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NOTE

From:	Permanent Representatives Committee (Part 2)
To:	Council
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Subject:	Directives for the negotiations with the United States of America for an agreement on conformity assessment

DIRECTIVES FOR THE NEGOTIATIONS WITH THE UNITED STATES OF AMERICA FOR AN AGREEMENT ON CONFORMITY ASSESSMENT

Nature and Scope of the Agreement

1. The Agreement should exclusively contain provisions on conformity assessment between the Parties.

2. The Agreement should be fully consistent with World Trade Organization (WTO) rules and obligations.

3. The Agreement should provide for reciprocal commitments on conformity assessment.

Objectives

4. The objective of the negotiation is to facilitate trade between the EU and the US through the development of streamlined processes to ease the recognition of conformity assessment results that confirm compliance of products with a party's technical regulations, whilst ensuring that a high level of protection in the EU is fully preserved.

Content

Streamlined horizontal conformity assessment agreement

5. The Parties will explore the feasibility of introducing less burdensome conformity assessment requirements based on the assessment of the risk linked to the product.

6. The Parties should develop requirements that would allow an importing Party to accept conformity assessment results confirming compliance with its technical regulations, issued by the conformity assessment bodies located in the territory of the other Party.

7. The agreement should also include provisions to ensure improved and effective procedures and approaches in sectors where obstacles are currently found, notably in the machinery, electrical and electronic sectors.

8. The agreement should mainly cover sectors for which the importing Party requires third party conformity assessment, and it would be conditional upon the Parties agreeing to exercise effective public authority supervision of the conformity assessment bodies located in their territory.

9. The agreement should, as appropriate, address its relationship with the EU-US agreements on mutual recognition which are currently in force.

Final Provisions

10. The Agreement should set up an institutional structure to ensure the implementation of the Agreement.

11. The Agreement should provide provisions on the termination and/or (partial) suspension of the Agreement.

12. The Agreement should be equally authentic in all official EU languages and shall include a language clause to that effect.

Conduct of the negotiations

13. The Commission, in cooperation with Member States, shall, throughout the negotiations, ensure appropriate communication, based on the principle of transparency, towards all relevant EU stakeholders, including civil society and economic operators. In particular, consultations will regularly be organised with all relevant stakeholders.

14. Following consultation of the Trade Policy Committee, the Commission shall suspend the negotiations with the United States, if the United States does not respect the commitment made on 25 July 2018 to abstain during the course of the negotiations from adopting new measures, against the European Union under Section 232 of the Trade Expansion Act of 1962. The Commission may also suspend negotiations if the United States adopts trade restrictions against European Union exports on the basis of Section 301 of the 1974 Trade Act or under any other similar United States law.