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**COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT**

Working Party on Technical Harmonization and
Standardization Policies

Twelfth session (28-30 October 2002)

REPORT OF THE TWELFTH SESSION

Highlights of the twelfth session

At its twelfth session, the UNECE Working Party on Technical Harmonization and Standardization Policies (Working Party 6):

- held an International Forum on Market Surveillance, identified issues of concern to Governments, consumers/users and business operators and decided to follow up on matters raised at this event;
- decided to recommend the establishment of a new ad hoc Team of specialists to consider in depth market surveillance issues;
- considered the “Industry Telecom Initiative”, suggesting a pilot project on regulatory convergence using the mechanism of the UNECE Recommendation “L” (“International Model for technical harmonization”), supported this proposal and invited interested Governments to participate in it.

The report of the session as well as major documents (including background papers and presentations at the Forum) are available at the Working Party’s website <http://www.unece.org/trade/stdpol>.

Introduction

1. The Working Party on Technical Harmonization and Standardization Policies (WP.6) held its twelfth session from 28 to 30 October 2002. It also held an International Forum on Market Surveillance on 29 October.
2. The following countries were represented: Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.
3. The Commission of the European Community was also represented.
4. The following United Nations bodies and specialized agencies participated: the United Nations Conference on Trade and Development (UNCTAD), the International Trade Centre (ITC) and the United Nations Industrial Development Organization (UNIDO).
5. The following intergovernmental organizations also attended: the European Committee for Electrotechnical Standardization (CENELEC), the CIS Interstate Council for Standardization Certification and Metrology, the European Free Trade Association (EFTA) and the International Organization of Legal Metrology (OIML).
6. The following non-governmental organizations participated: The European Organization for Testing and Certification (EOTC), the International Accreditation Forum (IAF) and the International Organization for Standardization (ISO).
7. Observers present at the invitation of the secretariat included representatives of private-sector companies and associations, such as the Association of Perfumery, Cosmetics and Household Chemistry Manufacturers (APCoHM) (Russia), the European Cosmetic Toiletry and Perfumery Association (COLIPA) , the Committee on Sustainable Development and Ecology of the Russian Federation, the Consumer Foundation “Stiftung Warentest” (Germany), the Industry Contributors Forum (ICF) , the Industry Cooperation on Standardization and Conformity Assessment (ICSA) , the International Federation of Standards Users (IFAN) , the Liaison Group of the European Mechanical, Electrical, Electronic and Metalworking Industries (ORGALIME) , the Zhytomyr Chamber of Commerce and Industry (Ukraine), the German Machinery and Plant Manufacturers’ Association (VDMA) and the European Industry Association on Information Systems, Communication Technologies and Consumer Electronics (EICTA).

Item 1 ADOPTION OF THE AGENDA

8. The provisional agenda was **adopted** (TRADE/WP.6/2002/1).

Item 2 ELECTION OF OFFICERS

9. Mr. C. ARVIUS (Sweden) was **elected** Chairman and Mr. D. PODHORSKY (Slovakia) and Mr. V. KORESHKOV (Belarus) were **elected** vice-chairpersons.

10. The Working Party expressed appreciation to the former Vice-Chair, Ms. M. Saunders (United States of America) for the work undertaken by her in that function.

Item 3 MATTERS ARISING FROM THE FIFTH-SEVENTH SESSION OF THE COMMISSION AND FROM THE SIXTH SESSION OF THE COMMITTEE FOR TRADE, INDUSTRY AND ENTERPRISE DEVELOPMENT

Documentation: ECE/TRADE/300

11. The Director of the Trade Development and Timber Division (Ms. C. Cosgrove-Sacks) reported on the decisions adopted by the Commission at its fifty-seventh session and on the results of the discussions during the sixth session of the Committee for Trade, Industry and Enterprise Development (May 2002). She also highlighted the process of examining current structures within the UNECE in the context of efforts to strengthen the United Nations.

12. Referring to trade in and across Europe she noted that the Working Party was expected to contribute to it through its technical harmonization and other activities.

13. The Director also highlighted the Commission's request to all of its subsidiary bodies to make contributions to United Nations global conferences. In this context, she drew special attention to the importance of the World Summit on Sustainable Development (where environmental certification and conformity assessment are important issues) and the World Summit on the Information Society.

14. In response to the United Nations General Assembly's request that work at all levels should support the goals outlined in the United Nations Millennium Declaration, the Commission had also requested that its subsidiary bodies review their work programmes to this effect. The Working Party **noted** that its work contributed to the following Millennium Declaration goals: (a) "to ensure that globalization becomes a positive force for all the world's people" by promoting standards development and capacity building in the UNECE region; and (b) building "an open, equitable, rule-based, predictable and non-discriminatory multilateral trading system"; and (c) supporting "the principles of sustainable development".

15. The Chairman of the Committee for Trade, Industry and Enterprise Development (Mr. A. Safarik -Pstrosz) informed the Working Party that the Committee supported the Working Party's activities aimed at removing technical barriers to trade and that during the May 2002 Committee session the Working Party's involvement in countries in transition through liaisons with regional organizations (for example the "START" Team with the CIS countries) had been singled out as an interesting example for other subsidiary bodies.

16. The Chairman (Mr. C. Arvius) recalled that at the sixth session of the Committee he made an overview of the achievements and future directions of the WP.6 (ECE/TRADE/300, paragraphs 25-32).

17. The Working Party **decided**

- (1) to take note of the Committee actions with regard to WP.6 activities.
- (2) to ask the WP.6 Bureau, with assistance from the secretariat, to undertake the necessary follow up to these activities, inter alia involving other principal subsidiary bodies and subsidiary bodies in cross-sectoral projects initiated by the Working Party.
- (3) to ask the WP.6 Bureau to take note of the UN's Millennium Development Goals and the Declaration of the World Summit on Sustainable Development in its future work and in revising the programme of work of the Working Party.

Item 4 INTERNATIONAL FORUM ON MARKET SURVEILLANCE

Documentation: TRADE/WP.6/2002/2, Add. 1 - 7; background papers and presentations

18. The Forum was organized in response to requests from a number of delegations (including from CIS States) to provide an exchange of information on market surveillance issues. Similar interest had also been expressed during the UNECE Workshop on Standardization and Conformity Assessment Matters in Transition Economies, held in Bratislava in December 2001.

19. The purpose of the Forum was to present national experiences with market surveillance systems and practices with a view to ensuring the fulfilment of legitimate objectives, such as the protection of human health or safety, animal or plant life or health, or the environment in existing legislation. Three sectors were discussed in detail at the Forum: electrical household appliances, machinery (for private and professional use) and cosmetics. (The agenda for the Forum can be found in annex 1 to this document; a summary of the Forum proceedings will be made available as document TRADE/WP.6/2002/18.)

20. Representatives of regulatory and market surveillance authorities, international, regional and national bodies engaged in standardization and conformity assessment activities, consumer and business associations from western, central and eastern Europe, CIS States and North America took part in the discussions.

21. The **first session** was devoted to an overview of the concept of market surveillance and of its general practices with a view to clarifying the differences between conformity assessment procedures (pre-market control) and market surveillance activities and to discuss the respective roles and functions of market surveillance authorities, conformity assessment bodies and consumer organizations.

22. Background papers for this session were submitted on: the experience of the United States with market surveillance (TRADE/WP.6/2002/2/Add.2); the experience of Croatia (TRADE/WP.6/2002/2/Add.7), the general concept of market surveillance (TRADE/WP.6/2002/2/Add.6) and on industry views on market surveillance (TRADE/WP.6/2002/2/Add.5).

23. At this session the following issues were considered:

- conceptual and specific features of market surveillance;
- vision of the market surveillance system in Russia;
- experience with market surveillance in the European Union and national experiences in Finland and Germany;
- approaches used in the United States (the role of the US Consumer Product Safety Commission);
- views and concerns of industry and consumers regarding market surveillance.

24. The debate showed that there are different approaches to the concept of market surveillance and its implementation which demonstrated the importance of interaction between all players concerned, including public authorities, manufacturers, retailers, importers and consumers/users.

25. Most of the delegates agreed that market surveillance should be regarded as a control over a product from the moment the product is placed on the market to the time it reaches the final consumer/user. Delegates from transition economies drew attention to the problem of product quality which, in certain cases, has links with safety requirements. They emphasized the importance of “educating” consumers and manufacturers and the role of Governments in this respect.

26. Special emphasis was devoted during the **second session** of the Forum to sectoral approaches, and to an exchange of views on experiences with different market surveillance systems and practices. Delegates drew attention to the importance of identifying good practices in market surveillance activities.

27. During the debate on **electrical goods**, speakers presented the experience of market surveillance agencies in Denmark and Russia. The position of CENELEC on market surveillance matters was also presented.

28. With regard to **machinery**, delegates from Germany, Slovakia and Turkey presented case studies. The position of CEN on the use of harmonized standards in market surveillance was also highlighted.

29. Background papers on machinery provided information on the use of harmonized standards in this sector in the EU (TRADE/WP.6/2002/2/Add.4) and the experience of France (TRADE/WP.6/2002/INFORMAL/1).

30. Discussions on **cosmetics** were based on presentations by experts from France, the Czech Republic and the Republic of Moldova. Business associations from this sector also took part in the debate. Background papers described the experience of Czech and French market surveillance authorities in this area (TRADE/WP.6/2002/2/Add.1 and TRADE/WP.6/2002/INFORMAL/2, respectively).

31. The issue of cooperation, both on a national level and between countries, was frequently raised during the debate. The **third session** on information exchange and cooperation offered presentations on the experience of market surveillance authorities working with the information systems RAPEX and TRAPEX (used in the EU and CEFTA, respectively). Also introduced was a new Internet-based information system on safety of products, CSMS (a joint project of industry and governments).

32. Participants agreed that there remained a number of unsolved issues of concern to UNECE member Governments in this area, which would require further attention (see annex 2 to this document).

33. During its session, the Working Party discussed the results of the Forum. The Working Party **thanked** the speakers at the Forum for their interesting and informative presentations, as well as the team of delegates who has assisted the secretariat in organizing the Forum.

34. **Acknowledging** the importance of market surveillance issues and the necessity to follow up on this event, the Working Party **agreed:**

- (a) to promote (and, when necessary, initiate) good practices in market surveillance methods within the UNECE region, making use of the available expertise; 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;
- (b) to recommend the establishment of a Team of experts in order to consider the “list of issues of concern and suggestions” brought forward during the Forum and other relevant market surveillance issues and to prepare proposals for the 13th session of the Working Party; and to invite delegations to nominate experts for participation in the Team by the end of January 2003;
- (c) to ask the Group of Rapporteurs and the secretariat to consider the need for initiating work on definitions of the terminology related to the activities of market surveillance.

Item 5 REVIEW OF DEVELOPMENTS IN STANDARDIZATION ACTIVITIES AND IN THE FIELD OF REGULATORY COOPERATION AT INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Documentation: TRADE/WP.6/2002/3 and Add. 1 and 2

35. TRADE/WP.6/2002/3 prepared by the secretariat of the CIS Interstate Counsel on Standardization, Certification and Metrology, provided an overview of the past 10 years of intergovernmental cooperation on standardization, conformity assessment and metrology issues among CIS States.

36. TRADE/WP.6/2002/3/Add.1 provided information on the latest developments in the former Yugoslav Republic of Macedonia and, in particular, reported that on 4 July 2002 the Parliament had adopted a number of laws on standardization, metrology and accreditation, as well as a law on technical regulations for products and conformity assessment. These laws created a framework for applying European harmonized standards and a global approach for certification and testing.

37. The representative of the European Community presented document TRADE/WP.6/2002/3/Add.2 on standardization developments in the EU. It was noted, in particular, that the Council of the European Union in its conclusions of 1 March 2002 on standardization invited “the Commission and Member States to continue the promotion of standards-receptive regulatory models with the community’s trading partners, such as those developed by the UNECE”.

38. The Acting Secretary General of ISO (International Standards Organization) reported on the results of the latest General Assembly of that Organization and its activities aimed at increasing the participation of developing countries and economies in transition in international standardization. This included the establishment of a joint committee for coordinating assistance by a number of international organizations to developing countries in metrology, accreditation and standardization.

39. Information was also provided on discussions at ISO on various issues, including on those related to the ethical dimension of the preparation of international standards and related conformity assessment practice and on possible ISO work on “corporate social responsibility”.

40. The representative of CENELEC (European Committee for Electrotechnical Standardization) informed the meeting that in 2002 electro-technical standardization institutions in Hungary and Slovakia became full members of CENELEC, thus bringing its membership to 22. A new CENELEC guide 26 on the procedures for the handling of proposals for the interpretation of CENELEC standards was adopted. Also, a new initiative, the “CENELEC Global Framework”, aiming at promoting the benefits of voluntary European standardization in the electro-technical area had been started.

41. A Swedish member of ETSI (European Telecommunications Standards Institute) drew attention to the successful activities of this organization which has direct membership from companies and organizations. ETSI has 750 full members, coming from 35 European countries, together with 150 associated members registered in 15 countries outside Europe on all other continents.

42. Speaking about ETSI products it was noted that ETSI produces European Standards (“EN”, voted among the 35 national standards bodies), ETSI Standards (“ES”, voted among the ETSI members), ETSI Guides (“EG”, voted among the ETSI members), ETSI Technical Specifications (“TS”, voted among the technical experts) and ETSI Technical Reports (“TR”, voted among the technical experts).

43. Recently to accelerate delivery of its products, ETSI has concentrated on the delivery of TS. All ETSI deliverables are available free of charge from the ETSI server, where other information is also available (www.etsi.org).

44. The representative of the Russian Federation spoke about recent changes in the country. The list of goods and services subject to mandatory certification was reduced by 30%. The law on the preparation of technical regulations, which also concerns standardization and conformity assessment matters was submitted to the Parliament and was currently being debated in the lower chamber of the Parliament. The new law foresees a transition from mandatory certification to market control based on technical regulations which will be elaborated by the ministries concerned and adopted as federal laws by the Parliament.

Item 6 COORDINATION

ECE Standardization List

Documentation: TRADE/WP.6/2001/4 and ECE/STAND/20/Rev.5

45. The Chairman recalled that at its eleventh session, the Working Party adopted the fifth revised version of the ECE Standardization List (TRADE/WP.6/2001/4) which was published in 2002 (in English, French, Russian) as document ECE/STAND/20/Rev.5, copies of which were made available to delegates. He explained that the purpose of the List is to indicate to international standardization organizations sectors where the interest for new or additional standardization work has been identified by ECE member States

46. The secretariat informed the meeting that during the ISO General Assembly in Stockholm in September 2002 the attention of delegations from developing countries had been called to the UNECE List as a means of indicating the need for developing further international standards.

47. The Working Party **agreed** to ask the secretariat to disseminate information on the UNECE List among other UN regional commissions, standards developing organizations mentioned in the List and among members of the ISO Policy Committee on Developing Country Matters (DEVCO) to ask for any feedback they might have on the revised List.

Environmental Protection: Environmental Management

Documentation: TRADE/WP.6/2002/4

48. It was recalled that at its previous sessions, the Working Party had decided to study further the national adoption/implementation of international standards and government participation in standardization work in the environmental area.

49. Such information had been provided to the 2001 session by delegations of the Czech Republic and Sweden (document TRADE/WP.6/2001/5).

50. In 2002, the delegations of Slovenia and Turkey provided information on the national transposition of environmental standards and the participation of its national experts in international standardization work in the environmental area (document TRADE/WP.6/2002/4). The delegates from Turkey and Slovenia presented and updated the information provided.

51. The Working Party **invited** delegations to continue providing such information which will be compiled and analysed by the WP Rapporteurs who will make proposals for further action.

Item 7 HARMONIZATION

(a) Role of international standards in international harmonization

ECE Recommendations on Standardization Policies

Documentation: ECE/STAND/17/Rev.4

52. The Working Party had before it a new edition of the UNECE Recommendations on Standardization Policies (ECE/STAND/17/Rev.4) which included the latest Recommendation, “L” (“International Model for Technical Harmonization”).

53. The Chairman suggested that the Recommendations be reviewed to identify needed revisions or possible new Recommendations to be developed in the light of the summaries of the workshops held from 1999 to 2001.

54. During discussions it was suggested by the Czech Republic that there might be a need to study the UNECE recommendations drawn up previously by the Working Party. It was so **agreed** and delegations were invited to submit their comments/proposals on which recommendations might need to be revised or updated. The Group of Rapporteurs **was asked** to consider any changes/additions needed and report back to the next WP.6 session.

Transposition of international standards

55. It was recalled that at previous sessions, delegations had discussed the importance of the use of international standards in member countries and of having access to information regarding the transposition of international standards at a national level. It had been suggested that national organizations and/or central government bodies which are members of international and regional standardizing organizations and which vote for the adoption of standards or recommendations should consider the possibility of taking on obligations for providing information on whether (or to what extent) these adopted standards, etc. are transposed and used in their countries. Such obligations would show the level of commitment of national organizations as to the transposition, etc. and the extent to which their members use international standards as a tool for facilitating international trade.

56. A proposal to explore the implementation of such obligations with other UNECE subsidiary bodies that develop standards had been submitted by the Working Party to the Committee for Trade, Industry and Enterprise Development at its fifth session (June 2001) and had been endorsed by the Committee.

57. The Working Party was informed that the International Electro-technical Commission (IEC) had conducted a study on the national transposition of its standards. Because the dates of the Working Party's sessions overlapped this year with those of with the IEC General Assembly, the IEC has been unable to participate in the session and to report on this study. The Working Party **asked** the secretariat to obtain information from the IEC on the study, to circulate this information and to invited the IEC to present the results of its study at the next WP.6 session.

58. The representative of CENELEC reported that at the beginning of 2002 the number of European standards had surpassed 4,000, and out of these, 85% were identical to or based on IEC standards. Speaking about transposition of CENELEC standards, he said that 13 of the 22 CENELEC members had implemented at national level between 95 and 100% of those CENELEC standards which are identical to or based on IEC standards and 9 CENELEC members had implemented between 70 and 95% of the standards.

59. The secretary of IFAN presented the results of a study on the use of standards by companies that are members of this association. Information was also provided on a survey currently being conducted to identify sectors where companies feel there are particular problems related to standards, conformity assessment and regulatory practices (more information is available on IFAN's website: <http://www.ifan-online.org>).

60. An example of national transposition of standards in a particular sector was presented by the representative of the Swedish standards body - ITS (Information Technology Standardization). He drew the attention of participants that the European Commission had noted in January 2002 that the national transposition of European standards (ENs) was a national responsibility. If the ENs are used for regulation and public procurement and have the value of national standards, there is no need for their actual transposition. As a result, ITS stopped the transposition process as of 1 March 2002. The Swedish

national implementing legislation is very clear as it refers to the WTO/TBT agreement as well as the UNECE WP.6 STAND 17 document, where it is recommended to use national, regional or preferably international standards. For some years ITS has made all of its national Swedish standards available free of charge from its home page (www.its.se). With reference to discussions on the translation of standards into national languages, the delegate stated that this question should not be linked to the problem of the need for national transposition.

61. A number of delegates (Bosnia and Herzegovina, Czech Republic, Finland, Slovenia, Sweden, EC) took part in the discussions on the practice of transposition of international standards at the national level and problems faced in this area.

62. The Working Party **agreed** on the interest of gathering further information about national practices concerning the implementation of international standards (need for translation, etc.). It was found suitable that such information was included in the compilation of horizontal legislation in UNECE member countries (see under “horizontal legislation” below).

Horizontal legislation

Documentation: TRADE/WP.6/2001/6, TRADE/WP.6/2002/9, TRADE/WP.6/2002/3/Add.1

63. It was recalled that at its previous session, the Working Party had considered a document (TRADE/WP.6/2001/6) containing information on national horizontal legislation concerning technical regulations, standardization and conformity assessment procedures in some UNECE member States (Czech Republic, Hungary, Slovakia, Slovenia and Sweden).

64. At this session, the Working Party **noted** with interest the information on horizontal legislation submitted by the delegations of Bulgaria (document TRADE/WP.6/2002/9) and the former Yugoslav Republic of Macedonia (TRADE/WP.6/2002/3/Add.1).

65. During discussions on problems faced by transition economies in the transposition and implementation of international and regional standards, problems were raised related to the legal framework and the translation of standards into national languages.

66. With reference to the federal law on fundamentals of technical regulations under preparation in Russia, questions were raised as to whether technical regulations should be adopted at a parliamentary or ministerial level; on the practice in UNECE countries; and on how Governments solve related problems (namely slowness of passing acts in the parliament, on the one hand, and potential conflict of interests in case of preparing and adopting regulations by ministries, on the other).

67. It was suggested to add the above matters, as well as those relating to market surveillance legislation, to future submissions on horizontal legislation.

68. The Working Party **invited** delegations to make such submissions for the next session. The Rapporteurs on Harmonization would then consider the information gathered and propose further actions.

Bratislava Workshop

Documentation: TRADE/WP.6/2002/6

69. It was recalled that a workshop for transition economies on standardization and conformity assessment matters was held at the invitation of the Government of Slovakia in Bratislava in December 2001. The summary of its proceedings was made available as document TRADE/WP.6/2002/6.

70. The Chairman of the Slovak Office of Standards, Metrology and Testing highlighted the main results of the workshop, the discussions and issues raised and the particular importance attributed by participants to a regular exchange of information on the transition experience and a proposal to organize such meetings on a regular basis. The Working Party **took note** of this information.

(b) UNECE recommendation “L” - “International Model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards”

Documentation: TRADE/WP.6/2002/7, TRADE/WP.6/2002/8 and Add.1

71. It was recalled by the Chairman that at its eleventh session, the Working Party had noted the market need and the interest of Governments in further reducing trade barriers and facilitating market access and that the “International Model” could contribute to such a process by providing a voluntary framework for establishing sectoral agreements between interested member countries.

72. In 2002, the “International Model” had been published as a new UNECE Recommendation (“L”) in the set of UNECE Recommendations on Standardization Policies (ECE/STAND/17/REV.4) which was made available to delegations. The final consolidated version of the Recommendation was also made available in the three UNECE official languages (TRADE/WP.6/2002/7).

73. At its eleventh session, the Working Party had requested the ad hoc Team of Specialists on STandardization And Regulatory Techniques (“START” Team) to assist with any forthcoming initiatives from interested parties (e.g. regulatory authorities, industry, standardizers) based on the “International Model”.

74. The Working Party was informed by the secretariat that during the ISO workshop for developing countries in Stockholm on 24 September 2002 the “Model” had been mentioned in the conclusions as an example of good practice to be followed by Governments.

75. A number of delegates also spoke about the potential contribution of the “Model” to the facilitation of international trade. In this context, the recognition of the importance of the “International Model” by the EU was recalled (see document TRADE/WP.6/2002/3/Add.2).

76. The representative of the CIS Interstate Council for Standardization, Certification and Metrology reported that the “International Model” had been presented at the CIS meeting in Minsk in May 2002 and that it had been decided to create a group of experts to draw up a strategy for harmonizing the technical regulations of the CIS member States. The first meeting of this group was held in Moscow in October 2002 and the group started its work using inter-alia the “International Model” as a mechanism for such harmonization.

77. The Working Party **took note** of document TRADE/WP.6/2002/8, which provided information on the activities of the “START” Team since the eleventh session and on various forums where the concept of the “International Model” had been presented and discussed.

78. The Working Party was also informed that under the auspices of that Team, two informal meetings had been organized (in April and September 2002) with the participation of governmental experts and experts from telecom companies. During these meetings, representatives of telecom companies and of business associations discussed the possibilities for starting a regulatory harmonization dialogue with regulators (the project was called the “Telecom Industry Initiative”). In this context, interested companies prepared and agreed on draft proposals for “common regulatory objectives” (CROs) for a number of product categories (see annex to TRADE/WP.6/2002/8/Add.1). During discussions it was clarified that this document had been prepared as a discussion paper and that the proposed CROs were agreed by the participating telecom companies as a basis for further actions to be agreed by the Working Party.

79. The moderator of the “Telecom Industry Initiative” praised the “International Model’s” usefulness for the private sector which had resulted in the “Telecom Industry Initiative” and presented the CRO draft proposals elaborated by telecom companies as a starting point for initiating a dialogue with regulators. He also noted that in the opinion of participating companies, further elaboration of the conformity marking provisions in the “Model” would be required.

80. The representative of the Swiss Federal Office for Communications who had participated in the informal telecom meetings provided information on the rationale, justifications and structure of the draft common regulatory objectives and expressed his confidence in the “Telecom Initiative”.

81. The Working Party **decided**:

- (1) In response to the “Telecom Industry Initiative”:
 - (a) to take note of document TRADE/WP.6/2002/8/Add.1;
 - (b) to express its general support for the “Telecom Industry Initiative” and to thank industry representatives for the work they had done;
 - (c) to invite delegations to inform their appropriate regulatory authorities about the proposals made under the “Telecom Industry Initiative”;

- (d) to invite UNECE member States to inform the secretariat, by the end of January 2003, of their interest in participating in the regulatory convergence activities proposed by the “Telecom Industry Initiative”;
- (e) to request the secretariat to circulate information on which countries showed an interest and to organize a meeting between interested countries and those wishing to observe the relevant regulatory convergence activities.

(2) In response to the activities undertaken by the START Team, the Working Party thanked the experts and Governments contributing to its work and asked the Team:

- (a) to continue to disseminate information and to work with the CIS and other countries, regional and international organizations interested in Recommendation L (“International Model”);
- (b) to continue to assist with sectorial initiatives as forthcoming from interested parties.

Item 8 CONFORMITY ASSESSMENT

(a) Review of developments in conformity assessment at international, regional and national levels

Documentation: TRADE/WP.6/2002/9 and Add.1 and 2

82. The Working Party **took note** of document TRADE/WP.6/2002/9 from Bulgaria providing information on the law on technical requirements for products and related legislation (concerning marks of conformity, essential requirements and conformity assessment in a number areas/products). The document also contained information on legal changes in the areas of certification, accreditation, standardization, metrology and market surveillance.

83. Two documents submitted by the European Commission (EC) provided information on the current status of Mutual Recognition Agreements (MRAs) and Protocols on European Conformity Assessment (PECAs) concluded by the EU with some third countries and candidate countries, respectively (TRADE/WP.6/2002/9/Add.1) and on other cooperation alternatives (besides intergovernmental MRAs) available to governments (TRADE/WP.6/2002/9/Add.2).

84. The delegate from Slovakia noted that the PECA between the EU and Slovakia had been initiated on 29 July 2002 in 5 sectors and provided information on them (it was noted that there are still on-going negotiations in 19 other sectors).

Definitions

Documentation: TRADE/WP.6/2002/10

85. The Rapporteur on Conformity Assessment submitted a paper on the future structure and contents of conformity assessment standards and related system guides based upon CASCO (ISO Committee on Conformity Assessment) activities. (TRADE/WP.6/2002/10).

86. During the presentation of the document by the Rapporteur on Conformity Assessment it was recalled that the work on definitions had initially started at the UNECE in the 70's and has then been transferred to ISO/IEC and developed as ISO/IEC guide 2. And, in this context, the importance of a potential UNECE contribution was noted.

87. Information was also provided by the Rapporteur on CASCO's preparation of a specific standard on conformity assessment terms and definitions which will replace the existing clauses of guide 2 related to conformity assessment.

88. The Working Party **invited** delegates to submit their comments to CASCO through their national bodies.

89. The Working Party **asked** the secretariat to be in contact with CASCO concerning the status of this project and to inform the Working Party as to when the new guide would be finalized. In this connection, the necessity of future revision of the existing UNECE Recommendation "G" (on definitions) was raised. The Working Party **entrusted** the Group of Rapporteurs to follow up on this matter.

(b) Problems experienced by economies in transition relating to conformity assessment procedures

Documentation: TRADE/WP.6/2002/11 and Add.1

90. At the session the Working Party continued discussions on mutual recognition questions.

91. Document TRADE/WP.6/2002/11 provided information on MRAs concluded by the EU and raised a number of issues related to the political and regulatory aspects of MRAs and practical problems with regard to their preparation and implementation.

92. The representative from EOTC (European Organisation for Conformity Assessment) attracted the attention of delegates to MRAs concluded not only by governments but also by private bodies, for example, in the electro-technical area, and suggested that in the future the Working Party should look into all types of MRAs.

93. The Working Party **invited** delegations to a further exchange of information on mutual recognition issues.

Environmental standards and related certification

Documentation: TRADE/WP.6/2002/12 and Add. 1

94. A paper on the latest activities of the ISO TC 207 (ISO Technical Committee on Environmental Management) was presented for information to delegations as document TRADE/WP.6/2002/12. The Working Party **took note** of this document.

95. A number of questions and possible initiatives related to certification of environmental requirements of interest to transition economies was raised in document TRADE/WP.6/2002/12/Add.1.

96. During debate it was stressed that governments should do their best in order to avoid the appearance of new environment-related technical barriers to trade. An issue of added value of forest certification was also raised. The secretary of the UNECE Timber Committee provided information on a project for a forest certification workshop (a proposed joint venture between WP.6 and the UNECE Timber Committee).

97. The Working Party **decided** to continue studying issues of certification (including in the area of environment and forests), and to support the idea of the proposed workshop and to invite interested delegations to submit comments on the proposed format of this event and possible sources for its financing by the end of January 2003.

98. The representative of UNCTAD reported on the results of the Conference on international harmonization and equivalence in organic agriculture held in Germany (Nuremberg) in February 2002. The Working Party **called for** further cooperation with UNCTAD on follow-up activities.

99. During the debate it was noted that a number of issues should be analysed by the Working Party, for example, the actual use of ISO environmental standards in regulatory documents; voluntary environmental certification schemes and their impact on international trade; ecolabelling matters; and the transparency of schemes created under an “environmental umbrella”.

100. In this context, the necessity of further dialogue on environmental related issues and on transparency in this area was stressed.

101. The Working Party **agreed** on the interest in these matters and invited delegations to provide information to the next session.

(c) Policy issues regarding quality assurance

Documentation: TRADE/WP.6/2002/13 and Add.1, and [TRADE/WP.8/AC.5/2002/1](#)

102. A paper on the importance of quality issues for SMEs was submitted by UNIDO (TRADE/WP.6/2002/13) and was **noted** by the Working Party.

103. The Working Party was informed by the secretariat about the future UNECE expert meeting on “How to Become a Supplier to Large National and Transnational Corporations” (Geneva, March 2003) during which quality factors contributing to the competitiveness of companies would be considered. The agenda and other documents are available at the following Internet address: <http://www.unece.org/indust/sme/qwinners.htm>.

104. At its eleventh session, the Working Party had noted the usefulness and importance of governmental quality programmes as a means of raising awareness and promoting quality matters; had agreed to continue to consider these issues and had invited interested Governments to provide information on their experience and proposals for any further initiatives. The Ukrainian association for quality presented a paper on its activities and, in particular, on quality award winners in Ukraine and related issues (TRADE/WP.6/2002/13/Add.2).

105. It was recalled that at its eleventh session, the Working Party had been informed of discussions at the UNECE expert meeting on best practice in the creation of quality assurance systems for SMEs . One of the recommendations from that meeting had been for a Team of experts to be established to deal with quality related problems at a company level. The Working Party had supported this idea and expressed its readiness to cooperate in the activity.

106. As a result, a new Team of Experts on Quality Management Systems (QMS) had been established in February 2002 under the auspices of the UNECE Working Party on Industry and Enterprise Development (WP.8), on the understanding that this Team would also report to and work in close cooperation with WP.6.

107. The Regional Adviser on Entrepreneurship and SMEs reported on the activities of the QMS Team of Experts, whose terms of reference and programme of work are available at : <http://www.unece.org/operact/quams.htm>..

108. Information was provided on the future activities of the QMS Team including a “Company Gallery of the Winners of National Quality Award Schemes” and other projects, for example, the benchmarking of national quality award schemes. The representative of Finland suggested that the results of the evaluation of quality schemes which was currently taking place in Finland might be shared with other countries.

109. The QMS Team also presented a discussion paper (TRADE/WP.8/AC.5/2002/1) suggesting that guidelines/recommendations should be drawn up on how enterprises, especially SMEs, could develop and monitor quality, environmental, social and other aspects of a company’s activities so as to comply with the goals of sustainable development. The paper included a proposal for a joint project between the QMS Team and WP.6.

110. A number of delegations participated in the discussions on integrated management systems, and the suggestion to draw up guidelines was supported, for example, by the representative of Ukraine. The necessity of further dialogue on these matters was underlined. The Working Party **took note** of the documents submitted.

111. The representative of a private company stressed the importance of quality management schemes but questioned the real value of certification for companies (in particular for SMEs).

112. Information was also provided on Czech governmental policies and activities related to the national quality award scheme. A number of quality-related projects in the Russian Federation were also presented. The representative of the Russian Federation reported to the Working Party on the status of the creation of a National TQM Centre. The representative of Slovakia informed the meeting that all governmental agencies had been requested to self-assess their activities from the point of view of TQM and stressed the importance of including the subject of quality in education programmes.

113. The Working Party **asked** its Rapporteurs to continue to work with the Team on Quality Management Systems and **invited** interested delegations to contribute to the work of the Team.

Item 9 METROLOGY

Standardization of test methods

Documentation: TRADE/WP.6/2002/15

114. At previous sessions the Working Party had discussed proposals from the Rapporteurs for Metrology on the preparation of guidelines on methodologies for measuring procedures (TRADE/WP.6/1999/15 and TRADE/WP.6/2000/16) and on modalities for such work (TRADE/WP.6/2001/16).

115. The Working Party thus agreed to establish under its auspices an ad hoc Team of Specialists on Metrology to pursue further the work on the proposed guidelines. A number of Governments had expressed an interest in joining such a group.

116. During 2001 and 2002, the secretariat had been in contact with the regional organization COOMET ("Cooperation in Metrology") to explore their interest in the above project. This project was discussed at the 12th session of COOMET held in May 2002 in Havana. COOMET decided to ask its Joint Committee on Standards to consider the possibility of participating in the preparation of the UNECE guidelines on methodologies for measuring procedures.

117. As a result of the information presented, the Working Party **decided** to suspend the activities of the ad hoc Team of Specialists on Metrology pending a decision by COOMET on the possibility of a joint project on the proposed guidelines.

118. The Working Party **asked** the rapporteurs on Metrology and the secretariat to continue working with COOMET and other interested Governments and organizations on practical modalities concerning this project.

124. The Working Party expressed its appreciation to Mr. Lucien Tronel for his important contribution to the Working Party for more than 10 years as a delegate and a Rapporteur on Conformity Assessment. A UNECE diploma of Honour was presented to him on this occasion.

Item 12 ADOPTION OF THE REPORT

125. In accordance with the established practice, the Working Party **took note** of the outline of the report of its twelfth session prepared by the secretariat and requested the secretariat to finalize the report, taking into account a certain number of additional remarks.

126. The secretariat informed the meeting that it had made provisional arrangements to hold the thirteenth session of the Working Party in Geneva on 10 to 14 November 2003. The Working Party **agreed** to this proposal.

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Annex 1

**UNECE INTERNATIONAL FORUM ON MARKET SURVEILLANCE
Tuesday, 29 October 2002, Geneva
PROGRAMME**

Opening of the Forum

Opening of the Forum (Mr. Paolo Garona, Deputy Executive Secretary, UNECE)

Session 1 Market Surveillance - Overview of the Concept, Players and Objectives

Introductory Remarks: Mr. Christer Arvius
Chairman, UNECE Working Party on Technical Harmonization and Standardization Policies,
Working Party 6)

**1. The Concept of Market Surveillance and its Specific Features
(Typology of Pre - and Post- Market Controls of Products)**

Mr. Andrea Femrell
Swedish Board for Accreditation and Conformity Assessment (SWEDAC)

2. Market Surveillance in Russia

Mr. Vitaly Usov
First Deputy Chairman, State Committee for Standardization and Metrology, Russian Federation

3. Market Surveillance in the United States

Ms. Ria Thomas
Economic Officer, US Mission to International Organizations in Geneva

4. Market Surveillance in the European Union: the Experience of a Member State

Finland

Mr. Seppo Ahvenainen
Deputy Director General, Ministry of Trade and Industry

Germany

Mr. Christoph Brandt
Chairman, of the German Working Committee for Market Surveillance
(Office for Environment and Health, Hamburg, Germany)

5 Views from Non-Governmental Players

Industry perspective

Mr. Philippe Portalier

Advisor, ORGALIME (liaison group of the European Mechanical, Electrical, Electronic and Metalworking Industries)

Consumer perspective

Mr. Heinz Willnat

Head, International Affairs, Consumer Foundation “Stiftung Warentest”, Germany

6 Debate on General Market Surveillance

Session 2 Implementing Market Surveillance at the sectoral level

Moderator: Ms. Marie-Christine Poncin, External Trade Department, Ministry of Economy, Finance and Industry, France

1. Household Electrical Goods: Case Studies

EU Member State

Mr. Jan Roed

Head of Market Surveillance and Standardization,
Electricity Council, Denmark

CIS member country

Mr. Stanislav Losev

Head, “Gosnadzor” (Russian market surveillance body)

2. Debate on the Household Electrical Goods Sector

3 Machinery Sector: Case Studies

Germany

Mr. Harald Riekeles

Rapporteur of CEN on Machinery Safety.

Slovakia

Mrs. Nadezda Machutova

General Director, Slovak Trade Inspectorate.

Turkey

Mr. Ozcan Pekta

General Director, Directorate for Protection of Consumers and Competition, Turkey

4. Debate on the Machinery Sector

5. Cosmetics Sector: Case Studies

France

Mrs. Arila Pochet

Head of Cosmetic Products Department,

French Agency of Sanitary Security for Health Products (AFSSAPS)

Czech Republic

Mrs. Dagmar Jirova

Head, Czech Reference Centre for Cosmetics

Moldova

Ms. Maria Bizgu,. Head of State Supervision and Consumer Protection Division, Department of Standardization and Metrology, Republic of Moldova

6. Debate on the Cosmetics Sector

Session 3 Exchange of Information and Co-operation

Moderator: Ms. Christine Berg, DG/Enterprise , European Commission

1. European Community

(RAPEX alert system, safeguard clauses in EC Directives, etc.)

Mr. Dirk Meijer

Chairman, PROSAFE network

(Inspectorate for Health Protection, Netherlands)

2. EU candidate countries (TRAPEX system, etc.)

Dr. István Geri

Deputy Director, General Inspectorate for Consumer Protection, Hungary

3. Information and cooperation: Governments and industry

Presentation of ICSMS (“Internet Based Communication and Information Platform”):

Mr. Peter Rost

Coordinator of the ICF (Industry’s Contributors Forum);

4. Debate on Exchange of Information and Cooperation

Session 4 Conclusions of the Forum

Moderator: Mr. Serguei Kouzmine, Secretary to Working Party 6

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Annex 2

UNECE INTERNATIONAL FORUM ON MARKET SURVEILLANCE

Tuesday, 29 October 2002, Geneva

ISSUES OF CONCERN BROUGHT FORWARD BY PARTICIPANTS IN THE FORUM

1. Market surveillance is important for the protection of human health, safety and other legitimate objectives. Since different approaches to the concept and its implementation are pursued within the UNECE region, communication is seen as indispensable between all players, including public authorities, economic operators and consumers/users;
2. To organize efficient systems of market surveillance the following “pillars” are needed on the national level: a general legal and institutional framework (including, at least, laws on safety of products and on product liability, as well as the means to demonstrate compliance and tools of enforcement)) and technical regulations for products (limited to legitimate objectives) to be observed by manufacturers/suppliers;
3. Whenever feasible public authorities should opt for the least possible restrictive forms of market surveillance on the basis of proportionality of risks, while at the same time taking into consideration the forms of compliance specified in legislation as well as economic and other conditions prevailing in a particular country;
4. Efforts should be made to ensure consumers or users confidence regarding the safety of products and other legitimate objectives specified in legislation;
5. Efforts should be made to explore ways to raise awareness and give greater visibility to market surveillance activities among all relevant players, including manufacturers (and in particular, SMEs), suppliers and consumers. Public authorities should give particular attention to communicating with the aforementioned actors to take pro-active measures, including visits, in order to prevent cases of non-compliance due to lack of awareness of applicable regulatory requirements for products to be placed on the market;
6. Efficient and transparent national market surveillance procedures should be developed and possible shortcomings should be addressed with regard to the organisation, the resource basis and staffing of currently market surveillance structures and procedures (for example, to see if they are adequate with regard to new technologies). Whenever necessary, reforms of the organisational structures including the issue of adequate staff training, should be initiated;
7. Communication and information exchange should be enhanced with regard to recalled products on the national level to avoid unsafe products circulating on the international level. This will also contribute to an efficient allocation of the resources needed for surveillance in partner countries;

8. Contact points within the UNECE region should be established with a view to facilitating the exchange of information on market surveillance measures, taking into account existing domestic laws on commercial confidentiality;
9. The issue of the market surveillance competence of customs authorities should be addressed and cooperation on the national and the transnational level should be enhanced between customs and other public authorities to strengthen their role and capacity in detecting severely non-compliant products or services and in preventing the entry of such products at borders of partner countries;
10. The feasibility of preparing a list of competent market surveillance authorities within the UNECE region (starting, for example, with those responsible for the sectors of electrical household equipment, machinery and cosmetics) should be explored.
11. Cooperation and coordination between the different market surveillance authorities needs to be enhanced to simplify the traceability of products and improve the exchange of information both through existing channels and through the development of closer and faster informal networks (preferably linked into one global network). Possibilities should be explored for coordinating existing databases at a national level into central registries of unsafe/severe non-compliant products or services at the regional or international level
12. The issue of products with CE marking (but non-compliant with EU legislation) placed by manufacturers from the EU on markets of third countries should be addressed;
13. Public authorities should pay attention to the need for appropriate actions against manufacturers and suppliers deliberately placing severely non-compliant products on the market;
14. Further consideration should be given to assisting transition economies in developing their market surveillance structures and procedures.

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