



21 May 2021

(21-4279)

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Committee on Technical Barriers to Trade

Original: English

## PROPOSAL ON CONFORMITY ASSESSMENT PROCEDURES

### NINTH TRIENNIAL REVIEW

#### *Submission from the United States*

The following submission, dated 21 May 2021, is being circulated at the request of the delegation of the United States.

## 1 BACKGROUND

1.1. The accreditation of the competence, integrity and reliability of conformity assessment bodies (CABs) is a valuable conformity assessment procedure (CAP) that can be used to facilitate the efficient movement of goods and services across national borders while protecting against risks to the health and safety of people and environments. The World Trade Organization's Agreement on Technical Barriers to Trade (TBT Agreement) encourages Members to permit participation of CABs located in the territories of other Members in their CAPs under conditions no less favourable than those accorded to bodies located within their territory or the territory of any other country. Further, the TBT Agreement requires Members to ensure, whenever possible, that results of CAPs in other Members are accepted, even when those procedures differ from their own, provided that those procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to their own procedures. As defined in the TBT Agreement, CAPs include accreditation.

1.2. The International Laboratory Accreditation Cooperation (ILAC) has proposed a policy that favors local accreditation bodies (ABs) that appears potentially inconsistent with Members' obligations regarding CAPs under the TBT Agreement. The TBT Agreement is over 25 years old. In that time, CAPs, including accreditation, have evolved significantly: guides on accreditation have been converted to international standards; regional and international mutual recognition arrangements (MRAs) on accreditation were established; and the membership in those MRAs includes an increasing number of national AB signatories. As the landscape in this area has changed, national policies on accreditation may have evolved away from the TBT Agreement's provisions on recognition of conformity assessment by central government bodies, and on the use of international and regional systems.

## 2 PROPOSAL

2.1. Accreditation policies that operate consistently with Members' obligations under the TBT Agreement, for instance through the conclusion of MRAs; permitting the participation of CABs of other Members under conditions no less favorable than those accorded to national CABs; and whenever possible, the acceptance of the results of CAPs in other Members, will improve efficiency of production and facilitate the conduct of international trade. Therefore, in order to advance the implementation and operation of the TBT Agreement, the United States proposes an examination of Member accreditation policies, including those on the use of regional and international systems for conformity assessment. International organizations will be invited to discuss proposed and implemented policies.

2.2. As part of the 9<sup>th</sup> Triennial Review, in thematic session and in the development of conformity assessment guidelines, the TBT Committee should consider how accreditation and related policies can be advanced to further reduce barriers to trade in goods. Further, as part of the TBT Committee's ongoing 8th Triennial Review effort to develop guidelines for conformity assessment, the TBT Committee should initiate work to develop guidance for Members with respect to accreditation policies as they relate to MRAs, the recognition of accreditation results in the territories of other Members, and the national treatment of accreditation bodies.

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