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Committee on Trade

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Report of the Working Party on Regulatory Cooperation and Standardization Policies on its panel session “High-level segment on regulatory cooperation” held as part of its twenty-second session *

81. The representative of the United States said that when the United States regulatory approaches diverged from those of trading partners, unnecessary burdens and costs could be imposed on exporters, producers and consumers. The Executive Order 13609 (EO 13609) of the President, “Promoting International Regulatory Cooperation”, seeks to reduce those costs by addressing unnecessary differences in existing regulatory requirements and preventing the creation of new ones. It was also intended to help promote good regulatory practices internationally, such as public consultation and regulatory impact assessment (RIA). The international regulatory cooperation effort was embedded into United States domestic efforts.

82. A new institutional framework for international regulatory cooperation had been established, and the responsibility for coordinating those activities lay with the interagency Regulatory Working Group. The Executive Order also put new obligations on other regulatory agencies, including:

(a) reporting annually on “international regulatory cooperation activities that were are reasonably anticipated to lead to significant regulations”, as part of each agency’s overview of regulatory priorities;

(b) including in their retrospective plans to reform existing regulations certain regulatory reforms that would “address unnecessary differences in regulatory requirements between the United States and its major trading partners.” Such a review could be initiated by agencies based on evidence provided by public stakeholders.

* The current document is an excerpt of the document ECE/TRADE/C/WP.6/2012/2: “Report of the Working Party on Regulatory Cooperation and Standardization Policies on its twenty-second session”

83. United States activities in international regulatory cooperation included bilateral partnerships: (a) the High-Level Regulatory Cooperation Forum with the European Union, (b) the High-Level Regulatory Cooperation Council with Mexico and (c) the Regulatory Cooperation Council with Canada. The United States also participated in the work of international organizations, such as Asia-Pacific Economic Cooperation and the Organisation for Economic Co-operation and Development.

84. Responding to the question raised by the Chair of the GRM Group on how risk-management tools were applied within the United States regulatory system, he said that these executive orders stated explicitly that one had to base regulations on evidence and, where appropriate, an assessment of the risks to be addressed by regulations. There was also reference to RIA, as well as to other risk-management techniques. Regulatory activities in the US were based on longstanding practices of risk assessment and management.

85. The Minister for Technical Regulation of the Eurasian Economic Commission (EEC) presented Commission's achievements and ongoing work in standards and technical regulation. Achievements included the approval of the following: (a) a unified list of products subject to mandatory conformity assessment; (b) a schedule for the development of the Customs Union technical regulations and interstate standards; and (c) the Commission's rules of procedure in this area.

86. The Commission's regulatory practice supported public consultation. Consultative committees and subcommittees—which included vice-ministers, business representatives and other stakeholders—prepared documents drafts, which were posted on the website for public review for a period of at least 60 days.

87. Comments were received from the Customs Union, the CIS countries and other trading partners. Comments and suggestions on the draft technical regulation were also uploaded for public information. The documents were then discussed at least twice by an Advisory Committee that also reviewed the results of the regulatory impact assessment.

88. When a new technical regulation was adopted, a corresponding list of standards for the fulfilment of the regulation requirements and for testing compliance with the requirements was drawn up. The list—which was also subject to public consultation—included preferably “interstate” standards adopted on the basis of international or European standards, except for cases when standards did not correspond to the regulator's goals or failed to take into account climatic and geographical specificities.

89. The principle of mutual recognition applied to any test and any conformity assessment performed by a certification body in any of the three member States. A unified register of certification bodies and testing laboratories, as well as a register of issued certificates and declarations of conformity, was available online.

90. Accreditation bodies worked independently on the basis of ISO standards ISO /IEC 17000 and in accordance with Decision № 768/2008/EC and Regulation (EC) № 765/2008. Efforts were ongoing to harmonize the Customs Union countries' national accreditation systems and to ensure international recognition of conformity assessment results.

91. A common market surveillance system had been set up for the Customs Union and the Common Economic Space. It included independent national bodies responsible for surveillance in their country; an information system detailing such bodies and their operational scope; the development of national surveillance programmes and a common system of training for inspectors.

92. Some more specific agreements relating to market surveillance were still being prepared. They specified requirements for market participants, e.g. producers, suppliers, and for stakeholders that perform conformity assessment. The next step would be to create an IT system to inform the market participants on procedures and hazards. Work was also

ongoing towards creating a policy of unified measurements on the territory of the Customs Union and the Common Economic Space.

93. The Customs Union considered international cooperation as an area of high importance, with an ultimate goal to realize the principle of “one requirement, one test and one certificate”. It cooperates actively with Germany and with international standards bodies, including with IEC, especially on issues related to conformity assessment, methods of testing in radio-electronic objects, workshops and hands-on learning.

94. The Chair of the APEC Sub-Committee on Standards and Conformance (APEC SCSC) presented regulatory cooperation activities within the APEC framework.

95. Regulatory cooperation aimed to improve the efficiency and effectiveness of regulations and to build public trust. It was carried out within the Sub-Committee, which aimed at promoting alignment with international standards and conformance systems. The Sub-Committee had organized a number of activities including in the sectors of commercial buildings, electrical equipment, and the smart grid.

96. It had recently focused on education, organizing a Conference on Innovative Education about Standardization and contributing to the WSC Academic Day in Bali, Indonesia. A new project including a training and exchange programme would start in 2013.

97. Another important subject for the Sub-Committee was to develop a methodology to assess equivalence of technical regulations and standards, which should be based on the comparison of requirements and indicators used in conformity assessment. A conference on the equivalence of technical regulations and standards had been held in Moscow, in December 2012. In reply to a question from the house, the APEC representative said that risk management tools could be useful to determine equivalency, because if the level of remaining risk was the same, two regulations could be considered as equivalent.

98. The representative of OECD asked how the benefits of regulatory cooperation could be quantified and how divergences that appear in the implementation of harmonized standards could be addressed.

99. The representative of the United States said that there was not much information on the quantification of benefits. The approach of the United States, together with Mexico and Canada, was to rely on submissions from public stakeholders. The United States Administration expected to be able to develop some quantifiable estimates. Some regulations with impacts on the international trade would go through a cost-benefit analysis, so estimates would become available. Aggregate estimates, however, are unavailable.

100. The United States representative recognized that divergences in how regulations were enforced could create unnecessary differences in regulatory systems of trading partners. In the post-regulation phase, examples of concrete action included the sharing of test results and providing common application procedures.

101. A representative of the Russian Union of Manufacturers and Entrepreneurs (RSPP) explained that her organization, whose members create more than 60% of the country’s GDP, has a dedicated committee on technical regulation, standardization and conformity assessment. It aimed at involving the industry in technical regulation reform in the Russian Federation and at increasing international cooperation in this field.

102. She said that in 2011 her organization had formed the “Task Force 8”. It strove for an EU-Russian Federation common market space, and increased mutual recognition of testing and certification of products.

103. In 2012, the Task Force had developed recommendations for the approximation of the EU and Russian technical regulations system, both regarding so-called “horizontal

issues” (standardization, accreditation, market surveillance, conformity assessment) and technical regulations pertaining to specific industrial sectors of high priority. The recommendations would be presented in the form of a “White Book” to a summit meeting of Russian and EU leaders in December 2012.

104. The organization was also actively engaged as a stakeholder in the negotiations between CEN/CENELEC and Rosstandard concerning their cooperation agreement (see below).