

BSI Flex 0 v2.0:2022-08



BSI Standards Publication

Principles of BSI Flex standardization

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BSI Flex standards provide a new, flexible way to develop consensus-based good practice that dynamically adapts to keep pace with fast-changing markets. For more information, go to: <https://www.bsigroup.com/en-GB/our-services/standards-services/flex/>

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Contents

	Page
Foreword	II
1 Scope	1
2 Normative references	1
3 Terms and definitions	1
4 Principles of standardization	3
4.1 Context and purpose	3
4.2 BSI	4
4.3 Application of BSI Flex standards	4
4.4 Transparency	5
4.5 Disclosure of documents to nominating organizations and employers	6
5 Overview of BSI Flex standards	6
5.1 Principles	6
5.2 Features of a BSI Flex	6
5.3 Relationship with other BSI standardization activities	7
5.4 Authorship and content	8
5.5 Consensus	8
5.6 Disputes	8
5.7 Legal issues	8
6 BSI Flex development process	9
6.1 Project inception	9
6.2 Contract	9
6.3 Project development	9
6.4 Maintenance	12
7 Roles and responsibilities	13
7.1 BSI	13
7.2 BSI employees	13
7.3 BSI project managers	13
7.4 Conduct	14
7.5 Sponsor	14
7.6 Technical author	14
7.7 Advisory group	15
7.8 Identified broader stakeholders	15
7.9 BSI committees	15
8 Content and drafting of a BSI Flex	16
8.1 Principles	16
8.2 Relationship with the law	16
8.3 Drafting	17
8.4 Types of BSI Flex	17
8.5 Intellectual property rights (IPR)	18
Bibliography	20

Summary of pages

This document comprises a front cover, an inside front cover, pages I to IV, pages 1 to 20, an inside back cover and a back cover.

Foreword

Publishing information

The development of this BSI Flex was facilitated by BSI Standards Limited and it was released under licence from The British Standards Institution. It came into effect on 31 August 2022.

The Advisory Group was composed of BSI employees.

Acknowledgement is given to the identified broader stakeholders who were consulted in the development of this version of the BSI Flex.

The British Standards Institution retains ownership and copyright of this BSI Flex. BSI Standards Limited, as the publisher of the BSI Flex, reserves the right to withdraw or amend this BSI Flex on receipt of authoritative advice that it is appropriate to do so.

This BSI Flex is not to be regarded as a PAS or British Standard.

The BSI Flex process enables a standard to be rapidly developed, on an iterative basis, in order to fulfil an immediate stakeholder need. A BSI Flex can be considered for further development as a PAS or British Standard, or constitute part of the UK input into the development of a European or international standard. BSI Flex 0 is unique in that it is the governance document for the development of BSI Flex standards, and it will therefore not be developed as a PAS, British Standard, or European or international standard.

The content in this version is part of an iterative process. It is likely to change from time to time with subsequent iterations.

Supersession

This version of BSI Flex 0 supersedes BSI Flex 0 v1.0 2021-11, which is withdrawn.

Information about this document

This is Version 2.0 of BSI Flex 0. The decisions of the next general governance standards review, to be held within five years from the date of release, will inform when the next version will be prepared. Interested parties are encouraged to check the BSI website for updates regarding any future plans.

This is a full update of BSI Flex 0, and introduces the following principal changes:

- closer alignment of content with BS 0:2021 and PAS 0:2022;
- introduction of a formal definition of BSI Flex; and
- further clarification of roles and responsibilities, including a new subclause on BSI project managers.

This publication can be withdrawn, revised, partially superseded or superseded. Information regarding the status of this publication can be found in the Standards Catalogue on the BSI website at bsigroup.com/standards, or by contacting the Customer Services team.

Where websites and webpages have been cited, they are provided for ease of reference and are correct at the time of publication. The location of a webpage or website, or its contents, cannot be guaranteed.

Presentational conventions

The provisions of this BSI Flex are presented in roman (i.e. upright) type. Its principles are expressed as statements, or in sentences in which the principal auxiliary verb is “should”.

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. “organization” rather than “organisation”).

Contractual and legal considerations

This publication has been prepared in good faith, however no representation, warranty, assurance or undertaking (express or implied) is or will be made, and no responsibility or liability is or will be accepted by BSI in relation to the adequacy, accuracy, completeness or reasonableness of this publication. All and any such responsibility and liability is expressly disclaimed to the full extent permitted by the law.

This publication is provided as is and is to be used at the recipient’s own risk.

The recipient is advised to consider seeking professional guidance with respect to its use of this publication.

This publication is not intended to constitute a contract. Users are responsible for its correct application.

Compliance with a BSI Flex cannot confer immunity from legal obligations.

1 Scope

BSI Flex 0 sets out the principles for the development of a BSI Flex and the principal features of the process by which BSI Flex standards are developed.

BSI Flex 0 does not discuss procedural detail.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes provisions of this document¹⁾. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.²⁾

[N1] BRITISH STANDARDS INSTITUTION (BSI). *Rules for the structure and drafting of UK standards*. London: BSI, 2017.³⁾

3 Terms and definitions

For the purposes of this BSI Flex, the following terms and definitions apply.

3.1 advisory group

body, established and managed by BSI, responsible for a particular BSI Flex

3.2 advisory group member

person serving on an advisory group

3.3 British Standard of UK origin

British Standard developed within the UK

[SOURCE: BS 0:2021, 3.1.2]

3.4 BSI Flex (pl. BSI Flex standards)

standard (3.11) developed using the BSI Flex development model

3.5 committee

NOTE The term "committee" is used in this standard to refer to both BSI technical committees (3.5.1) and BSI subcommittees (3.5.2). It does not refer to any other administrative or governance committee of BSI.

3.5.1 technical committee (TC)

body, established and managed by BSI, responsible for a particular area of standards work

3.5.2 subcommittee (SC)

subordinate committee, established and managed by BSI, of a technical committee

¹⁾ Documents that are referred to solely in an informative manner are listed in the Bibliography.

²⁾ This clause, which contains standard wording used for all national, European and international standards, is intended to identify all other documents to which reference might need to be made in the application of this standard. In practice, it might be possible to apply this and many other standards without recourse to all or any such external references.

³⁾ Available at www.bsigroup.com.

3.6 conflict of interest

situation in which good faith, diligent, transparent and effective participation in the standards-making process, free from commercial bias and consistent with standardization principles, is or could be compromised owing to other activities, relationships or personal interests

NOTE It is understood that advisory group members (other than those who are co-opted or act as individuals) represent the interests, aspirations and concerns of their respective nominating organizations.

[SOURCE: BS 0:2021, 3.1.9, modified – “committee members” changed to “advisory group members”]

3.7 consensus

general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments

NOTE Consensus need not imply unanimity.

[SOURCE: ISO/IEC Guide 2:2004, definition 1.7]

3.8 intellectual property rights (IPR)

patents, rights to inventions, copyright, trade marks, domain names, designs, database rights, confidential information and similar rights anywhere in the world whether registered or unregistered along with the right to apply for protection of such rights

[SOURCE: BS 0:2021, 3.1.24]

3.9 sponsor

party, or parties acting together, to support the development of a BSI Flex under a contractual arrangement with BSI

NOTE The sponsor is not necessarily the proposer of the project.

3.10 stakeholder

individual or organization having a direct interest in the outcome of a standardization project

3.11 standard

document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context

NOTE Standards are based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits.

[SOURCE: ISO/IEC Guide 2:2004, 3.2]

3.12 standardization

activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context

NOTE 1 In particular, the activity consists of the processes of formulating, issuing and implementing standards.

NOTE 2 Important benefits of standardization are improvement of the suitability of products (including services) and processes for their intended purposes, prevention of barriers to trade and facilitation of technological cooperation.

[SOURCE: ISO/IEC Guide 2:2004, 1.1]

3.13 standardization product

product published by BSI having broadly the character of a standard or part of a standard, or service provided by BSI to others to assist in the development of such products

NOTE Services in this context include scoping activities, landscapes, reports, research and base documents. They do not include certification or testing.

3.14 Standards Policy and Strategy Committee (SPSC)

policy committee established by the BSI Board to advise it as appropriate on matters of standardization policy and strategy and to oversee all work undertaken in BSI committees

[SOURCE: BS 0:2021, 3.1.34]

4 Principles of standardization

4.1 Context and purpose

4.1.1 Context

Standards provide a reliable basis on which common expectations can be shared regarding specific characteristics of a product, service or process.

4.1.2 Purposes

The purposes of BSI Flex standards can include:

- a) facilitating trade, particularly in reducing technical barriers and artificial obstacles to international trade;
- b) supporting public policy objectives and, where appropriate, offering effective alternatives to regulation;
- c) providing a framework for achieving economies, efficiencies and interoperability;
- d) enhancing consumer protection, safety and confidence;
- e) supporting and defining good environmental, social and governance (ESG) practices;
- f) addressing climate change;
- g) supporting innovation; and
- h) enabling equality and inclusion.

4.1.3 Voluntary status

BSI Flex standards are voluntary in that there is no obligation to apply them or comply with them, except in those few cases where their application is directly demanded by regulatory instruments. They are tools devised for the convenience of those who wish to use them. In certain circumstances the actions of third parties might have the effect of making the application of a BSI Flex a commercial necessity, e.g. in a contract, but BSI has no control over these actions and is not a party to them.

4.1.4 Authority and reliability

For a BSI Flex to be a useful and attractive tool for conducting business or supporting public policy, it has to command the trust and respect of all those who are likely to be affected by it.

The reliability of a BSI Flex rests not just on its technical accuracy and the sound judgement of those responsible for its text. There also needs to be a widely held confidence that:

- a) it is desirable, practical and authoritative;
- b) it offers no particular nor exclusive advantage to any party;
- c) it serves the needs of the wider community; and
- d) in application it will be consistent with regulations and legal principles established at the time of publication.

The measures that are necessary to underpin this confidence are set out in Clause 6. It is the responsibility of all parties involved in the development of a BSI Flex to ensure that these are not compromised.

The authority of a BSI Flex is dependent on BSI's reputation as an authoritative and independent standards body. BSI safeguards this reputation assiduously and will not enter into any business relationship or permit any procedure or outcome that could jeopardize it.

4.1.5 Adherence to BSI Flex 0

Adherence to the principles set out in BSI Flex 0 is a condition of participating in any capacity in the development of a BSI Flex. All those participating in BSI Flex standards development work are also expected to comply with all BSI policies as are in force at the relevant time.

4.2 BSI

BSI is the UK National Standards Body (NSB). Its role is established under its Royal Charter and codified in the *Memorandum of Understanding between the United Kingdom Government and the British Standards Institution* (the MoU)⁴. The role includes:

- a) coordinating and facilitating the development of British Standards of UK origin;
- b) participating in international standardization through the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC); and
- c) participating in regional (i.e. European) standardization through the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC).

BSI is permitted under its MoU to produce other standardization products, such as PAS and BSI Flex. Development of these products is not limited to the UK.

4.3 Application of BSI Flex standards

4.3.1 Principles of application

Responsibility for selecting and applying a BSI Flex lies with its user. In general, BSI is not able to assist in this, nor take any responsibility for it, other than to provide an indication of the scope and contents of a BSI Flex.

BSI Flex standards are drafted in the expectation that those who use them will be appropriately experienced, qualified and equipped to do so, that they will apply them conscientiously and, where necessary, take sound advice by others qualified to provide it.

4.3.2 Interpretation

Responsibility for interpreting a BSI Flex rests with its user, informed where necessary by appropriate expert advice. Ultimately, the only body with the power to give a definitive interpretation is a court of law.

⁴) Available at <https://www.bsigroup.com/globalassets/documents/about-bsi/bsi-uk-nsb-memorandum-of-understanding-uk-en.pdf>.

To avoid undermining the basis for common expectations set out in 4.1.1, BSI does not provide individual interpretations of BSI Flex standards. Individuals who are approached in their capacity as present or former advisory group members or technical authors with questions of interpretation or analysis should refer to the relevant BSI project manager.

However, any ambiguities, inconsistencies or possible errors notified to BSI will be captured for consideration, as will any proposals for changes or improvements. These notifications are encouraged as a contribution to the maintenance of a BSI Flex.

4.3.3 Declarations of compliance and conformity

4.3.3.1 Principles

Declarations that an individual or organization has complied with the provisions of a BSI Flex, or that a product or service conforms to a BSI Flex (otherwise termed “conformity attestation”), are entirely the responsibility of those making such declarations (see also 4.3.4).

Not all BSI Flex standards can support such claims in a meaningful way (see 8.4). Those that can (or do), however, have to be drafted such that a valid claim can be made. Further information on conformity assessment is given in ISO/IEC Directives, Part 2:2018 [1], Clause 33.

4.3.3.2 Third-party conformity assessment

As a long-standing principle of public policy, it is generally not acceptable for a BSI Flex to state that a legitimate claim of compliance is dependent on third-party conformity assessment. There are certain established derogations from this principle, and if, exceptionally, it is believed that a circumstance has arisen where a BSI Flex will need to include a requirement or recommendation for third-party conformity assessment, the approval of the Standards Policy and Strategy Committee (SPSC) is required.

A BSI Flex may not be explicitly developed in support of an individual conformity assessment scheme.

NOTE Certification schemes might be offered by independent bodies in respect of BSI Flex standards; this is wholly independent of the standards-making process and BSI’s activities as the NSB.

4.3.4 Market surveillance

BSI is not empowered, nor resourced, nor qualified to conduct market surveillance or to examine allegations of false claims of compliance with a BSI Flex. Such cases should usually be referred in the first instance to the relevant market surveillance authority (MSA) for the matter in question. In the case of most consumer goods this is the trading standards unit of the local authority in which the allegation arose.

4.4 Transparency

The BSI Flex development process balances BSI’s commitment to transparency, accountability and independence against the need to respect and protect commercial confidentiality. It also reflects the need to protect individuals from lobbying or undue media attention. Every aspect of the process is managed by BSI.

The identities of the organizations represented on the advisory group are freely available and are usually included in the foreword to the BSI Flex for which they are responsible.

The identities of individuals contributing to the process are not made public other than with their explicit consent. Typically, this might be sought if the project sponsor requests that particular contributions are credited in the released BSI Flex.

Individuals may publicize the fact of their own involvement in standards development, provided that they adhere to BSI Flex 0 and all applicable policies, including all confidentiality provisions.

Most BSI documentation associated with a BSI Flex project and the sponsor (e.g. proposals, contracts, working drafts, research reports) is confidential to the advisory group or sponsor, as appropriate. However, individuals serving on an advisory group are permitted to undertake wider consultation within the organizations that they represent. The principal exception is that comments received as part of the public consultation, together with the responses of the advisory group, can be made available on a non-attributable basis.

4.5 Disclosure of documents to nominating organizations and employers

Subject to any other provision in this standard, advisory group members are permitted to share confidential project documents with individuals in their nominating organizations and/or employers, on a need-to-know basis and with the expectation that those individuals and organizations will respect the confidentiality of the process and not release any information publicly or to a third party.

5 Overview of BSI Flex standards

5.1 Principles

A BSI Flex is developed in response to an identified market need, very often at the request of a sponsor for a standardization product that serves the needs of an emergent market, technology, service or public policy interest.

A BSI Flex offers an effective means of quickly introducing standardization in such cases, and is particularly relevant where uncertainty still exists around good practice, approaches need to be piloted, or understanding is likely to develop rapidly. The development model supports rapid review and updating of content as stakeholder thinking matures and consensus develops. Each release of the BSI Flex provides a current view of good practice, and stakeholders can make suggestions for further changes as they pilot new approaches. A BSI Flex can also serve as the basis for further standardization at UK, European or international level.

A BSI Flex is not restricted to application within the UK, nor is its development model restricted to UK stakeholders.

As part of the BSI product portfolio, it is important that each BSI Flex presents a practical standardization solution, both to its sponsor and to all other parties who might choose to use it. The development of a BSI Flex is based on a clear process that assures its reliability and suitability for its intended use (see Clause 6).

A BSI Flex may be developed as a stand-alone BSI Flex, as part of a series or suite of BSI Flex standards, or as part of a larger programme of work.

5.2 Features of a BSI Flex

A BSI Flex typically has the following features.

- a) Financial sponsorship is provided by one or more parties that have a particular interest in standardization of the subject in question.
- b) The relationship with the sponsor is publicly acknowledged in the foreword, and often by other means, such as the use of logos.
- c) There is a flexible, client-driven approach to the BSI-facilitated development, design and delivery of each version (see Clause 6). This often demands a concentrated timescale (to the extent

consistent with due consultation and effective consensus building) and an intensive commitment of resource.

- d) Domain research is carried out by BSI to establish other potentially conflicting or complementary standardization projects in the UK and beyond.
- e) The content is developed through multiple iterations. There is a short initial lifespan before the next version is generated, typically not longer than six months before a new version is released, withdrawn or developed further as another type of standardization product (see **6.4.1**).
- f) The iterative nature of a BSI Flex enables proposed content to be excluded from the current version if consensus cannot be reached. The content can be included in the next or future versions, when knowledge and experience of the subject area has increased to the extent that consensus can be achieved (see **6.3.7**).
- g) A balanced and broadly representative advisory group is created to provide independent input to the development of the BSI Flex and to establish consensus on the document. The advisory group is likely to change in composition or increase in number over time as new insight emerges.
- h) The development process is closely managed by a dedicated project manager with the intention of eliminating all avoidable delays to progress. The project manager (or other BSI employee) chairs all advisory group meetings, independent of any external interest.
- i) Organizations involved in the development of the BSI Flex as members of the advisory group are listed in the foreword by agreement.
- j) There is an active public consultation, targeted in particular at identified broader stakeholders having expertise and a close interest in the subject matter. The first version is released by consensus with the advisory group, and this, and any subsequent versions, are then subject to public consultation. Comments arising from each public consultation are made available to advisory group members to make further suggested changes.

5.3 Relationship with other BSI standardization activities

5.3.1 Relationship with BSI committees

If a BSI Flex project appears to fall within the scope of an existing BSI technical committee or subcommittee, the committee is consulted for its views as to the market relevance of the project, the feasibility of achieving consensus, and insights into other relevant factors. The committee is further consulted once a new version is released onto a public commenting platform. The views of the committee are not binding on BSI.

5.3.2 Relationship with British Standards and PAS standards

A BSI Flex project is not usually accepted onto the BSI work programme in cases where a British Standard or PAS, published or in active development (see Note), substantially covers the same scope and field of application.

NOTE "Active development" includes European and international standardization projects that have been accepted onto the CEN/CENELEC and/or ISO/IEC work programmes, and which are therefore likely to become British Standards in due course.

5.3.3 Development as another type of standardization document

At the end of the initial lifespan for each version of a BSI Flex, it is open to the sponsor and/or BSI Flex advisory group to discuss with BSI the options for further development as a PAS, British Standard, or as the basis of a European or international standard (see **6.4.1**).

5.4 Authorship and content

The creation of the base document of a BSI Flex is usually assigned to a technical author, either contracted by BSI or supplied by the sponsor (see 7.5).

The base document is subject to validation stages that result in the evolution of the content. Editing and final preparation of each version is undertaken by a dedicated team of BSI employees (see also Clause 7).

The terms of the contract with the sponsor reflect the method adopted.

5.5 Consensus

The principle of consensus (as defined in 3.7) has its origins in the desire to achieve the general acceptance and application of a BSI Flex within its intended sphere of influence. This entails trying to ensure that the interests of all those likely to be affected by it are taken into account, and that individual concerns are carefully and fairly balanced against the wider public interest.

Achievement of consensus entails recognition of this wider interest and willingness to make reasonable compromises (see also 6.3.4). Trivial or vexatious objections are unlikely to gain support and may be overruled.

However, where an advisory group member consistently maintains a fundamental objection and supports it with sound arguments, these concerns will be taken seriously.

If such fundamental objections are not voiced by a set deadline as notified by BSI and sustained by that member or others, it will be assumed that consensus has been achieved.

In the ordinary course of events, all decisions about consensus are made within the advisory group, under the direction of the project manager, who is expected to remain impartial. If an issue arises which the project manager does not believe can be resolved within the advisory group, they may refer the point to BSI's senior management, who may seek the advice of SPSC at their discretion (see also 5.6).

If consensus cannot be achieved, BSI cannot release the document as a BSI Flex and may seek alternative options.

5.6 Disputes

Prolonged disagreements at any stage in the development of a BSI Flex can be very damaging. Every effort should be made to resolve them quickly. Initially, it is the responsibility of the project manager to lead this task, with the support of other BSI employees as appropriate.

If these efforts are not succeeding, and are unlikely to succeed within a reasonable timescale, BSI senior management should be alerted without further delay.

A detailed investigation of the problem will be undertaken, and remedial measures will be proposed.

5.7 Legal issues

Advisory group members should refer promptly to BSI if they identify potential legal or regulatory issues.

6 BSI Flex development process

6.1 Project inception

A suggestion for a BSI Flex can come from any source, most usually from a prospective sponsor. BSI will ascertain the market need and assess whether any conflict would exist with any British Standard (whether of national, European or international origin) or PAS, either published or in development, consulting BSI technical committees and subcommittees as appropriate (see 5.3.1 and 5.3.2).

When it has been determined that the BSI Flex project can go ahead, a detailed project proposal is prepared by BSI, setting out a draft scope for the BSI Flex and identifying the range of services and options that are appropriate, the proposed author of the first draft, and the fee and payment schedule for undertaking the work.

After the project proposal is approved by the sponsor, the proposal will be subject to the BSI approval procedures. These procedures are designed to identify any impediment to proceeding with the project, particularly in terms of conflict with other standardization activity or any risk of reputational damage to BSI.

6.2 Contract

A contract will be agreed between the sponsor and BSI that sets out the terms and conditions under which the project is to proceed and the resulting BSI Flex is to be released.

BSI might choose, in exceptional circumstances, to develop and publish a BSI Flex without a sponsor.

NOTE In this instance, BSI will facilitate the process in order to meet a market need. The process will otherwise follow the same path as for sponsored BSI Flex standards, including the need for consensus among the advisory group.

The terms of the contract with the sponsor reflect the method of authorship adopted (see 5.4).

Unless exceptionally agreed, the copyright of the BSI Flex and associated rights of exploitation reside wholly with BSI (see 8.5.2).

6.3 Project development

COMMENTARY ON 6.3

It is envisaged that a BSI Flex will have several versions during its development, each of which will follow the same process. This subclause describes the process of releasing the first and subsequent versions.

6.3.1 Project initiation meeting (PIM)

Once the contract has been signed with a sponsor, or BSI has decided to proceed without a sponsor, BSI organizes a project initiation meeting (PIM), at which the BSI Flex process and the duties and roles of both the sponsor and BSI within it are clearly explained, a draft schedule is proposed, and any project parameters are identified. The PIM is typically attended by the sponsor's representative, the technical author and relevant BSI employees.

The draft scope of the BSI Flex, as developed during the inception of the project, is further discussed and refined at the PIM, and consideration is given to the composition of the advisory group and identified broader stakeholders. The sponsor is asked in advance of, and at, the PIM to identify important stakeholders and provide named contact details if available.

6.3.2 Domain research

As a minimum, BSI undertakes research to identify:

- a) British Standards and other BSI standardization products that might relate to the proposed scope of the BSI Flex project; and
- b) stakeholders who might have an interest in the BSI Flex project, including relevant BSI committees.

A report of the findings is sent to the sponsor and technical author to inform the preparation of the first draft and the composition of the advisory group and identified broader stakeholders.

Domain research can involve other activities, such as a scoping workshop with a wider range of participants than are typically present at the PIM (see 6.3.1).

6.3.3 Project announcement

A public announcement is made of the commencement of the project and further details are sent directly to all BSI committees identified by the domain research as having a potential interest in the subject matter. The announcement includes basic details of the project and invites committees to participate more closely in the development of the BSI Flex (see 7.9).

6.3.4 Advisory group composition

BSI aims to ensure that advisory groups:

- a) contain the appropriate technical expertise;
- b) fairly represent the range of interests affected by the BSI Flex under development, including users of the BSI Flex; and
- c) reflect BSI's commitment to diversity and inclusion.

An advisory group typically comprises the sponsor, the technical author and individuals or representatives of organizations identified as being important stakeholders in the project. These stakeholders include companies involved in the industry as well as those representing broader groups. The BSI domain research and BSI Flex announcement to BSI committees are also designed to identify organizations or candidates. Stakeholder groups include:

- 1) industry;
- 2) existing standards committees, including BSI committees;
- 3) trade associations;
- 4) professional bodies;
- 5) research/scientific institutions;
- 6) Government departments;
- 7) Government agencies/organizations;
- 8) testing, certification and accreditation bodies;
- 9) academia;
- 10) local authorities (excluding trading standards);
- 11) trading standards;
- 12) other public/societal interest groups (including charities);
- 13) trade unions;
- 14) consumer organizations; and
- 15) environmental organizations.

Individuals can be co-opted onto an advisory group if they offer specialist technical expertise required for the project. Co-opted members are not expected nor permitted to represent an organization's interests.

Typically, an advisory group has between 8 and 20 members, but can be larger if the number of stakeholder groups relevant to the BSI Flex requires it. The size of the advisory group will reflect the composition of the industry and affected user groups. The advisory group is likely to change in composition or increase in number over time as new insight emerges.

To ensure a fair and transparent representation of relevant interests and a manageable size, it is necessary to set certain criteria for membership, and the ultimate responsibility for the composition of the advisory group resides with BSI.

Organizations are encouraged to consider diversity when selecting individuals to put forward as their nominated representative on an advisory group.

Organizations represented on an advisory group are expected to accept that it will sometimes be necessary for their interests to be put aside to achieve the higher purpose of developing standards that are ultimately of benefit to the entire community.

The roles and responsibilities of the advisory group are discussed in 7.7.

6.3.5 Identified broader stakeholders composition

The identified broader stakeholders are a wider representation of interested parties that are likely to benefit from or be affected by the implementation of the BSI Flex. A list of identified broader stakeholders comprising between 20 and 150 representatives is usual. Members are drawn from those stakeholders identified by the advisory group, through BSI committees, and/or informed by the domain research and other types of market engagement.

The roles and responsibilities of the identified broader stakeholders are discussed in 7.8.

6.3.6 Drafting process

A base document is usually supplied either by the sponsor or by the technical author. It is usually subject to a gap analysis by the BSI project manager to reveal any areas defined by the draft scope that might be missing. After editing (see 8.3.1) and any further necessary reworking, the document is submitted to the advisory group for consultation.

A review of the comments received from the advisory group consultation leads to the development of a first version of the BSI Flex that is released.

Public consultations are then sought on the released version. Drafts of subsequent versions of the BSI Flex are prepared following a review of comments received from public and advisory group consultations.

6.3.7 Consensus and release of a version

All comments arising from consultations are considered and resolved by the advisory group, with the aim of achieving a version underpinned by consensus (see 5.5 and 5.6) that can be released for use and further consultation.

NOTE Resolution could involve rejection of a comment or of a specific proposed change.

In instances where consensus cannot be achieved on a particular element of the content, that element can be omitted from the version in development and discussed further on the understanding that the content could be included in a future version. However, only content agreed by consensus for inclusion is released.

Versions of the BSI Flex are timed to be released based on market needs. Prior to release, the sponsor (where there is one) is invited to endorse the version and to give assent to being publicly associated with the BSI Flex in whatever manner was envisaged in the contract.

Release is subject to approval by the Director of Standards, who will seek evidence that each version of the document commands support from stakeholders.

The approval process is used to confirm that all relevant procedures and responsibilities have been discharged.

6.3.8 Public consultation

Public consultation follows the release of each version. The version is made available for comment on an online platform and is open to anyone who chooses to register an interest.

BSI committees identified at the public announcement stage are automatically notified of the consultation, as are the identified broader stakeholders. Members of both groups (see 7.8 and 7.9), as well as the advisory group (see 7.7), are encouraged to pass details of the consultation to any colleagues or contacts who are likely to have an interest.

The consultation is seen as a vital stage in developing subsequent versions of the BSI Flex as new insight emerges.

6.3.9 Production

Each version of a BSI Flex is released in the format agreed in the contract between BSI and the sponsor (where there is one).

6.4 Maintenance

6.4.1 Post-release

The lifespan of each version of a BSI Flex is driven by the pace at which insight is emerging within an individual sector, but is typically no longer than six months after the version is released.

The timing of initiating a new version can be based around the results of pilots or tests, or can be driven by the volume of comments received as a result of advisory group or public consultation.

Before work on a new version is initiated, the original sponsor (where there is one) is invited to participate in a review of the document and of comments received. This can result in the development of a new version or consideration for further development as a PAS or a British Standard, or as the basis of a European or international standard, subject to the approval criteria of the relevant bodies (for further details see BS 0:2021, 5.2, and PAS 0:2022, 6.1).

If the original sponsor is no longer interested in sponsoring the BSI Flex, BSI will undertake further consultation, including identifying other potential sponsors, before taking a decision on the future of the document.

BSI reserves all rights as to the future of each BSI Flex version at the end of its lifespan.

The final version of the BSI Flex may continue to be available with periodic review by BSI. BSI reserves the right to withdraw the BSI Flex during this time (see 6.4.2).

6.4.2 Withdrawn publications

Withdrawal of a BSI Flex is at the discretion of BSI. A BSI Flex will be withdrawn where a review (see 6.4.1) concludes that it no longer meets market needs, or where there are other authoritative issues which necessitate withdrawal (e.g. if it is deemed to be in conflict with a European standard).

If there is an industry need, a transition period can be included so that the current version and the subsequent version are both current for an agreed period of time. This allows an industry to update relevant processes or products by the end of the agreed period of time in order to be able to claim conformity. The decision as to whether a transition period can be accommodated is at the discretion of BSI.

Withdrawn publications no longer carry the status of a BSI Flex. However, BSI continues to hold and protect the copyright in them.

Recognizing that withdrawn publications can be important for research and litigation purposes, BSI endeavours to ensure that copies continue to be available for sale. BSI takes no responsibility for the content of a withdrawn publication.

Withdrawn publications are no longer maintained and are deemed incapable of conflicting with other standards.

7 Roles and responsibilities

7.1 BSI

BSI acts as the publisher of a BSI Flex and as the principal facilitator of the development process. Unless otherwise contractually agreed, BSI holds the copyright on all content. BSI retains exclusive rights of commercial exploitation of a BSI Flex.

As the project facilitator, BSI provides a dedicated project manager to manage the development of the content, together with access to facilities for meetings and document circulation. BSI takes responsibility for identifying, contracting and supervising a technical author (see 7.6). The sponsor may nominate and/or contract the technical author by mutual agreement with BSI.

BSI retains the ultimate authority over the composition of the advisory group and over the decision to release each BSI Flex version. BSI reserves the right to decline to release a BSI Flex version if it has serious concerns about the content of the document, the degree of consensus underpinning it (see 5.5 and 5.6), or its potential impact on the reputation of BSI or any organization represented on the advisory group.

As the publisher, BSI arranges for the production, sales and marketing of each version of a BSI Flex.

7.2 BSI employees

No employee of BSI or its group involved in BSI's NSB activity may be a decision-making member of an advisory group, unless express prior written consent from the Director of Standards is obtained.

NOTE For clarity, employees involved in BSI's Notified Body activity or its certification business are not deemed to be NSB employees for the purposes of the above paragraph.

BSI employees are permitted to offer relevant guidance and advice at any point in an advisory group's deliberations. BSI employees are also empowered and expected to intervene in such deliberations if it becomes apparent that they are likely to lead to decisions that are unlawful, illegal or potentially injurious to BSI's reputation.

7.3 BSI project managers

BSI project managers are responsible for the management, editing and releasing of BSI Flex standards. They work with advisory groups and sponsors to guide BSI Flex standards from inception to release, within the timescale agreed at the start of the project.

In addition to the general responsibilities of all BSI employees (see 7.2), BSI project managers have specific responsibilities to:

- a) manage the governance of the standards development process;
- b) agree schedules with the sponsor and technical author at the beginning of the project and subsequently work with stakeholders to release the BSI Flex on schedule;
- c) arrange and chair advisory group meetings, as necessary, providing editorial input;
- d) edit drafts in accordance with BSI Flex 0, the *Rules for the structure and drafting of UK standards* [N1] and BSI house style;
- e) arrange for drawings to be prepared by the BSI Drawing Office as necessary;
- f) coordinate the resolution of technical and editorial queries; and
- g) keep relevant stakeholders informed of progress with the project.

7.4 Conduct

BSI reserves the right to suspend or remove an advisory group member or nominating organization for any breach of any of its governing documents (including BSI Flex 0) or relevant policies, or for otherwise acting in a manner detrimental to the standards development process.

NOTE This includes (but is not limited to) conduct that fails to meet expectations, repeated non-attendance at meetings without apology, or failure to participate in providing or resolving comments, or to follow up allocated actions.

7.5 Sponsor

The sponsor contracts BSI to develop one or more BSI Flex versions.

Working in conjunction with BSI, the sponsor usually proposes the nature and terms of reference of the project, which is subject to amendment and confirmation by the advisory group, and which is subsequently reflected in the scope statement (see 8.3.3). It is also possible for the sponsor to nominate a technical author to undertake the initial drafting.

The sponsor is invited to propose members for the advisory group and identified broader stakeholders, and to comment on other nominations, but has no power of veto. Likewise, the sponsor has no power of veto over the final content of the BSI Flex, but is free at any time to withdraw from the project or to decline the opportunity to be publicly associated with it. If the sponsor chooses to withdraw, BSI will agree the future of the project with the sponsor. This can include BSI proceeding to release the BSI Flex without the sponsor.

The sponsor typically designates an individual to undertake a liaison role, which includes providing approvals at various set stages throughout the process (including before releasing each version; see 6.3.7).

Where there is no sponsor (see 6.2), BSI fulfils its role as the principal facilitator of the development process without a sponsor (see 7.1).

7.6 Technical author

The technical author is usually an individual, but can be a group of individuals. They are expected to be:

- a) expert in the subject matter covered by the BSI Flex;
- b) familiar with the principles of standardization and standards drafting, or prepared to undertake appropriate training with BSI; and
- c) impartial in fulfilling their duties as a technical author.

The technical author is responsible for writing the base document, and for providing subsequent technical updates and revisions in line with advisory group agreements. The technical author supports BSI to meet the project brief and its deliverables, and is involved from the start of the project to project completion.

7.7 Advisory group

The role of the advisory group is to:

- a) review drafts of each version of the BSI Flex; and
- b) resolve comments arising from within the advisory group and during public consultation to achieve the consensual basis on which each version is released (see 6.3.7).

The advisory group takes responsibility for the scope of a BSI Flex and for its final content, subject to the ultimate rights reserved by BSI (see 7.1).

All advisory group members have a duty of care both to BSI and to users of BSI's publications. They are expected to:

- 1) act in good faith, with diligence and vigilance, aiming to ensure that:
 - i) their contribution to the advisory group's work reflects their experience and expertise and is well-founded, free from bias and consistent with the principles set out in BSI Flex 0;
 - ii) the output of the advisory group is technically sound; and
 - iii) they keep other advisory group members, including the technical author, informed of significant activity relating to their contribution to the BSI Flex;
- 2) take full account of the IPR considerations set out in 8.5.2;
- 3) make a formal declaration to BSI if any matter arises that could be judged to be a conflict of interest;
- 4) provide a brief summary of their expertise, experience and, if applicable, commercial interests;
- 5) be able and willing to use information technology tools that are made available to expedite the advisory group's work; and
- 6) participate in meetings as and when required.

7.8 Identified broader stakeholders

The identified broader stakeholders (see 6.3.5) do not meet collectively, but engage with each released version of the BSI Flex through receiving communication from BSI and being aware of when each release is likely to take place. They are expected to review and comment on the contents of the release based on real-life experience and testing of the BSI Flex.

7.9 BSI committees

BSI committees are invited to consider nominating appropriate experts to represent the committee on the advisory group.

BSI committees are also invited to engage with the BSI Flex process by providing comments as a committee during the public consultation (see 6.3.8) or by suggesting members to participate as identified broader stakeholders.

8 Content and drafting of a BSI Flex

8.1 Principles

For a BSI Flex to fulfil the purposes set out in **4.1.2**, it needs to be drafted in such a way that a user can be confident that all others applying the BSI Flex share the same understanding of its provisions.

A BSI Flex has to be:

- a) suitable for its intended aims and purposes;
- b) appropriate in content and language for its intended audience;
- c) clear and unambiguous;
- d) sufficiently accurate and precise for its intended purpose;
- e) capable of supporting legitimate claims of compliance and conformity (e.g. by containing only provisions that are verifiable) where appropriate to its stated purpose;
- f) not unduly restrictive (e.g. such as might result in stifling competition or impeding innovation; provisions should, as far as possible, be written in terms of performance);
- g) comprehensive within its intended scope and field of application (i.e. it does not omit any detail necessary for its effective application by its intended audience); and
- h) consistent with the law in all jurisdictions in which it is envisaged to be applied.

A BSI Flex should, to the extent practicable, be inclusive of the needs of the range of individuals who might be affected by the use of the standard (see also **8.3.1**).

8.2 Relationship with the law

A BSI Flex is always subordinate to the law. It is important that it is drafted so as to avoid any confusion between the provisions contained within it and requirements imposed by law.

Other than in exceptional circumstances, it is not acceptable for a BSI Flex to contain provisions that are already requirements imposed by law, nor to contain any statement recommending or requiring compliance with the law. It is also not advisable to quote legislation, and no attempt should be made to offer any interpretation of the law. Advice should be sought from BSI if circumstances arise where this appears to be necessary.

Reference to particular legislation is permissible where it is relevant and potentially helpful in applying the BSI Flex. Where such legislation has national variants (e.g. in England, Scotland, Wales and Northern Ireland), all of the national variants should be included in the reference. Lengthy lists of legislation should be avoided as there is a risk that the user might believe any such list to be definitive and exhaustive. Any reference to legislation might become out of date during the lifespan of the BSI Flex, and no reliance can be placed on it as being a definitive statement of a user's legal responsibilities or potential liabilities.

Particularly for the purpose of preventing anticompetitive effects or impeding innovation [see **8.1f**], whenever possible, provisions are expressed in terms of performance rather than design or descriptive characteristics.

NOTE A more detailed discussion of this principle appears in the BSI Rules for the structure and drafting of UK standards [N1] (see **8.3.1**).

8.3 Drafting

8.3.1 Drafting rules

A BSI Flex is drafted in accordance with the BSI *Rules for the structure and drafting of UK standards* [N1].

NOTE When developing standards, technical authors are encouraged to refer to the ISO/IEC and CEN/CENELEC guides for standards makers, including ISO Guide 82, ISO Guide 84, ISO/IEC Guide 17, ISO/IEC Guide 71 and CEN/CENELEC Guide 6. A more comprehensive list can be found on the BSI website at <https://www.bsigroup.com/en-GB/standards/Information-about-standards/how-are-standards-made/The-BSI-Guide-to-Standardization/>.

8.3.2 Language

If dealing with a highly specialized topic or addressing a very specialist readership, a BSI Flex might necessarily use technical language not readily understood by non-specialists. Nonetheless, every effort has to be made to keep the tone of each version clear, direct and free of jargon, and its structure intuitive to its intended users.

Most BSI Flex standards are originally drafted in English. However, given the wider context in which these standards are developed and used, many of them are also likely to be translated into other languages. It is very important to guard against the possibility of mistranslation, or the introduction of ambiguities, deliberate or accidental.

8.3.3 Scope statement

The scope statement is an essential part of the early stage of the development of a BSI Flex, defining both the scope of the document and the scope of the project to develop it.

The scope is a definitive statement of the type of BSI Flex (see 8.4), the subject being standardized, and its application. It should also indicate subject matter that a user might expect to be included but which is in fact excluded, and, where possible, direct users to where the subject is covered.

Whilst the scope statement should be short and succinct, it is important that it is worded to take into account the implications of the BSI Flex for its users, particularly in respect of the principles listed in 8.1, items a), f) and g).

8.4 Types of BSI Flex

A BSI Flex usually fits into one of the following types.

- A specification gives a coherent set of absolute requirements, each objectively verifiable. The result is a non-negotiable set of criteria for products, services or systems. It is particularly suited to giving the performance criteria demanded of a product, or the fundamental elements of a service or management system.
- A management systems standard provides a model to follow when setting up and operating a management system. It is usually written in the style of a specification. All international management system standards use the structure given in Annex SL in the Consolidated Supplement to the ISO Directives [2]. BSI Flex management system standards should use this structure whenever possible, to align with international standards.
- A code of practice contains recommendations and guidance, where the recommendations relevant to a given user have to be met in order to support a claim of compliance. Users may also justify substitution of any of the recommendations in a code of practice with practices of equivalent or better outcome. Depending on the context and field of application, a code of practice usually reflects current good practice as employed by competent and conscientious practitioners.

- A guide primarily contains information and guidance. It may also include recommendations where appropriate, but these are generally of a nature that would not support reliable claims of compliance.
- A method of test provides repeatable and reproducible procedures with consistent outcomes for the assessment of material, product or process performance.
- A method of specifying gives characteristics of a material, product, process or system so that a customer can select the values needed before agreement with a supplier.
- A vocabulary is a compendium of terms and definitions, which helps harmonize the use of language within a given sector, field or discipline.
- A classification is an ordering of items or grading system for use across a given sector, field or discipline.

8.5 Intellectual property rights (IPR)

8.5.1 Principles

There are two categories of intellectual property rights (IPR) that are relevant to a BSI Flex:

- a) IPR in the wording, drawings, data and other content of the BSI Flex themselves (content IPR). This content IPR should be owned by BSI to enable proper publication, distribution and licensing of the BSI Flex; and
- b) IPR that might exist in the products, methods, processes and technologies described in the BSI Flex (product/process IPR). BSI's policy is to ensure that, to the extent possible, a BSI Flex does not require the use of third-party product/process IPR, so as to facilitate widespread and easy adoption of a BSI Flex in the relevant sectors.

8.5.2 Ownership of content IPR

The collaborative work of the contributors leads to the creation of new content IPR. Contributors agree that all content IPR in contributions made by each contributor belongs to BSI and, to the extent required to achieve this, each contributor assigns to BSI (on their own behalf and on behalf of their employer) all such content IPR. In exceptional circumstances, BSI may, at its sole discretion, agree to an alternative form of transfer of IPR.

Contributors agree not to contribute content in which third parties own content IPR.

Contributors are expected to waive all moral rights (or similar rights) in their contributions and to agree that their contribution may be used without referencing the contributor's name.

8.5.3 Use of content IPR

Contributors are entitled to use content IPR and other relevant content released and owned by BSI as part of the BSI Flex development process and in accordance with BSI policies.

Use of BSI's content IPR by contributors outside the scope of the BSI Flex development process requires approval by BSI and might entail payment of a fee.

8.5.4 Product/process IPR

8.5.4.1 General

BSI's policy is to ensure that, to the extent possible, a BSI Flex does not require the use of third-party product/process IPR, so as to facilitate widespread and free adoption of a BSI Flex in the relevant sectors.

8.5.4.2 Good faith disclosure obligation

Contributors are expected to use reasonable endeavours to inform BSI in good time if either of the following come to their notice:

- a) any product/process IPR that appears to be relevant to the BSI Flex under development; and/or
- b) any claim that product/process IPR is applicable to a BSI Flex, whether released or still under development.

This includes, in each case, product/process IPR in which advisory group members, or their employer, or any other entity with which they have a link, may have an interest.

8.5.4.3 Formal calls for disclosure

A formal call to identify all product/process IPR will be made at the following stages during the development of each BSI Flex:

- a) at the first meeting of the advisory group for each version;
- b) before a draft BSI Flex is released for public comment; and
- c) during, or immediately prior to, the final approval process of each BSI Flex version.

8.5.4.4 Disclosed product/process IPR

Advisory group members should endeavour to ensure that a BSI Flex does not include any product/process IPR to the extent reasonably possible.

If this is not possible, advisory group members should liaise with any third party owning such product/process IPR to agree terms on which such product/process IPR may be used by users of the BSI Flex. These should:

- a) be the least restrictive licensing terms possible;
- b) be made available to all users of the BSI Flex on fair, reasonable and non-discriminatory (FRAND) terms; and
- c) ensure that any entity to which the IPR holder transfers its IPR is similarly bound by this commitment.

A note drawing attention to any product/process IPR included in a BSI Flex will be included at the appropriate point in the released version of the BSI Flex.

If any third-party IPR holder is unwilling to provide this commitment, the advisory group will assess the appropriate action to be taken. This includes reviewing the BSI Flex to see if it can be rewritten so as not to require use of such product/process IPR.

BSI itself does not perform any check on the existence, status or validity of any product/process IPR and accepts no liability for inclusion or omission of such IPR in a BSI Flex.

Bibliography

Standards publications

For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

BS 0:2021, *A standard for standards – Principles of standardization*

PAS 0:2022, *Principles of PAS standardization*

CEN/CENELEC Guide 6, *Guide for addressing accessibility in standards*

ISO Guide 82, *Guide to addressing sustainability in standards*

ISO Guide 84, *Guidelines for addressing climate change in standards*

ISO/IEC Guide 2:2004, *Standardization and related activities – General vocabulary*

ISO/IEC Guide 17, *Guide for writing standards taking into account the needs of micro, small and medium-sized enterprises*

ISO/IEC Guide 71, *Guidelines for standards developers to address the needs of older persons and persons with disabilities*

Other publications

- [1] INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO). *Principles and rules for the structure and drafting of ISO and IEC documents*. ISO/IEC Directives, Part 2. Geneva: ISO, 2018.⁵⁾
- [2] INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO). *Procedures specific to ISO*. ISO/IEC Directives, Part 1 – Consolidated ISO Supplement. Geneva: ISO, 2018.⁵⁾

⁵⁾ Available at www.ISO.org/directives.

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