

Chapter 2

Overview of National and International Standards

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2. Overview of National and International Standards

A standard is a document that sets out requirements, specifications, guidelines, or characteristics that help ensure that materials, products, processes, and services are fit for their purpose. According to the International Organization for Standardization (ISO), standards help to harmonise technical specifications of products and services, make the industry more efficient, and break down barriers to international trade. Conformity to international standards helps reassure consumers that products are safe, efficient, and good for the environment (ISO, 2014). While standards can serve legitimate commercial and policy objectives, overly burdensome or discriminatory standards-related measures can become a barrier to trade.

The World Trade Organization (WTO) Agreement on Technical Barriers to Trade ('the TBT Agreement') is the principal agreement establishing multilateral rules to ensure that regulations, standards, testing, and certification procedures do not create unnecessary obstacles to trade.¹ One of the goals of the TBT Agreement is to ensure that standards serve a genuine purpose, rather than an arbitrary one, or a front for protectionism. The TBT Agreement contains detailed provisions to clarify the entire process of preparing, adopting, and applying standards-related measures, while encouraging the use of international standards and requiring transparency throughout the process.

Within the ASEAN process, standards-related measures imposed by ASEAN member states are subject to the ASEAN Trade in Goods Agreement (ATIGA),² specifically Chapter 7 covering Standards, Technical Regulations, and Conformity Assessment Procedures. The Parties reaffirm their commitments under the TBT Agreement and agree to additional provisions under Article 73(2), as follows:

- i. Harmonise national standards with relevant international standards and practices,
- ii. Promote mutual recognition of conformity assessment results among member states,

¹Binding on all WTO members, the TBT Agreement entered into force on 1 January 1995. The TBT Agreement distinguishes the three categories of measures, as follows: (i) **Technical regulations** are documents that lay down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. These may also include or deal exclusively with terminology, symbols, packaging, marking, or labelling requirements as they apply to a product, process, or production method; (ii) **Standards** are documents approved by a recognized body that provide, for common and repeated use, rules, guidelines, or characteristics for products or related processes and production methods, with which compliance is not mandatory. These may also include or deal exclusively with terminology, symbols, packaging, marking, or labelling requirements as they apply to a product, process, or production method; and (iii) **Conformity assessment procedures** are any procedures used – directly or indirectly – to determine that relevant requirements in technical regulations or standards are fulfilled.

² The ATIGA entered into force on 17 May 2010 among Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam.

- iii. Develop and implement ASEAN Sectoral Mutual Recognition Arrangements and develop ASEAN Harmonized Regulatory Regimes in regulated areas where applicable, and
- iv. Encourage cooperation among national accreditation bodies and national metrology institutes, including relevant legal metrology authorities in the ASEAN to facilitate the implementation of mutual recognition arrangements (MRAs) in regulated and non-regulated sectors.

In addition, under the AEC Blueprint, the ASEAN acknowledges that harmonised standards, technical regulations, and conformity assessment procedures are vital to promote greater efficiency and lower the cost of intra-regional trade.³The ASEAN Policy Guideline on Standards and Conformance⁴ ('the Guideline') guides the implementation of the AEC Blueprint concerning standards-related measures. The Guideline aims to provide 'the guiding principles for the implementation of joint efforts of ASEAN Member [States] in the area of standards and conformance both in regulated and non-regulated sectors as one of the measures for accelerating economic integration towards the AEC.' Nonetheless, the AEC Blueprint cautions that the 'identification of standards, technical regulations and conformity assessment procedures to be harmonised or for sectoral MRAs to be developed, must take into consideration the impact on ASEAN trade, the complexity of the regulatory system, the technical infrastructure as well as the feedback from stakeholders.'

Based on this high-level guidance, ASEAN member states seek to prioritise the harmonization of standards and adoption of MRAs where possible, which may culminate in a single regulatory regime, such as those in the cosmetics and electrical and electronic equipment sectors. The basic principle of the harmonization process in the ASEAN is that national standards bodies would need to adopt regionally agreed international standards. If they do not adopt any of the identified international standards as their national standards, then the national standards bodies would accept the direct use of these international standards, meaning that the international standard would be directly applied and utilised in the national context.⁵

The ASEAN Framework Agreement on Mutual Recognition Arrangements provides the general principles for developing sectoral MRAs among ASEAN member states, and the general conditions under which a member state will accept or recognise the results of conformity assessment procedures produced by the conformity assessment body (CAB) of another

³ASEAN adopted the Declaration on the AEC Blueprint on 20 November 2007.

⁴ ASEAN adopted the ASEAN Policy Guideline on Standards and Conformance on 5 August 2005.

⁵The adoption of international standards results in the establishment of national standards that are (i) equivalent to the international standard but may have editorial differences as to appearance, use of symbols and measurement units, substitution of a point for a comma as the decimal marker, or (ii) modified from the international standard due to differences resulting from governmental regulations or industry-specific requirements caused by fundamental climatic, geographical, technological, or infrastructural factors, or the stringency of safety requirements that a national standard body considers appropriate.

member state.⁶To ensure confidence in the CAB's competency and to take into account the different national systems of ASEAN member states, the Framework Agreement on Mutual Recognition Arrangements states that CABs need to meet one of the following criteria to demonstrate technical competence:

- Accreditation by a body that is a signatory to a regional or international MRA, which is conducted in conformance with the relevant ISO/International Electrotechnical Commission (IEC) standards and/or guides (e.g. Asia Pacific Laboratory Accreditation Cooperation, International Laboratory Accreditation Cooperation, Pacific Accreditation Cooperation, International Accreditation Forum); or
- Participation in regional and/or international MRAs for testing and certification bodies, which are conducted in conformance with the relevant ISO/IEC standards and guides; or
- Regular peer evaluations, conducted in conformance with ISO/IEC guides.

The ATIGA also recognises that the role of the ASEAN Consultative Committee on Standards and Quality (ACCSQ), which was originally established in 1992, is to monitor the implementation of ATIGA with respect to standards, technical regulations, and conformity assessment procedures. The ACCSQ – which reports to the Senior Economic Official Meeting and ultimately to the ASEAN Economic Ministers – currently oversees three cross-cutting working groups (WGs), as follows:

- (i) Working Group on Standards and MRAs (WG1),
- (ii) Working Group on Accreditation and Conformity Assessment (WG2), and
- (iii) Working Group on Legal Metrology (WG3).

The working structure of ACCSQ also involves the activities of eight product working groups (PWGs) with specific sectoral jurisdictions, as follows:

- Automotive – Automotive Product Working Group (APWG)
- Cosmetics – ASEAN Cosmetic Committee (ACC)
- Electrical and electronic equipment – Joint Sectoral Committee for ASEAN Electrical and Electronic Equipment (JSC EEE)
- Medical devices – Medical Device Product Working Group (MDPWG)
- Pharmaceuticals – Pharmaceutical Product Working Group (PPWG)
- Prepared foodstuff – Prepared Foodstuff Product Working Group (PFPWG)

⁶ASEAN member states signed the ASEAN Framework Agreement on Mutual Recognition Arrangements on 16 December 1998; it entered into force on 31 December 2002.

- Rubber-based products – Rubber-based Product Working Group (RBPWG)
- Traditional medicine and health supplements – Traditional Medicine & Health Supplement Product Working Group (TMHSPWG)

Under WG1, there are two task force groups – one is on building and construction (Task Force on Building and Construction [TFBC]), and the other is on wood-based products (Task Force on Wood-based Products [TFWBP]).

A Product Working Group (PWG) and a Task Force (TF) are substantially the same since they are able to achieve the same goals of discussing the harmonization of sectoral standards and establishment of MRAs. Their difference is that a PWG has reached the level of support and investment from ASEAN member states that warrants the independence of a dedicated body, while a TF usually means that the subject under its purview has yet to achieve a critical level of interest (see Appendix A for the ASEAN structure for standards and conformance, and Appendix B for a summary of the WGs and PWGs, and the responsibilities of each entity).

3. The Harmonization of Standards in the ASEAN

The ASEAN does not formulate its own standards. To ensure economic integration within the ASEAN, and the compatibility of ASEAN-origin products with international markets, the member states agree to adopt certain international standards for products of interest as national standards. Through this approach, the ASEAN aims to avoid conflict in the national standards among all member states, such that these do not become an impediment to trade.

During the harmonization exercise, the national standards bodies in ASEAN or appointed standards development agencies would need to adopt agreed upon international standards (ISO, IEC, etc.) as national standards. In the event they do not adopt any of the identified international standards as their national standards, they would then accept the direct use of these international standards. Harmonising existing national standards and adopting international standards into new national standards is based on the ISO/IEC Guide21 'Adoption of International Standards as Regional or National Standards' or its latest edition (ASEAN, 2005b).

Harmonising the standards to international standards, with standards being essentially voluntary, may be considered relatively easier to undertake than harmonizing the technical regulations, which are mandatory in nature, unless the standards become part of technical regulations. However, if an ASEAN member state needs to modify an international standard prior to adopting it, such member states should ensure that the modification is not prepared and adopted with a view to or with the effect of creating unnecessary TBTs, and should not be more restrictive than necessary to fulfil legitimate objectives. The member state would also endeavour to ensure an easy comparison of the content and structure of its national standards with the referenced international standards and to provide information to explain the reason for such modifications (ASEAN, 2005b).