

STATEMENT BY BRAZIL ON SUPPLIER'S DECLARATION OF CONFORMITY

Special Meeting of the TBT Committee Dedicated to Conformity
Assessment Procedures held on 29 June 2004

The following communication, dated 9 August 2004, is being circulated at the request of the Delegation of Brazil.

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1. Since the First Triennial Review, the Committee has been emphasizing the need for information exchange among Members in order to increase their understanding on the issue of conformity assessment procedures (CAPs) and the ways to minimize their eventual restrictive effects on trade.
 2. In order to contribute to the discussions around the issue of conformity assessment, Brazil is willing to share its experience with other Members concerning the development of its National Conformity Assessment Program. By presenting the rationale employed in the design of, as well as describing the Brazilian infrastructure for conformity assessment, including the types of CAPs currently under use and the conditions for their application, Brazil hopes to provide the Committee with useful information on the issue.
 3. This communication focuses on the activities carried out by the National Institute for Metrology, Standardization and Industrial Quality - Inmetro concerning CAPs. Inmetro acts as the executive secretary for the National Council for Metrology, Standardization and Industrial Quality - CONMETRO, which is composed by several Ministries and is also the Brazilian Official Accreditation Body.
 4. CONMETRO acts through its technical committees, which are open to the participation of distinguished bodies of the academic field, industry and trade bodies, research centers and consumer's protection institutes, among other entities with special interest in metrology, standardization and industrial quality in the country.
 5. In December 2001 the Brazilian Committee for Conformity Assessment - CBAC was established. Among other CBAC duties, it is responsible for assisting CONMETRO in structuring an internationally harmonized conformity assessment system and in proposing principles and policies on conformity assessment procedures to be adopted under the Brazilian Conformity Assessment System - SBAC.
 6. The Brazilian Program for Conformity Assessment - PBAC, developed within SBAC, is designed to develop a long-term strategy and a thorough management plan for CAPs in Brazil. The Program is being constantly revised and re-checked, with the participation of governmental and

private entities associated with conformity assessment activities. PBAC bases its activities on a Quadrennial Action Plan, which defines the products and services that will undergo conformity assessment programs.

7. Current numbers concerning the activity of conformity assessment in Brazil are:

- Mandatory programs for conformity assessment procedures: 57 families of products
- Voluntary programs for conformity assessment procedures: 192 families of products
- Accredited certification bodies: 36
- Accredited laboratories: 393

8. In Brazil the four mechanisms employed for conformity assessment are: (i) certification; (ii) inspection; (iii) supplier's declaration of conformity, (iv) labeling and (v) testing. A specially developed methodology which takes into consideration not only risk assessment but also legal, environmental, technical, social and economic aspects, selects the most adequate mechanism to evaluate each product.

9. In the case of supplier's declaration of conformity of a product, process or service, the following steps must be observed: (i) choice of an accredited laboratory; (ii) testing of the product; (iii) administrative procedures, such as filling out the Supplier's Declaration; (iv) delivery of the Declaration, together with other relevant documents, such as test report and quality system certificate to Inmetro; (v) evaluation by Inmetro of the completeness of the conformity assessment process; and (vi) issuance of the license to bear the conformity mark in the product.

10. By means of this mechanism, the supplier is responsible to ensure that a product, process or service conforms to specific requirements. The minimum amount of information that must be borne in the Declaration, in accordance with the ISO/IEC Guide 22, includes the following: name and address of the declaring manufacturer, identification of the product, process or service, declaration of conformity, regulatory documents used, place and date of issuance of the Declaration and signature, name and duty of the authorized person.

11. In the Brazilian System of Conformity Assessment, SDoC is employed only in the obligatory field. It is applied only to products, processes or services that present a mild risk to the health and safety of the consumer and to the environment. It is not, therefore, a substitute for certification, once the field of application of both mechanisms is different. Additionally, when the goal is to evaluate the performance of a product, SDoC is also used.

12. It is important to emphasize that SDoC, like all other conformity assessment programs, is regulated by a set of pre-established rules that should ensure the same level of conformity safety as 3rd party conformity assessment programs. In this sense, when 1st party programs are put into practice, more active follow-up and market surveillance initiatives become necessary, especially through conformity assessment. Besides, an adoption of SDoC for a determined product must take into consideration its "quality record" and the level of confidence of consumer-producer relations in the specific sector.

13. In order to ensure a good usage of the SDoC, the Council has adopted a decision that allows regulatory bodies to request additional demonstration of conformity, such as a combination of the supplier's declaration of conformity with tests undertaken in independent laboratories or even follow-up by inspection bodies. This is a key issue of the Brazilian approach towards Supplier's Declaration of Conformity.

14. Market surveillance also plays a fundamental role. It consists on verifying in the market, on a regular basis, by the means of samples of products, the conformity presumably possessed by them. In those cases where the assessment of the conformity condemns the declaration of conformity, we deem necessary to identify opportunities to improve the programs of conformity assessment.

15. It is worth stressing that for each product a different evaluation procedure is employed, which includes the use of services provided by accredited laboratories under the Brazilian Network of Calibration and the Brazilian Network of Testing Laboratories. In addition, regular verification of conformity is envisaged. The first verification, for instance, takes place six months after the implementation of the program. The following verifications will occur on an annual basis, the second being undertaken preferably not before one year after the first verification.

16. Until 2004, four SDoC programs were put into practice, on installation systems for vehicular natural gas, on disposable lighters and on steel profiles for power transmission towers. A new program is being developed at the moment, for vehicle catalysts. By the end of 2003, the first assessment of conformity was done, on disposable lighters. This evaluation has presented a zero level of non-conformity, which reveals that the mechanism presents high level of confidence in relation to standards and regulations.
