APEC Sub-Committee on Standards and Conformance

Principles and Features of Good Practice for Technical Regulation

Introduction

As a result of discussions in the SCSC Ad Hoc Working Group on Good Regulatory Practice and subsequent comments from various member economies, two basic principles of good regulatory practice and a description of the features of good regulation have been agreed

The SCSC reiterates that member economies have an indisputable right to regulate to protect health, safety and the environment and would like to emphasise that the endorsement by the APEC SCSC of the principles and features of Good Practice for Technical Regulation are non-binding and should be regarded as a reference document for regulatory policy makers.

Principles of Good Regulatory Practice

Before implementing mandatory requirements alternative mechanisms should be considered. Those alternative mechanisms include: reliance on systems of legal recourse; liability laws and liability insurance schemes; economic instruments such as taxes, fees and charges; education programs; co-regulation; voluntary standards; self-regulation; and codes of practice.

The compliance regime used to ensure that the regulatory objectives are being met should be the least interventionist necessary to achieve the regulatory objective and are the least trade restrictive means of arriving at its goal. In selecting the most appropriate compliance regimes, member economies should take into account the risks associated in non-compliance.

Features of Good Regulation

Good regulations:

- are transparent and non-discriminatory;

- are performance based;

- reference international standards or internationally aligned standards where applicable, taking into account health, safety, technological, climate, developmental and other factors;

- reference only those standards, or parts there of, necessary to achieve the legitimate regulatory objective; and

- are subject to review to maintain flexibility and adaptability to modern needs.