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Working Party on Regulatory Cooperation and
Standardization Policies

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Item 6(b) of the provisional agenda

**REGULATORY COOPERATION
SECTORAL PROJECTS**

Progress Report on the Sectoral Initiative on Earth-Moving Machinery

Note by the secretariat

Addendum

**Proposal for Common Regulatory Objectives Applicable to Earth-Moving Machinery
Safety: Current Status and Proposal for Continued Work**

A. Current Status

1. Countries are generally willing to use the ISO/TC 127 standards as national standards and as the technical requirements for national regulations. In some cases, some regional differences must be recognized due to the current levels of technology and the cultural demands for safety.
2. However, third party conformity assessment testing is required for some countries, which may take several months and duplicates the testing that has already been undertaken. And adequate test facilities may not be available for some of the complex testing, especially for the larger sizes of earth-moving machines.

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B. Current Challenges

3. The common regulatory objective (CRO) developed by the Sectoral Initiative and adopted by W.P. 6 in 2004 does not adequately consider the current conditions and demands in developing countries and countries with economies in transition regarding conformity assessment and certification. Supplier's Declaration of Conformity (SDoC) is acceptable for Europe, Japan, the USA, and many other countries. However, SDoC currently does not seem to be acceptable for some of the developing countries and countries with economies in transition for the following reasons:

- (a) Manufacturers are not trusted to do their own conformity assessment and certification
- (b) Some small and medium manufacturers are considered to need help with conformity assessment and certification
- (c) Resources for market surveillance are limited and a third party conformity assessment and certification process is considered as a way to compensate for the challenges with market surveillance

C. Open options

4. The current CRO Clause 4 "Compliance Clause" needs to allow for more options for conformity assessment and certification to address the different needs.

5. According to the current conditions and demands in some countries, different options for conformity assessment and certification may be applied when using the CRO for earth-moving machines:

- (a) Complete conformity assessment testing and issuance of certificate
- (b) Certification of the Process and test facilities
- (c) Testing by the manufacturer and supplier's declaration of conformity

6. Guidelines for additional conformity assessment and certification options need to be developed to minimize machine testing and documentation. For third party testing and certification, parties should strive for mutual recognition.

7. As a result of the competition on the global market for earth-moving machines, it is in the manufacturers' own interest to provide products in conformity to relevant regulations and standards. Therefore, supplier's declaration of conformity should remain the final goal when using the CRO for earth-moving machines. Any additional testing and certification will create additional costs and therefore increase the price of the product.

D. Recommended actions by the Working Party

8. The Sectoral Initiative requests the Working Party to revise the CROs adopted in 2004, specifically the “compliance cause”. It further requests a mandate to develop different options to be used when supplier’s declaration of conformity is judged to be unacceptable.

9. Should this request be accepted, the UNECE secretariat will assist in revising the CROs, in particular regarding updating of the website, participation in teleconference meetings and development of contacts with national Governments.
