

Department for Legal Affairs and Internal Market  
Amina Makboul  
Direct no: 08-406 83 18  
E-mail: amina.makboul@swedac.se

## **Swedish comments on meeting documents for the 27th WP6 session on 29-30 November 2017**

### **Proposal “From commitment to action: Standards at work for the United Nations 2030 Agenda for Sustainable Development” (ECE/CTCS/W.P.6/2017/3):**

- We agree that there is a need to streamline the work of WP.6 to make it more effective and we welcome the integration of Agenda 2030 in the work of WP6 but question the strong focus on standardization in the proposal. Also other components of QI such as accreditation, metrology and market surveillance are hardly mentioned in the current proposal and which gives the impression that these areas are less important. The role of regulative framework is not underlined to the extent essential especially when we acknowledge that the use of standards is voluntary.
- We see a need for further discussion on the change of the name and mandate of the Working Party through a stakeholder consultation among the key players and participants of the WP.6. forum. We do hope that the Working Party will continue to have its unique role in international regulatory cooperation focusing on improved market access and trade avoiding and abolishing unnecessary barriers to trade, where standards are one (not the most) important issue. SE propose: “WP for regulatory cooperation and standardization policies for sustainable development”.
- We have no objections on the proposal to create an Advisory Board which will be open to external organizations and the private sector.
- Other: We question why all other areas but metrology are linked to the STGs. Further Market surveillance is connected to goal 9.1. which is not straight forwards as the objective of MS is both safety and fair competition and have no direct connection to sustainable social development. The future work with best practices for MS within WP.6 seems to be uncertain and may risk to get less attention.

### **Recommendation T on "Standards and Regulations for Sustainable Development" (ECE/CTCS/WP.6/2017/8):**

#### **Section 2, “The Rationale for the recommendation:**

- We would like to highlight that social, economic and environmental are *dimensions of sustainability*. We would suggest the wording SDG and targets cover a broad range of social, economic and environmental dimensions that are currently managed under very different legislative and regulatory systems and jurisdictions.

#### **Annex, “checklist for risk based regulatory systems for the implementation of Agenda 2030”:**

**a) Setting regulatory objectives, point 1.**

- It would be beneficial to mention also analysis of possible conflicting objectives, i.e. both a positive and negative relation. Goals and targets in the 2030 Agenda are mutually supportive, but their implementation may also lead to conflicts between them. The best example is that on the one hand the Agenda encourages ambitious developed states to introduce more demanding standards for environmental protection. This can make it more difficult for developing countries to export and thus stands in direct conflict with a target on increasing export from developing countries and doubling export from LDCs.

**b) Regulation development within regulatory frameworks linked to SDGS, point 7.**

- Information and communication (awareness raising) are/should be an integrated part of implementing a risk based approach to regulatory frameworks linked to SDGs- The wording “adoption and distribution of guidelines and relevant enforcing jurisdiction”, could be considered.

**c) Market surveillance and Enforcement, point 8 and 9.**

- We note that market surveillance will be a challenge as the success to implement SDGs are connected to national premises, and priorities (where non compliances are not sanctioned internationally)- i.e. difficult to harmonize.  
Data gathering, is one important method especially in the beginning. Experience, especially based on international co-operation should not be forgotten (in order to avoid inventing the wheel many times and for avoiding bad use of scarce resources). Moreover, some of the goals and targets aim at achieving objectives which are of non-economic or softer character, and thus may require other forms of assessment, including more qualitative ones. This should be taken into consideration so as to guarantee sufficient level of methodological flexibility.
- We see a problem that it is stated “in presence of *regulatory failures* including high levels of non-compliance [...]”, is that a fact? High level of non-compliance sure is and which also is stated on European level by the industry organizations as well as the European Commission but is it really a result of regulatory failures rather than unserious businesses who break the rules? In addition, whether or not new regulations shall be introduced or not can be further discussed.
- It is important to note that in the framework of the 2030 Agenda, there is an ongoing process of developing asset of indicators, which will facilitate evaluation of attainment of different STG goals and targets. These indicators may be helpful when developing tools for including sustainable development agenda in the ongoing work with regulation and standardization. The ongoing activities with SDG indicators as well as the recent report listing indicators that have been agreed by the Inter-Agency and Expert Group on SDG Indicators working under the auspices of the UN, can be found at: <https://unstats.un.org/sdgs/indicators/indicators-list/>
- We are of firm opinion that basing future tools and assessment methods entirely on quantitative approach (concerning scientific evidence) might pose some challenges. Moreover, mathematic models cannot replace risk assessment when conducting market surveillance. Such models are complex and quite theoretical and it is difficult to understand the added value such models might bring to market surveillance officials whose resources already are limited. It is possible that our market surveillance authorities can improve our risk based approach for selection but we question that this can be done by using mathematic models.

- In addition, we can't see how such models can be applied to construction products, the probability of non-compliance for a construction product can't be evaluated since CPR does not include requirements on health and safety but performance and considers the harmonized standards. The standards does seldom include any requirements but methods on how to assess and present the characteristics of the product. However acceptable levels of performance are required on a national level. In concrete terms, it means that one product can be suitable for use in one country but not in another one. The risk assessment always considers applicable requirements in the building regulations.
- Finally, we would like to stress that market surveillance is much more than the selection process, proactive market surveillance in terms of targeted information to economic operators and information activities to the public and industry are also of high importance. In order to assess if a product is compliant, it has to be tested and therefore one must use a risk based approach for market surveillance as mentioned above (please see proposed text in revised draft Swedac 171127:

“Risk assessment and market analysis should be developed and used as primary tools that would allow enforcement activities and regulators to focus their attention on products/businesses/activities/ that are (1) most threaten the implementation of SDGs and other important objectives when non-compliant and (2) most likely to be non-compliant (with the highest probability of non-compliance).”