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Working Party on Regulatory Cooperation and Standardization Policies

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Item 8 (b) of the provisional agenda
Discussion on revision of Recommendation F and Recommendation G

Draft Recommendation F on "Creation and Promotion of International Agreements on Conformity Assessment"[1]

Submitted by the Bureau

Summary

Upon recommendation of the Bureau, the Working Party is invited to review Recommendation F: "Creation and Promotion of International Agreements on Conformity Assessment".

The Bureau has noted that the Recommendation retains its validity but needs to be updated taking into consideration developments in this area.

The current document contains a new updated version of the recommendation as prepared by the START Team, interested UN member States and the conformity assessment community.

This document is for decision and approval.

[1] Recommendation adopted in 1980, revised in 1988.

Please recycle

1. The Working Party on Regulatory Cooperation and Standardization Policies

Taking into account that even if regulations and standards are harmonized there is still a risk that technical barriers to trade could arise if different conformity assessment procedures exist;

Bearing in mind that national and regional conformity assessment systems, notably those which are mandatory, may constitute barriers to international trade;

2. Has agreed to recommend that:

(a) UNECE Governments should promote the establishment of agreements on conformity assessment (including 1st, 2nd and 3rd party) when justified by the over-all economic benefits to international trade;

(b) UNECE Governments should, when considering conformity assessment, include any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled;

(c) UNECE Governments should, with regard to such agreements on conformity assessment, take into account the relevant provisions of Articles 5, 6 and 9 of the WTO Agreement on Technical Barriers to Trade;

(d) UNECE Governments should encourage national bodies to apply appropriate ISO/IEC Guides and International Standards on conformity assessment;

(e) UNECE Governments should encourage the establishment and strengthening of contacts between national bodies in different member countries responsible for agreements on conformity assessment relevant to international trade, whether directly or through existing international organizations;

(f) UNECE Governments should encourage the use of existing international conformity assessment systems and schemes operated by long-standing and respected international organisations, such as the IEC CA Systems and joint IEC/ITU certification scheme and the multilateral mutual recognition arrangements of the International Accreditation Forum (IAF) and the International Laboratory Accreditation Cooperation (ILAC), where appropriate;

(g) UNECE Governments should apply and encourage application of the following guidelines in promoting agreements on conformity assessment.

Purpose

3. The main purpose of international agreements on conformity assessment should be the creation of confidence in the conformity assessment results issued from within countries participating in the agreements, with the goal of creating mutually favourable conditions for economic cooperation between these countries. The agreements should also provide market access opportunity for product manufacturers and service providers and, most importantly, provide the end user with confidence and trust in those products and services.

Participation

4. Parties to an agreement on conformity assessment may be States, groups of States, Governments, national or international organizations. In the latter two cases, these may be governmental or non-governmental.

5. In the case of governmental bodies, participation should be available to any party. In the case of both governmental and non-governmental agreements, parties must be willing to accept and able to conform to the existing rules and obligations. Concerning the technical and administrative capacity and competence of the conformity assessment bodies of a party seeking participation, e.g. accreditation and peer assessment may be necessary before entry of this party into an agreement on conformity assessment.

Equality of rights, obligations and treatment

6. The principles of equality of rights and obligations and of equal treatment of all products and services covered by the agreement (and satisfying its CA requirements), whether imported or domestic, should be reflected in the agreement.

Availability of information

7. Agreements on conformity assessment should be published in full. Names and addresses of participating bodies, as well as other relevant information about their activities, should be made readily available.

Mutual recognition

8. The first goal of a bilateral mutual recognition agreement on assessment of conformity should be the mutual recognition of conformity assessment results carried out in the exporting country in accordance with the requirements of the importing country, for determining conformity with standards or technical regulations. Such agreements can constitute a first step towards a harmonized conformity assessment system for the parties to the agreement.

9. The first goal of a multilateral mutual recognition agreement on assessment of conformity should be the mutual recognition of conformity assessment results carried out in any participating country in accordance with the requirements of the importing country, for determining conformity with standards or technical regulations. Such agreements require confidence between the parties to the agreement which should be built on a harmonized conformity assessment system between the parties.

10. In agreements on conformity assessment, parties should be aware of liability concerns, and may be required to be insured against possible liability arising from their operations.

Harmonization of standards and technical regulations

11. Agreements on conformity assessment should preferably be based on international standards where they exist or as an alternative on harmonized national standards, technical regulations or regional standards. These standards and regulations should have market acceptance.

Consultations and complaints procedure

12. Provisions should be made for informal consultations in the first place between the interested parties and, in cases where these do not resolve difficulties, for a formal

complaint procedure. The latter procedure should, when applicable, be initiated within the international organization or other body agreed upon by the parties to the agreement.

Mutual confidence

13. Mutual confidence in the technical competence, reliability and impartiality of the relevant national bodies and systems is a prerequisite for the effective functioning of an agreement on conformity assessment. A basis for mutual confidence may be promoted by implementing the procedures presented in the appropriate ISO/IEC International Standards on conformity assessment.

14. Parties seeking participation in a multilateral mutual recognition agreement should be assessed for acceptance to the agreement through a harmonised process.

15. Parties participating in a multilateral mutual recognition agreement should be required to consistently apply harmonised conformity assessment processes.

16. Parties participating in a multilateral mutual recognition agreement should be required to consistently apply a harmonised approach for application of standards to which the conformity assessment processes are being applied.