At its eleventh session, the UNECE Working Party on Technical Harmonization and Standardization Policies (Working Party 6):

- adopted the fifth revision of the ECE Standardization List;
- held a Workshop on conformity assessment procedures and trade facilitation, agreed to the conclusions from the Workshop and considered the follow-up to matters of concern to ECE governments raised at this event;
- revised the Terms of Reference and welcomed the work of the ad hoc team of specialists on STandardization And Regulatory Techniques (“START” Team);
- adopted the final text of an “International Model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards” and decided to add it to the set of UNECE Recommendations on Standardization Policies as a new Recommendation “L”;
- revised and adopted the programme of work for 2001-2005;
- agreed to organize a Forum on market surveillance in transition economies in conjunction with its next twelfth session (28-30 October 2002).

The report of the session as well as major documents are available at the Working Party’s website http://www.unece.org/trade/stdpol.
Introduction

1. The eleventh session of the Working Party on Technical Harmonization and Standardization Policies (WP.6) was held from 29 to 31 October 2001.

2. Participants in the meeting included representatives of the following countries: Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Norway, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America and Yugoslavia.

3. The session was also attended by a representative of the European Community.

4. The following inter-governmental organizations participated: United Nations Conference on Trade and Development (UNCTAD), United Nations Industrial Development Organization (UNIDO), International Trade Centre (ITC), International Telecommunication Union (ITU), the CIS Interstate Council for Standardization, Metrology and Certification, the International Organization of Legal Metrology (OIML). The following non-governmental organizations participated: European Committee for Electrotechnical Standardization (CENELEC), the International Electro-technical Commission (IEC), the International Organization for Standardization (ISO), International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), European Federation of National Associations of Measurements, Testing and Analytical Laboratories (EUROLAB) and European Organization for Conformity Assessment (EOTC).

5. Observers present at the invitation of the secretariat included representatives of private-sector companies and associations, such as the International Federation of Standards Users (IFAN), International Federation of Inspection Agencies (IFIA) and Industry Cooperation on Standardization and Conformity Assessment (ISCSA).

Item 1 ADOPTION OF THE AGENDA

6. The provisional agenda, as contained in document TRADE/WP.6/2001/1, was adopted.

Item 2 ELECTION OF OFFICERS

7. Mr. C. ARVIUS (Sweden) was elected Chairman and Ms. M. SAUNDERS (United States of America) and Mr. V. KORESHKOV (Belarus) were elected Vice-Chairpersons.
Item 3  MATTERS ARISING FROM THE 56th SESSION OF THE COMMISION AND FROM THE FIFTH SESSION OF THE COMMITTEE FOR TRADE, INDUSTRY AND ENTERPRISE DEVELOPMENT

Documentation  ECE/TRADE/280

8. The director of the UNECE trade division (Ms. C. Cosgrove-Sacks) reported on the discussions held and the decisions adopted by the Commission at its fifty-sixth session (May 2001), in particular calling for more attention to cross sectoral activities and to assistance to countries in transition. In this connection the attention of delegates was attracted to the decision of the Commission and its call to its Principal Subsidiary Bodies (PSBs) and Subsidiary Bodies (SBs) to encourage cross sectoral cooperation.

9. The chairman of the Committee for Trade, Industry and Enterprise Development (CTIED) Mr. Safarik-Pstrosz reported on the discussions held during the fifth session of the Committee (June 2001). In particular, information was provided on the Committee’s proposal for cooperation of the Working Party with the Timber Committee and the Committee on Environmental Policy to strengthen work on sustainable trade in timber, following the decision of the UNECE Annual Session in 2001 to encourage cross-sectoral cooperation.

10. It was noted that the Committee, in considering and supporting the Working Party’s activities, particularly praised its experience in reaching out to regional groupings, thus establishing an active interface between the Working Party, the secretariat and interested governments.

11. The Committee also had found useful and thus had supported and approved, the following WP.6 proposals and requested the secretariat to ensure the necessary follow-up to them within the UNECE:

   - asking other PSBs to explore the possibilities for using the principles and concept of the “International Model for Technical Harmonization” in their areas of competence with the goal of identifying potential pilot projects;
   - calling on UNECE member Governments to consider accepting an obligation of informing the secretariat on the national transposition /use of legal instruments, recommendations, and standards elaborated at UNECE.

12. The representative of the secretariat further reported that the UNECE’s Trade Division had informed other UNECE Divisions about these Committee decisions and had requested that they be communicated to the relevant PSBs.

14. The purpose of the Workshop was to identify and discuss trade-related difficulties and problems encountered by authorities and companies in different countries when implementing and applying various conformity assessment procedures.

15. The programme of the Workshop is attached as annex I.

16. As background documents for this agenda item, the Working Party and participants to the workshop had the provisional agenda of the workshop (TRADE/WP.6/2001/2), a paper on the Swiss experience with the recognition of the results of foreign conformity assessment (TRADE/WP.6/2001/2/Add.1) as well as a number of submissions and presentations on international, regional and national experiences related to the Workshop.

17. The opening remarks on behalf of Ms. D. Hübner, UNECE Executive Secretary, stressed that differences in conformity assessment procedures constituted one of the principal obstacles to international trade at present and reported on UNECE activities aimed at facilitation of trade through elimination of technical barriers to trade and promotion of international standards and recommendations.

18. The Chairman of the Working Party (Mr. C. Arvius) reflected on possible options and approaches to facilitate acceptance of results of conformity assessment and outlined proposals on work to be undertaken by the Working Party in the area of conformity assessment.

19. The first session of the Workshop was devoted to general problems of conformity assessment as seen by standardizers, governments, international organizations and the private sector.

20. The Rapporteur on Conformity Assessment (Mr. L. Tronel) made a presentation which analysed how standards could facilitate market integration and presented the current state of international harmonization of standards and regulatory requirements. Particular emphasis was devoted to issues of recognition. In this context, the requirements of intergovernmental Mutual Recognition Agreements (MRAs) were analysed, as well as the market for conformity assessment services and requirements coming from different players (regulators, companies, etc.). Confidence in the fulfilling of requirements was of paramount importance to both regulators and consumers and thus an issue of whether accreditation could be a basis for MRAs between certifiers was raised. Matters related to the value added provided by certification to business operators and consumers were also considered.
21. The presentation from Slovakia addressed the challenges and difficulties faced by a country that is transforming its conformity assessment system and adapting it to market economy needs. Information was also provided on the current stage of harmonization of Slovakia’s regulatory, legal and organizational national environment with the relevant systems of the EU. In the area of horizontal and procedural measures, an amendment to the existing Act on Technical Requirements for Products and Conformity Assessment was adopted by Parliament in October 2001. It was noted that as of 1 January 2002 all national standards become voluntary. Further progress in the transposition of European harmonized standards has been made, as of September 2001, almost 70% of CEN European standards and almost two-thirds of CENELEC standards had been transposed into Slovak standards.

22. In 2001, the Council for Conformity Assessment (under the auspices of the Slovak Office of Standards, Metrology and Testing, ÚNMS) became Slovakia’s national member of the European Organization for Conformity Assessment (EOTC). The beginning of preparations for establishing a system of notified bodies (i.e. requirements to be met by them and relevant control from the State as well as their stage in conformity assessment) were also described.

23. The Secretary of the ISO Committee on Conformity Assessment (ISO/CASCO) provided information on major CASCO documents, as well as on the results of the work on international consensus documents prepared in cooperation with various regional and international organizations. The purpose of such cooperation is to serve better international trade. Speaking about future work the following projects were named: development of a single accreditation standard; a common standard for management systems certification; the alignment of laboratory accreditation standards with the new quality management standard (ISO 9001: 2000); the promotion of best practices for establishing MRAs between accreditation and between conformity assessment bodies; the preparation of guidelines on the practices of peer assessment; guidance on the proper use of marks of conformity; and the elaboration of a recommendation for supporting the documentation for supplier’s declaration of conformity (SDoC) in order to promote confidence in it.

24. A speaker from a private company raised the issue of when and why certification is necessary for society, consumers and companies and of its cost/benefit analysis thus concluding on the necessity to review how certification should be carried out. He referred to the high cost of multiple certification as well as to its indirect costs such as time spent to get all required certificates. As a result it created particular problems for high tech products with a very short “life span” before the arrival of new, more sophisticated products which would have to pass again through the certification process. In the opinion of the speaker, a supplier’s declaration should be sufficient as a means of certification. Speaking about quality management schemes, he noted that ISO standards of the ISO 9000 family constituted a minimum level of requirements and most of the large multinational companies such as the one he represented had more stringent quality requirements. In his opinion, it showed that such certification was of no use to large and/or to well-established companies. Speaking about voluntary certification in general he felt that there was an alarming tendency for proliferation of voluntary certification schemes on many markets. He questioned the value added of many of these schemes for companies and consumers.
25. The second session of the Workshop was devoted to experiences with different types and schemes for mutual recognition agreements on various levels and between different parties.

26. Here distinction was made between intergovernmental agreements and voluntary arrangements between conformity assessment bodies.

27. Speaking about the policy framework for mutual recognition activity, the speaker from Canada identified the following priorities for such a process: tangible economic benefits, the determination of the most appropriate regulatory tools, support from key players, compatibility between the regulatory systems of the potential MRA parties, sufficient resources for MRA negotiation and implementation. Information was provided on the success of a number of bilateral and multilateral MRAs on conformity assessment concluded by Canada. Besides these intergovernmental agreements, Canadian agencies (standardization and conformity assessment) participated in various international and regional voluntary accreditation based arrangements and in sector based non-governmental MRAs.

28. The paper on acceptance of test reports or conformity certificates by foreign organizations submitted by Switzerland described conditions for such recognition, namely that test or conformity assessment procedures followed the Swiss requirements and that the foreign organizations (laboratory) has qualifications equivalent to those required in Switzerland. Switzerland considers that such autonomous recognition helps to open up domestic markets, promotes healthy competition and, as a result, gives consumers a greater choice of products at lower prices.

29. A number of presentations were devoted to various types of existing voluntary agreements between conformity assessment bodies on regional and international levels.

30. Experience on a regional level was highlighted in the presentation from European Federation of National Associations of Measurements, Testing and Analytical Laboratories (EUROLAB) which concerned voluntary agreements between conformity assessment bodies in Europe and EUROLAB activities. It was stressed that companies were looking for a short conformity assessment process which must provide one stop testing and certification and that the time factor was more essential than the costs. The speaker described several types of voluntary agreements between certifiers and between accreditors and spoke about means of creating mutual confidence. He called for the use of an identical basis for testing, calibration, inspection, certification and accreditation by using relevant ISO/CASCO standards as a means of removing barriers to international trade.

31. A representative of the International Accreditation Forum (IAF) noted that accreditation was introduced as a tool to ensure the competence and credibility of conformity assessment bodies. To facilitate acceptance of the results of evaluations from different accreditation bodies, international associations of accreditation bodies namely ILAC (International Laboratory Accreditation Cooperation) and IAF (International Accreditation Forum) had been established in 1997 and 1993 respectively. ILAC provides a forum for national accreditation bodies for laboratories and IAF for national accreditation bodies for management systems certification/registration. At the time of the meeting, IAF membership
included 36 accreditation body members, 3 developing country bodies members, 9 association members (which included *inter alia* also industry and consumer associations) and 3 regional group members. Referring to different areas of IAF activities and its assistance to developing countries, particular emphasis was made on the IAF Multilateral Mutual Recognition Arrangement (MLA) which was based on a document describing procedures for establishing a MLA and which was validated by mutual “peer evaluation” of each applicant by an IAF evaluation team. In 1998, the IAF established a MLA group for quality management systems which included, in November 2001, 27 individual national members and 2 regional MLA groups.

32. A speaker from the International Electro-technical Commission (IEC) provided an update on its major certification schemes: ICE EE (system for conformity testing and certification of electrical equipment), IECEx (products for use in an explosive environment) and IEC Q (quality assessment system for electronic components), as well as of other schemes namely: CB (mutual recognition of test data between certification bodies) and CB FCS (mutual recognition of full certification package). The main principles of IEC schemes were: to base them on international standards; to accommodate national differences (but encourage harmonization); to have them product and not system focused; to eliminate multiple testing (except for national differences); to cover regulated and non-regulated areas. Schemes have a flexible national representation (government or private sector bodies), and were based on a peer assessment. According to the speaker, regarding the sector of electrotechnical goods, the three IEC schemes were the only truly world wide product certification schemes currently in operation.

33. A presentation from the International Organization of Legal Metrology (OIML) described the OIML certificate system for measuring instruments established in 1991 with the aim of facilitating voluntary recognition and acceptance of OIML certificates and test results. At present, 34 OIML recommendations are applicable within this System; more than 840 certificates have been issued to more than 210 manufacturers of measuring instruments from 31 countries. The OIML considered that the System was evolving well on a voluntary basis, but that there was also a need for mutual recognition/acceptance and such a project was under development in OIML (in liaison and cooperation with relevant international organizations). The proposed “mutual acceptance arrangement” would provide the framework and criteria for the international acceptance of type evaluation test reports and OIML certificates, and contribute to confidence building between interested parties.

34. A speaker on behalf of the Industry Cooperation on Standardization and Conformity Assessment (ISCSA) and the International Federation of Standards Users (IFAN) spoke about the necessity of practical implementation of “one test-one certificate-global acceptance” concept as a means of facilitating international trade. In reality, companies were still faced with the necessity of undertaking multiple testing for different markets and according to different legal requirement which add on to the cost of products and services and finally have to be born by consumers.

35. In this context, governments were asked to consider the possibility of concluding agreements on the acceptance of supplier’s declaration of conformity (SDoC) as a proof of meeting regulatory requirements and the necessity of closer cooperation on cross-boundary market surveillance to build confidence in SDoC and to fight against its possible abuse. It was stressed that both in cases of SDoC
and of third party certification the ultimate responsibility for a product rests with the manufacturer or supplier a fact which, in the opinion of ICSA/IFAN members, supported the principle that SDoC should become the preferred means of demonstrating compliance.

36. At the end of the Workshop participants agreed to the conclusions which are attached as annex II to this report. The conclusions of the workshop were endorsed by the Working Party.

**Item 5 REVIEW OF DEVELOPMENTS IN STANDARDIZATION ACTIVITIES AND IN THE FIELD OF REGULATORY COOPERATION AT INTERNATIONAL, REGIONAL AND NATIONAL LEVELS**

Documentation: TRADE/WP.6/2001/3
TRADE/WP.6/2001/3/Add.1
TRADE/WP.6/2001/3/Add.2
TRADE/WP.6/2001/Informal/1

37. Presentations were made of the following documents: TRADE/WP.6/2001/3 providing information on laws and legal acts under preparation as well as on other standardization related developments in the Russian Federation; TRADE/WP.6/2001/3/Add.1 - with information on legal, institutional and organizational framework for standardization, regulatory and other activities in the Czech Republic; and document TRADE/WP.6/2001/3/Add.2 - on new approaches to the regulatory environment in the European Union. The Working Party took note of these documents.

38. The secretariat reported to the Working Party on activities undertaken by the rapporteurs and coordinators of the Working Party and the secretariat (liaison with other organizations and agencies, participation in various meetings and fora and promotion of the Working Party’s projects). The Working Party took note of this information, as contained in document TRADE/WP.6/2001/INFORMAL/1.

39. A number of delegations made presentations reflecting the latest developments in the standardization and regulatory regimes in their countries.

40. A representative of the Czech Republic highlighted the latest developments in his country in the technical harmonization area. He emphasized the role of a basic horizontal law on technical requirements for products that concerns, inter alia, procedures for conformity assessment with third party participation and for designation of a legal body for activities concerning the conformity assessment of products in regulated areas.

41. The law (Act 22/1997 on Technical Requirements for Products) has widely introduced self-assessment of products by producers (importers). Eighteen “New Approach” EC directives have been transposed in the form of Government Orders. The standardization programme of the Czech Standards Institute is based, in particular, on the implementation of European and international standards. More than 90% of European Standards have been implemented as Czech Standards, including European Harmonized Standards. The legislative process for metrology should be completed by the end of 2001.
42. PECA (Protocol on European Conformity Assessment- a bilateral agreement with European Community (EC)) came into force on 1 July 2001. It was based on harmonized legislation and removed duplicate procedures before placing a product on the market. Under PECA, the Czech Authorised/Notified Bodies have the same position as EU Notified Bodies.

43. The delegation from the Russian Federation reported important changes which took place in the country during the last two months and which were related to Russia’s policy to accede to the WTO. A major aim of these arrangements was to distinguish between voluntary standards and mandatory technical and conformity assessment regulations. It was proposed that technical regulations and conformity assessment regulations should be prepared and adopted as federal laws and voluntary standards should be used as a means of demonstrating conformity with mandatory regulations.

44. At present there were 22000 standards in the Russian Federation, and the average level of their harmonization with ISO/IEC standards was 35% (in some sectors about 50%). The aim was to raise the average level to over 50% by the end of 2002.

45. The Turkish delegate reported that his country had enacted a Law on the Preparation and Implementation of Technical Legislation which will enter into force from 11 January 2002. This Law has been prepared in the context of Turkey’s obligation to approximate its horizontal technical legislation to that of the EU and it will serve as a framework for the application of the EU’s system in standardization, conformity assessment and market surveillance. Its main provisions reflect the provisions of the EU General Product Safety Directive. Five national, implementing regulations are about to be published in the Official Journal detailing the issues of using CE marking, designating conformity assessment bodies and notified bodies, market surveillance and exchange of information between EU and Turkey regarding the application of technical legislation.

46. Work on the harmonization of individual vertical legislation has gained a momentum recently. In the automotive sector, it is expected by Turkey to finish harmonization in nearly all EC directives. Among “New Approach” directives nearly half of the directives have been translated and are waiting for the entry into force of the Framework Law in order to be published. As far as accreditation is concerned, the Turkish Accreditation Authority (TURKAK) completed its establishment and began to receive applications for accreditation. Even before TURKAK become a member to the European Cooperation for Accreditation (EA) and signs relevant MLAs within that organization, its teams of accreditors will be led by experts recognized by the EA in order to ensure the creditability of TURKAK’s certificates.

47. The presentation from the former Yugoslav Republic of Macedonia related to the reform and harmonization of its national legislation. The core of this reform was based on the agreement for stabilization and association signed with the EU and on the government plan for fast accession to WTO. One of the elements of such reform was the free movement and safety of industrial products.
48. The implementation of these reforms required a new legal framework and the work on preparation of new legal acts had already started. At present there was only one institution responsible for all matters relating to standardization, metrology, accreditation and regulatory matters, and this body was the Bureau of Standardization and Metrology under the Ministry of Economy. Under the new, anticipated legal framework this Bureau would be divided into three independent bodies: Institute of Standardization, Bureau of Metrology and Institute of Accreditation.

49. The speaker from the European Community stressed that a broader use of standards by public authorities is related to the efforts that have been made to improve and simplify the regulatory environment in the EC. Alternative, complementary approaches could sometimes provide more effective solutions. The challenge is to ensure high levels of protection while avoiding over-regulation. The EC New Approach to technical harmonisation and standardisation is a model that combines these two requirements and they are examining whether the New Approach could be applied to sectors not yet covered, such as the field of general product safety.

50. The EC had adopted an “e-Europe” action plan that should pave the way for the information society in Europe. Standards and common technical specifications are a necessary condition to make “e-Europe” happen. The need to provide deliverables on a faster time-scale (the “time to market” factor) has resulted in a new portfolio of deliverables from European Standards organisations. However, new deliverables should not be confused with formal standards as they are not an adequate replacement for harmonised standards as a support for the New Approach directives nor for dealing with subjects such as health and occupational safety, nor is this their function.

51. A European strategy for sustainable development had been adopted, which also signalled the need to integrate environmental protection requirements into other Community policies, including standardisation. The EC is committed to international trade and considers that internationally traded goods need international standards wherever possible. To further clarify the existing policy of the EC in this field and to achieve better coordination and coherence a document on the European policy principles on international standardization was issued in July 2001.

52. A representative from the International Organization for Standardization (ISO) highlighted the main goals of the ISO strategic plan for 2002-2004. This plan is based on the concept of “value-partnership-optimisation” which calls for market relevance of ISO standards, promoting their use, optimising resources, stimulating new programme elements, assisting developing countries. Such activities will be supported by the World Standards Cooperation (WSC) established by ISO, IEC and ITU.

53. At the same time, the 1991 Vienna Agreement between ISO and European Committee for Standardization (CEN) allowing for publication of ISO standards and their EU adoption had been revised. Clear separation between agreement principles and implementation guidelines (which were not part of the original agreement) was introduced.
54. At a technical level, ISO and IEC had defined new categories of documents that could be issued preceding publication of full consensus standards: “Technical Specifications” (documents agreed in a committee) and “Publicly Available Specifications” (documents prepared by experts), as well as a new type of a liaison at the level of the Working Group allowing for broader participation in the standardization work.

55. The European Committee for Electrotechnical Standardization (CENELEC), the European standardization body for electrotechnology, had issued close to 4000 European standards. Taking into account that all CENELEC members were also member of IEC, priority was given to participating in the development of standards at an international level in order to facilitate their subsequent implementation in Europe. The current “Dresden Agreement”, between CENELEC and IEC, provided a solid basis for further developing the cooperation between IEC and CENELEC. At present 85% of the European standards for electrotechnology were identical to or based on international standards.

56. Supporting European legislation remained an important objective of European standardization bodies. The European political scene may lead to the formulation of complementary European standards, called “harmonized standards” under the New Approach directives. In the electrotechnical area, this work was well advanced i.e. more than 80% of the harmonized standards needed have been adopted. Although being an important objective, it should be noted that a major part of the standards in the electrotechnical area in Europe were developed on a voluntary basis, i.e. the harmonized standards developed under the New Approach directives represented only 21% of the total volume of electrotechnical standards.

57. While discussing its links with various organizations in the UNECE region, the Working Party noted with satisfaction the close cooperation that had been established with a number of regional organizations and, in particular, with the organization comprising CIS standardization bodies (CIS Interstate Council for Standardization, Certification and Metrology). The Working Party took note that major Working Party documents were regularly submitted for information and discussion at sessions of this organization and that liaison representatives had been appointed in the CIS both for the work of the Working Party and for the work of the “START” Team.

58. The representative from the CIS Interstate Council confirmed an interest of CIS States in cooperation with the Working Party and announced that information on the activities of the Working Party and discussions of its “International Model for Technical Harmonization” project were on the agenda of the 19th session of the CIS Council to be held in Bishkek, Kyrgyzstan from 30 October to 1 November 2001.

59. The Working Party commended the secretariat and stressed the importance of such liaison as one of the potential means to allow for experts from countries in transition to follow the activities of the Working Party. It was noted that, due to financial constraints, many of them were not able to participate directly at UNECE meetings and this problem was raised regularly at UNECE Commission and CTIED sessions.
Item 6  COORDINATION

Documentation  TRADE/WP.6/2001/4
               TRADE/WP.6/2001/5

ECE Standardization List

60. The Working Party took note of the document TRADE/WP.6/2001/4 elaborated by the Rapporteur on Coordination (Ms. M. Saunders). This document contained the final version of the ECE Standardization List as discussed at the tenth session and which incorporated changes received thereafter by the secretariat.

61. The Working Party approved the revised ECE Standardization List and asked the secretariat to publish this new edition. The Working Party also asked the secretariat to undertake necessary measures to promote the ECE Standardization List among interested governments and organizations.

Standardization in the environmental area

62. It was recalled that at the tenth session, the Working Party agreed on the proposal of the Rapporteur on Coordination to select one sub-area from the List, namely “environmental protection: environmental management”, and to conduct an in-depth study of government participation in related standardization work and also of national adoption/implementation of the resulting standards.

63. The Working Party thanked and acknowledge the submission from the delegations of Sweden and the Czech Republic with information on the national implementation in their countries of international standards and on participation by government bodies in the international standardization work in the environmental field (TRADE/WP.6/2001/5).

64. The Working Party found this information useful and invited other delegations to provide similar information by the end of March 2002. The Working Party entrusted the Rapporteur on Coordination to compile and analyse the information received and present the findings together with relevant proposals to the Working Party’s twelfth session.
Item 7  HARMONIZATION

(a) Role of international standards in international harmonization

Documentation
TRADE/WP.6/2001/6
TRADE/WP.6/2001/7

National transposition of international standards

65. It was recalled that at previous sessions delegations had discussed the importance of the use of international standards in member Countries and had noted difficulties regarding access to information on transposition at a national level.

66. One of the proposals from the Working Party’s Workshop on the Implementation and Use of International Standards held during the ninth session had been that national organizations which are members of international and regional standardizing organizations and which vote for the adoption of concrete standards or recommendations should consider the possibility of taking on obligations for providing information on whether (or to what extent) these adopted standards, etc., are transposed and used in their countries. The Working Party noted with satisfaction that this proposal had been supported and endorsed by the CTIED (Committee for Trade, Industry and Enterprise Development) at its fifth session with regard to legal instruments, recommendations and standards elaborated at UNECE (as reported under paragraph 11 in this document).

67. During the discussions the importance for business operators and governments of having a regular information on the national transposition of international standards in the countries in the region was noted by the Working Party.

68. The Working Party asked the secretariat to contact other UNECE subsidiary bodies with a request for information on the types of recommendations and standards elaborated by them and if they had any systems to monitor their national transposition. Based on this information, possible further actions of the Working Party with a view to exploring the possibilities for implementing this recommendation (on national transposition of international standards and recommendations) will be considered.

69. With a view to providing more insight into other UNECE activities of possible relevance to the Working Party’s activities, a representative of the secretariat made a presentation on the UNECE’s trade facilitation activities (namely those of UN/CEFACT - Centre for Trade Facilitation and Electronic Business) and on recommendations to governments prepared by UN/CEFACT. It was noted that out of 30 recommendations elaborated by UN/CEFACT, five had become ISO standards.
70. The Working Party took note of this information and stressed the importance of wider dissemination of UN/CEFACT recommendations in the UNECE region and requested rapporteurs and the secretariat to consider appropriate actions to promote trade facilitation recommendations on a national level.

71. When discussing assistance to transition economies it was recalled that, at the tenth session, the delegation of Slovakia offered to organize, in 2001, in cooperation with the Working Party, a Workshop for transition economies on standardization and conformity assessment matters. The Working Party was informed of preparations for this Workshop to be held in Bratislava, Slovakia, on 12-13 December 2001 and noted the provisional agenda for this event (document TRADE/WP.6/2001/7).

Horizontal legislation

72. The Working Party reiterated the importance for the facilitation of trade in the UNECE region of information on national horizontal legislation concerning technical regulations, standardization and conformity assessment procedures. A proposal for the presentation of such information had been developed by the Rapporteurs on Harmonization (Mr. L. Dupal and Mr. C. Arvius) in document TRADE/WP.6/2001/6 which contained comparable information in a reader-friendly form on horizontal legislation in the Czech Republic, Hungary, Slovakia, Slovenia and Sweden.

73. The Working Party thanked the Rapporteurs for this timely initiative and invited delegations to submit similar information by the end of March 2001 as an input to an updated version of this document to be prepared for the next session.

(b) UNECE project “International Model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards”


74. The secretariat recalled the activities of the ad hoc Team of Specialists on STandardization And Regulatory Techniques (“START” Team) since it had been established in September 1999.

75. Since that time, the “START Team” had prepared a first outline of an “International Model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards” which had been submitted to the Working Party and discussed at its tenth session (document TRADE/WP.6/2000/8).

76. Following the discussions at the tenth session, the Working Party had agreed to continue working on drawing up principles for international regulatory cooperation and its practical application in specific sectors and had called on interested delegations to nominate additional experts to the “START” Team to continue this work.

78. The “START” Team had also established liaison with and had received regularly feedback on its activities from members of the CIS Interstate Council for Standardization, Certification and Metrology. The representative from the CIS Interstate Council informed the Working Party about discussions that had been held on the text of the “International Model” during the CIS meeting in May 2001 in Tajikistan and on liaison with the “START” Team.

79. A representative from the Industry Cooperation on Standardization and Conformity Assessment (ISCSA) informed the meeting about the industry’s interest in technical harmonization matters as a one of the means of facilitating market access and about the support for the UNECE “International Model” project that had been expressed at the ICSCA meeting in Singapore in February 2001.

80. The Working Party was also informed that results of the work of the Team had been reported at a number of international and regional fora including at the meeting of the WTO Committee for Technical Barriers to Trade in June 2001.

81. A number of delegations welcomed the “International Model”, supported its concept and called for its adoption as a new UNECE recommendation on standardization policies.

82. The US delegation noted their satisfaction with the voluntary character of the “Model” and at the same time voiced their concern that the “Model” might duplicate certain provisions of the WTO TBT agreement. It was further clarified that US regulations were based on a legislative framework and that regulatory authorities prepared technical regulations on the basis of federal laws; thus making it difficult for them to agree à priori on any new mechanisms or schemes as, for example, proposed in the “International Model”.

83. After discussions, the Working Party agreed:

(a) that there was a clear market need and an interest from Governments in further reduction of trade barriers and facilitation of market access;

(b) that the elaborated “International Model” would contribute to the facilitation of market access by providing a voluntary framework for establishing sectoral agreements between interested member countries;
(c) to request the secretariat to include the text of the “International Model” (TRADE/WP.6/2001/8, TRADE/WP.6/2001/8/Corr. 1, and TRADE/WP.6/2001/8/Add. 1) in the set of UNECE Recommendations on Standardization Policies and to publish it;

(d) to endorse the revised Terms of Reference of the START Team (TRADE/WP.6/2001/8/Add1, annex 2);

(e) to call on the START Team to:
   - explore, as a follow up to a request from the CTIED (cf. ECE/TRADE 280, paragraph 64), with UNECE Subsidiary Bodies the possibilities of using the principles and concept of the “International Model” in their areas of competence with the goal of identifying potential pilot projects;
   - assist with sectoral initiatives based on the “International Model”, as forthcoming from interested parties and as requested.

Item 8 CONFORMITY ASSESSMENT

(a) Review of developments in conformity assessment at the international, regional and national levels

Documentation: TRADE/WP.6/2001/10

84. The Russian Federation presented document TRADE/WP.6/2001/10 containing information on different policy approaches to product quality and safety control (namely through certification or market surveillance) which were currently being debated in the Russian Federation.

85. The Bulgarian delegate reported on the implementation of the Law on Technical Requirements for Products (adopted in 1999) and in particular on new developments in the conformity assessment area. Thus, by 1 September 2001 nine EU “New Approach” directives were implemented as national technical regulations.

86. The implementation of the Law would result in, *inter-alia*: the use of the accreditation mechanism for the purposes of licensing and notification of persons carrying out testing and certification in areas applicable under the Law; the introduction of conformity marking (as proof that a product complies to requirements); ensuring the protection of consumers on behalf of the government regarding products put on the market and taken into service under a market surveillance regime.

87. Referring to problems in international trade due to the lack of harmonization of certification schemes, the representative of the United Nations Conference on Trade and Development (UNCTAD) spoke about an international conference on organic guarantee schemes to be held in Germany (Nuremberg) in February 2002. The conference will deal with the problems of proliferation of certification requirements and regulations which constitute a major obstacle to trade in the organic sector, especially for developing countries. UNECE was invited to participate and contribute with presentations.
88. The Working Party took note of information presented under this agenda item.

(b) Problems experienced by economies in transition related to conformity assessment procedures

Documentation: TRADE/WP.6/2001/11
TRADE/WP.6/2001/12

89. Following up on the discussion at the tenth session on the problems of international recognition for national experts on conformity assessment issues, the Rapporteur on Conformity Assessment had prepared and presented a paper on training programmes on quality and environment management standards available from some regional organizations (document TRADE/WP.6/2001/12).

90. The Working Party took note of this document.

91. The Working Party devoted particular attention to the efficiency of mutual recognition agreements as a market access tool. Such an analysis was presented in the document TRADE/WP.6/2001/11 prepared by the Rapporteur on Conformity Assessment (Mr. L. Tronel).

92. The Rapporteur on Conformity Assessment spoke about the evolution of evaluation and conformity assessment in the world, the main elements of conformity assessment activities, different levels of a dialogue and the types of recognition of conformity assessment results as well as the efficiency and limitations of such arrangements.

93. The discussions which followed this presentation showed the importance to governments of conformity assessment and their interest in MRAs as a means of promoting the acceptance of conformity assessment results.

94. A proposal was made by delegates to look into more details on the other recognition and/or acceptance options besides MRAs that are available to governments. The representative from the EC provided information on the EC position on this issue recalling a recent EC working paper on a “tool box” of instruments to be used in external relations.

95. The Working Party asked the Rapporteur on Conformity Assessment to prepare a paper on the possible options for mutual recognition tools in regulated and non-regulated areas and invited delegations to submit information on their relevant experience.

96. Different views were expressed on the use and the role of certification and market surveillance. Representatives from the private sector expressed their preference for supplier’s declaration of conformity and market surveillance as compared with certification in cases when governments deem such control necessary. Referring to alleged excessive use of certification, a number of delegates noted that it is difficult to avoid the use of certification in particular in view of current economic and legal conditions in the countries in transition.
97. A proposal was made to consider in more details the experience of western economies in the area of market surveillance and, especially, to consider the possibility of establishing a team of specialists to examine this matter. In this context, the need for assistance for CIS States was noted.

98. A number of delegations suggested to organize a workshop on market surveillance.

99. The Working Party asked the Rapporteurs on Conformity Assessment and on Harmonization, and the secretariat to prepare such a workshop to be held in conjunction with the next annual session of the Working Party. Delegations were invited to identify sectors in which they have a particular need for an exchange of information on market surveillance.

100. The Working Party also asked the Rapporteurs to prepare the necessary follow-up to other questions discussed under this agenda item for the next Working Party session.

(c) Quality policy issues

Documentation: TRADE/WP.6/2001/13
TRADE/WP.6/2001/13/Add.1
TRADE/WP.6/2001/14
TRADE/WP.6/2001/15
TRADE/WP.6/2001/15/Add.1

Quality infrastructure and policies

101. It was recalled that, at its tenth session, the Working Party had invited delegations to present information to the secretariat on their existing national quality policies and to express any needs they might have for support in formulating and/or implementing such policies.

102. The Working Party had before it a number of submissions on quality policies including document TRADE/WP.6/2001/13 which contained information on a quality programme in Belarus; and document TRADE/WP.6/2001/13/Add.1 with information on the Polish experience in promoting ISO 9000 quality management systems.

103. The Belarus delegate spoke about state quality programmes which had been implemented in the country since 1998. The purpose of such programmes was to create a legal and business environment that stimulated the production of quality goods, to raise the awareness of the society on these matters, to promote international quality standards and systems, to prepare methods for the introduction of such systems, to create an infrastructure for voluntary certification (for example, of forests), and to organize the training of experts on quality matters.

104. The Polish representative addressed the need for quality promotion in a country; the practicalities of organizing a dialogue between all interested parties (state and private) and involving them in practical activities on quality promotion to the benefit of companies and consumers.

106. The Russian delegation provided a paper on the draft concept for their national quality policy (TRADE/WP.6/2001/14).

107. During discussions on this paper the following issues were raised:

   ➢ Whether governments should have state sponsored quality programmes or should this issue be left for the private sector?
   ➢ If such a quality policy were useful, should it encompass all aspects of quality (protection of consumers, occupational safety, quality as a method of demonstrating compliance with regulatory requirements, quality as a means of increasing efficiency on a company level, etc.) or should each of these issues be dealt with separately?

108. The Working Party took note of document TRADE/WP.6/2001/14 and noted the usefulness and importance of governmental quality programmes as a means of raising awareness and promotion of quality matters. The Working Party agreed to continue consideration of these issues and invited interested governments to provide information on their experience and proposals for any further initiatives.

Environmental management systems and standards

109. A paper on the current situation with regard to environmental management standards (ISO 14000 series) and their use in international trade was presented as document TRADE/WP.6/2001/15. The Rapporteur on Quality (Mr. A. Husseini, Secretary of ISO TC 207) provided an update on the standardization work in this area including on results of the latest (ninth) session of the ISO Technical Committee 207 on Environmental Management (TC 207).

110. That presentation was duly noted as well as document TRADE/WP.6/2001/15/Add.1 which provided information on the implementation of environmental management systems in the European Union.

UNECE Expert Meeting on Best Practices in the Creation of Quality Assurance Systems for Enhancing the Competitiveness of Small and Medium-Sized Enterprises (SMEs)

111. It was recalled that, at its tenth session, the Working Party had been informed of UNECE activities on quality issues related to small and medium-sized enterprises and, in this context, the Working Party had welcomed the proposal to organize a joint meeting on best practices in quality assurance in cooperation with the UNECE Regional Advisor on SMEs and Enterpreneurship.

112. An expert meeting on best practice in the creation of quality assurance systems for SMEs was held on 25 - 26 October 2001 in Geneva. The results of the discussions held at the meeting were presented by the secretariat (Regional Advisor on SMEs and Enterpreneurship).
113. It was noted that a number of the above documents from the Working Party session also had been considered at the Expert Meeting.

114. Among issues where further actions from the Working Party would be required were the following: establishment of a CIS quality centre and of a quality centre in Russia; further work on governmental quality promotion policies and programmes, assistance to SMEs in establishing quality assurance systems.

115. The Working Party agreed with the proposal from the Expert Meeting on the usefulness of establishing a cross sectoral group of experts to deal in depth with a variety of quality related issues. The Working Party asked the Bureau, Rapporteurs on Quality and the secretariat to prepare a proposal on the possible scope of activities of such new team and to take necessary steps for its establishment.

**Item 9 METROLOGY**

**(a) Standardization of test methods**

Documentation: TRADE/WP.6/2001/15
TRADE/WP.6/2001/16

116. It was recalled that, at its ninth and tenth sessions, the Working Party had considered a proposal on guidelines on methodologies for measuring procedures (document TRADE/WP.6/1999/15 and document TRADE/WP.6/2000/16).

117. At its tenth session, in order to pursue further the work on these proposed guidelines, the Working Party agreed to establish an ad hoc Team of specialists on metrology under the auspices of the Working Party.

118. The establishment of such a Team was approved by the CTIED at its session in June 2001. Following the request for nominations to the Team, a number of governments had stated their interest in participating in its work.

119. The Working Party took note of document TRADE/WP.6/2001/16 prepared by the Rapporteur on Metrology (Ms. U. Lahteenmaki) and proposed further activities related to this project. During discussions on this project representatives from the laboratory community supported the idea of preparing the proposed guidelines.

120. The Working Party was also informed about contacts related to the project undertaken by the Rapporteurs and by the secretariat with some organizations, including, the International Organization of Legal Metrology (OIML) and the Cooperation in Metrology among the Central European Countries (COOMET).
121. The Working Party asked the Rapporteurs and the secretariat to continue contacts with members of the Team on Metrology and interested organizations with a view to carrying out the work on the envisaged guidelines.

**Item 10 PROGRAMME OF WORK**

Documentation: TRADE/WP.6/2001/17

122. The Working Party noted document TRADE/WP.6/2001/17 containing the draft programme of work and considered the issue of priorities both in its own work as well as priorities set between different programmes and areas under the auspices of CTIED.

123. The Working Party decided to entrust to the Chairman and the secretariat the introduction of the necessary changes to the programme of work, taking into account the actions taken during the eleventh session. The Working Party asked the Rapporteurs and the secretariat to follow-up on the issue of prioritization between different UNECE programme activities, in particular, of cross sectoral initiatives undertaken at the request of CTIED, and requested clarification on the objective criteria for the prioritization exercise. The final, revised work programme can be found in TRADE/WP.6/18/Add.1

**Item 11 OTHER BUSINESS**

124. The Working Party thanked the rapporteurs and coordinators for their valuable contributions and re-confirmed the following nominations:

**Rapporteurs**

**COORDINATION**
Ms. M. SAUNDERS (United States of America)

**HARMONIZATION**
Mr. C. ARVIUS (Sweden)
Mr. L. DUPAL (Czech Republic)

**CONFORMITY ASSESSMENT**
Mr. L. TRONEL (France)

**METROLOGY**
Mr. B. ZEMSKOV (Russian Federation)
Ms. U. LAHTEENMAKI (Finland)

**QUALITY**
Mr. R. RING (Hungary)
Mr. A. HUSSEINI (Canada)
125. The Working Party was informed that the CTIED had requested the Working Party to consider the possibility of joint activities in the area of forest certification (as described under agenda item 3 of this document). The secretary to the UNECE Timber Committee made a presentation on different voluntary systems of forest certification, their role in international trade, the attitude of consumers and market players to these schemes and on related activities of the Timber Committee.

126. The Working Party took note of this information and asked the Rapporteurs and the secretariat in cooperation with the secretariat and the Bureau of the Timber Committee, to consider and ensure necessary follow up to these discussions.

127. A representative from a private company raised the issue of the risk of new technical barriers to trade coming from new environment legislation. In the opinion of the speaker, to avoid such barriers certain actions from governments would be required and with this in mind a paper prepared by a group of private companies on “Principles for Product Related Environmental Legislation” was circulated.

128. The Working Party took note of this information and stressed its commitment to continue working with governments in order to avoid unnecessary barriers to trade including in the environmental area.

129. The secretariat informed the Working Party that provisional arrangements had been made to hold the twelfth session of the Working Party in Geneva from 28 to 30 October 2002. The Working Party agreed to this proposal.

130. In accordance with established practice, the Working Party took note of an outline of the report of its eleventh session prepared by the secretariat and asked the secretariat to finalize the report according to the comments made.

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Annex I

WORKSHOP ON CONFORMITY ASSESSMENT PROCEDURES AND TRADE FACILITATION

CURRENT STATUS AND FUTURE ORIENTATIONS

Tuesday, 30 October 2001, Geneva

CURRENT STATUS AND FUTURE ORIENTATIONS

Opening session

Opening of the Workshop. Introductory remarks on behalf of Ms. Danuta Hübner, Executive Secretary, UNECE

Conformity assessment matters in the work of the UNECE Working Party on Technical Harmonization and Standardization Policies (WP.6)

Christer Arvius, Chairman of WP.6

Session 1 Conformity Assessment Procedures - protection of legitimate concerns of Governments and consumers or obstacle to international trade?

Fundamentals of Conformity Assessment - unsettled matters for international cooperation - views from a standardizer

Lucien Tronel, AFNOR (France)

Transforming a country’s conformity assessment system – experience of Slovakia

Kvetoslava Steinlova, Head of Department, Slovak Office of Standards, Metrology and Testing (Slovakia)

Implementation and use of international standards, guides and recommendations for conformity assessment – international perspective

Presentation by International Organization for Standardization (ISO)/International Electro-technical Commission (IEC)

Mr. Yasukazu Fukuda; Head, Conformity Assessment, ISO

The role of management standards (ISO 9000, ISO 14000, etc.) as a conformity assessment tool in international trade-industry view

Lars Dittmer, Director, Telecom Policies and Regulations, Ericsson (Sweden)

Questions and discussions
Session 2  Experience of international cooperation and agreements on recognition of conformity assessment

Experience of intergovernmental mutual recognition agreements

Experience of negotiating and implementing Government-to-Government MRAs (mutual recognition agreements)
   Martin Loken, Permanent Mission of Canada

Experience of voluntary agreements between conformity assessment bodies

Presentation by International Accreditation Forum (IAF)
   Ralf Egner, Director for Product Certification, TGA (Germany)

IEC conformity assessment schemes
   Richard Kay, IEC (International Electro-technical Commission)

Experience of voluntary agreements between conformity assessment bodies

Presentation by European Federation of National Associations of Measurement, Testing and Analytical Laboratories (EUROLAB)
   Bent Larsen, Director, FORCE-Dantest Cert (Denmark)

Development of an OIML mutual acceptance arrangement of type test /evaluation results
   Attila Szilvassy, International Organization of Legal Metrology (OIML)

Experience from the use of supplier’s declaration of conformity in international trade

Presentation from Industry Cooperation on Standardization and Conformity Assessment (ICSCA) and International Federation of Standard Users (IFAN)
   Thomas Fisher, Corporate Manager, Siemens (Germany)

Questions and Discussion

Session 3  Conclusions of the Workshop

Proposals on possible follow-up activities, and closing of the Workshop

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CONCLUSIONS OF THE WORKSHOP ON CONFORMITY ASSESSMENT PROCEDURES AND TRADE FACILITATION

Participants to the Workshop, representing testing, certification and accreditation bodies, governmental authorities, standardization and conformity assessment organizations, international and regional organizations and agencies and business operators from the ECE region:

Recognize,

- that differences in regulatory and non-regulatory conformity assessment requirements and in their application, resulting from an insufficient level of international convergence in this area, constitute one of the major obstacles to international trade in goods and services;
- that governments may, in defined cases, make recourse to conformity assessment tools as a means to meet legitimate objectives, such as the protection of public health, safety and the environment in certain sectors/product areas;
- that non-compatibility of conformity assessment systems prevent the development of recognition arrangements;
- that there is a wide range of available conformity assessment tools and arrangements at bilateral, regional and international levels that facilitate trade in regulated and non-regulated areas; however, the application of these tools does not always effectively meet the needs of the interested parties due to the increasingly global scope of economic and trade operations.

Call on UNECE governments and international organizations:

- to encourage effective co-operation between Governments, international and regional organizations and economic operators in searching for ways to create a greater convergence and harmonization of conformity assessment requirements;
- to intensify co-operation on the criteria for assessing the appropriateness of conformity assessment requirements, and to define the conditions necessary for the establishment and operation of recognition agreements in the regulatory and non-regulatory areas;
- to show their commitment to the facilitation of international trade by use, whenever feasible and appropriate and without prejudice to their legitimate objectives of less trade-restrictive conformity assessment means; the use of duly supported a supplier’s declaration of conformity (SDoC) which should be substantiated by a supporting framework including, among other things, well functioning market surveillance procedures for products circulating on the market.

Call on the UNECE secretariat and WP.6 Rapporteurs:

- to take the necessary actions to follow-up on the above recommendations in the future work of WP.6 and, where appropriate, in co-operation with other relevant subsidiary bodies of the UNECE.