

**REPORT OF THE MEETING OF
WP.6 BUREAU, RAPPORTEURS & COORDINATORS,
“START” TEAM AND MARS GROUP
STOCKHOLM, 27-29 MAY 2009**

The Chairperson welcomed participants to the meeting and presented the timetable of the three days. The participants then introduced themselves and the organizations which they represent.

1. ADOPTION OF THE AGENDA

The agenda was adopted with some changes to the order of the items (see final agenda as an annex to this report)

2. FOLLOW-UP TO THE WP. 6 ANNUAL SESSION IN NOVEMBER 2008 AND PREPARATION OF THE 2009 SESSION AND CONFERENCE ON RISK ASSESSMENT AND MANAGEMENT

Participants took note of the report of the WP. 6 Annual Session. The Bureau regretted that the document did not contain the decisions as originally adopted by the Working Party. **It requested the Secretariat to see if it was possible to have these decisions compiled as an Annex to the Report of the next session.**

The meeting went through the provisional agenda for the WP.6 annual session in 2009. No changes were proposed. The **possible revision of Recommendation L, and Recommendation D** was discussed.

Risk assessment and management tools are used in all the areas of work of WP. 6: and in particular in the development of regulations and norms, in standardization activities, and in the planning, execution and evaluation of market surveillance actions and activities. At the same time, different organizations and authorities use substantially different approaches, and there is little shared best practice.

The aim of the Risk Assessment and Management Conference is to start an exchange of experiences on these topics. This may then lead on to the development of common methodologies and recommendations. The Coordinator of the Conference on Risk Assessment and Management updated participants on the status of play of the organization of the event. A number of potential speakers had been contacted, targeting specifically governmental authorities, standardization and certification bodies, research institutions and professional risk management organizations.

Several speakers have already confirmed their participation, while contacts with others are ongoing. **No confirmations had yet been received from governmental authorities, nor market surveillance authorities, and efforts in the coming months will focus on involving them more actively.**

The participants of the Bureau meeting were then invited to work in groups to elaborate on the topics to be discussed at the Conference. They pointed in particular to

the role of risk management in market surveillance, and in the choice of regulatory instruments. Organizers were also warned of the possible use of the conference by some speakers as an opportunity for promoting the activities of their organizations.

3. SECTORAL PROJECTS: EARTH-MOVING MACHINERY

The Convenor of the Sectoral Initiative on Earthmoving Machinery (SIEMM) introduced the common regulatory objectives (CROs), which had been developed by the Initiative in 2004. He reported that the model had been discussed in Russia, China, India and South America.

In general all countries refer to the same ISO standards in their legislation so the first part of the Model was broadly acceptable. However, the compliance clause in the current CROs only contains one option: the supplier declaration of conformity (SDoC). This does not meet the requirements of some of the developing countries, where there was not sufficient trust in the business sector for SDoC be a suitable tool. For this reason, the SIEMM was working on a revision of the CROs.

The new CROs needed to allow for producers to avail themselves of the services of external certifiers. In this context, it is important that the manufacturer and an accredited third-party for conformity assessment have a stable framework for cooperation. Conformity assessment testing that has already been done by the manufacturer can then be used by the third party, within specific guidelines. The end goal of the process should be to build capacity at the manufacturer's premises, so that in the long run the SDoC becomes the alternative of choice.

The proposed CROs were still being discussed with a number of stakeholders, including ISO/CASCO, governments and certification bodies. **The final version of the proposed CROs will be prepared in time for the WP. 6 annual session.** The Chairperson observed that the experience of the SIEMM could be replicated in other sectors.

4. MARKET SURVEILLANCE (MARS) GROUP: UPDATE AND FUTURE WORK

The convenor of the General Market Surveillance Procedure (GMSP) initiative presented an updated version of the document. This had been improved after discussions with several market surveillance authorities in the Slovak Republic

The GMSP refers in particular to non food products where harmonized legislation exists, and details procedures in three main areas: planning, execution, and stakeholders' contacts. The model will be completed by sub-procedures and a glossary.

The discussion centered on the following questions on how to continue developing the GMSP:

- Should the GMSP be a training document or the basis for a common approach?
- Should the GMSP focus on the European Union or aim at being a truly

international tool?

- Should the GMSP focus on products covered by the new approach? Or other products too?
- Which sub-procedures should be developed as a priority?

Participants agreed on the following points:

- The GMSP should be a training document. The target of the training should be the MS authorities. This is not a document for the general public.
- The document could be complemented by an update of the UNECE document on “Market Surveillance in the UNECE region”
- The GMSP should be developed in such a way that any country can use it. The wording should therefore refer to CROs or national legislation, rather than EU legislation. It should not focus on a particular legislative framework but on its enforcement. We need to strive to find elements of commonality among different approaches. Where this is not possible, then the EU approach could be detailed as an example, possibly as an annex. Other countries could similarly develop annexes regarding their own.
- One major difficulty is then what to include in the model, because the definition of MS is not unique and while for some countries the whole life cycle of the product should be covered, for others this is not so. Also, different systems give different roles to the many stakeholders involved in the different phases of a product life cycle, from design to disposal.
- The GMSP should not aim at developing new procedures (for example as regards sampling) but rather refer to an existing toolbox.
- The new approach is the one that covers the largest number of products: then it is the most useful reference for the EU. As other countries give other examples, they could be added in. The model should also detail the role of MS in the different sectors, with reference to the “Guide to the implementation of directives based on the New Approach and the Global Approach” (normally referred to as the “blue book”, see: ec.europa.eu/enterprise/newapproach/legislation/guide/document/1999_1282_en.pdf)
- further consultations were needed to decide which subprocedures to prioritize.

The GMSP will be further refined in line with these comments. Participants were encouraged to participate in future teleconferences, and send written comments to assist in this process.

Participants also identified common challenges in the area of Market Surveillance:

- MS authorities need to better coordinate at a national level, so as to avoid having multiple checks on one same producer?
- new legislation often does not define in detail who is responsible for enforcement;
- the requirements are at times too difficult and costly to check;
- the resources allocated to MS are vastly insufficient.

The following points were also made:

- economic operators are held responsible for their products but often do not have the resources to check all the inputs in their production process. This could result in the producers not wanting to source from abroad, or only from specific

countries (this was especially a concern as regards new EU environmental legislation).

- one of the responsibilities of MS authorities is to ensure a fair competition. If they only focus on the dangerous products they cannot meet this important obligation. This subject could be further discussed in the Conference on Risk Assessment and Management.
- management tools are needed more than sophisticated equipment.

The Working Group on Market Surveillance of the CIS Interstate Council on Standardization, Metrology and Market Surveillance had held its 13th session in Chisinau (Moldova) on 26 and 27 March. The delegate of Moldova reported about the discussions and decisions taken. In particular, the Working Group:

- had expressed interest in strengthening its collaboration with the WP. 6 and particularly the MARS Group;
- had considered the GMSP document as a good support and guide for Market surveillance activities and requested the MARS Group to consider translating at least a part of it into Russian, so it can be discussed in more detail at next 14th meeting of working group;
- will develop a common guide or recommendation on the use of risk assessment in market surveillance to avoid overlap and maximize results of control activity;
- had discussed a document on “Collaboration among market surveillance authorities” which aimed at improving the exchange of information among market surveillance authorities on dangerous products on the market. This document – currently only available in Russian - will be made available in English for the WP. 6 2009 Annual Session;
- had recommended to the national market surveillance authorities to transpose into national legislation the EU regulation 765/2008/EC to the extent possible. For this reason, training and information sessions about the New Approach were very important.

The Group will hold its next meeting in Minsk in September 2009.

The Chairperson of the MARS Group undertook to translate a part of the document into Russian as part of the documentation for the Group’s meeting, to be held in Bratislava in the 41st or 42nd week of the current year.

Inputs from the CIS Working Group to the Conference on Risk Assessment and Management will also be sought.

The Coordinator of the Initiative on Market Surveillance definitions presented a list of terms and definitions for Market Surveillance. It had been discussed at a teleconference meeting in March 2009.

The terms and definitions were taken from international (ISO) standards and from the latest EU legal instruments. The discussion focussed on:

- additional sources that could be used as a basis for the terminology (e.g. the WTO TBT Agreement);
- other terms that could be added on to the ones already in the table;

- the fact that different organizations give different meaning to one same term or set of terms.

The Coordinator agreed to prepare a new version of the document based on the discussion and send it for comments to the Working Group. Other countries will then be invited to add their own definitions alongside those of the European Union.

5. SECTORAL INITIATIVE ON THE SAFETY OF PIPELINES

Accidents on international pipelines endanger human lives and the environment, cause important revenue losses and contribute to build a general public hostility towards pipelines. A presentation the need for further international efforts in this domain was made.

A Recommendation on “the Safety guidelines/good practices for pipelines” had been approved in 2006 under the auspices of the Conference of the Parties to the Convention on Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. This instrument was not sufficiently specific for use by the industry. A more effective approach was to develop a sectoral project on the basis of the WP. 6 International Model to improve regulatory approaches on a worldwide basis, with reference to international standards.

Prior to the meeting, a questionnaire had been developed and translated into Russian by the Russian delegation. Its purpose was to document existing practices in this field. The questionnaire had been sent to a number of authorities and contacts, and replies had been received from five countries (Belarus, Brazil, Canada, Kazakhstan, and Turkey) in three different regions: Europe, Asia and South America.

It was important to involve some of the countries of the European Union – especially because in this area there is no harmonized legislation. The secretariat, in collaboration with interested delegations, will **continue to collect answers from other countries and regions**. It will also prepare a summary report of answers received to date.

The report, as well as the compiled answers, will be presented to the **Working Party at its annual session. The Working Party will then be called upon to decide on setting up the sectoral initiative** and discussing its terms of reference.

6. SECTORAL INITIATIVE ON EXPLOSIVE ENVIRONMENTS EQUIPMENT

The initiative had started its work in 2007 with a presentation of different regulatory systems back to back to the meeting of the Working Party in Geneva. This showed the necessity of a questionnaire to document the existing regulatory frameworks. The questionnaire had been answered by Australia, Brazil, the European Union, the Russian Federation and the United States.

The Initiative's terms of reference had been approved by the Working Party in November 2008. Currently, the Initiative was working on the preparation of common regulatory objectives (CROs) in this sector. The first draft of the CROs was prepared at a meeting held in parallel to the Bureau meeting and presented to all participants.

The CROs will cover each of the IECEx sectors (mining, refinery, chemical plants, mills) and would deal with different kinds of hazards (gas explosion, dust explosion, mechanical and electrical equipment etc). They will cover the entire life cycle of the products and facilities (from placing the product on the market, to installation, to repair, inspection and maintenance).

The draft CROs compiled in the meeting will be further refined and then presented to the Annual IECEx meeting in Melbourne and the UNECE WP. 6 meeting in Geneva.

7. SECTORAL INITIATIVE ON TELECOM

The Convener of the Sectoral Initiative on Telecom reported that there had been little interest in implementing the proposed CROs. There could – in the future - be a use for the CROs in the context of the WTO Doha Round and in the context of the review of the Information Technology Agreement.

8. PROPOSALS FOR TECHNICAL ASSISTANCE

The Secretariat had prepared several projects for technical assistance but had as yet not been able to raise any funds.

9. STRUCTURE AND ROLE OF THE WP. 6 BUREAU AND RAPPORTEURS

The participants discussed the structure of the WP. 6 Bureau and the role of its rapporteurs. It was decided that at the next annual session, the Bureau will propose to nominate Ms. Maria Bizgu as the Coordinator of Liaison with the CIS Working Group on Market Surveillance of the Interstate Council on Standardization, Metrology and Certification, and Mr. Kool, as the Rapporteur on Metrology. Both Mr. Ms. Bizgu and Mr. Kool will be acting in their new functions until the Annual Session.

Rapporteurs had an important function, namely they were tasked to report to the Working Party about developments in other organizations, but had not been active at the last few sessions. Discussions on the Bureau's structure will also continue informally.

10. REPORTS ON RECENT MEETINGS & PARTICIPATION IN FORTHCOMING EVENTS

The Chairperson of the Working Party made a report on his participation in the Expert Panel on the Review of the European Standardization System (ESS). The group has a mandate to review the future role and scope of the ESS – including also informal standards - with a view to the year 2020. The expert panel is composed of 30 eminent persons coming from European standardization bodies and business associations and academia and some Member States. A first presentation by the Expert Panel on the findings from their work will take place on World Standards Day, and the final report will be published on 5 December.

The secretary of the Working Party reported on her participation in the meetings of the ISO/CASCO newly established Strategic Alliance and Regulatory group “STAR” Group. She invited the delegations present at the Bureau meeting to request joining the STAR group, so as to relay the expertise built by the MARS Group to ISO/CASCO.

11. OUTREACH: REORGANIZATION OF THE WP. 6 WEBSITE, BROCHURES, LEAFLETS, PUBLICATIONS

Participants discussed the need for an explanatory brochure explaining the roles played by different organizations in regulatory cooperation and standardization matters. The brochure could illustrate the specific role played by the UNECE vis-à-vis other governmental (ITC, OECD, UNIDO, WTO) and non-governmental (ISO, IEC) organizations in this specific field.

The Secretariat had published an updated version of the Recommendations, which was distributed to participants. Should any of the participants need further copies, or copies in French or Russian, the Secretariat will be pleased to send them by mail. The Recommendations are also available for download on the website. A new brochure on Regulatory Cooperation had also been published, and was similarly available for download and for distribution.

Finally, a thorough revision and reorganization of the www.unece.org/trade/wp6 website had been completed. The secretariat invited comments from the participants on the new website by email.