



**Asia-Pacific  
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## **WTO-Plus in Conformity Assessment Procedures Cooperation: The ANZTEC Experience**

Submitted by: Chinese Taipei



**Trade Policy Dialogue on WTO-Plus Elements of  
Regional Trade Agreements and Free Trade  
Agreements  
Arequipa, Peru  
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## WTO-Plus in Conformity Assessment Procedures Cooperation: the ANZTEC experience

Dr. Roy Chun LEE  
The WTO & RTA Center, CIER Taipei  
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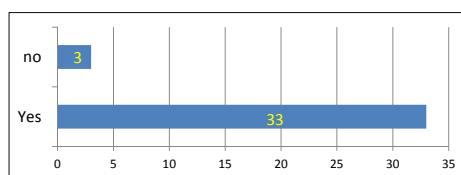
### Rationales for different Conformity Assessment Procedures (CAP) regimes

Risk levels	Low risk	Medium risk	High risk
<b>CAP approach</b>	SDoC	3 <sup>rd</sup> Party private CAB	Government CAB
<b>Example of products covered</b>	General consumer products	ICT, Electrical, Toys	Pharmaceutical, Medical devices
<b>Cooperation framework</b>	(1 <sup>st</sup> party) SDoC CB Scheme	MRA(?) NT for foreign CAB	MRA(?) NT for foreign CAB

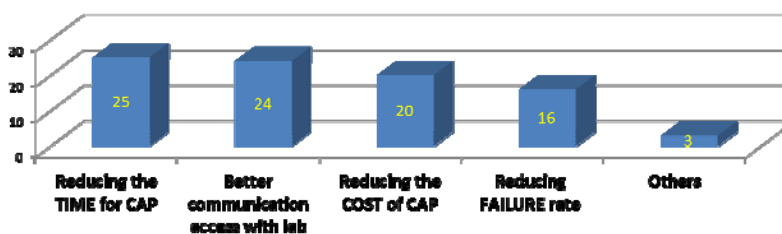
**Regional/bilateral cooperation framework:  
The WTO/TBT Indicative List (G/TBT/9)**  
of describing different approaches to facilitate acceptance of results of  
conformity assessment

- Mutual Recognition Agreements (MRAs) For Conformity Assessment to Specific Regulations
- Co-Operative (Voluntary) Arrangements Between Domestic And Foreign Conformity Assessment Bodies
- The Use Of Accreditation To Qualify Conformity Assessment Bodies
- Government Designation
- Unilateral Recognition Of Results Of Foreign Conformity Assessment
- Manufacturer's / Supplier's Declarations (SDoC)

For manufacturer/exporters: the objective is to  
reduce repetition and undertake CAPs locally



Q1: Do you think your company will benefit if CAP can be done locally (in Chinese Taipei)?

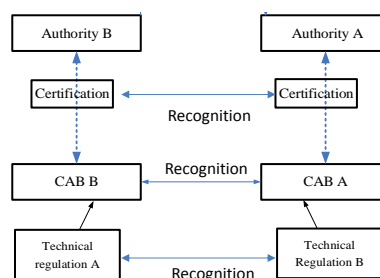


Q2: Areas that are most beneficial

Source: CIER, 2010

## MRA: Challenges and limitations

- Time and cost consuming
  - regulatory/technical compatibility, confidence-building
- Rigidity and limitation in scope:
  - Often focus on ICT, electronic products and medical devices
  - Coverage list subject to rapid change in export interest: becomes obsolete
- Prioritizing MRA partner is difficult
  - Willingness, compatibility, trade interest, like-minded...

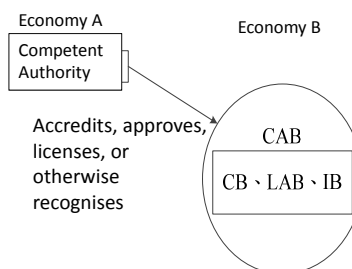


## SDoC in PTAs

- **Product and area specific:**
  - ICT products' EMC
  - Auto
  - Electronic and electric products
- **Scope significantly smaller than domestic regime**
- **Requires robust post-entry surveillance regime**
  - Challenging for Members adopting pre-market certification system

## WTO+ approach: National Treatment in accreditation, designation, approval, licensing for foreign CABs

- TBT Article 6.4:
  - Members **are encouraged** to permit participation of conformity assessment bodies located in the territories of other Members in their conformity assessment procedures under conditions no less favourable.
- ANZTEC Article 6.1 (and also ASEAN, TPP)
  - Further to Article 6.4 of the TBT Agreement, each Party shall accord to conformity assessment bodies located in the other Party treatment no less favourable than that it accords to conformity assessment bodies located in its own jurisdiction.
  - In order to ensure that it accords such treatment, **each Party shall apply to conformity assessment bodies located in the other Party the same or equivalent procedures, criteria and other conditions** that it may apply where it accredits, approves, licenses, or otherwise recognises conformity assessment bodies in its own jurisdiction.

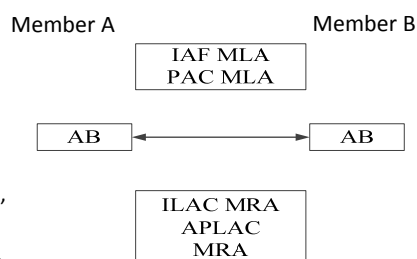


## WTO+ approach: : Restriction on localization requirement (allowing off-shore testing or certifying by designated/qualified foreign CAB)

- **Shall not require** the conformity assessment body responsible for testing or certifying the product or conducting an inspection **to be located within that Party**;
- **Restriction on localization requirement:** Shall not impose requirements on conformity assessment bodies located outside that Party that would effectively require such conformity assessment bodies to operate an office in that Party;
- Shall permit conformity assessment bodies located in the other Party to apply to the Party for a determination that they comply with any procedures, criteria and other conditions the Party

## Permit participation of CAB from trading partners: The use of international or regional system of accreditation

- ANZTEC 6.6:
- Consider including provisions for deeming competent or otherwise approving a conformity assessment body if an accreditation body participating in an international or regional system of accreditation as agreed by the Parties has determined that the conformity assessment body:
  - conforms to relevant international standards, guides or recommendations, pertaining to conformity assessment;
  - is technically competent to demonstrate that the product complies with the standard or technical regulation; and
  - holds an appropriate scope of accreditation



## Benefits and advantages

- Time and cost effective: Less compatibility matching required
  - but involves off-shore on-site CAB inspection
- Rigidity and obsolete issues addressed
- Expansion in scope
- Challenges
  - Currently tend to be part of a RTA agreement instead of stand-alone agreement (except ASEAN EE): Prioritizing partner still challenging
  - Renewal of licensing and cross-border cooperation between licensing authorities remain potential issues.

## Conclusion

- Innovative means to achieve the objective of undertaking CAP *locally* are observed in recent PTAs
- MRA and SDoC have their limitations; National Treatment in accreditation, approval, licensing of foreign CAB and permitting off-shore testing/certification appear to be more within the “comfort zone” of each Member
- The more the merrier: regionalizing or multilateralising enhances “network effect”