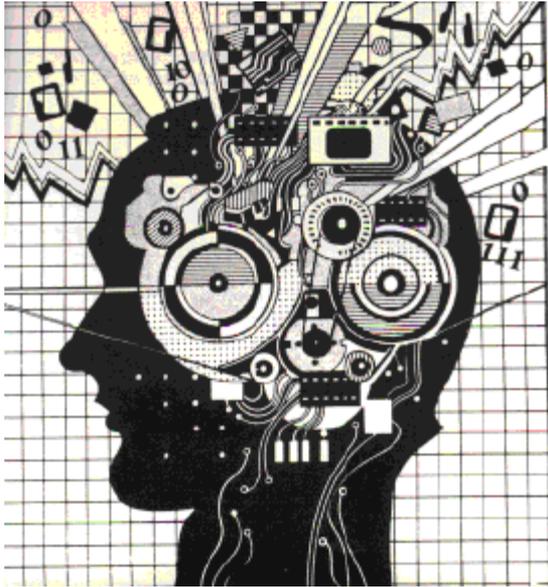




**WP 6 International Conference on  
Standards and Regulatory Frameworks  
Geneva, 19 Nov 2013**

**Reviewing Recommendation D**

# Contents



- Changes in context of Recommendation D – What has already been achieved
- What remains to be done



Recommendation D was adopted in 1974, last revised in 1995



Almost 20 years after the last revision, the relevance and benefits of the method of „reference to standards“ are now recognised by the great majority of ECE Governments



Standards are used in support of legislation by the competent authorities in the majority of ECE Member States



The EU “New Approach” to technical harmonization, the most prominent feature of which is the reference to standards, has a successful history of nearly 30 years as a



*“specific model of legislation by which both the public interest and the interest of private business to produce standards according to the relevant “state of the art”, could be merged in an adequate way”.*

 In 1998, the Office of Management and Budget of the United States of America issued

 **Circular A-119 on „Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities“,**

 providing a detailed description of why, when and how US regulatory agencies should make use of voluntary consensus standards in support of their regulatory activity.



Many legislators and authorities all over the world acknowledge that **Co-regulation** – which for instance makes use of standardization by independent bodies is often a more cost efficient and expedient method for addressing certain policy objectives than the classical legislative tools.

We can thus conclude, that

 *The method of reference to standard is well-known and accepted*

 *Standards are being used in support of legislation*

*But HOW are they being used?*

Frequent use of standards in support of legislation through

 **Incorporation**

 **Exclusive reference**

 **Dated reference**

**Exception: EU New Approach**

Debate triggered by the use of **exclusive reference** to standards (When voluntary consensus standards are converted into law):

- Can these standards still be **sold**?
- What degree of **access** to these standards has to be ensured?
- **Copyright protection**?



**Traditional business models of SDOs relying on sales of standards are under heavy pressure**

Give priority to development of models allowing for **flexible use of standards in support of legislation** in the context of Good Regulatory Practice

Ensure stable, favourable conditions for inclusive, consensus-based development of high quality voluntary standards facilitated by independent SDOs

**Thank you  
for your kind attention**