

F. CREATION AND PROMOTION OF INTERNATIONAL AGREEMENTS ON CONFORMITY ASSESSMENT

The Working Party on Technical Harmonization and Standardization Policies

Noting that the Final Act of the Conference on Security and Cooperation in Europe (CSCE) recognizes international cooperation in the field of certification as an important means of eliminating technical obstacles to international trade and industrial cooperation;

Recalling that the Economic Commission for Europe in Decision D (XXXI) (1976) reminded its competent Principal Subsidiary Bodies that, in addition to the topics specifically referred to in the CSCE Final Act for multilateral implementation by the Commission, they should devote special attention to the multilateral implementation of other provisions set out in the section of the Final Act entitled "Cooperation in the field of economics, of science and technology and of the environment", such as: "2. The promotion of international agreements and other appropriate arrangements on acceptance of certificates of conformity with standards and technical regulations";

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;

Has agreed to recommend that:

- F.1** ECE Governments should promote the establishment of agreements on conformity assessment when justified by the over-all economic benefits to international trade;
- F.2** ECE 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;
- F.3** ECE 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;
- F.4** ECE Governments should encourage national bodies to apply appropriate ISO/IEC Guides and standards;
- F.5** ECE 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;
- F.6** ECE Governments should apply and encourage application of the following guidelines in promoting agreements on conformity assessment.

Purpose

1. The main purpose of agreements on conformity assessment should be the creation of mutually favourable conditions for economic cooperation between countries.

Participation

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

3. 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 with the existing rules and obligations. Prior consultations concerning the technical and administrative competence of the conformity assessment bodies of a party seeking participation may be necessary before entry of this party into an agreement on conformity assessment.

Equality of rights, obligations and treatment

4. The principles of equality of rights and obligations and of equal treatment of all products and services covered by the agreement, whether imported or domestic, should be reflected in the agreement (see also Recommendation E).

Availability of information

5. 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

6. The first goal of a 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.

7. 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

8. 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.

Consultations and complaints procedure

9. 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

10. 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. Mutual confidence may be promoted by implementing the procedures presented in the appropriate ISO/IEC Guides and Standards.

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