



UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

Recommendations on regulatory cooperation and standardization policies

Working Party on
Regulatory Cooperation and
Standardization Policies

D ■ Reference to Standards⁴

The Working Party on Regulatory Cooperation and Standardization Policies,,

Recognizing the important advantages offered by the use of the method of "reference to standards", including that it:

- (a) Contributes to preventing or eliminating unnecessary technical barriers to trade by facilitating regional and international harmonization of technical regulations and standards;
- (b) Increases transparency and accountability of legislative and regulatory work
- (c) Facilitates the review of technical regulations to take into account effectively technological progress and changes in societal and consumer expectations;
- (d) Allows authorities to take advantage of the knowledge and expertise incorporated in the results of the work of standardization bodies;

Noting, however, that to successfully implement the method of "reference to standards", due consideration should be given to different national legislative frameworks.

Recommends that:

- D.1** Regulatory authorities should, in conformity with the principles enshrined in the World Trade Organization (WTO) Agreement on Technical Barriers to Trade and observing the relevant decisions by the WTO Committee on Technical Barriers to Trade, whenever possible make use of international, regional and national standards in regulatory work.

⁴ Recommendation adopted in 1974, revised in 1980, 1984, 1988, 1995 and 2013.

D.2 Regulatory authorities should endeavour to apply “references to standards” methods that respect their voluntary nature, such as:

- Indicative reference, which retains the voluntary application of the standard.
- Only when indicative reference is considered unsuitable, regulatory authorities should make use of exclusive reference, which renders the standard or parts of the standard mandatory.

D.3 When choosing among the various methods of “reference to standards”, regulatory authorities should ideally adopt a method that would allow them to make optimal use of standardization work.

D.4 In regulatory, surveillance and legislative work, regulatory authorities should observe principles 1 to 5 of *ISO/IEC code of principles: “reference to standards” (ISO/IEC Guide 15:1977)* and take note of international best practice on using and referencing international standards for technical regulations.

D.5 Regulatory authorities should consider the following options to facilitate and optimize interaction with standardization bodies:

(a) Where reference to standards is considered an appropriate option for achieving the regulatory objective, regulatory authorities should request information from national standardization bodies related to potentially relevant standards at international, regional or national level;

(b) Participation in standards development.

(c) They should discuss with standardization bodies ways to facilitate the use of standards as reference in legislation. For example, where legislative interest is restricted to certain aspects of a standard, they should explore the possibility of including these in a separately identified section of a standard.

(d) Agree on ways to ensure that referenced standards are made available to all potentially interested foreign and domestic parties in the least restrictive manner possible. Regulatory authorities shall comply with the intellectual property rights and respect the copyright of standardization bodies when considering how to increase the accessibility of standards;

D.6 International bodies, such as UNECE, should continue to promote:

(a) A better understanding by regulators of the different options available for making use of standards;

(b) Education and capacity-building in this area for all stakeholders, in particular regulators, business and small and medium-sized enterprises, consumers and non-governmental organizations such as chambers of commerce and business associations, research institutions and academia;

(c) Better mutual understanding among stakeholders, including from different jurisdictions, through developing harmonized terminology and repositories of good practice.