



**Asia-Pacific
Economic Cooperation**

2017/SOM3/SCSC/JRAC/004anx

Agenda Item: 5b

**Governance Improvements of APEC Fora and Joint
Regulatory Advisory Committee – Annex: Mutual
Recognition Arrangement on Conformity
Assessment of Electrical and Electronic Equipment**

Purpose: Information

Submitted by: APEC Secretariat

Forum Doc. No.: 2000/SOM3/SCSC/JAC/007



**22nd Joint Regulatory Advisory Committee on
Electrical and Electronic Equipment Meeting
Ho Chi Minh City, Viet Nam
20 August 2017**

**MUTUAL RECOGNITION ARRANGEMENT ON
CONFORMITY ASSESSMENT OF
ELECTRICAL AND ELECTRONIC EQUIPMENT**

Introduction

Participating Member Economies reaffirm the resolutions of the Bogor Declaration to reinforce economic cooperation within the Asia -Pacific region on the basis of equal partnership, shared responsibility, mutual respect, common interest, and common benefit with the objective of strengthening the open multilateral trading system and enhancing trade and investment liberalization and facilitation in the Asia Pacific region.

A mandatory third party conformity assessment system is not a pre-requisite to entering into this Arrangement. Where Participating Member Economies use mandatory third party conformity assessment systems as a necessary part of their regulatory framework they should, in accordance with their commitment in the Osaka Action Agenda, use this arrangement for the mutual recognition of conformity assessment in order to reduce costs and delays of duplicative reviews by the importing Participating Member Economy. In particular, Participating Member Economies will recognize test reports and certificates of conformity issued by designated test facilities and conformity assessment bodies in other Participating Member Economies' in the same manner in which they recognize tests reports and product certification issued by test facilities and conformity assessment bodies in their own economy, with the objective of facilitating trade in regulated electrical and electronic equipment.

This Arrangement does not supercede any existing mutual recognition arrangement.

This Arrangement does not supercede obligations under the World Trade Organization, in particular the Agreement on Technical Barriers to Trade.

Structure Of This Mutual Recognition Arrangement

This Arrangement is divided into four Parts and allows for the different capabilities of member economies' technical infrastructure and administrative requirements to provide a building blocks or modular approach to member economies' eventual mutual recognition of conformity assessment.

Common Principles of the Arrangement (Sections 1 to 6) – deals with the scope, general principles and administration of the Arrangement as a whole.

Part One of this Arrangement – *Information Exchange* (Sections 7 to 9) - deals with the exchange of information between participating member economies.

Part Two of this Arrangement - *Mutual Recognition of Test Reports* (Sections 10 to 15) - sets out the general principles relating to the acceptance of test reports and the mechanism for participating in this Part.

Part Three of this Arrangement - *Mutual Recognition of Certification* (Sections 16 to 21) - sets out the general principles for the mutual recognition of certificates of conformity and the mechanism for participating in this Part.

Implementation

To facilitate a better understanding of the operation of this Arrangement, member economies should make reference to the Implementation Guide for the APEC Electrical MRA.

COMMON PRINCIPLES

1. SCOPE OF THIS ARRANGEMENT

- 1.1. This Arrangement applies where Participating Member Economies have, as a regulatory requirement, a third party conformity assessment process or a requirement for product testing for new¹ electrical and electronic equipment that is intended to be either directly connected or plugged-in to the low voltage power supply (as defined in IEC standards) or is battery powered, and which is not subject to the APEC Telecommunications MRA. This Arrangement does not apply to medical equipment.
- 1.2. This Arrangement is an expression of intent by the Participating Member Economies to work together in their mutual interest and does not create legally binding international obligations. However, all Participating Member Economies will cooperate with a view to achieving the objectives of this Arrangement and will endeavor to adhere and conform to the provisions of this Arrangement unless there are very strong compelling reasons not to do so.
- 1.3. Unless otherwise stated, the definitions in Appendix A apply to those terms having a specific meaning for the purposes of this Arrangement.
- 1.4. Mutual acceptance of member economies' Mandatory Requirements or mutual recognition of the equivalence of such Mandatory Requirements is not a precondition for a member economy's participation in this Arrangement.
- 1.5. Arrangements concluded between any Participating Member Economy and an economy that is not a participant to this Arrangement (including non-APEC economies) will not impose any obligation upon any other Participating Member Economy.

2. GENERAL PRINCIPLES

- 2.1. Participating Member Economies will endeavor to engage in confidence building activities leading to their participation in Parts II and III of this Arrangement. Such a process is likely to include a comparative review of Participating Member Economies' conformity assessment procedures where such procedures are part of the existing regulatory requirements.
- 2.2. Participating Member Economies who are Members of the World Trade Organization remain bound by their obligations under the World Trade Organization, including the Agreement on Technical Barriers to Trade.
- 2.3. Participation in Part I of this Arrangement is a pre-requisite for participation in either of Parts II or III.
- 2.4. Where a Participating Member Economy's legislative, regulatory or administrative procedures for mandatory third party conformity assessment do not allow their participation in Parts II or III of the Arrangement, they will endeavor to review those procedures with the objective of removing such impediments.

¹ 'new' does not include second-hand, refurbished or reconditioned equipment

Common Principles

This Arrangement is not intended to mandate third party conformity assessment requirements for Participating Member Economies.

3. CONFIDENTIALITY

- 3.1. An importing Participating Member Economy will not require a Designating Authority, test facility or certification body to disclose a supplier's proprietary information except where necessary to demonstrate conformity with an importing Participating Member Economy's Mandatory Requirements.
- 3.2. A Participating Member Economy, in accordance with its applicable laws, will protect the confidentiality of any proprietary information disclosed to it in connection with conformity assessment procedures.

4. ADMINISTRATION

- 4.1. A Joint Advisory Committee will be established for the purpose of administering, and facilitating the effective functioning of, this Arrangement.
- 4.2. The Joint Advisory Committee will be open to representation from each Participating Member Economy and will operate in accordance with Terms of Reference endorsed by the APEC Committee on Trade and Investment's Sub-Committee on Standards and Conformance.
- 4.3. The Joint Advisory Committee may establish ad hoc groups to undertake specific tasks.

5. DISPUTE RESOLUTION

- 5.1. This section applies to disputes between Participating Member Economies in relation to any matter pertaining to this Arrangement.
- 5.2. The resolution of disputes, whether bilaterally or, if necessary, with the assistance of the Joint Advisory Committee, should, to the greatest extent possible:
 - (a) be guided by the objectives of this Arrangement;
 - (b) be simple and quick; and
 - (c) preserve or enhance the relationship between the Participating Member Economies between whom the dispute has arisen;
- 5.3. When selecting their representatives in the dispute resolution process, Participating Member Economies should take into consideration whether the participants have:
 - (a) a detailed understanding and experience in the resolution of disputes;
 - (b) an understanding of this Arrangement, its objectives and application;
 - (c) an understanding of the technical aspects relating to the regulation of electrical and electronic equipment;
 - (d) an understanding of the different approaches amongst the Participating Member Economies to the regulation of electrical and electronic equipment subject to this Arrangement; and
 - (e) an understanding of the technical aspects relating to accreditation and conformity assessment procedures.

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- 5.4. In the event that the dispute are resolved by the Participating Member Economies between whom the dispute has arisen, the Participating Member Economies should jointly make available a summary of the outcome of their deliberations to the Joint Advisory Committee for its perusal.
- 5.5. In the event that the disputes can not be resolved by the Participating Member Economies between whom the dispute has arisen then the Participating Member Economies will refer the dispute to the Joint Advisory Committee.
- 5.6. To facilitate the quick and equitable resolution of the dispute by the Joint Advisory Committee, the following steps should be followed:
 - (a) The Participating Member Economies between whom the dispute has arisen, should provide to the Joint Advisory Committee a brief written history of the differences including the nature of the differences and the results, if any, of attempts to resolve the differences;
 - (b) Other interested Participating Member Economies may provide to the Joint Advisory Committee written comment on the dispute to be resolved;
 - (c) Participating Member Economies may request, from the disputing Participating Member Economies, through the Joint Advisory Committee, clarification or additional details of any aspect of the dispute to be resolved; and
 - (d) As appropriate, seek the advice of the APEC Committee on Trade and Investment's Sub-Committee on Standards and Conformance.
- 5.7. To facilitate simple and quick resolution of the dispute, the Joint Advisory Committee should:
 - (a) conduct its business through electronic means wherever possible;
 - (b) wherever possible, hold any necessary face-to-face meetings in the margins of relevant APEC meetings; and
 - (c) commit to resolve the dispute in an efficient and timely manner.
- 5.8. Upon resolution of the dispute referred to the Joint Advisory Committee according to Section 5.5, the Joint Advisory Committee will, in conjunction with the disputing Participating Member Economies, make available a summary of the outcome of the deliberations for the perusal of all Participating Member Economies and the APEC Committee on Trade and Investment's Sub-Committee on Standards and Conformance.

6. AMENDMENT

- 6.1. Member economies may propose a change to this Arrangement or identifying any provision of this Arrangement to which proposing member economies consider that a change may be necessary or desirable.
- 6.2. Any proposal for amendment of this Arrangement should be made by the proposing member economy in writing to all member economies and the APEC Secretariat for their information, and to the Joint Advisory Committee for its consideration. The proposal should include a brief statement of the reasons why a change is necessary or desirable.
- 6.3. To facilitate a full and comprehensive consideration of the proposed change and its implications, the Joint Advisory Committee:

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- (a) will invite Participating Member Economies to make written submissions to the Joint Advisory Committee concerning the proposed change; and
 - (b) may request clarification or additional details of any aspect of the differences to be resolved from any Participating Member Economy.
- 6.4. To facilitate simple and quick consideration of the proposed change, the Joint Advisory Committee should:
- (a) conduct its business through electronic means wherever possible;
 - (b) wherever possible, hold any necessary face-to-face meetings in the margins of relevant APEC meetings; and
 - (c) commit to consider and make recommendations concerning the proposed change in an efficient and timely manner.
- 6.5. After considering the proposed change, and obtaining consensus from the Participating Member Economies, the Joint Advisory Committee will make recommendations to the APEC Committee on Trade and Investment's Sub-Committee on Standards and Conformance for its consideration and decision.

PART I INFORMATION EXCHANGE

7. SCOPE OF THIS PART

- 7.1. The provisions contained in this Part of the Arrangement apply to all member economies who participate in this Arrangement.
- 7.2. This Part provides for the exchange of information between Participating Member Economies with respect to their Mandatory Requirements, conformity assessment procedures and regimes relating to electrical and electronic equipment.

8. PARTICIPATION

- 8.1. Member economies may participate in this Part of the Arrangement by advising all other member economies through the APEC Secretariat. Such advice will include information regarding that member economy's existing Mandatory Requirements, conformity assessment procedures and regimes, Contact Point and, when appropriate, its Designating Authority.
- 8.2. A Participating Member Economy may terminate its participation in this Part of the Arrangement by giving sixty (60) days notice in writing to all other member economies through the APEC Secretariat.

9. GENERAL PRINCIPLES

- 9.1. Each Participating Member Economy will exchange information, through its Contact Point, concerning their Mandatory Requirements, conformity assessment procedures and regimes relating to electrical and electronic equipment.
- 9.2. Preferably there should be only one, and no more than two, Contact Point per Participating Member Economy. Where Participating Member Economies have two Contact Points, they should indicate the roles and responsibilities of the respective bodies and endeavor to coordinate their activities to avoid any possible inconsistencies.
- 9.3. Participating Member Economies will notify the other Participating Member Economies of the publication of proposed new, or changes to existing, Mandatory Requirements, conformity assessment procedures and regimes relating to electrical and electronic equipment and will make every effort to so notify the other Participating Member Economies of the new provisions at least 60 days before their entry into force.
- 9.4. When requested, Participating Member Economies will make every endeavor to make copies of their Mandatory Requirements, and intended changes thereto, available in English in a timely manner.
- 9.5. In order to facilitate their participation in the other Parts of this Arrangement, Participating Member Economies will exchange information on, conformity assessment procedures and regimes, and the results of any participation in regional or international proficiency testing programs and other comparative reviews.
- 9.6. The APEC Secretariat will make publicly available a consolidated list of Participating Member Economies' Contact Points.

PART II - MUTUAL RECOGNITION OF TEST REPORTS

10. SCOPE OF THIS PART

- 10.1. The provisions contained in this Part of the Arrangement only apply to those member economies who participate in this Part.
- 10.2. This Part provides for importing Participating Member Economies to recognise test facilities and accept test reports issued in accordance with their Mandatory Requirements.

11. PARTICIPATION

- 11.1. Participation in Part I is a pre-requisite for participation in this Part.
- 11.2. A member economy may participate in this Part once it has demonstrated to the Joint Advisory Committee its ability to meet the requirements of this Part. The Joint Advisory Committee should inform all other member economies of the successful demonstration of such ability.
- 11.3. The member economy then has up to one year to indicate its participation in this Part to all other member economies and the APEC Secretariat, after which time the member economy will need to re-demonstrate its ability to participate in this Part.
- 11.4. A Participating Member Economy may terminate its participation in this Part by giving sixty (60) days notice in writing to all other member economies, the Joint Advisory Committee and the APEC Secretariat.
- 11.5. Where a Participating Member Economy substantially alters its regimes such that it affects its ability to participate in this Part, the Joint Advisory Committee may review the ability of that Participating Member Economy to meet the requirements of this Part.

12. GENERAL PRINCIPLES

- 12.1. Participating Member Economies recognise that test facilities designated in accordance with Section 14 are competent to undertake tests in relation to their Mandatory Requirements.
- 12.2. Participating Member Economies will accept test reports that demonstrate conformity of equipment with their Mandatory Requirements where the test report is issued by Designated Test Facilities.
- 12.3. Where test reports have been issued in respect of an earlier model or version of equipment to that which is actually imported, Participating Member Economies retain the right to verify the conformity of the later model or version
- 12.4. Participating Member Economies retain the right to challenge the validity of a test report that is more than three years old.

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- 12.5. Participating Member Economies will encourage their Designated Test Facilities to participate in regional proficiency testing programs and other comparative reviews so that confidence in their technical competence to undertake the required tests is maintained.
- 12.6. Participating Member Economies will encourage harmonization of testing procedures through cooperation between Designating Authorities, accreditation bodies and test facilities.
- 12.7. Where accreditation bodies participate in the designation process they should be encouraged to participate in the Asia Pacific Laboratory Accreditation (APLAC) Mutual Recognition Arrangement.

13. DESIGNATING AUTHORITIES

- 13.1. Participating Member Economies will ensure that their Designating Authorities will have the necessary mandate to designate, suspend, remove suspension and withdraw designation of their test facilities under their jurisdiction.
- 13.2. In making such designations and withdrawals, Designating Authorities will observe the procedures and criteria for designation set out in Section 14.
- 13.3. Designating Authorities will consult, as necessary, with their counterparts, to ensure the maintenance of confidence in conformity assessment processes and procedures. This consultation may include joint participation in audits related to conformity assessment activities or other assessments of Designated Test Facilities, where such participation is appropriate and technically possible within reasonable cost.

14. DESIGNATION OF TEST FACILITIES

- 14.1. Designating Authorities will specify the scope of the tests for which a test facility has been designated. When a test facility is designated to undertake tests with regard to particular Mandatory Requirements, designation will be limited to those Mandatory Requirements.
- 14.2. Designating Authorities will only designate test facilities where the test facility, or the organisation of which the test facility is a part, is an entity that can be held legally responsible.
Designated Test Facilities should not be adversely influenced by a body which manufactures or trades in electrical equipment. Furthermore, Designated Test Facilities should be impartial. Any other services it offers will be provided in a manner that does not compromise the objectivity of its testing activities and decisions.
- 14.3. Designating Authorities will only designate test facilities that are able to demonstrate that they understand, have experience relevant to, and are technically competent to undertake the tests for which they are designated in accordance with the Mandatory Requirements of the importing Participating Member Economies.
- 14.4. Demonstration of technical competence will be based on:
 - (a) technological knowledge of the relevant products, processes or services;

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- (b) understanding of the technical standards and the general risk protection requirements for which designation is sought;
- (c) the experience relevant to the applicable legislative, regulatory and administrative provisions;
- (d) the physical capability to perform the relevant tests;
- (e) an adequate management of the tests concerned; and
- (f) any other circumstance necessary to give assurance that the test will be adequately performed on a consistent basis.

14.5. The basis for designating test facilities specified by the importing Participating Member Economy will be:

- (a) Accreditation ISO/IEC Guide 25:1996, which will constitute an acceptance of technical competence in relation to the requirements of the other Participating Member Economies when:
 - (i) the accreditation process is conducted in compliance with ISO/IEC Guide 58:1993; and
 - (ii) the accreditation body participates in mutual recognition arrangements (such as the APLAC MRA) where they are subject to peer evaluation of the competence of accreditation bodies and the test facilities accredited by them.

OR

- (b) Membership in the IECEE CB Scheme

14.6. Participating Member Economies will ensure that their Designated Test Facilities maintain the necessary technical competence and compliance with other relevant requirements to provide test reports that demonstrate conformity of equipment with the Mandatory Requirements for which they have been designated.

14.7. Participating Member Economies will inform all other member economies, the Joint Advisory Committee and the APEC Secretariat of any changes that affect a Designated Test Facilities' technical competence and compliance with other relevant requirements.

14.8. Participating Member Economies will inform all other member economies, the Joint Advisory Committee and the APEC Secretariat of any addition to, suspension of or removal from their list of Designated Test Facilities.

14.9. When informing the other member economies of the Designated Test Facilities to be included in the lists of such bodies, the Designating Authority will provide the following details in respect of each test facility:

- (a) the name;
- (b) the postal address;
- (c) the facsimile (fax) number;
- (d) email address (if available);
- (e) name and telephone number of the contact person;
- (f) scope of designation detailing range of products, reference standards, methods of test, capability and other relevant details;
- (g) designating procedure used; and
- (h) date of designation.

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14.10. Participating Member Economies should make every endeavor to give the other Participating Member Economies advance notice of any change to list of Designated Test Facilities.

14.11. Test reports issued by a Designated Test Facility on and after the date of designation will be valid.

15. VERIFICATION, SUSPENSION AND WITHDRAWAL OF TEST FACILITIES

15.1. Designating Authorities in exporting Participating Member Economies will ensure that their Designated Test Facilities will be available for verification of their technical competence and compliance with the Mandatory Requirements.

15.2. Importing Participating Member Economies retain the right to challenge the technical competence and compliance of test facilities designated by exporting Participating Member Economies. This right will be exercised only where supported by acceptable rationale or evidence of relevant experts. Except in urgent circumstances, Participating Member Economies are encouraged to enter into consultation prior to the challenging the technical competence and compliance of the Designated Test Facilities with a view to seeking a mutually satisfactory solution.

15.3. Any exercise of the right to challenge the technical competence and compliance of a Designated Test Facility will be justified in an objective manner and in writing to the Designating Authority, through the Contact Point(s), of the relevant Participating Member Economy.

15.4. Where verification of technical competence or compliance is required, it will be carried out in a timely manner jointly by the Participating Member Economies concerned with the participation of the Designating Authority that is responsible for the challenged Designated Test Facility.

15.5. The results of this verification will be discussed by Participating Member Economies concerned with a view to resolving any issues as soon as possible.

15.6. Except when decided otherwise by the Participating Member Economies concerned, the designation of the challenged Designated Test Facility will be suspended by the relevant Designating Authority for the relevant scope of designation from the time its technical competence or compliance was challenged, until either:

- (a) the challenging Participating Member Economy is satisfied as to the competence of the test facility;
- (b) the designation of the test facility has been withdrawn; or
- (c) the dispute has otherwise been resolved in accordance with Section 5.

15.7. Where an importing Participating Member Economy identifies deficiencies which give rise to concerns regarding the accuracy of a test report issued by an exporting Participating Member Economy's Designated Test Facility, it will notify the Designating Authority in the exporting Participating Member Economy of such deficiencies. The importing Participating Member Economy may suspend its acceptance of test reports originating from that Designated Test Facility for the relevant scope of designation until such time as the deficiencies are addressed to

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its satisfaction. Except in urgent circumstances, Participating Member Economies are encouraged to enter into consultation prior to the suspension of acceptance of test reports originating for a specific Designated Test Facility.

- 15.8. If applicable, the importing Participating Member Economy may notify the exporting Participating Member Economy of the deficiencies and the steps taken to address the deficiencies.
- 15.9. Test reports issued by a Designated Test Facility, prior to the Designated Test Facility's suspension or withdrawal, will remain valid unless otherwise notified by the importing Participating Member Economy.

PART III - MUTUAL RECOGNITION OF CERTIFICATION

16. SCOPE OF THIS PART

- 16.1. The provisions contained in this Part of the Arrangement only apply to those member economies who participate in this Part.
- 16.2. This Part provides for importing Participating Member Economies to recognise certification bodies and to accept certification issued in accordance with their Mandatory Requirements.

17. PARTICIPATION

- 17.1. Participation in Part I is a pre-requisite for participation in this Part.
- 17.2. A member economy may participate in this Part once it has demonstrated to the Joint Advisory Committee its ability to meet the requirements of this Part. The Joint Advisory Committee should inform all other member economies of the successful demonstration of such ability.
- 17.3. The member economy then has up to one year to indicate its participation in this Part to all other member economies and the APEC Secretariat, after which time the member economy will need to re-demonstrate its ability to participate in this Part.
- 17.4. A Participating Member Economy may terminate its participation in this Part by giving sixty (60) days notice in writing to all other member economies, the Joint Advisory Committee and the APEC Secretariat.
- 17.5. Where a Participating Member Economy substantially alters its regimes such that it affects its ability to participate in this Part, the Joint Advisory Committee may review the ability of that Participating Member Economy to meet the requirements of this Part.

18. GENERAL PRINCIPLES

- 18.1. Participating Member Economies recognise that certification bodies designated in accordance with Section 20 are competent to certify equipment to their Mandatory Requirements
- 18.2. If certification bodies subcontract all or part of the testing, then the testing must be subcontracted to testing facilities whose competence has been established in accordance with Section 14 whether those test facilities are legally identifiable bodies or not. Where the certification body uses a test facility under its direct control and which belongs to the same legal entity as the certification body such an arrangement is not considered as sub-contracting.
- 18.3. Participating Member Economies will accept certification that demonstrates conformity of equipment with their Mandatory Requirements where the certification is issued by a Designated Certification Body.
- 18.4. Where certification has been issued for an earlier model or version of equipment to that which is actually imported, Participating Member Economies retain the right to verify the conformity of the later model or version.

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- 18.5. Participating Member Economies retain the right to challenge the validity of a certification that is more than three years old.
- 18.6. Participating Member Economies will encourage harmonisation of certification procedures through cooperation between Designating Authorities, accreditation bodies and certification bodies.

19. DESIGNATING AUTHORITY

- 19.1. In some instances, participating member economies may need to enter arrangements that will provide for the recognition of the exporting Participating Member Economy's Designated Certification Body as if it had been designated by the importing Participating Member Economy's Designating Authority.
- 19.2. Participating Member Economies will ensure that their Designating Authorities will have the necessary mandate to designate, suspend, remove suspension and withdraw designation of certification bodies under their jurisdiction.
- 19.3. In making such designations and withdrawals, Designating Authorities will observe the procedures and criteria for designation set out in Section 20.
- 19.4. Designating Authorities will consult, as necessary, with their counterparts, to ensure the maintenance of confidence in conformity assessment processes and procedures. This consultation may include joint participation in audits related to conformity assessment activities or other assessments of Designated Certification Bodies, where such participation is appropriate and technically possible within reasonable cost.

20. DESIGNATION OF CERTIFICATION BODIES

- 20.1. Designating Authorities will specify the scope of the conformity assessment activities for which a certification body has been designated. When a certification body is designated to undertake conformity assessment activities with regard to particular Mandatory Requirements, designation will be limited to those Mandatory Requirements.
- 20.2. Designating Authorities will only designate certification bodies where the certification body is an entity that can be held legally responsible. Designated Certification Bodies should not be, or be adversely influenced by, a body which manufactures or trades in electrical equipment. Furthermore, Designated Certification Bodies should be impartial. Any other services it offers will be provided in a manner that does not compromise the objectivity of its certification activities and decisions.
- 20.3. Designating Authorities will only designate certification bodies that are able to demonstrate that they understand, have experience relevant to, and are technically competent to apply the conformity assessment requirements and procedures for which they are designated in accordance with the Mandatory Requirements of the importing Participating Member Economies.
- 20.4. Demonstration of technical competence will be based on:
 - (a) technological knowledge of the relevant products, processes or services;
 - (b) understanding of the technical standards and the general risk protection requirements for which designation is sought;

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- (c) the experience relevant to the applicable legislative, regulatory and administrative provisions;
 - (d) the physical capability to perform the relevant conformity assessment activity;
 - (e) an adequate management of the conformity assessment activities concerned; and
 - (f) any other circumstance necessary to give assurance that the conformity assessment activity will be adequately performed on a consistent basis.
- 20.5. The basis for designating certification bodies specified by the importing Participating Member Economy will be:
- (a) Accreditation to ISO/IEC Guide 65:1996, which will constitute an acceptance of technical competence in relation to the requirements of the other Participating Member Economies when:
 - (i) the accreditation process is conducted in compliance with ISO/IEC Guide 61:1996; and
 - (ii) The Designated Certification Body meets the importing Participating Member Economies accreditation and certification requirements; and
 - (iii) the accreditation body is a member of the Pacific Accreditation Cooperation and is a signatory to a mutual recognition arrangement where they are subject to peer evaluation of the competence of accreditation bodies and the certification bodies accredited by them.
- OR**
- (b) Membership in the IECEE CB/FCS.
- 20.6. When a certification body seeks designation to examine a particular product, process or service for conformity with general health and safety requirements, the accreditation process will incorporate elements which will permit assessment of the capability (technological knowledge and understanding of the generally stated risk protection requirements of the product, process or service or their use) of the certification body to examine conformity with those general health and safety requirements.
- 20.7. Participating Member Economies will ensure that their Designated Certification Body maintain the necessary technical competence and compliance with other relevant requirements to provide certifications that demonstrate conformity of equipment with the Mandatory Requirements for which they have been designated.
- 20.8. Participating Member Economies will inform all other member economies, the Joint Advisory Committee and the APEC Secretariat of any changes that affect a Designated Certification Bodies' technical competence and compliance with other relevant requirements.
- 20.9. Participating Member Economies will inform all other member economies, the Joint Advisory Committee and the APEC Secretariat of any addition to, suspension of or removal from their list of Designated Certification Bodies.
- 20.10. When informing the other member economies of the Designated Certification Bodies to be included in the lists of such bodies, the Designating Authority will provide the following details in respect of each certification body:

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- (a) the name;
- (b) the postal address;
- (c) the facsimile (fax) number;
- (d) email address (if available); and
- (e) name and telephone number of the contact person;
- (f) scope of designation detailing range of products, reference standards, methods of certification, capability and other relevant details;
- (g) designating procedure used; and
- (h) date of designation.

20.11. Participating Member Economies should make every endeavor to give the other Participating Member Economies advance notice of any change to their list of Designated Certification Bodies.

20.12. Certifications issued by a Designated Certification Body on and after the date of designation will be valid.

21. VERIFICATION, SUSPENSION AND WITHDRAWAL OF CERTIFICATION BODIES

21.1. Designating Authorities in exporting Participating Member Economies will ensure that their Designated Certification Bodies will be available for verification of their technical competence and compliance with the Mandatory Requirements.

21.2. Importing Participating Member Economies retain the right to challenge the technical competence and compliance of certification bodies designated by exporting Participating Member Economies. This right will be exercised only where supported by acceptable rationale or evidence of relevant experts. Except in urgent circumstances, Participating Member Economies are encouraged to enter into consultation prior to challenging the technical competence and compliance of the Designated Certification Bodies with a view to seeking a mutually satisfactory solution.

21.3. Any exercise of the right to challenge the technical competence and compliance of a Designated Certification Body will be justified in an objective manner and in writing to the Designating Authority, through the Contact Point(s), of the relevant Participating Member Economy.

21.4. Where verification of technical competence or compliance is required, it will be carried out in a timely manner jointly by the Participating Member Economies concerned with the participation of the Designating Authority that is responsible for the challenged Designating Certification Body.

21.5. The results of this verification will be discussed by Participating Member Economies concerned with a view to resolving any issues as soon as possible.

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- 21.6. Except when decided otherwise by the Participating Member Economies concerned, the designation of the challenged Designated Certification Body will be suspended by the relevant Designating Authority for the relevant scope of designation from the time its technical competence or compliance was challenged, until either:
- (a) the challenging Participating Member Economy is satisfied as to the competence of the certification body;
 - (b) the designation of the certification body has been withdrawn; or
 - (c) the dispute has otherwise been resolved in accordance with Section 5.
- 21.7. Where an importing Participating Member Economy identifies deficiencies which give rise to concerns regarding the accuracy of a certification issued by an exporting Participating Member Economy's Designated Certification Body, it will notify the Designating Authority in the exporting Participating Member Economy of such deficiencies. The importing Participating Member Economy may suspend its acceptance of certifications originating from that Designated Certification Body for the relevant scope of designation until such time as the deficiencies are addressed to its satisfaction. Except in urgent circumstances, Participating Member Economies are encouraged to enter into consultation prior to the suspension of acceptance of certifications originating from a specific Designated Certification Body.
- 21.8. If applicable, the importing Participating Member Economy may notify the exporting Participating Member Economy of the deficiencies and the steps taken to address the deficiencies.
- 21.9. Certifications issued by a Designated Certification Body, prior to the Designated Certification Body's suspension or withdrawal, will remain valid unless otherwise notified by the importing Participating Member Economy.

DEFINITIONS

General terms concerning test reports and conformity assessment used in this Arrangement have the meaning given in the definitions contained in ISO/IEC Guide 2:1996 “General terms and their definitions concerning standardization and related activities” of the International Organization for Standardization and International Electrotechnical Commission. In addition, the following terms and definitions apply for the purpose of this arrangement:

Accept means the use of test reports and/or certifications as a basis for regulatory actions such as approvals, licences and post-market assessments of conformity [**acceptance** has an equivalent meaning]

Certification means a procedure by which a third party gives written or other assurance that a product, process or service confirms to specified requirements.

Contact Point means a person, position or body with and through whom member economies will exchange information in accordance with Part I of this Arrangement or communicate in accordance with Part II and Part III.

Designating Authority means a body within an exporting Participating Member Economy mandated by its Government with the authority to designate, suspend or withdraw designation of test facilities and certification bodies within its economy.

Designated Test Facility means a facility (eg, independent laboratories, manufacturers’ own test facilities or government testing bodies) that has been designated in accordance with Section 14 of this Arrangement to undertake tests to the importing Participating Member Economy’s requirements.

Designated Certification Body means a body (eg, product or quality systems certification bodies) that has been designated in accordance with Section 20 of this Arrangement to conduct certification to the importing Participating Member Economy’s requirements.

Designation means the authorization by a Designating Authority of a test facility or certification body to perform conformity assessment activities.

Participating Member Economy is a member economy that has indicated its willingness to comply with the provisions of this Arrangement and indicated its participation in this Arrangement.

Within each Part, **Participating Member Economy** is a member economy that is participating in that Part.

Mandatory Requirements means the legislative, regulatory and administrative requirements for electrical and electronic equipment that are the subject of this Arrangement

For the purposes of this Arrangement the singular should be read to include the plural and vice-versa when appropriate.