## ANNEX 6.1

## ELECTRICAL AND ELECTRONIC EQUIPMENT

### Section 1: Scope

1.1 The products to which this Annex applies are new electrical and electronic equipment that are intended to be either directly connected or plugged-in to the low voltage supply or are battery powered and which are not telecommunications equipment or medical equipment.

1.2 The mandatory requirements to which this Annex applies shall be conformity assessment processes or requirements for product testing for the products covered in Section 1.1.

1.3 The conformity assessment bodies which may be designated under this Annex shall be:

(a) test facilities; or

(b) certification bodies.

1.4 The conformity assessment activities for which conformity assessment bodies may be designated are:

(a) testing by designated test facilities;

(b) product surveillance activities undertaken in accordance with the relevant mandatory requirements by certification bodies, the results of which are supplemented by test results from designated test facilities; and

(c) certification to mandatory requirements by designated certification bodies.

1.5 For the purposes of this Annex:

(a) **low voltage** has the same meaning as that defined in Band II of International Electrotechnical Commission Standards 60449:1979 – Voltage bands for electrical installations in buildings (IEC 60449:1979);

(b) **product surveillance** is the process in which samples from a consignment are randomly selected, inspected and tested. SS 242:1980 (ISO 2859 – 1974E) and ANSI/ASQCZ1.4 – 1993 shall be used as guides for the sampling plan, inspection, test procedures and acceptance criteria.

1.6 For the avoidance of doubt, this Annex applies to products or assessments of manufacturers of products of the Parties regardless of the origin of those products.

## Section 2: Definitions

2.1 For the purposes of this Annex:

(a) **accept** means the use of the results of conformity assessment activities as a basis for regulatory actions such as approvals, licences, registrations and post-market assessments of conformity;

(b) **acceptance** has an equivalent meaning to accept;

(c) **certification body** means a body, including product or quality systems certification bodies, that may be designated by one Party in accordance with this Annex to conduct certification on compliance with the other Party's standards or specifications to meet relevant mandatory requirements;

(d) **conformity assessment** means any activity performed by regulators or third party bodies such as certification bodies concerned with determining directly or indirectly that standards or specifications to meet relevant mandatory requirements are fulfilled;

(e) **conformity assessment body** means a body that conducts conformity assessment activities and includes test facilities and certification bodies;

(f) **designating authority** means a body as specified under this Annex, established in the territory of a Party with the necessary authority to designate, monitor, suspend or withdraw designation of conformity assessment bodies within its jurisdiction, unless the Parties agree otherwise to designate conformity assessment bodies within a non-Party;

(g) **designation** means the authorisation by a designating authority of a conformity assessment body to undertake specified conformity assessment activities;

(h) **designate** has an equivalent meaning to designation;

(i) **mandatory requirements** means the legislative, regulatory and administrative requirements of either Party that are the subject of this Annex;

(j) **regulatory authority** means an entity that exercises a legal right to control the import, use or supply of products within a Party’s territory and may take enforcement action to ensure that products marketed within its territory comply with that Party’s mandatory requirements including assessments of manufacturers of products;

(k) **specifications** means detailed descriptions of requirements other than specified standards;

(l) **stipulated requirements** means the criteria set out in this Annex for the designation of conformity assessment bodies;

(m) **supply** includes all forms of supply, whether or not for a consideration, and includes but is not limited to:

(i) any transfer of the whole property in any product;

(ii) any transfer of possession of any product, whether or not under an agreement for sale;

(iii) any transfer by way of a gift of a product made in the course or furtherance of any business;

(iv) any transfer by way of a gift to an actual or potential customer of any business of an industrial or commercial sample in a form not ordinarily available for supply to the public;

(v) any transfer by way of barter and exchange; and

(vi) any transfer by way of distribution, wholesale, retail, lease, hire or hire-purchase; and

(n) **test facility** means a facility, including independent laboratories, manufacturers' own test facilities or government testing bodies, that may be designated by one Party's designating authority in accordance with this Annex to undertake tests on compliance with the other Party's standards or specifications to meet mandatory requirements.

2.2 **Mutual recognition** means that each Party, on the basis that it is accorded reciprocal treatment by the other Party:

(a) accepts the mandatory requirements of the other Party as producing outcomes equivalent to those produced by its own corresponding mandatory requirements, for example, mutual recognition of equivalence of mandatory requirements;

(b) accepts the results of conformity assessment activities of the other Party to demonstrate conformity of products or manufacturers with its mandatory requirements when the conformity assessment activities are undertaken by conformity assessment bodies designated by the other Party in accordance with this Annex, for example, mutual recognition of conformity assessment; or

(c) accepts the standards of the other Party as equivalent to its own corresponding standards, for example, mutual recognition of equivalence of standards.

2.3 **Unilateral recognition** means that a Party on its own accord, without requiring reciprocal treatment from the other Party:

(a) accepts the mandatory requirements of the other Party as producing outcomes equivalent to those produced by its own corresponding mandatory requirements;

(b) accepts the conformity assessment results of the other Party to demonstrate conformity of products or manufacturers with its mandatory requirements; or

(c) accepts the standards of the other Party as equivalent to its own corresponding standards.

2.4 This Annex may provide for unilateral recognition of products or assessments of manufacturers of products which are in compliance with the exporting Party's mandatory requirements and are intended by that Party for export only and not for domestic supply or use.

2.5 **Harmonisation** means that each Party harmonises its standards and technical regulations with relevant international standards where they exist.

2.6 All general terms concerning standards and conformity assessment used in this Annex shall have the meaning given in the definitions contained in the International Organisation for Standardisation (ISO) / International Electrotechnical Commission (IEC) *Guide 2:1996 "General terms and their definitions concerning standardisation and related activities"* published by the ISO and IEC, unless the context otherwise requires.

## Section 3: Obligations

3.1 Consistent with the objectives set out in Article 1.1 (Objectives) and the provisions of this Chapter, and reflecting the level of confidence that each Party has in the other Party's regulatory outcomes and conformity assessment systems, each Party shall implement the principles of mutual recognition, unilateral recognition or harmonisation that provide the most appropriate or cost-efficient approach to the removal or reduction of technical, sanitary and phytosanitary barriers (hereinafter referred to as "regulatory barriers") to the movement of goods between New Zealand and Singapore for products or assessments of manufacturers of products specified in this Annex.

3.2 Each Party recognises that the conformity assessment bodies designated by the other Party in accordance with this Annex are competent to undertake the conformity assessment activities necessary to demonstrate compliance with its mandatory requirements.

3.3 Each Party shall accept test reports that demonstrate compliance with their mandatory requirements issued by test facilities designated by the other Party's designating authorities in accordance with Section 6.

3.6 Each Party shall accept the results of product surveillance activities undertaken in accordance with their mandatory requirements by certification bodies designated by the other Party's designating authorities in accordance with Section 6. Such results shall include supporting test results from test facilities designated by the other Party's designating authorities in accordance with Section 6.

3.7 Each Party shall accept certification to their mandatory requirements undertaken by the relevant certification bodies designated by the other Party's designating authorities in accordance with Section 6.

3.8 The Parties shall give consideration to increasing the degree of harmonisation or equivalence of their mandatory requirements, where appropriate and where consistent with good regulatory practice. If both Parties agree that the mandatory requirements are harmonised or established as equivalent, in accordance with Article 6.9, the results of conformity assessment that demonstrate compliance with the exporting Party's mandatory requirements shall be accepted as demonstrating compliance with the importing Party's mandatory requirements without the need for further conformity assessment by the importing Party to demonstrate compliance with its own mandatory requirements.

## Section 4: Exchange of Information

The Parties' relevant regulatory authorities shall notify each other and the relevant designating authorities of any proposed changes to their relevant mandatory requirements. Except if considerations of health, safety and the environment warrant more urgent action, such notification shall take place at least 60 days before the entry into force of the changes.

## Section 5: Designating Authorities

5.1 New Zealand's designating authorities shall be:

(a) the International Accreditation New Zealand for test facilities; and

(b) the Joint Accreditation System of Australia and New Zealand for certification bodies.

5.2 Singapore's designating authorities shall be:

(a) Enterprise Singapore for test facilities; and

(b) Enterprise Singapore for certification bodies.

5.3 The Parties shall ensure that their designating authorities have the necessary authority to designate, monitor, suspend, remove suspension and withdraw designation of the conformity assessment bodies within their respective jurisdictions.

5.4 Designating authorities shall consult, as necessary, with their counterparts of the other Party to ensure the maintenance of confidence in conformity assessment processes and procedures. This consultation may include joint participation in audits related to conformity assessment activities or other assessments of designated conformity assessment bodies, if such participation is appropriate, technically possible and within reasonable cost.

## Section 6: Designation Procedures and Stipulated Requirements

6.1 Designating authorities shall give advance notice of at least seven days of any changes, including suspension, to their list of designated conformity assessment bodies.

6.2 Designating authorities shall specify the scope of the conformity assessment activities for which a conformity assessment body has been designated. When a conformity assessment body is designated to undertake tests with regard to particular mandatory requirements, the relevant obligations of acceptance shall be limited to the results of assessments in relation to those mandatory requirements.

6.3 Designating authorities shall only designate conformity assessment bodies if the conformity assessment body, or the organisation of which the conformity assessment body is a part, is a legal person in the relevant jurisdiction.

6.4 Designating authorities shall ensure that the conformity assessment bodies that they designate maintain the necessary technical competence to demonstrate the conformity of a product with the standards or specifications to meet mandatory requirements. Conformity assessment bodies of a non-Party shall be acceptable for designation by the Parties if there are no conformity assessment bodies designated in the territory of a Party and the other Party agrees to such designation.

6.5 Designating authorities shall exchange information concerning the procedures used to ensure that the designated conformity assessment bodies are technically competent and comply with the relevant stipulated requirements.

6.6 Designating authorities shall ensure that the conformity assessment bodies they designate participate in appropriate proficiency-testing programmes and other comparative reviews such as non-government-to-government mutual recognition agreements, so that confidence in their technical competence to undertake the required conformity assessment is maintained.

6.7 Designated conformity assessment bodies shall not be adversely influenced by a body that manufactures or trades in electrical and electronic equipment. Furthermore, designated conformity assessment bodies shall be impartial. Any other services offered by the conformity assessment body shall be provided in a manner that does not compromise the objectivity of its conformity assessment activities and decisions.

6.8 Designating authorities shall only designate conformity assessment bodies that are able to demonstrate that they understand, have experience relevant to, and are technically competent to undertake, the conformity assessment activities for which they are designated.

6.9 Demonstration of technical competence shall be based on:

(a) technological knowledge of the relevant products, processes or services;

(b) understanding of the technical standards and the general risk protection requirements for which designation is sought;

(c) the experience relevant to the applicable mandatory requirements;

(d) the physical capability to perform the relevant conformity assessment activities;

(e) an adequate management of the conformity assessment activities concerned; and

(f) any other circumstance necessary to give assurance that the conformity assessment activities shall be adequately performed on a consistent basis.

6.10 The basis for designating test facilities shall be either:

(a) accreditation to ISO/IEC 17025:1999, which shall constitute sufficient proof of technical competence to undertake conformity assessment activities that demonstrate conformity with the mandatory requirements for which they are to be designated provided that:

(i) the accreditation process is conducted in compliance with ISO/IEC Guide 58:1993; and

(ii) the accreditation body participates in mutual recognition arrangements, such as the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement, where they are subject to peer evaluation of the competence of accreditation bodies and the test facilities accredited by them; or

(b) membership in the IECEE CB Scheme.

6.11 The basis for designating certification bodies shall be either:

(a) accreditation to ISO/IEC Guide 65:1996, which shall constitute sufficient proof of technical competence to undertake conformity assessment activities that demonstrate conformity with the mandatory requirements for which they are to be designated provided that:

(i) the accreditation process is conducted in compliance with ISO/IEC Guide 61:1996; and

(ii) the accreditation body is recognised by the designating Party; or

(b) membership in the IECEE CB-FC Scheme.

6.12 When designating a conformity assessment body, the designating authority shall provide the following details in respect of each conformity assessment body it designates:

(a) name;

(b) postal address;

(c) facsimile (fax) number;

(d) email address;

(e) name and telephone number of the contact person;

(f) scope of designation detailing range of products, reference standards, methods of certification, capability and other relevant details;

(g) designating procedure used; and

(h) date of effect of designation.

## Section 7: Suspension and Withdrawal of Conformity Assessment Bodies

7.1 Each Party shall have the right to challenge a designated conformity assessment body's technical competence and compliance with the relevant stipulated requirements. This right shall be exercised only in exceptional circumstances and where supported by relevant expert analysis or evidence. A Party shall exercise this right by notifying the other Party in writing. Such notification shall be accompanied by the supporting expert analysis or evidence.

7.2 Except in urgent circumstances, the Parties shall, prior to a challenge under section 7.1, enter into consultations with a view to seeking a mutually satisfactory solution. In urgent circumstances, consultations shall take place immediately after the right of challenge has been exercised.

7.3 The consultations referred to in section 7.2 shall be conducted expeditiously with a view to resolving all issues and seeking a mutually satisfactory solution within 70 days. If this is not achieved, the matter shall be resolved in accordance with Chapter 14 (Dispute Settlement).

7.4 Unless the Parties decide otherwise, the designation of the challenged designated conformity assessment body shall be suspended by the relevant designating authority for the relevant scope of designation from the time its technical competence or compliance is challenged, until either:

(a) the challenging Party is satisfied as to the competence and compliance of the conformity assessment body; or

(b) the designation of that conformity assessment body has been withdrawn.

7.5 The results of conformity assessment activities undertaken by a designated conformity assessment body on or before the date of its suspension or withdrawal shall remain valid for acceptance for the purposes of Section 3 unless otherwise agreed by the Parties.

7.6 Designating authorities shall compare methods used to verify that the designated conformity assessment bodies comply with the relevant stipulated requirements.

## Section 8: Preservation of Regulatory Authority

8.1 Each Party retains all authority under its laws and regulations to interpret and implement its mandatory requirements.

8.2 This Annex shall not limit the authority of a Party to determine the level of protection it considers necessary for the protection of *inter alia* human health or safety, animal or plant life or health, or the environment.

8.3 This Annex shall not limit the authority of a Party to take all appropriate measures whenever it ascertains that products may not conform with its mandatory requirements. Such measures may include withdrawing the products from the market, prohibiting their placement on the market, restricting their free movement, initiating a product recall, initiating legal proceedings or otherwise preventing the recurrence of such problems, including through a prohibition on imports. If a Party takes such measures, it shall notify the other Party within 15 days of taking the measures, giving its reasons.