

**“IN SOME COUNTRIES”
GUIDELINES**

ABSTRACT

The adoption of the WTO (World Trade Organization) Technical Barriers to Trade Agreement (TBT) places an obligation on IEC to ensure that the International Standards it develops, adopts and publishes are effective and globally relevant. IEC Global Relevance Policy (AC/17/2008) provides the background on implementation of essential differences in requirements in IEC standards. A global relevance statement or “In Some Country Note” is an informative text concerning and informing the user of Standard regarding a particular condition existing in certain countries (exceptions).

This document provides recommendations and guidance for USNC TAGs to IEC TC/SCs on drafting and grouping global relevance statements or “In Some Country Note”. The document is not intended to give specific examples of these extraordinary conditions but to provide an outline of how to do so.

GUIDELINES FOR GLOBAL RELEVANCE STATEMENT

These recommendations/guidelines are being provided for submitting and acting on proposals of USNC Technical Advisory Groups (TAGs) to the U.S. National Committee to approve the USNC TAG's Recommendation for inclusion of Statement(s) Relating to Certain Existing conditions/requirements in the United States in a Proposed IEC Standard

1. The authorization to include statement(s) in an IEC Standard relating to conditions/requirements existing in certain countries (the United States) is contained in clause (s)

5.8 of IEC/ISO Directives Part 2: Principles and rules for the structure and drafting of ISO and IEC documents and Annex SC of ISO/IEC Directives Part 1: Procedures for the technical work – Procedures specific to IEC (shown in Annex A)

2. The rationale for inclusion of a statement(s) pointing out differing U.S. conditions/requirements in a proposed IEC Standard is primarily to notify users of the existence of this condition(s)/requirement(s).
3. The rather restrictive criteria specified as the basis for inclusion as a case “a” condition is believed to be the desire to minimize the extent of deviations in the body of the standard which might appear to weaken the stature of the international standard.
4. While the information given does not appear to limit the extent of the use of such statements, the USNC believes a nonrestrictive practice would weaken the standard and soon lead to imposition of still greater restrictions.
5. The inclusion of a statement (s) in the Forward or body of the standard does not automatically obligate the National Committee sponsoring the statement(s) to vote affirmatively on the draft document. Voting of the USNC TAG should be as per the voting criteria outlined in the approved operating procedures of the relevant TAG.

6. **USNC PROCESS**

- (a) A U.S. statement, along with the reasons supporting the statement, shall be recorded as early in the IEC process as the possible need is identified. This is to permit actions to make the statement unnecessary.
- (b) The U.S. statement and reasons shall be contained in the U.S. comment to a New Work Proposal (NWIP), a Committee Draft (CD) or a Committee Draft with Vote (CDV).
- (c) Where National Committee comments are reviewed at a TC/SC meeting, the U.S. statement and reasons shall be announced and confirmed in the minutes or in U.S. comment to a subsequent CD.
- (d) The last time for introduction of a U.S. statement is in the voting for a CDV.

7. The U.S. comment sent to the USNC Office shall call attention to the statement and reasons, including reasons for designations “a” or “b” as per Annex A so the proposed action can be confirmed before the comments are sent to the TC/SC Secretary. The criteria for choosing criteria “a” or “b” is provided in Annex C.
8. There is the possibility of issuance of a Final Draft International Standard (FDIS) document using the “Fast Track Procedure” described in ISO/IEC Directives, Part 1, F.2. The USNC TAG must make immediate steps following the reaching of the decision on the need for an “in some countries” statement and must notify the USNC Office as soon as possible. The USNC Office will submit the official request that an appropriate statement be included in the standard to be published as a result of favorable FDIS voting.
9. Example of submission of a statement to be sent to the USNC Office is shown in Annex B.
10. Specific recommendations for drafting and grouping in-some country notes is provided in Annex D.
11. Any possible misuse of the clause that cannot be resolved by the Chairs and secretaries of TC/SCs should be brought to the attention of the Standardization Management Board for decision. If, after serious discussions with the National Committee concerned, the TC/SC officers feel that there is misuse of the clause, they should refer the matter to the Standardization Management Board. Similarly, National Committees also have the right to appeal to the SMB if an IEC TC/SC refuses justified requests for inclusion of essential differences within the International Standard, prior to and including the CDV stage, in accordance with the ISO/IEC Directives, Part 1, 5.

Annex A

(IEC/ISO Directives Part One, Annex SC, Inclusion of text concerning particular conditions existing in certain countries (Exceptions))

An IEC National Committee may provide a statement to be included in an International Standard, informing the user of the standard of particular conditions existing in its country.

NOTE 1 It is important to note that this statement is purely informative. Any statement of compliance with the standard requires compliance with the normative elements of the standard. The contents of an "in some countries" clause may become normative requirements in a regional/national adoption of the standard in the region/country concerned. Such an adoption is a modified (MOD) version of the IEC standard.

The inclusion of the statement does not need the approval of the relevant technical committee or subcommittee, or of its chairman or secretary. However, every effort shall be made to find solutions that would make statements regarding particular conditions unnecessary.

NOTE 2 It is preferable that the officers and other members agree to the statement provided by a National Committee. However, in the end it is the National Committee concerned that decides on the statement. If the officers or other members disagree with the statement proposed, there is room for discussion to determine clearly what it is that gives rise to an "in some countries" clause, and possibly make accommodation on both sides, to result in either elimination of the need for the statement, or a document with an acceptable statement. The onus is on the TC/SC officers to identify a situation and make best efforts to resolve it.

Any possible misuse of the clause that cannot be resolved by the chairmen and secretaries of TC/SCs should be brought to the attention of the Standardization Management Board for decision.

NOTE 3 If, after serious discussions with the National Committee concerned, the TC/SC officers feel that there is misuse of the clause, they should refer the matter to the Standardization Management Board.

A statement by a National Committee shall be given prior to the circulation of a final Draft International Standard (FDIS) for voting, preferably at a meeting of the relevant technical committee or subcommittee, or, at least, after consultation with its chairman and secretary.

NOTE 4 The final point at which a National Committee can request the inclusion of an "in some countries" clause is on receipt of the voting report of the CDV. Before the FDIS text is sent to Central Office, the officers will need to address the statement and, either concur with it, or enter into discussions with the National Committee submitting the statement, referring the matter, if necessary, to the Standardization Management Board.

Two cases of particular conditions are distinguished:

- a) *conditions of a permanent nature, such as mains voltages, mains frequencies or climate*: a statement regarding such a situation shall be included in the body of the draft International Standard with reference to the country or group of countries concerned;
- b) *differing practices of a less permanent nature*: a statement regarding such a situation shall be included in the foreword or in an informative annex, with a note in the foreword referencing it, of the draft International Standard with reference to the country or group of countries concerned.

It is the prerogative of a National Committee to declare whether a given national situation is case a) or case b).

NOTE 5 It is the submitting National Committee that has final say as to where to place the “in some countries” clause.

When voting on a draft International Standard containing one or more statements regarding particular conditions existing in certain countries, National Committees that are not concerned shall not take the existence of such statements as a reason for a negative vote.

NOTE 6 National Committees are reminded that they cannot vote on such a statement provided by another National Committee. This reinforces the concept of each National Committee having full authority over statements concerning conditions in its country.

Annex B

Submission of Statement

(i) Unless the U.S. Comment on (Clause/Sub clause) in document xx (U.S.A) yyy is accepted, the following statement is to be included in the (Clause/Sub clause) /Forward of the Publication:

Example: "In the United States, color green is also used for protective conductor."

(ii) Since the comment on (Clause/Sub clause) _ in document xx (U.S.) yyy has been rejected, the following statement is to be included in (Clause/Sub clause) _/Forward of the Publication:

Example: In the United States, color green is also used for protective conductor."

LETTER FORM TO THE USNC

Proposed cover letter form from the USNC TAG Secretary/TA to the USNC Office accompanying comments containing "in some countries" statement.

In the case of the "statement" being one of the comments on CD or CDV document (Case (i) above)

"Attached are comments on document XXX developed by the USNC TAG to IEC TC/SC XX. The comments contain an "in some countries clause" (see comment on (Sub clauses) according to clause 5.8 of IEC/ISO Directives, Part 2."

Annex C

Criteria for choosing Case “a” or “b”

- A. General considerations in requesting inclusion of differing condition(s)/requirement(s) in case of an "a" or "b" condition
1. No conclusion should be reached to request the inclusion of a statement of condition/requirement until extensive efforts have been made to resolve the difference in the Technical Committee.
 2. Knowledge of the condition/requirement is necessary to marketing, installing or operating of the imported products in the United States.
 3. Difference in requirements which could result in significantly higher level of hazard.
 4. Difference in requirements which impose unnecessary restrictions on U.S. products.
- B. Differing condition(s) / requirement(s) existing in the U.S. deemed as an acceptable basis for inclusion as a case "a" or “b” condition
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1. Permanent Condition: Voltage distribution network and associated equipment
It is a permanent condition because it is a mains voltage or mains frequency as identified in the definition in “a”.

Examples:

- IEC 60947-1, Slash and straight voltage markings used in the U.S. and Canada
 - IEC 60364-44-443, Overvoltage levels in U.S. and Canada 120.240 vac U.S. system-NEV class 2 systems
2. Less than Permanent Condition: Requirements specified in the National Electrical Code
This is a less than permanent condition because the national electric code is more readily identified as a practice and thus subject to revision or change.

Examples:

- Identification of neutral and grounding conductors
- Wire size and ampacity of conductors
- Ratings or settings for circuit-breakers or protectors to correlate with NEC

IEC has also developed a Global Relevance Toolbox (AC/22/2007) that provides a variety of tools to permit TCs/SCs to accommodate various needs to ensure that their publications can be used worldwide. The Toolbox presents examples of different cases which can occur when attempting to develop a globally relevant standard and indicates how each of these cases can be integrated. It should be noted that these are broad guidelines only and are by no means necessarily exhaustive. Other solutions agreed by the committee may also provide a satisfactory response.

Annex D

Drafting and Grouping “In Some Countries”

1. It is the submitting National Committee that has final say as to where to place the “in some countries”. Placing the clause in the Annex may reduce its visibility to those who wish to market in the U.S. Of course, in a national adoption of the standard, the U.S. version could incorporate those into the body, rather than an annex. Placing the clause in the body of the standard may be disruptive to the flow of the document.
2. The statement should be simple, clear, and short.
3. Any reference to regulations within a statement should use the form "must".
4. For differing practices of a less permanent nature (criteria “b”), include notes in the foreword (if the list is short) or in an informative annex (if the list is longer and mention the annex in the foreword)
5. Do not use line numbers or clause numbers to reference a clause. The title of clause is an excellent way to reference specific clause to which an in some country note is applicable.
6. If an exception applies to more than 10 clauses, it is better to state that, “This exception applies to the entire standard”