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## Economic Commission for Europe

### Executive Committee

#### Eighty-sixth meeting

Geneva, 16 September 2016

Item 4 (b) of the provisional agenda

#### Decisions on matters relating to the

#### Steering Committee of Trade Capacity and Standards

### **Decision approving the renewal of mandates and terms of reference of the Groups of Experts under the Working Party on Regulatory Cooperation and Standardization Policies (WP.6)**

#### *Background*

1. At its second session (Geneva, 26-27 May 2016) the Steering Committee on Trade Capacity and Standards (SCTCS) endorsed the mandates and terms of references of the Groups of Experts under the Working Party on Regulatory Cooperation and Standardization Policies (WP.6).
2. The Executive Committee is invited to approve the renewal of the mandate of the following Groups of Experts and their terms of references for the period 2016 – 2018:
  - (a) the Advisory Group on Market Surveillance (MARS);
  - (b) the Ad-hoc Team of Specialists on Standardization and Regulatory Techniques (START); and
  - (c) the Group of Experts on Risk Management in Regulatory Systems (GRM);

as contained in document ECE/CTCS/WP.6/2015/2, Annexes I and II.

#### *Draft Decision*

3. The Executive Committee hereby approves the renewal of the mandates and terms of reference of the above-mentioned groups of experts under the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) for the period 2016 – 2018, as contained in document ECE/CTCS/WP.6/2015/2, Annexes I and II.

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\* Reissued for technical reasons on 7 September 2016.

## **ANNEX I. Renewal of the Mandates**

### **I. Advisory Group on Market Surveillance**

1. The Working Party on Regulatory Cooperation and Standardization Policies promotes the least possible restrictive approaches to regulate safety, health and other legitimate concerns of Governments. In most UNECE member States today, the emphasis for enforcing regulations has shifted from pre-market controls to the control of products already placed on the market; i.e. from certification to market surveillance. Effective market surveillance, therefore, is an essential part of the implementation of modern regulatory frameworks.

2. The Working Party began to address market surveillance towards the end of the 1990s, with some members of the Commonwealth of Independent States explicitly requesting advice on “good practices”. Following its International Forum on Market Surveillance, in 2002, the Working Party recommended that a team of experts on that subject be created. The Working Party first approved its terms of reference in November 2003.

#### **A. Membership**

3. The “MARS” Group membership includes the following:
- (a) Governmental experts from national market surveillance authorities of UN member States
  - (b) Standards-setting organizations
  - (c) Certification bodies
  - (d) Test houses
  - (e) International schemes for conformity assessment
  - (f) Business
  - (g) Civil society
  - (h) Consumer organizations
  - (i) International organizations.

#### **B. Activities**

4. The work undertaken in 2014 – 2015 can be found in the report of the MARS Group in document ECE/CTCS/WP.6/2015/12.

5. At their annual session on 24 – 25 June 2015, the Group decided to undertake the following work over the next two years:

- a. to continue the development of the general market surveillance initiative (see: ECE/TRADE/C/WP.6/2009/11 and ECE/TRADE/C/WP.6/2009/12)
- b. to strengthen cooperation with other groups under the umbrella of WP.6,
- c. to enhance activities related to cooperation between market surveillance authorities (MSA) and customs authorities,
- d. to update MARS global database of MSAs and establish contact between global and regional Market Surveillance Networks;
- e. to support MSAs and explore the possibility of training market surveillance authorities on issues related to counterfeit goods, product marks and on-line Market Surveillance.

### **C. Request for extension of Mandate**

6. Following its review of the work of the Group, the Working Party, at its twenty fifth session, decided to request the extension of the Group's mandate (See Annex I, section I). It hereby requests the Steering Committee on Trade Capacity and Standards to endorse the extension of the mandate for two years and to submit this to the UNECE Executive Committee. No additional resource requirements are foreseen for the continuation of this work and no changes to the scope of the work are being requested.

## II. Ad Hoc Team of Specialists on Standardization and Regulatory Techniques

1. In 1999, the Working Party created an ad hoc Team of Specialists on Standardization and Regulatory Techniques (“START” Team). The Team was to examine how non-tariff barriers to trade could be reduced by (a) limiting the content of related regulations to the essential requirements for meeting regulatory objectives, and (b) referring to international standards as the preferred means of setting out detailed requirements, including for conformity-assessment.

2. Since its creation, the Team has held consultations with Governments, international organizations and private companies to explore their concerns in regulatory convergence areas. It has created, revised and updated the “International Model for Technical Harmonization”, Recommendation L, which comprises a set of voluntary mechanisms and principles for good regulatory practices. The International Model can be used by countries wishing to align their regulatory regimes in specific sectors or product areas.

3. Currently, there are four “sectoral initiatives” under way, each following the International Model”:

- (a) Telecom (SIT)
- (b) Equipment for Explosive Environments (SIEEE)
- (c) Pipeline Safety (SIPS)
- (d) Earth-moving Machinery (SIEMM)

### A. Membership

4. The START Team membership includes representatives from the following:

- (a) Governmental experts from UN member States
- (b) Standards-setting organizations
- (c) Certification bodies
- (d) Test houses
- (e) International schemes for conformity assessment
- (f) Business
- (g) Civil society
- (h) Consumer organizations
- (i) International organizations

### B. Activities

5. Reports and plans for future activities of these sectoral initiatives can be found in documents:

- (a) “Progress report on the sectoral initiative on Telecom” (ECE/CTCS/WP.6/2015/8);
- (b) “Progress report on the sectoral initiative on Earth-Moving Machinery (EMM)” (ECE/CTCS/WP.6/2015/9);
- (c) “Progress report on the sectoral initiative on Equipment for Explosive Environments (SIEEE)” (ECE/CTCS/WP.6/2015/10); and
- (d) “Progress report on the sectoral initiative on the Safety of Pipelines” (ECE/CTCS/WP.6/2015/11). Since the last renewal of its mandate, in 2005, the Team has held four meetings. The meetings dealt primarily with supervising the implementation of the three sectoral initiatives: on telecom, earth-moving machinery and equipment for explosive environments.

### **C. Request for extension of Mandate**

6. Following its review of the work of the Team, the Working Party, at its twenty sixth session, decided to request the extension of the Team's mandate (see Annex I, section II). It hereby requests the Steering Committee on Trade Capacity and Standards to endorse the extension of the mandate for two years and to submit this to the UNECE Executive Committee. No additional resource requirements are foreseen for the continuation of this work and no changes to the scope of the work are being requested.

### **III. Group of Experts on Risk Management in Regulatory Systems (GRM)**

1. The Working Party on Regulatory Cooperation and Standardization Policies, at its 20th Session, recommended the establishment of a new Group of Experts on Risk Management in Regulatory Systems. This was then endorsed by the Committee on Trade at its fourth session in June 2011 (ECE/TRADE/C/2011/14, Decision 13).

#### **A. Membership**

2. The membership of the Group of Experts on Risk Management in Regulatory Systems includes representatives from the following:

- (a) Governments
- (b) National Standards-setting organizations
- (c) Business
- (d) Civil Society
- (e) Academia
- (f) International organizations

#### **B. Activities**

3. At its twenty-fifth session, the Working Party approved the priorities and plan of work for 2015 of the Group of Experts on Risk Management in Regulatory Systems (GRM). The plan focused on broadening the work of the GRM in the area of crisis management in regulatory frameworks (including participation in the Sendai Conference on Disaster Risk Reduction), as well as on the implementation of the risk management recommendations and tools developed by the Group in 2011-2015 across various fields and sectors.

4. The Group of Experts has developed two recommendations: one on Risk Management in Regulatory Systems and another on Crisis Management in Regulatory Systems. The Group has also developed a plan for the practical implementation of these Recommendations, including through an analysis of legislation and regulatory systems as well as the development of guidance on how risk management functions should be performed within a regulatory system and on how to increase crisis preparedness.

#### **C. Request for the extension of Mandate**

5. Following its review of the work of the Team, the Working Party, at its twenty sixth session, decided to request the extension of the Team's mandate (see Annex I, section III). It hereby requests the Steering Committee on Trade Capacity and Standards to endorse the extension of the mandate for two years and to submit this to the UNECE Executive Committee. No additional resource requirements are foreseen for the continuation of this work and no changes to the scope of the work are being requested.

## **ANNEX II. Terms of references**

### **I. Terms of reference of the Advisory Group on Market Surveillance (“MARS” Group)**

#### **A. Establishment of the Advisory Group**

1. The establishment of a group of experts group on market surveillance matters was suggested at the UNECE International Forum on Market Surveillance (29 October 2002, Geneva), which was organized in conjunction with the twelfth session of the Working Party on Technical Harmonization and Standardization Policies (WP.6), 28-30 October 2002, Geneva. The WP.6 recommended to establish such a Group and this was approved by the seventh session of the UNECE Committee for Trade, Industry and Enterprise Development (May 2003).

#### **B. Objectives of the Advisory Group**

2. Market players like public authorities, manufacturers, retailers, importers, and consumers/users need transparent rules of play. Consistent and effective procedures in the field of the protection of consumers and workers are a precondition to address this concern. Improved co-ordination and creation of “good practices” for market surveillance authorities is of great importance. Such co-operation and co-ordination is essential for the good functioning of both national markets and for the UNECE region at large in order to eliminate distortion of competition and to protect consumers. Transparent and consistent “good practices” will also contribute to the facilitation of international trade.

3. The general task of the Advisory Group of experts on MARKET Surveillance (“MARS” Group) is to contribute to the activities of the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) aimed at creating conditions conducive to the development and promotion of global trade and economic cooperation.

The specific tasks of the Group are:

- (a) To provide for interaction on a national/regional/international level between all players concerned, including public authorities, manufacturers, retailers, importers, and consumers/users against goods not in conformity with legislation being placed on the market;
- (b) To increase transparency and attract attention to the responsibilities of public authorities and their staff for market surveillance with regard to their accountability in the chain of control;
- (c) To identify good practices and methods ensuring fulfilment of legitimate objectives (such as protection of human health or safety, animal or plant life or health, or the environment and to ensure fair competition) in existing legislation;
- (d) To promote (and when necessary initiate) coherent good practices and to elaborate relevant recommendations concerning market surveillance within the UNECE region.

#### **C. Composition of the Advisory group, its membership and participation in its meetings**

4. Members of the Group are representatives from UNECE Member States and other United Nations Member States.

5. The Group is open to participation by experts from international organizations as well as to representatives of the private sector and non-governmental organisations (NGOs) as observers in their personal capacity.
6. The Group may establish sub-groups of experts to prepare projects requiring specific expertise, which are expected to become a part of the general activities of the Group. The Group can work with interested governments and organizations on financing and implementation of such projects.
7. The UNECE secretariat will provide necessary support to the Group and its sub-groups within available resources.

## **E. Reporting**

8. The Group works under the guidance of the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) and reports to it. The Group works on the understanding that its final proposals or recommendations will be decided by the WP.6 as an intergovernmental body.



## **II. Terms of Reference of The Ad Hoc Team of Specialists on Standardization and Regulatory Techniques (START Team)**

### **A. Establishment of the START Team**

1. The establishment of the START Team was suggested at the UNECE International workshop on implementation and use of international standards (18 May 1999, Geneva) which was organized in conjunction with the ninth session of the Working Party on Technical Harmonization and Standardization Policies (17-19 May 1999, Geneva). The Working Party supported and approved this proposal. The establishment of the Team was endorsed by the third session of the UNECE Committee for Trade, Industry and Enterprise Development (8-10 June 1999).

### **B. Objectives**

2. The general task of the Team is to contribute to the activities of the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) aimed at creating conditions conducive to the development and promotion of global trade and economic cooperation.

3. The specific task of the Team is to examine the possibilities for reducing non-tariff barriers to trade by limiting the content of related regulations to the essential requirements for meeting regulatory objectives and using reference to international standards as the preferred means for setting out detailed requirements, including conformity assessment requirements.

4. The Team works under the guidance of the UNECE Working Party on Regulatory Cooperation and Standardization Policies (WP.6), in accordance with terms of reference adopted by WP.6 and reports to it. Any reports and recommendations of the Team have preliminary and unofficial character and are subject to endorsement by WP.6.

### **C. Composition of the Team, its membership and participation in its meetings**

5. The Team is composed of experts with the collective expertise to address the specific task defined for it.

6. The Team is composed of the members of the enlarged Bureau of the WP.6 (including coordinators and rapporteurs) and of specialists appointed by UNE member-states and invited by the Team.

7. The Team is open to participation by experts from interested United Nations Member States and international organizations as well as to representatives of the private sector as observers in their personal capacity. The Team works on the understanding that final recommendations and proposals of the Team will be endorsed by the Working Party 6 as an inter-governmental body.

8. The Team can establish sub-groups of specialists to prepare projects requiring specific expertise, which are expected to become a part of general activities of the Team.

9. The UNECE secretariat provides necessary support to the Team and its sub-groups within available resources.

**D. Reporting**

10. The Team reports to the Working Party on Regulatory Cooperation and Standardization Policies. The Group works on the understanding that its final proposals or recommendations will be decided by the WP.6 as an intergovernmental body.

### **III. Terms of Reference of the Group of Experts on Risk Management in Regulatory Systems (GRM)**

#### **A. Establishment**

1. At its forty-fifth meeting, the EXCOM decided to establish a Group of Experts on Risk Management in Regulatory Systems (GRM) on the recommendation by the Working Party on Regulatory Cooperation and Standardization Policies and the Committee on Trade, to consider how risk management can contribute to an efficient regulatory framework.

#### **B. Objectives**

2. The Group of Experts aims at an improved management of hazards that have the potential to affect the quality of products and services, and/or cause harm or damage to people, the environment, property and immaterial assets.

3. To achieve this goal, the Group of Experts will:

- (a) Collect and share information about hazards resulting from use of products and from production processes;
- (b) Develop and share best practice on how to address these hazards through regulatory and managerial best practice.

4. The Group of Experts will develop and share best practice - including, if relevant, in the form of recommendations - as regards the use of risk management tools to:

- (a) Achieve proportionality between technical regulations and the risks they set out to address, including through regulatory impact assessment and good regulatory practices;
- (b) Choose among alternative regulatory instruments;
- (c) Assess the respective merits of risk-based regulations and deterministic regulations in different contexts and sectors;
- (d) Increase effectiveness of the implementation of regulations and standards as regards pre-market activities (certification, registration, conformity assessment) and post market ones (inspections and market surveillance);
- (e) Improve managerial control of processes and operations as a contribution to a consistent and predictable implementation of standards and regulations;
- (f) Analyse legal and supply chain requirements on traceability of goods as a means of meeting legitimate security and consumer safety concerns;
- (g) Promote measures to build mutual confidence through better access and wider sharing of relevant information among regulatory agencies, both at a national and at a regional level (data banks on dangerous goods).

#### **C. Composition of the Group of Experts, its membership and participation in its meetings**

5. The Group is open to participation from any individual or organization from all United Nations member States. Participation from governmental authorities, intergovernmental organizations, business associations and private firms, standards-setting organizations, certification bodies, test houses, international schemes for conformity assessment, civil society and consumer organizations is particularly welcome.

6. The Group will mainly work through teleconferences, webinars, and an interactive website to elaborate recommendations and guidance documents.

#### **D. Reporting**

7. The Team reports to the Working Party on Regulatory Cooperation and Standardization Policies. The Group works on the understanding that its final proposals or recommendations will be decided by the WP.6 as an intergovernmental body.

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