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Item 5 of the provisional agenda

International Conference on “Standards and Regulations”

Draft revised Recommendation D

“Reference to Standards”

Summary

Upon recommendation of the Bureau, the Working Party is invited to review Recommendation D on “Reference to Standards”, first approved by the Working Party in 1974, and subsequently revised in 1980, 1984, 1988 and 1995.

The Bureau has noted that the Recommendation retains its validity but needs to be updated to reflect recent developments in regulatory policies as well as the works of standards-making bodies.

This document presents a first draft revision of Recommendation D as prepared by the Secretariat to facilitate discussion and for eventual approval by the Working Party.

The Working Party on Regulatory Cooperation and Standardization Policies,

1. *Recognizing* the important advantages offered by the use of the method of "reference to standards", including that it:

(a) Contributes to preventing or eliminating unnecessary technical barriers to trade by facilitating regional and international harmonization of technical regulations and standards;

(b) Increases transparency and accountability of legislative and regulatory work;

(c) Facilitates the review of technical regulations to take into account effectively technological progress and changes in societal and consumer expectations;

(d) Allows authorities to take advantage of the knowledge and expertise incorporated in the results of the work of international standards organizations;

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

Recommends that:

2.1 Regulatory and legislative authorities make use of existing national, regional or international standards in regulatory work, whenever possible;

2.2 Legislative authorities consider using the method of "reference to standards" and draw the attention of all national regulatory bodies to its advantages, when appropriate,

2.3 Regulatory and legislative authorities **consider** alternative methods of reference to standards including:

- Exclusive reference—which renders the standard or parts of the standard mandatory
- Indicative reference—which retains the voluntary application of the standard
- Dated reference—which allows for the use of a particular edition of a standard
- Undated reference—which allows for the use of a given standard and all subsequent editions.

2.4 When choosing among the various methods of "reference to standards", authorities should ideally adopt a method that will allow them to make optimal use of standardization work.

In regulatory, surveillance and legislative work, regulatory and legislative authorities refer to principles 1-5 of ISO/IEC Guide 15 on "Reference to Standards" and take note of international best practice on using and referencing international standards in technical regulations.

2.5 Authorities consider the following options to facilitate and optimize interaction with standards-setting bodies:

(i) Where reference to standards is considered an appropriate option for achieving the regulatory objective, regulatory and legislative authorities participate in discussions on standards specifications and – to the extent possible – take part in the standard's development.

(ii) Discuss with standards-setting bodies ways to facilitate use of standards as reference in legislation, for example, where legislative interest is restricted to certain aspects of a standard, explore the possibility that these are contained in a section that is separately identified.

(iii) Agree on ways to ensure that referenced standards are made available to all potentially interested foreign and domestic parties in the least restrictive manner possible.
