



# **WTO/TBT Workshop on Regulatory cooperation 8 – 9 November 2011, Geneva**

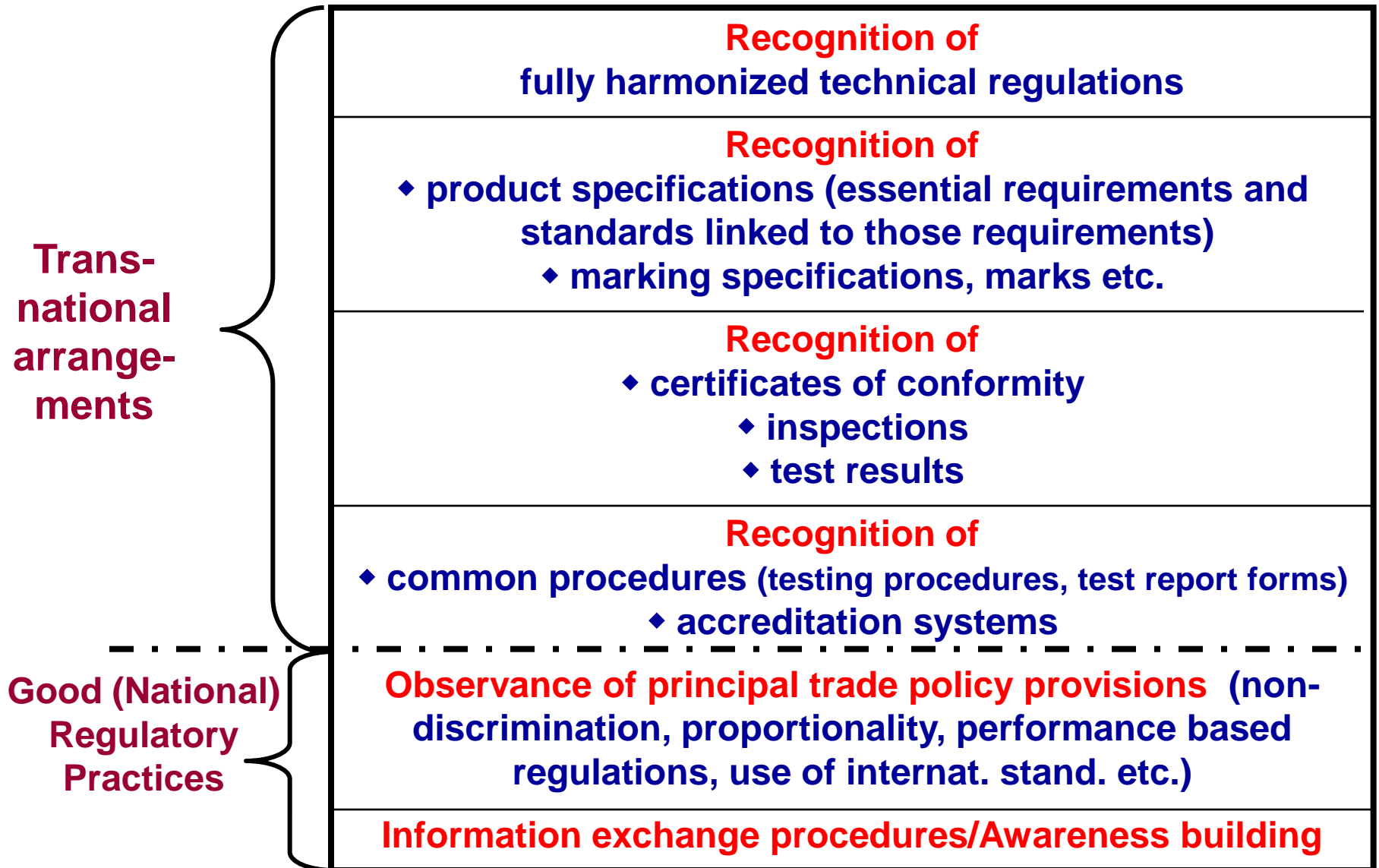
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**“A common regulatory language for trade and development  
– the case of the International Model for Technical Harmonization”**

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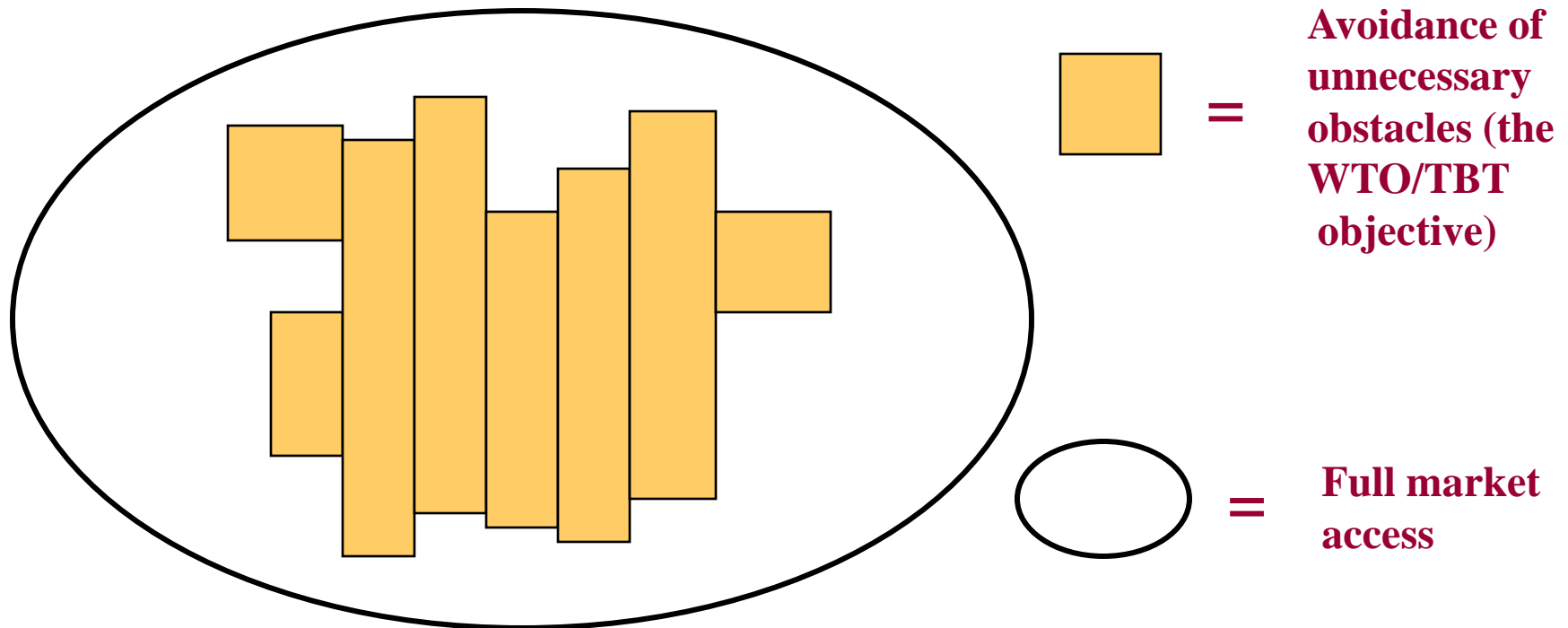
***Christer Arvíus***  
***Swedish National Board of Trade***  
***Chairman UNECE-WP.6***

# Different degrees of regulatory co-operation



# Avoidance of unnecessary TBTs vs. Facilitation of market access

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# International Standards in the WTO TBT Agreement

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## Art 2.4 states

**“Where technical regulations are required and relevant international standards exist .... Members shall use them .... as a basis for their technical regulations except when such international standards....would be ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued...”**

# **Advantageous of applying a regulatory technique which make use of standards – for cooperation with other countries**

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**At the 1st WTO/TBT Triennial Review, the TBT Committee reiterated that good regulatory practice for the preparation, adoption and application of technical regulations was a priority for Members to facilitate trade.**

**The Committee agreed at the 2nd Triennial Review to continue ~~an information exchange~~ in this regard while noting that minimizing the use of mandatory technical regulations and using voluntary international standards, where appropriate, could reduce the regulatory burden and open up market access opportunities.**

**There are certain limitations for the use of the same (international) standards if technical regulations are too different in various countries...**

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

**Hence, the use of identical standards in different countries/regions is made difficult if there exist different regulatory objectives in countries/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...”)**

**(cont.)**

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



**... and this is one rationale for the “standards receptive regulatory techniques” developed in the UNECE (the “International Model”)**

**(cont.)**

**The use of international standards by way of making them mandatory as national technical regulations in countries could be questionable**

**[this would most likely be seen as “overregulation”]**

**When an international standard is used in a technical regulation it should be clearly identified which aspects of the standard that are supporting the objectives of the regulation**

**[See e.g. UNECE Recommendation D, “Reference to Standards”, paragraph D.3.5]**

**[See e.g. ISO and IEC principles for developing standards related to or supporting Public Policy Initiatives, paragraph 2.b]**

**The UN/ECE  
“INTERNATIONAL MODEL FOR  
TECHNICAL HARMONISATION”  
(Recommendation “L”)**



**is a regulatory cooperation model  
based on a  
“standards receptive regulatory technique”**



***UN/ECE***  
***Working Party on Regulatory Cooperation  
and Standardization Policies (WP.6)***

<http://www.unece.org/trade/wp6/welcome.html>

# UNECE International Model for technical harmonisation

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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>*

# UNECE International Model for technical harmonisation

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## Abbreviations used in the model (Annex A):

<b><i>CAB</i></b>	<b><i>Conformity Assessment Body;</i></b>
<b><i>CRO</i></b>	<b><i>Common Regulatory Objective;</i></b>
<b><i>ISB</i></b>	<b><i>International Standardizing Body;</i></b>
<b><i>RCAB</i></b>	<b><i>Recognised Conformity Assessment Body;</i></b>
<b><i>SDoC</i></b>	<b><i>Supplier's Declaration of Conformity;</i></b>
<b><i>TR</i></b>	<b><i>Technical Regulation;</i></b>
<b><i>UN/ECE</i></b>	<b><i>United Nations Economic Commission for Europe</i></b>

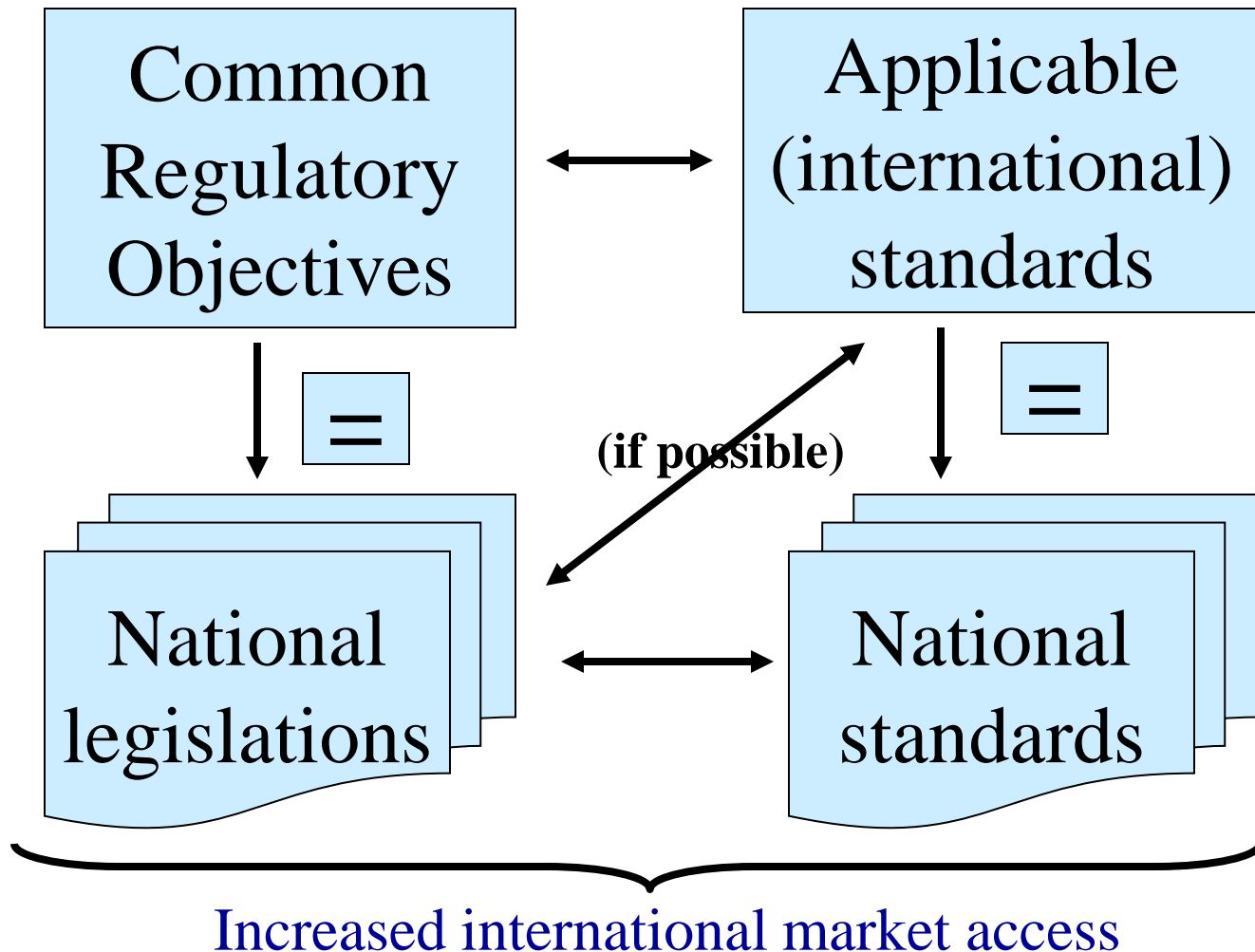
# UNECE International Model for technical harmonisation

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**Interested countries should agree on Common Regulatory Objectives (CROs). Principle elements in a CRO are (Annex B):**

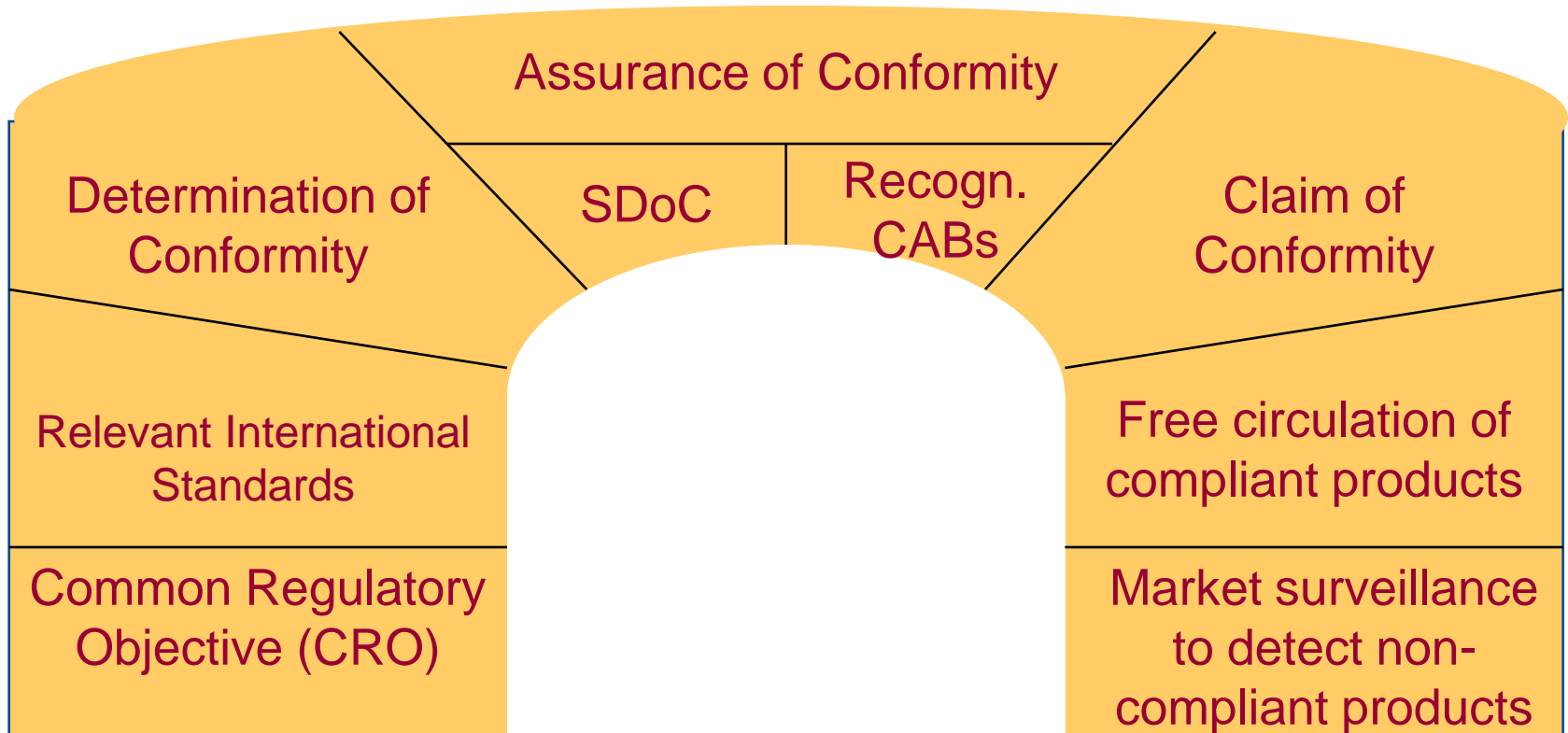
- *scope of products/product areas;*
- *legitimate regulatory objectives;*
- *applicable international standards;*
- *conformity assessment procedure/s to demonstrate compliance (when applicable, provisions on CABs recognised to assess and attest compliance);*
- *market surveillance;*
- *protection clause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

# UNECE International Model for technical harmonisation



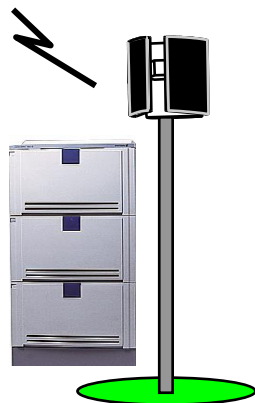
# UNECE International Model for technical harmonization - Summary

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



# 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**



# UNECE International Model

Coordinator :  
USA

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.



# UNECE International Model

**Coordinator :  
Germany**

Sector Initiative on Equipment for Explosive Environments (SIEEE)  
has elaborated CROs (including applicable standards and  
guidelines)





**Coordinator :  
Russia**

**A Sectoral Initiative  
on Pipeline Safety  
is on its way....**

# UN/ECE International Model for technical harmonisation

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## 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;

# UN/ECE International Model for technical harmonisation - provide tools for

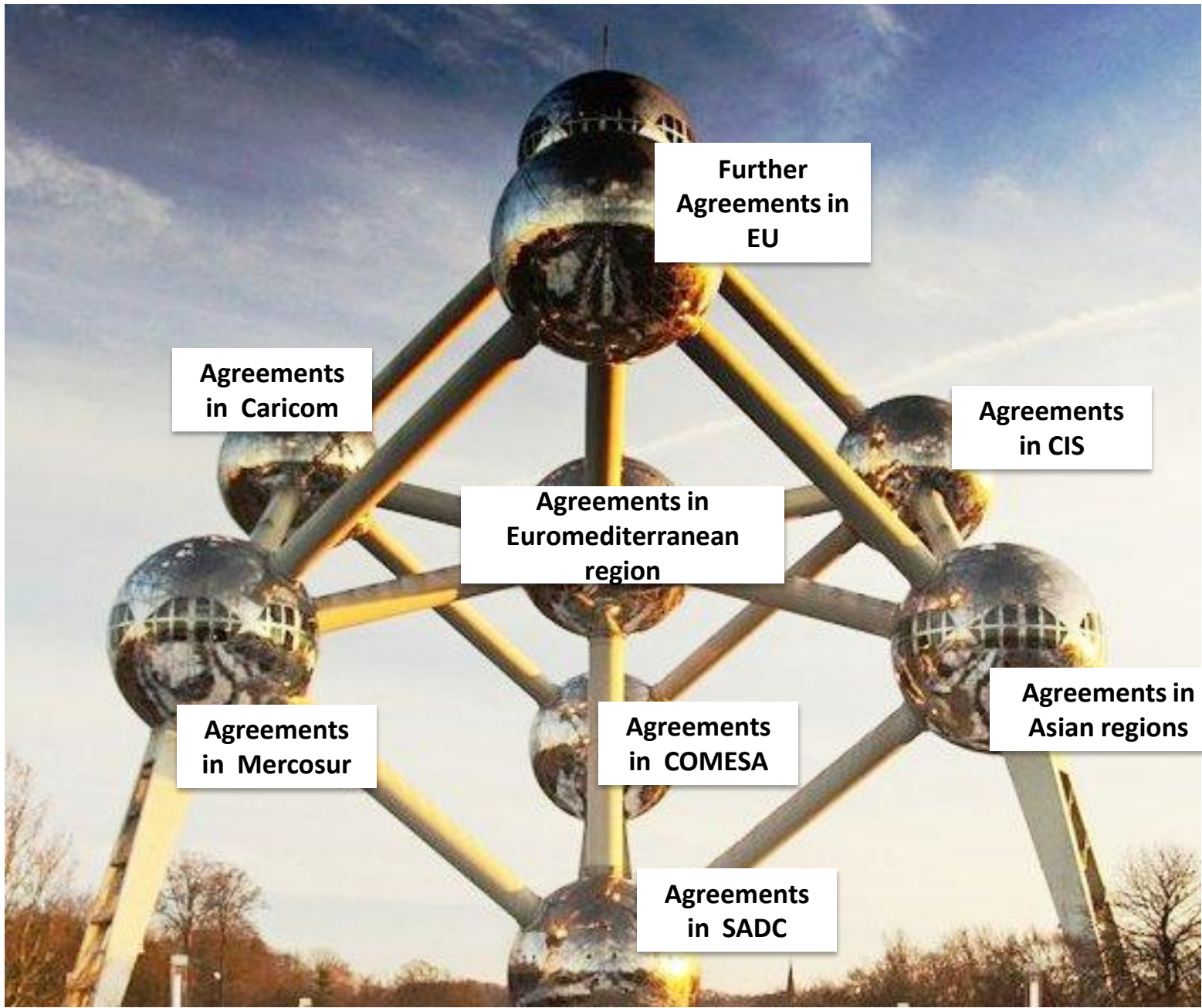
## Sectoral initiatives for regulatory convergence:

- 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:

- Agreements in CIS for harmonization of technical regulations
- South-East Europe
- COMESA, SADC and other regions



**Further  
Agreements in  
EU**

**Agreements  
in Caricom**

**Agreements  
in CIS**

**Agreements in  
Euromediterranean  
region**

**Agreements  
in Mercosur**

**Agreements  
in COMESA**

**Agreements in  
Asian regions**

**Agreements  
in SADC**



**Thank you very much for your attention !**