



# Best Practices Supporting Conformity Assessment

NIST Standards in Trade Conference for Association of Southeast Asian Nations (ASEAN)  
Economies Conformity Assessment in the Electric and Electronics Sector

David Ling / March 24-27, 2014

# Principles for Best Practice Conformity Assessment

Authorities should abide by these **principles** when setting up CA Program for those who are compelled to comply

- **Allow people to speak up and be heard**

- Advanced Notices. Inquiry point. Transparency.
- Participation. Access and opportunity to provide input over a reasonable commenting period.
- Meaningful consideration of inputs before acting

- **Be predictable**

- Reasonable expectations that the rules tomorrow are going to be roughly the same as the rules today

- **Be fair**

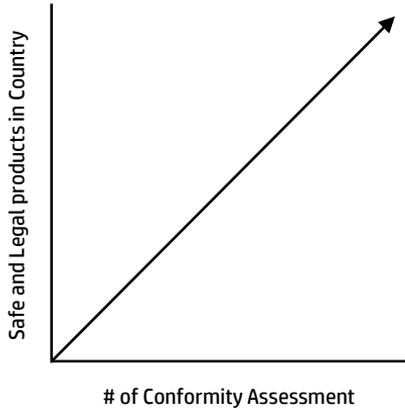
- Requirements that are well grounded in science, engineering and data (not arbitrary or capricious)
- Procedures which are uniformly applied and treat one group the same from another
- Proportionality of enforcement and penalties for non-compliance



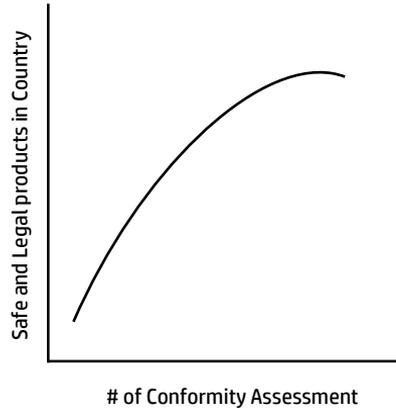
# More Conformity Assessment is not Always Better

## Inverted U-Curve

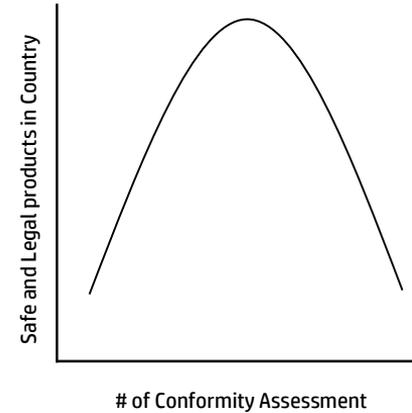
What is the relationship between **Conformity Assessment** and having **Safe/Legal Products in Country**?



Is it this?



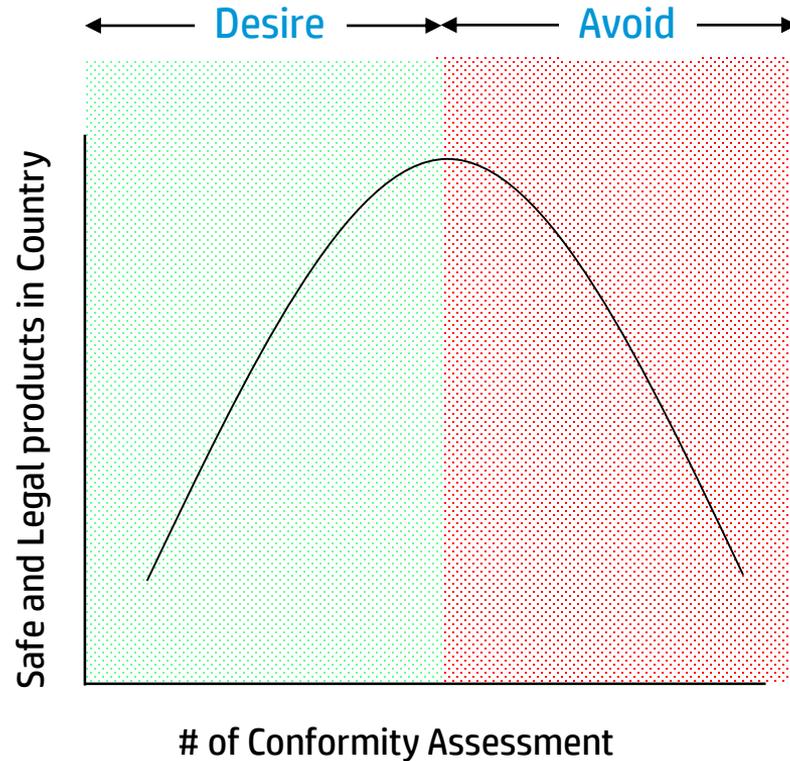
Or this?



What if it is this?



# Setting up a CA Program

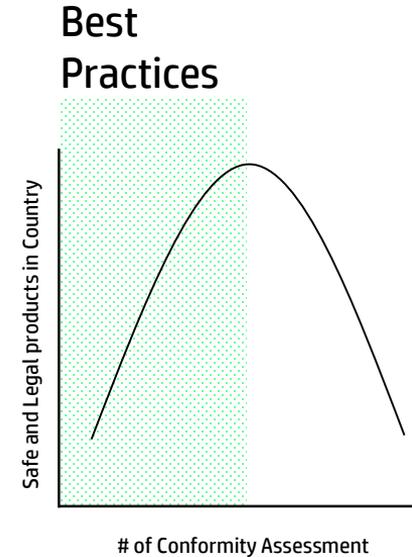


# Best Practices

## Lessons learned

### Best Practices

- WTO Technical Barriers to Trade Agreement
  - Article 5.1.2 CA shall not be applied more strictly than is necessary to give importing Members adequate confidence that products conform with the applicable product requirements, taking account of the risks that non-conformity would create.
  - Article 5.2 (especially 5.2.1, 5.2.2 and 5.2.6)
- Regulatory Coherence
  - Eliminate divergent regulations reduces non-tariff barriers to trade and investment, generating growth, jobs and greater public protection
- Good Regulatory Practice
- Acceptance of CA Results to reduce unnecessary duplication of costly, time-consuming testing
  - IAF/ILAC for Lab Acceptance
  - IECEE CB Scheme for IT Product Safety
  - See WTO TBTA Article 6

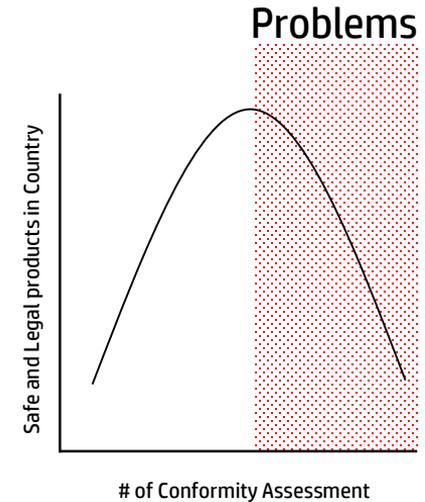


# Problems to avoid

## Lessons learned

### Problems

- Overburden manufacturers, labs and government authorities
  - Much resources spent on non-critical and administrative problems
  - Upstanding manufacturers strive to be fully compliant
  - While bad manufacturers continue to ignore
- Duplicative testing/certification/audits discourages imports
  - Long Time-To-Market
  - Cost prohibitive
  - Unpredictability
- Divergence from international norms/standards/agreements weakens safe and legal product delivery
  - Special handling introduces problems from new processes, new training, new requirements that add to (or worse are incompatible with) international norms
  - Unable to participate in mutual recognition of labs and their test reports
  - Push-back by manufacturers against perceived lack of legitimacy



# Best Practices by Subject Matter Domain

## ITE Product Safety conformity assessment

- Mandatory CA should be on a **risk-based approach**
  - Limit product scope to those products with exhibited risks by engineering rationale, data, field incidents.  
Example: AC powered consumer products while exempting professional equipment
- Place accountability of CA requirements on **End-Manufacturer with design/manufacturing responsibility**
  - Do not adopt a “per manufacturer per factory” basis
  - Adopt CA requirements based on type testing to cover product model from all factories
- Accept product/component test results from **IECEE CB Scheme** labs without requiring retesting
- Allow provisions for **prototypes** and **warranty/replacement units**
- Allow sufficient **transition period**
- **Limit labelling content** to the essential for surveillance/end user needs

## Other subject-matter domains

- Specific Absorption Rate (SAR). Electric and Magnetic Fields (EMF)
- Modular Approval



# IT Industry is here to help ASEAN

- **What is industry's experience with regulations outside of my country? Outside of ASEAN?**  
We are full-time Product Regulatory Executives/Managers with experience from over 80 regulated countries. We provide a global perspective (not just a US-perspective).
- **Are there subject matter experts who can help review proposed CA programs?**  
Yes, and we can provide engineering rationale and basis. We have representatives on the IEC committees. We work closely with third-party labs, certification bodies, accreditation bodies.
- **We want to hear from our domestic companies.**  
We reach out and work closely with your domestic industry associations.
- **We want our CA program suited for our country and our situation.**  
So do we. We respect authorities to setup their programs. Our role is to offer sound, practical recommendations for a “win-win” outcome – namely, deliver safe and legal products AND remove unnecessary obstacles to trade.

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# Thank you

