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CONFORMITY ASSESSMENT

**Conformity assessment in the international context
State of play and future orientations for Working Party 6 (WP.6)**

Note by the Rapporteur on Conformity Assessment

GATT and conformity assessment: twenty years later...

1. The first GATT agreement (General agreement on tariffs and trade) on technical barriers to trade (TBT) implemented in 1980, established the emergence in international treaties of the couple "standardization-conformity assessment" as the subject of an intense international activity devoted to the facilitation of global trade. Since, the enlargement from 35 to 136 countries of the World Trade Organization (WTO), and the new approach to technical harmonization adopted for building the European Economic Area (EEA), have strengthened still more the activities and expectations.

2. The technical barriers that may be created by standards and technical regulations, and the procedures and technical mechanisms for the assessment of conformity to such referentials, give rise to concerns, related as much to the general interest that they express (safety, environment or energy savings) as to the specific practices of national markets. That's why a global approach to the problematic is being generalized to cover in a coherent manner the regulated sectors and those where the requirements are the result of the market players themselves. The goal "tested once, accepted everywhere" dictated by commercial considerations, shall not be reached to the prejudice of the fairness of the competition between companies, or the conformity assessment operators, or of the degree of safety or environmental protection.

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3. This explains the development, during the past twenty years, of new tools devoted to that aim : standards for the management, competence and organization of conformity assessment operators, accreditation, mutual recognition agreements, regional conformity assessment marks. In the same time, operators are looking for new structures and developing their international dimension, including alliances, in order to have a global offer suitable for world markets.

4. Industrial merging incite some to promote the "supplier's declaration" as main tool for the presumption of conformity; it is a fact that the implemented mechanisms privilege what is done by the company itself to ensure the conformity of its products or of its organization to the requirements of its clients as much as those of regulations. The huge expansion of the certification of management systems (400 000 companies ISO 9000 or ISO14 000 certified in the world), the growing rapidly emergence of the certification of services and the good steadiness of product certification, show that the market remains expecting the involvement of third parties: they facilitate at the same time the customer-suppliers relations, the promotion of the efforts made by companies regarding quality, safety and citizenship, and create a powerful element of internal animation around such issues.

5. Since twenty years, new tools and actors have appeared on the global scene to answer the ardent obligation to reduce barriers to trade linked to tests, certifications and other conformity assessment processes. The use of Internet, the development of electronic trade and sectoral portals for the customer-supplier relations, the increasing constraints dictated by the environmental protection or food safety, the emergence of social standards in the WTO agenda, are as many factors strengthening the actuality of these issues.

The new normative tools

6. The first difficulty to be solved is the multiplicity of the processes by which a company can attest, for commercial or regulatory needs, that its products, its production are in conformity with a referential (specified requirements). In Europe, in the framework of the new approach, a typology of 8 modules, with options, has been adopted in 1993 for the implementation of Directives where CE marking is required. ISO and CEN develop in parallel normative referentials for the main related activities: calibration and testing, product and systems certification, certification of persons, inspection and accreditation.

7. However we are just partly get out of this complex triangle : the connection between the standards and the modules remains approximate; even if EN 45000 series is aligned on ISO/CASCO, preparing standards and not only guides, the non implementation of the new ISO 9001 in the ISO standard 17025 for laboratories implies new discussions. The leapfrogging is not yet eliminated.

8. The objective is still to succeed in having at one's disposal a coherent set of international standards laying down the requirements for the various functions which may be used (including their combinations) for conformity assessment : sampling, calibrations, testing, all types of certification, and for the assessment and the accreditation of bodies operating these activities.

9. With regard to that, the position and the differentiation of inspection, well accepted for initial or periodic assessment of equipment or installations in use, have still to be considered when promoted at the level of the marketing of products : it implies the notion of " professional judgement" and is linked to a kind of organization which could be also be part of the concepts of type testing or product certification.

10. As far as the organization of operators is concerned, the framework of the series of international standards on conformity assessment functions should be the new ISO 9001. The process approach and the emphasis put on the relationship with customers seem particularly well fitted to these activities, including those of accreditors, even if the notion and the measurement of customer satisfaction have to be adjusted, a customer may be satisfied by a bad test giving favourable results to him, and dissatisfied by correct but penalising results.

Contributions of WP 6- Recommendations adopted;

11. Among the Recommendations on Standardization policies adopted by WP 6, some of them are directly related to conformity assessment :

E : Treatment of imported products, processes and services (first version adopted in 1970)

F : Creation and promotion of international agreements on conformity assessment (first version adopted in 1980, revised in 1988)

G : Acceptance of conformity assessment results (first version adopted in 1988)

K : Metrological assurance of testing

These recommendations complemented, without overlapping, commendations and agreements, adopted by other international organizations and conferences. However, if the issues considered remain actual, the international evolution implies to consider the present and future manner to deal with such subjects.

12. It is recalled that WP.6 has under study a draft International agreement among UN/ECE member states on technical harmonization issues. The framework agreement would be supplemented by protocols on specific issues. A draft for protocol 3 was about the acceptance of conformity assessment results and refers to Resolution F as a possible basis for such agreements.

Towards an international code of good practice?

13. Simultaneously, in the year 2000, several initiatives are considering the idea of a genuine " Code of international good practice " about the acceptance of conformity assessment results:

- WTO TBT Committee : several contributions have been made as basis for reflections in view of the triennial revision of the Agreement on technical barriers to trade;
- OECD : the Organisation for Economic Co-operation and Development is active in promoting regulatory reform. A special meeting in March was about "Technical barriers to trade : international standards and conformity assessment".
- The European Commission and the European Free Trade Association (EFTA) have, with their member states, launched the study of a new European policy which might cover the alignment of the modules on the international standards, the recourse to accreditation for the designation of bodies involved in the CE marking, and the promotion of a European mark of conformity to standards.

- The START Group of WP 6 studying an international model on the basis of "common regulatory objectives".

These evolutions are all strengthening the importance of a coherent set of normative referentials for the identification and the qualification of professions involved in conformity assessment. Such referentials need to be conceived for use in a regulatory context , as well as in the voluntary sector, and to promote an harmonized global approach.

Debate within TBT Committee of WTO

14. During its meeting In October 2000, the TBT Committee had a discussion on the integration of Guidelines on conformity assessment in the triennial Report on the implementation of the TBT Agreement. There was consensus on the importance of conformity assessment issues, but no adoption of a common proposal leading to the strengthening of articles 5 to 9 of the Agreement.

15. One could note differences in appraisal of the level of requirements for conformity assessment bodies which were considered too strict by developing countries, as well as their hesitations to accept supplier's declaration as a proof of conformity in regulations.

16. A proposal during its July meeting was about ISO/IEC Guide 60 : ISO/IEC Code of good practice for conformity assessment. A delegation suggested that this Guide could be revised and updated for giving better answers to the actual issues. ISO/CASCO has adopted this idea : during its plenary meeting of the 25 September 2000, CASCO decided to revise this Guide.

Expectations of WP 6

16. Compared to other Groups, the specificity of WP 6 is to gather various economies and particularly transition economies. Within OMC, as elsewhere, the appraisal of the problems and the ways of solutions is deeply influenced by cultural and economic differences. Some transition economies have difficulties to give up the old tradition of trying to dictate economic relations and outcome, and requests and market economies do not enough take in consideration economic and cultural features of transition economies, which, in some cases, may remain specific during decades.

18. At the present time, the implementation of technical regulations of the European Union in the countries candidates to accession, has brought the countries of Central and Eastern Europe (the PECO's) nearer and nearer to those of Western Europe. The result is such that while transition economies are at different stages of reforms, the most advanced ones are near the point where some problems specific to the transition are getting similar to those usually met in market economies.

19. Within WP.6, the exchanges of the past years on conformity assessment issues were mainly about the deepening of the understanding of the practices of very different economic structures, and particularly the study of regulatory issues or others encountered by transition economies in the process of adapting their conformity assessment structures, both in the regulated and non regulated sectors.

20. In the actual context, the contribution of WP.6 to the discussions on the issues covered by Articles 5 to 9 of the TBT agreement, has a potential specificity, linked to taking into account views specific to transition economies, not party to politico-technical discussions of organizations where they are poorly or not at all represented. In addition, their views should not be confused with those of developing countries.
