



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Policy, Regulation and Implementation

Single Market Policy, Mutual Recognition and Surveillance

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To: MS Designating Authorities

Subject: Comprehensive Economic and Trade Agreement between the EU and Canada (CETA) – Protocol on Conformity Assessment

The Comprehensive Economic and Trade Agreement between Canada and the EU and its Member States (CETA) contains, under Annex 1, the Protocol on Conformity Assessment - hereafter 'the Protocol'. On the day of entry into provisional application of CETA, set for 21 September 2017, the Protocol will replace the Mutual Recognition Agreement between the EU and Canada. For the text of the Protocol, please see <http://data.consilium.europa.eu/doc/document/ST-10973-2016-ADD-7/en/pdf>.

The Protocol relies on **accreditation**, and on closer cooperation between the EU and Canadian accreditation systems, as the **means to create mutual confidence** in the technical competence of conformity assessment bodies (CABs)¹. For the purpose of the smooth implementation of the CETA Protocol, the Standards Council of Canada and European cooperation for Accreditation (EA) signed a cooperation agreement in June 2016.

These arrangements provide for the **quasi-automatic acceptance** (i.e. unless objections are raised within 30 days) by one Party of **CABs designated by the other Party, on the basis of accreditation** by the accepting Party accreditation bodies (during Phase 1) or by the designating Party accreditation bodies (Phase 2). Accreditation will always be to the **requirements of the importing Party**. These arrangements mirror those in place internally in the EU for the notification of Notified Bodies.

This approach builds on the existence of a European common accreditation framework and rests on the following three main principles:

1. **Government responsibility for the designated CABs** – Canada undertakes the same role and responsibilities as EU Member States for the CABs it designates in terms of initial assessment (backed by accreditation) and subsequent monitoring and supervision. This was already the case under the 1998 MRA.

¹ With respect to construction products sector, and in line with Construction Products Regulation (EU) No 305/2011, the conformity assessment bodies within the meaning of the CETA Protocol are to be understood as bodies authorised to carry out third-party tasks in the process of assessment and verification of constancy of performance under the Regulation i.e. 'notified bodies'.

2. **Equivalent accreditation systems** - like the EU, Canada operates a public-authority, not-for-profit accreditation system. Close cooperation between the Canadian and the EU accreditation systems is provided for in the Protocol.
3. **Anchorage in the international accreditation system** – like all European accreditation bodies, eligible Canadian accreditation bodies must be signatories to the multilateral cooperation and recognition arrangements of the International Accreditation Forum (IAF – for certification and inspection bodies) and the International Laboratory Accreditation Cooperation (ILAC – for testing laboratories).

The Protocol arrangements have the potential to apply across the board in any sector where the Parties require third-party conformity assessment. However, at the beginning the Protocol will apply in **specific sectors only**. Sectors not included from the start could be added in the future by decision of the CETA Joint Committee.

Accordingly, on the date of provisional application of CETA, conformity assessment bodies (CABs) that are currently listed on the NANDO web site as designated under the EU-Canada Mutual Recognition Agreement on Conformity Assessment – hereafter 'the MRA', will remain listed as designated under the Protocol for the following sectors:

- 'Electrical and electronic equipment, including electrical installations and appliances, and related components' ('SECTORAL ANNEX ON ELECTRICAL SAFETY' under the MRA);
- 'Radio and telecommunications terminal equipment' ('SECTORAL ANNEX ON TELECOMMUNICATION EQUIPMENT' under the MRA); and

In addition to the above-mentioned sectors, the Protocol applies to the following sectors:

- Toys
- Construction products
- Machinery, including parts, components, including safety components, interchangeable equipment, and assemblies of machines
- Measuring instruments
- Hot-water boilers, including related appliances
- 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)
- Equipment for use outdoors as it relates to noise emission in the environment
- Recreational craft and their components

Designation of conformity assessment bodies that are established in the EU - under any of the product sectors listed above - shall be made directly by the Member States' notifying authorities to the Canadian authority, Department of Innovation, Science and Economic Development Canada (ISED) with copy to the NANDO functional mailbox 'GROW-NANDO-ADMINISTRATOR@ec.europa.eu'.

Please note that under the Protocol, designation of CABs from both Canada and the EU will require formal accreditation. As of the provisional application of the Protocol, Canada recognises as accreditation bodies competent for accrediting CABs pursuant to technical regulations related to telecommunications terminal equipment, information technology equipment, apparatus used for radio communication, and electromagnetic compatibility of Canada:

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

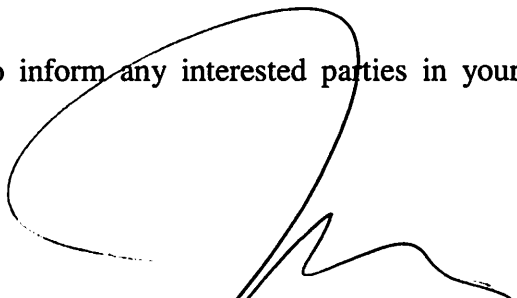
(ii) for certification bodies, any national accreditation body of a Member State that is a signatory to the IAF multilateral recognition arrangement.

For all the other sectors covered by the Protocol, all candidate CABs from Member States interested in providing conformity assessment for the Canadian market will need to be accredited by the competent Canadian accreditation body.

A dedicated web page will be created in the NANDO web site, from a link in the main menu, to display all relevant information relating to the CETA Protocol –

- Link to the Canadian Designating Authority (Department of Innovation, Science and Economic Development, ISED)
- Link to the Canadian Accreditation Body web site (Standards Council of Canada, SCC).
- Link to list of Canadian CABs/NBs in NANDO.
- Link to list of EU CABs designated under the CETA Protocol
- Link to list of EU CABs on Canadian web site.
- Link to NANDO list of EU Accreditation Bodies.
- Link to the CETA 'Protocol on the mutual acceptance of the results of conformity assessment' (<http://data.consilium.europa.eu/doc/document/ST-10973-2016-ADD-7/en/pdf>)
- Link to the web page http://ec.europa.eu/growth/single-market/goods/international-aspects_en

I would be grateful if you would take steps to inform any interested parties in your country about these upcoming changes.



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