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March 5, 2012

Juan Ramos-Garcia  
Mechanical Engineer  
UNECE Transport Division  
Chief of the Vehicle Regulations  
and Transport Innovations Section &  
Secretary of the World Forum for  
Harmonization of Vehicle Regulations (WP.29)  
8-14, Avenue de la Paix  
CH-1211 Geneva 10  
SWITZERLAND  
Email: Juan.Ramos.Garcia@unece.org

Reference: Comment on Guidance related to Agenda Item 4.2

Dear Mr. Juan Ramos-Garcia:

Thank you for the opportunity to comment on the use of private standards in the text of vehicle regulations. SAE International (SAE), founded over 105 years ago, is an international standards development organization. It produces and maintains more than 9,000 globally recognized consensus-based standards for use in the aerospace, automotive and commercial vehicle industries. The SAE technical standards committee membership represents over 50 countries. SAE follows the requirements of the World Trade Organization (WTO) with regard to Technical Barriers to Trade (TBT) and ensures an open and transparent process for standards development. Membership on any of SAE's standards development committees does not require membership in SAE and is open to all interested parties throughout the world.

SAE shares the belief with WP29 and that of many regulatory bodies in individual countries, including those in the United States, that the use of private consensus-based standards in regulations throughout the world both improves public safety and the environment and reduces the cost of government. SAE International standards are regularly referenced in the regulations of the following nations: Australia, Canada, Europe (EU and ECE), Japan, and the United States. SAE strongly supports the UN ECE Working Party on Regulatory Cooperation and Standardization Policies (WP.6) Section D.1 which states, "ECE Governments should in legislation whenever possible use reference to national standards, to regional standards or preferably to international standards when they exist..." (*attached*).

SAE complies with all regulations and laws in the United States with regard to the availability of standards referenced in regulations or approved legislation. SAE also complies with the UNECE Working Party on Regulatory Cooperation and Standardization Policies recommendation, Section D.3.6, which states: "procedures should be established for ensuring that documents to which reference is made are published or are made easily available free of charge or at an equitable price for foreign and domestic parties".

SAE's standards are easily available to all parties throughout the world via the Internet on SAE's website ([www.sae.org](http://www.sae.org)) or through large distributor networks, among them ANSI (US), Beuth Verlag (Germany, Switzerland, Austria), BSI (UK), IHS (global), Interstandard (Russia), Japanese Standards Association and JSAE (Japan), Korean Standards Association (Korea), NormaDoc (France), Publicacoes Tecnica (Brazil), and SAI Global (Australia). All versions of the standards, current and historical, are available at an equitable cost to any party. SAE regularly invests in its taxonomy, search engines and datacenter to ensure the discoverability and constant availability of our standards.

SAE also continues to work with various regulatory bodies to meet their needs while at the same time protecting the intellectual property of the organization. This ensures the most efficient and cost effective regulatory process.

Thank you again for the opportunity to clarify SAE International's position on the use and availability of SAE standards in regulations, both globally and in the United States. If you have questions or need clarification on any item in this letter, please contact me at your convenience.

Sincerely,



David L. Schutt, PhD

Enclosure:      UNECE Recommendations on Regulatory Cooperation and Standardization Policies



UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

## Recommendations on regulatory cooperation and standardization policies

Working Party on  
Regulatory Cooperation and  
Standardization Policies

# D ■ Reference to Standards<sup>1</sup>

### The Working Party on Technical Harmonization and Standardization Policies,

**Recognizing** the important advantages offered by the use of the method of "reference to standards", inter alia, that:

- (a) the elimination and prevention of barriers to trade is facilitated when reference is made to regional or preferably to international standards or to national standards transposing international or regional standards;
- (b) the legislative work is simplified and accelerated;
- (c) technical regulations can be changed more easily and at less cost to take account of technological advance;
- (d) the results of the work of international standards organizations can be more easily taken into account;

**Noting**, however, that to successfully implement the method of "reference to standards", due consideration should be given to different national legislative frameworks.

#### Has agreed to recommend that:

- D.1** ECE Governments should in legislation whenever possible use reference to national standards, to regional standards or preferably to international standards when they exist, and should promote the wider application of the method of "reference to standards" by drawing the attention of their competent authorities to the advantages of the method and to the alternative techniques of using it.

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<sup>1</sup> Recommendation adopted in 1974, revised in 1980, 1984, 1988 and 1995.

- D.2** ECE Governments should endorse principles 1-5 of ISO/IEC Guide 15 on "Reference to Standards" in order to facilitate the preparation of standards for use in regulations, and should actively seek to promote the application of those principles both at the national level and in international organizations concerned with the preparation of standards.
- D.3** ECE Governments should ensure efficient interaction of regulatory authorities and standards bodies. The following guidelines should be observed:
- D.3.1** when regulatory authorities make requests to a relevant body for a standard to be referred to in legislation, an understanding should be obtained at the start on the scope of the standardization work requested, and interested national authorities and intergovernmental organizations should consider whether it is possible to abstain during a certain period from regulatory action which could hamper the work of developing the standard;
  - D.3.2** regulatory authorities should be instructed to play a full part in the development of those standards which are likely to be used as reference in legislation. Authorities should be entitled to participate in standardization work and, where financial constraints and administrative practices render participation impracticable, means should be sought to overcome these difficulties;
  - D.3.3** in the event of a standards body's failure to obtain acceptance of points considered vital to government interest, it should be made clear that the standard concerned is not acceptable for government purposes; authorities may judge whether a standard is appropriate for their purposes, independently of any procedure chosen for the preparation of such standard;
  - D.3.4** when choosing among the various techniques of "reference to standards", it is desirable that authorities adopt a technique which will take advantage of the revision of standards in the light of experience and technical progress with the least delay and by that make optimal use of the standardization work;
  - D.3.5** bodies preparing standards should bear in mind that the presentation of standards should be such as to facilitate their use as reference in legislation. Where legislative interest is restricted to certain aspects of a standard, it is helpful that these aspects be contained in a section which may be separately identified in the regulation concerned;
  - D.3.6** procedures should be established for ensuring that documents to which reference is made are published or are made easily available free of charge or at an equitable price for foreign and domestic parties;

**D.3.7** governments should, in cooperation with national standards bodies, prepare guidelines for regulatory authorities for correct and practicable use of the method of "reference of standards" and its different options as well as guidelines for national standardizing bodies on drafting standards.