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

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Item 6 of the provisional agenda
Ad Hoc Team of Specialists on Standardization and Regulatory Techniques

Declaration for technical regulation of products with embedded artificial intelligence

Submitted by the Chair*

Summary

The alignment of regulations of products is cornerstone to enabling international trade. With emerging technologies and new products, such convergence can be a challenge as each regulating agency is seeking the best way forward. This declaration accompanies the overarching common regulatory arrangement (CRA) on this topic and is proposed as a mechanism to assist in promoting increased interoperability and mutual recognition of regulation of products with embedded AI.

Mandate:

The report of the thirty-third session of Working Party on Regulatory Cooperation and Standardization Policies (WP.6) (ECE/CTCS/WP.6/2023/2) included decision 19 which states "Member States encouraged the project team [on regulatory compliance of products with embedded AI or other digital technologies] to explore this work further and eventually develop a CRA or declaration in support of this topic…"

Proposed decision

"Member States took note of the *Overarching common regulatory arrangement for the regulatory compliance of products and/or services with embedded artificial intelligence or other digital technologies* (ECE/CTCS/WP.6/2024/11) and the *Declaration for technical regulation of products with embedded artificial intelligence* (ECE/CTCS/WP.6/2024/12). Member States encourage their relevant agencies and experts to study these two documents and fine tune them over the next six months with a view to adopting and launching the *Declaration* in summer 2025."

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* This document is submitted under the responsibility of the WP.6 Chair. This document has also not been edited by a professional editor.

1.   Regulatory cooperation and harmonization of product regulations across borders is a key facilitator to avoid that regulations which address risk and legitimate objectives for public policy purposes such as national security, protection of human, animal or plant life or healthier, or the environment and prevention of deceptive practices do not turn into technical barriers to trade. With this objective in mind, the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) has developed *Recommendation L on an International Model for Transnational Regulatory Cooperation Based on Good Regulatory Practice* a revision of which is presented to the thirty-third session for decision (ECE/CTCS/WP.6/2024/12).

2.   The *Recommendation L* provides guidance on how to establish a common regulatory arrangement (CRA) which is a voluntary mechanism which countries can adopt in order to help harmonize product regulations and reduce redundant conformity verifications. An *Overarching common regulatory arrangement for the regulatory compliance of products and/or services with embedded artificial intelligence or other digital technologies* is presented to the thirty-third annual session for decision (ECE/CTCS/WP.6/2024/11).

3.   In order to track the adoption of this *Overarching CRA on AI* and promote the production of product specific CRAs based on it, WP.6 proposes a simple declaration that government agencies can utilize to promote the alignment of technical regulations and to share examples of regulations of products with embedded AI or other digital technologies.

4.   The declaration in annex is modelled on the WP.6 *Declaration on Gender-Responsive Standards and Standards Development* (ECE/CTCS/WP.6/2018/6/Rev.1). The initial target signatories are suggested to be the government agencies that participate in the World Trade Organization Technical Barriers to Trade Committee. Other government agencies that work on product regulation are also welcome to adopt and sign.

Annex

Declaration for technical regulation of products with embedded artificial intelligence

1.   We, as a government agency:

- Acknowledge the importance of the Sustainable Development Goals as a blueprint to achieve a better and more sustainable future for all, including in its application to technical regulation.

- Recognize the societal impact that artificial intelligence (AI) and other digital technologies embedded in products/services can have.

- Recognize the complexity of ensuring trustworthiness, increased operational resilience and protection against cyberattacks that such products/services can have.

- Recognize the benefits of working towards increased regulatory coherence and, when possible, harmonizing regulatory techniques and approaches to bring clarity for sustainable international trade while avoiding unnecessary technical barriers to trade and promoting market access.

- Express our resolve to work towards:

  o Setting legitimate and effective regulatory objectives

  o Identifying and assessing risks

  o Identifying relevant international standards that contain requirements relevant to products with embedded AI

  o Identifying mutually recognizable conformity assessment procedures

  o Establishing functioning and efficient approaches for market surveillance and other enforcement mechanisms

2.   And therefore, we hereby pledge to work on cross-border regulatory convergence and enhanced interoperability of regulations related to technical regulation with embedded AI and other digital technologies by:

(a)   Adopting the UNECE WP.6 *Overarching Common Regulatory Arrangement (CRA) on the Conformity of Products with Embedded Artificial Intelligence or Other Digital Technologies* version 2024 (ECE/CTCS/WP.6/2024/11);

(b)   Proposing product-specific use cases of the application of the *Overarching CRA* that could be referenced as best practice and eventually used as a basis for mutual recognition of conformity assessment;

(c)   Tracking progress, collecting and sharing data, lessons learned and good practices to keep the *Overarching CRA* and this *Declaration* subsequently fit for purpose.