

## ASEM Guidelines for Best Regulatory Practice

The ASEM Standards and Conformity Assessment Meeting decided to adopt the following guidelines on best regulatory practice, taking account of their obligations in the WTO Agreement on Technical Barriers to Trade. These guidelines have been developed as one of the most practical references to be taken into consideration by ASEM partners whenever they need to fulfil their obligations under the WTO / TBT. ASEM partners have confirmed that application of these guidelines is voluntary; and the guidelines do not require any additional mechanism among the partners to ensure the implementation of them. ASEM partners are expected to encourage their local government bodies to implement these guidelines where appropriate.

- (i) When establishing a regulation each partner should identify clearly the object of the regulation and the need to take account of the most efficient and least trade restrictive means of arriving at its goal, having regard to the protection of health and safety, consumers and the environment.
- (ii) When establishing a regulation each partner should ensure that:
  - it is developed in a transparent manner;
  - it does not create unnecessary obstacles to trade;
  - it does not discriminate;
  - it is limited to product-related requirements specified in terms of performance characteristics where appropriate;
  - it is subject to review to maintain flexibility and adaptability to modern needs;
  - it is streamlined and consistent.
- (iii) Each partner should, wherever appropriate, ensure that its technical regulations are specified in terms of performance characteristics to leave maximum flexibility to producers. Regulations may be met or presumed to be met by compliance with prescribed standards or guidelines. Although these standards or guidelines should not be a pre-requisite nor precondition for compliance, they should be aligned with international standards to the greatest extent possible taking account of health and safety needs and technological, climatic, developmental and other factors.
- (iv) Each partner should cooperate to develop international standards and improve alignment on these standards. Each partner should also cooperate, where appropriate, to harmonize technical regulations on an international basis. Each partner should also give positive consideration to accepting the regulations of others as equivalent even if different, provided this regulations adequately fulfill the objectives of their own regulations.
- (v) As for conformity assessment procedures, each partner should, where appropriate, pay similar attention to the need for and design of them and consider the decentralisation of conformity assessment procedures to competent conformity assessment bodies. Each partner should also consider the need to ensure technical

competence of conformity assessment bodies through such means as accreditation, or peer evaluation among conformity assessment bodies according to internationally recognized guidelines

(vi) Each partner should consider negotiating MRAs where this is both feasible and appropriate.

(vii) Each partner should seek to move to supplier's declaration where possible supported by the appropriate regulatory environment including product liability legislation and the necessary measures of enforcement.

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