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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEX to the Proposal for a Council Decision on the conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore

Delegations will find attached document COM(2018) 196 final - ANNEX 3.

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Brussels, 18.4.2018
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ANNEX 3

ANNEX

to the

Proposal for a Council Decision

**on the conclusion of the Free Trade Agreement between the European Union and the
Republic of Singapore**

ELECTRONICS

ARTICLE 1

General Provisions

1. The Parties confirm the following shared objectives and principles:
 - (a) eliminating and preventing non-tariff barriers to bilateral trade;
 - (b) basing their standards, technical regulations and conformity assessment procedures, wherever appropriate, on relevant international standards;
 - (c) eliminating duplicative and unnecessarily burdensome conformity assessment procedures; and
 - (d) enhancing cooperation to foster development in their bilateral trade in electronics.

2. This Annex shall apply only to standards, technical regulations and conformity assessment procedures of either Party related to the safety and electromagnetic compatibility (hereinafter referred to as "EMC") of electrical and electronic equipment, electrical household appliances and consumer electronics as defined in Appendix 4-A-1 (hereinafter referred to as "covered products").

ARTICLE 2

International Standards and Standard-setting Bodies

1. The Parties recognise that the International Organization for Standards (hereinafter referred to as "ISO"), the International Electrotechnical Commission (hereinafter referred to as "IEC") and the International Telecommunication Union (hereinafter referred to as "ITU") are the relevant international standard-setting bodies for EMC and safety of products covered by this Annex.¹
2. Where relevant international standards established by ISO, IEC and ITU exist, the Parties shall use these international standards or the relevant parts of them as a basis for any standard, technical regulation or conformity assessment procedure, except for cases where such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of legitimate objectives pursued. In those cases, a Party shall, upon request from the other Party, identify the parts of the respective standard, technical regulation or conformity assessment procedure which substantially deviate from the relevant international standard and provide justification as to the reasons for the deviation.

¹ The Parties may, by decision of the Committee on Trade in Goods, agree on any new international standard-setting bodies which they deem relevant for the purposes of implementing this Annex.

3. Without prejudice to Article 2.3 of the TBT Agreement, insofar as a Party maintains technical regulations that deviate from existing relevant international standards as referred to in paragraph 2, that Party shall review these technical regulations at regular intervals, not exceeding five years, in order to assess whether the circumstances that gave rise to the deviation from the relevant international standard still exist. The outcome of these reviews shall be communicated to the other Party upon request.
4. The Parties shall encourage their standard-setting bodies to participate in the development of international standards in the ISO, IEC and ITU, and to consult within the framework of those international standard-setting bodies with a view to establishing common approaches.

ARTICLE 3

Innovation

1. No Party shall prevent or unduly delay the placing on its market of a product on the ground that it incorporates a new technology or a new feature which has not yet been regulated.
2. Paragraph 1 shall not prejudice the right of the importing Party, if it demonstrates duly substantiated concerns to the supplier, to require evidence that the new technology or new feature concerned does not create a risk for safety or EMC or any other legitimate objective as listed in Article 2.2 of the TBT Agreement.

ARTICLE 4

Conformity Assessment Procedures

1. The Parties shall not prepare, adopt or apply conformity assessment procedures with a view to or with the effect of creating unnecessary obstacles to trade with the other Party. In principle, Parties should avoid requiring mandatory third party conformity assessment to prove compliance with applicable technical regulations on safety and/or EMC of covered products, and instead consider the use of a supplier's declaration of conformity and/or post-market surveillance mechanisms to ensure that products conform with relevant standards or technical requirements.
2. Except as provided in Articles 5 (Safeguard Measures) and 6 (Exceptions) and in Appendix 4-A-2, insofar as a Party requires a positive assurance of conformity with domestic technical regulations on safety and/or EMC of covered products, each Party shall accept products on its market on the basis of one or more of the following procedures:
 - (a) a supplier's declaration of conformity where the intervention of a conformity assessment body or the testing of the product by a recognised test laboratory is not mandatory and, if testing is undertaken, such testing can be carried out by the manufacturer himself or a competent body of his choice; or

- (b) a supplier's declaration of conformity based on a test report issued by a Certification Body ("CB") Testing Laboratory of the other Party under the CB Scheme of the Worldwide System for Conformity Testing and Certification of Electrotechnical Equipment and Components (IECEE) (hereinafter referred to as "IECEE CB Scheme"), accompanied by a valid CB Test Certificate, in accordance with the rules and procedures of the IECEE CB Scheme and the commitments by the Parties thereunder;
or
- (c) a supplier's declaration of conformity based on a test report issued by any testing laboratory or a certificate issued by any certification body in the other Party that has concluded voluntary arrangements for mutual acceptance of test reports or certificates with one or more conformity assessment bodies designated by the importing Party.

The choice among the procedures in this paragraph shall rest with the supplier.

3. The supplier's declaration of conformity shall be in accordance with ISO/IEC 17050. The Parties shall accept the supplier as solely responsible for issuing, changing or withdrawing the declaration of conformity, for establishing the technical documentation which shall enable the assessment of the conformity of the products covered with the applicable technical regulations and for affixing any required markings. The Parties may require that the declaration of conformity is dated and identifies the supplier or the supplier's authorised representative in their territories, the person empowered by the manufacturer or his authorised representative to sign the declaration, the products covered by the declaration, and the applied technical regulations to which conformity is declared.

4. In addition to paragraphs 1 to 3, a Party shall not require any form of registration of products or of suppliers that may prevent or otherwise delay the placing on the market of products that comply with the Party's technical regulations. Insofar as a Party reviews the supplier's declaration, the review shall be solely limited to verifying, on the basis of the documentation submitted, that the test has been done in accordance with the Party's relevant technical regulations and that the information contained in the documentation is complete. Any such review shall not cause undue delay for the placing of the products on the Party's market and the declaration shall be accepted, without exceptions, if the products comply with the Party's technical regulations and the documentation submitted is complete. In the event that a declaration is rejected, the Party shall communicate its decision to the supplier, together with an explanation of the grounds for the rejection. Upon request of the supplier, the Party shall provide information or guidance, as appropriate, on how the shortcomings can be rectified, as well as an explanation of possibilities to appeal the decision.

ARTICLE 5

Safeguard Measures

Notwithstanding Article 4 (Conformity Assessment Procedures), either Party may introduce requirements for mandatory third party testing or certification for EMC or safety of covered products, or introduce administrative procedures for approving or reviewing test reports, for particular covered products under the following conditions:

- (a) there exist compelling reasons related to the protection of human health or safety that justify the introduction of such requirements or procedures, supported by substantiated technical or scientific information;

- (b) any such requirements or procedures are not more trade-restrictive than necessary to fulfil the Party's legitimate objective, taking account of the risks that non-fulfilment would create; and
- (c) the Party could not have reasonably foreseen the need for introducing any such requirements or procedures at the time of entry into force of this Agreement.

Without prejudice to Article 2.10 of the TBT Agreement, before introducing the requirements or procedures, the Party shall notify the other Party and, following consultations, take the comments of the other Party into account, to the greatest extent possible, in devising any such requirements or procedures. Any requirements introduced shall, to the greatest extent possible, be in compliance with this Annex. Once adopted, any requirement or procedure introduced shall be regularly reviewed and repealed if the reasons for its introduction no longer exist.

ARTICLE 6

Exceptions

1. Pursuant to Singapore's agreement to substantially reduce the list of products for which it requires a positive assurance of conformity with its mandatory safety and/or EMC requirements in the form of third party certification, at the time of entry into force of this Agreement, Singapore shall only require such third party certification for the products listed in Appendix 4-A-2.

2. By the entry into force of this Agreement, Singapore shall have undertaken a review of its Consumer Protection (Safety Requirements) Registration Scheme, with a view towards reducing the number of products covered by the scheme and listed in Appendix 4-A-2. The review will examine the necessity of maintaining the scheme in its existing form, or whether the scheme's desired outcomes of ensuring human health and safety in Singapore can be achieved with simplified and more trade-facilitative procedures.¹

3. The review will also include a risk assessment for each of the products covered by the Consumer Protection (Safety Requirements) Registration Scheme, to ascertain whether moving towards post-market surveillance in accordance with paragraph 1 of Article 4 (Conformity Assessment Procedures) or accepting a positive assurance of conformity in accordance with paragraph 2 of Article 4 (Conformity Assessment Procedures) would create unreasonable risks for human health and safety. The risk assessment will be conducted on the basis of available scientific and technical information, such as consumer reports on safety accidents and the non-conformity rate of product inspection. The risk assessment will also consider if the products had been used for their intended end-uses and with reasonable and usual care.

¹ For example, Singapore will review the administrative procedures associated with the Consumer Protection (Safety Requirements) Registration Scheme, including the procedures for accepting and reviewing test reports and certificates of conformity.

4. Depending on the outcome of the review, Singapore may maintain its requirements for positive assurance of conformity by means of third party certification for those products covered by the Consumer Protection (Safety Requirements) Registration Scheme and listed in Appendix 4-A-2 for which the results of the risk assessment referred to in paragraph 3 demonstrate that adopting the procedures in paragraph 2 of Article 4 (Conformity Assessment Procedures) would create unreasonable risks for human health and safety, and/or the post-market surveillance system set up cannot effectively address such risks.
5. Singapore shall table the risk assessment for discussion at the first meeting of the Committee on Trade in Goods. As a result of the review carried out by Singapore, the Parties may, by decision in the Committee on Trade and Goods, modify Appendix 4-A-2 as appropriate.
6. Insofar as Singapore continues to require positive assurance of conformity with its mandatory safety and/or EMC requirements in the form of third party certification for covered products, Singapore shall accept a certificate of conformity to its technical regulations issued by a conformity assessment body in the Union that has been designated by Singapore.¹ Singapore shall also ensure that the conformity assessment bodies designated by Singapore accept, for the purposes of issuing such certification, test reports issued:
 - (a) by one of the Recognised CB Testing Laboratories or Recognised CB Manufacturer's Testing Laboratories of the Union, in accordance with the rules and procedures of the IECEE CB Scheme and the commitments of the Parties thereunder;

¹ Singapore shall comply with this requirement within three years of the entry into force of this Agreement.

- (b) in accordance with relevant international standards, guides and recommendations (including ISO/IEC 17025), by any testing laboratory of the Union that has been accredited by an accreditation body which is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation or one of its regional bodies' mutual recognition agreements to which Singapore is a Party; or
 - (c) by any testing laboratory in the Union that has concluded voluntary arrangements for mutual acceptance of test reports with one or more conformity assessment bodies designated by Singapore.
7. Five years after the entry into force of this Agreement and thereafter at regular intervals not exceeding five years, Singapore shall review Appendix 4-A-2 again, with the aim of reducing the number of products listed therein. This and other subsequent reviews shall be carried out in accordance with the risk assessment laid out in paragraph 3. Singapore shall submit the risk assessment for discussion at the Committee on Trade in Goods.
8. As a result of the review carried out by Singapore, the Parties may, by decision in the Committee on Trade and Goods, modify Appendix 4-A-2 as appropriate.

ARTICLE 7

Joint Cooperation

1. The Parties shall closely cooperate to promote common understanding on regulatory issues and consider any request of the other Party regarding the implementation of this Annex.
2. This cooperation shall take place within the framework of the Committee on Trade in Goods.

SCOPE

1. Annex 4-A shall cover those products listed in paragraph 2 of Article 1 (General Provisions) of Annex 4-A which:
 - (a) in the case of the Union's obligations, fall, at the date of signature of this Agreement, within the scope of Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (codified version), or Directive 2004/108/EC of the European Parliament and of the Council of 15 December 2004 on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing 89/336/EEC, or of the provisions on safety or electromagnetic compatibility of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 (codified version) on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity;

For products under the scope of Directive 1999/5/EC, the Union shall be able to require additional requirements, other than safety and EMC, in accordance with Article 3 of that Directive.

Where a supplier has not applied or has only applied in part the harmonised standards referred to in paragraph 1 of Article 5 of Directive 1999/5/EC, radio equipment within the scope of paragraph 5 of Article 10 of Directive 1999/5/EC shall be subject to the procedures described in either of Annexes IV or V of Directive 1999/5/EC, at the choice of the supplier. Where the supplier's declaration of conformity has to be accompanied by test reports, the supplier may use the procedures described in subparagraphs 2(b) and 2(c) of Article 4 (Conformity Assessment Procedures) of Annex 4-A.

and

- (b) in the case of Singapore's obligations, fall, at the date of signature of this Agreement, within the scope of the Consumer Protection (Consumer Goods Safety Requirements) Regulations 2011, the Consumer Protection (Safety Requirements) Regulations 2004, the Telecommunications Act, Cap. 323 and the Telecommunications (Dealers) Regulations 2004.

For products under the Telecommunications Act, Cap. 323 and the Telecommunications (Dealers) Regulations 2004, Singapore shall be able to require additional requirements, other than safety and EMC.

2. The Parties understand that the products covered by the domestic laws listed in this Appendix, which include all the products to which Annex 4-A applies, are intended to cover the universe of electronics products. It is understood that in case a product is not covered by Annex 4-A for a Party but is covered for the other Party, or at the time of signature of this Agreement or subsequently, is subject to mandatory third party certification by a Party but not by the other Party, the other Party can subject such product to a similar treatment as may be necessary for the protection of human health and safety. Before such measures are implemented, the Party wishing to introduce them shall notify the other Party of its intentions and provide for a period of three months for consultations.

PRODUCT CATEGORIES

Cooking range intended for household use namely a device for cooking and includes separate stationary ovens and grills, cooking table cookers, hob elements, grills and griddles which form part of cooking ranges, and ovens and grills for installation in walls except a cooking range having a mass of less than 18 kg.

Hairdryer, namely, an electrically operated appliance intended to be used for the drying of hair of persons and incorporating heating elements.

High-fidelity set, namely, an electronic device for reproduction of sounds, with little distortion, connected to the supply mains as the only energy source intended for domestic and similar general indoor use with a rated supply voltage not exceeding 250 volts rms.

Audio product (other than a High-fidelity set), namely, an electronic device for the reproduction of sound, connected to the supply mains, either directly or indirectly.

Iron, namely, an electrically operated appliance with a heated soleplate for ironing of clothes, for household and similar purposes.

Kettle, namely, an electrically operated household appliance for heating of water for consumption, having a rated capacity not exceeding 10 litres.

Microwave oven, namely, an electrically operated appliance for heating food and beverages using electromagnetic energy (microwaves) in one or more of the I.S.M. frequency bands between 300 MHz and 30 GHz and intended for household use. These appliances may also incorporate a browning function.

Rice cooker, namely, an electrically operated household appliance for cooking rice.

Refrigerator, namely, a self-contained assembly consisting of a thermally insulated cabinet for the storage and preservation of foodstuffs above 0°C (32°F) and of a refrigerating unit operating on the vapour compression principle and arranged to extract heat from within the cabinet, whether or not with one or more freezer compartments.

Room air-conditioner, namely, a self-contained assembly designed as a unit, primarily for mounting in a window or through the wall or as a console. It is designed primarily to provide free delivery of conditioned air to an enclosed space, room or zone (conditioned space). It includes a prime source of refrigeration for cooling and dehumidification and means for the circulation and the cleaning of air, and a drain arrangement for collecting or disposing any condensate. It may also include means for humidifying, ventilating or exhausting air.

Table or standing fan", namely, an electrically operated appliance for agitating the air, and their associated regulator intended for use on single-phase a.c. and d.c. circuits not exceeding 250 volts and intended for household use and similar purposes.

Television or video display unit, namely, an electronic device for receiving and displaying information from a transmitting station or local source, connected to the supply mains, either directly or indirectly, and intended for domestic and similar general indoor use, other than a cathode ray tube television receiver.

Vacuum cleaner, namely, a machine which removes dirt and dust by the suction produced by a motor-driven air pump and intended for household use and similar purposes.

Washing machine, namely, an electrically operated appliance intended for washing clothes and textiles (whether or not with means for water heating), for water extraction or for drying.

Table lamp or standing lamp, namely, a portable general purpose luminaire, other than handlamps, for use with tungsten filament, tubular fluorescent and other discharge lamps connected to the supply mains, either directly or indirectly.

Toaster, grill, roaster, hotplate and similar appliances, namely, electric appliances connected to the supply mains, which make use of direct or indirect (e.g. heated medium such as air and cooking oil) heat for food preparation and intended for household use.

Wall fan or ceiling fan, namely, an electric fan and its associated regulator intended for mounting on the wall or ceiling and for use on a single phase a.c. and d.c. circuit not exceeding 250 volts for household and similar purposes.

Adaptor, namely, a device designed to supply a.c. or d.c. power from an a.c. or d.c. source, either by itself or as part of an accessory, for applications such as computers, telecommunication equipment, home entertainment equipment or toys.

Coffee maker, slow cooker, steam boat and similar appliances, namely, electrically operated appliances that heats up water to high temperatures in the course of food and beverage preparation.

Laser disc set, namely, an electronic device for video recording and play-back or for play-back only, connected to the supply mains, either directly or indirectly, and intended for domestic and similar general indoor use, other than a laser disc (LD) player or video.

Mixer, blender, mincer and similar appliances, namely, electrically operated machines for food and beverage preparation and intended for household use.

Air cooler, namely, an electrically operated appliance for agitating the air equipped to use water as a cooling medium and its associated regulator intended for use on single phase a.c. and d.c. circuits not exceeding 250 volts for household and similar purposes.

Home computer system (inclusive of monitor, printer, speaker and other mains operated accessories), namely, a microprocessor based data system with compact, local computing and calculating power on high definition graphics and with flexible data communication interfacing.

Decorative lighting fixture, namely, lighting chains fitted with a series or parallel connected incandescent lamps for use either indoors or outdoors on supply voltages not exceeding 250 volts.

3-pin rectangular type 13-amp plug, namely, a portable fused device having projecting pins designed to engage with the contacts of a corresponding socket-outlet. A plug also incorporates means for the electrical connection and the mechanical retention of a suitable flexible cord.

Fuse (13-amp or less) for use in a plug, namely, a device that, by the fusion of one or more of its specially designed and proportioned components, opens the circuit in which it is inserted and breaks the current when this exceeds a given value for a sufficient time. The fuse comprises all the parts that form the complete device.

3-pin round type 15-amp plug, namely, a device carrying 3 metallic plug pins substantially cylindrical in form intended for engagements with corresponding socket contacts arranged for connection to a suitable flexible cord.

Multi-way adaptor, namely, an adaptor having more than one set of socket contacts (the socket contacts may or may not be of the same type or rating as the plug pin portion).

3-pin portable socket-outlet, namely, an accessory having a set of 3 socket-contacts designed to engage with the pins of a corresponding plug and having means for the electrical connection of appropriate cables or flexible cords, for connection to, or integral with, a flexible cord, and which can be easily moved from one place to another while connected to the supply.

Portable cable reel, namely, a device comprising a flexible cable or cord attached to a reel so constructed that the flexible cable may be completely wound onto the reel, and provided with a plug and one or more socket outlets.

Instantaneous electric water heater, namely, an electrically operated stationary appliance for household and similar purposes and intended for heating water below boiling temperature with its rated voltage not more than 250 V for single-phase appliances and 480 V for other appliances.

Mains pressure electric storage water heater, namely, an electrically operated stationary appliance for household and similar purposes and intended for storing and heating water below boiling temperature with its rated voltage not more than 250 V for single-phase appliances and 480 V for other appliances.

Residual Current Circuit Breaker (RCCB), namely, a device intended to protect persons against indirect contact, the exposed conductive parts of the installation being connected to an appropriate earth electrode.

3-pin 13-Ampere Socket-outlet, namely, a 13A shuttered socket-outlet in single or multiple arrangements with associated controlling switches, for flush mounting in suitable box or for surface or panel mounting. The socket-outlet is suitable for the connection of portable appliances, sound-vision equipment, luminaries, etc., in a.c. circuits only operating at voltage not exceeding 250 V r.m.s at 50 Hz.

3-pin round type 15-ampere Socket-outlet, namely, a 15A shuttered socket-outlet which contains switch connected between the current carrying contact of the socket-outlet and the relevant supply terminal for flush mounting in suitable box or for surface or panel mounting.

The socket-outlet is suitable for the connection of electrical appliances in a.c. circuits only operating at voltage not exceeding 250 V r.m.s at 50 Hz.

Domestic electric wall switch, namely, a manually operated general purpose switch for a.c. only with a rated voltage not exceeding 440V and a rated current not exceeding 63A, intended for household and similar fixed-electrical installations, either indoors or outdoors.

Ballast for tubular fluorescent lamp, namely, a unit inserted between the supply and one or more fluorescent lamps which, by means of inductance, capacitance, or a combination of inductance and capacitance or electronic circuitry, serves mainly to limit the current of the lamp(s) to the required value.

Isolating Transformer for downlight fitting, namely, a transformer with input and output windings of which are electrically separated to limit hazards due to accidental simultaneous contact with earth and live parts or metal parts which may become live in the event of an insulation failure.

DEFINITIONS

For the purposes of Annex 4-A, the following definitions shall apply:

"safety of electrical equipment" means that equipment, having been constructed in accordance with good engineering practice in safety matters, does not endanger the safety of persons, domestic animals or property when properly installed, maintained and used in applications for which it was made;

"electromagnetic compatibility" means that equipment shall be designed and manufactured, having regard to the state of the art, so as to ensure that:

- (a) the electromagnetic disturbance generated does not exceed the level above which radio and telecommunications equipment or other equipment cannot operate as intended; and
- (b) it has a level of immunity to the electromagnetic disturbance to be expected in its intended use which allows it to operate without unacceptable degradation of its intended use.

"electromagnetic disturbance" means any electromagnetic phenomenon which may degrade the performance of equipment, including electromagnetic noise, an unwanted signal or a change in the propagation medium itself;

"immunity" means the ability of equipment to perform as intended without degradation in the presence of an electromagnetic disturbance;

"declaration of conformity" means issuance of a statement, based on a decision following review, that fulfilment of specified requirements has been demonstrated;

"supplier" means manufacturer, or his or her authorised representative in the territory of the importing Party. Where neither is present in the territory of the importing Party, the responsibility for the presentation of the supplier's declaration shall rest with the importer;

"testing laboratory" means a conformity assessment body that performs testing services and has received attestation conveying formal demonstration of its competence to carry out these specific tasks.

The definitions of "standard", "technical regulation" and "conformity assessment procedures" are those provided in Annex I of the TBT Agreement.