



# Recast of Recommendation D Lorenza Jachia

UNECE Secretariat

**11th MARS Group meeting  
25 – 26 September 2013, Prague**





# Background

## History:

- 1974: Adoption of Recommendation D
- 1980, 1984, 1988, 1995: Revisions of Recommendation D

## 2013:

- Almost 20 years passed since last revision
- Since then:
  - Communication “on the role of European standardisation in the framework of European policies and legislation” of 2002;
  - Circular A-119 Of 1998 on “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities” by the Office of Management and Budget of the United States of America
  - European Commission, Enterprise Guides: Methods of referencing standards in legislation with an emphasis on European legislation, 2002
  - Standards Council of Canada: NSS Guide “Key considerations in the development and use of standards in legislative instruments”, December 2006
  - ISO/IEC: Using and referencing international standards for technical regulations, September 2007

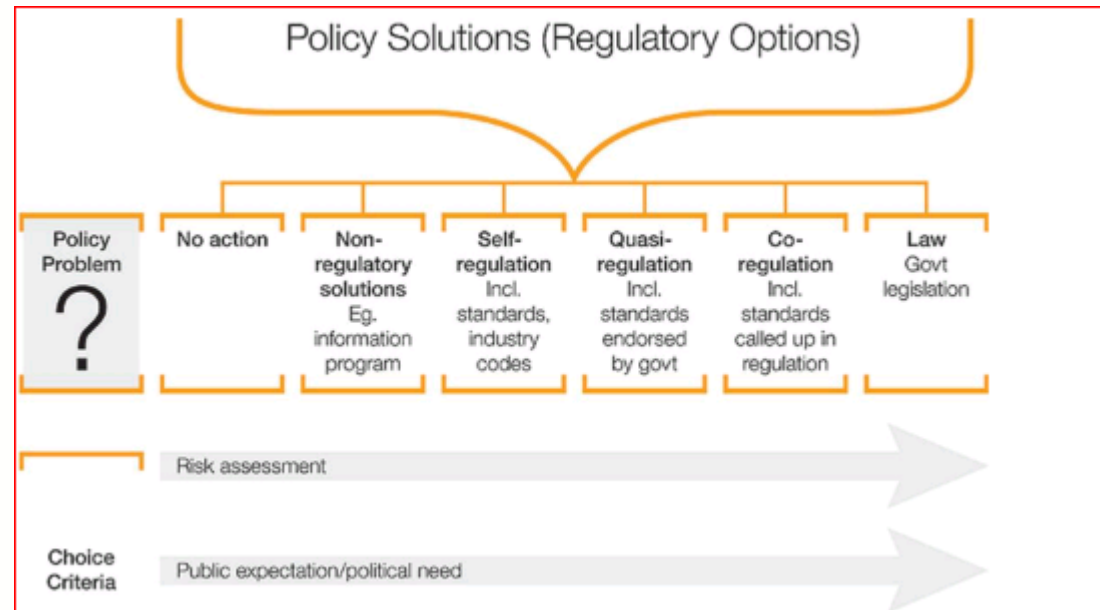




# Reference to stds is now widely used:

In WTO, it is part of Good Regulatory Practice (GRP)

Internationally, it is widely perceived as one less costly regulatory option





# Different methods of reference to standards

1. Incorporation of the text of the standard into the text of the regulation
2. Exclusive (or dated) reference
3. Indicative reference (as in the New Approach)

In the first two cases, the standard becomes part of the legislation and, as such, compulsory, in the third it remains voluntary.







# Open questions

- Does indicative reference require extensive market surveillance?
- Do incorporation or dated reference threaten the livelihood of standardization bodies?
- Is it possible to overcome this obstacle by authorizing access to standards referenced in legislation at government facilities and libraries on a read-only basis
- Can copyright protection still be afforded to standards developers for their original works of authorship?





# International Conference 2013

- Opening by Mr. V. Koreshkov, Minister for Technical Regulation, EEC, Ms. Elisabeth Stampfl-Blaha, ISO Vice-President & Rob McFarlane, UK Cabinet Office
- 3 sessions:
  - Standards & regulatory work
  - Reference to standards debate
  - Way forwards





# Desired outcome

- Reinforced commitment to standards in the UN and in regulatory work
- Revision of Recommendation D
- Strengthened partnerships with standardization bodies

