Protocol on the mutual acceptance of the results of conformity assessment

Article 1

Definitions

Except as otherwise provided, the definitions contained in Annex 1 to the TBT Agreement apply to this Protocol. However, the definitions contained in the sixth edition of the ISO/IEC Guide 2: 1991 General Terms and Their Definitions Concerning Standardization and Related Activities do not apply to this Protocol. The following additional definitions also apply:

accreditation means third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;

accreditation body means an authoritative body that performs accreditation[1];

attestation means the issuing of a statement based on a decision following review, that fulfilment of specified technical requirements has been demonstrated;

Canadian technical regulation means a technical regulation of Canada's national government or of one or more of its provinces and territories;

conformity assessment means a process to determine whether relevant requirements in technical regulations have been fulfilled. For the purpose of this Protocol, conformity assessment does not include accreditation;

[1] The authority of an accreditation body is generally derived from government.

conformity assessment body means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

Decision 768/2008/EC means Decision 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC;

European Union technical regulation means a technical regulation of the European Union and any measure adopted by a Member State implementing a Directive of the European Union;

in-house body means a conformity assessment body that performs conformity assessment activities for the entity of which it forms a part, such as, in the case of the European Union and its Member States, an accredited in-house body fulfilling the requirements in Article R21 of Annex I to Decision 768/2008/EC or the corresponding requirements in a successor instrument;

legitimate objective has the same meaning as under Article 2.2 of the TBT Agreement;

Mutual Recognition Agreement means the *Agreement on Mutual Recognition between the European Community and Canada*, done at London on 14 May 1998;

third-party conformity assessment means conformity assessment that is performed by a person or body that is independent of the person or organization that provides the product, and of user interests in that product;

third-party conformity assessment body means a conformity assessment body that performs third-party conformity assessments.

Article 2

Scope and exceptions

1. This Protocol applies to those categories of goods listed in Annex 1 for which a Party recognises non-governmental bodies for the purpose of assessing conformity of goods with that Party's technical regulations.

2. Within three years of the entry into force of this Agreement, the Parties shall consult with a view to broadening the scope of application of this Protocol by modifying Annex 1, to include additional categories of goods for which a Party has recognised non-governmental bodies for the purpose of assessing conformity of those goods with that Party's technical regulations on or before the entry into force of this Agreement. Priority categories of goods for consideration are set out in Annex 2.

3. The Parties shall give positive consideration to making this Protocol applicable to additional categories of goods which may become subject to third-party conformity assessment by recognised non-governmental bodies pursuant to technical regulations adopted by a Party after the date of entry into force of this Agreement. To that end, the Party shall promptly notify the other Party, in writing, of any such technical regulation that is adopted after the entry into force of this Agreement. If the other Party expresses an interest in including a new category of goods in Annex 1 but the notifying Party does not agree to it, the notifying Party shall provide to the other Party, upon request, the reasons that justify its refusal to expand the scope of the Protocol.

4. If the Parties decide in accordance with paragraphs 2 or 3 to include additional categories of goods in Annex 1, they shall request the Committee on Trade in Goods, pursuant to Article 18(c), to make recommendations to the CETA Joint Committee to amend Annex 1.

5. This Protocol does not apply:

   (a) to sanitary and phytosanitary measures as defined in Annex A to the SPS Agreement;

   (b) to purchasing specifications prepared by a governmental body for production or consumption requirements of that body;

   (c) to activities performed by a non-governmental body on behalf of a market surveillance or enforcement authority for post-market surveillance and enforcement, except as provided for in Article 11;

   (d) if a Party has delegated exclusive authority to a single non-governmental body to assess conformity of goods with that Party's technical regulations;

   (e) to agricultural goods;

   (f) to the assessment of aviation safety, whether or not it is covered under the Agreement on *Civil Aviation Safety between Canada and the European Community*, done at Prague on 6 May 2009; and

   (g) to the statutory inspection and certification of vessels other than recreational craft.

6. This Protocol does not require the recognition or acceptance by a Party that the other Party's technical regulations are equivalent to its own.

7. This Protocol does not limit the ability of a Party to prepare, adopt, apply or amend conformity assessment procedures in accordance with Article 5 of the TBT Agreement.

8. This Protocol does not affect or modify the laws or obligations in the territory of a Party applicable to civil liability.

Article 3

Recognition of conformity assessment bodies

1. Canada shall recognise a conformity assessment body established in the European Union as competent to assess conformity with specific Canadian technical regulations, under conditions no less favourable than those applied for the recognition of conformity assessment bodies established in Canada, provided that the following conditions are met:

   (a) the conformity assessment body is accredited, by an accreditation body recognised by Canada, as competent to assess conformity with those specific Canadian technical regulations; or

   (b) (i) the conformity assessment body established in the European Union is accredited, by an accreditation body that is recognised pursuant to Article 12 or Article 15, as competent to assess conformity with those specific Canadian technical regulations;

(ii) the conformity assessment body established in the European Union is designated by a Member State of the European Union in accordance with the procedures set out in Article 5;

(iii) there are no unresolved objections pursuant to Article 6;

(iv) the designation made in accordance with the procedures set out in Article 5 is not withdrawn by a Member State of the European Union; and

(v) after the expiry of the 30 day period of time referred to in Article 6.1 or 6.2, the conformity assessment body established in the European Union continues to meet all the conditions described in Article 5.5.

2. The European Union shall recognise a third-party conformity assessment body established in Canada as competent to assess conformity with specific European Union technical regulations, under conditions no less favourable than those applied for the recognition of third-party conformity assessment bodies established in the European Union, provided that the following conditions are met:

(a) (i) the conformity assessment body is accredited, by an accreditation body appointed by one of the Member States of the European Union, as competent to assess conformity with those specific European Union technical regulations;

(ii) the third-party conformity assessment body established in Canada is designated by Canada in accordance with the procedures set out in Article 5;

(iii) there are no unresolved objections pursuant to Article 6;

(iv) the designation made in accordance with the procedures set out Article 5 is not withdrawn by Canada; and

(v) after the expiry of the 30 day period of time referred to in Article 6.1 or 6.2, the third-party conformity assessment body established in Canada continues to meet all the conditions described in Article 5.2; or

(b) (i) the third-party conformity assessment body established in Canada is accredited, by an accreditation body that is recognised pursuant to Article 12 or 15, as competent to assess conformity with those specific European Union technical regulations;

(ii) the third-party conformity assessment body established in Canada is designated by Canada in accordance with the procedures set out in Article 5;

(iii) there are no unresolved objections pursuant to Article 6;

(iv) the designation made in accordance with the procedures set out Article 5 is not withdrawn by Canada; and

(v) after the expiry of the 30 day period of time referred to in Article 6.1 or 6.2, the third-party conformity assessment body established in Canada continues to meet all the conditions described in Article 5.2.

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3. Each Party shall maintain and publish a list of recognised conformity assessment bodies which includes the scope for which each body is recognised. The European Union shall assign an identification number to conformity assessment bodies established in Canada that are recognised under this Protocol, and shall list those conformity assessment bodies in the information system of the European Union, namely the New Approach Notified and Designated Organisations ("NANDO") or a successor system.

Article 4

Accreditation of conformity assessment bodies

The Parties recognise that a conformity assessment body should seek accreditation from an accreditation body that is in the territory in which the conformity assessment body is established, provided that that accreditation body has been recognised pursuant to Article 12 or 15 as able to grant the specific accreditation sought by the conformity assessment body. If there is no accreditation body in the territory of a Party that is recognised pursuant to Article 12 or 15 as able to grant a specific accreditation sought by a conformity assessment body established in the territory of that Party, then:

(a) each Party shall take such reasonable measures as may be available to it to ensure that accreditation bodies in its territory accredit conformity assessment bodies established in the territory of the other Party under conditions no less favourable than those applied to conformity assessment bodies established in its territory;

(b) a Party shall not adopt or maintain measures which limit the ability of accreditation bodies in its territory to accredit, or discourage those accreditation bodies from accrediting, on conditions no less favourable than those applied for the accreditation of conformity assessment bodies established in the recognising Party's territory, conformity assessment bodies established in the territory of the other Party;

(c) a Party shall not adopt or maintain measures requiring or encouraging accreditation bodies in its territory to apply conditions for the accreditation of conformity assessment bodies in the territory of the other Party that are less favourable than those applied for the accreditation of conformity assessment bodies in its territory.

Article 5

Designation of conformity assessment bodies

1. A Party shall designate a conformity assessment body by notifying the contact point of the other Party and sending to that contact point the information described in Annex 3. The European Union shall allow Canada to use the European Union's electronic notification tool for those purposes.

2. Canada shall only designate a conformity assessment body that meets the following conditions and shall take reasonable measures to ensure that the conditions continue to be met:

(a) the conformity assessment body meets the requirements set out in Article R17 of Annex I to Decision 768/2008/EC, or the corresponding requirements in successor instruments, except that establishment under national law is interpreted as meaning Canadian law for the purposes of this Protocol; and

(b) (i) the conformity assessment body is accredited, by an accreditation body appointed by a Member State of the European Union, as competent to assess conformity with the European Union technical regulations for which the conformity assessment body is being designated; or

(ii) the conformity assessment body is accredited, by an accreditation body established in Canada that is recognised pursuant to Articles 12 or 15, as competent to assess conformity with the European Union technical regulations for which the conformity assessment body is being designated.

3. The Parties shall deem the applicable requirements of Article R17 of Annex I to Decision 768/2008/EC to be met when the conformity assessment body is accredited pursuant to either procedure described in subparagraph 2(b) and if the accreditation body requires, as a condition for granting the accreditation, that the conformity assessment body meet requirements equivalent to the applicable requirements of Article R17 of Annex I to Decision 768/2008/EC or the corresponding requirements in successor instruments.

4. If the European Union considers revising the requirements set out in Article R17 of Annex I to Decision 768/2008/EC, it shall consult Canada at the earliest stage of, and throughout, the review process with a view to ensuring that conformity assessment bodies in the territory of Canada continue to meet any revised requirements on no less favourable conditions than conformity assessment bodies in the territory of the European Union.

5. A Member State of the European Union shall only designate a conformity assessment body that meets the following conditions and shall take reasonable measures to ensure that the conditions continue to be met:

   (a) the conformity assessment body is established in the territory of the Member State; and

   (b) (i) the conformity assessment body is accredited, by an accreditation body recognised by Canada, as competent to assess conformity with the Canadian technical regulations for which the conformity assessment body is being designated; or

   (ii) the conformity assessment body is accredited, by an accreditation body established in the European Union that has been recognised pursuant to Article 12 or 15, as competent to assess conformity with the Canadian technical regulations for which the conformity assessment body is being designated.

6. A Party may refuse to recognise a conformity assessment body that does not meet the conditions in paragraph 2 or 5, as the case may be.

Article 6

Objections to the designation of conformity assessment bodies

1. A Party may object to the designation of a conformity assessment body, within 30 days of the notification by the other Party pursuant to Article 5.1, if:

   (a) the Party which designated the conformity assessment body failed to provide the information described in Annex 3; or

   (b) the Party has reasons to believe that the conformity assessment body that is designated does not meet the conditions described in Article 5.2 or 5.5.

2. Following any subsequent transmission of information by the other Party, a Party may object within 30 days of the receipt of that information, if the information remains insufficient to demonstrate that the designated conformity assessment body meets the conditions described in Article 5.2 or 5.5.

Article 7

Challenges to designations of conformity assessment bodies

1. A Party which has recognised a conformity assessment body under this Protocol may challenge the competence of that conformity assessment body if:

   (a) the Party which designated the conformity assessment body failed to take the actions required by Article 11.3, following a notification by the other Party of the non-conformity with applicable technical regulations of a product that had been assessed as being in conformity with these technical regulations by that conformity assessment body; or

   (b) the Party has reasons to believe that the results of conformity assessment activities performed by that conformity assessment body do not provide sufficient assurances that the products assessed by that body as conforming with applicable technical regulations are in fact in conformity with these technical regulations.

2. A Party which challenges the competence of a recognised conformity assessment body under this Protocol shall immediately notify the Party which designated the conformity assessment body of the challenge, and provide the reasons for the challenge.

3. A Party that:

   (a) has challenged the competence of a recognised conformity assessment body under this Protocol; and

(b) has well-founded reasons to believe that the products assessed to be in conformity with applicable technical regulations by that conformity assessment body may fail to conform to its technical regulations,

may refuse to accept the results of that conformity assessment body's conformity assessment activities until the challenge is resolved or the recognising Party has ceased to recognise the conformity assessment body in accordance with paragraph 5.

4. The Parties shall cooperate and make reasonable efforts to resolve the challenge promptly.

5. Without prejudice to paragraph 3, the recognising Party may cease to recognise the conformity assessment body whose competence is challenged if:

(a) the Parties resolve the challenge by concluding that the recognising Party has raised valid concerns as to the competence of the conformity assessment body;

(b) the Party which designated the conformity assessment body failed to complete the actions required by Article 11.3 within 60 days after being notified pursuant to subparagraph 1(a); or

(c) the recognising Party objectively demonstrates to the other Party that the results of conformity assessment activities performed by that conformity assessment body do not provide sufficient assurance that the products assessed by it as conforming with the applicable technical regulations are in fact in conformity with these technical regulations; and

(d) the challenge has not been resolved within 120 days after the Party that had designated the conformity assessment body has been notified of the challenge pursuant to paragraph 1.

Article 8

Withdrawals of conformity assessment bodies

1. A Party shall withdraw the designation, or modify the scope of the designation, as appropriate, of a conformity assessment body it has designated if the Party becomes aware that:

(a) the conformity assessment body's scope of accreditation has been reduced;

(b) the conformity assessment body's accreditation lapses;

(c) the conformity assessment body no longer meets the other conditions described in Article 5.2 or 5.5; or

(d) the conformity assessment body is no longer willing, or is otherwise no longer competent or able, to assess conformity within the scope for which it was designated.

2. A Party shall notify the other Party, in writing, of a withdrawal or modification of the scope of a designation under paragraph 1.

3. When a Party withdraws the designation or modifies the scope of the designation of a conformity assessment body owing to concerns about the competence or the continued fulfilment by that conformity assessment body of the requirements and responsibilities to which it is subject under Article 5, it shall communicate the reasons for its decision in writing to the other Party.

4. When communicating with the other Party, a Party shall indicate the date as of which it considers that any of the conditions or concerns enumerated under paragraphs 1 or 3 may have applied to the conformity assessment body.

5. Without prejudice to Article 7.5, the recognising Party may immediately cease to recognise a conformity assessment body as competent if:

   (a) the conformity assessment body's accreditation lapses;

   (b) the conformity assessment body voluntarily withdraws its recognition;

   (c) the designation of the conformity assessment body is withdrawn pursuant to this Article;

   (d) the conformity assessment body ceases to be established in the territory of the other Party; or

   (e) the recognising Party ceases to recognise the accreditation body that accredited the conformity assessment body pursuant to Article 13 or 14.

Article 9

Acceptance of the results of conformity assessment by recognised conformity assessment bodies

1. A Party shall accept the results of conformity assessment activities performed by conformity assessment bodies established in the other Party's territory which the Party recognises in accordance with Article 3 under conditions no less favourable than those applied to the results of conformity assessment activities performed by recognised conformity assessment bodies in its territory. The Party shall accept these results regardless of the nationality and location of the supplier or manufacturer, or of the country of origin of the product for which the conformity assessment activities are performed.

2. If a Party has ceased to recognise a conformity assessment body established in the territory of the other Party, it may cease to accept the results of conformity assessment activities performed by that conformity assessment body from the date when it ceased to recognise that conformity assessment body. Unless the Party has reasons to believe that the conformity assessment body established in the territory of the other Party was not competent to assess conformity of products with the technical regulations of the Party prior to the date when the Party ceased to recognise that conformity assessment body, the Party shall continue to accept the results of conformity assessment activities performed by that conformity assessment body prior to the date when the Party ceased to recognise the conformity assessment body, even though the products may have been placed on the market of the Party after that date.

Article 10

Acceptance of results of conformity assessment by in-house bodies established in Canada

1. The European Union shall accept the results of conformity assessment activities performed by an accredited in-house body established in Canada under conditions no less favourable than those applied to the results of conformity assessment activities performed by an accredited in-house body established in the territory of one of the Member States of the European Union, provided that:

   (a) the in-house body established in Canada is accredited, by an accreditation body that has been appointed by one of the Member States of the European Union, as competent to assess conformity with those technical regulations; or

   (b) the in-house body established in Canada is accredited, by an accreditation body that has been recognised pursuant to Article 12 or 15 as competent to assess conformity with those technical regulations.

2. If, at the date of entry into force of this Agreement, Canada has no conformity assessment procedure providing for conformity assessment activities to be performed by in-house bodies and after the date of entry into force of this Agreement, Canada considers developing conformity assessment procedures providing for conformity assessment activities to be performed by in-house bodies, it shall consult the European Union at the earliest stage of, and throughout the rule-making process with a view to ensuring that in-house bodies established in the European Union can meet any requirements laid down in those provisions on no less favourable conditions than in-house bodies established in Canada.

3. Results pursuant to paragraphs 1 and 2 shall be accepted regardless of the country of origin of the product for which the conformity assessment activities were performed.

Article 11

Market surveillance, enforcement and safeguards

1. Except for customs procedures, a Party shall ensure that activities performed by market surveillance or enforcement authorities for the inspection or verification of conformity with applicable technical regulations for products assessed by a recognised conformity assessment body established in the territory of the other Party or an in-house body which meets the conditions of Article 10, are conducted under conditions no less favourable than those conducted with respect to products assessed by conformity assessment bodies in the territory of the recognising Party. The Parties shall co-operate as necessary in the conduct of these activities.

2. If a product's placement or use on the market could compromise the fulfilment of a legitimate objective, a Party may adopt or maintain measures with respect to that product provided that they are consistent with this Agreement. These measures can include withdrawing the product from the market, prohibiting its placement or use on the market or restricting its movement on the market. A Party that adopts or maintains such measures shall promptly inform the other Party and, at the request of the other Party, provide its reasons for adopting or maintaining these measures.

3. A Party shall, upon receipt of a written complaint by the other Party, which must be supported by evidence, that products assessed by a conformity assessment body that the Party designated do not comply with applicable technical regulations:

   (a) promptly seek additional information from the designated conformity assessment body, its accreditation body and relevant operators when necessary;

   (b) investigate the complaint; and

   (c) provide the other Party with a written reply to the complaint.

4. A Party may take the actions in paragraph 3 through an accreditation body.

Article 12

Recognition of accreditation bodies

1. A Party ("recognising Party") may, in accordance with the procedure described under paragraphs 2 and 3, recognise an accreditation body established in the territory of the other Party ("nominating Party") as competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognising Party.

2. The nominating Party may request that the other Party recognise an accreditation body established on its territory as competent by providing a notification to the recognising Party that includes the following information regarding that accreditation body ("nominated accreditation body"):

(a) its name, address and contact details;

(b) evidence that its authority is derived from the government;

(c) whether it acts on a non-commercial and non-competitive basis;

(d) evidence of its independence from the conformity assessment bodies it assesses and from commercial pressures, in order to ensure that no conflicts of interest with conformity assessment bodies occur;

(e) evidence that it is organised and operated so as to safeguard the objectivity and impartiality of its activities and the confidentiality of the information it obtains;

(f) evidence that each decision relating to the attestation of competence of conformity assessment bodies is taken by a competent person different from those who carry out the assessment;

(g) the scope for which its recognition is requested;

(h) evidence of its competence to accredit conformity assessment bodies within the scope for which its recognition is requested, referring to applicable international standards, guides and recommendations, and applicable European or Canadian standards, technical regulations and conformity assessment procedures;

(i) evidence of its internal procedures to ensure efficient management and appropriate internal controls, including the procedures in place for documenting the duties, responsibilities and authorities of personnel who can affect the quality of the assessment as well as the attestation of competence;

(j) evidence of the number of competent personnel at its disposal, which should be sufficient for the proper performance of its tasks, and of the procedures in place for monitoring the performance and competence of the personnel involved in the accreditation process;

(k) whether or not it is appointed for the scope for which its recognition is requested in the territory of the nominating Party;

(l) evidence of its status as a signatory to the International Laboratory Accreditation Cooperation ("ILAC") or International Accreditation Forum ("IAF") multilateral recognition arrangements and to any related regional recognition arrangements; and

(m) any other information that the Parties may decide is necessary.

3. The Parties recognise that differences may exist between their respective standards, technical regulations and conformity assessment procedures. When such differences exist, the recognising Party may seek to satisfy itself that the nominated accreditation body is competent to accredit conformity assessment bodies as competent to assess conformity with the relevant technical regulations of the recognising Party. The recognising Party may satisfy itself based on the following:

   (a) an arrangement establishing cooperation between the European and Canadian accreditation systems;

   or, in the absence of such an arrangement,

   (b) a cooperation arrangement between the nominated accreditation body and an accreditation body recognised as competent by the recognising Party.

4. Pursuant to a request made under paragraph 2, and subject to paragraph 3, a Party shall recognise a competent accreditation body established in the territory of the other Party under conditions no less favourable than those applied to the recognition of accreditation bodies established in its territory.

5. The recognising Party shall respond in writing within 60 days to a request made under paragraph 2, and provide the following information in its response:

   (a) that it recognises the nominating Party's accreditation body as competent to accredit conformity assessment bodies for the scope proposed;

(b) that it will recognise the nominating Party's accreditation body as competent to accredit conformity assessment bodies for the scope proposed following necessary legislative or regulatory amendments. Such a response must include an explanation of the amendments required and an estimate of the period of time required for the entry into force of the amendments;

(c) that the nominating Party failed to provide the information described in paragraph 2. Such a response must include a statement of what information is missing; or

(d) that it does not recognise the nominated accreditation body as competent to accredit conformity assessment bodies for the scope proposed. Such a statement must be justified in an objective and reasoned manner, and state explicitly the conditions under which recognition would be granted.

6. Each Party shall publish the names of the accreditation bodies of the other Party that it recognises, and for each accreditation body, the scope of the technical regulations for which it recognises that accreditation body.

Article 13

Cessation of the recognition of accreditation bodies

If an accreditation body that is recognised by a Party pursuant to Article 12 ceases to be a signatory of a multilateral or regional arrangement referred to in subparagraph (l) of Article 12.2 or of a cooperation arrangement of the type described in Article 12.3, the recognising Party may cease to recognise that accreditation body as competent, as well as any conformity assessment bodies recognised on the basis that they were accredited solely by that accreditation body.

Article 14

Challenges to the recognition of accreditation bodies

1. Without prejudice to Article 13, the recognising Party may challenge the competence of an accreditation body that it has recognised under subparagraphs (a) or (b) of Article 12.5 on the grounds that the accreditation body is no longer competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognising Party. The recognising Party shall immediately notify the nominating Party of the challenge and shall justify its reasons in an objective and reasoned manner.

2. The Parties shall cooperate and make reasonable efforts to promptly resolve the challenge. If a cooperation arrangement referred to in Article 12.3 exists, the Parties shall ensure that the European and Canadian accreditation systems or bodies, referred to in Article 12.3, seek to resolve the challenge on behalf of the Parties.

3. The recognising Party may cease to recognise the nominated accreditation body whose competence is challenged and any conformity assessment bodies recognised on the basis that they were accredited solely by that accreditation body if:

(a) the Parties, including through the European and Canadian accreditation systems, resolve the challenge by concluding that the recognising Party has raised valid concerns as to the competence of the nominated accreditation body; or

(b) the recognising Party objectively demonstrates to the other Party that the accreditation body is no longer competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognising Party; and

(c) the challenge has not been resolved within 120 days after the nominating Party has been notified of the challenge.

Article 15

Recognition of accreditation bodies in the areas of telecommunications and electromagnetic compatibility

For technical regulations related to telecommunications terminal equipment, information technology equipment, apparatus used for radio communication, and electromagnetic compatibility, from the date of entry into force of this Protocol, the accreditation bodies recognised by:

(a) Canada, include:

(i) for test laboratories, any national accreditation body of a Member State of the European Union that is a signatory to the ILAC multilateral recognition arrangement; and

(ii) for certification bodies, any national accreditation body of a Member State of the European Union that is a signatory to the IAF multilateral recognition arrangement;

(b) the European Union, include the Standards Council of Canada, or its successor.

Article 16

Transition from the Mutual Recognition Agreement

The Parties agree that a conformity assessment body which had been designated under the Mutual Recognition Agreement is automatically a recognised conformity assessment body under this Protocol, on the date of entry into force of this Agreement.

Article 17

Communication

1. Each Party shall identify contact points responsible for communications with the other Party related to any matter arising under this Protocol.

2. The contact points may communicate by electronic mail, video-conferencing or other means on which they decide.

Article 18

Management of this Protocol

For the purposes of this Protocol, the functions of the Committee on Trade in Goods established under Article 26.2.1 (a) (Specialised Committees) include:

(a) managing the implementation of this Protocol;

(b) addressing any matter that a Party may raise related to this Protocol;

(c) developing recommendations for amendments to this Protocol for consideration by the CETA Joint Committee;

(d) taking any other step that the Parties consider will assist them in implementing this Protocol; and

(e) reporting to the CETA Joint Committee on the implementation of this Protocol, as appropriate.

ANNEX 1

PRODUCT COVERAGE

(a) Electrical and electronic equipment, including electrical installations and appliances, and related components;

(b) Radio and telecommunications terminal equipment;

(c) Electromagnetic compatibility (EMC);

(d) Toys;

(e) Construction products;

(f) Machinery, including parts, components, including safety components, interchangeable equipment, and assemblies of machines;

(g) Measuring instruments;

(h) Hot-water boilers, including related appliances;

(i) Equipment, machines, apparatus, devices, control components, protection systems, safety devices, controlling devices and regulating devices, and related instrumentation and prevention and detection systems for use in potentially explosive atmospheres (ATEX equipment);

(j) Equipment for use outdoors as it relates to noise emission in the environment; and

(k) Recreational craft, including their components.

ANNEX 2

PRIORITY CATEGORIES OF GOODS FOR CONSIDERATION FOR INCLUSION IN ANNEX 1 PURSUANT TO ARTICLE 2.2

(a) Medical devices including accessories;

(b) Pressure equipment, including vessels, piping, accessories and assemblies;

(c) Appliances burning gaseous fuels, including related fittings;

(d) Personal protective equipment;

(e) Rail systems, subsystems and interoperability constituents; and

(f) Equipment placed on board a ship

ANNEX 3

INFORMATION TO BE INCLUDED AS PART OF A DESIGNATION

The information that a Party must provide when designating a conformity assessment body is as follows:

(a) in all cases:

(i) the scope of designation (not to exceed that body's scope of accreditation);

(ii) the accreditation certificate and the related scope of accreditation;

(iii) the body's address and contact information; and

(b) when a Member State of the European Union designates a certification body, except for in regards to the technical regulations described in Article 15:

(i) the certification body's registered certification mark, including the qualifying statement[1]; and

[1] The qualifying statement normally takes the form of a small "c" placed beside the certification body's registered certification mark to indicate that a product conforms with applicable Canadian technical regulations.

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(c) when a Member State of the European Union designates a conformity assessment body in regards to technical regulations described in Article 15:

(i) in the case of a certification body:

(A) its unique identifier[2];

(B) an application for recognition signed by the body in accordance with CB-01 (Requirements for Certification Bodies), or its successor; and

(C) a cross reference checklist completed by the body with evidence that it meets the applicable recognition criteria in accordance with CB-02 (Recognition Criteria, and Administrative and Operational Requirements Applicable to Certification Bodies (CB) for the Certification of Radio Apparatus to Industry Canada's Standards and Specifications), or its successor; and

[2] A unique six-character identifier comprised of two letters (usually the ISO 3166 country code) followed by four numbers.

(ii) in the case of a testing laboratory:

(A) its unique identifier; and

(B) an application for recognition signed by the body in accordance with REC-LAB (Procedure for the Recognition of Designated Foreign Testing Laboratories by Industry Canada), or its successor; and

(d) any other information as may be jointly decided upon by the Parties.

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