

2005 ASEAN POLICY GUIDELINE ON STANDARDS AND CONFORMANCE

Adopted in Manila, the Philippines on 5 August 2005

INTRODUCTION

This document has been prepared to guide all ASEAN Bodies working in the areas of standards and conformance in implementing measures on standards, technical regulations and conformity assessment procedures to facilitate the fast-track integration of priority sectors by 2010 and the realization of ASEAN Economic Community (AEC) by 2020.

OBJECTIVES

The ASEAN Policy Guideline on Standards and Conformance (hereafter refer as the Guideline) aims at providing the guiding principles for the implementation of joint efforts of ASEAN Member Countries in the area of standards and conformance both in regulated and non-regulated sectors as one of the measures for accelerating economic integration towards the AEC. The Guideline focuses on harmonization of standards and the implementation of the relevant conformity assessment schemes as well as their adoption and use in technical regulations.

TERMS AND DEFINITIONS

General terms concerning standardization and conformity assessment used in this document have the meaning given in the definitions contained in the ISO/IEC Guide 2 (2004 edition) and ISO/IEC 17000 (2004 edition) and in the ASEAN Framework Agreement on MRAs and the relevant ASEAN Sectoral MRAs.

GENERAL PROVISIONS

1. The ASEAN activities on standards and conformance aim at, amongst others, facilitating the realization of the AEC as the end goal of economic integration, as described in the Bali Concord II and the ASEAN Framework Agreement for the Integration of Priority Sectors.
2. National Standards Bodies should accept and follow the Code of Good Practice for the Preparation, Adoption and Application of Standards as provided in Annex 3 of WTO Agreement on Technical Barriers to Trade.
3. In order to facilitate the realization of single market and single production base that may turn the diversity into opportunities for business complementation making ASEAN a more dynamic and stronger segment of the global supply chain, Member Countries should take any of the following possible measures or their combination to:
 - (a) Harmonize national standards with relevant international standards.
 - (b) Encourage the active participation in the development of international standards particularly in those sectors that are potential for ASEAN Trade

- (c) Adopt conformity assessment procedures that are consistent with international standards and guides and wherever such procedures cannot be achieved because of differences in legitimate objectives, the differences of conformity assessment procedures shall be made as minimum as possible; and
 - (d) Develop and implement ASEAN sectoral MRAs in the regulated areas, where appropriate, using the ASEAN Framework Agreement on Mutual Recognition Arrangements as the basis.
 - (e) Encourage the cooperation amongst National Accreditation Bodies and National Metrology Institutes (NMIs) in ASEAN to facilitate the implementation of MRAs in regulated and non-regulated sectors.
4. Member Countries should give special attention to implement all the standards, technical regulations and conformity assessment measures as stated in the Bali Concord II, the Recommendation of the High Level Taskforce on ASEAN Economic Integration and the documents for fast-track integration of the priority sectors including the ASEAN Framework Agreement for the Integration of Priority Sectors, its protocols and roadmaps.

HARMONIZATION OF STANDARDS

5. Member Countries should, as the first and preferred option, adopt the relevant international standards when preparing new national standards or revising existing standards.
6. Harmonization of the existing national standards and adoption of international standards into new national standards should be based on the ISO/IEC Guide 21 "Adoption of International Standards as Regional or National Standards" or its latest edition.
7. Whenever modifications of content and structure of the relevant international standards are necessary to fulfill legitimate objectives, Member Countries should ensure an easy comparison of the content and structure of their national standards with the referenced international standards and provide information to explain the reason for such modifications.
8. Member Countries should ensure that:
- (a) the modifications of content of international standards are not prepared and adopted with a view to or with the effect of creating unnecessary technical barriers to trade;
 - (b) the modifications of content shall not be more restrictive than necessary to fulfill legitimate objectives.

ADOPTION OF TECHNICAL REGULATIONS

9. The adoption of technical regulations should take into consideration the following:
- (a) These are not adopted with a view to or with the effect of creating technical barriers to trade;
 - (b) technical regulations adopted should be based on international or national standards that are harmonized to international standards, except where legitimate reasons for deviations exist;

- (c) alternative means that are least trade restrictive to achieve the desired objectives should be considered before a decision is taken on the adoption of technical regulations;
 - (d) the adoption of prescriptive standards should be avoided to ensure that unnecessary obstacles to trade are not introduced, competition is reduced in the market or that it does not lead to a reduction of business flexibility;
 - (e) treatment accorded to products imported from Member Countries should be no less favourable than that accorded to like products of national origin and to like products originating from any other Member Country.
10. Standards may contain aspects, which are not essential to the desired objectives, and, as such, only those parts of a standard that represent minimum requirements to fulfill the desired objectives should be referred in the technical regulations.
11. Member Countries should also ensure that, wherever applicable, the preparation, endorsement and application of technical regulations are to facilitate the implementation of the respective ASEAN Sectoral MRAs;
12. Whenever the need of technical regulations is urgent for overcoming problems that arise or threaten to arise within the territory of a Member Country and the available time does not allow her to harmonize the relevant national standards, the Member Country should consider using the appropriate international standards or the relevant parts of them as the first alternative.
13. Except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise in a Member Country, that Member Country may adopt a technical regulation as it finds necessary and upon the adoption of this technical regulation, a Member Country shall:
- (a) notify other Member Countries through the Joint Sectoral Committee of the respective ASEAN Sectoral MRA, or if not applicable, the ASEAN Secretariat, the particular technical regulation and the products covered, with a brief indication of the objective and the rationale of the technical regulation, including the nature of the problems;
 - (b) upon request, provide to other Member Countries the draft of the technical regulation and other information regarding the deviations from the relevant international standards and the applicable premarket conformity assessment procedure
14. Except in urgent circumstances, Member Countries should allow at least six months period between the publication of technical regulations and their entry into force in order to provide sufficient time for producers in exporting Member Countries to adapt their products or methods of production to the requirements of importing Member Countries. In cases where urgent problems of health, safety, security or environment exist, member countries should notify other members as soon as practicable.

CONFORMITY ASSESSMENT

15. Member Countries should ensure that:
- (a) conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary technical barriers to trade;

- (b) conformity assessment procedures that have to be complied by suppliers of products originating in the territories of other Member Countries are not more stringent than those accorded to suppliers of like products of national origin.
 - (c) in order to reduce the regulatory burden for industry and to avoid delay of market entry, the implementation of registration, licensing or approval of government prior to placing the goods onto market, where possible, are limited to high risk products.
16. Member Countries should accept the results of conformity assessment produced by conformity assessment bodies designated by other Member Countries in accordance with the provisions of the ASEAN Framework Agreement on Mutual Recognition Arrangements and the provisions of the respective ASEAN Sectoral MRAs in all regulated areas.

POST MARKET SURVEILLANCE

17. Member Countries should ensure that appropriate Post Market Surveillance Systems are in place to complement the implementation of ASEAN Sectoral MRAs and technical regulations.
18. To enhance the effectiveness of Post Market Surveillance Systems, the establishment of alert systems amongst Member Countries should be considered.

TRANSPARENCY

19. Member Countries shall ensure that all their national standards, technical regulations and conformity assessment requirements are made publicly available either in print or in other media prior to or upon adoption/ approval and implementation.