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Page: 1/3

Committee on Technical Barriers to Trade

Original: English

THEMATIC SESSION ON CONFORMITY ASSESSMENT PROCEDURES

29 OCTOBER 2013

Chairman's Report¹

This statement was delivered by the Chairman of the WTO TBT Committee at the meeting of 30-31 October 2013.

1. At the Sixth Triennial Review, the Committee agreed to hold a thematic session on Conformity Assessment Procedures in response to specific decisions and recommendations contained in past and present triennial review reports.² During the Session, Members, and other organizations, shared experiences on Conformity Assessment Procedures, including in the areas of international standards, guides and recommendations, facilitating the recognition of conformity assessment results, and approaches to conformity assessment. The final programme containing the names and titles of the presentations made during the thematic session is annexed to this statement. The Secretariat provided a background document contained in JOB/TBT/69.

2. The representative of the **ISO** presented the work of ISO Committee Conformity Assessment (ISO CASCO), including both its work on standards development and on policies (e.g. on neutrality principles, or on ensuring that CASCO principles are reflected in other ISO standards). The standards developed by ISO CASCO, collectively referred to the ISO/CASCO toolbox, cover requirements for accreditation bodies and for a range of conformity assessment bodies including testing laboratories. Recently, ISO/CASCO has published standards on auditor competence, in order to promote consistent and harmonious certification results.

3. We next heard from the representatives of **ILAC and IAF**. They presented the benefits – for regulators, industry and consumers – of their global networks of laboratories and accreditation bodies, underpinned by the ILAC and IAF multilateral mutual recognition arrangements. The ILAC and IAF arrangements enhance confidence in conformity assessment results, thereby reducing unnecessary duplication of certification and facilitating trade, towards achieving the vision of "tested, inspected, certified or accredited once, accepted everywhere". Under the arrangements, signatory bodies must recognize the certificates issued by all other members of the arrangements. However, the extent to which the ILAC and IAF arrangements can facilitate trade in part depends on the use of these arrangements by regulators, and so it is important for signatory bodies to promote the use of ILAC and IAF arrangements in their markets.

4. The representative of **Chinese Taipei** presented their experience on use of accreditation by regulators and by industry. While regulators were sometimes reluctant to rely on accreditation for fear of a loss of authority, accreditation in fact facilitates the work of regulators by providing technical support. It was noted that there are currently 620 accredited conformity assessment bodies accepted by various regulators of Chinese Taipei. The important role of accreditation in bilateral and regional trade relationships was stressed. For instance, the APEC Mutual Recognition

¹ Mr. Jingo Kikukawa (Japan). This Report is provided on the Chairman's own responsibility.

² The latest decisions and recommendations are contained in Section B of G/TBT/32. Previous decisions and recommendations on Conformity Assessment Procedures are contained in Section II of G/TBT/1/Rev.10.

Arrangement for Conformity Assessment of Telecommunications Equipment relied on accreditation, and included three phases: (i) mutual recognition of testing laboratories and mutual acceptance of test reports; (ii) mutual recognition of certification bodies and mutual acceptance of equipment certifications; and, (iii) MRA for equivalence of technical requirements. Finally, the representative emphasized the benefits of the use of accreditation for industry, including lower costs and faster time to market.

5. The representative of **South Africa** provided an overview of the challenges that South Africa has faced in concluding Mutual Recognition Agreements (MRA) for conformity assessment. South Africa has yet to establish an operational MRA, although progress was being made on negotiations between conformity assessment bodies within the Southern African Development Community (SADC). South Africa has experienced two primary types of challenges to the conclusion of MRA: technical challenges, such as capacity constraints and institutional differences between parties; and political challenges, including bias toward domestic testing facilities and difficulties on agreeing on the products or sectors to be covered. The representative noted a number of points to consider before negotiating MRAs, such as: trade volumes in sectors under consideration; differences in levels of development; the existing level of harmonization between technical regulations and regulatory cooperation; and, the alternative of partial, voluntary or less formal types of mutual recognition – such as voluntary recognition arrangements between conformity assessment bodies.

6. The representative of the **European Union** explained that the EU conformity assessment system follows a risk-based approach. The system employs common selection criteria to promote consistency and coherence of conformity assessment procedures within a given sector. In this regard, EC Decision 768/2008 specifies basic principles for future legislation on product requirements, including with respect to the approach to conformity assessment procedures. Criteria for selection of conformity assessment procedures include the type of product and economic infrastructure of the sector (e.g. product characteristics, technology employed, type and size of manufactures), and the nature, type and degree of risk associated with the product in light of its intended use. The use of first party Supplier's Declaration of Conformity was preferred for low to medium risk products, and when third party assessment was mandatory, manufacturers were given the choice, whenever possible, between product verification and quality assurance. It was noted that options for conformity assessment were subject to a full impact assessment for measuring necessity and proportionality.

7. Finally, the representative of the **United States** presented on the role of the National Institute of Standards and Technology (NIST) in supporting US Federal Agencies in the area of conformity assessment. NIST's responsibilities under the National Technology Transfer and Advancement Act (NTTAA) were mentioned, including coordinating government conformity assessment activities with the private sector to reduce unnecessary duplication and complexity. While NTTAA does not prescribe any specific approach to conformity assessment, NIST recommends a risk-based approach, whereby the level of rigor of the system is balanced against the risks associated with non-compliance. The representative shared a case study on establishing a conformity assessment framework for IT systems used by cloud computing service providers. In response to a question from the floor on trends in US Federal Agency approaches to conformity assessment, the representative noted an increasing consideration of multilateral recognition arrangements amongst conformity assessment bodies, as well as increasing use of international systems for conformity assessment.

8. Some **common themes** that I noted from this thematic session included the need to engage directly with regulators to ensure that they employ trade facilitative approaches to conformity assessment. This was apparent with regard to the use of multilateral recognition arrangements between accreditation and conformity assessment bodies. Indeed, given the challenges of establishing government-to-government MRA, the use of such arrangements was mentioned as a worthwhile alternative. I also heard risk emphasized as a key consideration in the design and choice of conformity assessment. On a **personal note**, I think the session provided a good opportunity for Members to continue to exchange experiences in the area of conformity assessment. I thank Members for the active participation in this event, and look forward to further developments in this important aspect of our work.

ANNEX

FINAL LIST OF PRESENTATIONS¹

1. Use of relevant international standards, guides or recommendations
 - a. **ISO:** "The CASCO toolbox and importance of having harmonized consensus developed conformity assessment standards", Mr Sean Mac Curtain, Head, Conformity Assessment, ISO.
2. Facilitating the recognition of conformity assessment results
 - a. Voluntary cooperation arrangements
 - i. **IAF/ILAC:** "Accreditation – Facilitating Global Trade", Mr Randy Dougherty, IAF Chair and President, and Mr Peter S. Unger ILAC Chair.
 - b. Use of Accreditation
 - i. **Chinese Taipei:** "Accreditation: Facilitating the Elimination of Technical Barriers to Trade", Ms Wanji YANG International Affairs Manager, Chinese Taipei Accreditation Foundation (TAF).
 - c. Use of MRAs
 - i. **South Africa:** "South African experience on the difficulties in concluding MRAs", Mr Rudolf Brits, Director, International Trade and Economic Development Division, Department of Trade and Industry.
3. Approaches to conformity assessment procedures
 - a. **European Union:** "Criteria for the choice of conformity assessment procedure in a given risk-management context", Mr. Fabrizio Sacchetti, European Commission.
 - b. **United States:** "Role of NIST in Supporting Agency Needs on Conformity Assessment", Mr. Gordon Gillerman, Director of Standards Services, Standards Coordination Office at the National Institute of Standards and Technology (NIST).

¹ Draft programmes were circulated on 11 July 2013 (JOB/TBT/50), and, reflecting further input from Members, on 1 October 2013 (JOB/TBT/50/Rev.1), and again on 21 October 2013 (JOB/TBT/50/Rev.2).