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Item 5 of the provisional agenda

Revision of the Working Procedures of the Working Party

Revised Working Procedures

Submitted by the secretariat

Summary

This document contains proposals on procedures for handling reservations present in previous versions of a standard under revision. The document outlines the 2018 proposals and, as background information, those received by the secretariat in 2017. Discussions on this item were initiated at the 2017 session of the Working Party on Agricultural Quality Standards (WP.7) and continued by a working group (Belgium, Germany, Poland, Slovakia, Switzerland and the United States) during 2018. The Working Party is invited to review the proposals in view of a possible adoption of a new procedure.

This document is prepared according to ECE/CTCS/2017/10 section II c and ECE/CTCS/2018/2 section VII a.

I. Background: Proposals submitted in 2017

1. Proposal by the delegation from Switzerland

Three-step approach (level not specified – Specialized Section or Working Party):

- First notification by secretariat with a deadline of 1-2 months.
- If no reply is received within the deadline, second notification with second deadline stating that if no answer is received with the second deadline, it is understood that the country having introduced the reservation agrees with its deletion.
- If no answer received, deletion of reservation.

2. Proposal by the delegation from Poland

Three-step approach (2 levels – Specialized Section and Working Party):

- Secretariat could try to obtain written feedback about reservation from delegation (not present during discussion).
- When the delegation does not justify its reservation during the entire period of work on the amendment of the document (Specialized Section and after), and it is the only issue that needs updating in this document, the Working Party could recommend the document with reservation for a one-year trial period.
- If the delegation does not react to keeping or not the reservation (during this period), the Working Party could decide to remove it at its next meeting.

Note: *The same procedure could also be applied when the Secretariat cannot get in touch with the delegation of the country that had included the reservation.*

3. Proposal by the delegation from Germany

Two-step approach (2 levels – Specialized Section and Working Party)

- In case of a revision of a standard, all previous/existing reservations will become obsolete.
- Countries may place their reservations or re-new previous reservations in the context of the revised standard at the latest when the revised version of the standard is going to be approved by the Working Party.

Note: *It would be up to countries to be aware of those revisions. The same holds for the sections where reservations are placed. If those sections are amended, the existing reservations will become obsolete and for the rest see above.*

4. Proposal by the delegation from United States

Three-approach (2 levels – Specialized Section and Working Party) - reservations are placed at Specialized Section level only (not at Working Party level)

- In case of a revision of a standard, all previous/existing reservations will become obsolete
- At the Working Party level, a delegation that had been absent at the Specialized Section meeting or a delegation with a reservation requests an extension of the trial period by one year to take up its concern within the relevant Specialized Section.
- Reservations can then be placed within the trial period extended at WP.7 level

Note: *Reservations should be first placed/indicated in the Specialized Sections proceedings to be accepted and/or maintained in the Working Party meetings.*

II. Proposals consolidated in 2018

1. Proposal by the delegation from Poland

The delegation from Poland is maintaining its proposal to proceed with reservations. Given the similarity of its 2017 proposal with that of Switzerland (2017), the delegation from Poland supports the procedure proposed by Switzerland and proposes the following steps:

- Specialized Section level: record in the report of the Specialized Section that the country responsible for the reservation must be contacted
- Secretariat asks the country responsible for the reservation about the possibility of removing it and request the reasons for maintaining it, should the country wish to do so.
- Secretariat records the response from the informed country
- Working Party level: Based on the reply (or non-response) of the country responsible for the reservation, the final decision to delete or maintain the reservation is made at the WP.7. level and included in its report.

2. Proposal by the delegation from Germany

After consultation with its ministry, the delegation from Germany is in favour of the proposal made by Switzerland (2017) with the following addition: The delegation from Germany notes that it is sufficient to send out just one notification to the country having placed a reservation.

Steps to be followed:

- Specialized Section announces scheduled revision of the standards and is usually published 2 months ahead of the meeting date for countries to consult and check reservations they might have. During the session, countries are asked to review if they would like to remove or maintain their reservations. If the country is absent during the Specialized Section meeting, the report of the Specialized Section will record that the reservation has been lifted owing to a lack of response and the secretariat will be asked to contact the country.
- Secretariat: If the country is absent during the Specialized Section meeting, the secretariat sends a note to the country responsible for the reservation via its Permanent Mission in Geneva for submission to its competent person/organisation/authority.
- Working Party level: The revised standards are to be placed on the agenda of the Working Party (usual procedure) and every country may and should check whether all provisions are acceptable. Any country may take this opportunity to place or remove a reservation.

Comment by the delegation from Belgium: *It might be faster to notify the country responsible for the reservation via its technical expert as well.*