Guidelines

Competition Law Guidelines for Participants in the IEC and ISO Standard 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 IEC and ISO standards development process.

The Guidelines address all meetings and exchange of information within the IEC and ISO standard 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.
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 standard 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 IEC and ISO standard development process remains a platform of confidence 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.

IEC and ISO require 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 and to be fair and for the benefit of industry, the public, and consumers.
- Do ensure that you have the necessary technical expertise when you contribute to IEC, ISO, or IEC/ISO work.
- Do follow IEC and ISO rules and procedures. They include numerous policies that concern compliance with competition law such as the IEC Code of Conduct and ISO Code of Conduct.
- Do review and clear agendas of meetings in advance to ensure that the subjects to be discussed are consistent with competition law and strictly follow the agenda during the meetings.

In case of doubt please contact the legal team of your company or organization or IEC’s legal team at info@iec.ch or ISO’s legal team at compliance@iso.org.
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, profit, profit margins, cost data, market share, customer lists, supply or marketing schedules, or bidding behavior, to avoid a situation arising in which competitors can 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 take competition law matters lightly – it can have serious consequences.
- Don’t use “to achieve the objective for standardization” as an excuse, to ask the competitors to reveal sensitive information on market, strategy and business.

Do

- Do limit the discussions or exchange of information in the IEC and ISO standards development process to technical standardization issues only. Do not share more information than is necessary to meet the objectives of standardization.
- Do consider carefully if a potential (or actual) exchange of information has any value in predicting future commercial behavior of a participating competitor, and if it may do so, then do not share it.
- Do feel free to use and share information from the public domain.
- While participating in meetings and a suspicious competition law matter is raised, do always state that you cannot discuss such matters, terminate the conversation, and keep a record of what was said. Report this to your company/organization and IEC and/or ISO’s legal team as soon as possible afterwards.
- Do take immediate action if the anti-competitive behavior continues, including one or more of the following: (a) calling on the Secretary, IEC Technical Officer or ISO Technical Programme Manager to suspend the meeting temporarily to remove the misbehaving participant(s) and cautioning remaining participants that such behavior will not be tolerated, or (b) calling on the Chair, IEC Technical Officer or ISO Technical Programme Manager to adjourn the meeting.
- Do ensure that any notes of meetings accurately reflect the discussion.

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