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Working Party on Regulatory Cooperation and
Standardization Policies

Eighteenth session
Geneva, 3-4 November 2008

**REPORT OF THE WORKING PARTY ON REGULATORY COOPERATION
AND STANDARDIZATION POLICIES ON ITS EIGHTEENTH SESSION**

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I. ATTENDANCE

1. The Working Party on Regulatory Cooperation and Standardization Policies (WP.6) held its eighteenth session on 3 and 4 November 2008. Three panel sessions were organized during the session: (a) the Market Surveillance Model Initiative; (b) the Sectoral Initiative on Equipment for Explosive Environments; and (c) Private Standards, organized jointly with the Working Party on Agricultural Quality Standards (WP.7).

2. The following countries were represented: Armenia, Belarus, Brazil, Burundi, Colombia, Comoros, Czech Republic, Ethiopia, Germany, Indonesia, Japan, Kenya, Kyrgyzstan, Lithuania, Netherlands, New Zealand, Poland, Republic of Moldova, Russian Federation, Rwanda, Serbia, Slovakia, Sweden, Turkey, Uganda, Ukraine, United Republic of Tanzania, and Zambia.

3. The meeting was also attended by representatives of the European Community (EC).

4. The following United Nations bodies and specialized agencies participated: International Labour Office (ILO) and United Nations Industrial Development Organization (UNIDO).

5. Two intergovernmental organizations attended: African Regional Organization for Standardization (ARSO) and International Organization of Legal Metrology (OIML).

6. The following accredited non-governmental organizations participated: European Committee for Standardization (CEN), International Electrotechnical Commission (IEC) and International Organization for Standardization (ISO).

7. Observers present at the invitation of the secretariat included representatives of private-sector companies, associations and civil-society organizations from various regions.

II. ADOPTION OF THE AGENDA (Agenda item 1)

Documentation: ECE/TRADE/C/WP.6/2008/1 – Annotated provisional agenda

8. The Working Party approved the provisional agenda.

III. ELECTION OF OFFICERS (Agenda item 2)

9. In accordance with the Commission's rules of procedure and established practice, the Working Party elected a Chairperson and two vice-chairpersons: Mr. C. Arvius (Sweden) was elected Chairperson, and Mr. V. Koreshkov (Belarus) and Mr. P. Lukac (Slovakia) were elected vice-chairpersons.

IV. MATTERS ARISING FROM RECENT MEETINGS OF THE BUREAU OF THE COMMITTEE ON TRADE (Agenda item 3)

10. The secretary of the Committee on Trade informed delegations of the ongoing debate about the future of the Committee, and expressed the continued support of the United Nations Economic Commission for Europe and its member States for the activities of the Working Party.

11. The Working Party noted the recent developments concerning the future of the Committee.

V. PANEL SESSIONS (Agenda item 4)

A. Market Surveillance Model Initiative (Agenda item 4(a))

Documentation: ECE/TRADE/C/WP.6/2008/2 (Revised) - Provisional agenda of panel session 1
ECE/TRADE/C/WP.6/2008/2/Add.1 - The General Market Surveillance Procedure
ECE/TRADE/C/WP.6/2008/13 - Report on the Market Surveillance Model Initiative

12. The Working Party adopted the agenda of the panel session on the Market Surveillance Model Initiative.

13. The Convenor of the Initiative raised the issue of a new global vision for an effective market surveillance system to respond to the challenges of an increasing number of products on the market and the trend towards a reduced involvement of authorities in the pre-market phase. This new vision should be based on a common understanding of essential requirements, enhanced transparency to ensure the participation of all stakeholders and innovative statistical methodologies. Strategic choices, with important financial implications for member States, would also need to be made in order to move towards this system.

14. Delegations shared their experiences in regional and international level market surveillance cooperation. The delegation of New Zealand presented the network of arrangements established or under negotiation with a number of trading partners for the regulation of Electrical and Electronic Equipment. These agreements ranged from simple mutual recognition agreements to more complex regulatory cooperation aimed at sharing information, building a common hazard alert system and launching joint cooperative enforcement actions.

15. The representative of CEN urged market surveillance authorities to strengthen cooperation with national and European standardization bodies. The expertise of market surveillance authorities was crucial for standards development and updating. Participation in the standardization committees was, however, very expensive and new mechanisms to support participation of market surveillance authorities should be found.

16. Common enforcement practices were essential to make harmonised regulations effective. Efforts had been made in the European Union (EU) and the European Economic Area (EEA) to strengthen cooperation and exchange of best practice among market surveillance and enforcement organizations. For instance, the Product Safety Enforcement Forum of Europe (PROSAFE) and its Enhancing Market Surveillance through Best Practice (EMARS) project focused on non-food consumer products. The recently established International Consumer Product Safety Caucus (ISPC) raised this cooperation to a global level. ISPC proposed to increase cooperation with the United Nations Economic Commission for Europe (UNECE) for organizing international conferences, for example on the safety of toys, to explore how the issue was being tackled by both manufacturers and enforcers. This could lead to identifying problems that would then be brought to standardization organizations.

17. The ISO Committee on Conformity Assessment (ISO/CASCO), considering how to adapt its toolbox for market surveillance and to encourage more effective participation of regulators and market surveillance authorities in its activities, had formed a new group: the “Strategic Alliance and Regulatory Group (STAR)”.

18. The General Market Surveillance Procedure was then introduced as a model adaptable to different regulatory frameworks in the non-food area. It included all the different phases: technical legislation; standardization; conformity assessment; market surveillance and the involvement of stakeholders.

19. A debate on the subject raised the following points:

(a) Many countries of the Commonwealth of Independent States (CIS), including the Republic of Moldova, have a single agency responsible for both food and non-food products. Discussion proceeded on how the General Market Surveillance Procedure could be adapted to this situation, but finally the majority considered it not to be feasible;

(b) The UNECE International Model needed to take into account a diversity of situations. In fact, in Kenya and in many developing countries, only one authority existed for pre- and post-market surveillance. Under European Community law all controls took place post-market;

(c) The business sector wanted increased cooperation among international market surveillance authorities because market surveillance is more stringent in one country and less so in another, the playing field is not a level one;

(d) A careful classification of products was essential to risk assessment;

(e) Countries used different definitions of market surveillance. For example, in the EU, market surveillance meant ensuring that products were in conformity with the EU legislation. UNECE added to that the fight against counterfeit and dangerous goods.

20. In general, ISO standard 2859-1 (sampling procedures for inspection by attributes) was widely used in market surveillance, but led to selecting samples that were too large. Thanks to methods that were routinely used in statistics, sample size could be reduced, based on intelligence and prior information.

21. An important part of the discussion revolved around risk assessment and risk management. That subject would be added to the agenda of the next session of the Working Party, and could be the topic of a workshop.

22. The Working Party thanked the convenor for his extensive background work and his presentation. It also expressed appreciation to those who prepared presentations on cooperation in the field of market surveillance and on risk management¹.

B. Sectoral Initiative Equipment for Explosive Environments (Agenda item 4(b))

Documentation: ECE/TRADE/C/WP.6/2008/2 (Revised) - Provisional agenda of panel session 1
ECE/TRADE/C/WP.6/2008/2/Add.1 - The General Market Surveillance Procedure
ECE/TRADE/C/WP.6/2008/13 - Report on the Market Surveillance Model Initiative

¹ The presentations are available on the website of the Working Party <http://www.unece.org/trade/wp6/documents/2008/wp6-08-list.htm>

23. The Working Party adopted the agenda of the panel session on the UNECE Sectoral Initiative on Equipment for Explosive Environments.

24. The Sectoral Initiative aimed to promote convergence among the different international regulatory frameworks governing the equipment for explosive environments sector. It was collecting information about the legal frameworks in force in the main markets.

25. The Convenor and a member of the UNECE secretariat welcomed the delegations and explained how the Initiative fitted into the development agenda of the United Nations.

26. Participants in the discussion acknowledged that despite the efforts of industry to develop standards and conformity-assessment schemes, barriers still existed to trade in equipment for explosive environments. The Initiative offered a forum where interested United Nations Member States can meet and agree on mutually recognized standards, conformity assessment and accreditation procedures.

27. The main objective of the panel session was to discuss the terms of reference of the Initiative, to be approved the following day by the plenary session:

(a) Participants agreed that a regulation should cover the entire field, including area classification, verification of the equipment and its production, installation, inspection, maintenance, repair and the related conformity-assessment procedures for products, services and competency of personnel. Services should be explicitly mentioned in the terms of reference so that the Working Party's mandate included repair and overhaul (part 1 of the Terms of reference);

(b) Participants agreed not to mention specific sectoral environments in which equipment for explosive environments was used because it would compel the Initiative to deal in an exhaustive manner with area classification in those sectors. The Sectoral Initiative did not have the means required to fulfil such a complex task (part 2 of the Terms of reference);

(c) Participants decided to explicitly mention IEC and ISO and International Electrotechnical Scheme for Certification to Standards relating to Equipment for Use in Explosive Atmospheres (IECEx) as important observers so that invitations could be extended to them (as observers) in future activities of the Initiative (part 5 of the Terms of reference).

28. Participants agreed to submit the amended terms of reference to the plenary session for approbation.

29. Many participants expressed appreciation for the project. Countries were invited to nominate national contact persons.

30. The next meeting would take place in Stockholm in early 2009, back to back with the meeting of the UNECE Team of Specialists on Standardization and Regulatory Techniques (START). Draft Common Regulatory Objectives (CROs) would be prepared at least four weeks in advance and communicated to the participants. With those, the Sectoral Initiative would be able to begin discussions with technical experts in Melbourne on 31 August 2009, at a meeting to be organized back to back to the IECEx meeting.

31. The UNECE secretariat would relay to participants the list of attendees of the Geneva meeting and ensure follow-up.

C. Private Standards (Agenda item 4(c))

Documentation: ECE/TRADE/C/WP.6/2008/4 - Provisional agenda

ECE/TRADE/C/WP.6/2008/4/Add.1 - Background document on private standards

ECE/TRADE/C/WP.6/2008/4/Add.1/Corr.1 - Background document on private standards – Corrigendum

32. The Working Party adopted the agenda of the panel session on Private Standards.

33. The Director of the UNECE Trade and Timber Division introduced and defined the subject: private standards were company specifications, set by a large buyer - which could be a supermarket chain or a large producer of consumer goods - and imposed on the sellers. As such, those specifications should not be called standards because they were not set by a procedure that involved consultation with relevant stakeholders. The subject clearly cuts across the expertise of the Working Party on Regulatory Cooperation and Standardization Policies and the Working Party on Agricultural Quality Standards.

34. The representative of the Swedish National Board of Trade presented the background document. In the Board's view, the provisions of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the WTO Agreement on Technical Barriers to Trade (WTO/TBT) were not applicable to private specifications, and did not pertain to private economic operators. Instead, the rules on competition and State aid might be applicable when a large buyer took advantage of its position on the market to impose its own terms on suppliers.

35. A member of the UNIDO Trade Capacity Building Branch presented an ongoing project being developed with financing from the Norwegian Agency for Development Cooperation (Norad). The project aimed at developing a practical "guidebook" to help manufacturers and suppliers in developing countries respond to the growing importance of compliance with private standards in export markets. The study would develop a methodology based on experience in the textile sector, and, in particular, on a survey of garment exporters in Turkey.

36. A panellist presented a database developed for the promotion of imports from developing countries (see www.cbi.eu). It contained much information on market-access requirements on products, processes and conformity assessment, and could be consulted without charge by producers in developing countries. He explained that producers felt pressure resulting from a combination of several factors: consumers' expectations regarding quality, health and safety; government goals to protect the environment; and social issues and codes of conduct by manufacturers. European and national legislation was also a factor.

37. Voluntary sustainability standards (VSS) were of increasing importance for market access. Developing-country producers and exporters regretted their complexity, stringency and compliance costs that can be as high as 50-80 per cent of total costs. VSS, however, had the potential to yield general developmental benefits (for example, more efficient resource use, lower pollution and higher occupational and public safety), in addition to commercial gains locally, nationally, and internationally. The United Nations Conference on Trade and Development (UNCTAD) recommended that Governments in developed and developing countries support the implementation of these standards, exercise strict surveillance to avoid their misuse for purely commercial interests, and ensure transparency, inclusiveness,

justifiability, and low trade restrictiveness in setting them. Greater technical and institutional capacity would clearly be necessary.

38. The Chairperson of the Working Party on Agricultural Quality Standards (WP. 7) proposed the development of guidelines on the issue of private standards for both governmental and business operators.

39. For developing countries, compliance with private standards was a market-access issue. Several delegations agreed that technical assistance for this problem should be increased. However, some shared the opinion that private specifications might fill the gaps left by legislation.

D. Conclusions (Agenda item 4(d))

40. The Working Party agreed to continue organizing panel sessions. The issues discussed during the sessions should be included in the programme of work.

VI. STANDARDIZATION AND REGULATORY PRACTICE (Agenda item 5)

A. Review of developments

41. Delegations presented relevant developments in their respective regulatory frameworks. An update was provided on the EC regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The adoption of such a complex piece of legislation required guidance documents to assist the economic operators in its implementation. As with the regulation itself, the documents were developed through a channel of consultation with the relevant stakeholders and were available on the Internet. The Commission had also organized several training events that had been streamed live on the Internet.

42. Communication 2006/724 from the EC to the Council and the Parliament outlined the general approach to enable European Neighbourhood Policy (ENP) partner countries to participate in European Community agencies and programmes. This framework could be used for ENP countries to participate in the European Chemicals Agency (ECHA). A representative of EC replied that the information would be made available through the secretariat before the next session.

43. Information was presented on developments in the United States. In response to a perceived increase in non-compliance, regulatory treatment of imported products in the United States would increasingly rely on third-party product-safety-certification programmes. Products certified under those schemes would be given expedited entry, but certification would not become compulsory.

44. When standards or technical regulations made reference to intellectual property rights (IPRs) which were protected by a patent, the licence to use them should be granted on reasonable and non-discriminatory terms. Nevertheless, in certain cases the licence fees were excessive, leading to an increase in compliance costs.

45. The New Legislative Framework on the Marketing of Industrial Products of the European Union was presented in detail. It was based on two legislative acts: (a) Regulation No. 765/2008 on requirements for accreditation and market surveillance; and (b) Decision No. 768/2008 on a common framework for the marketing of products. That framework:

- (a) Laid down common and transparent rules regarding the accreditation of conformity assessment bodies;
- (b) Provided market surveillance authorities with the necessary powers and resources to conduct appropriate checks on an adequate scale and to manage non-compliance;
- (c) Required increased cooperation among national market surveillance authorities;
- (d) Empowered Customs authorities to perform market surveillance tasks for products entering the Community;
- (e) Clarified the rules and conditions for the affixing of CE marking, and the role of the market surveillance authorities in ensuring the mark's correct usage.

46. Another legislative act, Regulation No. 764/2008 on the application of the mutual recognition principle completed the New Framework (see ECE/TRADE/C/WP.6/2008/11).

47. The Working Party noted the developments in United States laws and regulations and the different business models used by standards development bodies regarding the availability of their standards. That issue had implications for matters of intellectual property in standards and regulations. The Working Party also noted comments made by Belarus, Kenya, Russian Federation and Slovakia regarding (a) the voluntary nature of standards, which differ from norms, (b) the legal presumption of conformity to standards, and (c) the impact of these matters on government procurement.

48. The Working Party agreed to work on those matters as part of the revision of Recommendation "D" on Reference to Standards (adopted in 1974, amended in 1980, 1984, 1988, and 1995), and asked the secretariat and the Bureau to ensure follow-up by working with the Sectoral Initiatives and, if appropriate, by organizing an international forum.

B. Revision of UNECE Recommendations (Agenda item 5(b))

Documentation:

ECE/STAND/17/Rev.4 - UNECE Recommendations on Standardization Policies

ECE/TRADE/C/WP.6/2007/10/Rev.1 - Approved Recommendation "M"

ECE/TRADE/C/WP.6/2008/6 - Proposed revision of Recommendation "K"

49. The secretariat introduced the format of the proposed revised publication of the UNECE Recommendations on Standardization Policies.

50. The Working Party took note of the approved Recommendation "M" on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users Against Counterfeit Goods (ECE/TRADE/C/WP.6/2007/10/Rev.1), now available in its final form.

51. It adopted the revised Recommendation "K" on Metrological Assurance in Conformity Assessment and Testing, and requested the secretariat to include the revised version in the new edition of the Recommendations.

VII. REGULATORY COOPERATION (Agenda item 6)

Documentation:

ECE/STAND/17/Rev.4 - UNECE Recommendations on Standardization Policies

52. The Working Party decided to extend the mandate of the UNECE Specialists on Standardization and Regulatory Techniques (START) Team for two years, in accordance with UNECE Guidelines for the Establishment and Functioning of Teams of Specialists (ECE/EX/2, para. 3).

53. The secretariat reported on the Seminar on Good Regulatory Practice, organized by the WTO/TBT Committee in March 2008. Delegations were also informed of a workshop provisionally scheduled for March 2010 on “The role of international standards in economic development”, to be organized by that Committee.

A. Regional projects (Agenda item 6(a))

54. The Working Party invited countries and regional organizations to provide updated information on their regulatory cooperation activities and projects for its next session. It requested the secretariat to include those reports in the documentation before the next plenary session.

B. Sectoral projects (Agenda item 6(b))

Documentation: ECE/EX/2 - Guidelines for the Establishment and Functioning of Teams of Specialist within UNECE,

ECE/TRADE/C/WP.6/2008/8 - Progress report on the sectoral initiative on SIEEE

ECE/TRADE/C/WP.6/2008/8/Add.1 - Terms of Reference for the Sectoral Project on Equipment for Explosive Environments

ECE/TRADE/C/WP.6/2008/9 - Progress report on the sectoral initiative on Telecom

ECE/TRADE/C/WP.6/2008/10 - Progress report on the sectoral initiative on Earth-Moving Machinery Initiative

ECE/TRADE/C/WP.6/2008/10/Add.1 - Progress Report - Addendum: Proposal for Common Regulatory Objectives Applicable to Earth-Moving Machinery Safety: Current Status and Proposal for Continued Work

1. UNECE Earth-Moving Machinery Initiative

55. The Convenor of the Earth-Moving Machinery Initiative presented the results of the work. Common Regulatory Objectives (CROs) had been adopted by the Working Party in 2004. The Task Force had promoted them in a number of different countries including China, Chile, India and Russia. Those objectives had been adapted to the specific regulatory process and the format for regulations in different countries. Additional guidance was needed regarding the compliance clause and the acceptance of the supplier declaration of conformity in the markets of developing countries.

56. The Initiative requested the Working Party to mandate it to revise the CROs, specifically the Compliance Clause and develop different options to be used when the supplier's declaration of conformity was unacceptable.

57. The Working Party took note of the Initiative's progress and invited the Task Force to report at the next session on its progress in revising the CROs.

2. Telecom Initiative

58. The Convenor of the Telecom Initiative noted the limited interest from member countries in applying the CROs adopted in 2003, although those provided practical examples of good regulatory practice in the sector. In recent WTO negotiations, several proposals had been put forward for overcoming technical barriers to trade in the telecommunication sector. Potential synergies could be exploited between the UNECE Telecom Initiative and the ongoing work in the WTO.

59. The Working Party took note of the progress of the Task Force, invited it to continue promoting the CROs, and encouraged countries to implement them.

3. Equipment for explosive atmosphere

60. The results of the break-out session on Equipment for Explosive Environments were presented by the chairperson of that session. The Working Party:

(a) Decided that the Task Force should continue work on the objectives and key deliverables;

(b) Adopted the report of the Second Meeting of the Initiative, held in Paris on 29 September 2008;

(c) Adopted the Terms of Reference of the Initiative as contained in ECE/TRADE/C/WP.6/2008/3, with some amendments. The revised version of the terms of reference would be posted on the Working Party website and circulated in the annex to this report;

(d) Invited countries not having done so to answer the questionnaire contained in document ECE/TRADE/C/WP.6/2008/3/Add.1, so that work could continue on establishing Common Regulatory Objectives in the framework of the International Model for Technical Harmonization designed in Recommendation "L";

(e) Requested the secretariat to prepare reports on the results of relevant meetings for the nineteenth session of the Working Party and to post the results of the work of the Initiative on the website;

(f) Decided that the next meeting of the Sectoral Initiative would take place parallel to the START meeting in Stockholm in 2009, and would be tasked with preparing CROs. The following meeting will take place in Melbourne, Australia on 31 August 2009, parallel to the IECEx meeting. The results of those meetings would be presented at the nineteenth session of the Working Party.

4. Safety of pipelines

61. The proposed initiative on the safety of pipelines had raised interest among delegations and the business community during an intergovernmental meeting of the CIS held in August 2008. The Russian delegation proposed to develop a questionnaire on the subject and send it to the secretariat for further circulation.

62. The Working Party welcomed the preparation of a questionnaire documenting the different regulatory practices that existed on the markets. It also welcomed the planning of future activities and decided that the Task Force should meet in parallel to the START meeting in Stockholm.

63. The Working Party requested that the secretariat should provide an update each year on the work of all the sectoral initiatives. The presentation of their activities on its website should also be improved.

VIII. REVIEW OF RECENT DEVELOPMENTS IN CONFORMITY ASSESSMENT AND ACCREDITATION (Agenda item 7)

64. The United States regulatory authorities make reference to and use international standards and international conformity-assessment schemes in assessing product conformity. An online facility that searches for rules, proposed rules and notices of United States Federal agencies and organizations can be consulted (<http://www.gpoaccess.gov/fr/>).

65. The authorities recognized conformity for a number of products if the relevant certificate had been issued by a laboratory participating in the International Laboratory Accreditation Cooperation (ILAC) mutual recognition agreement and accredited to test the specified standards. Products included baby cribs, pacifiers and other children's products.

66. Finally, the issue of using the supplier declaration of conformity as an alternative to the nationally recognized testing laboratories product-approval process was raised. The United States Occupational Safety and Health Administration was requesting comments on a proposal from the European Commission. Details were available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21181.

67. The Working Party took note of the information on regulatory treatment of imported products in the United States. It invited delegations, as well as regional and international organizations, to continue sharing information on conformity assessment and accreditation. It asked the group of rapporteurs to consider further activities in this area, and requested the secretariat to publish reports received from member States as part of the documentation for the next session.

IX. MARKET SURVEILLANCE (Agenda item 8)

A. Updates from regional groupings and the Advisory Group on Market Surveillance

Documentation: ECE/TRADE/C/WP.6/2008/11 - Report of the meeting of the Advisory Group on Market Surveillance, Bratislava, 2-3 October 2008

ECE/TRADE/C/WP.6/2008/12 - Information from the CIS on Market Surveillance

ECE/TRADE/C/WP.6/2008/13 - Terms of Reference of the Market Surveillance Model Initiative

68. The Working Party adopted the report of the last meeting of the Advisory Group on Market Surveillance (MARS Group) (ECE/TRADE/C/WP.6/2008/11).

69. The Working Party decided to request that all UNECE member States send the secretariat an updated list of the market surveillance authorities in the different sectors.

70. It also decided to resume work on common definitions and terminology initiated by the project on Market Surveillance Definitions. The definitions contained in the European Union regulations would be reflected. A new coordinator was needed for this Sub-group. After the session, Mr. Willem Kool of the International Organization of Legal Metrology offered to be the coordinator, subject to approval by the Bureau and the 2009 session of WP.6.

71. A report was presented on a meeting of representatives of CIS market surveillance authorities. The main issues were the development of a convergent legal framework; a database of legislation currently in force; and exchange of information regarding dangerous products on the market. Safety of toys was also discussed. The Market Surveillance Model Initiative could be included in the agenda of the next meeting of the Group.

72. The Working Party noted the report on market surveillance activities under CIS auspices, presented by the Republic of Moldova. It requested the secretariat to present reports on market surveillance activities received from member States to the Working Party at its annual session.

73. The secretariat reported on the Open Session on European Standards in Support of Market Surveillance, jointly organized by CEN and the European Committee for Electrotechnical Standardization (CENELEC), where the secretariat made a presentation on Recommendation "M" on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users against Counterfeit Good (adopted in 2007).

B. Update on the Market Surveillance Model Initiative

74. The Working Party noted the results of the Panel Session on Market Surveillance and adopted the following decisions:

(a) The MARS Group is requested to detail the specific sub-procedures of the General Market Surveillance Procedure, and, in the future, to adapt its research to specific sectors. Research results should be posted on the WP.6 website and reported at the next session of the Working Party;

(b) The Terms of Reference of the General Market Surveillance Procedure Initiative are endorsed (ECE/TRADE/C/WP.6/2008/13). The secretariat is requested to report on the work of the Initiative at the next session;

(c) The Convener of the General Market Surveillance Procedure Initiative, in coordination with an ad hoc working group, will develop a general document on market surveillance for the 2009 WP.6 annual meeting.

(d) The Working Party agrees on the importance of the assessment of risk and risk management techniques for market surveillance, and instructs the secretariat, in cooperation with the Bureau, to ensure adequate follow-up on this issue.

(e) The Bureaux of the on-going sectoral initiatives under START are requested to provide their comments on the draft General Market Surveillance Procedure model, and determine how well it is suited to their specific sectors of activity.

C. Update on the negotiations on an Anti-Counterfeiting Trade Agreement

75. The EC delegation in Geneva reported on the negotiations on the Anti-Counterfeiting Trade Agreement (ACTA) agreement, which had started as a reaction to the proliferation of counterfeit goods. This trend had recently taken worrying proportions:

(a) Infringements of intellectual property rights were estimated at 150 billion euros per year, equivalent to the gross domestic product of 150 countries;

(b) More than 79 million items had been seized in over 43,000 actions in the European Union alone in 2007;

(c) A growing number of seizures concerned products that were dangerous to health and safety.

76. The following were currently involved in the negotiations that had begun in June 2008: Australia, Canada, European Union, Japan, Republic of Korea, Mexico, New Zealand, Singapore, Switzerland, and United States. Three areas were being discussed:

(a) International cooperation among customs authorities and other law-enforcement agencies for intellectual property rights enforcement, including by sharing information on bilateral initiatives;

(b) Alignment of enforcement practices based on shared best practice;

(c) Establishment of an international benchmark for a legal framework on intellectual property rights enforcement.

77. Important sections of the agreement would be transitional mechanisms, technical assistance and capacity-building, to allow developing countries and emerging economies to join the agreement. A fact sheet on the negotiations was available at the following website: http://trade.ec.europa.eu/doclib/docs/2008/october/tradoc_140836.11.08.pdf.

78. The Working Party invited delegations to study the fact sheet and other documents available online, taking into account their own practice, and to comment on the possible role of Recommendation "M", with suggestions as to how it might be revised.

X. METROLOGY (Agenda item 9)

Documentation: ECE/TRADE/C/WP.6/2008/6 - Proposed revision of Recommendation "K" on Metrological Assurance of Conformity Assessment and Testing (adopted in 1993)

79. Several new recommendations had been approved at the International Organization of Legal Metrology (OIML) 13th Conference and 43rd Committee Meeting held in October 2008. OIML recommendations contained harmonized technical and metrological requirements for measuring instruments, test procedures and test report formats. Their 59 Member States and 57 Corresponding Members had a moral obligation to implement these recommendations, which were recognized as international standards under the WTO/TBT Agreement².

² They are available free of charge on the organization's website: www.oiml.org.

80. An important development in 2008 had been the adhesion of the European Union notified bodies to the OIML Mutual Acceptance Arrangement for Measuring Instruments. The Chairperson remarked that this development had been possibly due to the Measurement Instrument Directive. The primary aim of the Directive was to create a single market in measuring instruments for the benefit of manufacturers and, ultimately, consumers.

81. The Working Party would consider the best way to integrate the OIML recommendations in its work.

XI. PROGRAMME OF WORK OF THE WORKING PARTY (Agenda item 10)

Documentation:

ECE/TRADE/C/2007/19 - Report of the second session of the Committee on Trade

ECE/TRADE/C/WP.6/2008/14/Rev.1 - Programme of Work for 2009-2010

ECE/TRADE/C/WP.6/2008/14/Add.1 - Table of priorities

ECE/TRADE/C/WP.6/2008/15 - Evaluation of the 17th session of the Working Party and its International Seminar

82. The Secretariat presented the WP.6 Programme of Work for 2008-2010, with a table of priorities and the status of activities. The questionnaire proposed for the Sectoral Initiative on the Safety of Oil and Gas Pipelines would be included in the revised table of priorities and issued as part of the documentation for the nineteenth session.

83. The Working Party approved its programme of work and the table of priorities. It requested the secretariat to prepare updated priorities reflecting the discussions that had taken place at the session, and the decisions taken, as well as an updated programme of work for the 2010 session.

84. With regard to the evaluation of the seventeenth session of the Working Party and the International Seminar, the Working Party observed that the number of evaluation forms received had been insufficient for a satisfactory analysis and encouraged delegations to invest more time in the evaluation of each session in the future.

85. The secretariat received requests from the Executive Committee regarding the evaluation of future work, and the Working Party discussed the methodology to be followed to complete the exercise.

XII. CAPACITY-BUILDING (Agenda item 11)

Documentation:

ECE/TRADE/C/WP.6/2008/16 - Report on "Aid for Trade in Trade-related Standards"

86. The secretariat presented a report on "Aid for Trade in Trade-related Standards," prepared as a contribution to the World Report on Aid for Trade and launched at the UNCTAD XII Conference.³

³ The complete report is available online: http://www.unctad.org/en/docs//tdl415_en.pdf. It will also be published by a commercial editing house as a bound volume.

87. The Working Party supported the launch of a capacity-building initiative to promote the application of Recommendation “M” in developing countries and countries with economies in transition.

XIII. OTHER BUSINESS (Agenda item 12)

88. After consultations with several partner organizations on the dates for the nineteenth session of the Working Party, 24, 25 and 26 November 2009 were retained.

89. The Working Party requested the Bureau and the secretariat to continue consultations regarding the proposal to hold an international forum on risk management back to back with the next session.

XIV. ADOPTION OF THE REPORT (Agenda item 13)

90. According to the established procedures, the Working Party approved a list of decisions taken at the current session. The secretariat was requested, in consultation with the office bearers, to complete the descriptive part of the report taking into account the contributions made and the discussions held during the session.

Annex

TERMS OF REFERENCE FOR THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE EQUIPMENT FOR EXPLOSIVE ENVIRONMENTS INITIATIVE

I. Objectives of the Sector Project “Equipment for Explosive Environments”

1. The specific purpose of the Sector Project is to develop common regulatory objectives (CROs) for the regulation of placing Equipment and Services for Explosive Environments placed on the market. The CROs shall include area classification, verification of the equipment and its production, installation, inspection, maintenance, repair and the related conformity assessment procedures for products, services and competency of personnel. The aim is to eliminate barriers against the free trade of equipment and services.
2. Equipment and services for Explosive Environments must have a high level of safety in order to protect workers and the environment against explosions in the various fields of industry.
3. The group of the Sector Project will work closely with the UNECE Specialists on Standardization and Regulatory Techniques (START) Team. The START Team will provide the Sector Project, when required, with assistance and guidance on policy matters for its work according to the “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”.

II. Composition of the Sector Project: Membership and participation in its meetings

4. The Sector Project will offer a platform for regulators of the participating countries to give them the possibility to discuss their concerns and approaches with experts of the producing industries and the different users of this equipment.
5. It should include experts and representatives not only from countries in the UNECE region but also from other interested United Nations Member States. It will work with international organizations, as well as representatives of the private sector and non-governmental organizations (NGOs), as observers, particularly the International Electrotechnical Commission (IEC) and the International Electrotechnical Scheme for Certification to Standards Relating to Equipment for use in Explosive Atmospheres (IECEX).
6. The UNECE secretariat will provide, within available resources, the necessary support and guidance to the Task Force and its teams.

III. Reporting

7. The Sector Project shall report to the Working Party on Technical Harmonization and Standardization Policies (WP.6) and frequently inform the START Team of its work.
8. The terms of reference and duration of work of the Sector Project will be reviewed regularly by the Working Party in accordance with UNECE rules and procedures, and will be submitted for decision to WP.6.

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