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**Japan
and
United States of America**

Agreement on mutual recognition of results of conformity assessment procedures between Japan and the United States of America (with annex). Washington, 16 February 2007

Entry into force: *1 January 2008 by notification, in accordance with article 15*

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**Japon
et
États-Unis d'Amérique**

Accord sur la reconnaissance mutuelle des résultats des procédures d'évaluation de la conformité entre le Japon et les États-Unis d'Amérique (avec annexe). Washington, 16 février 2007

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
ON MUTUAL RECOGNITION OF RESULTS OF
CONFORMITY ASSESSMENT PROCEDURES BETWEEN
JAPAN AND THE UNITED STATES OF AMERICA

JAPAN and the UNITED STATES OF AMERICA (hereinafter referred to as "the Parties");

CONSIDERING the traditional friendly relations that exist between the Parties;

RECOGNIZING that mutual recognition of the results of conformity assessment procedures is an important means of enhancing market access between and economic activity in the respective territories of the Parties;

RECOGNIZING that such mutual recognition requires each Party to have confidence in reliability of conformity assessment procedures of the other Party;

BEARING IN MIND the obligations of the Parties as Members of the World Trade Organization (hereinafter referred to as the "WTO"), and being conscious, *inter alia*, of their obligations under the Agreement on Technical Barriers to Trade included in Annex 1A (hereinafter referred to as the "Agreement on Technical Barriers to Trade"), and the Agreement on Trade-Related Aspects of Intellectual Property Rights included in Annex 1C (hereinafter referred to as the "Agreement on Trade-Related Aspects of Intellectual Property Rights"), of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the "WTO Agreement"); and

RECOGNIZING that an agreement providing for mutual recognition of the results of conformity assessment procedures is of particular interest to suppliers of equipment;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 - PURPOSE OF THE AGREEMENT

This Agreement establishes procedures for the acceptance by a Party of the results of conformity assessment procedures conducted by conformity assessment bodies located in the territory of the other Party for equipment within the scope of this Agreement, with the objective of facilitating economic activity related to such equipment in and between the territories of the Parties.

ARTICLE 2 - DEFINITIONS

1. For the purposes of this Agreement:

- (a) the term "conformity assessment procedure" means a procedure to determine whether equipment or a process complies with the Technical Regulations of a Party;
- (b) the term "conformity assessment body" means a body that conducts conformity assessment procedures;
- (c) the term "Technical Regulations" means relevant laws, regulations, and administrative provisions of a Party set out in Section I of the Annex pertaining to technical requirements for equipment, conformity assessment procedures, and the criteria for designation;
- (d) the term "Designating Authority" means an authority of a Party identified in Section II of the Annex with the power to designate, monitor, withdraw the designation of, suspend the designation of, and remove the suspension of the designation of conformity assessment bodies located in the territory of that Party;
- (e) the term "designation" means the designation of a conformity assessment body in accordance with Article 5 and the procedures set out in Section III of the Annex;
- (f) the term "criteria for designation" means the criteria with which conformity assessment bodies located in the territory of a Party must comply in order to obtain and maintain designation by the Designating Authority of that Party, and that are set out in the Technical Regulations of the other Party and the relevant ISO/IEC Guide and Standard set out in Section III of the Annex;
- (g) the term "designated conformity assessment body" means a conformity assessment body located in the territory of a Party designated by the Designating Authority of that Party in accordance with Article 5 and the procedures set out in Section III of the Annex;

- (h) the term "Regulatory Authority" means an authority of a Party identified in Section IV of the Annex with the power to regulate the equipment within the scope of this Agreement with respect to compliance with the Technical Regulations of that Party;
- (i) the term "registration" means the registration of a conformity assessment body in accordance with the procedures set out in Article 6;
- (j) the term "registered conformity assessment body" means a conformity assessment body registered in accordance with the procedures set out in Article 6;
- (k) the term "results of conformity assessment procedures" means a determination, reached through conducting conformity assessment procedures, of whether equipment or a process complies with the Technical Regulations of a Party and includes certificates and marks of conformity reflecting an affirmative determination; and
- (l) the term "days" means calendar days.

2. All terms used in this Agreement that are not defined in paragraph 1 have the meaning assigned to them in the ISO/IEC Standard set out in Section V of the Annex.

ARTICLE 3 - GENERAL PROVISIONS

1. This Agreement applies to conformity assessment procedures for the telecommunications terminal equipment and radio equipment covered by Section VI of the Annex and for processes associated with that equipment. This Agreement applies regardless of the location of the supplier or the country of origin of the equipment, including where the country of origin of the equipment is other than Japan or the United States.

2. Each Party shall accept, in accordance with this Agreement, the results of conformity assessment procedures that a registered conformity assessment body located in the territory of the other Party conducts for equipment within the scope of this Agreement that determine that the equipment or a process associated with that equipment complies with the Technical Regulations of the Party.

3. The results of conformity assessment procedures referred to in paragraph 1 may be based on tests conducted by a laboratory regardless of its location, including where the laboratory is located in a country other than Japan or the United States.

4. The Annex is an integral part of this Agreement and sets out the following:

- (a) Technical Regulations of each Party;
- (b) The Designating Authority of each Party;
- (c) Procedures of each Party for designating conformity assessment bodies;
- (d) The Regulatory Authority of each Party;
- (e) The ISO/IEC Standard for terms not defined in this Agreement;
- (f) The equipment within the scope of this Agreement for each Party;
- (g) Information for registration of conformity assessment bodies; and
- (h) Co-chairs of the Joint Committee.

5. Each Party shall:

- (a) make publicly available its Technical Regulations and any amendments it makes thereto;
- (b) make publicly available a list of registered conformity assessment bodies;
- (c) notify the other Party and provide corrected information on registered conformity assessment bodies, if the information the Party has provided in a proposal to register the conformity assessment body becomes inaccurate and the inaccuracy could affect the operation of this Agreement; and
- (d) notify the other Party if it names a Designating Authority or Regulatory Authority other than the authority identified in Section II and IV of the Annex, respectively.