



Economic Commission for Europe

Steering Committee on Trade Capacity and Standards

**Working Party on Regulatory Cooperation
and Standardization Policies (WP.6)****Thirty-third session**

Geneva, 23–24 November 2023

**Report of Working Party on Regulation Cooperation and
Standardization Policies on its thirty-third session****I. Introduction**

1. The Working Party on Regulatory Cooperation and Standardization Policies (WP.6) held its thirty-third session on 23 and 24 November 2023 at the Palais des Nations in Geneva. A virtual link to the meeting was made available to allow some participants to listen in to the session.
2. Experts from the following United Nations Economic Commission for Europe (ECE) member States attended in person: Albania, Belgium, Bosnia and Herzegovina, Canada, Georgia, Germany, Israel, Kazakhstan, North Macedonia, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Türkiye, United Kingdom of Great Britain and Northern Ireland (UK) and United States of America (USA). Representatives of the European Union (EU) were also present. Experts from the following non-ECE member States attended in person: Brazil, Nigeria and Oman.
3. Representatives of the following ECE organizational units participated in person: the Economic Cooperation subprogramme and the ECE Sustainable Energy subprogramme. The following inter- and non-governmental organizations participated in person: Bureau International des Poids et Mesures (BIPM), International Electrotechnical Commission (IEC), International Organization of Legal Metrology (OIML), International Trade Centre (ITC), World Federation of United Nations Associations (WFUNA) and the World Trade Organization (WTO).
4. Observers were also present at the invitation of the secretariat including representatives of private sector companies, associations, academia and civil society organizations. A total of 70 experts further registered to listen in to the session through the United Nations website connection.
5. The Acting Chief of the Market Access Section opened the meeting, thanking the Bureau, the experts and the secretariat for the work leading up to this session and the delegates for joining this meeting. He reminded the current economic context of higher inflation and slow growth rates, which highlights the importance of strengthening international cooperation in trade policy. He reminded the linkages of the work of WP.6 with the Sustainable Development Goals (SDG).



6. The Chair of WP.6 welcomed the delegates to the 33rd annual session. She reminded delegates of the importance of quality infrastructure and the topics which are developed within WP.6. She underlined that WP.6 will have an important role to play in the coming years, bringing a unique perspective to the role regulation will play in digitalization. She expressed her appreciation for the pioneering work on gender-responsive standards, risk management, market surveillance and education on standardization. She expects WP.6 will be a major platform for discussion on regulatory cooperation, quality infrastructure and related technical assistance. She also thanked the secretariat and WP.6 leadership for their valuable contributions.

II. Adoption of the agenda (agenda item 1)

7. The secretariat informed the annual session of one minor change in the draft agenda ECE/CTCS/WP.6/2023/1.

8. **The Working Party adopted the Provisional agenda of its thirty-third session without modification contained in document ECE/CTCS/WP.6/2023/1. (Decision 1)**

III. Election of officers (agenda item 2)

9. The secretariat reminded the process for this election. The opening of candidatures was circulated to member States on 15 September with a deadline of 9 October for nominations. The nominations were published to the event webpage and a note to announce this was circulated to member States on 20 October. Each candidate was presented by their delegation and then provided a few words.

10. **The Annual Session, in accordance with the Commission's rules of procedures, elected Ms. Heidi Lund (Sweden) as Chairperson, Ms. Gabrielle White (Canada) as Vice-Chairperson, Mr. Davit Tkemaladze (Georgia) as Vice-Chairperson, Mr. Marco Pangallo (Israel) as Vice-Chairperson and Mr. Anthony Quinn (United States of America) as Vice-Chairperson for the period of 2023 to 2025. (Decision 2)**

IV. Matters arising (agenda item 3)

11. The Acting Chief of the Market Access Section underlined the most significant recent developments regarding activities by the parent bodies of WP.6, the Steering Committee on Trade Capacity and Standards (SCTCS) and the ECE Commission. The eighth session of the SCTCS was held on 26 and 27 June 2023 during which the revised terms of reference for WP.6 (ECE/CTCS/WP.6/2022/11), the WP.6 programme of work for 2023 (ECE/CTCS/WP.6/2022/12), the revision of *Recommendation T on Standards and Regulations for Sustainable Development* (ECE/CTCS/WP.6/2022/6)¹ and the *Guidelines on Developing Gender-Responsive Standards* (ECE/CTCS/WP.6/2022/9)² were reviewed and endorsed. He provided an overview of the recent evaluation performed by the United Nations Office of Internal Oversight Services (OIOS) of the Economic Cooperation and Trade Division (ECTD),³ This report underlined that the ECTD normative work is largely effective and that gender-responsive standards was the most frequently mentioned deliverable on gender integration. It also found that despite the sustainability of ECTD workstreams, resources were spread thin. The evaluation's recommendations included that ECTD should establish a technical cooperation request tracking mechanism, develop divisional action plans to operationalize ECE strategies on resource mobilization and partnerships, and to ensure integration of gender environment, disability inclusion, and human rights considerations in its workstreams. He also referred to the ECE 70th Commission theme on "digital and green transformations for sustainable development in the ECE region" and underlined that the work

¹ See: https://unece.org/sites/default/files/2022-09/ECE_CTCS_WP6_2022_06_E.pdf

² See: <https://unece.org/info/Trade/WP.6/pub/374695>

³ See: <https://undocs.org/en/E/AC.51/2023/5>

of WP.6 on artificial intelligence (AI) helps support this theme. He announced that the next SCTCS meeting will be from 26 to 28 June 2024.

12. The Chair of WP.6 presented the report from the Bureau (ECE/CTCS/WP.6/2023/INF.1). She outlined ongoing efforts to further clarify processes within WP.6. She noted the efforts undertaken this past year to streamline and reinforce the work of WP.6 in support of quality infrastructure. She noted that during this period, there were seven webinars, two Bureau meetings, five meetings of the Group of Experts on Risk Management in Regulatory Systems (GRM), six meetings of the Team of Specialists on Gender-Responsive Standards (ToS-GRS), one meeting of the Advisory Group on Market Surveillance (MARS) and two meetings of the Ad-Hoc Team of Specialists on Standardization and Regulatory Techniques (START). She underlined that the gender balance of meetings and webinars was generally balanced at a 50–50 women and men ratio.

13. **The Working Party took note of the Report from the Bureau contained in document ECE/CTCS/WP.6/2023/INF.1 and the report from the secretariat. It requested the Bureau and the secretariat to continue to report on an annual basis on such activities. (Decision 3)**

14. **The Working Party took note of the Office of Internal Oversight Services evaluation’s conclusions in document E/AC.51/2023/5 and welcomed the evaluations recommendations, notably on establishing a technical cooperation request tracking mechanism; develop divisional action plans to operationalize ECE strategies on resource mobilization and partnerships; and on the need to ensure integration of gender environment, disability inclusion, and human rights considerations in its workstreams. (Decision 4)**

V. Advisory Group on Market Surveillance (agenda item 4)

15. The Chair of MARS reported on the twenty-first annual meeting of MARS which took place during the second WP.6 Forum on 26 May 2023 as contained in the group’s report (ECE/CTCS/WP.6/2023/3). Mr. Jan Deconinck (Belgium) was appointed Chair; Mr. Ivan Hendrikx (Belgium) and Ms. Lucy Salt (New Zealand) were appointed Vice-Chair. As per the WP.6 Programme of work (ECE/CTCS/WP.6/2022/12, paragraph 12c), the annual meeting of MARS hosted a webinar on sharing best practices in market surveillance⁴ with examples from the Belgium Directorate-General on Quality and Safety, the Estonian Consumer Protection and Technical Regulation Authority (CPTRA), the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) Market Surveillance Division and the Swedish Board for Accreditation and Conformity Assessment (SWEDAC).

16. The MARS also held a webinar on 21 February 2023 on “Market surveillance role in combatting counterfeit products” (ECE/CTCS/WP.6/2023/4)⁵, in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2022/12, paragraph 12a). This event provided input from the WTO Legal Affairs Officer and the WTO Counsellor to its Trade and Environment Division, as well as country experiences from Denmark, Serbia and the UK. This event concluded that *Recommendation M on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users Against Counterfeit Goods*⁶ is relevant today and that an update of this recommendation with updated references and more assertive and action-oriented language would be beneficial.

17. In the coming period, the MARS plans to finalize the revision of *Recommendation M* with guidelines for its implementation; this work should be completed in the first quarter of 2024. The MARS then plans to launch the revision of *Recommendation N on Good Market*

⁴ See: <https://unece.org/info/Trade/WP.6-Meetings/events/375804>

⁵ See: <https://unece.org/info/Trade/WP.6-Meetings/events/373523>

⁶ See 2007 version:

https://unece.org/DAM/trade/wp6/Recommendations/Recommendation_M_en.pdf

*Surveillance Policies and Practices*⁷ and develop a corresponding guideline, in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2023/14, paragraphs 12a and 12b).

18. **The Working Party adopted the Report of activities under the Advisory Group on Market Surveillance 2022–2023 contained in document ECE/CTCS/WP.6/2023/3. It encouraged member States to utilize the network of market surveillance agencies within MARS to exchange on best practices and identify emerging trends to contribute to reducing technical barriers to trade. It requested MARS to continue to report on an annual basis on its activities. (Decision 5)**

19. **The Working Party endorsed the Report of the 21 February 2023 webinar on “Market surveillance role in combatting counterfeit products” contained in document ECE/CTCS/WP.6/2023/4. It encouraged governments to engage in dialogue with their market surveillance agencies in their jurisdiction to actively participate in the revision of *Recommendation M on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users against Counterfeit Goods*. The Working Party also emphasized the critical importance of extra-budgetary funding for supporting capacity activities on this topic. It called on donors and development partners to consider providing additional funding for undertaking follow-up work. (Decision 6)**

20. The MARS also completed the *Revision of Recommendation K on Metrological Assurance of Conformity Assessment and Testing* (ECE/CTCS/WP.6/2023/5), in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2022/12, paragraph 10c). This recommendation was first published in 1988 and then revised in 2008. This third revised version includes a guideline and establishes the basis of metrological assurance of conformity assessment and testing and its optimum use in international exchanges. It further provides guidance for economies that have not yet implemented a robust national metrology system.

21. **The Working Party adopted the revision of *Recommendation K on Metrological Assurance of Conformity Assessment and Testing* contained in document ECE/CTCS/WP.6/2023/5. (Decision 7)**

VI. Group of Experts on Risk Management in Regulatory Systems (agenda item 5)

22. The Chair of GRM reported on the thirteenth meeting of GRM which took place during the second WP.6 Forum on 25 May 2023 as contained in the group’s report (ECE/CTCS/WP.6/2023/6). Ms. Alexia Davison (UK) was appointed Chair; Mr. Valentin Nikonov (Israel) and Mr. Donald Macrae (UK) were appointed Vice-Chair. As per the WP.6 Programme of work (ECE/CTCS/WP.6/2022/12, paragraph 14d), the annual meeting of GRM hosted a webinar on sharing best practices in risk management in regulatory systems⁸ with examples from the European Commission Directorate General of Taxation and Customs Union (DG TAXUD), the Customs Authority of Georgia, the Hellenic Ministry of Development, the National Customs Agency of Mexico, WorkSafe New Zealand, the Nigerian Customs Services and the North American Plant Protection Organization (NAPPO).

23. In the coming period, the GRM plans to finalize its project on “Integrated risk management in single window systems”, research a potential new project on risk management tools to be applied within the context of SDG 14 on “life below water” as well as the risk management tools that could contribute to the regulatory approval of products with AI and other digital technologies, in line with WP.6 Programme of work (ECE/CTCS/WP.6/2023/14 paragraphs 6, 7, 14c and 14d).

24. The delegation of the UK congratulated the GRM Bureau and experts for the work.

25. **The Working Party adopted the Report of activities under the Group of Experts on Risk Management in Regulatory Systems 2022–2023 contained in document ECE/CTCS/WP.6/2023/6. It requested the Economic Commission for Europe (ECE)**

⁷ See: https://unece.org/DAM/trade/wp6/Recommendations/Recommendation_N_en.pdf

⁸ See: <https://unece.org/info/Trade/WP.6-Meetings/events/375802>

secretariat and the Group of Experts to continue to report on an annual basis on these activities. The Working Party also emphasized the critical importance of extra-budgetary funding to support capacity-building in this area. It called on donors and development partners to consider providing additional funding for undertaking follow-up work on this topic. (Decision 8)

VII. Ad Hoc Team of Specialists on Standardization and Regulatory Techniques (agenda item 6)

26. The Secretary of WP.6 presented on behalf of the Chair of START on the twenty-third annual meeting of START which took place during the second WP.6 Forum on 23 May and continued on 12 July 2023 as contained in the group's report (ECE/CTCS/WP.6/2023/7). Mr. Ronald Tse (Canada) was appointed Chair. START supports *Recommendation L on International Model for Transnational Regulatory Cooperation Based on Good Regulatory Practice*⁹ through initiatives on key topics for regulatory cooperation. The sectoral initiatives on earth-moving machinery and on telecom were judged to have delivered their purpose and that further coordination at this time is not necessary. The sectoral initiative on equipment for explosive environments and the sectoral initiative on pipeline safety underlined the high relevance of these areas in terms of security of the environment and people.

27. In the coming period, the team plans to launch a new project on hydrogen traded via trunk pipeline, developing a relevant common regulatory arrangement (CRA) on this topic. The CRA on cybersecurity will also be considered for further development after a relevant leader for this work is identified. The *Recommendation L* annexes will be reviewed in view of creating CRAs for systems, processes and services (the current annexes are adapted for products). These plans are in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2023/14, paragraphs 10a, 10b and 10c).

28. The Working Party adopted the Report on activities under the Ad Hoc Team of Specialists on Standardization and Regulatory Techniques 2022–2023 contained in document ECE/CTCS/WP.6/2023/7. It requested the secretariat and the Ad Hoc Team of Specialists to research on how best to promote the existing common regulatory arrangements and to continue to report on an annual basis on the activities under the START. (Decision 9)

29. The Initiative on Education on Standardization held a webinar on 1 March 2023 and a meeting during the second WP.6 Forum on 26 May as contained in the related report (ECE/CTCS/WP.6/2023/8). The former coordinator of this group stepped down and Mr. Vladimír Hiadlovský (Slovakia) has taken over these responsibilities. During this period, the LearnQI platform¹⁰ was launched with modules on market surveillance, conformity assessment, risk management and gender-responsive standards, in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2022/12, paragraph 18c). The webinar featured sharing best practices on education on standardization¹¹ with examples from the College of Economics and Management from the Jiliang University of China, Linguaphone in France, the University of Belgrade of Serbia and the Office of Standards, Metrology and Testing (SOSMT) of Slovakia.

30. The expert from Spain noted that the EU has recently launched a standardization strategy with education on standards as one of the main goals. Its implementation involves holding meetings on how to approach standards in universities for young professionals and create new experts.

31. The Working Party adopted the Report of activities of the Education on Standardization Initiative 2022–2023 contained in document ECE/CTCS/WP.6/2023/8. It requested the initiative to continue to report on an annual basis on these activities. (Decision 10)

⁹ See: https://unece.org/DAM/trade/wp6/Recommendations/Recommendation_L_en.pdf

¹⁰ See: <https://learnqi.unece.org/>

¹¹ See: <https://unece.org/info/Trade/WP.6-Meetings/events/375094>

VIII. Team of Specialists on Gender-Responsive Standards (agenda item 7)

32. The Chair of ToS-GRS thanked the secretary for implementing the recommendations of the *Guidelines on Developing Gender-Responsive Standards*, notably explaining the principle of gender inclusive meetings at the start of the meeting. She then reported on its first annual meeting which took place during the second WP.6 Forum on 24 May 2023 as contained in the team's report (ECE/CTCS/WP.6/2023/10). Ms. Michelle Parkouda (Canada) was appointed Chair; Ms. Lucy Salt (New Zealand) and Ms. Stephanie Eynon (UK) were appointed Vice-Chair. As per the WP.6 Programme of work (ECE/CTCS/WP.6 2022/12, paragraph 16e), the annual meeting of ToS-GRS hosted a webinar on sharing best practices in implementing gender action plans¹² with examples from ASTM International, Austrian Standards International, the Comisión Panamericana de Normas Técnicas (COPANT), the European Committee for Standardization / European Committee for Electrotechnical Standardization (CEN/CENELEC), the Rwanda Standards Board and the Standards and Metrology Institute for Islamic Countries (SMIIC). The ToS-GRS Chair announced there were 86 signatories to the *Declaration on Gender-Responsive Standards and Standards Development* to date.¹³

33. In the coming period, the team plans to enhance work on developing a model best practice for gender action plans for standards development bodies. It also plans to put a focus on promotional material, especially catered to different types of audiences. It further plans to explore areas where it could provide guidance. These plans are in line with the WP.6 Programme of work (ECE/CTCS/WP.6/2023/14, paragraph 16). The ToS-GRS Chair stressed the importance of capacity building for the development and implementation of gender action plans.

34. The Working Party adopted the Report of activities of the Team of Specialists on Gender-Responsive Standards 2022–2023 contained in document ECE/CTCS/WP.6/2023/10. It encouraged member States to engage in dialogue with standards development bodies in their jurisdiction to become signatories of the ECE Declaration for Gender-Responsive Standards and Standards Development and to also consider submitting examples of any standards-related gender action plans using the GRS template for this. It further encouraged member States to consider financing follow-up work, particularly capacity-building for gender action plans. It also requested the Team of Specialists secretariat to continue its awareness-raising efforts and to report on activities at the next session. (Decision 11)

35. Capturing gender segregated data is one of the key elements of moving towards gender inclusiveness; it is not possible to count what has not been captured. The ToS-GRS has developed a document which establishes clear definitions of what information could potentially be captured and provides guidance on how and why such data collection is done. (ECE/CTCS/WP.6/2023/11).

36. The Working Party adopted the paper on Gender and salutation code list contained in document ECE/CTCS/WP.6/2023/11 and encouraged the secretariat to disseminate this work to relevant standards development organization and to work with the United Nations Centre for Trade Facilitation and Electronic Business in order to propose this content within electronic data exchange. (Decision 12)

37. The ToS-GRS Chair expressed her appreciation for the publication prepared by the secretariat *Why Gender-Responsive Standards are Better for Everyone* and looks further to similar documents in the future.

38. The Working Party took note with appreciation of the publication *Why Gender-Responsive Standards are Better for Everyone* contained in document ECE/TRADE/474. (Decision 13)

¹² See: <https://unece.org/info/Trade/WP.6-Meetings/events/375801>

¹³ See: <https://unece.org/trade/wp6/Gender-Resp%20-Stds-declaration>

IX. Report on capacity-building (agenda item 8a)

39. From July 2019 to August 2022, the ECE secretariat carried out a project entitled “Enhancing Usage and Uptake of Standards for Sustainable Development, Gender Equality and the Empowerment of Women and Girls”, thanks to the financial support provided through the Physikalisch-Technische Bundesanstalt (PTB). The progress report and final deliverables were presented to the thirty-second session in document ECE/CTCS/WP.6/2022/10. This project was evaluated by an external consultant; the highlights of her recommendations are presented in document ECE/CTCS/WP.6/2023/INF.3.

40. **The Working Party took note of the highlights of the evaluation of the standards for sustainable development goals project, phase II in document ECE/CTCS/WP.6/2023/INF.3 and thanked the Government of Germany and Physikalisch-Technische Bundesanstalt (PTB) for their generous financial contribution. (Decision 14)**

41. The secretariat outlined its plans for the continuation of this project in the coming months, to mainstream gender throughout the quality infrastructure chain and to help develop, build buy-in for and roll out gender action plans for standards development bodies.

X. Working Party Terms of Reference (agenda item 8b)

42. Following up on the revised terms of reference of WP.6 adopted at the thirty-second session (ECE/CTCS/WP.6/2022/11) and the request from the SCTCS to develop a draft working procedure (SCTCS 2023 decision 2023-06), WP.6 has summarized its working practices in document ECE/CTCS/WP.6/2023/12. This summary provides transparency and clarity on meetings, membership, officers, and project development. It is accompanied by the working practices on representation and the use of titles in document ECE/CTCS/WP.6/2023/13.

43. **The Working Party took note of the Summary of working practices for the Working Party on Regulatory Cooperation and Standardization Policies contained in document ECE/CTCS/WP.6/2023/12 and the Summary of practices for representation of and the use of titles within the Working Party on Regulatory Cooperation Standardization Policies contained in document ECE/CTCS/WP.6/2023/13. (Decision 15)**

XI. Programme of work for 2024 (agenda item 8c)

44. The Working Party develops an annual programme of work which covers the activities for the coming period. The proposed programme of work for 2024 in document ECE/CTCS/WP.6/2023/14 reflects the planned work of each of the subgroups and provides a few words on the pertinence of each of these areas of work to the overall objective of WP.6. The Chair underlined that this programme of work integrates elements of the sustainable development goals, circular economy and digitalization, which all support the transversal themes within the United Nations that working parties should take into consideration. The programme of work further requests the extension of the mandates of WP.6 subgroups for a further two-year period.

45. **The Working Party adopted the Programme of work of the Working Party on Regulatory Cooperation and Standardization Policies for 2024 contained in document ECE/CTCS/WP.6/2023/14. (Decision 16)**

46. **The Working Party recommended the extension of the mandates of WP.6 subgroups contained in the annexes of document ECE/CTCS/WP.6/2023/14 for further two year periods: the Advisory Group on Market Surveillance (MARS) in annex III, the Ad Hoc Team of Specialists on Standardization and Regulatory Techniques (START) in annex IV, the Group of Experts on Risk Management in Regulatory Systems (GRM) in annex V and the Team of Specialists on Gender-Responsive Standards (ToS-GRS) in annex VI. It requested the secretariat to seek, as appropriate,**

the approval of the Steering Committee on Trade Capacity and Standards and of the United Nations Economic Commission for Europe Executive Committee. (Decision 17)

XII. Activities of other United Nations Economic Commission for Europe bodies and other international organizations of interest to WP.6 (Agenda Item 8d)

47. The Secretary of the ECE Committee on Innovation, Competitiveness and Public-Private Partnerships (CICPPP) outlined that regulations and standards can spur innovation when making unsustainable activities less economically viable, creating incentives for investing in research and development. They can also be an obstacle to innovation when regulations or standards prescribe not only what should be achieved but also how it should be achieved; the non-harmonization of regulations or standards across countries can be an obstacle to innovation as some markets may be too small to scale an innovation efficiently. He underlined that we will be looking forward to synergies between the work of WP.6 and CICPPP.

48. The Secretary of the ECE Task Force on Hydrogen of the SED underlined that hydrogen, a versatile energy carrier, holds the key to decarbonizing economies and fostering sustainable growth in the ECE region, especially in hard-to-abate industries. Despite its potential, the shift to a hydrogen-based economy progresses slowly. To accelerate the progress, the crucial first step is the establishment of an internationally agreed-upon classification system that is clear, scientifically rigorous, and easy to implement. As the ECE Committee on Sustainable Energy found, the currently used informal colour-based classification (i.e., green, blue, yellow) lacks practical value in international trade, as it fails to comprehensively address the entire carbon footprint across the value chain. A new approach is needed. The most important aspect of any new classification system is the greenhouse gas emissions associated with production and use of a unit of quantity of hydrogen. To assess the sustainability of hydrogen projects, the United Nations Framework Classification and the United Nations Resource Management System could be used. The WP.6 Secretary reminded that the START intends to soon launch a project to create a common regulatory arrangement on trunk pipeline safety for the transport of hydrogen and that we will be looking to ensure harmonization and coherence of this work with the Committee on Sustainable Energy.

49. The Head of the Standards and Trade Development Facility (STDF) of the WTO focused on their ongoing work to mainstream gender equality into its sanitary and phytosanitary (SPS) projects and knowledge work and promote gender mainstreaming in SPS capacity development more broadly, for improved results and sustainability. Building on a gender assessment report, members of STDF's global partnership adopted a gender action plan in 2023 to ensure that STDF's work addresses the particular needs, challenges and/or opportunities facing both women and men for more impactful results. She provided examples of ongoing STDF actions to promote safe and inclusive trade, including gender analysis in STDF projects and ongoing outreach and awareness-raising (e.g., joint event of the United Nations Conference on Trade and Development (UNCTAD)/STDF event during UNCTAD's eWeek "Trade regulations in the digital environment: Is there a gender component?"). She also outlined how the ECE's work on gender-responsive standards helped to support gender mainstreaming in the STDF.

50. The Youth Officer of WFUNA delivered a statement outlining WFUNA's different educational programs aimed at teaching students about the United Nations. In particular, the representative discussed WFUNA's Model UN Program (WIMUN) and WFUNA's Youth and Advanced Training Programs – the latter of which the WP.6 Secretary has presented at – which are attended by close to 2000 high school and university students each year and give students a better understanding of how the United Nations functions.

51. The Working Party took note of the information provided by other organizations. It requested the secretariat to continue to explore options for cooperation with other organizations within the remit of the scope of Working Party 6. (Decision 18)

XIII. Panel discussion: How to target continuous compliance – Conformity assessment, legal metrology and market surveillance tools for the changing dynamic of digital goods (Agenda Item 9)

52. The Director of ECTD reminded the political momentum of AI with newly-issued regulations in the EU and the US as well as within the United Nations with the call from the Secretary General to incorporate the principles of the United Nations Charter and the Universal Declaration of Human Rights into AI safety. She underlined the high-level theme of the 70th Commission session on “Digital and green transformations for sustainable development in the ECE region” and the work already accomplished with projects related to AI and transport, cities, energy systems and trade facilitation. She expressed her interest in the WP.6 approach to this topic with the conformity assessment angle and looks forward to the work resulting from this discussion.

53. The Chair of WP.6 reminded the rationale of the conference today, that product compliance is evolving and that digital technologies embedded within products provide new challenges. Many countries are actively preparing legislative policies in this area to address possible vulnerabilities and risks, but this is not necessarily coordinated. Such legislative policies may be approaching the topic in a horizontal or sector specific manner and ignore a holistic view which is not so easy to foresee or control through regulations such as cybersecurity. It was pointed out that digital technologies also challenge standards (as digital product properties are more difficult to standardize) and that market surveillance needs new methodologies for digital products that cannot be controlled by traditional means. Traceability, auditability and verification are required for continuous compliance, also to ensure a level playing field for business.

54. The Chair of the Technical Barriers to Trade (TBT) Committee of the WTO and Deputy Permanent Representative of the Permanent Mission of Finland to the WTO reminded the timeliness of this topic. She reminded that though these products with embedded technologies might unlock opportunities and benefits, they also may trigger new types of risks such as ethical, moral, privacy, cybersecurity or national security concerns. She reminded the key role of the WTO TBT Agreement which (i) helps Members to ensure that regulatory measures are non-discriminatory, not more trade restrictive than necessary; (ii) prioritizes regulatory harmonization via international standards; and (iii) sets a strong transparency framework. In terms of transparency, she reminded that the TBT Agreement requires Members to notify regulatory measures to the WTO when they are still being prepared and drafted so that stakeholders can meaningfully submit comments. The TBT-SPS e-Ping platform¹⁴, administered by the WTO, the International Trade Centre (ITC) and the United Nations Department of Economic and Social Affairs (UNDESA), allows all interested stakeholders including businesses of any size to register and track regulatory developments. She explained the important role of the TBT Committee in the area of digital products as it serves (i) as a platform for WTO Members to notify their domestic regulations and conformity assessment procedures related to digital products and technologies; and (ii) as a forum to discuss concerns Members have with respect to specific draft or adopted regulatory measures that apply to digital products or technologies. Reflecting the interests Members have on this topic, the TBT Committee has held five thematic sessions on digital issues and related regulatory measures. She concluded with the statement from the Betchley Declaration by countries attending the AI Safety Summit (1 to 2 November 2023): “Many risks arising from AI are inherently international in nature, and so are best addressed through international cooperation” and underlined that this is true for all products with embedded technologies, not just AI.

55. The Vice-President of IEC and Chair of the IEC Conformity Assessment Board (CAB) outlined how quality infrastructure is defined and focused on two key components: conformity assessment and market surveillance. He noted that the digitalization of conformity assessment must progress; however, along with this there will be many challenges

¹⁴ See: <https://epingalert.org/>

not only in the conformity assessment processes but in the rapid innovation that we are currently experiencing and the increased use of AI that is being embedded in many products and systems now. This can also lead to many new considerations and direction for market surveillance. However, there can be many more applications that can be realized as we progress to our all electric and connected society. He also announced the creation of two work streams under the CAB, one to look at how AI could be used to improve the processes of conformity assessment and a second to look at how to assess products with embedded AI.

56. The bachelor's student of the Geneva Business School provided a youth perspective on the regulatory compliance of products with embedded AI or other digital technologies. She acknowledges the undeniable advantages of AI in terms of real-time insights, personalization, and accessibility, particularly for the younger demographic. However, she raised concerns regarding the lack of regulation and potential impacts on human rights, privacy, and education. She explored the challenges of regulating AI globally and proposed some considerations, ranging from a type of regulatory body to the education of end-users.

57. The delegate of the Mission of Israel to the United Nations and other international organizations in Geneva reminded that embracing innovation and being at the forefront of technological advancements has been a cornerstone of Israel's success. Israel rates fifth in the relative AI skills penetration rate according to the AI Index Report of Stanford University and fourth in private investment in AI with 2.4 billion US dollars. 2200 companies in the country use AI as reported by the Israel Innovation Authority. AI is expected to foster a culture of innovation and technology adoption, creating new markets, driving exports and attracting foreign investment. That being said, ethical and regulatory aspects of AI must be carefully considered. Israel takes an approach of "responsible innovation" which is a balance between the need to protect individuals, protect public interest and promote the development of technologies allowing Israeli hi-tech and research to operate in these fields.

58. The floor was opened for questions or comments on the first round of presentations. A comment was raised to consider the development dimension. Such technologies have the potential to create unprecedented disparities, calling for a technical solution to identify which AI is used by whom with which results; this topic was developed later in the agenda. A further comment noted that it is not always easy to ascertain if we are talking about goods or services and that this might also limit the scope of the work within WP.6. It was clarified that within the WP.6 work, until now, we are considering products with digital features. It was also underlined that other workstreams within the ECE have looked at artificial intelligence from a trade facilitation perspective and from an innovation perspective and that the WP.6 approach adds a unique view where we can really add value to the discussion.

59. The Secretary of WP.6 presented the progress of the project on the regulatory compliance of products with embedded AI or other digital technologies. The document presented (ECE/CTCS/WP.6/2023/9) integrates the key definitions related to this topic, emphasizes the need to ensure a horizontal approach to AI nationally, reminds the key standards related to the topic, and provides considerations for the market surveillance of such products. He reminded that the project team are eager to propose further guidance on this area; he therefore outlined some of the possible deliverables that could be developed.

60. The Associate Technical Director of DIGITALEUROPE reminded the important role of this organization in the industry. He reminded that they work closely with corporations and associations to ensure legal and technical certainty for placing products on the market. The organization is active in providing the industry view regarding compliance as outlined in the EU's New Legislative Framework (NLF). He reminded that new, enabling, and sustainable technologies poses an interesting challenge to the NLF, in particular in regards to clarity on how to apply product provisions to software and in regards to compliance based on circular lifecycle of products instead of linear. He concluded that the evolving concept of compliance, applied previously to products, to include services and circularity requires closer collaboration between the industry and the policy makers, in order to ensure that the EU framework is equipped with the necessary tools to make continuous compliance smoother and applicable, in particular to small and medium sized enterprises (SMEs), which are the backbone of European economy.

61. The Lead of the Standards Team of the Office of Standards and Intellectual Property of the USA reminded that federal agencies are engaged in the multi-disciplinary, multi-sector, and multi-standards development work to evaluate and mitigate risks of AI systems to ensure they are safe, secure, and trustworthy; and to promote an innovative, competitive AI ecosystem that supports workers and protects consumers.

62. The Head of the National Metrology Department of Belgium and Chair of MARS explained that the market surveillance of embedded products provides regulators with numerous new challenges. The design and manufacture of embedded products rely heavily on software development without clear boundaries between human and artificial creators. The characteristics and properties of embedded products continue to change and adapt even after they are put on the market and because of their interconnectivity safety, security and privacy issues are not limited to the products themselves but become networked. Products therefore need to be monitored during the complete life cycle, including pre- and post-market surveillance. He provided concrete examples of children's toys, autonomous lawnmowers and connected toothbrush and the elements of the potential safety, privacy and cybersecurity of such products.

63. The Senior Cybersecurity Expert of the EU Agency for Cybersecurity (ENISA) outlined that the EU has developed various frameworks that could address the issue of continuous compliance in the fast-changing world of technology, in particular in cybersecurity. Regulatory bodies try to follow these changes, thus proliferation of legislative efforts addressing various areas of cybersecurity. The newly developed (or under development) quality standards bring solid base for assuring presumption of compliance with regulatory requirements, while cybersecurity certification schemes, elaborated under the EU framework, will provide a good means of assessing conformity.

64. The Standards Council of Canada, in partnership with the Innovation, Science and Economic Development department of the Canadian government, launched a first-of-its-kind pilot to define and test requirements for a conformity assessment program for AI management systems. Certification to national and international standards for AI management systems will allow organizations to prove their dedication to responsible use of AI, raising the confidence of customers and partners in their operations. The first stage of the pilot involved one organization in the conformity assessment body role (Ernst & Young LLP) and one AI developer/user (Alberta Treasury Branches), assessing against the draft standard of ISO/IEC 42001 for AI management systems as well as the Algorithmic Impact Assessment developed by the Treasury Board of Canada secretariat. They also leveraged the added value of the AI product certification schemes being developed by the Responsible AI Institute, which provided a research-based framework for key use cases. This pilot will be expanding to include more conformity assessment bodies and AI users starting in 2024.¹⁵

65. The Economic Affairs Officer of UNCTAD reminded that a prerequisite for digitalization benefits to be equally distributed is the need to address digital divides between and within countries. Digital divides in terms of connectivity, regarding access, affordability and use of Internet remain high. Moreover, with the emergence of data as a key economic and strategic resource, there are new dimensions of the digital divide, related to data. The largest digital platforms increasingly control all stages of the data value chain. These platforms are based mainly in two countries, the USA and the People's Republic of China, which are frontrunners in terms of harnessing data and developing emerging technologies, such as cloud computing, AI or 5G. Significant gaps are also evident in terms of capacities to address these divides, for example in terms of skills for the digital economy and institutional capacity of policymakers to regulate.

66. The Chair of ToS-GRS emphasized the need to consider gender so that everyone can benefit from AI. She reminded participants of the ECE *Declaration for Gender-Responsive Standards and Standards Development* that stresses the importance of increasing the participation of women and ensuring that outcomes are the same for men and women. Notably, women are not fully benefitting from AI. She outlined three areas where we need

¹⁵ See: <https://www.scc.ca/en/news-events/news/2022/scc-launches-accreditation-pilot-for-ai-management-systems>

to consider the gender implications as we develop standards and regulations for AI. The first, is around algorithmic bias. Research has shown that algorithms reflect society and currently are disadvantaging women. She shared an example of AI being tested for use in recruitment. The program systematically discriminated against women and was ultimately scrapped because of it. Second, she noted that technology can be abused, and women are commonly targeted by the misuse of technology. There are significant concerns around how technology is being leveraged for domestic violence. Finally, she shared data demonstrating that women are not using AI to the same degree as men. The lack of uptake could impact women's ability to fully benefit from the technology. She noted that standards and regulations can play a role in ensuring that AI helps to alleviate and not exacerbate the gender gap.

67. The Vice-Chair of GRM highlighted that the base principles of *Recommendation R on Managing Risk in Regulatory Frameworks*¹⁶, namely that (i) all functions of risk management process should be consistently described in legislation and that (ii) regulatory authorities should establish an acceptable level of risk within a regulatory framework, are applied in emerging regulatory frameworks for AI systems and products with embedded software. He stressed that some regulations today place the responsibility on providers to mitigate risks and ensure that the residual risk of an AI system is acceptable, and thus determine what is a compliant product. He also reminded the base principles of *Recommendation S on Applying Predictive Risk Management Tools for Targeted Market Surveillance*¹⁷ which describes a non-compliance risk of any product as a combination of the probability that a certain product will be non-compliant with regulations and the consequences of non-compliance. As he pointed out, an AI system is a black box in which the functionality is partly or totally unknown, and it is impossible to look inside to check how it works; therefore, assessment of the residual risk will be key in conformity assessment of these products and in ensuring their compliance. He concluded that WP.6 can serve as a platform for regulatory cooperation in building conformity assessment frameworks for such products and develop methodologies for evaluating the residual risk.

68. A comment was raised from the floor about the alignment between sectoral and horizontal regulation and to know if there had been a process or method established. A second comment on the systemic effects of AI, especially if there are multiple AIs running in parallel or in sequence. A question was raised if accident statistics or other material could be used to follow up on digital compliance. A further question on how to address this complex landscape of regulatory concerns to protect consumers.

69. Concerning methodological issues on this topic within the EU, it was referred that this is really a question for the European Commission. A point was raised that there may be need to have more experts or experts that are knowledgeable in this field. One speaker noted that it may not be a problem of having more experts, but rather to get those that are in the field together to advance the topic. It was mentioned that it is necessary to also ensure a certain level of political momentum and perhaps to enhance the standards development environment to the need of further work on the global information exchange; and to ensure that the voice of consumers, industry and regulators be present was also mentioned, this panel discussion being a good first step for this.

70. The WP.6 Chair underlined the good work that has already been accomplished by the project team on the regulatory compliance of products with embedded artificial intelligence or other digital technologies. She stressed that even though AI is a crowded landscape, WP.6 has a unique angle which is not addressed in other organizations at this time: the challenges that regulatory authorities face with products with embedded technologies. She opened the floor to any comments on the way forward.

71. The delegation of the UK thanked the panellists for their informative presentations and complemented the gender balance of panellists. She thanked the project group for the work to date and noted that WP.6 has a useful contribution to make in examining how quality infrastructure will need to evolve to respond to the challenges presented by products with embedded digital/AI systems, and also how technology can assist quality infrastructure.

¹⁶ See: https://unece.org/fileadmin/DAM/trade/wp6/Recommendations/Recommendation_R_en.pdf

¹⁷ See: http://www.unece.org/fileadmin/DAM/trade/wp6/Recommendations/Rec_S_en.pdf

Noting the high number of international initiatives with regards to AI, she encouraged WP.6 to focus on progressing work with regards to its mandate for reducing technical barriers to trade and proposed that a more detailed analysis of how WP.6's existing recommendations apply to products with embedded digital/AI systems to help scope further. She encouraged further analysis of the pros and cons of the various options for continuing the work before reaching decision on preferred outcome and commended the collaboration with other organisations.

72. The WP.6 Chair suggested ideas for a way forward. WP.6 can also work on this topic with a more global United Nations approach acknowledging the societal impact of new technologies. WP.6 should consider having a strong political message which could be achieved through a declaration accompanied with a tool for implementation of a framework such as a common regulatory arrangement based on ECE *Recommendation L*.

73. **The Working Party endorsed the document *The regulatory compliance of products with embedded artificial intelligence or other digital technologies contained in document ECE/CTCS/WP.6/2023/9, which responds to the 2023 Commission (70th) session decision on “digital and green transformation for sustainable development in the ECE region” (E/ECE/1504). Member States encouraged the project team to continue this work with the development of a guidance document for the implementation of the proposed way forward in this document. Member States encouraged the project team to explore this work further and eventually develop a CRA or declaration in support of this topic as outlined in the secretariat report contained in document ECE/CTCS/WP.6/2023/INF.2, within the WP.6 mandate.*” (Decision 19)**

XIV. Other business (agenda item 10)

74. The secretariat announced the launch of the new publication *The Basics of Quality Infrastructure for Trade*¹⁸ which is available online and will be available in print shortly.

75. The secretariat announced that it has been able to reserve meeting room facilities for next year's annual session. This would be planned from 26 to 28 August 2023, a three-day meeting.

76. **The Working Party decided to hold its thirty-fourth session from 26 to 28 August 2024. (Decision 20)**

XV. Adoption of the report (agenda item 11)

77. **The Working Party adopted the decisions and the report of its thirty-third session in document ECE/CTCS/WP.6/2023/2. It requested the secretariat to edit it as necessary and finalize it for publication. (Decision 21)**

¹⁸ See: <https://unece.org/trade/publications/basics-quality-infrastructure-trade>