

ANNEX 8-A – CONFORMITY ASSESSMENT

1. This Annex applies to the conformity assessment procedures required by each Party for the fields listed in Appendix 8-A-1¹, subject to paragraph 3 of this Annex.
2. This Annex does not apply to the conformity assessment procedures required by each Party for the fields listed in paragraphs 1 and 2 of Appendix 8-A-2 or the products listed in paragraphs 3 and 4 of Appendix 8-A-2.
3. For Australia, this Annex applies to conformity assessment procedures required by the Commonwealth and State and Territory governments.
4. Each Party shall, subject to its laws and regulations, accept a supplier's declaration of conformity as assurance that a product complies with that Party's requirements.
5. If Australia requires mandatory third-party conformity assessment as an assurance that a product covered by this Annex conforms with its requirements, it shall, subject to its laws and regulations, accept a conformity assessment report, including a test report²:
 - (a) issued by conformity assessment bodies that are located in the territory of the Union and that have been accredited by an accreditation body member of the international arrangements for mutual recognition of the International Laboratory Accreditation Cooperation or the International Accreditation Forum³, or their successors; or
 - (b) issued by conformity assessment bodies that are located in the territory of the Union under the International Electrotechnical Commission System of Conformity Assessment Schemes for Electrotechnical Equipment and Components Certification Body Scheme, in relation to electrical safety and electromagnetic compatibility aspects.
6. If a Party adopts or amends conformity assessment procedures for the fields covered by this Annex, the relevant transparency obligations under this Agreement apply.
7. If the Union adopts mandatory third-party conformity assessment requirements for the fields covered by this Annex, Australia may suspend the acceptance of corresponding conformity assessment reports under this Annex, and notify the Union in writing.

¹ For greater certainty, this Annex does not apply to a Party's market surveillance or compliance activities in accordance with its laws and regulations.

² For greater certainty, in relation to laws and regulations on electrical product safety, Australia may require a final approval, certification, registration or marking requirement to indicate that a product covered by this Annex conforms with its requirements.

³ For greater certainty, International Accreditation Forum accreditation arrangements will not be accepted as demonstrating conformity with energy efficiency requirements.

8. If Australia has concerns regarding the competence of a conformity assessment body referred to in paragraph 5 to assess compliance with relevant technical regulations, or an accreditation body referred to in paragraph 5 to properly accredit such a conformity assessment body, it may suspend its acceptance of conformity assessment reports under this Annex by notifying the Union in writing and providing details of those concerns.

9. If recognition of conformity is suspended in accordance with paragraph 8, the Parties shall at the request of a Party, discuss the matter within 60 days and shall make every effort to consider possible measures that would enable recognition of conformity to be restored.

10. At the request of either Party, the Committee on Trade in Goods and Technical Barriers to Trade may review Appendix 8-A-1 (Fields covered by Annex 8-A) or 8-A-2 (Fields and products not covered by Annex 8-A).