

**FOURTH TRIENNIAL REVIEW OF THE AGREEMENT ON  
TECHNICAL BARRIERS TO TRADE**

Submission by Japan

The following communication, dated 9 March 2006, is being circulated at the request of the Delegation of Japan.

**I. INTRODUCTION**

1. For the Fourth Triennial Review of the Agreement on Technical Barriers to Trade (hereinafter, TBT Agreement), the TBT Committee reached a general agreement to include the area of conformity assessment as one of its topics at the meeting held in November 2005. In this regard, it would be beneficial for Members to further examine the following issues in the area of conformity assessment:

- (i) Use of suitable accreditation schemes for various types of regulatory or voluntary conformity assessment systems; and
- (ii) Facilitation of the use of relevant standards, guides, and recommendations regarding conformity assessment issued by international standardizing bodies.

2. Under the rapid advance of globalization, and the heightened pace of new product development, it is necessary to introduce simplified conformity assessment systems to facilitate international trade. "One standard, one testing, accepted everywhere" is considered as the most desirable and ideal approach which contributes to reducing technical barriers to trade. In order to reduce such barriers and promote international trade, Japan's position is that Members should implement the TBT Agreement in an efficient and effective way. However, complete harmonization of technical regulations or standards among Members is found to be difficult in the present context, for instance because of fundamental climatic or geographical factors or fundamental technological problems. Japan's submission offers some ideas and suggestions based on such a current situation.

**II. ACCREDITATION**

3. As technical regulations and standards are not fully harmonized among Members, it is often the case that regulatory or voluntary conformity assessment systems for the same product are different for every Member. In accordance with conformity assessment systems of individual Members, third-party conformity assessment bodies (CABs) may also be involved. CABs must be technically competent in terms of the specific conformity assessment systems under which designation or accreditation will be granted, and designating authorities or accreditation bodies conducting designation or accreditation must also be familiar with the technical requirements of the conformity assessment system in question.

4. Japan considers that the authority in charge of specific conformity assessment systems should only rely on the technical competence of CABs accredited by itself or accreditation bodies that are familiar with the specific conformity assessment systems. This means that authorities would be able to recognize only such a CAB as a CAB under their own systems.

#### A. CROSS-BORDER DESIGNATION/ACCREDITATION

5. From the point of view of exporters, when a CAB under a conformity assessment system of the importing Member exists in the exporting Member's territory, the burden of conformity assessment procedures for exports would be reduced. Accordingly, a cross-border designation/accreditation system in which the designating authority or accreditation body of the importing Member can designate or accredit a CAB located in the territory of another Member would be a very useful system, which Article 6.4 of the TBT Agreement actually encourages Members to introduce. The wide spread use of this system among Members would work as a more effective and practical alternative mechanism to mutual recognition agreements (MRAs) between governments.

6. As Japan described in its submission (G/TBT/W/194), the Government of Japan has introduced cross-border designation systems under various regulatory or voluntary schemes, and in fact, several foreign CABs have already come into existence in Member countries under some of these regulatory or voluntary schemes.

7. Although the efficiency of the system which is stipulated in Article 6.4 of the TBT Agreement was mentioned in the Third Triennial Review (G/TBT/13), the TBT Committee has not yet discussed situations in Member countries regarding the introduction of cross-border designation/accreditation systems. Therefore, Japan would like to propose a survey on whether Members have introduced cross-border designation/accreditation systems. In order to reduce the burden of the survey, however, Japan also proposes to limit the scope of the survey.

8. With cross-border designation/accreditation systems, it is a fact that language barriers and/or the distance from the designating authority or accreditation body are thought of as burdens for CABs that wish to be designated or accredited. The burden for the CABs, however, is lighter than one for the designating authorities or accreditation bodies since such bodies must be familiar with a number of conformity assessment systems in different countries. On one hand the CABs' burden concerning the designation or accreditation procedure may be reduced if the designating authorities or accreditation bodies which are familiar with the conformity assessment systems of several countries exist in the country in which the CABs are located, but on the other hand the CABs only need to have technical competence regarding those systems of countries in which the CAB wishes to conduct conformity assessments work, also accurate assessments are conducted by designating authorities or accreditation bodies familiar with the related systems.

9. In addition, designating authorities or accreditation bodies may conduct assessments once every several years for each individual CAB, and the number of CABs is not so large in the country. On the other hand, CABs may receive application for conformity assessments several times a year from each individual supplier, and the number of suppliers in each country is larger than the number of CABs in the country. It may, therefore, be said that a cross-border designation or accreditation system is one of the most effective and practical methods.

#### B. MUTUAL RECOGNITION AGREEMENTS BETWEEN GOVERNMENTS

10. It was pointed out in the Third Triennial Review that there are some difficulties faced in the negotiation and implementation of MRAs and there are various considerations for the conclusion of effective MRAs between governments, such as: a sufficient volume of trade in specific sectors between the parties, interest of stakeholders, and support from key players. These difficulties or

issues are particularly serious when MRAs are concluded or implemented under non-harmonized technical requirements between parties. Therefore Members may discover or make use of frameworks other than MRAs where technical requirements have not been harmonized, to ensure that conformity assessment procedures do not become trade barriers.

11. Mutual introduction of cross-border designations or accreditation systems as described in II. A. in the same fields by two certain Members could bring the same effect on trade with an introduction of MRAs between the two Members for suppliers in their territories. Moreover the cross-border designation or accreditation system would be able to greatly contribute to reducing the cost of negotiations and implementation by the designation authority and/or the accreditation body of each Member. It would be a good practice for each Member not only to introduce cross-border designations or accreditation systems by it self, but also to encourage other Members to do so.

12. Japan has worked with some Members to introduce cross-border designation systems in the electrical products field with an aim to conclude agreements such as "Cross-Border Designation-type MRAs". If these are concluded, both parties of the MRAs will come to hold systems to designate CABs located in the partner's territory.

#### C. VOLUNTARY MUTUAL RECOGNITION ARRANGEMENTS AMONG ACCREDITATION BODIES

13. Generally speaking, at present, it is difficult to say that forums of accreditation bodies or their mutual recognition arrangements are effectively utilised in various conformity assessment systems. This is because it is impossible for all the participants in the forums or their mutual recognition arrangement schemes to assess each other's competence covering all the testing methods or product standards concerning conformity assessment systems which differ from country to country even if they are able to multilaterally check with each other whether the participating accreditation bodies have the competence to assess the CABs conformity with relevant international standards or guides such as ISO/IEC Guide 65 and ISO/IEC 17025.

14. Therefore, it is a natural conclusion that an accreditation body cannot rely on and accept the assessment result of another accreditation body that is not familiar with its own accreditation scheme, even if the accreditation body is a participant in the mutual recognition arrangement in which the accepting accreditation body participates. Besides, it is very difficult for participating accreditation bodies to maintain their knowledge of and competence for all the schemes of the other participants involved in mutual recognition arrangements so that their own results may be acceptable to all the other participants of the mutual recognition arrangement. Moreover, Japan would like to point out another fundamental problem that there are many accreditation bodies that have not participated in the forums of accreditation bodies or their mutual recognition arrangements.

15. Hence, it is difficult to mutually secure confidence in the technical requirements of relevant standards and guides under mutual recognition arrangements among general accreditation bodies without a specific scope of accreditation activities. On the other hand, mutual confidence in the accreditation of management systems could be secured. Therefore, if a mutual recognition arrangement regarding only management systems among accreditation bodies is established, the results of accreditation under such arrangements might be utilised by authorities of various conformity assessment systems. The activity described in III. A. may lead to the establishment of such mutual recognition arrangements.

16. On the other hand, there exists the IECEE CB scheme, which is a mutual recognition arrangement among CABs, in which Member CABs mutually accept each other's test reports related to the electrical products field and confidence in technical competence of Member CABs is maintained through peer assessment among CABs. The peer assessments are conducted by assessors

that belong to the Member CABs on the assumption that Member CABs commission other Member CABs to conduct product tests for their own product certifications on behalf of them. The confidence of Member CABs' technical competence is generally ensured in this way, and it is said that the level of peer assessment is high. Additionally, the IECEE CB scheme has adopted a peer assessment system based on ISO/IEC 17040 in order to gain further confidence of it. This leads to raising confidence among Member CABs and results in active mutual recognition of test reports.

17. When comparing mutual recognition arrangements among accreditation bodies and the IECEE CB scheme, the scope of mutual recognition arrangements is not limited and the latter is limited, so Japan considers that this point is one of the main differences between them. If the scope of a mutual recognition arrangement among accreditation bodies is limited, it is possible that a participating accreditation body would understand in further detail systems in which other participating accreditation bodies are involved. This leads to enhancing confidence in technical competence, regarding the scope specified, of a CAB that is accredited by a participating accreditation body.

### **III. STANDARDIZING ACTIVITIES ON CONFORMITY ASSESSMENT AND HARMONIZATION OF CONFORMITY ASSESSMENT PROCEDURES**

#### **A. STRUCTURE OF STANDARDS AND GUIDES TO PROVIDE REQUIREMENTS FOR CONFORMITY ASSESSMENT BODIES**

18. Article 5.4 of the TBT Agreement stipulates that Members shall ensure that central government bodies use relevant guides or recommendations issued by international standardizing bodies as a basis for their conformity assessment procedures, therefore ISO/IEC standards and guides on conformity assessment are used in conformity assessment procedures of most Members. These ISO/IEC standards and guides consist of requirements for management systems and technical requirements, however assessments for accreditation are conducted for both requirements together by an accreditation body.

19. If accreditation according to these standards or guides is given, respectively, namely, for management systems and for technical requirements, voluntary mutual recognition arrangements among accreditation bodies only for the management system part would be established easily as described in II. C.

20. For the above purpose, standards or guides on conformity assessments should be modified so that accreditation results can be used respectively, such as dividing a standard or guide into two parts. Moreover, if management system requirements for all types of conformity assessment bodies are harmonized, the assessment results for the management system can be used in various ways.

#### **B. ENCOURAGING PARTICIPATION OF DEVELOPING MEMBERS IN INTERNATIONAL STANDARDIZING ACTIVITIES**

21. The participation of developing country Members in international standardization activity is becoming an important element as globalization of the world economy leads to shifting production bases to developing countries. Japan recognises the Workshop on Different Approaches to Conformity Assessment, including the Acceptance of Conformity Assessment Results to be held on 16-17 March 2006 as an important chance to promote awareness of the issues and find good practices jointly among Members.

22. Each developing country Member should roll out such good practices and establish their appropriate conformity assessment systems. On the other hand, developed country Members should be encouraged to provide their knowledge and experiences to developing country Members. As a

result, it is thought that conformity assessment mechanisms of each Member will be harmonized worldwide, and this will contribute to the reduction of technical barriers to trade.

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