



LGL/BTE/FTA/TRI

The Ministry of Foreign Affairs and Trade presents its compliments to the Singapore High Commission in New Zealand and has the honour to refer to the Note of 11 August 2004 of the Ministry of Foreign Affairs of the Republic of Singapore, which reads as follows:

"MFA/PD3/00019/2004

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the New Zealand High Commission in Singapore and has the honour to refer to the Agreement between New Zealand and Singapore on a Closer Economic Partnership ("ANZSCEP") signed in Singapore on 14 November 2000.

The Ministry has the honour to refer to Article 82 of Part II: General Provisions of ANZSCEP on amendments of ANZSCEP by agreement in writing by the Parties.

The Ministry has the honour to inform the High Commission that pursuant to the aforesaid Article 82, Singapore proposes to amend Annex 4.1 of the ANZSCEP ***by deleting it entirely and replacing with the following:***

"ANNEX 4

TECHNICAL, SANITARY AND PHYTOSANITARY REGULATIONS AND STANDARDS

ANNEX 4.1 Product Chapter on Electrical and Electronic Equipment

Section 1 – Scope

- 1.1 The products to which this Product Chapter 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 Product Chapter 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 Product Chapter 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 purpose of this Product Chapter:
 - 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/ASQC Z1.4 – 1993 shall be used as guides for the sampling plan, inspection, test procedures and acceptance criteria.

Section 2 – Definitions

- 2.1 Conformity assessment in this Product Chapter refers to mandatory conformity assessment performed by third party bodies such as certification bodies.
- 2.2 Other definitions contained in Part 7 of the Agreement shall, unless the context requires otherwise, apply to this Product Chapter.

Section 3 – Obligations

- 3.1 New Zealand shall accept test reports that demonstrate compliance with its mandatory requirements issued by test facilities designated by Singapore's designating authorities in accordance with Section 6.
- 3.2 Singapore shall accept test reports that demonstrate compliance with its mandatory requirements issued by test facilities designated by New Zealand's designating authorities in accordance with Section 6.
- 3.3 New Zealand shall accept the results of product surveillance activities undertaken in accordance with its mandatory requirements by certification bodies designated by Singapore's designating authorities in accordance with Section 6. Such results shall include supporting test results from test facilities designated by Singapore's designating authorities in accordance with Section 6.
- 3.4 Singapore shall accept the results of product surveillance activities undertaken in accordance with its mandatory requirements by certification bodies designated by New Zealand's designating authorities in accordance with Section 6. Such results shall include supporting test results from test facilities designated by New Zealand's designating authorities in accordance with Section 6.
- 3.5 New Zealand shall accept certification to New Zealand's mandatory requirements undertaken by the relevant certification bodies designated by Singapore's designating authorities in accordance with Section 6.
- 3.6 Singapore shall accept certification to Singapore's mandatory requirements, undertaken by certification bodies designated by New Zealand's designating authorities in accordance with Section 6.

Section 4 – Exchange of Information

- 4.1 The Parties' relevant regulatory authorities shall notify each other and the relevant designating authorities of any proposed changes to their relevant mandatory requirements. Except where 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) the Standards, Productivity and Innovation Board (SPRING) Singapore for test facilities; and
 - b) the Standards, Productivity and Innovation Board (SPRING) Singapore for certification bodies.

Section 6 – Designation Procedures and Stipulated Requirements

- 6.1 Designating authorities shall give advance notice of at least 7 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 where 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 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.
- 6.5 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.

- 6.6 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.
- 6.7 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.
- 6.8 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.

6.9 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

For the purpose of this Product Chapter, the time period specified in Article 41(18) shall be 70 days.

Section 8 – Progression of this Product Chapter

8.1 Both Parties agree that their officials shall engage in confidence-building activities with the object of making recommendations to their respective Governments within 12 months of the entry into force of the Agreement on the options for reducing regulatory requirements which impose impediments to mutual or unilateral recognition of equivalence of mandatory requirements.

8.2 Such confidence building activities shall include a comparative review of Parties' conformity assessment procedures, standards recognition, market surveillance procedures and market compliance levels.

Section 9 – Entry into Force

This Product Chapter shall enter into force as of the date of entry into force of the Agreement.”

The Ministry proposes that the aforesaid amendments shall enter into force as from the date of your reply to this Note indicating your agreement to the aforesaid amendments.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the New Zealand High Commission in Singapore the assurances of its highest consideration.

SINGAPORE

11 August 2004"

The Ministry of Foreign Affairs and Trade confirms that the amendments to Annex 4.1 of the ANZSCEP proposed above are acceptable to the Government of New Zealand and shall enter into force as from the date of this reply.

The Ministry of Foreign Affairs and Trade takes this opportunity to renew to the Singapore High Commission in New Zealand the assurances of its highest consideration.



Ministry of Foreign Affairs and Trade

WELLINGTON

11 October 2004