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**COUNCIL****Meeting of the Council at Ministerial Level, 31 May-1 June 2021****STANDARD-SETTING REVIEW: FIVE-YEAR REPORT (2016-2021)****JT03476882**

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## EXECUTIVE SUMMARY

With a pressing need for multilateral solutions to global challenges such as climate change and the regulation of emerging technologies, the agility and effectiveness of multilateral approaches and the rules-based international order are being put to the test. In addition, the global landscape is in flux, with shifts in the geopolitical context, an accelerated pace of change and continued concern that the benefits of globalisation have not been equally shared by all. At the same time, the COVID-19 pandemic has highlighted the need for common approaches to response and recovery efforts. The OECD has shown that it has the ability to broker consensus and develop standards proposing innovative approaches to current and emerging global challenges. Flagship OECD standards have had concrete impact on OECD Members and beyond, levelling the playing field, supporting international exchange of goods, capital, services and information, and guiding policies implemented at the domestic level to improve citizens' well-being.

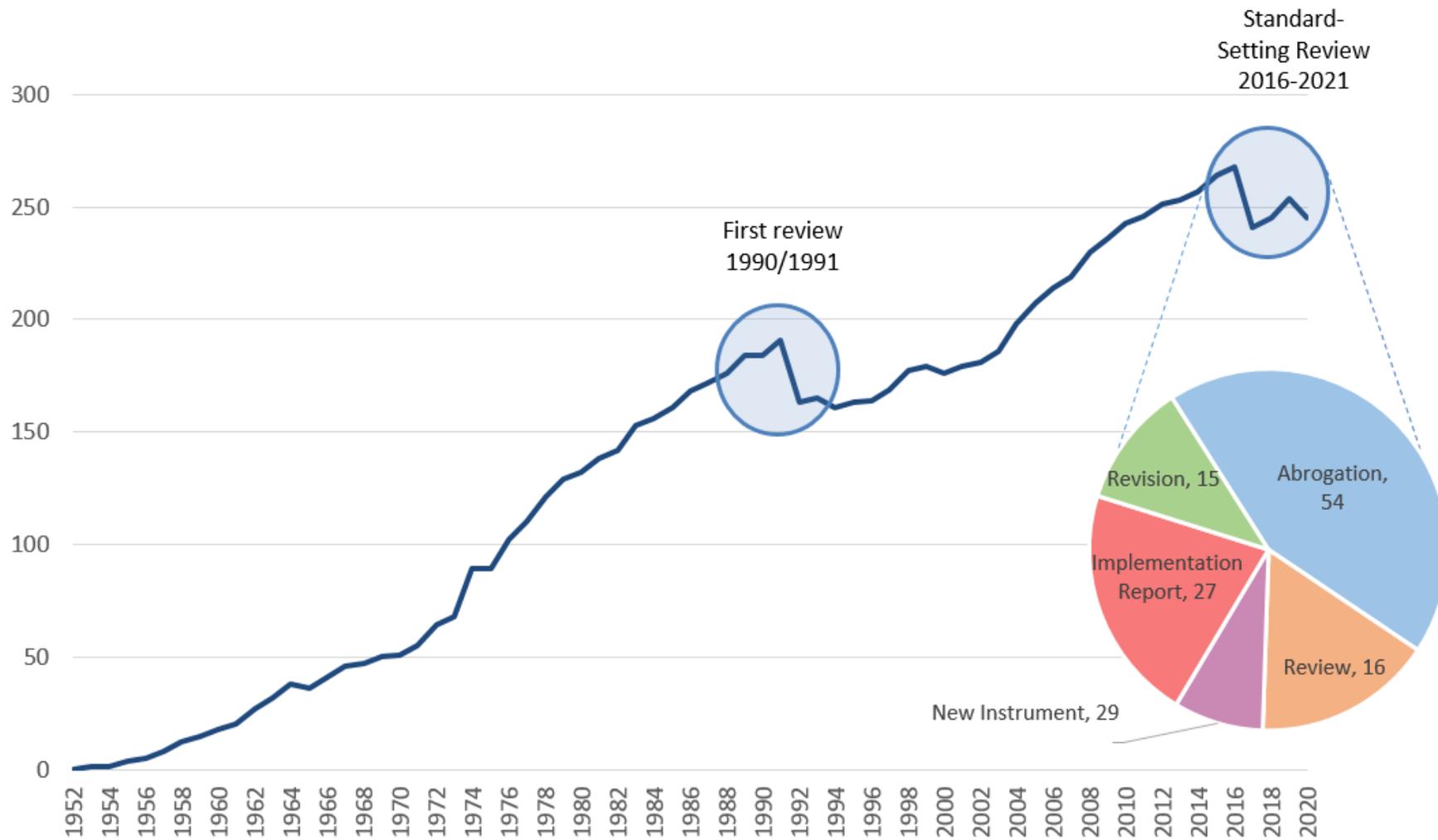
Thirty years after the first Organisation-wide review of OECD legal instruments in the 1990s, the Secretary-General launched in May 2016 a Standard-Setting Review (hereafter “the Review”) to ensure that OECD standards continue to respond to the challenges faced by governments and to strengthen their impact and relevance. The Review has included two parts: (i) a review of the stock of existing OECD legal instruments in order to ensure their continued relevance and impact as well as proposals for possible new instruments in areas where the OECD could usefully address emerging policy challenges; (ii) an in-depth reflection on how to improve the OECD's standard-setting activity going forward (see Figure 1).

Five years after the launch of the Review, 107 specific actions agreed by committees have been implemented and an additional 145 actions will be implemented in the current and next two biennia. As a result of the Review, the activity of the Organisation related to its standards, in particular to maintain the relevance and impact of existing standards, has almost increased threefold, with an average of 26 actions per year, compared to 10 in 2010.

Annual reports to the Council meeting at Ministerial level (MCM) throughout the Review have offered a unique opportunity for an in-depth reflection on the challenges to extending the reach and impact of OECD standards. They have also served to identify committees' best practices that could be shared across the Organisation while taking into account the specificities of each of them. Five key improvements to the OECD's standard-setting function that have resulted from the Review are presented in this report together with an assessment of priorities going forward (see para. 21-35).

In a changing context with an urgent need for multilateral solutions to global challenges, the OECD, as an evidence-based and consensus-building Organisation, has the potential to play an increasingly important role in developing innovative standards to address emerging issues. Recent examples include the Recommendations on Artificial Intelligence [[OECD/LEGAL/0449](#)], on Broadband Connectivity [[OECD/LEGAL/0322](#)] and on the Protection of Children in the Digital Environment [[OECD/LEGAL/0389](#)]. Others are under development including on regulatory governance for emerging innovation, competitive neutrality and trusted government access to data held by the private sector. In the context of the 60<sup>th</sup> anniversary of the OECD and the updating of the Organisation's Vision Statement, Members may wish to consider how they can best tap into this potential of the OECD as a standard-setter to support them in defining collective solutions to common issues and in reaffirming the value of the multilateral rules-based approach.

Figure 1. Evolution in OECD Legal Instruments and Impact of the Review



## 1. The OECD's Role in Developing Standards for Global Challenges

1. With a pressing need for multilateral solutions to global challenges such as climate change and the regulation of emerging technologies, the agility and effectiveness of multilateral approaches and the rules-based international order are being put to the test. In addition, the global landscape is in flux, with shifts in the geopolitical context, an accelerated pace of change, and continued concern that the benefits of globalisation have not been equally shared by all. At the same time, the COVID-19 pandemic has highlighted the need for common approaches to response and recovery efforts.

2. Internationally agreed standards are the glue that holds the community of States together to ensure coordination, share responsibility and prevent disputes on issues where action is required on a global scale for the benefit of citizens. International standards allow national governments to manage relationships and policy effects that transcend national frontiers. The process for developing such standards increasingly takes into account input from other key stakeholders, in particular business and civil society, and foster their active engagement in the implementation.

3. The OECD has developed a number of flagship standards over the years, which have often become the international reference point on a particular issue and underpinned domestic actions: from the Polluter-Pays Principle [[OECD/LEGAL/0251](#)], in the 1970s, to the Anti-Bribery Convention [[OECD/LEGAL/0293](#)], the Principles of Corporate Governance [[OECD/LEGAL/0413](#)] and global tax standards. Through these experiences, it is possible to identify five main characteristics which distinguish the OECD as a standard-setter and have contributed to its capacity to effectively foster agreement on standards<sup>1</sup>:

- Its membership of like-minded countries means that it is able to reach agreement on new standards faster.
- Its multidisciplinary nature and broad technical expertise allow it to address the increasing number of challenges which cut across different policy areas.
- Its “bottom-up,” evidence-based approach from its expert committees ensures that the standards are well-founded technically and that agreement is built progressively as the standards move through the different stages of the process.
- Its consensus based decision-making means that there is a strong engagement throughout the process and resulting commitment by each Member to implement the standard.
- It has developed innovative and robust mechanisms and tools to support the implementation of standards, including its trademark peer reviews.

4. Within the changing global context, the OECD has shown that it has the ability to quickly broker consensus and develop standards proposing innovative multi-stakeholder approaches to current and emerging global challenges (see Figure 2 and the Annex for a table of 2021-2022 standard-setting work). Recent examples include the Recommendations on Artificial Intelligence [[OECD/LEGAL/0449](#)], on Broadband Connectivity [[OECD/LEGAL/0322](#)] and on the Protection of Children in the Digital Environment [[OECD/LEGAL/0389](#)]. Others are under development including on regulatory governance for emerging innovation, competitive neutrality and trusted government access to data held by the private sector. This agility has been demonstrated once again during the COVID-19 pandemic, with the Organisation redoubling its standard-setting activity and adjusting standards under development in real time to the challenges facing governments. The OECD has also been at the forefront of efforts to improve

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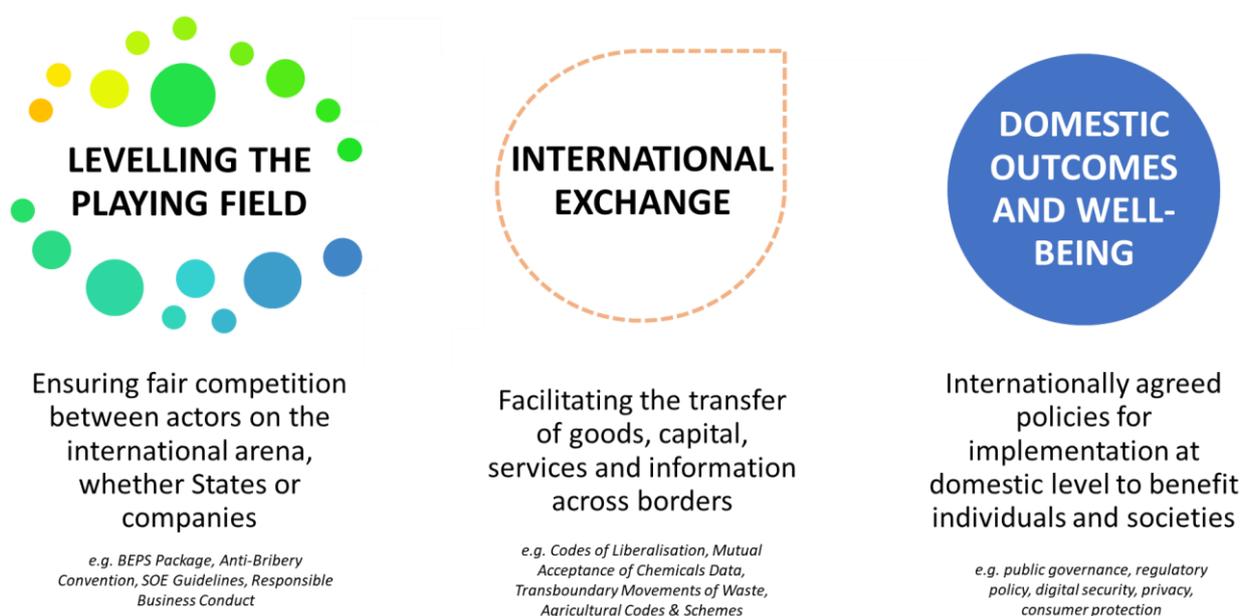
<sup>1</sup> See Section 2 for the definition used within the OECD for “standards”.

standard-setting activities and facilitate cooperation between international organisations through the Partnership of International Organisations for Effective Rulemaking.<sup>2</sup>

**Figure 2. Standards under development to tackle current and emerging global challenges**



5. Since its creation, the OECD has developed 455 legal instruments<sup>3</sup> on a diverse array of topics with 245 in force today. OECD standards fulfil three main objectives, with concrete impacts for Adherents:



6. The impact of OECD standards (see Figure 3), in particular those aimed at levelling the playing field, depends not only on implementation by OECD Members but increasingly on implementation by non-OECD Members, especially the largest emerging economies. The OECD has successfully disseminated its standards in a number of areas, resulting in alignment of partner countries with OECD standards, even in cases where there is no request for formal adherence.<sup>4</sup> The OECD's strategic partnership with the G20 and the resulting take-up of OECD standards has been a vital factor, resulting in a levelling of the global playing field and ensuring a greater impact of OECD standards for the benefit of all countries.

<sup>2</sup> See <https://www.oecd.org/gov/regulatory-policy/a-partnership-for-effective-international-rule-making.htm>.

<sup>3</sup> See Section 2 for the definition used within the OECD for "legal instruments".

<sup>4</sup> See also the Secretary-General's Report to Ministers on Global Relations, OECD's Global Relations: Serving the OECD and its Members with global impact [C/MIN(2021)8].

Figure 3. Concrete impact of OECD Standards

**Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**  
[OECD/LEGAL/0293]

- Bribery is now a crime in all 44 Parties to the Convention.
- All 44 Parties have strengthened or created corporate liability laws applicable to foreign bribery.
- At least 29 countries had to eliminate tax deductibility of bribes.
- 18 countries have introduced or strengthened whistleblower protection in response to WGB recommendations.
- 651 natural persons and 230 legal persons have been convicted or sanctioned for foreign bribery in the 44 Parties between 1999 and 2019.



**Tractor Codes** [OECD/LEGAL/0334]

- The Codes represent an integrated system of harmonised standardisation.
- Membership increases tractor exports by 12.5% on average.
- Volume of trade in tractors is 19% higher when both trading partners are members of the OECD Tractor Codes.



**BEPS Package**



- The Package combats Base Erosion and Profit Shifting (BEPS) practices which cost countries 100-240 billion USD in lost revenue annually - the equivalent to 4-10% of the global corporate income tax revenue.
- More than 2700+ bilateral relationships have been established for the exchange of Country-by-Country (CbC) Reporting.
- Over three quarters of the 139 OECD/G20 Inclusive Framework members, including all G20 countries, have introduced or are introducing a CbC reporting obligation.

**Mutual Acceptance of Data (MAD) system in the Assessment of Chemicals**  
[OECD/LEGAL/0194 and OECD/LEGAL/0252]

- Net financial savings to governments and industry (after deducting costs) are estimated at more than EUR 309 million each year.
- By reducing the need for duplicative testing of chemicals due to the MAD system, almost 33 000 fewer animals are used every year to test new industrial chemicals.



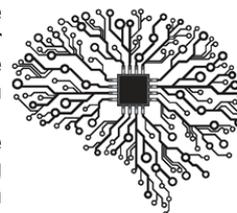
**Recommendation on Digital Government Strategies**  
[OECD/LEGAL/0406]

- It played a pivotal role to help digital government authorities and policy-makers launch advocacy programmes to raise awareness about the relevance of public sector digitalisation and implement digital government initiatives.
- It has been disseminated by other international organisations and referenced in their strategic documents (e.g. European Union's eGovernment Action Plan 2016-2020) and served as the basis for the recently launched OECD Digital Government Index.



**Recommendation on Artificial Intelligence**  
[OECD/LEGAL/0449]

- Most Adherents have introduced guidelines for trustworthy AI aligned with the Recommendation and even explicitly refer to it.
- All G20 countries have committed to implementing the G20 AI Principles drawn from the Recommendation.
- Implementation is supported by data collection in the OECD.AI Policy Observatory and policy analysis by the OECD Network of Experts on AI.



**OECD Due Diligence Guidance for Responsible Minerals Supply Chains** [OECD/LEGAL/0386]

- It is the basis for the EU Conflict Minerals Regulation and the OECD Alignment Assessment methodology has been enshrined into secondary legislation by the EU. The US Security and Exchange Commission also refers to the OECD Guidance as the standard to comply with Section 1502 of the Dodd Frank Act.
- OECD expectations have been translated into legal requirements in mineral producing countries, such as the Democratic Republic of Congo.
- Major metal exchanges and market makers have also turned the OECD standard into market requirements.
- Today an estimated 85-90% of global gold production is audited against the OECD standard.



**Recommendation on Effective Public Investment Across Levels of Government** [OECD/LEGAL/0402]

- Most countries have adopted mechanisms to coordinate public investment across levels of government. 23 countries have taken actions to align their regional development strategies with the national framework (17 before 2014).
- Legal framework and policies supporting cross-jurisdiction cooperation have also been enhanced. 13 countries have established governance arrangements to strengthen urban-rural partnerships (7 before 2014).



## 2. Typology of OECD Standards

7. The terminology used by each international organisation to describe and categorise its normative activity differs based on their founding documents, legal framework and established practices.

8. Within the OECD, the term “standards” is used as the broadest category, encompassing all OECD legal instruments as well as other kinds of policy principles and guidelines developed within the OECD framework. Many OECD standards have been embodied in substantive OECD legal instruments, while others have not. The best example of an OECD “standard” that is not a “legal instrument” is the BEPS Package, a set of political commitments undertaken by governments that was noted but not adopted by Council. Other examples include the [development finance standards](#) and the [G20/OECD High Level Principles on SME Financing](#).

9. OECD “legal instruments” are all substantive OECD Acts adopted pursuant to Article 5 of the OECD Convention (Decisions and Recommendations) as well as other types of legal instruments developed within the OECD framework (principally Declarations and Treaties). Within the sub-categories of OECD legal instruments (see Figure 4), some are legally binding, for example, Decisions such as the Codes of Liberalisation [[OECD/LEGAL/0001](#) and [OECD/LEGAL/0002](#)] and International Treaties such as the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions [[OECD/LEGAL/0293](#)]. The vast majority of OECD legal instruments are non-binding: the most common category is Recommendations but there are also number of Declarations or other outcome documents from ministerial meetings.

**Figure 4. Types of OECD Legal Instruments**

	Adopted by the OECD Council	Adopted directly by the Adherents
<b>Legally binding</b>  	<b>DECISIONS</b> <i>Set out specific rights and obligations and can contain obligatory monitoring mechanisms</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>24</b> in force         </div> e.g. Waste, Codes of Liberalisation, Mutual Acceptance of Chemicals Data, National Treatment	<b>INTERNATIONAL AGREEMENTS</b> <i>Free-standing international treaties negotiated within the OECD framework</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>10</b> in force         </div> e.g. Conventions on Anti-Bribery, BEPS, Mutual Administrative Assistance in Tax Matters, Nuclear Energy
<b>Non-legally binding</b>  	<b>RECOMMENDATIONS</b> <i>Represent a political commitment to the principles they contain and entail an expectation that Adherents will do their best to implement them</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>170</b> in force         </div> e.g. AI, Good Statistical Practice, Water, Gender, Bid Rigging, Access to Research Data, Broadband	<b>DECLARATIONS and other outcome documents</b> <i>Solemn text setting out political commitments adopted during Ministerial or other high-level meeting</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>28</b> in force         </div> e.g. SMEs, Productivity, Public Sector Innovation, Digital Prosperity, Green Growth
<b>OTHER OECD LEGAL INSTRUMENTS</b> include Recommendations adopted by the Development Assistance Committee, the Arrangement on Export Credit as well as several sectoral understandings.		

### 3. The Standard-Setting Review

10. In May 2016, the Secretary-General launched an OECD-wide Standard-Setting Review (hereafter the “Review”) in order to ensure that OECD standards continue to respond to the challenges faced by governments and to strengthen their impact and relevance. The Review was welcomed by Ministers at the 2016 MCM.<sup>5</sup>

11. The Review, which is coordinated and supported by the Directorate for Legal Affairs, has included two parts (see Figure 5):

- a review of the stock of existing OECD legal instruments in order to ensure their continued relevance and impact as well as proposals for possible new instruments in areas where the OECD could usefully address emerging policy challenges (see section 3.1).
- an in-depth reflection on how to improve the OECD’s standard-setting activity going forward (see section 3.2).

12. The present report seeks to take stock of the outcomes of the Review five years on, both in terms of the short-term actions vis-à-vis specific OECD legal instruments, as well as in terms of the medium to long-term actions to improve the OECD’s standard-setting function for the future.

**Figure 5. The OECD Standard-Setting Review**



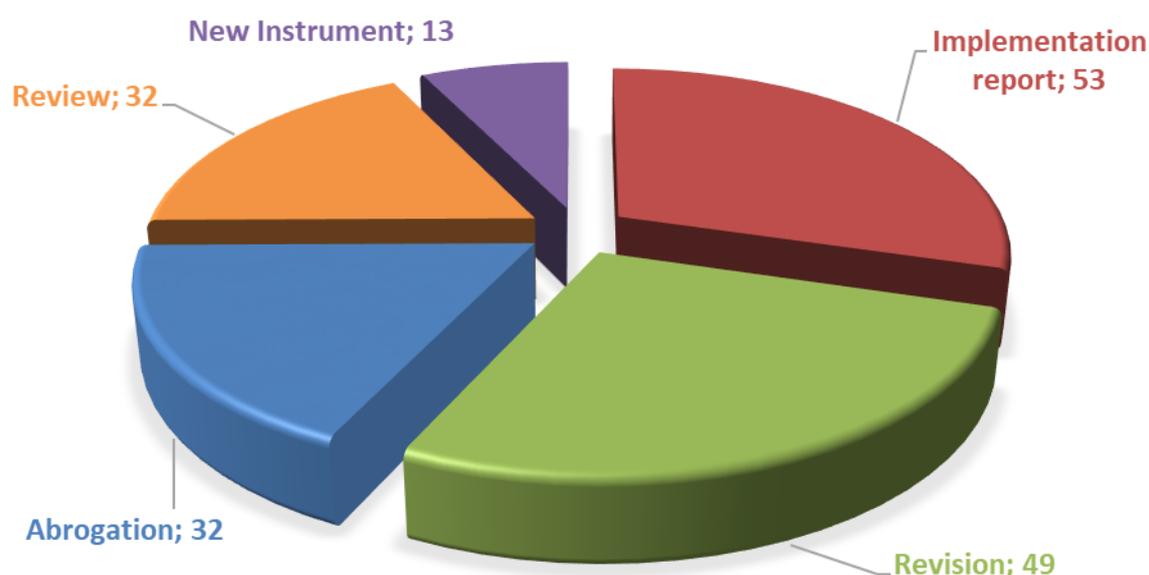
#### 3.1 Ensuring the Continued Relevance and Impact of OECD Legal Instruments

13. The origins of the Review emerged from the round of accession processes that began in 2007. As part of the OECD accession process, candidate countries are evaluated by OECD substantive committees against all OECD legal instruments in force. During those reviews, it became apparent that a number of the legal instruments in force were no longer relevant for various reasons: in some cases they had been superseded either by a more recent OECD standard or a standard developed in a different international organisation; in other cases, they were no longer adapted to address a situation that had evolved over time. What became increasingly clear over the course of these accession processes was that there was a need for a mechanism to ensure that OECD legal instruments remain relevant and continue to serve the needs of governments over time.

<sup>5</sup> See [C/M\(2016\)10/ADD1](#).

14. Accordingly, the first phase of the Review was focused on analysing the legal instruments in force to determine whether they were still relevant and had concrete impact for governments and, if not, what actions should be taken. From October 2016 to July 2017, OECD substantive committees approved 28 Standard-Setting Actions Plans (hereafter the “Action Plans”) in which they considered the legal instruments under their responsibility (a total of 267 legal instruments) and agreed to a total of 179 actions to be undertaken as part of the Review [[C\(2017\)51/ADD1](#)] – See Figure 6. There were 5 different types of actions proposed: abrogating the instrument (abrogation), revising the instrument to ensure it was up-to-date or consolidating with subsequent instruments (revision), undertaking an analysis of the implementation, dissemination and continued relevance of the instrument (implementation report), developing a new instrument sometimes to replace an abrogated one (new instrument) and reviewing the instrument in more detail to determine whether further actions may be needed (review).

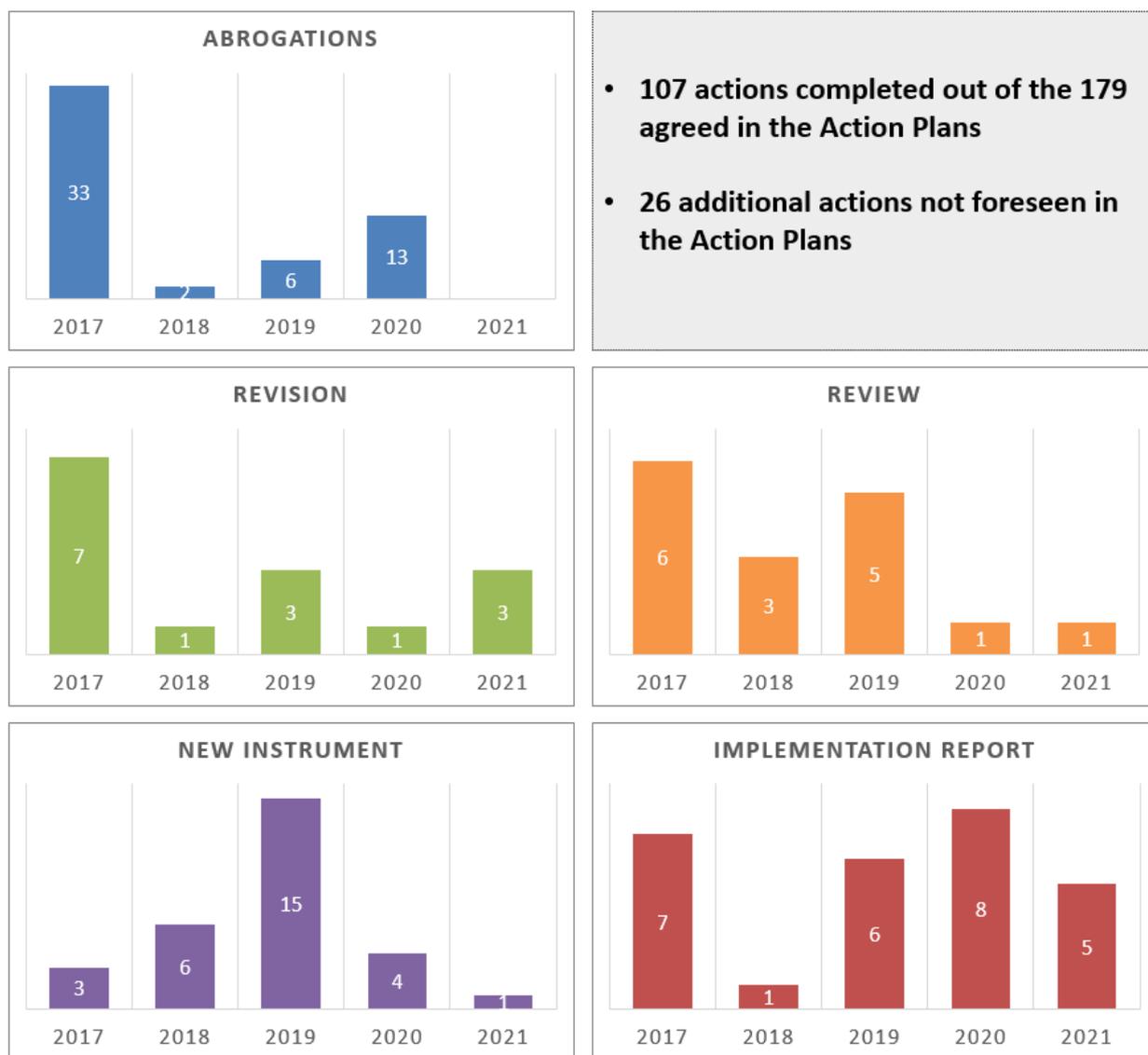
**Figure 6. Summary of the Committees’ Proposed Actions in the First Phase of the Review**



15. The findings of the first phase of the Review were presented to Council in April 2017 and transmitted to the 2017 MCM at which Ministers welcomed the Review and “*initiatives to increase the visibility and global implementation of OECD norms*”, including OECD’s efforts “*to spread its standards through G20, G7, APEC, ASEAN, the Pacific Alliance, and other global and regional fora*” [[C/MIN\(2017\)9/FINAL](#)]. At its meeting on 12 July 2017, Council concluded the first phase of the Review with the adoption of a set of actions to clean up the existing stock of OECD legal instruments including the abrogation of 32 outdated instruments (representing 12% of existing OECD legal instruments at the time of abrogation) [[C\(2017\)80](#) and [C/M\(2017\)13](#), Item 144].

16. The second phase of the Review (from September 2017 to May 2021) focused on the implementation of the 28 Action Plans as well as consideration by committees of possible new legal instruments in areas where the OECD could meaningfully address emerging policy challenges. The Council was informed of the progress made in the implementation of the Action Plans at its meetings at Ministerial level in 2018 [[C/MIN\(2018\)11](#)], 2019 [[C/MIN\(2019\)13](#)] and 2020 [[C/MIN\(2020\)5](#)]. See Figure 7 for the results of the second phase of the Review.

Figure 7. Results of the Review by Type of Action

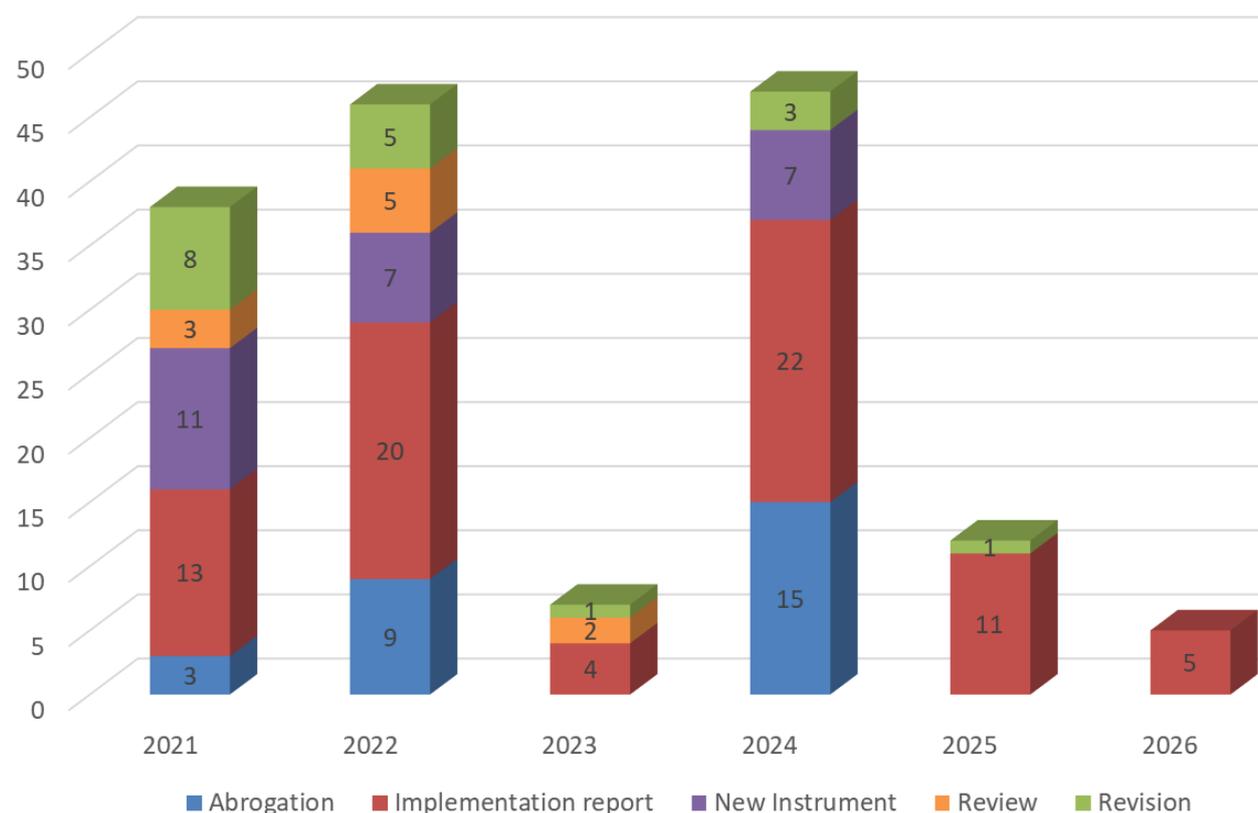


17. In some cases, the implementation of the Action Plans by committees has been delayed due to a lack of resources and/or priority being given to other more pressing issues. The COVID-19 pandemic has also inevitably led to some delays as a result of the priority given to COVID-related work. At the same time, committees have been actively adapting their work on standards to address the specificities of the pandemic situation. For example, the recent Report on the implementation of the OECD Recommendation on Clinical Trials [C(2020)108] includes a specific section confirming the need for a better harmonisation of clinical trial regulations and processes - as provided in the Recommendation - to address the COVID-19 crisis.

18. At the end of the second phase of the Review, 107 actions have been completed out of the 179 actions initially proposed. Committees have also updated their Action Plans regularly in light of subsequent discussions and developments and have completed 26 new proposed actions, many involving the development of new legal instruments.

19. Given that committees have also agreed on new actions since the adoption of their Action Plans, a projected additional 145 actions will be implemented in the current and next two biennia (see Figure 8). As a result of the Review, the activity of the Organisation related to its standards, in particular to maintain the relevance and impact of existing standards, has almost increased threefold, with an average of 26 actions per year, compared to 10 in 2010.

**Figure 8. Estimated OECD Standard-Setting Activity in 2021-2026**



### 3.2 Improving the OECD's Standard-Setting Activity for the Future

20. The Review has provided a unique opportunity for the Organisation to take a step back and reflect on how to improve its standard-setting activity going forward, to ensure that OECD standards have maximum impact. One of the main achievements of the Review has been to begin a conversation, both at the level of substantive committees and in the governing bodies, about how the OECD can best develop and maintain its standards over time.

- The 2017 MCM Report [[C/MIN\(2017\)15](#)] identified five action points to address challenges to extending the reach and impact of OECD standards (see Figure 9).

**Figure 9. Five Action Points in the 2017 MCM Report**

- The 2018 MCM Report [[C/MIN\(2018\)11](#)] developed key ideas to address those challenges throughout the life cycle of OECD standards – from the development/revision phase to the evaluation of their relevance and impact [see Figure 10 which reproduces the key ideas on p. 5 of [C/MIN\(2018\)11](#)]. In line with the OECD’s bottom-up approach, these initiatives draw on existing good practices while respecting the specificities of different committees and legal instruments.
- The 2019 [[C/MIN\(2019\)13](#)] and 2020 [[C/MIN\(2020\)5](#)] MCM Reports confirmed that the Review has already acted as a catalyst to improve standard-setting processes since committees have begun to focus more on the way that they develop standards and have started to implement the key ideas from the 2018 MCM Report. This has led to new best practices, creating a menu of options on which different committees can draw.

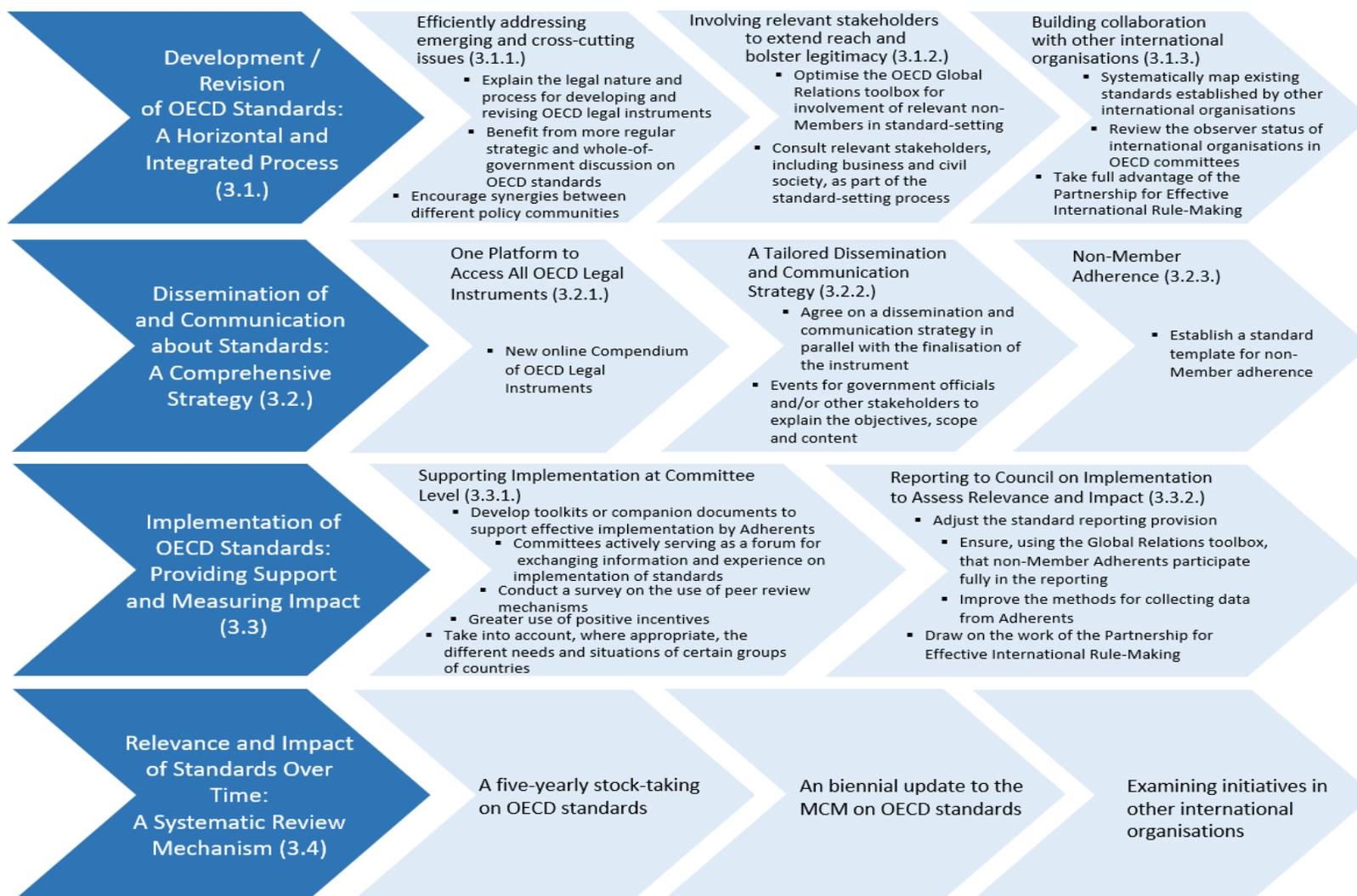
21. The following paragraphs highlight five key improvements to the OECD’s standard-setting function that have resulted from the Review, together with an assessment of priorities moving forward.

### **1. MAINSTREAMING THE REVIEW OF STANDARDS INTO THE WORK OF COMMITTEES**

22. The Review clearly showed that it is necessary to have a more regular review of the relevance and impact of OECD legal instruments. In the past, there were a number of cases where there had been no follow-up on a legal instrument since its adoption or since the first implementation report to Council a few years after adoption.

23. To remedy this situation, the 2018 MCM Report proposed a stocktaking on all standards under the responsibility of a committee as part of the process for renewing/revising its mandate every five years. This ensures that committees have regular discussions on their legal instruments and proactively identify any follow-up actions that may be needed. This stocktaking has been implemented as from 2019 with the inclusion of a section on the continued relevance of committees’ standards in the document transmitted to Council on the proposed mandate renewal/revision. At present, a number of substantive committees are still in the process of implementing the Action Plans agreed as part of the Review so the stock-taking as part of the mandate renewal mainly consists of referring back to the Action Plan. However, moving forward, it would be important for the substantive committees to engage actively in this stocktaking on their standards and use it as an opportunity to develop a regular, five-yearly action plan.

Figure 10. Key Ideas from the 2018 MCM Report



24. Another area of improvement identified during the Review is the need to include a discussion on upcoming work on standards as part the process for developing the biennial Programme of Work and Budget (PWB). One of the challenges seen as part of the Review was that committees had limited resources for the work on their standards since this had not been integrated into their PWB discussions. Some committees, such as the Committee on Digital Economy Policy, have developed best practices in this regard, including a section in the draft PWB related to the upcoming work on new/revised legal instruments as well as implementation reports to Council. In some cases, there is also a question of the priority-setting by committees, with a tendency to give priority to new work rather than to maintaining the relevance and impact of existing standards. In the future, it would be useful for Council to encourage the integration of work related to OECD standards into the PWB process to ensure that committees set aside the necessary resources to take action to maintain the relevance and impact of the standards under their responsibility.

## 2. MORE REGULAR REPORTING TO COUNCIL ON STANDARDS

25. The 2018 MCM Report proposed a modification to the standard provision in new/revised legal instruments to request regular reporting to Council with a maximum interval, instead of only requesting one report five years after adoption and as appropriate thereafter. The Review revealed that there were a number of cases when there had been no reporting to Council for many years. This change was implemented as from January 2019 with a new clause instructing the committee to report “no later than five years following its adoption and every ten years thereafter”.

26. In practice, most committees have opted for a shorter deadline for the subsequent report, which is usually scheduled in five years rather than ten. This is particularly important in cutting-edge areas where there can be rapid innovations that may require the instrument to be updated. At the same time, for some committees such as the Environment Policy Committee which has more than 46 legal instruments under its responsibility, reporting on each legal instrument regularly may place a heavy burden on the committee, detracting it from other priority work.

27. In the future, rather than a standardised reporting cycle for all legal instruments, a more nuanced and flexible approach may be called for depending on the subject and nature of the instrument. In this way, the committee can determine the appropriate interval for assessing the relevance and impact of the instrument. The fact that there will be a regular five-yearly stocktaking on all legal instruments as part of the committee’s mandate renewal should also be taken into account, since this also provides an opportunity for the committee to determine whether it is necessary to update an instrument.

28. In addition, one of the outcomes of the Review is that, going forward, there will be regular reports to the MCM on the standard-setting activities of the Organisation to provide an opportunity for high-level strategic discussion and top-down guidance.

## 3. ADOPTION OF DISSEMINATION AND IMPLEMENTATION STRATEGIES

29. All MCM Reports identified as a key priority the need to improve and strengthen the dissemination and implementation of OECD standards. Significant efforts have already been undertaken by committees in this regard, after the adoption/revision of legal instruments to maintain momentum and bolster the impact of such instrument.

30. This change is also reflected in the final provisions of Recommendations, which now almost systematically set out specific actions for following up on dissemination and implementation, proposing to establish the committee (or one of its subsidiary bodies) as the forum for discussion on the instrument or to develop a toolkit to support implementation. For example, the 2020 Recommendation on the Governance of Infrastructure [[OECD/LEGAL/0460](#)] instructs the Public Governance Committee to “[c]ollect and map the information exchanges and continue to build a body of experience on the implementation of the Recommendation” and the 2020 Recommendation on Consumer Product Safety

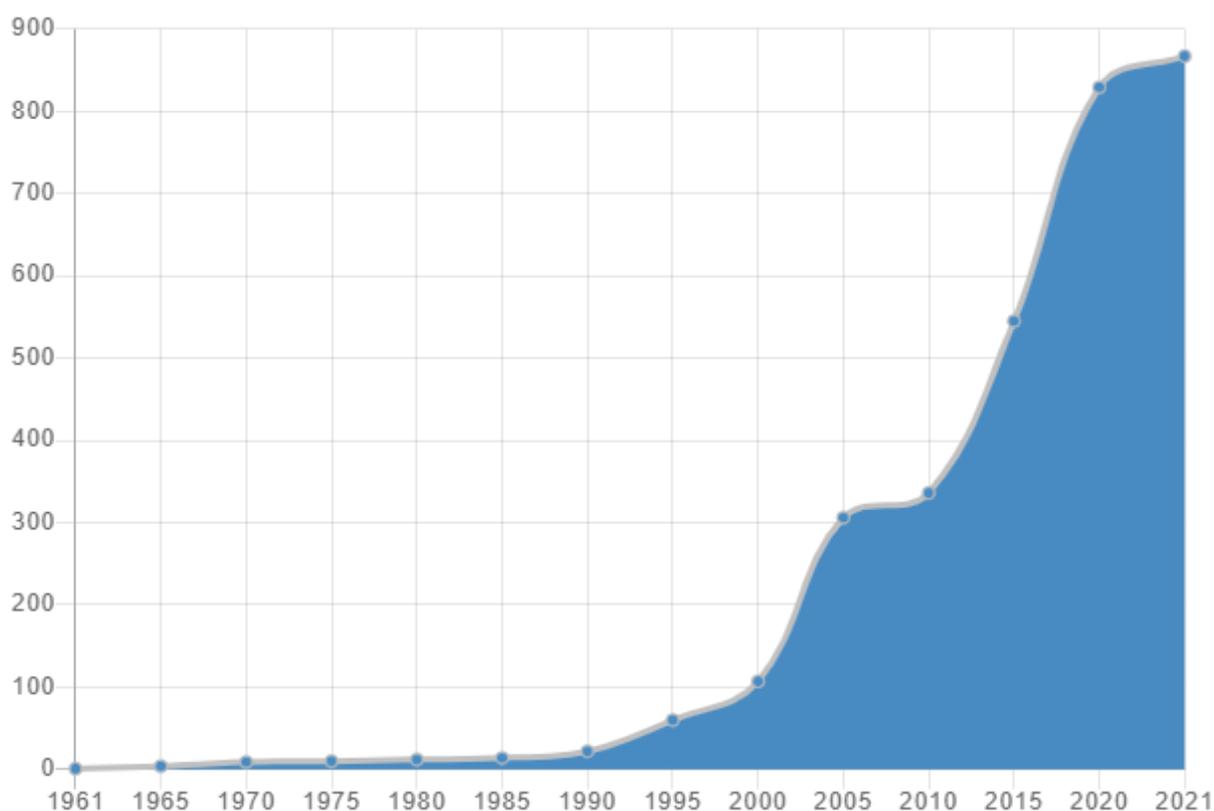
[[OECD/LEGAL/0459](#)] instructs the Committee on Consumer Policy to “[s]erve as a forum, using the OECD [GlobalRecalls portal](#), for the rapid exchange of worldwide recall information”.

31. Regarding dissemination, the [online Compendium of OECD Legal Instruments](#) has facilitated the accessibility of information on OECD legal instruments for all stakeholders and has been updated to include additional information including unofficial translations produced by countries to support domestic dissemination. The Directorate for Legal Affairs is actively sharing good practices to support dissemination and implementation, so that committees can learn from each other’s innovations and experiences.

#### 4. PROCESS FOR NON-MEMBER ADHERENCE AND INVOLVEMENT IN IMPLEMENTATION EFFORTS

32. The Organisation has received an increasing number of requests from non-Members to adhere to OECD legal instruments over recent years - the trends in adherence of course vary depending on the non-Member as well as the legal instrument in question (see Figure 11). The alignment of non-OECD Members with OECD standards is vital in order to create a level playing field. For legally-binding instruments and several Recommendations, technical review processes have been further defined and, in other cases, the process for non-Member adherence has been clarified, with systematic consultation of the relevant substantive committee and notification to the External Relations Committee.

**Figure 11. Non-Member Adherence to OECD Legal Instruments**



33. There is also increased participation from non-Members in discussions related to the development/revision of legal instruments and in the implementation and dissemination of the instruments. In particular, implementation reports to Council now systematically include information on implementation by non-Member Adherents and sometimes information regarding non-Adherents that

participate in the work of the relevant committee. This in line with the importance placed by the External Relations Committee on the need to support and measure the implementation by Partner countries.<sup>6</sup>

## 5. LEVERAGING THE MULTI-DISCIPLINARY AND MULTI-STAKEHOLDER NATURE OF THE OECD

34. The Review has shown that a multi-disciplinary and multi-stakeholder approach has the potential to increase the quality and effectiveness of OECD standards [see section 4. of [C/MIN\(2020\)5](#)]. One of the OECD's strengths as a standard-setter is its ability to draw on different areas of technical expertise to address cross-cutting issues and this is becoming more and more relevant as the number of "horizontal" policy challenges increases.

35. The consultation of multiple substantive committees is becoming a regular feature of OECD standard-setting and committees are becoming more and more adept at finding efficient ways in which to co-operate in their work on standards. The involvement of stakeholders beyond governments has also become a systematic practice when developing or revising OECD standards and committees are developing innovative ways of integrating input from business and civil society. Dedicated workshops have been organised [e.g. the workshop hosted by Korea on the revision of the two Recommendations on international cooperation in science and technology - [OECD/LEGAL/0237](#) and [OECD/LEGAL/0282](#)] but there is also increasing use of informal expert groups (e.g. expert group on AI) or Global Forums (e.g. on responsible business conduct) to build a multi-stakeholder community in support of an OECD standard.

### 4. Conclusions: How to Build on the Review and Optimise the OECD Potential as a Standard-Setter

36. The Review has provided a much-needed opportunity for committees to evaluate and update the stock of OECD standards and to identify possible areas where new OECD standards could add value. These efforts will continue into the future with the implementation of the Action Plans and the regular reviews of standards that will now take place.

37. At the same time, in a changing context with an urgent need for multilateral solutions to global challenges, the OECD as an evidence-based and consensus-building Organisation has the potential to play an increasingly important role in developing innovative standards to address emerging issues. It has already demonstrated on multiple occasions its ability to do this quickly and effectively, and to foster uptake by countries beyond its membership, including through working closely with global governance groupings like the G20.

38. In the context of the 60<sup>th</sup> anniversary of the OECD and the updating of the Organisation's Vision Statement, Members may wish to consider how they can best tap this potential of the OECD as a standard-setter to support them in defining collective solutions to common issues and in reaffirming the value of the multilateral rules-based approach. To this end, a seminar for Ambassadors is planned in order to facilitate a strategic, forward-looking discussion on how to optimise this key role of the OECD.

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<sup>6</sup> See further the Secretary-General's Report to Ministers on Global Relations, OECD's Global Relations: Serving the OECD and its Members with global impact [see [C/MIN\(2021\)8](#), para. 97-98] and the Report on Considering Partners' Convergence with OECD Standards to Level the Global Playing Field [[ERC\(2020\)30/REV1](#)].

## Annex: Upcoming OECD Legal Instruments in 2021-22

### *Planned Revision of Existing OECD Legal Instruments*

- 1986 Recommendation concerning Safety Considerations for Applications of Recombinant DNA Organisms in Industry, Agriculture and the Environment [[OECD/LEGAL/0225](#)]
- 1988 Recommendation concerning a General Framework of Principles for International Co-operation in Science and Technology [[OECD/LEGAL/0237](#)]
- 1995 Recommendation concerning Principles for Facilitating International Technology Co-operation Involving Enterprises [[OECD/LEGAL/0282](#)]
- 1983 Recommendation concerning the Protection of Proprietary Rights to Data submitted in Notifications of New Chemicals [[OECD/LEGAL/0203](#)]
- 2009 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions [[OECD/LEGAL/0378](#)]
- 2012 Recommendation on Fighting Bid Rigging in Public Procurement [[OECD/LEGAL/0396](#)]
- 2014 Recommendation on Automatic Exchange of Financial Account Information in Tax Matters [[OECD/LEGAL/0407](#)]
- 2015 Recommendation on Digital Security Risk Management for Economic and Social Prosperity [[OECD/LEGAL/0415](#)]

### *Planned New OECD Legal Instruments*

- Enhancing access to and sharing of data
- Environmental information and reporting (consolidation of existing Recommendations [OECD/LEGAL/0170](#), [OECD/LEGAL/0257](#) and [OECD/LEGAL/0296](#))
- Transparency and procedural fairness in competition law enforcement
- Enabling civil society (in development cooperation)
- Government access to personal data held by the private sector
- Blockchain
- Fighting tax crimes
- Agile regulatory governance to harness innovation
- Role of government in promoting responsible business conduct
- Digital security of products
- Treatment of digital security vulnerabilities
- Evidence-informed policy-making and evaluation
- Compliance assurance and fighting environmental crime
- Need for relevant data and assessment of chemicals (consolidation of existing Recommendations [OECD/LEGAL/0154](#), [OECD/LEGAL/0199](#) [OECD/LEGAL/0232](#))
- Chemical accidents (consolidation of existing Recommendations [OECD/LEGAL/0319](#), [OECD/LEGAL/0239](#) and [OECD/LEGAL/0240](#))
- Gender equality and women's empowerment in development
- Tourism (consolidation of existing Recommendations [OECD/LEGAL/0068](#) and [OECD/LEGAL/0222](#))