



ASEAN FRAMEWORK AGREEMENT ON MUTUAL RECOGNITION ARRANGEMENTS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or individually as "Member State");

MINDFUL of the goals of establishing ASEAN as a single market and production base as envisaged in the ASEAN Charter signed by the ASEAN Leaders on 20 November 2007 in Singapore, the Declaration on the ASEAN Economic Community (AEC) Blueprint signed by the ASEAN Leaders on 20 November 2007 in Singapore and the ASEAN Economic Community Blueprint 2025 adopted by the ASEAN Leaders on 22 November 2015 in Kuala Lumpur, Malaysia;

NOTING the ASEAN Trade in Goods Agreement (ATIGA) signed on 26 February 2009 in Cha-Am, Thailand, which aims to achieve free flow of goods in ASEAN as one of the principal means to establish a single market and production base for the deeper economic integration of the region and the realisation of the AEC;

RECOGNISING that Mutual Recognition Arrangements for conformity assessment are one of the instruments to implement the provisions of the ATIGA aiming to eliminate or reduce unnecessary technical barriers to trade within ASEAN;

RECOGNISING also that the effectiveness of Mutual Recognition Arrangements is enhanced through the

harmonisation of standards or technical regulations and that Mutual Recognition Arrangements would be developed in parallel to initiatives on such harmonisation of Member States' standards or technical regulations;

MINDFUL of the differences in infrastructure for Standards and Conformity Assessment of Member States;

REITERATING their commitments under the World Trade Organization Agreement on Technical Barriers to Trade (hereinafter referred to as "TBT Agreement") and noting that the TBT Agreement encourages the Members to enter into negotiations for the conclusion of agreement for the mutual recognition of results of each other's conformity assessment procedures; and

DESIRING to update the ASEAN Framework Agreement on Mutual Recognition Arrangements signed on 16 December 1998 in Ha Noi, Viet Nam (hereinafter referred to as "1998 Framework Agreement") to provide a basis for developing and implementing Mutual Recognition Arrangements in specific product sectors and to incorporate the targets of the establishment of the AEC and the provisions of ATIGA,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

General terms concerning conformity assessment used in this Framework Agreement and the Sectoral Mutual Recognition Arrangements (MRAs) shall have the meaning given in the definitions contained in the ISO/IEC Guide 2:2004¹, and

¹Sectoral Bodies could consider the latest version of ISO/IEC standards in the definition in their respective Sectoral MRAs.

ISO/IEC 17000:2004² of the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) with the exception of the following terms which shall have the meaning as in the definitions herein:

- (a) **"Accreditation Body"** means an official or recognised body in each Member State that provides confirmation of a Conformity Assessment Body's competence to carry out specific conformity assessment tasks;
- (b) **"Conformity Assessment"**^{3, 4} means a demonstration that specified requirements relating to a product process, system, person or body are fulfilled;
- (c) **"Conformity Assessment Body"** means a body that performs conformity assessment services;
- (d) **"Conformity assessment procedure"**⁵ means any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled;
- (e) **"Competent Authority"** means an official government agency having jurisdiction over designated functions;

² Sectoral Bodies could consider the latest version of ISO/IEC standards in the definition in their respective Sectoral MRAs.

³ The subject field of conformity assessment includes activities defined elsewhere in this Framework Agreement, such as testing, inspection and certification, as well as the accreditation of conformity assessment bodies.

⁴ The object of conformity assessment encompasses any particular material, product, installation, process, system, person or body to which a conformity assessment is applied. A service is covered by the definition of a product.

⁵ Conformity assessment procedures include procedures for sampling, testing and inspection, evaluation, verification and assurance of conformity, registration, accreditation, approval, and combinations thereof.

- (f) **"Designating Body"** means a body empowered by the government of a Member State to designate, suspend or withdraw designation, or remove such suspension of conformity assessment bodies;
- (g) **"Designation"** means a governmental authorisation of a Conformity Assessment Body to perform conformity assessment activities as specified under this Framework Agreement and the relevant Sectoral MRAs;
- (h) **"Equivalence of Technical Regulations"** means recognition that a technical regulation in one Member State has the same regulatory objectives as that in another Member State, and the two sets of regulations both fulfil the same objectives;
- (i) **"Regulatory Authority"** means any entity that exercises a legal right to control the import, export, manufacture, distribution, transfer, use or sale of products within a Member State's jurisdiction and may take enforcement action to ensure that products made available within its jurisdiction comply with its legal requirements;
- (j) **"Sectoral Mutual Recognition Arrangement (MRA)"** means an ASEAN MRA in specific product sectors; and
- (k) **"Technical barriers to trade"** means barriers to trade arising out of the implementation of technical regulations, standards, and conformity assessment procedures to achieve policy objectives, such as the protection of human health and safety, or the environment.

ARTICLE 2 OBJECTIVES

The objectives of this Framework Agreement are:

- (a) to stipulate the general principles for developing Sectoral MRAs amongst Member States to facilitate the removal of unnecessary technical barriers to trade within ASEAN; and
- (b) to stipulate the general conditions under which each Member State to a Sectoral MRA shall recognise or accept the results of conformity assessment procedures, produced by the Conformity Assessment Bodies of the other Member States, as specified in the Sectoral MRAs.

ARTICLE 3 SCOPE

This Framework Agreement shall apply to Sectoral MRAs for all products, including industrial and agricultural products.

ARTICLE 4 GENERAL PROVISIONS

1. Member States to the Sectoral MRAs shall recognise or accept the results of the conformity assessment procedures which have been issued in accordance with the provisions in the respective Sectoral MRAs.
2. Member States shall ensure that their Regulatory Authorities, Competent Authorities or Designating Bodies specified in the relevant Sectoral MRA have the mandate and competence within their respective territories to carry out decisions required under this Framework Agreement and the relevant Sectoral MRA.
3. Member States shall ensure that their Regulatory Authorities, Competent Authorities or Designating Bodies fulfil all the other conditions as specified in the Sectoral MRAs in addition to paragraph 2.

4. Whenever possible, Member States to the Sectoral MRAs shall ensure that the Regulatory Authorities, Competent Authorities or Designating Bodies use accreditation as the basis of the requirements to recognise conformity assessment procedures.
5. Member States shall enhance cooperation and undertake confidence building measures in the following areas:
 - (a) harmonisation of standards and technical regulations in accordance with the ASEAN Guidelines for Harmonisation of Standards and ASEAN Guidelines on Standards, Technical Regulations and Conformity Assessment Procedures particularly those relevant to the Sectoral MRAs;
 - (b) establishing or improving infrastructure in conformity assessment and accreditation to meet relevant international requirements;
 - (c) participation in relevant recognition arrangements undertaken by regional and international bodies for standards, accreditation, conformity assessment and metrology;
 - (d) effectively using the existing MRAs developed by regional and international bodies which majority of Member States are parties to;
 - (e) training of personnel in standards, accreditation, conformity assessment, metrology and technical regulations;
 - (f) initiatives such as study visits and joint inspections audits for the purpose of establishing Equivalence of Technical Regulations;
 - (g) research and development; and

- (h) exchange of information on standards, conformity assessment and technical regulations.
6. If requested, a Member State shall provide technical assistance to the requesting Member State on mutually agreed terms and conditions, so that the requesting Member State can fulfil its obligations and fully participate in the Sectoral MRAs.
 7. A Member State to a Sectoral MRA may engage the services of Conformity Assessment Bodies of any other Member State which are designated to undertake the requisite conformity assessment activities in accordance with the relevant provisions of the Sectoral MRA if that Member State does not have its own facilities to do so.
 8. Member States shall identify sectors for developing Sectoral MRAs, taking into consideration the following criteria, where relevant:
 - (a) the appropriateness and feasibility of removing unnecessary technical barriers to trade through a Sectoral MRA;
 - (b) with special focus on, but not limited to, the priority sectors for market integration as agreed by the ASEAN Economic Ministers;
 - (c) the volume of intra-ASEAN trade affected;
 - (d) the interest of Member States;
 - (e) the availability and readiness of technical infrastructure required for implementation of the Sectoral MRA in the majority of Member States; and
 - (f) the existing regulations of Member States and potential impact on trade due to standards technical regulations and conformity assessment procedures.

9. All Sectoral MRAs shall be concluded by all Member States. However, recognising the differences in the availability and readiness of the conformity assessment and technical regulation infrastructure in Member States, provisions may be made for any Member State which is not ready to implement the Sectoral MRA to request to defer implementation to a specified date.
10. Any document issued for the purpose of information exchange, verification, provision of evidence and other activities conducted to fulfil the obligations of this Framework Agreement and the Sectoral MRAs, if not in English, shall be accompanied by certified translated copy in English.

ARTICLE 5

ELEMENTS OF SECTORAL MRAs

1. A Sectoral MRA shall include:
 - (a) scope and coverage with respect to products;
 - (b) a description of the mutual recognition obligations;
 - (c) obligations of the Competent Authorities, Regulatory Authorities, Designating Bodies and Conformity Assessment Bodies as relevant;
 - (d) provisions for identifying and maintaining a list of contact points for the implementation of the Sectoral MRA;
 - (e) provisions for the administration and maintenance of the Sectoral MRA;

- (f) a specified time period within which Member States to the Sectoral MRA are required to implement legislative or regulatory changes to effect the Sectoral MRA;
- (g) provisions for Member States to make information on their respective laws and regulations enabling implementation of the Sectoral MRA available publicly;
- (h) provisions for the entry into force of the Sectoral MRA; and
- (i) provisions for identifying and maintaining, where applicable:
 - (i) a list of the relevant legislative, regulatory and administrative provisions pertaining to the conformity assessment procedures and technical regulations for the specified products and provisions for Member States to the Sectoral MRA to update each other when there are changes to such provisions;
 - (ii) a list of Designating Bodies;
 - (iii) the procedures and criteria for listing Conformity Assessment Bodies; and
 - (iv) the current list of agreed Conformity Assessment Bodies and a statement of the scope of the conformity assessment and relevant procedures for which each has been accepted.

2. The Sectoral MRA may include a statement or arrangement related to mutual acceptance of the standards or technical regulations or mutual recognition

of the equivalence of such standards or technical regulations.

ARTICLE 6

JOINT SECTORAL COMMITTEE

1. For each Sectoral MRA, a Joint Sectoral Committee (JSC) shall be established for the management, administration and monitoring of the Sectoral MRA. The JSC shall comprise of one official representative designated by each Member State to the Sectoral MRA. The designated representative shall not be from a Conformity Assessment Body.
2. The JSC may consider any matter and take appropriate actions relating to its effective functioning. In particular, it shall be responsible for:
 - (a) managing implementation of the provisions of the Sectoral MRA, including where applicable listing, suspension, removal, reinstatement and verification of Conformity Assessment Bodies in accordance with the Sectoral MRA;
 - (b) providing a forum for discussion of issues that may arise concerning the implementation of the Sectoral MRA;
 - (c) managing transition arrangements in the Sectoral MRA;
 - (d) establishing rules and procedures for its operations;
 - (e) considering ways to enhance the operation of the Sectoral MRA; and
 - (f) conducting reviews on the implementation of the Sectoral MRA and making recommendations on any

amendments or revisions to the Sectoral MRA and as well as the termination thereof.

3. The JSC shall make its decisions by consensus.

ARTICLE 7 CONFORMITY ASSESSMENT

1. The JSC responsible for a Sectoral MRA shall establish and implement procedures to decide on the identification of Competent Authorities and Designating Bodies and for the acceptance of Conformity Assessment Bodies.
2. The JSC responsible for a Sectoral MRA shall identify and list the Regulatory Authorities, Competent Authorities or Designating Bodies responsible for the acceptance of Conformity Assessment Bodies in each Member State.
3. Regulatory Authorities, Competent Authorities or Designating Bodies specified in a Sectoral MRA shall identify Conformity Assessment Bodies for designation in accordance with the procedures and criteria set forth in that Sectoral MRA and shall apply one of the following ways to demonstrate technical competence of the Conformity Assessment Bodies:
 - (a) accreditation by a national Accreditation Body or a government recognised Accreditation Body that is a signatory to the International Laboratory Accreditation Cooperation, International Accreditation Forum, or Asia Pacific Accreditation Cooperation recognition arrangements or other similar regional or international arrangements;
 - (b) participation in recognised regional or international MRAs; or

- (c) results of evaluations, conducted in conformance with the relevant procedures and criteria as determined by the JSC.
- 4. The Regulatory Authorities, Competent Authorities or Designating Bodies specified in a Sectoral MRA shall ensure Conformity Assessment is implemented in compliance with specified requirements of the applicable technical regulations.
- 5. The JSC shall establish and implement procedures for the suspension and removal of Conformity Assessment Bodies as appropriate to the implementation of each Sectoral MRA. The JSC may adopt or reference the provisions for suspension and removal of listed Conformity Assessment Bodies as contained in the Annex.

ARTICLE 8

VERIFICATION OF TECHNICAL COMPETENCE AND COMPLIANCE OF CONFORMITY ASSESSMENT BODIES

- 1. Competent Authorities or Designating Bodies of Member States shall ensure that identified Conformity Assessment Bodies will be available for verification of technical competence and compliance with applicable requirements when required by the relevant JSC.
- 2. Competent Authorities or Designating Bodies of a Member State may request for verification of technical competence or compliance of the Conformity Assessment Body of another Member State in accordance with the Sectoral MRA. The request shall be justified in an objective and reasoned manner in writing to the relevant JSC for a decision.
- 3. Where the JSC decides that verification of technical competence or compliance is required, it will be carried

out in a timely manner, based on the procedures and criteria set forth in the relevant Sectoral MRA.

4. The result of this verification shall be reviewed by the relevant JSC for a decision on the technical competence and compliance within a reasonable timeframe. The JSC's decision shall be final.

ARTICLE 9

MONITORING OF CONFORMITY ASSESSMENT BODIES

1. Competent Authorities or Designating Bodies of Member States to the Sectoral MRAs shall ensure that the Conformity Assessment Bodies identified by them and listed in a Sectoral MRA are capable and remain capable of properly discharging their functions in accordance with the Sectoral MRA.
2. Such Competent Authorities or Designating Bodies of Member States shall ensure the maintenance of confidence in the conformity assessment procedures that are implemented.
3. Such Competent Authorities or Designating Bodies of Member States shall consult, as necessary, with their counterparts in other Member States. This consultation may include joint participation by Competent Authorities or Designating Bodies in conformity assessment activities pursuant to a Sectoral MRA.

ARTICLE 10

PRESERVATION OF AUTHORITY OF MEMBER STATES

1. Nothing in this Framework Agreement shall be construed to limit the authority of a Member State to determine, through its legislative, regulatory and administrative

measures, the level of protection it considers appropriate for:

- (a) safety;
 - (b) protection of human, animal, or plant life or health;
 - (c) the environment; or
 - (d) consumers.
2. Nothing in this Framework Agreement shall be construed to limit the authority of a Member State to take all appropriate and immediate measures whenever it ascertains that a product may:
- (a) compromise the health or safety of persons or the environment in its territory;
 - (b) not meet the legislative, regulatory, or administrative provisions within the scope of the applicable Sectoral MRA; or
 - (c) otherwise fail to satisfy a requirement within the scope of the applicable Sectoral MRA.
3. If a Member State takes such measures, it shall inform the affected Member State and other Member States to the relevant Sectoral MRA of such measures taken, providing reasons, within a period of time defined in the relevant Sectoral MRA.

ARTICLE 11

DISPUTE SETTLEMENT

1. Member States shall endeavour to agree on the interpretation or implementation of this Framework

Agreement. Any difference between a Member State and another Member State concerning the interpretation, implementation or application of this Framework Agreement shall, as far as practicable, be settled through communication, dialogue, consultations and cooperation to arrive at a mutually satisfactory solution.

2. In the event that Member States cannot reach a mutually satisfactory solution, the ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed on 29 November 2004 in Vientiane, Lao PDR or its successor agreement shall apply to the settlement of disputes concerning the interpretation, implementation, or application of this Framework Agreement.

ARTICLE 12

INSTITUTIONAL ARRANGEMENTS

1. The ASEAN Consultative Committee for Standards and Quality (ACCSQ) shall monitor the implementation of this Framework Agreement and ensure the effective implementation of this Framework Agreement and the Sectoral MRAs.
2. The Senior Economic Officials Meeting (SEOM), with the support of the ACCSQ, shall review and report periodically on the progress made on the implementation of this Framework Agreement and the Sectoral MRAs to the ASEAN Free Trade Area (AFTA) Council.
3. The ASEAN Secretariat shall provide the support for coordinating and reviewing the implementation and monitoring of this Framework Agreement and the Sectoral MRAs.

ARTICLE 13 CONFIDENTIALITY

1. Member States shall maintain, to the extent permitted under their respective laws and regulations, the confidentiality of information exchanged under this Framework Agreement and the Sectoral MRAs except for information that is made publicly available or which is required under this Framework Agreement and the Sectoral MRAs.
2. Member States shall take all precautions reasonably necessary to protect confidential information exchanged under this Framework Agreement and the Sectoral MRAs from unauthorised disclosure.

ARTICLE 14 RELATION TO OTHER AGREEMENTS

This Framework Agreement or any Sectoral MRA to be concluded under this Framework Agreement shall not affect the rights and obligations of a Member State under any existing international agreement to which that Member State is a party.

ARTICLE 15 IMPLEMENTATION OF THE SECTORAL MRAS

Sectoral MRAs shall indicate clearly the conditions for entry into force and implementation of the Sectoral MRA.

ARTICLE 16 FINAL PROVISIONS

1. The Framework Agreement shall enter into force upon the deposit of the instruments of ratification, approval, or

acceptance by the Member States with the Secretary-General of ASEAN.

2. Upon its entry into force, this Framework Agreement shall replace the 1998 Framework Agreement and shall not apply retrospectively to the Sectoral MRAs signed prior to the entry into force of this Framework Agreement.
3. This Framework Agreement may be reviewed by agreement of Member States.
4. This Framework Agreement may be amended by written agreement of all the Member States. The amendment shall be an integral part of this Framework Agreement.
5. Member States shall make no reservations with respect to any of the provisions of this Framework Agreement.
6. This Framework Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish to each Member State a certified copy thereof.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Framework Agreement.

DONE at Vientiane , Lao PDR , this Thirteenth day of February in the Year Two Thousand and Twenty-Five, in a single original copy in the English Language.

ANNEX

SUSPENSION AND REMOVAL OF LISTED CONFORMITY ASSESSMENT BODIES

A. SUSPENSION OF LISTED CONFORMITY ASSESSMENT BODIES

The following procedure may be adopted with regard to the suspension of a Conformity Assessment Body listed in a Sectoral MRA:

- (a) Any Member State to a Sectoral MRA which contests the technical competence or compliance of a Conformity Assessment Body listed in a Sectoral MRA shall, through its contact point for the Sectoral MRA, submit a proposal to suspend such a Conformity Assessment Body to the relevant JSC and the ASEAN Secretariat. Such contestation shall include a written justification in an objective and reasoned manner;
- (b) The ASEAN Secretariat shall promptly notify the Conformity Assessment Body concerned of the contestation pursuant to subparagraph (a). The Conformity Assessment Body shall be given an opportunity to present information within 30 days from the receipt of such notification in order to refute the contestation or to correct the deficiencies which form the basis of the contestation;
- (c) Any such contestation shall be discussed in a timely manner by the relevant JSC, which may decide to suspend the Conformity Assessment Body in question;
- (d) Where the JSC decides that verification of technical competence or compliance is required, such verification shall be carried out in accordance with Article 8;
- (e) Upon the suspension of a Conformity Assessment Body listed in a Sectoral MRA, Member States to the Sectoral MRA shall no longer be obligated to accept or recognise the results of conformity assessment procedures performed by that Conformity Assessment Body subsequent to suspension. Member States to the Sectoral MRA shall, subject to Article 10, continue to accept the results of conformity assessment procedures performed by that Conformity Assessment Body prior to the suspension; and

- (f) The suspension shall remain in effect until an agreement has been reached by Member States to the Sectoral MRA on the future status of that Conformity Assessment Body.

B. REMOVAL OF LISTED CONFORMITY ASSESSMENT BODIES

The following procedure may be adopted with regard to the removal of a listed Conformity Assessment Body from a Sectoral MRA:

- (a) A Member State to a Sectoral MRA proposing to remove a Conformity Assessment Body listed in the Sectoral MRA shall, through its contact point for the Sectoral MRA, submit a proposal to the relevant JSC and the ASEAN Secretariat. Such proposal shall include a written justification in an objective and reasoned manner;
- (b) The ASEAN Secretariat shall promptly notify the Conformity Assessment Body concerned of the proposal pursuant to subparagraph (a). The Conformity Assessment Body shall be provided a period of at least 30 days from the receipt of such notification to provide information in order to refute or to correct the deficiencies which form the basis of the proposed removal;
- (c) Within 60 days from the receipt of the proposal, the members of the JSC shall indicate their positions regarding either their confirmation or their opposition to the proposed removal to the ASEAN Secretariat. No response within 60 days shall be taken as abstention. The issues shall be discussed by the JSC. Upon confirmation, the removal from the Sectoral MRA of the proposed Conformity Assessment Body shall take effect;
- (d) If the JSC finds sufficient grounds based on the evidence submitted, it may decide to carry out a joint verification of the Conformity Assessment Body concerned. Pending completion of the joint verification, the Conformity Assessment Body shall not be removed from the list of Conformity Assessment Bodies in the applicable Sectoral MRA; and
- (e) Subsequent to the removal of a Conformity Assessment Body listed in a Sectoral MRA, Member States to the Sectoral MRA shall, subject to Article 10, continue to accept the results of conformity assessment procedures performed by that Conformity Assessment Body prior to removal.