboration and at the same give impetus to the national development of improved systems.

Given the increasing complexities and relevance of consumer related issues, such as fraud and the trading of counterfeit products, this week's meetings are very timely for consumers around the world. During your deliberations, I understand there are a number of initiatives that will be discussed in relation to consumer protection, and more specifically with a focus on consumer fraud. Your participation in these discussions will add great value to further enhancing global standards and practices for consumer rights around the world.

I wish you well in your deliberations and look forward to the outcomes.

I wish all our visitors once again a very pleasant stay and I hope you take time out to enjoy our Fijian hospitality.

Thank you - Vinaka vakalevu.



News and media News 2012 Prime Minister of Fiji opens ISO consumer plenary

Ref.: 1572

Prime Minister of Fiji opens ISO consumer plenary

2012-05-22

Emphasizing the importance of consumers to the economy and the need to ensure their safety and well-being, the Prime Minister of Fiji, Mr. Josaia Voreqe Bainimarama, officially opened the 34th plenary of the ISO Committee on consumer policy (ISO/COPOLCO).



Prime Minister of Fiji **Josaia Voreqe Bainimarama** (left) and ISO Vice-President (policy) **Sadao Takeda** receive garlands to honour their presence at the opening of the ISO/COPOLCO plenary.

Some 93 participants from 26 countries attended the event which took place on 16-17 May, in Nadi, Fiji, hosted by the Ministry of Industry and Trade.

“Our hosting of the ISO/COPOLCO meeting is another commitment of my Government’s will to enhance consumer protection and enforce standards nationally, and to collaborate internationally,” said Prime Minister Bainimarama.

“I must congratulate ISO/COPOLCO for its unwavering commitment to promoting consumer interests and ensuring they are addressed at a global level. For the past 33 years, ISO/COPOLCO has made a tremendous contribution towards policies that strengthen consumer safety through standards development and the promotion of fair trade and environmentally safe products.”

He added that consumers were among the first to call for the development of standards for environmental management, resulting in the ISO 14000 series. Consumers were also at the forefront of ISO’s decision to develop an International Standard on social responsibility (ISO 26000).

Addressing the needs of all stakeholders – including consumers – is key when developing policies and standards to ensure multi-level engagement, credibility and tangible outcomes, explained the Prime Minister. Not only does this ensure market-relevance, but enhances consumer confidence, while enabling goods and services to circulate freely within and across borders.

But the Prime Minister warned, “This requires all countries to commit and adhere to internationally acceptable standards and practices.” He emphasized that in a today’s globalized trade and commerce practices, there must be international collaboration, citing as an example the ISO/COPOLCO plenary.

“Given the increasing complexities and relevance of consumer related issues, such as fraud and the trading of counterfeit products, this week’s meetings are very timely for consumers around the world,” he concluded, highlighting the value of these discussions to enhancing global standards and practices, while giving impetus to national systems.

Thanking the hosts, ISO Vice-President (policy) Sadao Takeda said, "It is proof of your great commitment that despite the damage caused by the recent floods in your country, you have offered us a warm and excellent welcome."

Mr. Takeda then went on to highlight the benefits of the ISO system as a medium for seeking solutions on behalf of all stakeholders, including consumers. "What makes ISO so effective is that it provides a non-political, non-partisan platform. Standards are developed through open, transparent processes by representatives of the people that need them, implement them, are affected by them – and who can review and continually improve the results of their implementation," he said.

Drawing attention to the valuable role of ISO/COPOLCO Mr. Takeda concluded, "Consumers are both a compass and a driving force for standards development, your discussions and recommendations during this plenary will help strengthen ISO's efforts."

ADDRESS by ISO Vice President (Policy) Mr. Sadao TAKEDA
at 34th COPOLCO meeting
Nadi, Fiji
16 May 2012

Honourable Prime Minister of Fiji, Mr. Josaia Voreqe Bainimarama,
Honourable Minister for Industry and Trade, Hon. Aiyaz Sayed-Khaiyum,
Ministers and Diplomats,
The Permanent Secretary for Industry and Trade, Mr. Shaheen Ali,
Chair of COPOLCO, Ms. Norma McCormick,
Distinguished Delegates,
Ladies and Gentlemen,

It is a great honor to be here in Fiji at the 34th ISO/COPOLCO plenary meeting, which brings together representatives of consumer organizations, government and standards development bodies from all over the world.

I would like to express my heartfelt gratitude to Prime Minister Bainimarama, to the Ministry of Industry and Trade, to the Department of National Trade Measurement and Standards, to the Consumer Council of Fiji, and to all the staff who helped organize and host the event.

I would like most of all to thank the Fijian people and salute their courage. Six weeks ago, Fiji suffered serious damage from floods, causing great distress to your people. Coming from a country that only last year suffered a terrible tragedy, I sympathize with your losses in these difficult times.

I am impressed by the great determination and strength with which the Fijian people have started rebuilding. It is proof of your great commitment, that despite the damage which is still visible in parts of the country, you have offered us a warm and excellent welcome. Thank you for your efforts and energy.

The flooding brings me to another issue. The world is facing serious challenges, which require global effort and solutions. Climate change, sustainability of resources, energy efficiency, access to water and safe food, as well as protection from natural disasters are just some examples of issues that cut across national borders. The global financial crisis, and a growing call for social responsibility echo the need for sustainable and ethical economic development. The world is looking forward to Rio+20, the United Nations Conference on Sustainable Development, which will take place in Rio de Janeiro, Brazil, in June. The conference will be

an opportunity for the international community to discuss, and agree on, pressing environmental issues and the path forward for sustainable development.

ISO can help, which is why we will hold a side event to present the contribution that International Standards can make.

Our International Standards are developed with input from stakeholders from business, government and society. They translate the global desire for a sustainable world into practical harmonized actions for achieving positive results. ISO's more than 19 000 standards provide solutions in all three dimensions of sustainable development – environmental, economic and societal.

What makes ISO so effective is that it provides a non-political, non-partisan platform. Standards are developed through open, transparent processes by representatives of the people that need them, implement them, are affected by them – and who can review and continually improve the results of their implementation.

But to truly meet the needs of today and of the future, ISO must continually strive to be simpler...faster...better. We are therefore conducting a drastic review of ISO governance to ensure high performance, high transparency, and good accountability. We are also re-evaluating and improving the ISO standards development process.

We are communicating more and better, using new technologies and platforms to reach out to our stakeholders – including consumers.

All these initiatives aim to ensure the continued relevance and effectiveness of our standards, by encouraging industry, government, and of course, consumers, to get involved.

ISO's vision for the future is embodied in 7 strategic objectives defined in the *ISO Strategic Plan 2011 – 2015*. The very first objective reads: "ISO deliverables meet customer needs". This concerns not just the users of standards, but those who benefit from them, and are affected by them. By this I mean, consumers. This commitment is reinforced in the fourth objective, which states, "ISO excels in reaching out to and engaging stakeholders". This objective specifically mentions the importance of monitoring the participation of stakeholders, encouraging their participation and communicating effectively with them.

Consumers are both a compass and a driving force for standards development. ISO/COPOLCO is a valuable medium for channeling consumer input into the standards development process. Your discussions and recommendations during this plenary will help strengthen ISO's efforts.

Yesterday, the ISO/COPOLCO workshop asked “How do consumers know what they are getting?” Participants discussed timely and relevant subjects such as anti-counterfeiting, legal metrology, conformity assessment, and market surveillance. These are important tools to build confidence so that we do indeed know what we are getting. They are bricks in the edifice of confidence. Failure to build this confidence will not only have a direct negative impact on trade, but also on consumer welfare.

Confidence is not just a “buzzword”. It is a critical element in an increasingly interlinked and interdependent economy. Cross-border trade is becoming more significant. Supply chains are becoming more transnational. In this context, manufacturers need to feel assured that their suppliers are reliable. Consumers too must have confidence in vendors of goods and services from all over the world.

So how can ISO help? The development and use of International Standards gives confidence to industry and government as well as consumers, which is why I like to say that ISO’s nickname is “confidence”.

So what is the way forward? Yesterday’s workshop showed that many tools already exist – a number of initiatives are under way, as we have seen. The question is how to bring all of these elements together, and how to fill the gaps. I am confident that yesterday’s discussions will help draw a new roadmap for ISO.

This is where consumers, and the consumer movement in general, can make an important contribution by speaking from direct experience as “end users”.

It is both meaningful and special that the 34th COPOLCO plenary meeting is held in Fiji. The Fijian government established the Consumer Council of Fiji in 1976. This was 14 years after J. F. Kennedy’s famous speech which highlighted four consumer rights:

- The right to safety
- The right to be informed
- The right to choose
- The right to be heard.

Since then, Fiji has had an active consumer movement, which has given rise to a number of initiatives to promote consumer welfare. Consumer protection is now clearly high on the public policy agenda. The fact that you are holding a major international conference on consumer protection issues here this week is a prime example of this.

I expect this rich commitment to consumers to nurture fruitful and valuable discussions today and tomorrow.

Thank you for your attention. I wish you a successful meeting.



News and media News 2012 Counterfeiting and fraud - ISO standards as solutions

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Counterfeiting and fraud - ISO standards as solutions

2012-05-21

With trade in counterfeit products amounting to over USD 500 billion annually, ISO, the world's largest developer of voluntary International Standards, is investigating the questions, **“How do consumers know what they are getting?”**, and how ISO standards could provide solutions.

The ISO Committee on consumer policy (ISO/COPOLCO) organized a workshop, attended by over 115 representatives from consumer organizations, public authorities and industry from 26 countries on 15 May 2012 in Nadi, Fiji, hosted by the country's Attorney General and Ministry of Industry and Trade, Mr. Aiyaz Sayed-Khaiyum.



Chair of ISO/COPOLCO, Norma McCormick (left), and Fiji's Attorney General and Minister for Industry and Trade, Aiyaz Sayed-Khaiyum, receive garlands of honour for their presence at the ISO workshop on how standards could contribute to the fight against counterfeit products.

He emphasized the importance of the event for Fiji which, like other Pacific Island countries, is particularly vulnerable to counterfeiting and fraud. Examples include double labeling, imitation, incomplete information, deceptive packaging, false claims, and deceiving or inadequate measurements.

These activities are fuelled by the rising volume of global trade and e-commerce, lack of consumer awareness and information, increasing involvement of organized crime, low and inconsistent enforcement and penalties, consumer demand and economic pressures driven by high costs and poverty.

“I also need to ask, and urge you to consider in deliberations, why these goods are so easily peddled,” said the Minister, “It is not just an issue of unscrupulous companies and marketing tactics, but it is also an issue of enforcement, adequate resources, and of course, poverty.”

Consumers often trust claims and information provided by products and sales people, and assume that enforcement agencies are doing their work. Yet counterfeit products ranging from medicines to industrial machines represent 5-7 % of world trade, and the numbers are growing every year. The results are unsafe goods, premature failures, increased cost of legitimate products and a loss of consumer confidence.

The workshop explored how International Standards and good market surveillance programmes can protect consumer health and safety, combat fraud and prevent product misrepresentation.

Participants highlighted that international cooperation is essential to fight counterfeiting and fraud. They called for better practices in border protection, sharing of information within and across countries (for example, for product recalls and seizures), increasing awareness among consumers (including risks and where to seek recourse), and more transparency and traceability throughout the supply chain.

ISO standards can harmonize efforts, spread best practice and promote consumer confidence. Recommendations were made for increased guidance on market surveillance, comparative testing, and consistent classification and formats for reporting and sharing incident data at global scale.

ISO is already developing standards for [anti-counterfeiting tools](#) and [fraud countermeasures and controls](#).

Yet consumers must also make informed and responsible purchasing decisions, urged Chair of ISO/COPOLCO, Norma McCormick. "We must recognize that we, as consumers, are part of the problem. Therefore, it is important that we become part of the solution."

She said the *ISO Strategic Plan 2011-2015* recognizes that the advice and involvement of consumer stakeholders is essential to the organization's overall performance and success, adding: "ISO/COPOLCO's mandate is to ensure that the concerns of consumers are taken into account in ISO standards. We provide a forum to identify and recommend to ISO new and current areas of interest to consumers."

AGENDA ITEM 13.4 REPORT FROM IEC

Below a report on status and some recent IEC activities of interest to COPOLCO, concerning safety, conformity assessment and the affiliate country programme.

1 Safety

1.1 **General aspects.** For most of the consumer products the overlap and corporation between IEC and the European organization CLC preparing EN standards has increased significant the last years. Many EN standards are among other things transferring the EU Directives to detailed standards. However, due to close cooperation, about 80 % of the EN standards are still based on IEC standards, with or without modifications. At the same time national standards from other countries like US is also more and more contributing to the IEC.

1.2 The new 5th edition of IEC 60335-1 was prepared by **TC 61, Safety of Household and similar appliances**, and issued 2 years ago. Until now no new parts 2 has been issued, but the existing 110 parts 2 are automatically applicable.

In Europe the corresponding EN part 1 has been under preparation for several years, but has just been printed. The reason is that additional requirements for vulnerable people (elderly persons and children) had to be inserted based on a Mandate from the European Commission. In addition the most parts 2 had also to be modified at the same time. For those parts 2 covering appliances with moving parts for commercial use all relevant requirements from the European Machinery Directive (MD) have also to be introduced and the common requirements of those was introduced into part 1. Most of all these requirements will only partly be accepted by IEC. This situation will be discussed in the next IEC meeting in June with participation of the CLC TC 61 Chairman. Under these conditions it is difficult to maintain the parallel voting of IEC and CLC, but it is necessary due to the global development. One of the main problems is if CLC shall finalize the work first or leave it to IEC and then make EN amendments later.

1.3 For **Electric Toys, IEC 62115, Amendment 2** is published. In addition two further amendments to the EN 62115 are on their way in CLC. Once again it is a wish that the IEC and the EN standards shall be more or less identical. Therefore the work to prepare a new and completely updated 2nd edition of the IEC standard will soon take place, based on all IEC and CLC available material. The problem to protect accessible toy parts from higher voltages than 24 V, when connected to a TV, a computers etc. with an electronic failure or missing earth connection, will be covered by the EN. Also Functional Safety and Magnetic Fields (EMF) will be covered for relevant toy constructions.

1.4 For **LEDs in toys** a European draft containing limits, a calculation method based on datasheet for the LED and a simple measuring method is under its way. The draft has been delayed as the simple measuring method was not clear and detailed enough. After discussion in the toy group the draft will be circulated in CLC TC 61 and IEC TC 61. The standard may later also be used for household appliances with some modifications. For toys It will be included in the IEC revision mentioned in 1.3.

1.5 **Child appealing appliances** are still excluded from IEC 60335-1, Safety of household appliances, but the borderlines between appliances, child appealing appliances and toys are very difficult to establish. In Europe child appealing appliances are not allowed and the authorities have therefore created an Atlas and a Tool to assist the Market Surveillance. The Atlas is based on the

knowledge of the children's real behaviour taken from a large investigation. It will be used for some time by the Market Surveillance in order to gain experience before it is handed over to the CLC TC 61 committee. The relevant TC 61 working group (WG8) will then try to use it as a basis for more detailed requirements in the standards. A draft, if any, will also be sent to IEC for discussion and introduction in the IEC standard.

1.6 As LED lamps and LED luminaires are getting more and more popular, **the luminaire committee TC 34** is therefore continuing the work to update a number of product standards for **luminaries with LED lamps**. The laser committee TC 76 has issued IEC 62471-2, Guidance on manufacturing requirements relating to non-laser optical radiation safety, which is a guide for preparing product standards based on the risk group classification in IEC 62471, concerning the photobiological safety of lamps. The work will be based on these two standards. A first step is a draft standard for a luminaire Technical Report for clarification and guidance concerning assessment of the blue light hazard of all lighting products.

In the meantime TC 76 has prepared a new detailed IEC draft in the 62471 series for measuring methods for LED lamps, which also should be used in the development of product standards.

1.7 **A new standard for Audio/video, information and communication technology equipment**, IEC 62368-1, was issued in 2010 by IEC Committee TC 108. It replaced the existing standards IEC 60950 and IEC 60065, but with an overlapping period. However, in Europe the corresponding EN failed the parallel voting. A new draft for a 2nd edition is therefore under way and is expected to be printed at the end of the year. It is also expected to pass the vote in Europe so an EN can be printed. In parallel IEC 60950 and IEC 60065 is still applicable and 60950 even being updated with an amendment.

The development of 62368-1 was an outcome of seven years of planning, hard work and dedication by IEC TC108. This coming standard with the extensive scope is a very important standard in the IEC and will influence other standards in the way it is made.

In the past, an IEC International Standard was typically prescriptive, describing specific constructions. For example, the traditional standard would indicate exactly the size for a ventilation opening in a product for it to comply with safety requirements. Today, such guidelines can prove limitative to new product designs and may become obsolete when technology evolves. TC 108 addressed this challenge by moving from a product-driven safety analysis to a systemic identification and analysis of hazards using an approach commonly referred to as HBSE (Hazards Based Safety Engineering).

1.8 **Revision of ISO/IEC Guide 50:2002, Safety aspects – Guidelines for child safety, in cooperation with ISO. The IEC Advisory Committee on Safety (ACOS)** decided to accept the mandate from the SMB to participate in the revision of ISO/IEC Guide 50 and agreed to set up a task group.

1.9 The revision of **ISO/IEC Guide 51:1999 Safety aspects – Guidelines for their inclusion in standards**, is still continuing. There have now been 3 meetings in a joint working group between ISO and IEC and a new draft is being prepared. This guide is considered as one of the most important safety guides and is used as a basis for IEC Guide 104, so Guide 51 has an impact on a great number of IEC standards. IEC therefore has the opinion that the guide should only be amended when and where it is really necessary. One of the main problems in the discussions is that IEC has a more limited scope for risk and safety than ISO, but the compromise draft may cover that.

1.10 **ACOS discussed the draft for revision of IEC Guide 110, Home control systems – Guidelines relating to safety.** It has been circulated to the ACOS members and all comments

were inserted. It was finally agreed to send the draft to SMB for approval and circulation to national and technical committees and await the comments.

1.11 A European Mandate for standardization activities regarding nanotechnologies and nanomaterials was discussed by the IEC Standardization Management Board (SMB). It was first agreed that IEC TC 113 should establish collaboration with ISO 352. TC 113 should also establish a communication channel to CEN and CLC to support the execution of the mandate. Finally IEC TC 113 should proactively evaluate the work programme regarding the mandate and take the leadership for projects within the scope of IEC TC 113.

1.12 SMB approved a report from their Strategic Group 1 (SG1) on the further work on Energy Efficiency & Renewable Resources. SG1 follows the development in the field of Smart Grid and addressed again their recommendation on terminology and calculation, as different sets of terms already exist. Alignment with the ISO guidelines for terminology will be required. TCs/SCs are encouraged to contribute to standardization roadmaps for energy efficiency, based on the architectures organized by SG 1. Discussion on the transformation of SG 1 into a more permanent group to manage and focus on consultancy offering guidance for IEC TCs/SCs in its domain was noted. SG1 will prepare a business plan to the next meeting.

1.13 SMB has agreed to revise the ISO/IEC Guide 71, Guidelines for standards developers to address the needs of older persons and persons with disabilities. Guide 71 will be revised by a TMB/SMB Working group.

1.14 SMB has noted that discussions on the new Scope of ISO/TC 117, Fans, is still not agreed with IEC as further discussions are taking place with ISO/TC 117. ISO/TMB was invited to note the position of IEC TC 61 before approving the modified scope. ISO/TC 117 has been informed that IEC committees are still expressing concern and has been requested to continue its discussions with IEC/TC 59 and 61.

1.15 The IEC Market Strategy Board (MSB) has worked with the “White Paper” on Smart Electrification and considered how crucially important Electrical Energy Storage will soon become. New renewable power stations are put in service every day, but storage, which is indispensable to accelerate the integration of this energy source into the grid, is often left out. The MSB therefore identified the need to analyze the role of energy storage in electricity use and identify all available technologies, and their market potential. The “White Paper” was also to provide market guidance for the work of the IEC in support of this industry.

Storage systems not only help to smooth out intermittent generation, such as those by wind and the sun. They also allow storing away excess production during off-peak time, which can then be used during peak demand. Energy Storage also increases the reliability of the network and provides back-up during power failures.

1.16 Concerning Automotive Electronics, Smart Meters and Smart Grids the work is getting more and more interrelated and is a combination of safety and performance. The work is characterized by the involvement from many interest groups such as ISO, IEC, CLC, CEN, the EU Commission, the car industry and the power suppliers. The following main development can be mentioned.

Automotive Electronics covers electric vehicles including electric cars. The IEC work is mainly carried out in IEC TC 69, Electric road vehicles and electric industrial trucks, and in ISO TC 22, Road vehicles. ISO/IEC JWG, Vehicle to Grid Communication Interface, does also take part of the work. A joint CEN-CENELEC/BT/WG “Focus Group for Electrical Vehicles Standardization” is taking care of the European side. A new Memorandum of Understanding between ISO TC 22 and IEC TC’s on automotive electrotechnics has been agreed. However, the situation is mainly that the

car industry takes care of the car development itself and works together with other groups for external problems starting from the socket outlet in the car. Concerning charging, the inductive charging of the car is still not possible, so the car will either be recharged via supply cords or the battery has to be replaced.

Electrical cars used as a part of the Smart Grid are so far only arranged via private initiatives like “BetterPlace” in corporation with the utility company (e.g. “Dong” in DK). A user friendly electricity roaming system must be developed in such a way that the consumer can sell or buy electricity from/to the car battery everywhere independent of the electricity meter connection.

Smart meters for electric energy as well as for gas, water, and heat are remotely controlled in such a way that cost and availability can be used for deciding on the consumption. This is also a way to distribute the energy evenly. IEC TC 13, Electrical energy measurement, tariff- and load control, is one of the relevant IEC committees. For Europe the work is based on a mandate M 441 from the Commission to the standard organizations. The mandate includes also communication protocols for enabling interoperability. A Smart Meter Co-ordination Group (SMCG) assists the mandated work in cooperation with other organizations. Also the European CLC TC 205, Smart House, is contributing. They are specifying the Smart Meter display functionality to be used in homes (WG16). This display will also have a connection to the Smart House /Smart Grid home gateway where the “home side” is also being standardized (WG18). The “utility side” is considered by IEC TC 57, Power systems management and associated information exchange, WG21.

The **smart grid**, an intelligent net connecting smart meter, automotive electronics, appliances and other energy using equipment is really the centre. For Smart Grids the standardization is not only important, but the key issue in itself, as it is combining so many different items. IEC TC 57 is the relevant IEC committee. IEC has also created an SM Smart Grid Strategic Group (SG3). IEC TC 57 has several working groups covering such items as energy management system application, systems for distribution, security and interoperability. Europe has also created a CEN/CLC/ETSI joint WG to follow and contribute to the work. According to IEC more than 100 IEC Standards have been identified as relevant to the Smart Grid system, including well known standards for Functional Safety and security. From the authority side the smart grid is more and more considered as a supply security and not only from an environmental and economic aspect. In fact Smart Grids are on its way to transform the electricity industry, creating transparency and gives many opportunities for new players. IEC TC 57 PT 118 is working with the implementation of Smart Grids in homes.

An online [IEC Smart Grid Standard Mapping Solution](#) is a well-used tool. The multidimensional interactive tool can create a map of the smart grid and enable experts around the world to quickly identify the relevant [IEC Smart Grid standards](#) and position them in relation to their role in the smart grid.

2 Conformity assessment

2.1 **IECEE** represents **third party testing and certification**. This is used in order to meet the compliance needs of the global market. IECEE has 53 member countries and is still continuing to investigate and develop new areas to be covered by the CB Scheme or new schemes. The aim is always to cover the relevant IEC standards as far as possible.

2.2 New areas. Functional Safety for products which have no Functional Safety covered in their product standard is a difficult task and work is still going on with the CB Scheme. This is based on the general horizontal standard series IEC 61508. For household appliances and similar products the standard IEC 60335 covers Functional Safety. Software evaluation is covered by the IEC standard 60730. It is under discussion how to introduce **Smart Grid** in the CB Scheme.

3 IEC Affiliate Country Programme and other external relations

3.1 **The Affiliate Country Programme still** contributes with assistance to the Affiliate Countries. The programme is aimed at developing countries and newly industrialized countries committed to adopt and use IEC International Standards, starting up with a limited, but active participation. The IEC family now consist of 163 Countries whereof 82 are full or Associate Members and 81 Affiliate Countries.

During the IEC General Meeting in Melbourne in October 2011 11 Affiliate Countries was represented and did participate in the Affiliate Forum and in many TC meetings.

3.2 **Adoption and use of IEC standards and use of the IECEE system** is some of the goals for the programme. IECEE is the system for Conformity Testing and Certification of Electrical Equipment and Components. This serves to remove trade barriers for the industry and thereby helping the country. Several thousands of IEC standards are now used as national ones in those countries. Affiliate Countries can now attend all IECEE meetings as observers and also participate in training sessions and workshops.

3.3 **Young Professionals** is a new IEC programme, which brings together the world's young and upcoming expert engineers, technicians and managers. The programme for each group last one year and includes the participation in a Young Professional Forum and one IEC General Meeting. The Young Professionals are recommended to the programme by National Committees.

The programme, which is of great success, provides them with opportunities to participate in shaping the future of international electrotechnical standardization and conformity assessment. The Young Professionals can via the programme have their voice heard in the international arena. They can also benefit from networking opportunities in the long-term environment for the involvement of young people from all over the world.



Position Paper

How to protect vulnerable consumers?

December 2011

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ANEC-DFA-2011-G-071final

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ANEC Position Paper “How to protect vulnerable consumers?”

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ANEC Position Paper “How to protect vulnerable consumers?”

1. Background

Allow all consumers to have the same chance

On 21 November 2011, the Internal Market and Consumer Protection Committee (IMCO) of the European Parliament discussed an own-initiative report (a non-legislative document) on the protection of vulnerable consumers, with the title “A strategy for strengthening the rights of vulnerable consumers”. The Rapporteur, Ms María Irigoyen Pérez (S&D, ES)¹, presented her views on the issue in order to influence the European Commission’s proposal for a Consumer Programme 2014-2020², the future proposal for a Consumer Agenda and other consumer-focused policies and legislation.

The report will be the European Parliament's contribution to the prevention of consumer vulnerability and the protection of vulnerable consumers. It will review the European Commission's efforts to empower and protect vulnerable consumers in order to place them in a safe and equivalent position in the Single Market³.

It is expected that the report should be approved by the European Parliament in plenary during Spring 2012.

New strategy on consumer policy (Consumer Agenda)

On 15 November 2011, the European Parliament adopted an own-initiative report drafted by the IMCO Committee, this time on a new strategy for Consumer Policy (Rapporteur: Kyriacos Triantaphyllides, GUE/NGL, CY)⁴. In its Resolution, the Parliament calls on the European Commission, amongst other issues, to “guarantee special protection for groups of consumers who are particularly vulnerable because of their mental, physical or psychological infirmity, age or credulity, or made vulnerable by their social or financial situations (...)”⁵.

Moreover, the Parliament emphasized “the need to design consumer policies that take specific characteristics of vulnerable consumers groups into account” and called on the Commission “to include a consumer accessibility element in the Consumer Agenda in order to make sure that vulnerable groups have access to the essential products and services they need”⁶.

ANEC championed the inclusion of these perspectives in the report and welcomes their reflection in the Parliament’s Resolution adopting the report.

The Commission is expected to present its proposal for a Consumer Agenda during the first half of 2012.

¹ Shadow Rapporteurs: P. Juvin (EPP); O. Schmidt (ALDE); E. Turunen (Greens/EFA); K. Triantaphyllides (GUE/NGL); M. Salvini (EFD)

² <http://tinyurl.com/cnyp8kn>

³ <http://tinyurl.com/brdzq7a>

⁴ 2011/2149(INI)

⁵ Paragraph 10

⁶ Paragraphs 30 and 45

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Future of European standardisation

Vulnerable consumers were also cited in an IMCO report on the Future of European Standardisation (Rapporteur: Edvard Kožušník, ECR, CZ), adopted by Parliament in a Resolution of 21 October 2010. Again, ANEC was instrumental in this citation.

In the Resolution, Parliament “Emphasises that standardisation has great potential to remove barriers that prevent persons with disabilities and elderly people from exercising their capabilities and participating on equal terms in all areas of life; calls, therefore, for the development of standards that take into account the diverse needs of the population and create new opportunities for businesses to provide innovative solutions, with a view to fostering the development of products, services and infrastructures that are accessible to everyone; stresses the importance of the Design for All concept, which constitutes a creative and ethical challenge for standardisers, designers, entrepreneurs, public authorities and policymakers, since its aim is to enable all people to have equal access to, inter alia, the built environment, transportation, education, employment, housing, medical facilities, information and communication, culture, leisure and consumer products and services”⁷.

Further to the Parliament’s Resolution, in June 2011, the European Commission released its proposal for an evolution of the European Standardisation System. In the Communication accompanying the legislative proposal, the Commission highlights that “Standards are an important instrument for making society and economy more inclusive. In Europe, society is aging. As a consequence, there is a growing market for goods and services that satisfy the requirements of disabled and/or elderly people. Standardisation has the potential to respond to this challenge and to pave the way for the introduction of innovative state of the art technologies that ensure accessibility for all. However, this requires strong commitment from all stakeholders involved in this process”⁸.

Revision of the General Product Safety Directive & Market Surveillance

Finally, another European Parliament report on the revision of the General Product Safety Directive (GPSD) also reflected ANEC views on the protection of vulnerable consumers as it “Calls, in order to ensure the safety of the widest range of particularly vulnerable consumers, for the introduction of a reference to people with disabilities (along with the references to children and elderly people that are already present)”⁹.

The Rapporteur, Christel Schaldemose (S&D, DK), suggested focusing on the most vulnerable consumers in the single market i.e. children, elderly and people with disabilities, and stressed that the European Community has a special responsibility towards these groups, including in issues of product safety.

The Commission proposal for the revision of the GPSD is expected by end 2012.

⁷ Future of European standardisation, 2010/2051 (INI), EP Own Initiative Report

⁸ COM (2011) 311 final, Section 2.3.2. Accessibility for all

⁹ 2010/2085 (INI) EP Own Initiative report

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2. Executive Summary

This ANEC position aims at expressing our views on how to protect vulnerable consumers better in the establishment of EU legislation, and the development of European Standards supporting EU legislation.

Since its beginning, child safety, and the safety of people with disabilities and older people, have been key among its priorities. Regrettably, the standards developed to support European product safety tend to focus on mainstream consumers and do not always cover the needs of the vulnerable.

At the same time, ANEC believes standards can be suitable in making products and services safe and accessible to all consumers, whatever their impairment, age and characteristic. This is because standards determine the manner in which a product or a service is designed or provided, before it is placed on the market.

Moreover, the development of new technologies allows standards-makers to meet the safety needs of vulnerable consumers better, thus implementing the concept of “safety for foreseeable and reasonable use”¹⁰ in a meaningful way.

New trends and approaches in ethics, such as the concept of value-sensitive design, allow products to be designed that anticipate the safety needs of vulnerable consumers (e.g. “safety by design”), in circumstances where vulnerabilities prevent the tool of consumer information to play its usual role.

In the fifteen years and more of its existence, the activities of ANEC have striven to influence standards to be as inclusive as possible while contributing to the setting of legal bases that do not take into account the needs of only mainstream consumers.

This paper provides examples of what has been done, and provides proposals for future European policy on consumer protection, while keeping focus on consumer safety and the accessibility aspects of consumer protection.

The concept of “consumer vulnerability” is also dependent on the specific external circumstances in which consumers act and operate, such as economic and financial conditions or social disadvantages. These are beyond the scope of our position paper and we refer to the BEUC¹¹ position in order to cover the whole spectrum of consumer vulnerabilities.

Nevertheless, if consumer policy is to be effective, we believe it is a prerequisite for products and services to be both safe and accessible **before** they are placed on the market, while recognising the necessity of specific legal and policy provisions on the protection of vulnerable consumers in specific markets (e.g. financial services and travel contracts).

¹⁰ Directive 2001/95/EC on general product safety (GPSD)

¹¹ The European Consumer Organisation

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3. Introduction

Who are ‘vulnerable consumers’?

A person who is ‘vulnerable’ is capable of being easily or quickly harmed or injured, as vulnerability implies an association with the concept of risk¹². For instance, children are vulnerable as they are often unaware of the dangers they face.

According to Recital 8 of Directive 2001/95/EC on General Product Safety, “The safety of products should be assessed taking into account all the relevant aspects, in particular the categories of consumers which can be particularly vulnerable to the risks posed by the products under consideration, in particular children and the elderly”.

According to Recital 21 of Directive 2009/048 on the Safety of Toys, children “are a vulnerable group of consumers”. Furthermore, according to Article 10 (2), “The ability of the users and, where appropriate, their supervisors shall be taken into account, in particular, in the case of toys which are intended for use by children under 36 months or by other specified age groups”. The Directive also introduces specific safety requirements for children under 36 months¹³.

The concept of vulnerability is linked to age (children and the elderly) as well as ability (physical and mental). This is also reflected in the policy documents referred to under section 1 “Background”.

In the context of this paper, vulnerable consumers are children, older people and people with disabilities.

According to ISO 26000:2010 ‘Guidance on social responsibility’, a vulnerable group¹⁴ is a “group of individuals who share one or several characteristics that are the basis of discrimination or adverse social, economic, cultural, political or health circumstances, and that cause them to lack the means to achieve their rights or otherwise enjoy equal opportunities”.

The concept of “consumer vulnerability” is also dependent on the specific external circumstances in which consumers act and operate, such as economic and financial conditions or social disadvantages. These are beyond the scope of this paper and we refer to the BEUC position in order to cover the whole spectrum of consumer vulnerabilities.

Seven billion and counting

The world population has doubled since 1968, surpassing 7 billion on 31 October 2011¹⁵. Lower mortality rates, longer life expectancy and large youth populations in countries where fertility remains high, all contributed to the rapid population growth

¹² This risk-based definition is adopted in the Report of the Expert Workshop on Ways and Means to Enhance Social Protection and Reduce Vulnerability, United Nations Commission for Social Development, November 1997 (E/CN.5/1998/5) p. 4.

¹³ E.g. Annex II, point I (d), point III 8 and point V. 2; Annex V, Part B, point 1.

¹⁴ ISO 26000:2010, Chapter 2 Definitions

¹⁵ <http://www.unfpa.org/pds/ageing.html>

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of recent decades. As a result, there is an increasing trend of consumers who are (very) young or (very) old.

The proportion of older persons is increasing at a faster rate than any other age group. In developed countries, the proportion of older people already exceeds that of children. One fifth of the population is 60 years or older; by 2050, that proportion is expected to rise to almost a third, and there will be two elderly people to every child. Europeans reaching the age of 65 in 2050 can expect to live on average between four and five years longer than those reaching 65 today. There will be a sharp increase in the number of people surviving to the ages of 80 and 90, leading to many of them spending several decades in retirement and reaching an age where infirmity and disability are more prevalent¹⁶. Moreover, they constitute an important market share with an unequal share of disposable incomes.

50 million disabled citizens, representing more than 10% of the EU population, also have the right to become equal citizens in the European Society¹⁷.

91% of European citizens agree to spend more money in eliminating physical barriers for people with disabilities¹⁸. This overwhelming support is important when considering the relation between disability and ageing, and planning the actions to cope with demographic trends.

Consumers' needs change with age. And so do their vulnerabilities, as well as their perceptions of the effectiveness of consumer protection policy.

Although 70% of 15-24 year olds trust public authorities to protect their rights as consumers, this dropped to 59% for those over 54. The same trend is observed for consumer protection measures: 63% of 15-24 year olds agree they felt adequately protected by existing measures, compared with 56% for those over 54.¹⁹

A modern consumer policy has to meet these expectations.

¹⁶ European Commission, The demographic future of Europe – from challenge to opportunity, 2006

¹⁷ <http://www.edf-feeph.org/en/welcome.htm>

¹⁸ Euro barometer "Discrimination in the European Union" 2007 on disability matters

¹⁹ Flash Eurobarometer 299, March 2011

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4. Vulnerable Consumers safety policy and regulatory challenges and how to meet them

4.1 What has been done so far?

In addition to the more recent policy activities mentioned in section 1, the following initiatives, aimed at taking into account the needs of vulnerable consumers, have been put in place in the fields of standardisation and market surveillance, all with ANEC’s participation and often on ANEC’s request.

CEN/CENELEC Guide 6 ‘Guidelines for standards developers to address the needs of older persons and persons with disabilities’

Following a request from ANEC the year before, in 1999, the European Commission stressed the importance of Inclusion and Design for All principles in standardisation by launching Mandate M/283 on the safety and usability of products for older and disabled people.

The text of the Mandate pointed out that special needs were addressed in standards related to assistive technologies, but that “there is no formal structure or procedure ensuring that the needs of all consumers of all ages, with or without disabilities or special abilities, are catered for in the entire standardisation process. Individual standardisation committees do not spontaneously take into account safety and usability for people with disabilities and for elderly people, except if they draft specific standards for assistive products. If general standards for consumer products do not meet the requirements of these consumers with special needs, this means that many products and services cannot be used by a large part of the European population”.

In 2001, ISO and IEC developed ISO/IEC Guide 71:2001: *Guidelines for standardization to address the needs of older persons and people with disabilities* to provide guidance to standards writers on how to accommodate the needs of older people and people with disabilities. ISO/IEC Guide 71 was also made available in Braille and was the first ISO publication that was made available in this format.

To comply with Mandate M/283, CEN and CENELEC decided to adopt ISO/IEC Guide 71 as a European publication. As a result, CEN/CENELEC Guide 6 was published in 2002. Hence ISO/IEC Guide 71 and CEN/CENELEC Guide 6 are identical documents. ANEC helped to draft ISO/IEC Guide 71 and Mandate M/283²⁰. The latter required the setting up of a mechanism to ensure that the Guide was used and improved, and that existing standards were reviewed and amended in line with its guidance, which unfortunately never happened.

²⁰ Updated ANEC Policy Statement on Design for All, ANEC-DFA-2007-G-043rev, <http://www.anec.eu/attachments/ANEC-DFA-2007-G-043rev.pdf>

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CEN/CENELEC Guide 14 'Child safety - Guidance for its inclusion in standards'

In 1998, ANEC also submitted a request to the European Commission to establish a mandate on child safety, in order to establish guidelines for standards writers to include child safety in standards. As a result, the European Commission launched Mandate M/293 the following year.

The text of the Mandate M/293 pointed out that "children are exposed to products, constructions and services from the very first day of their lives. Many of these are standardised, and for some products legislation and standards are developed with consideration to children and their behaviour. But most products, constructions and services are not developed with the aim of preventing child accidents" ... "the age factor needs particular attention when drafting standards. Usually safety for small children also creates a safer environment for all parts of the population and in particular for the elderly and the disabled".

CEN Guide 12 "Child safety - Guidance for its inclusion in standards" was adopted by CEN in 2006. Following approval by CENELEC, Guide 12 was published in 2009 as CEN/CENELEC Guide 14 "Child safety - Guidance for its inclusion in standards".

ANEC helped to draft Mandate M/293 and the Guide.

Safety of household appliances for all consumers

Considering that the aim of European safety legislation is to "ensure a high level of consumer protection"²¹ regardless of age or ability, ANEC finds it unacceptable that standards implementing safety legislation exclude the use of electrical household appliances by vulnerable consumers. For many years, we have been concerned at limited scope of the EN 60335 series of standards, implementing the Low Voltage Directive on the safety of household appliances²².

This is not only discriminatory, but also not in line with present market and social trends and realities. The level of use of domestic appliances by older people depends on the household composition. People living alone are more likely to continue using these products than those living with other people, where help is likely to be more readily available. However, the majority of older people wish to continue to live in their own homes for as long as possible, but many appliances are not designed to meet their changing needs as they age.

Considering the current changes in children's education and family composition, the ageing European population and vulnerability of older people to injury in the home setting, especially in bathrooms and kitchens²³, ANEC believes standards can be used to help make products and services safe for as many consumers as possible, irrespective of their ages or abilities.

²¹ Article 169, Title XV - Consumer protection, Article 114, Chapter 3 - Approximation of laws, Treaty on the Functioning of the European Union, 2009

²² DIRECTIVE 2006/95/EC

²³ Injuries in the European Union 2003-2005 Report, IDB, EuroSafe's Injury Data programme, coordinated by the Austrian Kuratorium für Verkehrssicherheit, supported and co-funded by the European Commission.

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This is why we have fought for the deletion of the exclusion clause²⁴. Indeed, we have been successful in revising the following standards to take into account the safety of children, older people and people with disabilities: EN 60335-2-2 (vacuum cleaners), 2-3 (electric irons), 2-6 (cooking ranges, hobs, ovens), 2-7 (washing machines), 2-23 (appliances for skin or hair care), 2-52 (oral hygiene appliances).

All were adopted as European Standards in April 2010. The references are to be published in the Official Journal of the European Union as ‘harmonized standards’, so permitting manufacturers a presumption of conformity to the European health & safety legislation related to the products. The revision of more standards continues, with the fullest ANEC contribution.

Child appealing products: Atlas and Tool

Despite more and more child-appealing products are entering the European market, there are no clear indications in EU legislation or in European standards on how it is decided whether a product is child appealing or not. There is a need for a common approach of what is a child-appealing product and for clear and common criteria to help assess whether a product is child appealing.

A toaster in the shape of a cartoon character; a shampoo bottle resembling a doll; a scented candle that looks like a strawberry, a cigarette lighter resembling a toy car: more and more products are shaped or decorated in a way that makes them appealing to children²⁵.

There are only three instances where special (though unsatisfactory) attention has been paid to child-appealing products in the EU. To begin with, Member States saw a steady increase in the number of child-appealing domestic appliances on the market during the last decade. These appliances are covered by the Low Voltage Directive²⁶ as are all domestic electrical appliances; but there are no provisions addressing risks related to child-appealing characteristics²⁷. In order to clarify how the potential risks to children from child-appealing appliances can be addressed in both a precautionary and coherent manner, national market surveillance authorities developed a Recommendation on Child-Appealing Household Appliances²⁸. Unfortunately, it simply advises economic operators to evaluate the risks of such products on a case-by-case basis in order to ensure an acceptable level of risk. There is no indication as to what is to be considered a child-appealing domestic appliance, nor how to evaluate the risks it may pose to children. As a result, a joint market surveillance action from 13 EU Member States on child appealing products

²⁴ Scope of EN 60335 states that it does not “In general, take into account persons (including children) whose physical, sensory or mental capabilities; or lack of experience and knowledge prevents them from using the appliance safely without supervision or instruction”.

²⁵ In general, the child-appealing characteristics of products include shape, size, texture, colour and decorative elements (e.g. eyes and feet). Other characteristics that can play a role are sound, smell, movement and function (e.g. a lighting function)

²⁶ Directive 2006/95/EC of 12 December 2006 relating to electrical equipment designed for use within certain voltage limits (also called LVD)

²⁷ Commission opinion of 3 May 2002 within the framework of Council Directive 73/23/EEC relating to electrical equipment designed for use within certain voltage limits - Portable child-appealing luminaires

²⁸ Recommendation of the Low Voltage Directive Administrative Cooperation Working Group (LVD ADCO) regarding Child-Appealing Household Appliances, November 2008

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was organised in 2010, to which we participated. A tool/matrix was developed to judge whether an electrical household product is child-appealing, depending on criteria such as colour, shape, sound and smell. In addition, an atlas is being established, containing pictures of child-appealing products, to help authorities to categorise a product as child-appealing or not. The aim is to contribute to a common understanding in assessing the child-appealing character of appliances, thus contributing to increase children protection through uniform market surveillance in Europe.

Secondly, a Commission Decision addresses the potential risks posed by child-appealing lighters²⁹. This Decision bans lighters from being placed on the market if they resemble objects that are considered especially appealing to children (e.g. toys, mobile phones, food, cars) and which present a high risk of misuse ('novelty lighters'). A legal definition of a child-appealing product can so far be found only in this Decision, which states a “*child-appealing lighter' shall mean a lighter whose design resembles by any means to another object commonly recognised as appealing to, or intended for use by children younger than 51 months of age.*”

Thirdly, on Commission's request in March 2011, the Scientific Committee on Consumer Safety (SCCS) adopted an Opinion on the potential health risks posed by chemical consumer products resembling food and/or having child-appealing properties³⁰.

Mini-motorbikes

Following several fatal accidents involving young children, CEN/TC 354 was set up to draft a European standard for mini-motorbikes. Although ANEC trusted the discussions would lead to a standard in the best interests of child safety, no consensus was found as there was strong resistance from manufacturers to the introduction of obligatory age and speed limits in the standard. Despite repeated and fundamental opposition from ANEC, the draft standard was launched by CEN for the formal vote (of adoption) until 10 January 2012, without any obligatory age and speed limits³¹.

This is hugely disappointing bearing in mind the Business Plan of CEN/TC 354 says that “The whole standardization work will not be performed for the benefit of one regional industry but with a view to increase the safety of all the European citizens, and especially youngsters and children by setting the minimum safety requirements of the products”. Moreover, the Business Plan indicates that one of the expected benefits of the work of the TC is to “Increase the safety of all the European citizens, and especially that of children”. The current draft clearly neglects the text of the Business Plan when it comes to the protection of children and to the introduction of minimum child safety requirements.

²⁹ Commission Decision of 23 April 2008 on specific child safety requirements to be met by European standards for lighters pursuant to Directive 2001/95/EC

³⁰http://ec.europa.eu/health/scientific_committees/consumer_safety/docs/sccs_o_056.pdf

³¹ FprEN 16029 'Ride-on, motorized vehicles intended for the transportation of persons and not intended for use on public roads - Safety requirements - Single-track two-wheel motor vehicles'

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4.2 What is still to be done?

In product safety legislation and standardisation, the age and abilities of consumers must be taken into account in the assessment of risk if injuries are to be prevented.

Based on the experiences illustrated earlier, we believe the following actions should be part of the future European Consumer Policy Strategy, or the Consumer Agenda, in order to ensure the effective protection of **all** consumers.

A. Legislative actions

“Intended use” VS “foreseeable use”

From the point of view of a consumer, and especially a vulnerable consumer, the concept of “intended use” does not correspond with real-life situations and neglects the expectations of consumers in modern society. In particular, “intended use” does not address the specific risks that vulnerable consumers may face. However, apart from the GPSD and the Toys Directive, the other consumer relevant product safety pieces of legislation do refer to the concept of “intended use”.

ANEC thinks that vulnerable consumers can be effectively protected only if their (foreseeable) behaviour is duly taken into account by manufacturers when designing products. If manufacturers are allowed to rely on the concept of “intended use” of the product as laid down in the instruction for use, consumers who are too young to read or can not read, are at a higher risk of being exposed to harm or injury.

Hence, as far as consumer products are concerned, we call for the safety concepts of the R&TTE Directive and Low Voltage Directive ³² to be aligned with that of the General Product Safety Directive (“foreseeable use”)³³. And we also call for the scope of the safety concept of the GPSD, which is also under revision, to not only include the needs of children and elderly but also people with disabilities³⁴.

We expect European Consumer Policy to make use of opportunities arising from the revision of such directives to align the safety concept related to consumer products, in parallel with other initiatives such as the proposal for an Accessibility Act. The R&TTE directive is currently under revision while the LVD Directive is under recast.

Need for common approach and criteria for child appealing products

The lack of specific safety requirements in product legislation for child-appealing products raises concern, especially as children are among the most vulnerable of all consumers.

³² Directive 1999/5/EC, Directive 2006/95/EC.

³³ ANEC comments on revision of the R&TTE directive (ANEC-ICT-2011-G-001), ANEC response to the public consultation of the European Commission on the New Legislative Framework for the marketing of products: proposal to align 10 product harmonisation directives to Decision 768/2008: Low Voltage Directive – 2006/95/EEC (ANEC-DOMAP-2010-G-031)

³⁴ Revision of the General Product Safety Directive - Key issues from a consumer perspective (ANEC-GA-2010-G-001final)

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The definition of child appealing lighters, noted earlier, could serve as the basis for a definition or common approach in EU legislation (as in GPSD and other Directives, such as the Low Voltage Directive, R&TTE Directive, Cosmetics Directive). If the same definition is not applied in other legislation, there could be the risk of either no approach or different approaches for products not falling under the GPSD.

In addition to the introduction of a definition, there is also need for specific safety requirements for those products that take into account the specific risks to which children are exposed, due to their vulnerability.

Although we accept not all products with child-appealing characteristics pose risks to children, we consider specific legal requirements ought to be developed to ensure these products are indeed safe. In particular, we consider the GPSD should explicitly require that, whenever a product features child-appealing characteristics, the product must be safe for children under all conditions of use and foreseeable misuse.

If deemed necessary for the protection of children’s health and safety, a complete ban should be imposed on certain types of products, determined by a committee procedure. Such a ban should apply to dangerous chemical products (or their packaging) that are appealing to children³⁵.

Of course, parents must also take responsibility. But the Product Liability Directive³⁶ grants consumers the protection they are entitled to expect, either reasonably or legitimately. Manufacturers should provide sufficient detailed instructions in order to avoid any potential risks that could result from the use of the product, including those that could commonly or regularly occur. However, they cannot limit their liability by simply stating in the user instructions that the product has not been designed for what is a foreseeable use, in this case, the interaction of the child with the product because of its child-appealing design.

“Impact on vulnerable consumers” to be added in Impact Assessment process

In general terms, in order to take into account the needs of vulnerable consumers at the beginning of the legislative process, we suggest that a specific question/part should be added in the Impact Assessment procedure that any legislative proposal has to go through before it can be presented to the European legislators. This could cover both safety needs, as well as the other economic aspects which could have an impact on consumer vulnerabilities.

The establishment of an EU-funded accident statistical system

The collection of accident statistics becomes ever more a problem. Such statistics are needed to underpin and drive preventive actions, especially those concerning

³⁵ Dangerous chemical substances can be child appealing either because of their shape or colour, or because of the shape or colour of their packaging. Such products include for instance cosmetic products, household products and air fresheners that have – or which packaging has – the shape of cartoon figures or resemble foodstuffs in their colours, shape, smell, etc

³⁶ 85/374/EEC

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vulnerable consumers. Most Member States do not collect statistics anymore. What is available is often old and not available for free.

The report 'Injuries in the European Union - Statistics Summary 2005-2007'³⁷ reveals around 7 million people are admitted to hospital each year, with 35 million more treated as hospital outpatients, as a result of an accident or a violence-related injury, with children and elderly on top of statistics charts. Injury data can be obtained from a wide range of sources. Sadly, most injury databases in the EU are fragmented, limited in their size and scope or incomplete. This makes it almost impossible to compile reliable statistics or reach conclusions. Even the so-called European Injury Data Base (IDB) cannot be considered as a reliable and representative database. Currently, only 13 Member States are known to collect injury data through hospitals which themselves do not always collect information in a regular and consistent manner. In addition, it is very difficult to gain access to the IDB or receive detailed information.

Accident and injury data is critical in the setting of priorities, the development of policy and the determination of preventive actions, especially concerning vulnerable consumers. Data is also needed to evaluate the effectiveness of preventive measures and the impact of the introduction of a new/revised regulation or standard.

Last but not least, the efficiency of the legal framework of the New Approach and the GPSD depends on the ability of the Commission and Member States to identify and recognise problems associated with unsafe consumer products. Such problems can be identified only through a regular surveillance of home and leisure accident data. We therefore urge the creation of an EU-funded accident statistical system, under the co-ordination of the European Commission. Member States should be required to contribute to the establishment of the database and its regular updating. This system could be the IDB system providing that it is improved and adequately funded by the European Union. Relevant stakeholders - such as consumer organisations - should also have access to the database.

B. Standardisation actions

“Alternative production line”

European safety policy, and specifically the case of safety of household appliances, is based on the support of standards that provide presumption of conformity to the legal safety requirements. Although ANEC recognises the contribution European standardisation has made to removing technical barriers to trade, especially in support of the New Approach, we do not believe that standardisation necessarily offers the expected level of consumer protection, as demonstrated in the case of the “exclusion clause”.

ANEC believes the freedom allowed to industry to self-regulate through standards needs to be accompanied by an obligation to provide the highest level of protection to consumers that is economically and reasonably possible. As shown by the ANEC

³⁷[http://www.childsafetyeurope.org/csi/eurosafe2006.nsf/0/2DD3B414D49544AEC1257686004E6EBC/\\$file/2009-IDB-Report.pdf](http://www.childsafetyeurope.org/csi/eurosafe2006.nsf/0/2DD3B414D49544AEC1257686004E6EBC/$file/2009-IDB-Report.pdf)

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“Safety of household appliances for all” flagship campaign, it should also include the vulnerability of the consumer to the risks posed by household appliances. The subject of the ANEC flagship campaign is not only technical, but goes to the heart of good consumer safety policy-making and injury prevention.

The traditional process of standards development is voluntary. The decision of stakeholders to participate is made on their own resources and priorities. If the European Institutions believe it important to guarantee participation in the development of a particular standard, such as standards dealing with public interest issues, they must seek to create (and fund) an ‘alternative production line’ with CEN, CENELEC & ETSI, as mentioned in the European Commission Communication on the future of the European Standardisation System, and as proposed by ANEC³⁸.

Specific part on vulnerable consumers in standardisation mandates

Wherever or whenever relevant, standardisation mandates about safety of products and services should indicate the age and abilities of consumers that need to be taken into account to correctly assess the risk consumers are exposed to, in order to prevent harm and injuries, and develop adequate standards. Standardisation requests should focus on the potential barriers that certain consumers may face if their needs are not properly addressed.

Systematic approach to accessibility issues in standardisation

ANEC welcomes standardisation mandate M/473 of 2010, requesting CEN, CENELEC and ETSI to include "Design for All" in relevant standardisation initiatives, as we believe it imperative that actions are taken to ensure the development of European Standards which can serve societal needs. This is particularly important if European Standards are used to complement implementation of European and International policies, such as the implementation of the UN Convention on the Rights of Persons with Disabilities. Universal access to products and services, as well as to the built environment, is essential in an inclusive society.

Regardless of the political achievements marked by the issue of the mandate and the setting up of CEN/BT WG “Strategic Advisory Group on Accessibility” (SAGA), ANEC remains concerned whether sufficient voluntary expertise is available to allow the technical bodies of the European Standardisation Organisations to address accessibility in the development of their standards. Hence, ANEC suggests that dedicated accessibility experts be contracted, as was done for previous standardisation mandates in the area of accessibility, in a systematic manner.

C. Market surveillance actions

Specific market surveillance actions targeted at vulnerable consumers

When setting priorities for market surveillance, we ask Member State authorities to take into account protection of vulnerable consumers. Market surveillance actions

³⁸ Draft IMCO Report on the future of European standardization (2010/20515(INI)), ANEC summary and four proposals for amendments (<http://www.anec.eu/attachments/ANEC-SG-2010-G-005>)

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on toys, child care articles or lighters, which were carried out in the past years, are only some examples which we think should be repeated.

D. Research Actions

Study on anthropometrics data for children and elderly

There is currently a lack of up-to-date anthropometric data to deliver good standards. The available data is often not available for free. We ask the Commission to undertake a study in order to have up-to-date anthropometric data available, especially for children and older persons. If the Commission is not able to undertake such a study, we ask the Commission to approach the World Health Organisation WHO to do so at the international level.

ANEC Position Paper “How to protect vulnerable consumers?”

5. Conclusions

When dealing with product safety legislation and standardisation, the age and abilities of consumers need to be taken into account to correctly assess the risk consumers are exposed to, in order to effectively prevent harm and injuries.

Since its beginning, the role of ANEC is to ensure that standards provide the highest level of consumer protection possible. This is because of the specific link between standards and legislation in Europe. Regrettably, the standards developed to support European product safety tend to focus on mainstream consumers and do not always cover the needs of the vulnerable.

At the same time, ANEC believes standards can be suitable in making products and services safe and accessible to all consumers, whatever their impairment, age and characteristic. This is because standards determine the manner in which a product or a service is designed or provided, before it is placed on the market.

Based on the experiences illustrated in this position, we suggest that actions ranging from the revision of relevant safety legislation to the gathering of sound scientific data and a reform of the European Standardisation System, should be part of the future European consumer policy, in order to ensure the effective protection of **all** consumers.

Furthermore, the recent trend in consumer policy about “consumer empowerment” should be complemented by a real empowerment of the public authorities and consumer associations, at the national and European levels, entrusted with the task of consumer protection. When dealing with the protection of vulnerable consumers, the role information plays in protecting consumers is by essence limited. ANEC believes that having sufficient and adequate knowledge about the safety of products consumers intend to buy and use, is an essential consumer need. Information should be reliable, understandable and transparent. Warnings should only be complementary to strict safety measures and should not exonerate manufacturers from ensuring that products do not present a risk to consumers, especially when consumers are children, persons with disabilities and elderly. And market surveillance authorities and consumers associations should have sufficient resources to enforce safety requirements.

Empowerment of consumers does not preclude protection of consumers whether vulnerable or not.

ANEC Position Paper “How to protect vulnerable consumers?”

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APPENDIX – About ANEC and other documentation

A.1 About ANEC

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment as well as related legislation and public policies. ANEC was established in 1995 as an international non-profit association under Belgian law and represents consumer organisations from 31 European countries. ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

ANEC has signed the European Commission’s Register of Interest Representatives and accepted its Code of Conduct: Identification Number 507800799-30.

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