International Regulatory Cooperation

- Draft revised Recommendation L

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The idea and birth of the UNECE International Model
The meaning and content of the International Model
The proposals for amendments
The future - Follow-up actions
The idea and birth of the UNECE International Model
Standardization for the 21st Century

Tackling the new challenges

Conference in Berlin 15-17 March 1999

(more than 400 participants from over 40 countries in all regions of the world)
Global Trade

Meeting international needs

Convenor: Christer Arvius
Rapporteur: Jan Roed
Speakers: Dr. Belinda L. Collins
          Mr. Guido Gürtler
          Dr. Otto Genee
          Dr. Lawrence D. Eicher
Global Trade
Global framework model for regulation

Purpose

• To develop global regulatory models concerning global recognition of standards to be used in national regulations
• To reduce technical barriers to trade
• To ensure/safeguard the investment in standardization
Global Trade

Global framework model for regulation

Model/proposal

• Interested governments define essential requirements (e.g. safety requirements) on sectorial basis for products with significant effects on trade

• Codification of the agreed essential requirements

• Interested standardization organisations (e.g. ISO, IEC, IEEE) present list of candidates for international harmonized standards
Global Trade
Global framework model for regulation

**Model/proposal** (continued)

- The standardization organisations shall meet conditions/be approved to deliver standards
  - openness
  - transparency in operations and results
  - consensus
  - etc.
Global Trade
Conclusions

- The approach of sectorial standardization can be implemented globally

- The pilot project of ISO and 4 U.S. SDOs (ASTM, ASME, API and IEEE) shall be monitored closely and if possible followed up by a formal Dresden/Vienna-like agreement on sectorial basis
Global Trade
Conclusions

• The global framework model for regulation should be explored, starting with sectors likely to give success (EMC, ICT and electrotechnical)

• Initial discussions on essential requirements can be facilitated by TABD and further developed in UN/ECE and ultimately in WTO
Ninth session of WP.6 (17-19 May 1999):
On the basis of recommendations emanating from an international conference on standardization for the 21st century, which was held in Berlin earlier this year, the WP proposed that an advisory group be established to develop recommendations for a global framework model for regulation which would be coupled with international standards.
[a Team of Specialists on STandardization And Regulatory Techniques (“START” Team) was established in September 1999].

Tenth session of WP.6 (6-8 Nov 2000):
The WP took note of document containing the draft text of the “International Model” and a document summarizing comments on the Model and agreed that the "START" Team should continue working on drawing up principles for international regulatory cooperation and its practical applications in specific sectors.
Eleventh session of WP.6 (29-31 October 2001):

The WP agreed 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 and requested the secretariat to include the text of the “International Model” in the set of UNECE Recommendations on Standardization Policies and to publish it and to endorse the revised Terms of Reference of the START Team and called on the “START” Team to assist with sectoral initiatives based on the “International Model”, as forthcoming from interested parties and as requested.
The meaning and content of the International Model
The UN/ECE “INTERNATIONAL MODEL” (Recommendation “L”) is a regulatory cooperation model based on a “standards receptive regulatory technique”
The “International Model” is explained in a document with 22 paragraphs and three Annexes:

A. List of abbreviations used
B. Principal elements to be included in a Common Regulatory Objective (CRO), and
C. Administrative Procedures and Institutional Provisions

The “International Model” is published in the set of UN/ECE Recommendations on Standardization Policies and on the UN/ECE web site: http://www.unece.org/trade/wp6/welcome.html
Abbreviations used in the model (Annex A):

- CAB: Conformity Assessment Body
- CRO: Common Regulatory Objective
- ISB: International Standardizing Body
- RCAB: Recognised Conformity Assessment Body
- SDoC: Supplier’s Declaration of Conformity
- TR: Technical Regulation
- UN/ECE: United Nations Economic Commission for Europe
Interested countries should agree on:
Common Regulatory Objectives (CROs). Principle elements in a CRO are set out at Annex B:

- scope of products/product areas;
- legitimate regulatory objectives;
- applicable international standards;
- conformity assessment procedure/s to demonstrate compliance (when applicable, provisions on CABs recognised to assess and attest compliance);
- market surveillance;
- protection clause to withdraw non compliant products etc.
UNECE International Model

Common Regulatory Objectives

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Applicable (international) standards

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National legislations

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National standards

Increased international market access

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Elements to be included in international technical harmonization in specific sectors or product areas:

- Assurance of Conformity
  - Determination of Conformity
  - Relevant International Standards
  - Common Regulatory Objective (CRO)
  - SDoC
  - Recogn. CABs
  - Claim of Conformity
  - Free circulation of compliant products
  - Market surveillance to detect non-compliant products
Advantageous with the use of the model:

→ sectoral arrangements are open for all interested UN Member States;

→ defines regulatory convergence which include the necessary health and safety conditions, applicable international standards and means of proofs of conformity for the sectors/product areas concerned and provide for open market access (“free circulation”);

→ arrangements can be developed between interested countries/within regions on sectoral levels in an open and transparent manner. The number of countries in such arrangements can gradually be enlarged (a flexible “step-by-step” approach);

→ simplify linking of sectoral/regional arrangements between countries using similar regulatory techniques;
UNECE International Model provide tools for

**Sectoral initiatives for regulatory convergence:**

- Telecom
- Earth Moving Machinery
- Equipment for Explosive Environments
- Other

[ Industry specifies their needs, Regulatory Authorities to be aware of the industry needs and willing and able to enter into a regulatory convergence dialogue ]

**Regulatory techniques for regional integration:**

- Harmonization of technical regulations in Eurasian Economic Union
- South-East Europe
- COMESA, SADC and other regions
Agreements in Caricom

Agreements in Mercosur

Agreements in COMESA

Agreements in SADC

Further Agreements in EU

Eurasian Economic Union

Agreements in Asian regions

Agreements in Euromediterranean region
UNECE International Model

The “Telecom initiative” has elaborated CROs (incl. applicable international standards) for a number of product categories [GSM, IMT-2000, Wireless LAN, Bluetooth, PC, Public Switched Telecommunications Network (PSTN) Modem]

Coordinator: Sweden

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UNECE/WP.6 – “Telecom initiative”

- **GSM**: most common mobile telephone
- **IMT-2000**: next generation of mobile Telecom
- **Bluetooth**: home & business radio link (replace cable)
- **WLAN**: business & home radio Telecom networking
- **PSTN/POTS**: most common telephone/modem
- **Personal Computer**: most common/clever human tool
- **Computer Peripherals**: most used PC connected devices
UNECE/WP.6 – “Telecom initiative”

Common Regulatory Objectives [CRO] specific part, examples:

➢ **Bluetooth equipment**

  **Safety:** IEC 60950

  **Electromagnetic Fields:** ICNIRP, IEEE C95.1,

  **Compliance Assessment:** CENELEC 50360/50361/50385/50383/50371;
  FCC OET Bulletin 65

  **EMC:** ETSI 301 489-1/-17,
  FCC Part 15.207/Part 15.209

  **Effective use of radio spectrum:** ETSI 300 328-1,
  FCC Part 15:247/Part 15:205,
  ARIB STD-T66
PC equipment

Safety: IEC 60950

FCC Part 15.109 Class B,
IEC 61000-3-2:1995+Amend
IEC 61000-3-3:1995
The “Earth Moving Machinery initiative” has elaborated CROs (including applicable international standards). EMMs include machines for excavating, loading, transporting, spreading and compacting earth and other materials.
Sector Initiative on Equipment for Explosive Environments (SIEEEE) has elaborated CROs (including applicable standards and guidelines)
A Sectoral Initiative
on Pipeline Safety
is on its way....
The proposals for amendments
To recall:
There are certain limitations for the use of the same (international) standards if technical regulations are too different in various countries...

Wording in WTO/TBT Agreement Article 2.4 on the use of international standards (“...except when such international standards....would be ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued…”)

Hence, the use of identical (international) standards in different countries/regions is made difficult if there exist different requirements in technical regulations between countries/within regions

See e.g. The OECD study “The use of international standards in technical regulation”, July 2010 – a pilot study of three sectors (household appliances, natural gas, telephony) in five countries (Canada, EU, Korea, Mexico and the US), July 2010.

(“...there is no point in encouraging a country to use international standards as a basis of regulation of a given issue if that country does not regulate that issue in the first place...”)

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...this is why there need to be a certain degree of coherence in the relevant requirements in technical regulations for a sector/regulatory area to make it possible for the countries concerned to use the same (international) standards

and also

in order to achieve a coherent interlinkage of technical regulations - standards between countries or within regions as advocated by the UNECE International Model
The proposals for amendments:

→ **New name:** "International Model for Transnational Regulatory Cooperation Based on Good Regulatory Practice"

→ **Recommendation:** That regulators use the process outlined in Annex A to develop cooperation based on good regulatory practice in regulatory fields and accompanying trade and industry sectors.

→ **Recommendation:** That countries wishing to go further and establish special operational transnational sectoral arrangements use the process outlined in Annex B.

→ **Regulators:** define Common Regulatory Arrangement (CRA) documents in regulatory fields/industrial sectors.

→ **Countries:** Can go further and establish special operational transnational sectoral arrangements.
The future - Follow-up actions
UNECE-WP.6 should encourage:

Private sector/stakeholders to:

→ identify **existing unnecessary/costly/trade hampering regulatory differences**; or **future priorities for regulatory alignment**;

→ indicate need for **transnational regulatory cooperation** (through existing or new bilateral/regional initiatives);

Regulators to:

→ Be willing and able to enter into regulatory cooperation dialogue(s) following from **existing differences** or their interest to facilitate **future alignment** according to the principles of the “International Model”;

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Thank you very much for your attention!