

**ISSUES CONCERNING CONFORMITY ASSESSMENT**

Communication from Japan

**I. BACKGROUND**

1. “Guides and recommendations (hereinafter referred to as “GRs”) issued by international standardizing bodies (hereinafter referred to as “ISBs”)” have a very important role (i.e. a basis for conformity assessment procedures) in the TBT Agreement. However, the definition of “GRs issued by ISBs” is not clear. Some international or regional systems for conformity assessment, for example, develop reference documents (hereinafter referred to as “RDs”) for their own use, and some of these RDs have normative nature to some degree. Due to a lack of clear definition of GRs, central government bodies might be confused whether they should use such RDs.

2. Japan believes that there should be a clear understanding among Members regarding the characteristics of “GRs issued by ISBs” in order to ensure Members’ proper implementation of the conformity assessment under the TBT Agreement. We believe that “GRs” should exclusively be developed by ISBs in the same process as “international standards” by ISBs, i.e. transparent, open and impartial processes.

3. In addition, Japan would like to reiterate, as it has repeatedly emphasized in the past, the importance of having a decision by the TBT Committee regarding the RD-developing process by international or regional systems for conformity assessment. Some conformity assessment bodies in Members’ territory might wish to use RDs developed by international or regional systems for conformity assessment as references for implementation. Especially, when such conformity assessment bodies assess conformance of products to technical regulations, RDs developed by international or regional systems might have effects on the results of the conformity assessment. Therefore, we believe there should be a consensus among Members that RD-developing process by international or regional systems should be transparent, open and impartial. We believe this consensus is in line with the principle of Article 9 of the TBT Agreement.

**II. THE PROPOSED DRAFT DECISION ON THE CONFORMITY ASSESSMENT ISSUES**

4. The Committee noted the importance of the clarification of “guides and recommendations issued by international standardizing bodies” referred to in Paragraph 4 of Article 5 of the TBT Agreement. Concerns had been expressed on the possibility of confusion as to the status of documents developed by international or regional systems for conformity assessment in the context of the TBT Agreement. Also, in terms of ensuring proper implementation of Article 9 of the TBT Agreement, the Committee emphasized the importance of establishing and maintaining appropriate document-developing processes in international or regional systems for conformity assessment. Therefore, the Committee agreed on the following:

- “Guides and recommendations” referred to in the TBT Agreement shall exclusively be developed by international standardizing bodies through transparent, open and impartial processes.
  - Members shall take reasonable and available measures to ensure that international and regional systems for conformity assessment in which relevant bodies within their territories are members or participants develop their documents through transparent, open and impartial processes.
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