Economic Commission for Europe
Committee on Trade
Working Party on Regulatory Cooperation
and Standardization Policies
Twenty-second session
Geneva, 7-9 November 2012
Item 3 of the provisional agenda
Matters arising and areas of priority action for the Working Party

Report of the annual planning meeting of UNECE WP. 6 activities

I. Adoption of the agenda

1. The Chair of the Working Party opened the meeting. Participants adopted the agenda with no changes.

II. Follow-up to the twenty-first annual session and report on ongoing activities:

2. The secretary of the Working Party introduced the report of the twenty-first session (ECE/TRADE/C/WP.6/2011/15). She drew the attention of participants to issues which requested the attention of the Bureau, namely:
   
   • Making use of the proposal made by delegations at the 21st annual session of the Working Party to place increased resources in kind at the disposal of the secretariat.
   
   • Developing guidelines and common principles for traceability, as well as facilitating the establishment of national and international registries, including with reference to regulatory compliance.
   
   • Finding ways of channelling the work of WP. 6 into the preparation of the Rio + 20 Conference and the implementation of its result.

3. These issues would have to be further discussed, including at the meeting of The Advisory Group on Market Surveillance (MARS Group) in Bratislava.

4. The secretariat went on to inform participants about ongoing activities under the different areas of work of the WP. 6 or activities that had been undertaken since the session.
5. In particular, the secretariat reported on:

- Meeting of the Network on Metrology, Accreditation and Standardization for Developing Countries (DCMAS network) in April 2012 hosted and chaired by UNECE. At the meeting, participating organizations\(^1\) had shared information on ongoing activities including on education and training. They had also discussed the UNECE model programme on standardization, an initiative aimed at proposing to academic institutions a model curriculum for education on standards. Participating organizations expressed willingness to support the UNECE project.

- Ongoing work of the Group of Experts on Risk Management in Regulatory Systems (GRM). The Group had held three webinars, finalized two recommendations, helped prepare guidelines for the implementation of ISO 31000 for regulatory authorities, and developed a case study on the implementation of the Recommendation R to the sector of electro-technical equipment. The secretariat had represented the Group at a recent conference on ISO 31000 and at the Organisation for Economic Co-operation and Development (OECD) Workshop on “Risk Assessment”. New contacts had been established with regulatory authorities in Canada. The publication on “Risk Management in Regulatory Systems” had been finalized and was due for publication.

- Ongoing work of the Market Surveillance Group. The secretariat had continued to update and expand the market surveillance database and had established contacts with ISO COPOLCO, organizing a presentation on behalf of the MARS Group at a ISO COPOLCO Workshop on the topic, “Do consumers know what they’re getting?”

- Work on Regulatory Cooperation and under the sectoral initiatives. An International Conference on Equipment and Services in Explosive Atmospheres had been jointly organized in Dubai by UNECE, International Electrotechnical Commission System for Certification to Standards Relating to Equipment for use in Explosive Atmospheres (IECEx System) and the Emirates Authority for Standardization and Metrology. It brought together more than 200 experts from all over the world, with the objective of making the industries in which explosions may occur safer and facilitating trade in related products and equipment.

III. Report on progress made by the sectoral initiatives

6. The coordinator of the Sectoral Initiative on Earthmoving Machinery reported on progress since the last session and current work. He recalled that - as discussed at the last session - the industry was moving from a narrow focus on the safety of machines to a broader focus on the safety of the workplace as a whole.

7. Several training activities on the Common Regulatory Objectives (CROs) and relevant associated standards had been conducted in several countries, including India and China, and one was planned for Viet Nam in August. The initiative was also working on a draft “model certificate of conformity to standards”, which, if adopted, would greatly simplify the process of establishing equivalence.

8. The coordinator of the Sectoral Initiative on Telecom said that an important meeting of the WTO Information Technology Agreement (ITA) Committee had taken place on 15

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\(^1\) International Telecommunication Union (ITU), International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), International Trade Center (ITC), International Electrotechnical Commission (IEC), International Organization of Legal Metrology (OIML), International Bureau of Weights and Measures (BIPM), International Organization for Standardization (IOS), United Nations Economic Commission for Europe (UNECE).
May 2012, resulting in an agreement to start informal bilateral and plurilateral consultations on expanding the agreement’s product coverage: (see: www.wto.org/english/news_e/news12_e/ita_15may12_e.htm)

9. Although countries were not going to discuss non-tariff barriers—a subject they appeared to leave open for discussion under the group on non-tariff barriers to trade—the re-engagement of countries in the talks was a positive step. The work of the UNECE initiative could be of value in this context, and had earlier been brought to the attention of the WTO.

10. The WP. 6 Chair added that in the context of the sixth WTO Triennial Review, which had recently started and would be concluded in late November, there would be a discussion on international standards and other issues that could be relevant for the Sectoral Initiative on Telecom.

11. The coordinator of the Sectoral Initiative on Equipment for Explosive Environment reviewed the achievements so far. The value of the initiative was not only that it promoted a wider harmonization of regulations but also that it enlarged the scope of the work from a narrow focus on products and production processes to a wider one that would also include installation and repair, aiming at increased safety of installations. The initiative had recently participated in the Conference in Dubai (as mentioned by the secretariat in paragraph 5) and was planning a number of awareness-raising activities, including one in South America in 2013, another in the Netherlands in 2014, and one more in Kuala Lumpur at a date still to be decided. It would also be important to consider activities in the Russian Federation, North America and in Africa. The initiative also aimed at: (a) producing awareness-raising materials, including a comprehensive description of the methodology, and guidance documents for the different stakeholders; (b) developing best practice on market surveillance in market surveillance and(c) providing regulators with a global platform for discussion.

12. The vice-chair of the IECEx system and coordinator of Working Group 16 (WG.16) added that the WG.16 worked within the IRT TF 8 EU-Russia Industrialists’ Roundtable (IRT). It aimed at preparing proposals for the harmonization between the EU “ATEX”* directory and the Ex TR CU regulation of the Customs Union of Belarus, the Russian Federation and Kazakhstan on the “Safety of equipment intended for use in explosive atmospheres”.

13. WG.16 had taken into due account the UNECE CROs as the only document proposing international harmonization. Currently, the international regulatory environment was fragmented, but regulatory convergence was possible and desirable. WG. 16 was working on a tight work programme, based on a review of the key elements of the two regulatory systems, namely: legitimacy, scope, conformity assessment requirements, and issues relating to the accreditation of conformity assessment bodies and test labs. The review had resulted in a comparison table between the ATEX directive, the UNECE CROs and the Ex TR CU. At the end of the review and of the work of WG 16, detailed proposals for amendments of all three documents would be made. WG. 16 had had a meeting as part of the Conference on approximation of regulatory systems of the Russian Federation and the EU (27 April, Moscow) and would hold another meeting in Braunschweig, Germany, in June 2012 to make further progress.

IV. Recent regulatory developments

14. Participants shared information on recent developments at the international level relating to regulatory cooperation.

15. A Conference on approximation of regulatory systems of the Russian Federation and the EU had been held in April, in Moscow, also in the context of the EU-Russia Industrialists' Roundtable. The vice-chair of WP. 6, Mr. Koreshkov, had opened the Conference in his capacity as Minister of Technical Regulations of the Eurasian Economic Commission.

16. At the Conference, the Coordinators responsible for different priorities sectors under TF 8 IRT had made a report on the progress of their activities in the following areas. These were: standardization, accreditation, market surveillance, low-voltage equipment, energy efficiency, Electromagnetic compatibility (EMC), equipment for working in hazardous environments, Pressure equipment, wheeled vehicles, building, railways, machinery and equipment, and chemical products.

17. The next step of the process would be a second Conference, to be held in Kazan, Russian Federation, in October 2012, where they would share recommendations made on the basis of the work accomplished. These would be included in a White Paper that would be presented to the leadership of the Russian Federation and the EU at their summit meeting in December 2012, in Brussels.

18. A second important development was the “Legislative Order” by President Obama on “Regulatory Cooperation” (available at: http://www.whitehouse.gov/sites/default/files/omb/inforeg/eo_13609/ea13609_05012012.pdf). Participants recognized that the document signalled the growing importance of regulatory cooperation as a policy priority of the United States Administration. It gave additional mandates to both the office of international regulatory affairs of the White House (OIRA) and to individual United States government agencies to seek ways to engage in regulatory cooperation at an international level, and to avoid differences between United States and foreign technical regulations that could be harmful to business.

19. The secretariat reported that the UNECE Executive Secretary would send a letter to the administrator of OIRA welcoming the Legislative Order, presenting the WP. 6 work and inviting OIRA to formally present this order at the UNECE annual session.

20. Participants were also invited to follow up on the Presidential Order with individual US regulatory agencies, in the context of the WP. 6 activities.

V. Preparation of the 2012 session

21. Participants discussed ongoing preparations for the 2012 session and discussed the draft agenda prepared by the secretariat.

22. The secretariat presented work it had carried out to prepare a model programme including all the subjects that should ideally be covered as part of a university curriculum. The work had been done in collaboration with a group of experts from academia, and with the organizations of the DCMAS network.

23. A first draft of the model programme would be circulated to the Bureau in July, and would be included in the background documentation for the annual session.

24. The Bureau endorsed the proposed agenda of the session with minor changes. It requested that the secretariat organize as part of the session:
• A workshop on education for standards-related issues
• A high-level segment on “Regulatory cooperation”
• Discussions about the revision of:
  a) Recommendation I on “Methodological Studies and Education”
  b) Recommendation D on “Reference to standards (in particular the use of international, regional and national standards in third countries)”

VI. Webinar of the Group of Experts on Risk Management in Regulatory Systems

25. The Chair of the Group of Experts opened the webinar by welcoming the participants and by presenting the decisions made at the previous webinar. He then introduced the current agenda.

26. The secretary of WP.6 presented the main highlights of the risk-management work carried out under the auspices of Working Party 6 since 2009. She gave an overview of the recent risk management related regulatory developments in the European Union and in the United States.

27. Specifically, she mentioned the US President Barack Obama’s Executive Order 13536 “Improving Regulation and Regulatory Review”, the Löfstedt Report “Reclaiming Health and Safety for All” published in the United Kingdom, and the EU directives establishing regulatory frameworks in such fields as food safety, technical regulation and others.

28. The Chair of the Group of Experts made a presentation on the international standardization activities in the field. Specifically, he gave an update on the development of the new ISO standard on risk management – ISO 31004 “Risk Management – Guidance for the implementation of ISO 31000”. He explained to the participants the structure of the standard, the current status of the development project, and emphasized that the “Regulatory Annex” developed by the secretariat and approved by the Group of Experts was included in the working draft of the standard.

29. The coordinator of the Group presented several ideas for a new recommendation based on the results of the analysis of legislative texts of New Zealand and the EU in the field of electric appliances against the Group’s recommendation “Risk Management in Regulatory Frameworks”. He reminded participants that at its previous webinar the Group had discussed in detail the results of this analysis.

30. Namely, the Group had noticed some inconsistencies in the risk-management terminology applied by legislators both across various fields and across various countries, as well as some substantial discrepancies in the descriptions of the risk-management process as compared to the reference model (see report of webinar). Based on these results and with the objective of raising the level of consistency of application of risk-management tools within regulatory frameworks in the field of electric appliances, the Group discussed the following ideas to be included into a new recommendation. The Group discussed whether it was appropriate to recommend to the authorities responsible for drafting legislation in the field of electric appliances:
  • To recognize that description of the risk-management process as it appears in the legislative text should be structured and consistent with international risk-management standards and best practice.
  • To ensure that the risk-management terms are clearly defined in legislative texts and are consistent with the terminology used in ISO 31000:2009 International Standard.
• To structure the text of legislation according to the description of the risk-management process as it appears in the UNECE Recommendation “Managing risks in regulatory frameworks”.

The Group agreed to continue this discussion at the next webinar.

31. The Coordinator of the Group reported on the participation in the OECD Workshop on Product Risk Assessment, which had been held in Tel Aviv on 20 April 2012. He stressed that risk-assessment approaches discussed at the Workshop (a) were consistent with the general GRM framework “Managing Risks in Regulatory Frameworks” and (b) would be strengthened if applied within the framework of the Group of Experts, which means that they would be a function of the risk-management process on which a regulatory framework was based.

32. The secretary of WP.6 presented the main outcomes of the International Conference on ISO 31000, which had been held in Paris, France, in May, 2012. The Chair closed the webinar by thanking the participants and by requesting the secretariat and the coordinators of the Group of Experts to set the date for the next webinar and to prepare the agenda consistent with the strategic plan of the Group and decisions made at the webinar.

VII. Market surveillance (MARS) group: recent activities and workplan

33. The delegation of Slovakia informed participants that the tenth anniversary meeting of the MARS Group would be held in Bratislava from 12 to 14 September. Proposed topics for discussion included: regulatory developments at national and regional level in market surveillance policies and practices, traceability tools in the context of post-market surveillance, and the revision of the UNECE recommendation I on “Education for Standards-related issues”.

34. The secretariat reported that since the annual session, it had continued to expand the coverage of the database of market-surveillance authorities, with the addition of one country, Armenia. The secretariat had also tried to raise sufficient funds for conducting the awareness-raising and training activities that had been requested by countries and regional groupings following the approval of Recommendation N on “Good practices in market surveillance”.

35. A report was given on the ISO/COPOLCO Workshop on “How do consumers know what they’re getting?” where UNECE WP.6 had been represented by one of the delegates to the Group of Experts.

36. The coordinator of the General Market Surveillance Procedure (GMSP) initiative noted that since the procedure had been prepared, there had been a number of regulatory developments at the EU and international level, which required an update of the document. Also, it would be important to conduct a gap analysis comparing the GMSP against the new recommendation N. The coordinator would start undertaking these activities and report on the initial findings at the next.

VIII. Outreach: written report to the WTO, newsletter, publications

37. The secretariat had issued one newsletter, but without further inputs from the delegations, publication would be discontinued. It was agreed to discuss the issue further at the session.

38. The secretariat told participants that it had recently started providing written reports to the WTO TBT committee.