

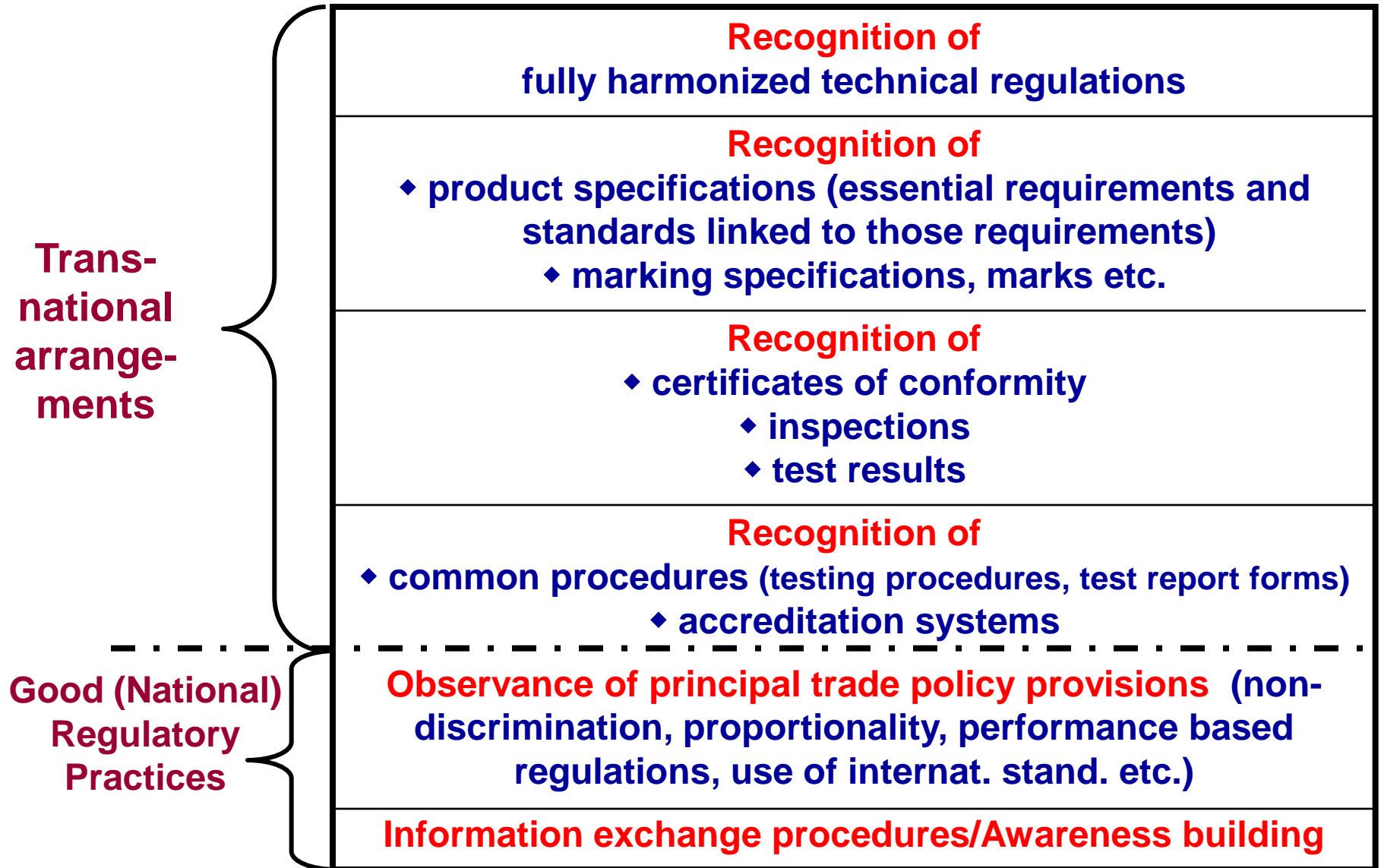


WTO/TBT Workshop on Regulatory cooperation 8 – 9 November 2011, Geneva

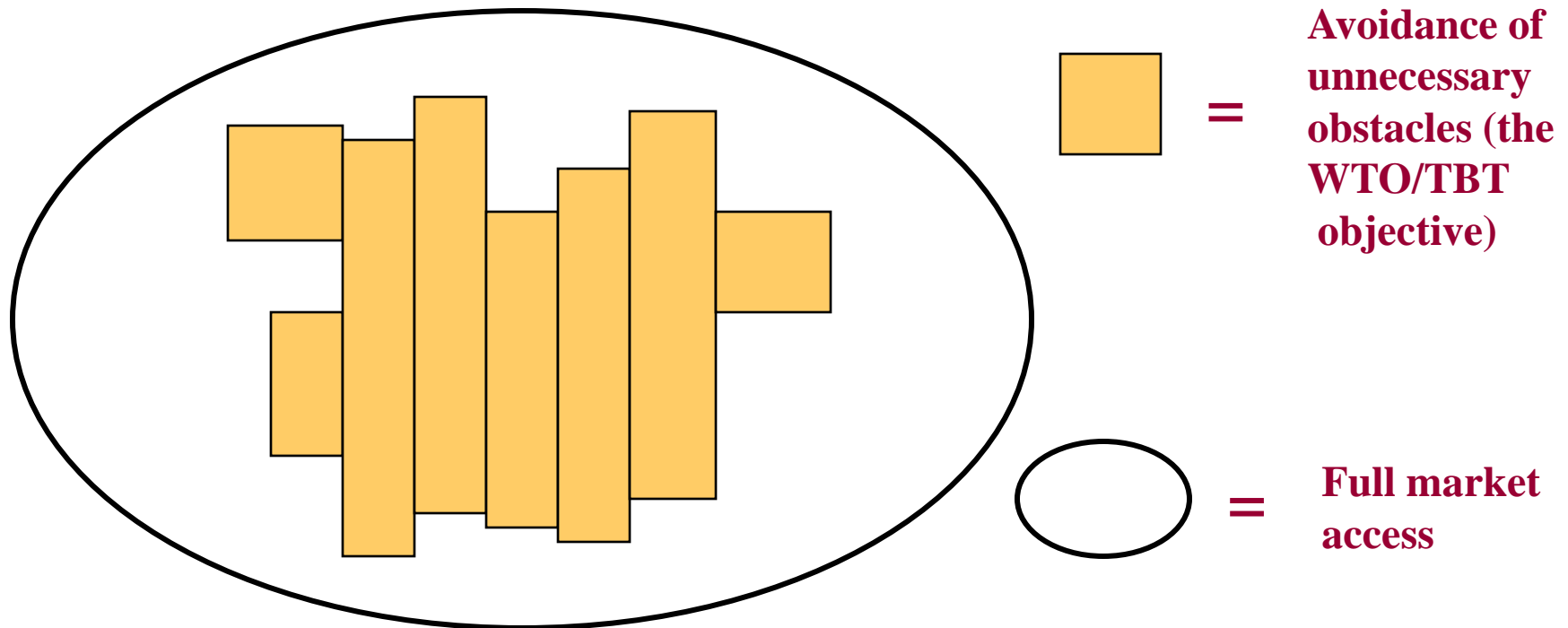
**“A common regulatory language for trade and development
– the case of the International Model for Technical Harmonization”**

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Swedish National Board of Trade
Chairman UNECE-WP.6

Different degrees of regulatory co-operation



Avoidance of unnecessary TBTs vs. Facilitation of market access



International Standards in the WTO TBT Agreement

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

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...

...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

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

Abbreviations used in the model (Annex A):

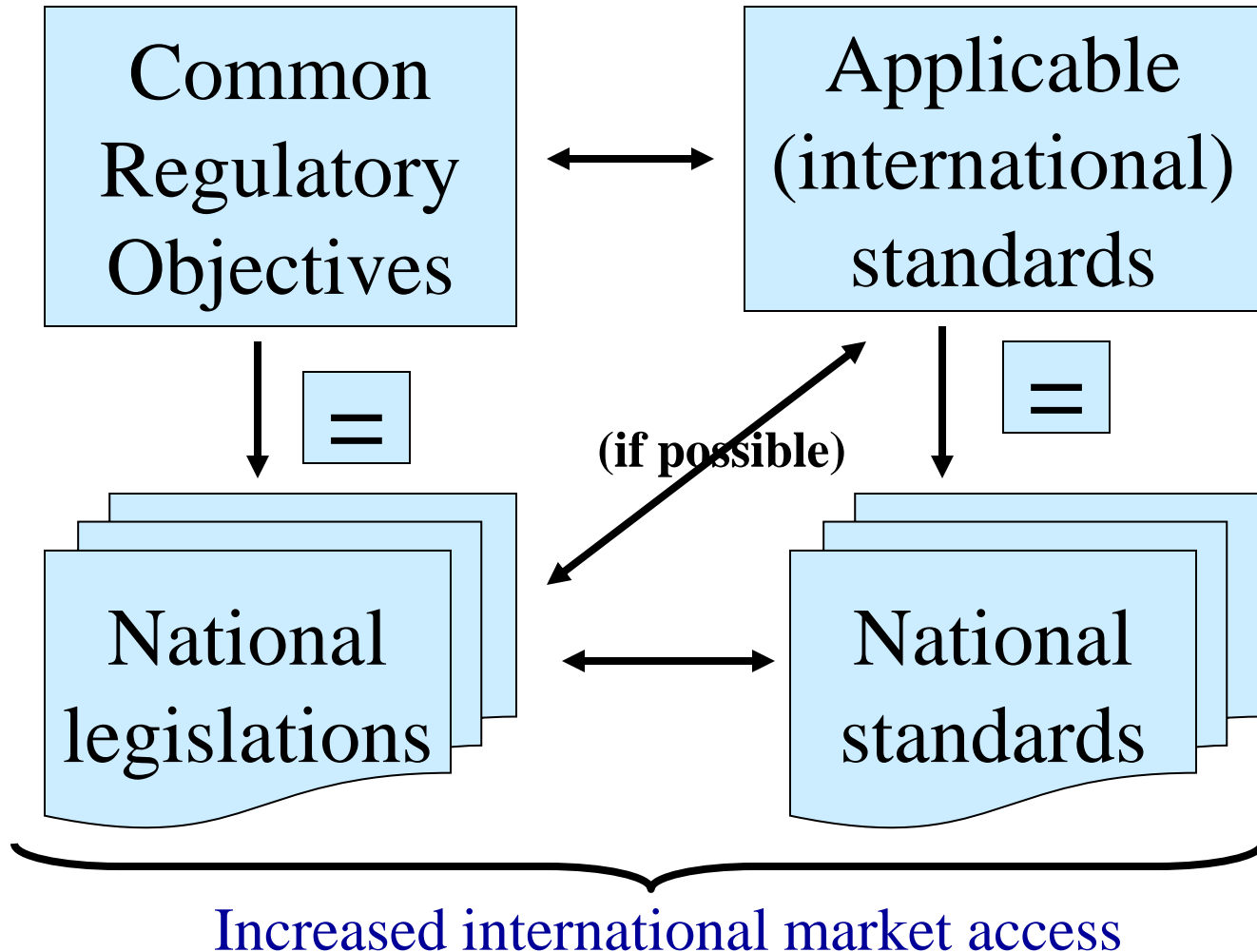
<i>CAB</i>	<i>Conformity Assessment Body;</i>
<i>CRO</i>	<i>Common Regulatory Objective;</i>
<i>ISB</i>	<i>International Standardizing Body;</i>
<i>RCAB</i>	<i>Recognised Conformity Assessment Body;</i>
<i>SDoC</i>	<i>Supplier's Declaration of Conformity;</i>
<i>TR</i>	<i>Technical Regulation;</i>
<i>UN/ECE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

UNECE International Model for technical harmonisation

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.*

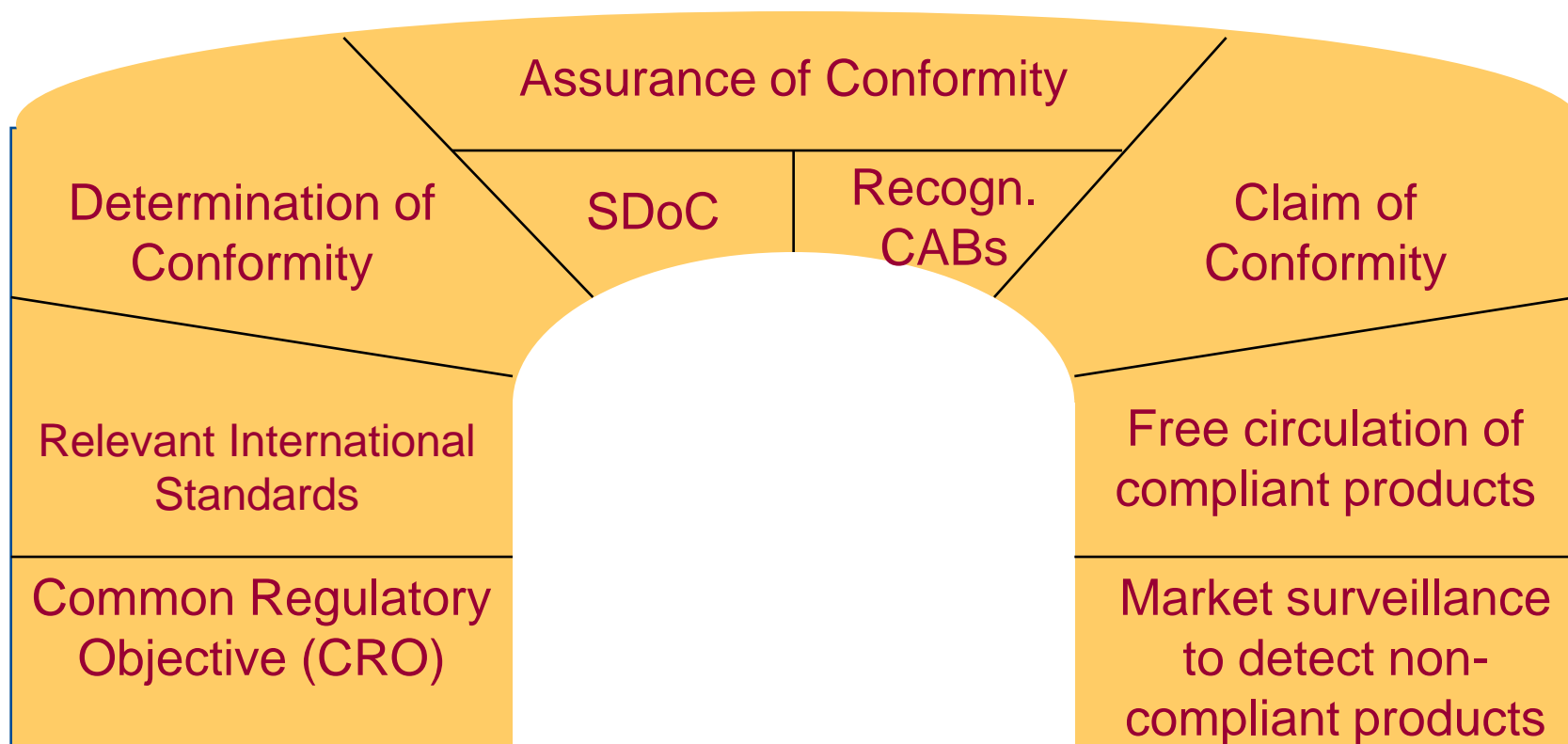
UNECE International Model for technical harmonisation



UNECE International Model for technical harmonization

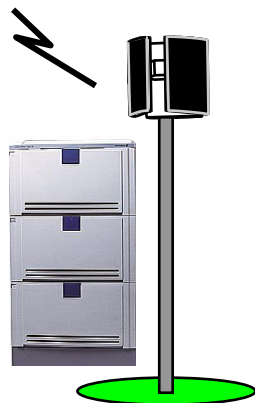
- Summary

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)



A sunset over a vast, icy landscape. The sun is low on the horizon, casting a warm glow over the sky. The foreground is filled with large, jagged ice floes. Two polar bears are visible in the distance, standing on a patch of ice. The overall scene is serene and cold.

**Coordinator :
Russia**

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

UN/ECE International Model for technical harmonisation

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

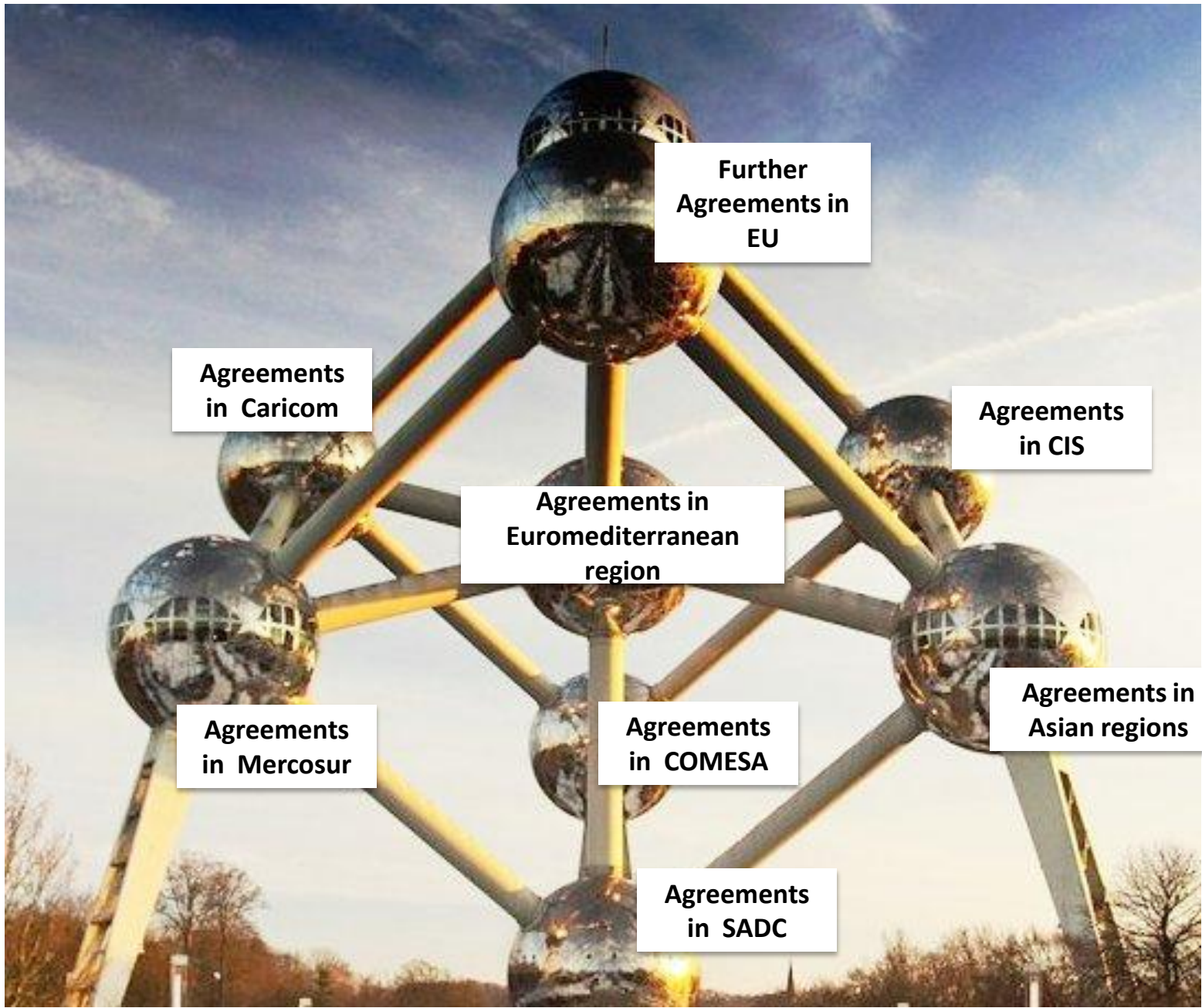
Sectoral initiatives for regulatory convergence:

- 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 !