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Standardization and regulatory practice

Modalities for improving information sharing on technical regulations and standards

Proposal submitted by the delegation of the Russian Federation¹

Summary

The present document is submitted by the Federal Agency for technical regulations and metrology of the Russian Federation. It proposes the creation of a Model for the Assessment of Technical Regulations and Standards (MASTERS). The proposed Model consists of a methodology that allows for analysis and comparison of technical requirements contained in technical regulations and standards in different countries and regions.

The methodology would also allow for the creation of an online database of technical requirements applied in various industrial sectors and in various countries. The database could be used for analysis, information sharing, and for developing new sectoral initiatives on the basis of the UNECE Recommendation L. MASTERS would also provide manufacturers and consumers with up-to-date information on the requirements for products manufactured in the member countries.

This document is submitted to the Working Party for consideration and discussion.

¹ At its nineteenth session, the Working Party invited national Governments and regional organizations to provide updated information on their regulatory cooperation activities and projects (ECE/TRADE/C/WP.6/2009/19, para. 28). Accordingly, the present document is submitted by the Russian Federation.

I. Introduction

1. This document is submitted by the Federal Agency for technical regulations and metrology of the Russian Federation. It addresses the difficulties that authorities face in collecting information and comparing different national requirements in different regulations when preparing their own regulations. Exporters and importers face similar difficulties in complying with the different requirements and documents. The proposed project suggests approaches that might lead to increased transparency and improved information sharing about technical regulations and standards and contribute to eliminate technical barriers to trade, caused by lack of transparency both in the WTO context and beyond it. This project might constitute a new area of activity for the UNECE Working Party on Regulatory Cooperation and Standardization Policies (WP.6).

II. Background

2. According to the World Trade Organization and the Group of Eminent Persons² of the United Nations Conference on Trade and Development, the modern economy sustains considerable losses due to differences among national regulatory systems, one of the main technical barriers to trade. The proposed project is therefore timely and potentially of great interest for manufacturers, consumers and regulators worldwide.

3. The purpose of this project, which could be implemented within the framework of UNECE, is (a) to organize information about technical regulations systems in different places using unified models and (b) to establish the equivalence among product requirements and conditions of product access to home markets as specified in technical regulations, standards and other normative documents.

4. The proposed Model for the Assessment of Technical Regulations and Standards (MASTERS) would be especially important for regional systems of technical regulations, which aim at increasing the harmonization level for technical regulations and thus minimizing technical barriers to trade, while maintaining product safety.

5. The WP.6 “International model of technical harmonization”, as set out in Recommendation L, is based on the development of common regulatory objectives (CROs). The CROs describe the product requirements that countries participating in sectoral initiatives should use as the basis for their national or regional technical regulations.

6. To ensure that CROs are joined by as many countries as possible they should be to the greatest extent possible aligned with:

- Product requirements contained in the technical regulations applied by the most important trading partners.
- Procedures for conformity assessment applied by the most important trading partners.

7. The differences among the requirements of the CROs with respect to national and regional technical regulations should be made as transparent as possible.

8. To this end, the CROs should be developed by working groups who are representative of the most important national and regional technical regulation systems. The requirements in the various regulations should be made easy to compare to allow experts to

² http://www.unctad.org/en/docs/c1em27d3_en.pdf

optimally formulate the CROs and estimate equivalence or divergence between the requirements of the CROs and those of national or regional regulations.

9. A prerequisite for making such comparisons possible is to have complete data on requirements contained in national and regional technical regulations applied by the most important trading partners.

10. However, such data are not yet available. Information contained in existing databases, as well as in the scientific and technical literature, is either not official or not sufficiently objective or complete.

11. It is also difficult to compare the information because of the differences in product requirements and variety of documents among countries. Equally, the structure and contents of technical documents are also difficult to compare. A uniform basis for structuring and classifying the information would therefore be desirable.

III. Purpose of the proposed system

12. We propose to develop a methodology that would allow for:

- Assessing the equivalence between technical regulations applied by different countries.
- Creating databases on technical requirements applied in various industrial sectors.
- Using this information for analysis and information sharing.

13. MASTERS would provide manufacturers and consumers alike with structured information models for safety indicators and consequently online updated information on the requirements for different sectors products manufactured in the member countries, and on conditions of access to the markets of these countries.

14. Specifically, the information system based on MASTERS models would allow users to:

- Find and compare requirements.
- Find the sources of information.
- Estimate risks that could arise from using a product.
- Determine if the information provided is necessary.
- Determine the degree of urgency of the information.
- Collect and compile the information.
- Systematize the information.
- Distribute the information.

IV. Advantages of the proposed system

15. Product requirements often differ considerably among countries. Despite the WTO agreements on Technical Barriers to Trade and Sanitary and Phytosanitary Measures, conditions of product access to different national markets are governed by various other requirements, resulting in technical barriers to trade. And information on access conditions is often both hard to find and hard to understand. The requirements themselves are set out in a variety of documents – including technical regulations and voluntary standards - which may be difficult and costly to access.

16. The WTO member countries have “dedicated centres” for handling of enquiries (“Inquiry points”), but:

- Many do not give information to private persons.
- The information is very expensive or non-transparent.
- In general, they do not perform a comparison on access conditions to the markets of other countries.

17. To determine the optimal mechanisms of obligatory technical regulation, each country should have the comparative information on how this works in other countries.

18. To provide all interested persons and organizations with the appropriate information, each country should have sources of special information on technical regulation and measures, offering all interested parties information on:

- Requirements for specific products in different countries.
- Conditions for product access to markets of these countries.
- Differences in requirements and access conditions to national or regional markets.

19. For this purpose, countries should have unified mechanisms for collecting and storing such information. Through these mechanisms, they could provide an information interchange for comparing requirements.

20. Such information on access conditions to markets of the countries should be:

- Up to date
- Available in any country in the country’s own language
- Clear and understandable
- Transparent
- Compatible by structure and interface with the framework of all member countries.

21. For the interested organizations in participating countries to participate effectively in the system, each would need to:

- Have access to appropriate information in their country.
- Maintain their own information resources in the given area.
- Have direct communication with similar organizations of other countries.
- Conduct information interchange among themselves (preferably in English).
- Translate this information into the national language of the member country.
- Provide all interested users, both internal and external, with access to this information.
- Have a uniform or compatible software program basis for using the MASTERS models and system.

22. Product requirements – although established in different ways – may lead to identical results, for example in terms of safety. For this reason, we need an objective way of establishing the equivalence among the requirements.

V. Characteristic and description of MASTERS system

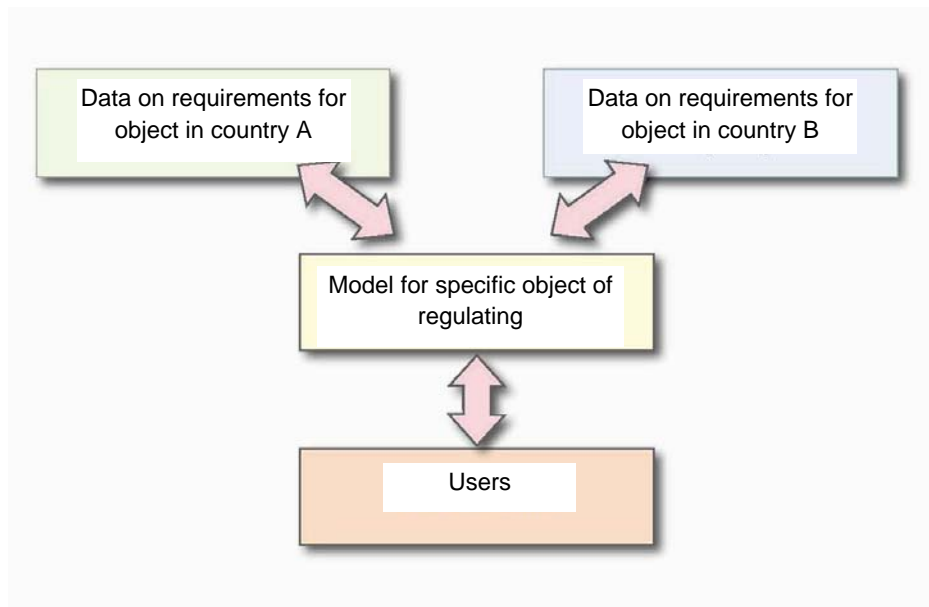
23. To compare requirements in different regulatory systems, a template is required for structuring the information coherently. This allows for screening for the presence or absence of specific requirements and their identity, equivalence or divergence (negligible or significant) by means of structured set (array) of safety indicators.

24. The model of safety provision for a specific object of regulation (product or technology) may be used as such a template.

25. The general principle of information interchange with use of such a model is illustrated in figure 1.

Figure 1

General principle of information interchange on the basis of model



26. The additional value of the model is that, after its construction and the accumulation of sufficient material for comparing technical regulating systems in different countries, a file of the most general requirements could be generated and a general CRO (or other drafts of common technical regulation) in a given sector designed.

VI. Functioning of the proposed system

27. The primary goal of the MASTERS system is to create models for the objects of technical regulation.

28. The basic function of the system is to create on the basis of these models shared information resources that would be accessible for all interested users of the system member-countries.

29. The system should provide users with the information on the equivalence of the requirements of technical regulations, standards and other normative documents in different member countries. It requires (a) connecting a minimum of two member countries, whose information on the requirements of normative documents would be entered into databases, and (b) developing a convenient toolbox for establishing the equivalence or divergence between available documents by means of variety of safety indicators.

30. In each member country, the initiative and interested organizations would then create and maintain the necessary information resources (databases), using the models developed at the international level within the framework of the MASTERS system.

31. Once the models are developed, the organizations could:

- Access and maintain the information on their country's (a) requirements for objects of technical regulation (products and related processes) and (b) conditions of market access.
- Provide this information to organizations in other member countries.
- Receive and store the information from other member countries.
- Translate this information into their national language.
- Provide access to this information to all interested parties.

32. Information units (related documents) of the MASTERS system are:

- Provisions of Technical regulations
- Provisions of Standards
- Provisions of Other documents on technical regulation
- Provisions of Agreements
- Existing Requirements for objects of technical regulation
- Rules of conformity-assessment procedures.

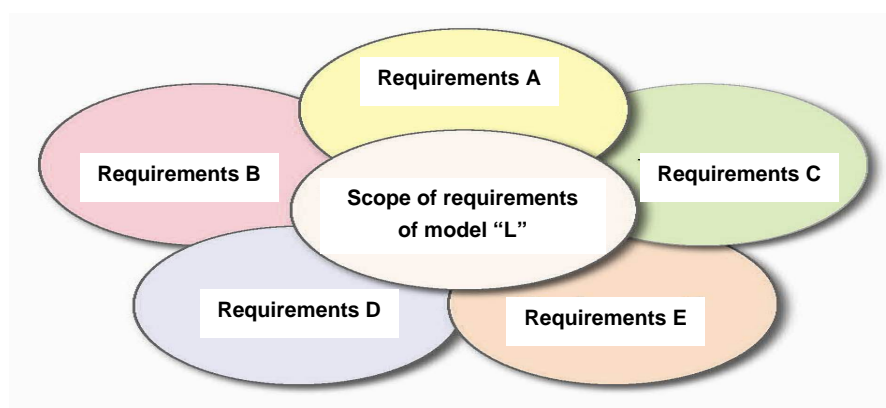
33. The objects of regulation are:

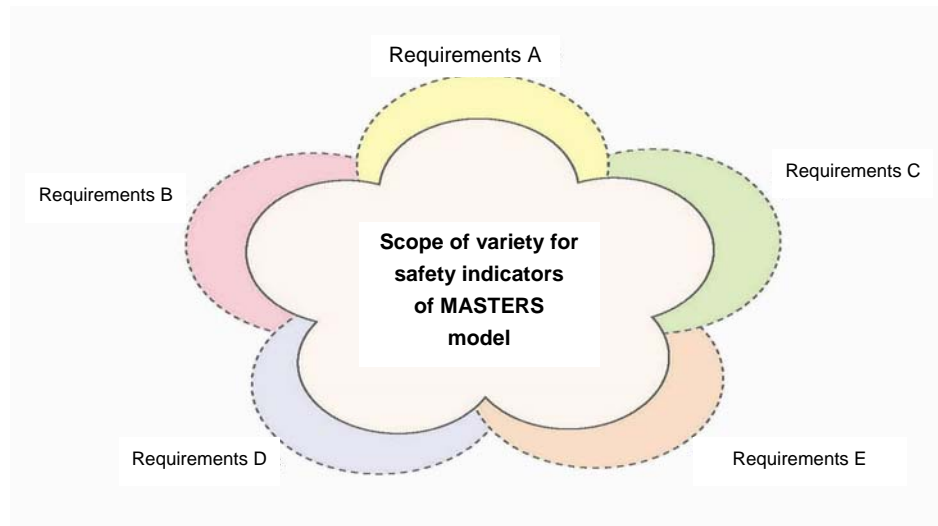
- Products
- Processes related to products
- Conformity-assessment procedures.

34. Figure 2 illustrates the scope of requirements covered by CRO's of model "L" for technical harmonization and scope of variety for safety indicators in MASTERS model. It could be clearly seen the difference between CRO and MASTERS model.

Figure 2

Comparison of scope of requirements (elements) of model "L" for technical harmonization and MASTERS model





VII. Users of information accessed on the basis of models

35. Other international and regional organizations could be interested in and participate in the development of the MASTERS system:

- WTO;
- UNECE;
- APEC;
- OECD;
- EuroAsian economic cooperation.

36. Additionally, the system would benefit from the participation of a number of stakeholders, as specified in the table below.

Priority purposes of participating in development of MASTERS methodology and models for various user groups

<i>Users</i>	<i>Purpose of participating in development of MASTERS models</i>
Trading advisers	To have greater possibilities of using information in one's own interest for assisting clients
Exporters	To obtain more reliable information on product requirements in other countries
Importers	To obtain more reliable information on imported product requirements in manufacturing countries
Employees of regulating authorities	To analyse the presence of technical barriers to trade between the countries
Experts in development of technical	To harmonize technical legislation

<i>Users</i>	<i>Purpose of participating in development of MARSTERS models</i>
regulations	between countries
Experts in certification bodies and technical laboratories	To assess whether a product conforms to the requirements of technical regulations
International trade organizations and organizations promoting development of trade	To harmonize international legislation on trade
Employees of WTO “Inquiry points”	To respond to enquiries from interested national parties concerning trading conditions with other countries
Students/teachers	To obtain and review knowledge about technical barriers to trade
Sellers/buyers	To have access to data on product requirements and conformity to these requirements
Product customers	To analyse possibilities of placing orders in organizations from other countries
Executors of orders	To have access to data on product requirements in the customer’s country
Supervision and control bodies	To analyse risk of discrepancy of products delivered from other countries
Consumer protection societies	To protect consumers against hazardous and poor-quality products delivered from other countries
Customs bodies	To analyse documents for products moved through customs