Your Excellency,

I am following with interest, as part of the Swedish delegation to the WTO TBT Committee, and as the Chairperson of the UNECE Working Party on Regulatory Cooperation and Standardization Policies, the unfolding of the negotiations in the NAMA group, which you are ably chairing.

I am writing to offer you my perspective on a possible tool that can be used as a complement to the WTO TBT Agreement, and which has been developed by the UNECE and put to effective use in a number of sectors.

As you know, since 1970 the UNECE Working Party 6 and its predecessor bodies have been a forum for the discussion of matters related to standardization, regulatory cooperation, conformity assessment and market surveillance issues. These discussions have been fruitful, and the Working Party has issued several Recommendations which, although of a non-binding nature, set out international good practice and are regarded as a reference by regulators and stakeholders.

For the purposes of the NAMA negotiations, the most important recommendation among these is Recommendation L which enshrines the “International Model”, a set of principles and procedures that countries can implement to approximate their technical regulations in a single sector; a product area, or across the board.

For each sector, the CROs specify the legitimate regulatory objectives that authorities wish to pursue through the regulation, including public health, safety, the protection of the environment. The detailed provisions on how to meet the requirements of the CROs should preferably be specified by making recourse to applicable international standards.

Further, CROs include provisions on how compliance should be assessed and demonstrated. Preferably, conformity should be by supplier’s declaration of conformity. In those cases in which third party assessment is needed, the CROs should also contain provisions on the conformity assessment bodies that are recognized to assess and attest compliance as well as the competence criteria to be fulfilled by such bodies.

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In practice, when the industry voices concerns with regard to trade barriers in relation to a specific sector, a survey is conducted to document existing regulations in different jurisdictions. A task force is then formed to develop the CROs. Once CROs are endorsed by the Working Party, authorities are encouraged to apply the CROs into their national technical regulations.

When a number of countries have completed this process, products that have been assessed in the exporting country as compliant with the CROs can automatically gain market access in all countries applying the CROs.

Three initiatives have been developed and endorsed by the Working Party on the basis of this Model in the sector of telecom products, earth-moving machinery, and equipment for explosive environments.

In these sectors, the CROs also provide a model regulatory framework, that countries can use as reference in their legislation, or in regional or international negotiations.

Of particular relevance to the ongoing NAMA negotiations, CROs were adopted by the Working Party in 2003 and subsequently updated for some telecom equipment: personal computers (PCs); PC peripherals, legacy Public Switched Telephone Network (PSTN) terminals; Bluetooth, Wireless Local Area Network (WLAN); Global Standard for Mobile Telecommunication (GSM); and International Mobile Telecommunications (IMT-2000 or «3G»).

I am attaching herewith an example of how the UNECE Recommendation L could be used to practically implement the proposal on electronics contained in TN/MA/W/119, specifically as concerns conformity option (a) in the document.

I remain at your disposal for any clarifications you may need and look forward to an opportunity to meet.

With kind regards,

Christer Arvius
Chairperson,
Working Party on Regulatory Cooperation and Standardization Policies
United Nations Economic Commission for Europe