Decision relating to matters under the Committee on Trade: Establishment of a Group of Experts on Risk Management in Regulatory Systems under the Working Party on Regulatory Cooperation and Standardization Policies

Note by the secretariat

1. The Working Party on Regulatory Cooperation and Standardization Policies, at its 20th Session, recommended the establishment of a new Group of Experts on Risk Management in Regulatory Systems. This was then endorsed by the Committee on Trade at its fourth session in June 2011 (ECE/TRADE/C/2011/14, Decision 13).

2. The proposed Terms of Reference of the Group of Experts are contained in the Annex to the present document.

3. Within these general terms of reference, the Group of Experts has been asked to develop two recommendations: one on Risk Management in Regulatory Systems and another on Crisis Management in Regulatory Systems. The Group has also been asked to develop a plan for the practical implementation of these Recommendations, including through an analysis of legislation and regulatory systems as well as the development of guidance on how risk management functions should be performed within a regulatory system and on how to increase crisis preparedness.

4. The Group of Experts will be established without the need for additional resources. Support work will be provided within the existing capacity of the UNECE secretariat.

5. The Executive Committee is invited to approve the establishment of the Group of Experts on Risk Management in Regulatory Systems and its Terms of Reference.
Annex

Decision on the establishment and Terms of Reference of the Group of Experts on Risk Management in Regulatory Systems (GRM)

Introduction

1. At its forty-fifth meeting, the EXCOM decided to establish a Group of Experts on Risk Management in Regulatory Systems (GRM) on the recommendation by the Working Party on Regulatory Cooperation and Standardization Policies and the Committee on Trade, to consider how risk management can contribute to an efficient regulatory framework.

Goal

2. The Group of Experts aims at an improved management of hazards that have the potential to affect the quality of products and services, and/or cause harm or damage to people, the environment, property and immaterial assets.
3. To achieve this goal, the Group of Experts will:
   (a) Collect and share information about hazards resulting from use of products and from production processes;
   (b) Develop and share best practice on how to address these hazards through regulatory and managerial best practice.

Work programme

4. The Group of Experts will develop and share best practice - including, if relevant, in the form of recommendations - as regards the use of risk management tools to:
   (a) Achieve proportionality between technical regulations and the risks they set out to address, including through regulatory impact assessment and good regulatory practices;
   (b) Choose among alternative regulatory instruments;
   (c) Assess the respective merits of risk-based regulations and deterministic regulations in different contexts and sectors;
   (d) Increase effectiveness of the implementation of regulations and standards as regards pre-market activities (certification, registration, conformity assessment) and post market ones (inspections and market surveillance);
   (e) Improve managerial control of processes and operations as a contribution to a consistent and predictable implementation of standards and regulations;
   (f) Analyse legal and supply chain requirements on traceability of goods as a means of meeting legitimate security and consumer safety concerns;
(g) Promote measures to build mutual confidence through better access and wider sharing of relevant information among regulatory agencies, both at a national and at a regional level (data banks on dangerous goods).

**Participation**

5. The Group is open to participation from any individual or organization from all United Nations member States. Participation from governmental authorities, intergovernmental organizations, business associations and private firms, standards-setting organizations, certification bodies, test houses, international schemes for conformity assessment, civil society and consumer organizations is particularly welcome.

**Working Method**

6. The Group will hold only one formal meeting per year in 2012 and in 2013, if needed. It will mainly work through teleconferences, webinars, and an interactive website to elaborate recommendations and guidance documents.

**Timeframe**

7. It is expected that the Group would complete its work by the end of 2013, after which it would cease to exist, unless otherwise decided.