

When a Conformity Assessment Body seeks designation to evaluate a particular product, process or service for compliance with essential requirements, the accreditation process shall incorporate elements which will permit assessment of the capability (technological knowledge and understanding of the generally stated risk protection requirements of the product, process or service or their use) of the Conformity Assessment Body to evaluate compliance with those essential requirements.

(b) Other means

When appropriate accreditation is not available or when special circumstances apply, the Designating Authorities shall require the Conformity Assessment Bodies to demonstrate their capabilities through other means such as:

- participation in regional/international mutual recognition arrangements or certification systems;
- regular peer evaluations;
- proficiency testing; and
- comparisons between Conformity Assessment Bodies.

C. EVALUATION OF THE DESIGNATION SYSTEM

7. Once the designation systems to evaluate the capabilities of Conformity Assessment Bodies have been defined by each Party, another Party may, in consultation with the Designating Authorities, check that the systems give sufficient assurance that the designation of the Conformity Assessment Bodies satisfies its requirements.

D. FORMAL DESIGNATION

8. Designating Authorities shall consult the Conformity Assessment Bodies within their jurisdiction in order to determine their willingness to be designated under the terms of this Agreement. Such consultation should include those Conformity Assessment Bodies who do not operate under the respective legislative, regulatory, and administrative requirements of their own Party, but which may, nevertheless, be interested and capable of working to the legislative, regulatory, and administrative requirements of another Party.