



guidelines



Competition
Law **Guidelines**
for Participants

in the ISO Standards
Development Process



The purpose of these Competition Law Guidelines (“Guidelines”) is to raise awareness of, and provide broad guidance on, competition law issues to you as a participant in the ISO standards development process.

The Guidelines address all meetings and exchange of information within the ISO standards development process and are addressed to all participants such as delegates, chairs and secretaries of TCs and SCs as well as experts and conveners in WGs. These Guidelines are in addition to any competition law guidelines and policies of your company or organization.

In case of doubt please contact the legal team of your company or organization or ISO's legal team at compliance@iso.org.



Competitors may get together to develop standards that are relevant to their markets.

However, competition law (also known as “anti-trust law”) does not allow competitors to behave in a way that would lead to an improper restriction of competition, for example an agreement between competitors during the standards development process to sell their competing products at pre-established prices (price fixing) or to allocate their customers or markets.

Competition law applies to you as a participant in the standards development process as well as to the company or organization that you represent. There is no single set of competition laws but many national competition laws. The applicable law will depend on the circumstances of a particular anti-competitive behavior. The Guidelines are, therefore, not aimed to address every potential scenario that can lead to the violation of competition law. Rather, they establish a non-exclusive list of **Do's and Don'ts** that are intended to help you avoid infringing competition law.



Compliance with competition law in the standard setting process is essential to ensure i) that markets operate efficiently and competitively; and ii) that the ISO standards development process remains a platform of trust for industries. Non-compliance can have severe consequences not only for you as a participant but also for your company or organization. Violations can lead to substantial civil and criminal liability that may exceed the economic damage caused.

ISO requires you to familiarize yourself with these Guidelines and to comply with them.

Do's

- **Do** remember that one of the purposes of international standardization is to support competition worldwide for the benefit of industry, consumers and society in general.
- **Do** ensure that you and other participants that attend meetings have the necessary technical expertise.
- **Do** follow ISO rules and procedures, including those many policies that concern compliance with competition law, such as the [ISO Code of Conduct](#).
- **Do** follow the [ISO-IEC-ITU Common Patent Policy](#) and Guidelines.
- **Do** review and clear agendas of meetings in advance, to ensure that the subjects to be discussed are consistent with competition law, and strictly adhere to the agenda during the meetings.
- **Do** ensure a transparent and open standards setting process, including participation and the exchange of information, that is strictly in accordance with the [ISO/IEC Directives Part 1](#) and Consolidated ISO Supplement and [ISO/IEC Directives Part 2](#).
- **Do** limit the discussions, or exchange of information, during the ISO standards development process solely to technical standardization issues and only share information that is necessary to meet the objectives of standardization.
- **Do** consider carefully if a potential (or actual) exchange of information has any value in predicting the future commercial behavior of a participating competitor, and refrain from sharing any information that might have this effect.
- **Do** feel free to use and share information from the public domain, including historical and aggregated industry information (which doesn't allow an individual business's pricing or commercial strategy to be identified), but do be careful that it doesn't lead to discussions on future strategy.
- **Do** always state that you cannot discuss any matters that might arise which you think could contravene competition law; do immediately terminate such conversations; do keep a record of such conversation; and do report this to your company or organization and to ISO's legal team, as soon as possible afterwards.
- **Do** take immediate action if the anti-competitive behavior continues, including suspending the meeting to remove the misbehaving participant(s) and cautioning remaining participants that such behavior cannot be permitted and, if necessary adjourning the meeting.
- **Do** ensure that any notes of meetings accurately reflect the discussion.

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Don'ts

- **Don't** exchange, or discuss with competitors, commercially sensitive or strategic information, including, but not limited to: data relating to prices; conditions of licenses (for example with distributors); discounts; timing of pricing changes; profits; profit margins; cost data; market share; customer lists; supply or marketing schedules; bidding behavior; any future developments, trends or market conditions in your industry which might have an impact on competition; or any other information that might allow competitors to adapt their business strategies accordingly.
- **Don't** fix any prices or price-related conditions with competitors.
- **Don't** arrange any market sharing with competitors including allocation of territories, customers, distributors, or suppliers.
- **Don't** include elements in standards that exclude suppliers or competitors from the marketplace for any reason other than technical considerations.
- **Don't** joke about competition law.
- **Don't** use the excuse of "to achieve the objective for standardization" to ask competitors to reveal sensitive information on market, strategy and business.

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