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Economic Commission for Europe

Steering Committee on Trade Capacity and Standards

Working Party on Regulatory Cooperation and Standardization Policies (WP.6)

Thirty-second session

Geneva, 7–9 November 2022

Item 8(b) of the provisional agenda

Programme of Work: Working Party terms of reference

Revised terms of reference of the Working Party on Regulatory Cooperation and Standardization Policies

Submitted by the Bureau

Summary

Mandate

At its thirty-first session, the Working Party mandated the Bureau to review and update as appropriate the terms of reference of the Working Party (ECE/CTCS/WP.6/2021/2, decision 15) Add reference to the evaluation here. After consultation within the Working Party and in line with the guidelines of the United Nations Economic Commission for Europe (ECE) on the topic (ECE/EX/1), the Bureau proposes the following revised terms of reference.

Proposed decision

“The Working Party adopts the revised terms of reference of the Working Party on Regulatory Cooperation and Standardization Policies and requests this be presented to the next session of the Steering Committee on Trade Capacity and Standards for endorsement as appropriate”.



Working Party on Regulatory Cooperation and Standardization Policies (WP.6)

Terms of reference

I. Mandate

1. The guidelines for the establishment and functioning of Working Parties within ECE stipulates that each Working Party prepares its terms of reference which must be adopted by its parent Sectoral Committee (ECE/EX/1, para. 3 (a)).
2. These terms of reference are based on the *Terms of Reference of the Steering Committee on Trade Capacity and Standards* (hereafter SCTCS) as approved in the resolution E/2019/15/Add.2 and United Nations Economic and Social Council (ECOSOC) decision 2019/253.

II. Terms of reference of the Working Party on Regulatory Cooperation and Standardization Policies

3. The Working Party on Regulatory Cooperation and Standardization Policies (WP.6) will act within the framework of the policies of the ECE and under the general supervision of SCTCS and in conformity with the *Terms of Reference and Rules of Procedure of ECE* (E/ECE/778/Rev.4).
4. WP.6 will operate in accordance with the *Guidelines for the Establishment and Functioning of Working Parties within ECE* as approved by the ECE Executive Committee at its fourth meeting on 14 July 2006 (ECE/EX/1). These guidelines refer to status and characteristics, including the review of mandate and extension every five years, membership and officers, methods of work and secretariat support provided by ECE.
5. WP.6 aims to promote regulatory cooperation, standardization policies and activities which contribute towards reducing technical barriers to trade, promoting sustainable development in its all dimensions including, for example, gender equality, climate and environmental protection, circular economy and the adaptation to new technologies.
6. In line with this mission statement and the objectives of the ECE Trade Subprogramme to develop closer economic relations among member States, as well as to better integrate their economies into the world economy, WP.6 will:
 - (a) Serve as a forum for the exchange of information and best practices and promote discussion among stakeholders with the goal of contributing to the smooth functioning of an open, equitable, rule-based, predictable and non-discriminatory multilateral trading system. This exchange of experience shall include analysing regulatory challenges of an international and regional nature and ways of solving them. Key areas of regulatory frameworks and quality infrastructure¹ include technical regulation; standardization; conformity assessment; legal metrology; market surveillance; risk management in regulatory frameworks; and related areas and policies at the national, regional and international levels. Further topics may be referred to WP.6 by ECE, SCTCS, member States and/or concerned international and regional organizations. WP.6 will cooperate with the private sector, non-governmental organizations (NGOs) and civil society on issues contributing to the realization of its goals and programmes.
 - (b) Develop guidance based on the above-mentioned experience sharing and analysis. This includes recommendations with respect to international regulatory frameworks aimed at facilitating international trade, with respect to the harmonization of national policies

¹ Quality infrastructure is comprised of regulations, structures and bodies (such as accreditation, metrology, standards development bodies) that exist in a country/economy for supporting trade on a fair market to promote safe products and services in a sustainable society.

and with respect to the promotion of best practices based on good governance principles. This guidance will promote policies and best practices for international regulatory cooperation and standardization activities with the primary objectives to:

- prevent, reduce or eliminate technical barriers to trade
- promote global policies based on principles which align with the Sustainable Development Goals including public health and safety, environmental protection, circular economy, combatting climate change, consumer protection and adoption of new technologies
- efficiently manage risks within regulatory frameworks in the international trading system.

(c) Maintain when appropriate, through its secretariat and eventually assisted by approved experts, liaison with governmental and non-governmental organizations concerned with regulatory frameworks, quality infrastructure and related activities. WP.6 will also cooperate with other ECE subsidiary bodies on cross-sectoral matters.

(d) Organize through its secretariat seminars and workshops at the international, regional and national levels on the implementation of internationally agreed principles of technical regulation, standardization and activities related to quality infrastructure and regulatory frameworks.

(e) Provide advice, assistance and capacity-building – coordinated through its secretariat – to countries with economies in transition to facilitate their market reforms and integration into the world economy. WP.6 will also provide technical assistance to member States with a view to implementing agreed ECE recommendations on regulatory cooperation and standardization policies.

(f) Create projects and establish, when necessary, ad-hoc groups of experts to address specific problems and concerns identified by the Working Party in compliance with paragraph 5 above. WP.6 will supervise, through its secretariat, extra-budgetary funds established for the implementation of concrete projects and undertake other activities as requested and mandated by member States.

7. The Working Party may launch time-bound initiatives to explore a specific topic in accordance with the above activities either directly under the Bureau or under one of the subgroups.

III. Membership and officers

8. The Working Party is open for participation by all United Nations Member States in compliance with the accreditation process contained in the guidelines on procedures and practices for ECE bodies (E/2013/37-E/ECE/1464, Appendix III).

9. In addition, representatives from relevant international organizations and NGOs, and the private sector, can also be invited as observers, in compliance with the United Nations rules and practices in this respect.

10. The Working Party shall elect during its annual session a Chairperson and at least two Vice-Chairpersons. The term of office is two years. When possible, the terms of office of these elected positions should not all finish at the same session, in order to ensure continuity of the work.

11. The Bureau of Chairperson and Vice-Chairpersons shall meet at least once in between annual sessions. The Bureau shall regularly review the outputs of WP.6 in view of eventual necessary updates. It shall also review these terms of reference at least every five years to ensure their continued pertinence.

Annex

Intellectual property rights policy governing the development and use of Economic Commission for Europe Working Party 6 deliverables

A. Background

1. It is an important United Nations principle that its work must be made available for use by Member States free of charge. The guiding principle under which WP.6 deliverables are developed is that the main beneficiary of the standards and recommendations are the Member States. Intellectual property rights (IPRs), mainly copyright, are generated throughout the development of WP.6 deliverables, third-party IPRs may also be used, and this IPR Policy is aimed at managing the use and ownership of this IPR.

B. Economic Commission for Europe Working Party 6 deliverables as public goods

2. In order to promote the widest adoption of the WP.6 deliverables, they can be implemented freely and without any restrictions. The Bureau of WP.6 will not recommend the approval of a deliverable if it is aware that third-party IPRs exist in a draft deliverable that are not freely available for use without any restrictions.

C. Intellectual property ownership and waiver

3. All new intellectual property generated through the development of WP.6 deliverables belongs to ECE. As a condition for participating in a deliverable drafting team, drafting team members agree to waive their rights to enforce any prior IPRs used in the WP.6 deliverables against any party using the deliverables.

D. Transparency and confidentiality

4. ECE and the members of drafting teams have no duty of confidentiality with respect to any information transferred between them. No information transferred that is subject to any requirement of confidentiality or any restriction on its dissemination will be considered for inclusion in any part of the WP.6 deliverable development process, and there must be no assumption of any confidentiality obligation with respect to any contribution.

E. Disclaimer

5. The following disclaimer must be included in the publication, on the website and in any other form of presentation of ECE WP.6 outputs covered by the IPR Policy.

ECE draws attention to the possibility that the practice or implementation of its deliverables (which include but are not limited to standards, recommendations, norms, guidelines and technical specifications) may involve the use of a claimed intellectual property right. Each output is based on the contributions of participants in the ECE Working Party 6 (WP.6) deliverable development process, who have acknowledged that all new intellectual property rights generated belong to ECE and have also agreed to waive enforcement of their existing intellectual property rights used in the WP.6 deliverables against any party using the outputs.

ECE takes no position concerning the evidence, validity or applicability of any claimed intellectual property right or any other right that might be claimed by any

third parties related to the implementation of its outputs. ECE makes no representation that it has made any investigation or effort to evaluate any such rights.

Users of ECE WP.6 outputs are cautioned that any third-party intellectual property rights claims related to their use of a ECE WP.6 output will be their responsibility and are urged to ensure that their use of ECE WP.6 outputs does not infringe an intellectual property right of a third party.
