



Economic and Social Council

Distr.: General
24 December 2013

Original: English only

Economic Commission for Europe

Committee on Trade

Working Party on Regulatory Cooperation and Standardization Policies session

Twenty-third session

Geneva, 18 (pm) -20 November 2013

Report of Working Party on Regulatory Cooperation and Standardization Policies on its twenty-third session

Introduction

1. The Working Party on Regulatory Cooperation and Standardization Policies (WP.6) held its twenty-third session from 18 to 20 November 2013. On 19 November, the meeting included a Conference entitled "Standards and Regulatory Frameworks".
2. The following countries were represented: Azerbaijan, Austria, Belarus, Brazil, Canada, Croatia, Czech Republic, Germany, Japan, Kazakhstan, Kenya, Netherlands, Romania, Russian Federation, Slovakia, Spain, Sweden, Taiwan Province of China, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America.
3. The meeting was also attended by representatives of the European Commission (EC) and of the Eurasian Economic Commission (EEC).
4. The following United Nations bodies and specialized agencies participated: United Nations Industrial Development Organization (UNIDO), World Trade Organization (WTO), United Nations Interim Administration Mission in Kosovo (UNMIK) and United Nations Framework Convention on Climate Change (UNFCCC).
5. The following inter- and non-governmental organizations participated: American Society for Testing and Materials (ASTM), Ingénieurs du Monde, International Electrotechnical Commission (IEC), International Organization for Standardization (ISO), International Organization of Legal Metrology (OIML), Organisation for Economic Co-operation and Development (OECD), Russian Union of Industrialists and Entrepreneurs (RSPP), the IECEX Certification System and European Committee on Electrotechnical Standardization (CEN-CENELEC).

6. Observers present at the invitation of the secretariat included representatives of private-sector companies, associations and civil-society organizations from various regions.

7. The Secretary of the UNECE Committee on Trade on behalf of the Director of the UNECE Trade and Sustainable Land Management Division, and the Chair of the Working Party opened the meeting.

I. Adoption of the agenda

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Annotated provisional agenda	ECE/TRADE/C/WP.6/2013/1	Decision

8. The Working Party approved the provisional agenda.

II. Discussion on the Working Party's rules of procedure

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Guidelines on procedures and practices for ECE bodies	E/ECE/1468, annex III	Decision

9. This item was discussed together with Item IV.

III. Election of officers

10. In accordance with the Commission's rules of procedure and established practice, the Working Party elected Ms. Marion Stoldt (Germany) as Chair, Mr. Valery Koreshkov (Belarus) and Mr. Josef Mihok (Slovakia) as vice-chairs and Mr. Christer Arvius as Senior Adviser to the Bureau.

IV. Matters arising from recent meetings, and areas of priority action for the Working Party.

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Report of the Working Party on Regulatory Cooperation and Standardization Policies on its twenty-second session	ECE/TRADE/C/WP.6/2012/2	Decision
Report of the annual planning meeting of UNECE WP. 6 activities	ECE/TRADE/C/WP.6/2013/3	Decision

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Matters arising from meetings of the United Nations Economic Commission for Europe and the Committee on Trade : “Outcome of the review of the 2005 reform of ECE”	E/ECE/1468	Information

11. The secretariat introduced the report of the previous session and mentioned the progress made under various work items in the intersessional period. The Working Party adopted the report and that of the Annual Planning Meeting for WP.6 activities. It requested to continue to receive information on activities taking place intersessionally under the Working Party.

12. The secretariat informed the delegations of the outcome of the Review of the 2005 Reform of UNECE, which had been approved by the Economic Commission for Europe in March 2013. In the outcome paper (Document E/ECE/1464, Decision A (65) Outcome of the review of the 2005 reform of ECE), two decisions were made regarding the Trade subprogramme that would have an impact on the Working Party. The Commission had reminded all committees and working parties that all capacity-building work must be demand-driven and based on extrabudgetary funding. And while this had already been the case in WP.6, it underlined the need to seek additional extrabudgetary resources in order to meet the backlog of requests for assistance received by the secretariat.

13. The review had also resulted in the merger of two divisions: the Trade and Sustainable Land Management Division, which serviced the Working Party; and the Economic Cooperation and Integration Division. The new Division was given the name: Division for Economic Cooperation, Trade, and Land Management. In a related decision, the Executive Committee of UNECE further decided to discuss, in the summer of 2014, whether or not to merge the two committees served by the new Division.

14. The secretariat also informed the meeting that in 2014, due to budget cuts made by the General Assembly, the Trade subprogramme would have fewer posts. However, given the importance of the work of WP.6, member States had decided to keep support to WP.6 at the same level as previously. However, a P-2 post had been simultaneously eliminated as part of the budget cuts in personnel costs made by the General Assembly in 2012. The secretariat had been informed that the General Assembly was considering reinstating P-2 posts as there was a need to keep entry-level posts in the secretariat. If the P-2 post were to be returned to the Division in early 2014, the secretariat would inform the Working Party accordingly.

15. The outcome document, in annex III, also contained generic Rules of Procedure for all UNECE bodies, including WP.6. The most important changes for WP.6 were that the regular term of office of elected officers was defined as being two years instead of the former WP.6 practice of having one-year terms of office. In addition, reports of meetings should be formally adopted by the subsidiary body at the end of the session and if, for technical reasons, a draft conclusion, recommendation or decision could not be adopted at the meeting, the subsidiary body might decide to circulate it to all Geneva permanent representations for subsequent approval.

16. The Working Party noted the information on the recent activities of the Committee on Trade and agreed to use the new UNECE rules of procedure.

V. International Conference on “Standards and Regulations”

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Concept note for the Workshop on Standards and Regulations	ECE/TRADE/C/WP.6/2013/4	Decision
Draft Revised Recommendation D on Reference to Standards	ECE/TRADE/C/WP.6/2013/5	Decision

17. . The meeting gave a mandate to the secretariat to work further on a detailed report based on the Conference and to issue this report as a publication.

VI. Risk management in regulatory frameworks

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
<i>Risk Management in Regulatory Frameworks</i> (publication)	ECE/TRADE/390	Information
Progress report on the activities of the Group of Experts on Managing Risks in Regulatory Systems	ECE/TRADE/C/WP.6/2013/6	Decision

18. The Co-Coordinator of the Group of Experts on Risk Management in Regulatory Systems introduced the report on the work of the Group over the last year. The Group had continued to work mainly by electronic means. Its main achievements had been the publication of the *Risk Management in Regulatory Frameworks* as a United Nations sales publication, and participation in the Global Platform on Disaster Risk Reduction, which had been held in Geneva in May 2013.

18. The secretariat added that in 2014, the Group would continue to work with the United Nations International Strategy for Disaster Reduction (UNISDR) in preparing the UN Global Assessment Report (GAR15) that will inform the World Conference for Disaster Risk Reduction to be held in Japan in 2015. The Conference was widely expected to adopt a successor agreement to the Hyogo Framework for Action which was a ten-year United Nations plan to make the world safer from hazards.

19. The other Co-Coordinator of the Group of Experts added that training on the GRM model would also be a priority in the work of the Group.

20. A representative of the Conformity Assessment Directorate from the National Institute of Metrology, Quality and Technology (INMETRO), in Brazil, reported on the implementation of the GRM model in her organization. She explained that INMETRO was responsible for technical regulations and conformity assessment programmes focusing on health and security of consumers and the environment. Many of its activities were related to risk, but only recently the Directorate had decided to implement a formal model of risk management based on those proposed by the GRM of UNECE and ISO 31.000.

21. The pilot phase showed that it was necessary to manage the risks at the level of whole regulatory processes, in particular including the implementation of a regulation. Given the complexity of regulatory systems, a list of risk sources should also be established and risk assessment should be a continuous activity all through the process.

22. The Working Party noted the information provided by the Coordinators. It adopted the report of the Group on its activities, and recommended that the Group's activities should continue.

VII. Regulatory cooperation

<i>Title of document</i>	<i>Document symbol</i>	<i>For information/decision</i>
Progress report on the sectoral initiative on Telecom	ECE/TRADE/C/WP.6/2013/7	Decision
Progress report on the sectoral initiative on Earth-Moving Machinery	ECE/TRADE/C/WP.6/2013/8	Decision
Progress report on the sectoral initiative on Equipment for Explosive Environments (SIEEE)	ECE/TRADE/C/WP.6/2013/9	Decision

A. Regional/international projects

23. The representative of the European Commission updated delegations on progress made in aligning EU sectoral legislation with decision 768/2008. She explained that Decision 786/2008 contained reference provisions, such as definitions, obligations for economic operators, and conformity assessment procedures, to be incorporated in legislation related to product safety legislation. The aim of this alignment exercise was to bring consistency and effectiveness to product safety legislation and to lower the compliance costs for enterprises, in particular small and medium-sized enterprises.

24. The Toys Directive 2009/48/EC, RoHS 2 Directive 2011/65/EU and the Pyrotechnic Articles Directive 2013/29/EC had already been aligned. The following directives were currently under discussion and the provisional adoption date was March 2014:

- Low Voltage Directive 2006/95/EC
- EMC Directive 2004/108/EC
- Measuring Instruments Directive 2004/22/EC
- Non-automatic weighing instruments Directive 2009/23/EC
- Civil explosives Directive 93/15/EC
- ATEX Directive 94/9/EC
- Lifts Directive 95/16/EC
- Simple Pressure Vessels 2009/105/EC
- Recreational crafts 94/25/EC, amended by 2003/44/EC
- Pressure Equipment 97/23/EC.

25. Medical devices 90/385/EEC, 93/42/EEC and 98/79/EC and the R&TTE 1999/5/EC were currently being discussed.. She added that for the following directives: Gas appliances 2009/105/EC, Cableways 94/25/EC, amended by 2003/44/EC and Personal Protective Equipment 89/686/EEC, a proposal still needed to be presented by the Commission before March 2014. For more information, she referred delegates to the website http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/new-legislative-framework/index_en.htm.

26. In reply to a question from the secretariat, she explained that the alignment would bring gains for industry, because it would avoid situations where widely different requirements were imposed on very similar products, thus increasing compliance costs.

27. A representative of industry lamented the proliferation of low-quality goods on the markets bearing quality marks that had little value.

28. The Chair of the MARS Group asked the representative of the European Commission for details on the negotiations of the Transatlantic Trade and Investment Partnership as regards regulatory cooperation, with a view to proposing the use of the outputs of the UNECE work in establishing equivalency between the two systems. She replied that the negotiations were at a preliminary stage and that there was no information to disclose.

29. Commenting on the issue of equivalency, the representative of Belarus said that the Working Party needed to look at mutual recognition at a broader level, not focusing on one individual industry but at a fundamental level. Belarus proposed that this be the focus of the next meeting. The Bureau was requested to follow up on this proposal.

30. The representative of OECD highlighted the potential of regulatory cooperation for better managing global goods and risks, to make markets function better, to level the playing field, to reduce costs, to build regulatory capacity, and to generate substantial benefits for business and the public at large. However, the gains that could be achieved through greater coordination of regulation and its application across jurisdictions remained largely untapped. OECD member countries had acknowledged the importance of regulatory cooperation in Principle 12 of the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance. The OECD Regulatory Policy Division was now working on a Regulatory Cooperation toolkit that would provide guidance to countries on how to successfully implement international regulatory cooperation.

31. The representative of the United States expressed appreciation for the OECD and the WP. 6 work, which gave regulators a more diverse set of tools that they could use when engaging in regulatory cooperation.

32. The Working Party took note of the information provided by the EU Commission and OECD, and requested that the exchange of information on regulatory cooperation at the regional and international level should be continued.

(a) Sectoral initiatives

33. In 2013, the Sectoral Initiative for Equipment in Explosive Environments had continued promoting the Common Regulatory Objectives (CROs) that had been adopted by the Working Party in 2009. A presentation of the CROs had been made at Workshop in Fortaleza, Brazil, for regulatory authorities of Latin American countries and BRICS countries¹ on the whole life-cycle approach of Equipment and Services in Explosive Atmospheres with respect to the IECEx certification schemes. COBEI, the Brazilian

¹ Brazil, the Russian Federation, India, China and South Africa.

Committee for Electric, Electronic, Lighting and Telecommunication expressed interest in applying the Life-Cycle-Approach of the CROs in its system.

34. The survey on regulatory practices in different countries had been updated. It included 20 questions about the regulation of hazardous locations. The Sectoral Initiative intended to organize workshops for regulators in Asia (Kuala Lumpur) and Europe (The Hague) in 2014.

35. The Secretary of the IECEX Member Body from the Russian Federation said that the outcome of the work of the Sectoral Initiative was a good document. Following its adoption, work under the umbrella of the Russian Union of Industrialists and Entrepreneurs (RSPP) had aimed at developing recommendations for the alignment of the CROs, the IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres (IECEX System), the ATEX Directive and the Relevant Customs Union Regulation. However, not much had happened in 2013.

36. At its last meeting, IECEX had adopted a decision that

(a) requested a clear and positive statement from UNECE WP.6 that confirmed IECEX as satisfying the objectives of the published CROs;

(b) requested that the United Nations UNECE CRO publication should be placed on a more visible and accessible area of the United Nations main website;

(c) confirmed the need for ongoing promotion and awareness of the CROs via vehicles such as the planned IECEX / UNECE international conferences, e.g. the 19 and 20 February 2014 Conference planned for Malaysia;

(d) recommended that WG.8 of IECEX should focus on issues of promotion of mutual acceptance of the results of conformity assessment—the IECEX Certificates of Conformity—in accordance with the requirements of Recommendation L of UNECE and the CROs;

(e) requested the WG on the Sectoral Initiative on Explosive Environments Equipment and the ExMC WG 8 “Regulatory acceptance” of IECEX System to consider the proposals of the Russian Federation on the acceptance of the results of conformity assessment by the members of IECEX System at the IECEX Executive’s meeting to be held in Braunschweig in 2014.

37. For the implementation of this decision, the Russian Federation proposed the following:

(a) The IECEX Administration will notify the UNECE secretariat of the intention to implement and use the CROs and meet the requirements of the CROs (Recommendation L, annex C, Item 4.1);

(b) The countries members of IECEX will undertake to include the technical requirements provided for in the CROs and IECEX documents in their own legislation (Recommendation L, annex C, Item 4.1)

(c) A country–member of IECEX that adopts a CRO into its own legislation will notify the UNECE secretariat in writing of the date on which it will begin to apply that CRO. (Recommendation L, Annex C, article 4.2);

(d) The regulatory bodies of the countries that have adopted a CRO into their own legislation (as per Recommendation L, Annex C, article 3) will recognize the IECEX Certificates of Conformity starting from the date on which they began to apply the CRO;

(e) The IECEX Certificates will be accepted directly or, if the legislation of the country does not allow it, by means of the issue of a national certificate based on the IECEX Test Report and Quality Assessment Report (QAR);

(f) Only certification bodies accepted in the IECEX (ExCBs) will have the right to issue the IECEX Certificates of Conformity, Test Reports of IECEX and QARs of IECEX, which will be recognized in the countries that have adopted a CRO into their own legislation;

(g) The countries that are not members of the IECEX System shall apply the CROs by a general procedure in accordance with UNECE Recommendation L.

38. The “Telecom Initiative” had developed a proposal to apply the UNECE International Model to products within the Information and Telecommunications sector. Seven CROs had then been adopted by the Working Party in 2004. The CROs were good examples of trade-friendly regulations for these types of products. However, there had been little interest among United Nations Member States in implementing this approach in national legislation.

39. The UNECE International Model could potentially find its use in the context of World Trade Organization (WTO) negotiations in the sector of telecommunications, and this was the current focus of the work within the Telecom Initiative.

40. In 2003, the Working Party set up an Earth-Moving Machinery (EMM) Sectoral Initiative. In 2004, the Sectoral Initiative had adopted a first model regulatory framework, which had been revised in 2009. More recently, it had begun work on a model certificate of conformity and on addressing “risk management” and “market surveillance”. Since 2004, the Sectoral Initiative had conducted training seminars to promote the project in China, India, the Russian Federation, Chile, Argentina, Brazil, the Republic of Korea and Viet Nam. The Sectoral Initiative was continuing to provide assistance to all of these areas.

41. The Working Party adopted the progress reports from the Sectoral Initiatives on Explosive Environments, on Telecom and on Earth-Moving Machinery.

VIII. Standardization and regulatory practice

A. Review of developments in standardization and relevant national and regional regulatory activities

42. The Director of the Department for Technical Regulation and Accreditation of the Eurasian Economic Commission (EEC) gave a detailed update on progress made under the Customs Union of Belarus, Kazakhstan and the Russian Federation towards the creation of a common system of technical regulations and conformity assessment. He introduced the decision-making structure of EEC and said work was under way to integrate the fundamental agreements of EEC on SPS, TBTs and others, into a comprehensive multi-sector agreement.

43. All the Customs Union’s technical regulations had immediate application in the three countries, and were based on the principles of WTO. Thirty-four technical regulations had so far been adopted, mostly based on the respective EU “New Approach” directives. Many more were being developed; in particular, a technical regulation integrating all legislation applicable in the chemical industry—as this was a requirement for the Russian Federation’s accession to OECD—and others on medical equipment and motor vehicles. He stressed that any organization could comment on draft technical regulations, following

the established rules of procedure. He said that RSPP was an important partner in conveying the concerns of the business community.

44. The International Organization for Standardization (ISO) was currently focusing on improving standards development performance, including by using new approaches such as collaborative authoring and virtual meetings, as well as improved communications and publishing of standards. At the last General Assembly, held in Saint-Petersburg, there had been a session on Standards and Regulations, with presentations by WTO, the Russian Federation, the United Kingdom, Israel and South Africa. There had been much interest in that session and in the related ISO/IEC code of principles: “reference to standards” (ISO/IEC Guide 15:1977).

45. In its standards-development work, the International Electrotechnical Commission (IEC) was aiming at collaborating more widely and involving even more stakeholders in its national committees. IEC had three regional centres: in Boston, Singapore and San Paolo; and it managed two of its conformity assessment systems from Sydney, Australia (IECEX and IECQ). It had 60 full members and 22 associate members. A further 83 developing countries and economies in transition participated in the IEC Affiliate Country Programme, without the constraint of membership fees. In its international standardization work, IEC reached out to new stakeholders through its systems evaluation groups, tasked with pinpointing all stakeholders who are impacted by a given system, defining system architectures, building roadmaps and tracing systems boundaries while detecting standardization gaps or missing processes.

46. Participation in a Systems Evaluation Group was not limited to the normal IEC community; other interested parties could also be called upon to contribute (www.iec.ch/about/activities/systemswork.htm).

47. Another mechanism was the Systems Resource Group, populated by systems experts who would guide the development of specialized tools and software applications for systems standardization. IEC had applied the Systems approach first to its work for smart grids, where the Smart Grid Mapping Tool had been launched, identifying which standards were needed for a given technical area. This had required specialists to go through thousands of pages of standards from different standards bodies to identify the relevant standard

48. CEN/CENELEC was continuing to actively support EU policies through its standardization activities. The new Regulation 1025/2012 on European Standardization had reaffirmed the key role of European standards for products and services in support of Union legislation and policies. Standardization was one of the twelve key actions of the Single Market Act and a key component of the EU 2020 flagship initiatives. The CEN/CENELEC representative then introduced the recently signed agreement between CEN/CENELEC and Rosstandard. The agreement provided a basic and powerful tool for the harmonization of standards between the EU/EFTA and Russia, and for the promotion of these standards at a regional and international level. It would also become a platform for exchange of information and best practices in standardization. He added that IEC had recently published a Guide on Counterfeit Goods which could be of importance to WP. 6.

49. The representative of the American Society for Testing and Materials (ASTM) said that her organization had been established in the United States in 1898. It had increased its international presence by opening offices in Mexico City, Beijing, Brussels and Ottawa. It had 143 technical committees, had published 12,396 standards, with contributions from over 35,000 Members, of which more than 8,300 were International members, from 145 countries. There were over 7,000 references to ASTM standards used in 120 countries. Its practices fully complied with the WTO/TBT Committee principles. Membership fees were very low, and also the prices of the standards were nominal.

50. ASTM was striving to facilitate its Committees' work by using virtual meetings and electronic balloting. It had recently developed the ASTM Standards Tracker Tool providing information on newly approved standards and actions on existing standards. The average standard development time was 19 months. Recent priority areas of work included rare earth materials, bio-plastics, aviation and additive manufacturing. For collaboration in standards-making, new tools included wiki-based standards-development, which facilitated comments in multiple languages.

51. Answering a question by the representative of the Russian Federation—who lamented the difficulties to meaningfully participate in the standards-setting process for non-English speaking experts—the representative of ISO said that a balance had to be found between the time it took to develop standards and the inclusivity of language and translation.

52. In answering a question from the EEC, CEN and CENELEC gave examples of actions to facilitate participation by SMEs, including awareness-raising, education, and the possibility of commenting on drafts through a dedicated platform.

53. The Working Party noted information on regulatory practice provided by EEC and on standardization provided by ISO, IEC, CEN/CENELEC and ASTM and requested that it continue to be informed of relevant regulatory and standardization developments in the next sessions.

B. Proposed revision of Recommendation D

54. The Working Party adopted a revised version of Recommendation D “Reference to Standards”. The text that was agreed by the delegations is reproduced as an annex to this report.

C. Education on standards-related issues

55. A representative of the UNECE secretariat briefed the delegations on the activities of the Task Force on Education on Standards-related Issues, working under the START Team since 2012. He explained that the Group had developed a webpage containing links to educational programmes and educational materials, developed by universities and standardization bodies. He reported on a meeting of the Task Force that had taken place in parallel with the annual session that morning.

56. He said that the Deputy Minister of Education of the Moscow Region Government had explained the activities that had been undertaken in implementing the UNECE model educational programme on standardization. Given the diversity of educational establishments in the region, the Government aimed at promoting convergence with international best practice, including by strengthening cooperation with leading international institutions in both teaching and research.

57. A senior researcher of the Delft University of Technology introduced innovative methods that she was using to make the subject of standardization more appealing to students, including a role-playing simulation exercise that replicated the experience of participating in standards committees. A shorter version of the game, called “The Sky is the Limit”, had been played with the STARTed Group in the morning, after successful pilots at a number of recent conferences.

58. The representative of Environmental Protection Agency (EPA), a former professor, congratulated the Group on its achievements and the Delft University professor for having developed the game. Answering a question from the floor, the senior researcher said that

the game could be adapted to the specificities of the EU standards-development process, should there be an interest in doing so.

59. The Working Party noted the information provided by the secretariat and academic institutions, commended the work of the STARTed Team and asked to be informed of further developments under this initiative.

IX. Review of recent developments in conformity assessment and accreditation

60. The IEC representative explained that IEC was based on the two pillars of international technical standards development and conformity-assessment activities. Standards contained knowledge, and conformity assessment applied that knowledge. Only together do standards and conformity assessment create value.

61. IEC currently administered three third-party conformity-assessment systems, IECEE for electrotechnical equipment, IECEx for equipment, maintenance services and competency of personal in the environment of explosive atmospheres, and IECQ for electronic components, avionic supply chain and hazardous substance process management. A fourth conformity-assessment system for renewable energies would be established in 2014. A new Affiliate Conformity Assessment Status (ACAS) had also been created. This new status would entitle all Affiliate Countries that sign the ACAS Pledge to access to specialized learning modules, a resource data base, regional awareness events, webinars, specialized documentation and guides on conformity assessment at IEC, and participation in all IEC conformity-assessment systems, based on prerequisite training conditions.

62. The representative of ISO/CASCO reported on the ISO/CASCO meeting held in October 2013 in Beijing and announced that the next ISO/CASCO plenary would take place in Geneva during the week of 22 September 2014. In 2013 ISO/CASCO had published several guidance documents, including on product certification schemes and on the audit and certification of management systems. Its working groups were working on a model scheme for the certification of manufactured products.

63. The Director of the Department of Technical Regulation and Accreditation of EEC introduced the accreditation system of the Customs Union. Testing laboratories and certification bodies needed to be accredited by one of the national accreditation bodies of the Customs Union and be registered under the national part of the accreditation register. Conformity assessment to prove compliance with the Union's technical regulations could be conducted by any accredited body, on the basis of mutual recognition. As per the agreement, accreditation should be carried out in accordance with international best practice and standards.

64. Registers of national accredited certification bodies and testing laboratories were maintained by the three national accreditation bodies, and replicated on the EEC website. The EEC representative said that a gap still existed between the conformity-assessment capacity in the Customs Union and world best practice. EEC was working to develop its capacity, especially in general product safety and peer-to-peer assessment. In reply to a question from the floor and concerning the mutual recognition of certificates under the IECEEE scheme, the representative explained that EEC required that nationally accredited bodies take responsibility for issuing certificates, on the basis of tests conducted by partner bodies under the scheme, which did not need be repeated.

65. The Working Party noted the information on conformity assessment and accreditation provided by regulators and standardizations organizations and asked to be kept informed of developments.

X. Market surveillance

66. The Chair of the MARS Group reported on the meeting of the Group, which had been held in Prague in September 2013 and co-organized by the Czech and Slovak Offices of Standards, Metrology and Testing. The Group had continued to exchange information on recent developments in market surveillance and to further develop its Generic Market Surveillance Initiative.

67. She reported that in 2014 the Group would work in closer partnership with national and regional market-surveillance authorities in member States, as well as collaborate more closely with the other initiatives within the WP. 6, in particular, the sectoral initiatives. She said that the Group could draw up best practice for market-surveillance authorities related to making use of the existing mutual recognition schemes, ranging from the formal mechanism embodied in legislation (i.e. Good laboratory practice of the OECD – for pharmaceuticals and industrial chemicals) to the less formal, but globally accepted certification schemes such as those applied within the framework of international networks under IEC, mutual acceptance of certificates, test reports and conformity-assessment results based on rules of IECEE. She encouraged market-surveillance experts—in particular from non-EU member States—to join in the work of the MARS Group so that it would be able to produce deliverables of more global value.

68. The secretariat added that were ongoing consultations regarding holding the 12th MARS meeting in Belgrade, back to back with a meeting of the Product Safety Council of Serbia.

69. The representative of the European Commission introduced the EU product safety and market surveillance package. The package comprised the following:

- Communication on More Product Safety and Better Market Surveillance in the Single Market of Products
- Proposal for a Consumer Product Safety Regulation
- Proposal for a Regulation on Market Surveillance
- Multi-annual action plan for market surveillance 2013-2015
- Report on the implementation of Regulation (EC) No. 765/2008.

The package had been adopted by the Commission in February 2013 to increase the effectiveness of the current market surveillance framework and improve product safety.

70. The Proposal for a Consumer Product Safety Regulation would repeal the General Product Safety Directive 2001/95/EC. It contained a general safety requirement for all consumer products, except pharmaceuticals, food and animal feed, plants. It also contained obligations aligned with Decision (EC) 768/2008 for economic operators, as well as standards-setting procedures aligned with Regulation 1025/2012 on European Standardization. Other novelties included indication of the country of origin, and requirements related to technical documentation and safety assessment.

71. The Proposal for a Regulation on Market Surveillance of Products introduces a single framework for market surveillance by bringing together the market surveillance rules of Regulation 765/2008, the General Product Safety Directive and much sector-specific legislation. It contained a general market-surveillance obligation, requirements for market-surveillance authorities and a procedural flow for market-surveillance activities. The proposal also covered the exchange of information on products presenting a risk (RAPEX/ICSMS) and the creation of a European forum for market surveillance.

72. The multiannual action plan for market surveillance of products 2013-2015 contained 20 actions and objectives aimed at making market surveillance more efficient and at increasing product safety. Among them, a EU general-risk-assessment methodology, to cover all risks and products subject to Regulation 765/2008 and the Market Surveillance Regulations, joint enforcement action to increase cooperation among national market surveillance authorities and specific action related to market surveillance on products sold online. More information was available at http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index_en.htm. In reply to a question from the floor, the EU representative emphasized the importance of the origin principle in the context of the package.

73. The Working Party noted the information on provided by the European Commission and the Chair of the MARS Group. It adopted the report of the MARS Group meeting.

XI. Metrology

74. The representative of the International Organization of Legal Metrology (OIML), briefed delegations on OIML activities since the twenty-second session of WP.6. OIML was an international standards setting organization and that its standards (named Recommendations and Documents) are used in many countries and in the European Union as the basis for technical regulations on measuring instruments and measurements under legal control. He said that OIML had approved a revised edition of the International Vocabulary of Terms in Legal Metrology, to be published shortly as OIML V-1:2013 and made available free of charge on the website (www.oiml.org).

75. OIML was developing an electronic (online) vocabulary, containing the entries from the *International Vocabulary of Metrology*, the *International Vocabulary of Terms in Legal Metrology* and other terms relevant to (legal) metrology, validated by a team of experts. He also mentioned the celebration of World Metrology Day (20 May), for which OIML, in cooperation with the *Bureau International des Poids et Mesures* (BIPM), developed the promotional material and the website (www.worldmetrologyday.org). The theme in 2013 was "Measurements in Daily Life", and events had been organized in 32 countries.

76. The Working Party noted the information provided by OIML and asked to be kept informed of developments.

XII. Capacity-building

77. The secretariat reported on a training activity it had been invited to conduct as part of the UNIDO Trade Capacity-Building training for Central Asia. This was a regional training event that had taken place in Kyrgyzstan in May 2013.

XIII. Any other business

78. The Working Party would be further informed of possible dates for its next session.

XIV. Adoption of the report

79. According to its new rules of procedure, the Working Party adopted the report.

Annex I

Revised recommendation D “Reference to Standards”

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:

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.
2. Regulatory authorities should endeavour to apply “reference 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.
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.
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.
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) To 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 with standardization bodies the possibility of including these in a separately identified section of a standard.

(d) To 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 should comply with the intellectual property rights and respect the copyright of standardization bodies when considering how to increase the accessibility of standards.

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, by developing harmonized terminology and repositories of good practice.
