



**Economic and Social
Council**

Distr.
GENERAL

TRADE/WP.6/2001/8/Add.1
18 October 2001

ENGLISH ONLY

ECONOMIC COMMISSION FOR EUROPE

**COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT**

Working Party on Technical Harmonization
and Standardization Policies

Eleventh session, 29-31 October 2001

Item 7(b) of the provisional agenda

DRAFT PROPOSAL^{*/} FOR

**“AN INTERNATIONAL MODEL FOR TECHNICAL HARMONISATION BASED ON GOOD
REGULATORY PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF
TECHNICAL REGULATIONS VIA THE USE OF INTERNATIONAL STANDARDS”**

Annex 1: Draft Annex C to the “International Model”

**Annex 2: Terms of Reference of the Ad Hoc Team of Specialists on Standardization
and Regulatory Techniques (“START” Team)**

Annex 3: “START” Team contacts for possible cross-sectoral initiatives

This paper was prepared on the basis of discussions held at the tenth meeting of the ad hoc Team of Specialists on Standardization And Regulatory Techniques ("START" Team) in September 2001. It contains the first draft of annex C to an "International Model", terms of reference of the “START” Team and information on its cross-sectoral initiatives.

It is recalled that the first draft of the "International Model" as it was presented to the tenth session of the Working Party in November 2000 can be found in UNECE document TRADE/WP.6/2000/8.

The present document is reproduced in the form and language in which it was received by the secretariat.

*/ This paper is being submitted without formal editing.

ANNEX 1

Draft Annex C to the “International Model” Administrative Procedures and Institutional Provisions (including the Call for participation in formulating “Common Regulatory Objectives” (CROs) and the preparation of CROs)

Article 1

General Institutional framework

1. The process of registering Common Regulatory Objectives (CROs) and interpreting the provisions of the “International Model” shall be the task of the UNECE Working Party on Technical Harmonization and Standardization Policies (Working Party 6-WP.6) which shall ensure coordination of the work on requests for technical harmonization received by the UNECE secretariat. In practice, Working Party 6 could set up groups of experts to monitor and implement such work in practice.

Article 2

Call for Participation

1. Country/Countries (at least three wishing to harmonize their technical regulations according to the International Model and to invite other countries to join such a process) shall make a “Call for Participation” through the UNECE secretariat to all UN member states. The “Call” should contain the necessary information for formulating a CRO (cf Annex B). Countries wishing to join the work under such a “Call” should respond to the secretariat within three months (from the date of the transmission of the “Call” by UNECE secretariat) stating their interest to participate in the work. The countries which expressed an interest to join the work can start the technical harmonization process three months after the date of transmission of the “Call”.

2. Based on responses to the “Call”, an open-ended task force composed of interested countries shall be set up with the purpose to jointly develop common regulatory objectives (CROs) regarding the safety, health, environmental protection and other legitimate concerns of governments regarding the products or group of products in question.

3. These open-ended task forces should work in a transparent way and participation in them shall be open at any moment to any other UN member state that expresses the wish to join the work. The Task Forces will agree on their own working procedures. The Task Forces should inform the UNECE secretariat about their work which will be made publicly available by appropriate means (for example, by posting it on a special web page).

Article 3

UNECE REGISTRY OF COMMON REGULATORY OBJECTIVES (CROs)

1. A registry shall be created and maintained by the UN ECE secretariat for the CROs developed under the “International Model”. The registry shall be known as the “UNECE Registry for CROs”.
2. The countries that agreed on a CRO shall submit it to Working Party 6 through the UN ECE secretariat.
3. The agreed CRO specified in the paragraph above shall contain the principal elements as specified in Annex B to the “International Model”. The CRO shall not be prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade.
4. If formal elements in the agreed CRO (as specified in the Model) are met the CRO shall be considered to be established in the UNECE Registry on the date of its submission to the UN ECE secretariat.
5. The Secretariat shall, when registering the CRO, append copies of all relevant documentation to that CRO. All documentation received by the UNECE secretariat under the provisions of this Article shall be made publicly available by appropriate means (for example, by posting on a special web page).
6. The process of the further revision of the already agreed CROs should follow procedures as specified for a “Call for participation” under Article 2.

Article 4

NATIONAL ADOPTION AND NOTIFICATION OF APPLICATION OF REGISTERED COMMON REGULATORY OBJECTIVES (CROs)

1. A Country that has agreed on a CRO shall submit the CRO to the process used by it to adopt technical requirements specified in the CRO into its own legislation. Any other country at any moment may inform the UNECE secretariat about its intention to implement and use the CRO (and, thus, it will follow the procedures as specified under this Article).
2. A Country that adopts a CRO into its own legislation shall notify the UNECE secretariat in writing of the date on which it will begin to apply that CRO. The notification shall be provided by the country within 60 days after its adoption of the CRO.

3. A Country that is specified in paragraph 1 of this Article and that has not, by the end of the one-year period after the date of the registration of the CRO in the UNECE Registry, adopted the CRO into its legislation, shall report on the status of the CRO in its domestic process. A status report shall be submitted for each subsequent one-year period if no such action has been taken by the end of that period.

4. A Country that is specified in paragraph 1 of this Article and that accepts products that comply with the technical requirements of a registered CRO without adopting the CRO into its own legislation shall notify the UNECE secretariat in writing of the date on which it began to or will begin to accept such products.

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ANNEX 2

Terms of reference

Ad Hoc TEAM of SPECIALISTS on STANDARDIZATION and REGULATORY TECHNIQUES (“START” Team)

Adopted 1 December 1999
Revised 28 March 2001

Establishment of the “START” Team

The establishment of the START Team was suggested at the UNECE International workshop on implementation and use of international standards (18 May 1999, Geneva) which was organized in conjunction with the ninth session of the Working Party on Technical Harmonization and Standardization Policies (17-19 May 1999, Geneva). The Working Party supported and approved this proposal. The establishment of the Team was endorsed by the third session of the UNECE Committee for Trade, Industry and Enterprise Development (8-10 June 1999) to which the Working Party is reporting.

Objectives

The general task of the Team is to contribute to the activities of the Working Party on Technical Harmonization and Standardization Policies (WP.6) aimed at creating conditions conducive to the development and promotion of global trade and economic cooperation.

The specific task of the Team is to examine the possibilities for reducing non-tariff barriers to trade by limiting the content of related regulations to the essential requirements for meeting regulatory objectives and using reference to international standards as the preferred means for setting out detailed requirements, including conformity assessment requirements.

The Team works under the guidance of the UNECE Working Party on Technical Harmonization and Standardization Policies (WP.6), in accordance with terms of reference adopted by WP.6 and reports to it. Any reports and recommendations of the Team have preliminary and unofficial character and are subject to endorsement by WP.6.

Composition of the Team, its membership and participation in its meetings

The Team is composed of experts with the collective expertise to address the specific task defined for it.

The Team is composed of the members of the enlarged Bureau of the WP.6 (including coordinators and rapporteurs) and of specialists appointed by UNECE member-states and invited by the Team.

The Team is open to participation by experts from interested UN member states and international organizations as well as to representatives of the private sector as observers in their personal capacity. The Team works on the understanding that final recommendations and proposals of the Team will be endorsed by the Working Party 6 as an inter governmental body.

The Team can establish sub-groups of specialists to prepare projects requiring specific expertise, which are expected to become a part of general activities of the Team.

The UNECE secretariat provides necessary support to the Team and its sub-groups within available resources.

Reporting

The Team reports to the Working Party on Technical Harmonization and Standardization Policies.

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ANNEX 3

“START” Team contacts for possible cross-sectoral initiatives

At its seventh meeting in March 2001 the Team decided to explore the possibilities for sectoral applications of the principles and mechanisms proposed in the “International Model”.

The purpose of process initiated by the Team is to identify potential sectors where lack of regulatory harmonization creates obstacles to trade and where governments and companies recognize that there is a need for regulatory convergence.

The Team believes that in such identified sectors the Working Party might wish to propose to interested governments that they could explore the feasibility of initiating a dialogue on regulatory convergence either by using mechanisms as suggested in the “Model” or by other tools. In any case, the Team is confident that, should governments agree to it, such an initiative will help facilitate international trade in the particular sector under discussion.

Here is a summary of main actions taken in this respect.

Cross sectoral initiatives at the UNECE secretariat

In June 2001, the Committee for Trade, Industry and Enterprise Development (CTIED) considered WP.6’s work on the “International Model”, found it useful, and endorsed the proposal from the Working Party’s Bureau concerning future work on this project.

This proposal was addressed to UNECE subsidiary bodies and asked them to explore the possibility of using the principles suggested in the “International Model” in their area of competence.

In view of the positive reaction from the CTIED to the project of the “International Model”, the START Team decided to study the experience of UNECE subsidiary bodies engaged in the elaboration of standards, recommendations and technical regulations. With this in mind, the START Team had meetings and discussions with secretaries of three UN bodies, namely UN/CEFACT (Center for Trade Facilitation and Electronic Business), the World Forum for Harmonization of Vehicle Regulations (Working Party 29) and the Working Party on Transport of Dangerous Goods (Working Party 15).

CEFACT

In the area of electronic business, UNECE (UN/CEFACT) is preparing voluntary standards and recommendations. According to secretariat, there are no problems in this area which are due to mandatory technical regulations applied by governments. It was decided that a presentation of UN/CEFACT activities and of possible areas of cooperation with Working Party 6 would be made during the Working Party 6 session in October 2001.

Vehicle regulations

The World Forum for Harmonization of Vehicle Regulations (WP.29) constitutes a unique world forum for the preparation and implementation of technical regulations through an international agreement. The technical regulations, including safety and environmental requirements, are elaborated primarily at WP.29 as governments are reluctant to allow standardizers to establish safety and environmental requirements and set their limits.

In the opinion of the members of the Team, the example of the motor vehicle parts sector handled by WP.29 showed that, in theory, such regulations could have been facilitated through a wider use of international standards in technical regulations elaborated by WP.29 (114 regulations at present). Some of the principles as proposed in the “International Model”, in the opinion of the START Team, could have been used (subject to interest of governments) in WP.29; thus it might become one of the potential pilot projects for the “International Model”.

Transport of dangerous goods

The experience of Working Party 15 provides an example of a body with a dual function, namely responsible for preparation of international technical regulations under the UN and control over their implementation in UNECE member countries. It also provides good examples of how standards are referenced in technical regulations elaborated by this Working Party. In the opinion of experts of the Team some of the mechanisms proposed in the “Model” have been already used in the activities of Working Party 15 which should prove that they could be used in other sectors as well.

The Team decided to continue its contacts with UNECE secretariat and its subsidiary bodies with the view to explore the possibility and an interest from them in initiating a pilot project based on mechanisms and principles of the “International Model”.

Other sectoral activities.

It is recalled that in June 2000 an expert meeting was organized by Working Party 6, in Geneva to which a number of international organizations and representatives of the business sector were invited. During discussions at that meeting three potential sectors in which according to companies, there was a need for regulatory convergence were identified namely: **earth moving machinery, lifts and electrotechnical goods.**

During 2001, the START team continued consultations with representatives of these three sectors with a view to identifying companies and governments which would be interested in regulatory convergence and the use of international standards with a view to facilitating international trade.

Telecom sector.

In 2001, the OECD prepared an interim report on **telecommunications terminal equipment**. This report mentioned three sub sectors where international harmonization was feasible (electrical safety, EMC and radio interference).

As a result of discussions at the START Team with representatives of ITU (International Telecommunication Union) secretariat, a letter from the UNECE Executive Secretary was prepared and sent to the ITU Secretary General informing ITU about the “International Model” project and suggesting that ITU should consider the possibility of using the principles of the “International Model” in relevant areas of ITU’s activities. A letter was also sent to the OECD informing it about the UNECE’s contacts with ITU.

The response from ITU mentioned two areas of ITU activities which are relevant to the “International Model” project namely ITU-T (Standardization) and ITU-R (Radiocommunications). In the area of standardization, contacts with ITU-Study Group 5 which deals with protection against electromagnetic environment effects were proposed. And in the radiocommunications sector, contacts with ITU-R Study Groups were proposed.

In September 2001, the WP.6 secretary made a presentation on the “International Model” project to the ITU-R Study Group 6 which decided to send information on the “Model” to its delegates for information and with the view to explore potential interest in collaboration with the UNECE on this matter.