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*Overview of the TBT Committee's  
Work on Conformity Assessment  
and of the Relevant Provisions of  
the TBT Agreement*

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## **Scope of a Conformity Assessment Procedure in the TBT Agreement**

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## **Main Disciplines**

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## **Approaches to Facilitate the Acceptance of Conformity Assessment Results**



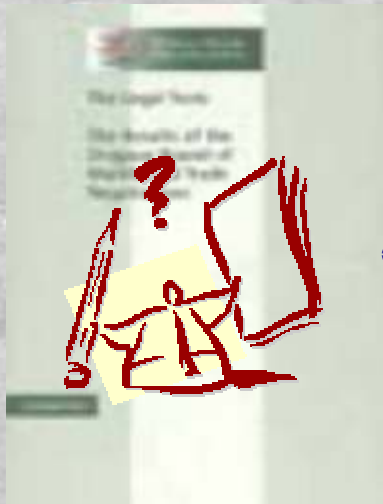
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*Scope of a Conformity  
Assessment Procedure in the  
TBT Agreement*



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# *Relevant Provisions*



*Article 5 on Procedures for Assessment of Conformity by Central Government Bodies*

*Article 6 on Recognition of Conformity Assessment by Central Government Bodies*

*Article 7 on Procedures for Assessment of Conformity by Local Government Bodies*

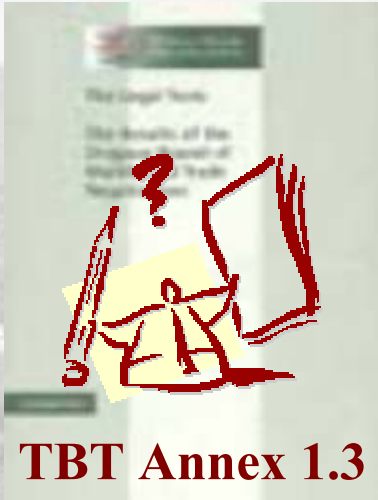
*Article 8 on Procedures for Assessment of Conformity by Non-Governmental Bodies*

*Article 9 on International and Regional Systems*



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# *Definition*



**TBT Annex 1.3**

**What for ?**

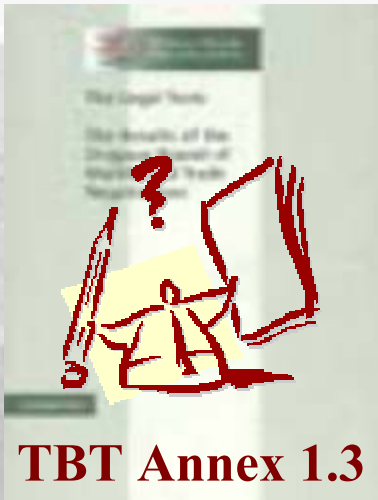
**To determine that relevant requirements in technical regulations or standards are fulfilled**



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# *Definition*

**What kind ?**



**TBT Annex 1.3**

**Sampling, testing and inspection**

**Evaluation, verification and assurance of conformity**

**Registration, accreditation and approval**

*...as well as their combinations*



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# *Main Disciplines*



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**Non - Discrimination**

**Avoidance of unnecessary  
obstacles to trade**

**Harmonization**





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## Conditions no Less Favourable to *Access of Suppliers of Like Products*

Art. 5.1.1



**Originating**

***Non-Discrimination***

**Of national origin**

**From any other country**

**National  
Treatment**

**Most-Favoured  
Nation (MFN)**



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*Suppliers' right to an assessment of conformity under the rules of the procedure, including, when foreseen by this procedure, the possibility to have conformity assessment activities undertaken at the site of facilities and to receive the mark of the system*

**DOES ACCESS MEANS!**

**Art. 5.1.1**





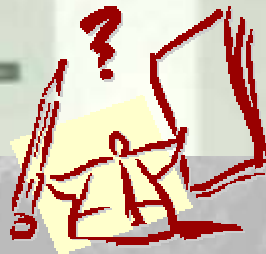
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Must not be prepared, adopted or applied  
so as to Create unnecessary obstacles to  
international trade

Av

to

Art. 5.1.2



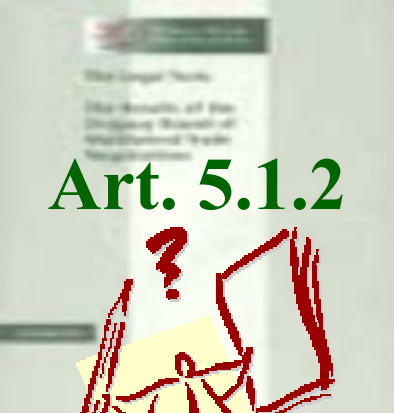


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**This means, *inter alia*,**

**CAP shall Not be More  
Strict or Be Applied More  
Strictly than is Necessary**

**To Give the Importing  
Member Adequate Confidence  
that Products Conform, Taking  
Account of the Risks Non-  
Conformity would Create**





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Art. 5.2

**CAP are undertaken & completed as *expeditiously* as possible**

The *standard processing period* of each CAP is published or the anticipated processing period is communicated to the applicant upon request

When receiving an application, the competent body *promptly examines the completeness* of the documentation and *informs* the applicant in a precise and complete manner of all deficiencies

Upon request, the applicant is informed of the *stage of the procedure*, with any delay being explained



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Art. 5.2

The *amount of information* requested must be limited to what is *necessary* to assess conformity and determine fees

## Information

*Confidentiality* must be respected in the same way for domestic and foreign products and in such a manner that "*legitimate commercial interests* are protected"



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Art. 5.2

*Ensure that the principles of non-discrimination & prevention of unnecessary barriers to trade are respected in relation to:*

**Any fees imposed for assessing conformity of products**

**The siting of facilities used in CAP**

**The selection of samples**

**Changes in the specifications of a product**



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Art.  
5.2.8



*And...*

**Members must ensure that a procedure to *review complaints* concerning the operation of a CAP exists and take corrective action when a complaint is justified**





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**Nothing shall prevent Members from carrying out**  
*reasonable spot checks* **within their territories**



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## Art. 6.4



**Members are encouraged to permit the *participation of CA bodies* located in the territories of other Members in their own CAP under conditions no less favourable than those accorded to bodies located within their territory or the territory of any other country**



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*2 key  
requirements*

# *The H Principle*

**Relevant guides or recommendations issued by international standardizing bodies shall be used as a basis for the elaboration of CAP**

**Shall play a full part in the preparation by appropriate international standardizing bodies of guides and recommendations for CAP**



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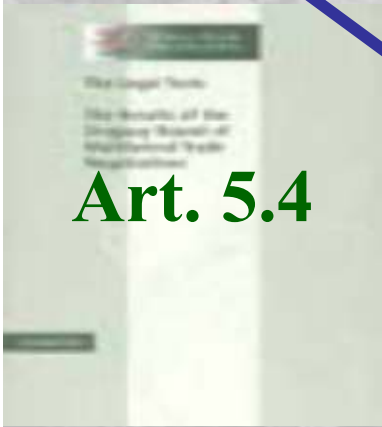
**If**

A positive assurance is required that products conform with technical regulations or standards



## *The Harmonization*

Relevant guides or recommendations issued by international standardizing bodies exist or their completion is imminent



**Then**

Members shall ensure that central government bodies use them, or the relevant parts of them, as a basis for their CAP



**Except**

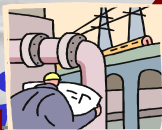
**Such guides or recommendations or relevant parts are inappropriate for the Members concerned**

**For, *inter alia*, such reasons as**

national security requirements



fundamental infrastructural problems



fundamental technological problems



fundamental climatic or other geographical factors



protection of animal or plant life or health



prevention of deceptive practices



protection of the environment



protection of human health or safety





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Members *shall* play a full part in the preparation,

within the limits of their resources

*The Harmonization Principles*

by appropriate *international standardizing bodies*  
of guides or recommendations

For What ?

Art. 5.5

for conformity assessment procedures



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**Members are encouraged both to set up  
*international systems for conformity assessment*  
and to participate in such systems**

**Art. 9.1**



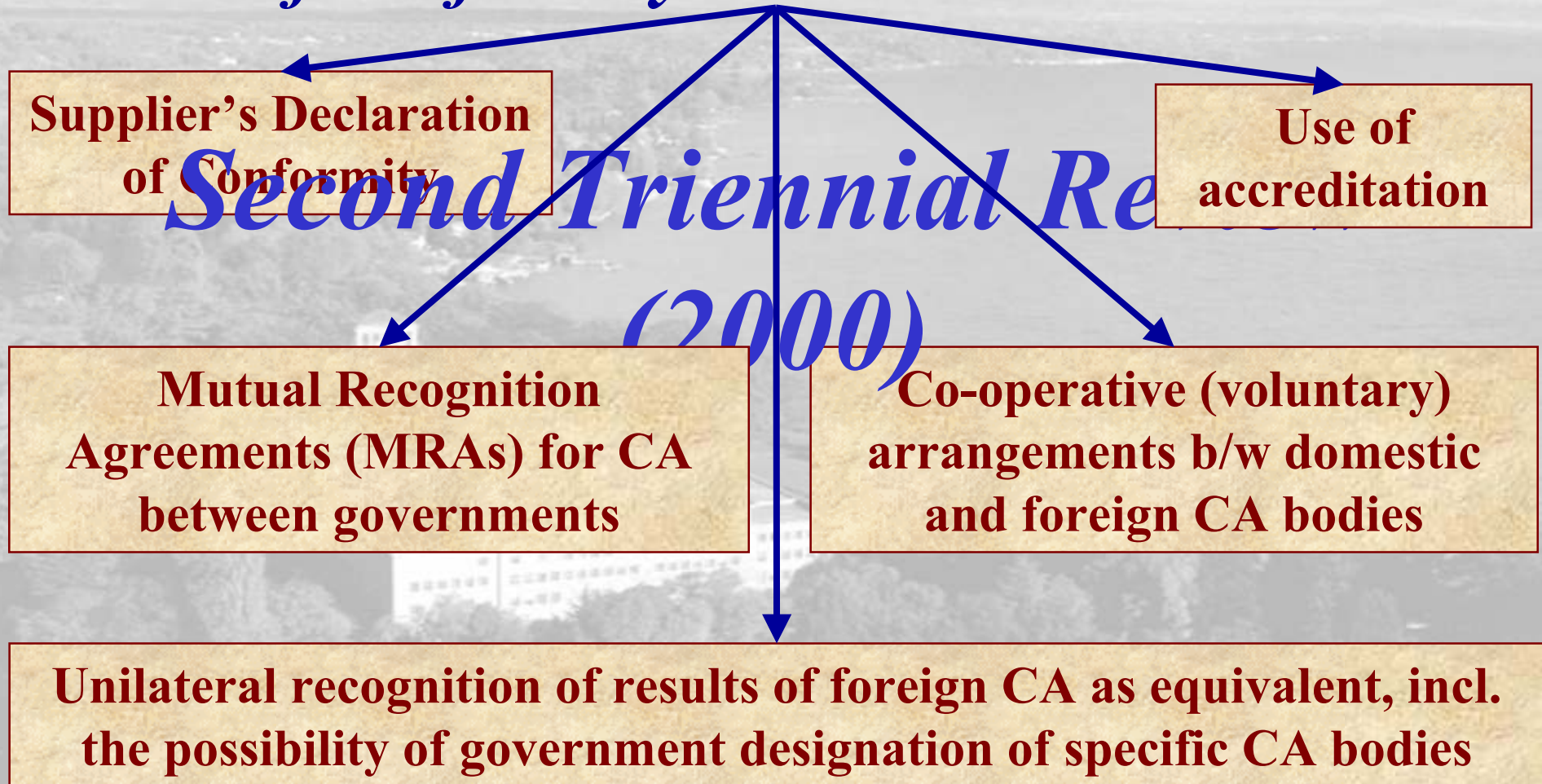
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# *Approaches to Facilitate the Acceptance of Conformity Assessment Results*





# *indicative list of approaches to facilitate the acceptance of conformity assessment results*





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**Members have an obligation to ensure that results of conformity assessment procedures in other Members, which are *equivalent* to their own procedures, are *accepted***

A small, semi-transparent image of a book cover with the text "Art. 6.1" overlaid in green. The book cover is light-colored with some text and a small image at the top.

**Art. 6.1**



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**Members are encouraged to enter into consultations in order to implement this provision**

**Art. 6.1**

*Unilateral Recognition*  
*Regarding in particular*

**The limitation of the acceptance of CA results to those produced by designated bodies in the exporting Member**



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**Art. 6.3**

**2 or more Members may enter into Mutual Recognition Agreements (MRAs) which involve the reciprocal acceptance of the results of CAP taking place in the territory of all Members concerned**



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MRAs are concluded between Members, i.e.  
government-to-government

*Agreements between governments.*

Art. 6.3

*Clearly Defined Conditions*

MRAs concern the mutual recognition of results  
of each other's CAP



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Members may require that MRAs fulfill the criteria contained in Article 6.1, concerning e.g. the consideration of the technical competence of the CA bodies, the confidence in the continued reliability of their CA results, ...

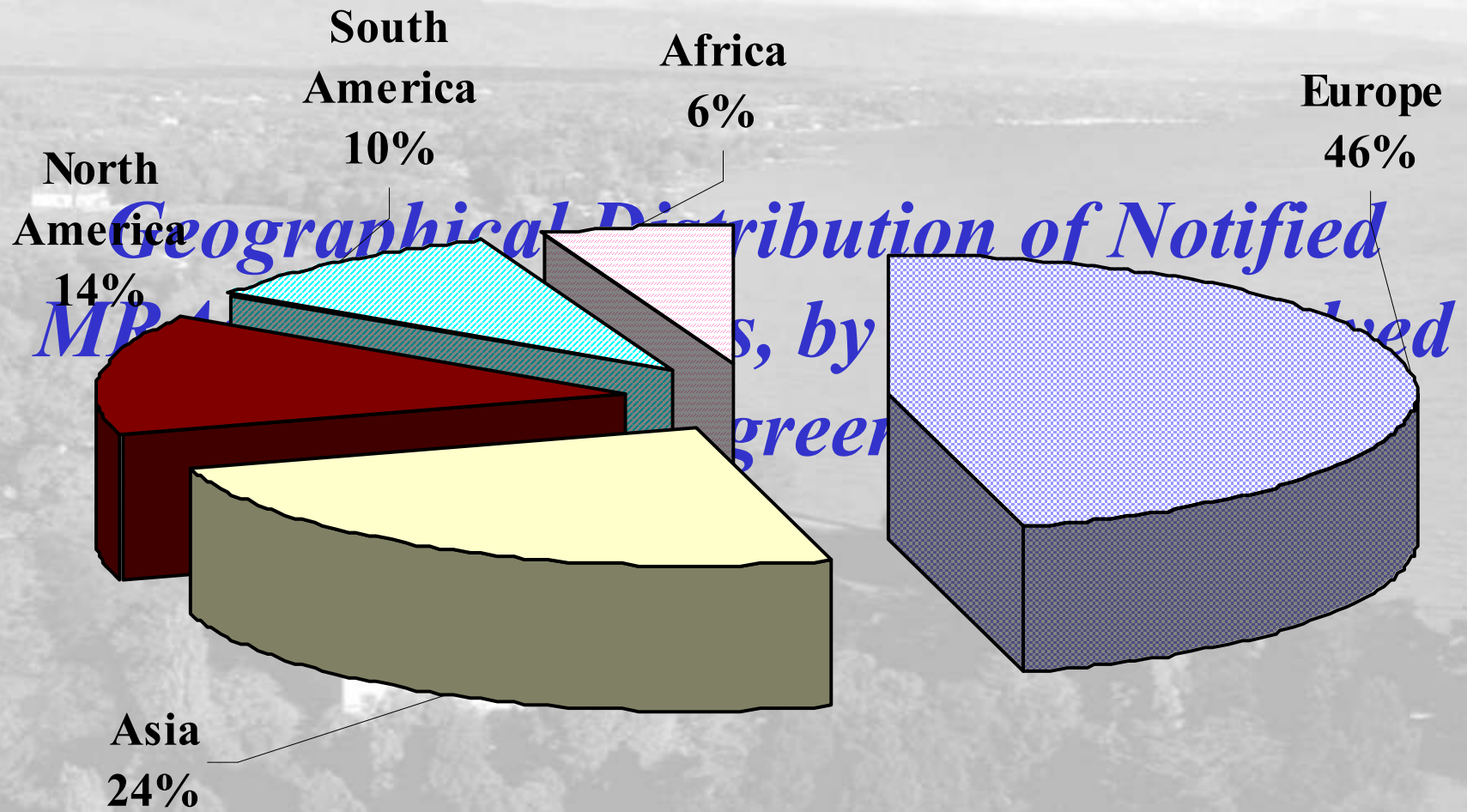
**Art. 6.3**

*Equivalently Defined Conditions*

Members may require that MRAs give mutual satisfaction regarding their potential for facilitating trade in the products concerned

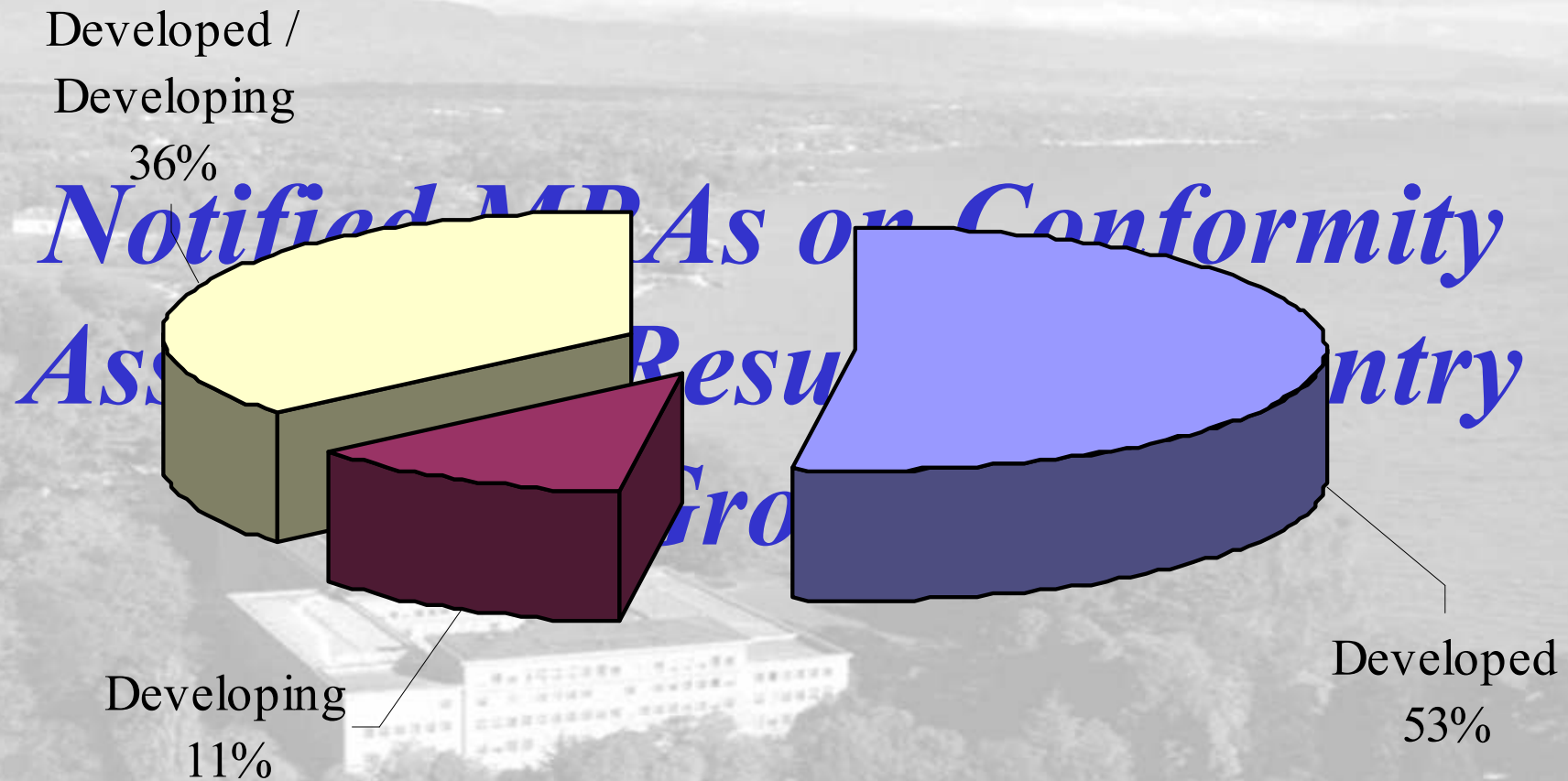


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*Arrangements among accreditation bodies directly (and not through Members and central government bodies) as well as arrangements among individual laboratories, certification bodies and inspection bodies*



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## *Co-operative (voluntary)*

**Some of these arrangements, on occasion, have been  
*recognized by governments* as a basis for the  
acceptance of test results and certification activities  
in relation to specific regulations**



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**CA Procedure by which a supplier provides written assurance that a product, process or service conforms to specified requirements**



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## SDoC: Discussions

*Third Triennial  
Review (2003)*

**SDoC facilitates trade**

**Suggests ways to improve its  
usability and acceptance**

**Exchange information and  
experiences and hold a workshop on  
SDoC covering issues such as:**

*21 March 2005*



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## *Use of Accreditation.*

Procedure by which an authoritative body gives *formal recognition* that a body or person is competent to carry out specific tasks



*This formal evaluation and recognition of competence may be applied to*



# *Accreditation: Definition*

**Accreditation bodies are authoritative & independent entities that do not themselves deal with verification of product specifications**



**Their task is to assess the organizations carrying out such functions**



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Identifies accreditation as a possible tool for Members to *verify the technical competence* of conformity assessment bodies in exporting country Members

## *Use of Accreditation:*

Article 6.1.1

## *Article 6.1.1*

Specifies that, when operated according to relevant international standards, accreditation offers a mechanism which could promote *confidence*



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