



Good Regulatory Practices in Support of Reducing Technical Barriers to Trade through International Standardization

Document approved June 6, 2019 during the ANSI International Policy Committee Meeting

Standards, conformity assessment procedures, and technical regulations are essential drivers of economic growth, technology development, and global trade. They have played a critical role in the development and spread of technologies and products used around the world every day.

Implementing good regulatory practices (GRPs) can enhance the efficiency, effectiveness, and transparency of regulations while also promoting trade. GRPs can enhance the ability of governments to develop and implement regulations that promote the public interest. These practices can also most effectively foster a strong standards environment by accepting and applying internationally recognized principles for the development of international standards¹ and encouraging collaboration with the private sector to support standards that meet market and regulatory needs.

ANSI recognizes the value of GRPs to the global economy and acknowledges the importance of guidance documents produced by the Asia Pacific Economic Cooperation (APEC) and the Organisation for Economic Co-operation and Development (OECD)², as well as provisions of the World Trade Organization – Technical Barriers to Trade Agreement (WTO/TBT)³. These APEC-OECD documents reinforce Good Regulatory Practice provisions that are consistent with the WTO/TBT Agreement regarding the development of standards, conformity assessment procedures, and technical regulations.

Standardization Stakeholders as GRP and TBT Partners

ANSI, its member Standards Developing Organizations, governments, companies, associations, conformity assessment bodies, consumers and other stakeholders in international standardization are important supporters of GRPs globally. Consistent with efforts to promote GRPs, including through provisions of the WTO/TBT Agreement, and in particular those provisions that pertain to the adoption and use of international standards and conformity assessment procedures, ANSI affirms its support for GRPs as a foundational framework upon which effective implementation of the WTO/TBT Agreement can be achieved globally. ANSI commits to working with its partners to support their roles as stakeholders of GRPs, the WTO/TBT Agreement and international standardization and conformity assessment procedures.

¹ **Decisions and Recommendations Adopted by the WTO Committee on Technical Barriers to Trade**

https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?FullTextHash=1&MetaCollection=WTO&SymbolList=%22G/TBT/1/Rev.1%22+OR+%22G/TBT/1/Rev.1*%22

² **APEC-OECD Integrated Checklist on Regulatory Reform**

<https://www.oecd.org/regreform/34989455.pdf>

OECD Best Practices Principles for Governance of Regulators

http://www.oecd-ilibrary.org/governance/the-governance-of-regulators_9789264209015-en

Supporting the TBT Agreement with Good Regulatory Practices Implementation Options for APEC Members

<http://regulatoryreform.com/wp-content/uploads/2014/11/Supporting-the-TBT-Agreement-with-Good-Regulatory-Practices.pdf>

³ **World Trade Organization – Technical Barriers to Trade Agreement**

https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

Appendix

Elements of Good Regulatory Practices from APEC⁴ and USMCA⁵ texts:

1. Ensuring transparency and stakeholder involvement in the development of standards, technical regulations and conformity assessment procedures:
 - a) Producing regulatory forecasts.
 - b) Maintaining a National Register of existing regulations.
 - c) Publishing a proposed regulation for public comment.
 - d) Publishing evidence or regulatory analysis that supports a proposed regulation.
 - e) Providing a reasonable time period for public comment on a proposed regulation and making such comments publicly available.
 - f) Taking into account and responding to public comment on a proposed regulation.
 - g) Publishing final regulations and ensuring a reasonable period for the entry into force of regulations.
 - h) Allowing for any interested person to submit to a regulatory authority written suggestions for the issuance, modification, or repeal of a regulation.
2. Maintaining internal processes or mechanisms that provide for consultation, coordination, and review among domestic authorities in the development of regulations, including for the purposes of ensuring consistency with international trade agreements and avoiding unnecessary burdens and duplication.
3. Using evidence-based decision-making and regulatory analysis:
 - a) Relying on valid, reliable data and sound science.
 - b) Placing risk assessment and risk management at the core of regulatory decision-making.
 - c) Using evidence-based decision-making.
 - d) Assessing the impact of regulations, including conducting Regulatory Impact Assessments (RIAs).
 - i. Considering benefits and costs of the selected and other feasible alternatives, including the relevant impacts (such as economic, social, environmental, public health, and safety effects) as well as risks and distributional effects over time, recognizing that some costs and benefits are difficult to quantify or monetize;
4. Using international standards (as defined in the WTO/TBT Committee Decision) as the basis for regulations.
5. Leveraging international conformity assessment mechanisms.
6. Providing for independent judicial review of regulation.
7. Undertaking retrospective review of regulations for possible modification or repeal.

⁴ APEC-OECD Integrated Checklist on Regulatory Reform

<https://www.oecd.org/regreform/34989455.pdf>

⁵ USMCA Text

<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>