

4. Market Surveillance by Certification Bodies

- (a) The surveillance activities required under ISO/IEC Guide 65 shall be based on type testing of a few samples of the total number of equipment types certified by the certification body. Other types of surveillance activities of equipment that has been certified are permitted provided they are no more onerous than type testing. The importing Party may request and be entitled to receive copies of equipment certification reports.
- (b) If during post market surveillance of certified equipment, a certification body determines that equipment does not comply with the applicable technical regulations, the certification body shall immediately notify the supplier and the appropriate Party. A follow-up report shall also be provided within thirty days of the action taken by the supplier to correct the situation.
- (c) If a Party has concerns, it may request from the certification body and the manufacturer a copy of the equipment certification report. The certification body shall make every effort to provide the Party with a copy of that report within 30 days of the request. If the certification report is not provided within 30 days, a statement shall be provided to the Party as to why such a report cannot be provided. A failure to provide a certification report within 30 days could be grounds for revoking the equipment certification or for other measures set out in this Agreement. The confidentiality provisions of Article 12 of this Agreement apply to equipment certification reports.

5. Mutual Acceptance of Equipment Certifications

- 5.1 The importing Party shall accept equipment certifications produced by a recognized certification body on terms and conditions no less favourable than those accorded to equipment certifications produced by recognized certification bodies of the importing Party.