

Unclassified

DSTI/CP(2016)5/FINAL

Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

09-Feb-2017

English - Or. English

**DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INNOVATION
COMMITTEE ON CONSUMER POLICY**

**PRACTICAL MODALITIES FOR THE PARTICIPATION OF NON-GOVERNMENTAL
STAKEHOLDERS IN THE WORK OF THE CCP**

JT03408754

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NOTE BY THE SECRETARIAT

This paper introduces a set of principles to cover the participation of non-governmental stakeholders in the work of the Committee on Consumer Policy (CCP). The CCP agreed to the principles and to their declassification at its 92nd session on 7-8 November 2016.

PRACTICAL MODALITIES FOR THE PARTICIPATION OF NON-GOVERNMENTAL STAKEHOLDERS IN THE WORK OF THE CCP

Since its founding, the OECD has recognised the importance of consultations with representatives of non-governmental stakeholders.¹ Consumer policy is one area where the importance of effective participation by non-governmental stakeholders is particularly well recognised. The Committee on Consumer Policy (CCP) has long involved non-governmental stakeholders in its work and that involvement is explicitly called for in the CCP's mandate [C(2014)144].

The business community's involvement in the CCP has been channelled through the OECD's Business and Industry Advisory Committee (BIAC) and civil society participation has primarily come through the regular participation of Consumers International (CI). In addition, a number of CCP government delegations incorporate non-governmental stakeholders in their domestic consultations on CCP work or even include non-governmental representatives as part of their delegation. In 2004, on the advice of the CCP, the Council signalled the important role of CI by the inclusion a specific reference in the revised mandate for the CCP [C(2004)170].²

Parallel to CCP involvement of stakeholders in its work, has been stakeholder participation in OECD work on policies related to the Internet. The importance of stakeholder participation in that work was first highlighted in the 1998 OECD Ottawa Ministerial on electronic commerce almost 20 years ago, and was echoed again in the 2008 Seoul Ministerial Declaration.

Following encouragement from the OECD Secretary-General, in 2009 the Committee on Digital Economy Policy (CDEP) agreed to supplement the long-standing arrangements through which business and the trade unions co-ordinate their participation in the CDEP (i.e. BIAC and TUAC) with recognition for new co-ordination groups created by representatives of civil society and the Internet technical community: the Civil Society Information Society Advisory Committee (CSISAC) and Internet Technical Advisory Committee (ITAC).³

To date the CCP has not had the benefit of input from the Internet technical community, which could be a useful complement to the input from civil society and business. The CCP may want to consider inviting ITAC to provide input on relevant CCP work, e.g. work on the protection of digital consumers.

This paper outlines a set of principles to govern the participation of non-governmental stakeholders – business, trade unions, and civil society (and possibly the Internet technical community) – in CCP work. They have been adapted to fit the practices and needs of the CCP from a similar set of principles agreed by the CDEP in 2009 [DSTI/ICCP(2009)1/FINAL]. These principles are attached as an annex. The principles have had the benefit of preliminary review by representatives from each of the relevant stakeholder communities and the CCP Bureau. It should be noted that non-member economies are not covered by this proposal and would continue to participate according to current practice. Likewise, nothing in this paper impacts the rule that Members are free to include whomever they see fit as part of their delegation (i.e. which may include experts that are not government officials). Finally, the paper does not cover the

¹ See www.oecd.org/civilsociety.

² The possibility of participation by the trade union community (TUAC) is contemplated in the CCP mandate, but in practice the consumer policy issues have not often attracted TUAC's interest.

³ See, <http://csisac.org> and <http://www.internetac.org/>. BIAC and TUAC also maintain information about their activities at: <http://www.biac.org> and <http://www.tuac.org>.

interactions that member governments may have with non-governmental stakeholders as part of their own consultation processes on CCP work. Rather the focus is direct stakeholder participation in the CCP that is independent of any particular member country delegation.

The Committee invites its Working Party on Consumer Product Safety to use the same principles to govern the participation of all non-governmental stakeholders in its work. The Committee may want to further consider the need to review the effectiveness of these participation arrangements from time to time, as appropriate. For example, the review might be considered in the context of the adoption of the CCP programme of work and budget, which would help ensure that there is a good fit between non-governmental stakeholders and the substantive topics to be addressed.

ANNEX

Principles for the Participation of Non-governmental Stakeholders in the Work of the Committee on Consumer Policy⁴

1. Self-organisation by non-governmental stakeholders

Non-governmental stakeholders willing to participate in the work of the Committee on Consumer Policy (CCP) should create or designate a representative through which to channel that participation. The representative should:

- Possess knowledge and expertise in subject matters covered by the CCP;
- Exchange information and views with the CCP; including, upon invitation, through participation in Committee meetings and work in progress;

2. Access to Documents

Official documents considered by the CCP and classified as “For Official Use” will be made available to non-governmental stakeholders participating in its work through OLIS (where possible) or directly from the Secretariat for the purpose of expert consultation and comments. Circulation and use of “For Official Use” documents should be limited to this purpose and such documents should not be quoted or posted on a publicly-accessible website. Non-governmental stakeholders will be accountable for respecting these rules. Final review and decision on the declassification of official documents is reserved for member countries.

3. Participation in official CCP meetings

In accordance with Rule 10.b of the Rules of Procedure of the OECD, a non-governmental stakeholder can be invited as an expert to a meeting. Procedurally, the invitation is extended by the Secretariat, having consulted with the Chair. In general, after consultation with the Chair, the Secretariat will notify the stakeholder communities, through their representatives, of the date and venue of the meetings of the Committee with an indication of the main issues for which their expertise is sought.

The stakeholder representatives should in return indicate to the Secretariat who will be participating in any given meeting so that they may be registered in the OECD events management system.

It is expected that non-governmental stakeholders will be invited to participate in CCP meetings on a regular basis. The CCP, however, may restrict participation in a particular meeting to member countries (with or without observers), depending on the subject matter. It may also do so for a particular item on its agenda. These restrictions should be communicated in advance, where possible.

During a meeting, the CCP Chair may invite interventions from non-governmental stakeholders on any non-restricted agenda item. Committee decisions are reserved for member countries.

4. Participation in inter-sessional work of the CCP and ad-hoc events

In general, when Committee delegates are consulted on work items in between meetings, non-governmental stakeholders views should be invited as well, with access to relevant documents provided by

⁴ The term “CCP” includes any working party of the Committee.

the Secretariat. The Committee should also maximise the opportunities to consult and engage with non-governmental stakeholders through conferences, workshops and related events.

5. Transparency

On agreement of the CCP Committee, these principles should be made publicly available on the OECD Web site. Likewise, non-governmental stakeholders should maintain a public web presence that provides general information about its participation at the work of the CCP Committee, while respecting the confidentiality of the Committee's deliberation process and the OECD rules on access to official documents.