

TERMS OF REFERENCE (TOR) OF ASEAN CONSULTATIVE COMMITTEE FOR STANDARDS AND QUALITY

Background

The ASEAN Consultative Committee for Standards and Quality (ACCSQ) was formed by the ASEAN Economic Ministers at their 24th Meeting held on 22- 23 October 1992 in Manila, Philippines with the aim of removing technical barriers to trade.

At the 4th Senior Economic Officials Meeting (SEOM) held in Medan, Indonesia on 8-10 September 1997, the SEOM approved the Revised TOR of the ACCSQ, which among others, authorized the ACCSQ to involve regulatory bodies in the ACCSQ.

Following the ASEAN Leaders decision on the establishment of the ASEAN Economic Community (AEC) by the year 2020 and the fast-track integration of the eleven priority sectors, the 25th ACCSQ Meeting on 9- 10 March 2005 in Vientiane, Lao PDR the Terms of Reference of the ACCSQ, provisions for more active participation of regulators and industry in the ACCSQ activities were included.

The current version of this TOR reflects the mandate provided to ACCSQ in ASEAN Trade in Goods Agreement (ATIGA) signed on 26 February 2009 in Cha-Am, Thailand and incorporates the remit on ACCSQ arising from AEC Blueprint 2025 and to the ASEAN Standards and Conformance Strategic Plan 2016-2025.

Article 1: The objective of the ACCSQ

The following are main objectives of the ACCSQ:

- (i) To facilitate and enhance ASEAN Economic Integration by removal of technical barriers to trade posed by standards, technical regulations, conformity assessment procedures, accreditation, scientific and legal metrology, market surveillance (STRACAP)¹ in ASEAN Member States.
- (ii) To review the non-tariff measures related to STRACAP in areas under the purview of ACCSQ, in the database ASEAN Trade Repository with a view to identifying non-tariff barriers (NTBs) for elimination.

¹ The term STRACAP refers to standards, technical regulations, conformity assessment procedures, accreditation, scientific and legal metrology, market surveillance.

- (iii) Whenever required, to provide inputs related to STRACAP for Free Trade Agreements (FTAs) negotiations between ASEAN and its trading partners and to support the implementation of FTAs that have been concluded
- (iv) To serve as a consultative platform for relevant stakeholders to discuss issues related to STRACAP and oversee implementation of specific agreed initiatives in these sectors.
- (v) To provide recommendation to relevant stakeholders on issues related to STRACAP.
- (vi) To enhance and foster the standards and conformance infrastructure to meet the present and future needs of ASEAN

Article 2: The Terms of Reference of the ACCSQ

2.1 General Matters

The ACCSQ shall:

- (i) Formulate policies and recommendations on the harmonisation of STRACAP within ACCSQ's purview and oversee their implementation, including mutual recognition arrangements, based on international standards and take cognition of appropriate international practices.
- (ii) Provide fora for regulatory authorities to work together on regulatory aspects and provide them with necessary guidance.
- (iii) Facilitate dialogues with industry for both regulated and non-regulated sectors with the aim to strengthen the involvement of industry in standards and conformity assessment activities.
- (iv) Where appropriate, engage trade and other relevant associations to consult on development and to review trade related implementation issues on standards, conformity assessment and technical regulation.
- (v) Develop working relationships and conducting consultations with other relevant ASEAN bodies dealing with TBTs and SPS measures, within the purview of ACCSQ

- (vi) Develop mechanisms for technical cooperation among ASEAN Member States leading to the building up of technical capacity of STRACAP.
- (vii) Formulate cooperation for joint action plans with ASEAN Dialogue Partners on STRACAP to facilitate trade and enhance standards and conformance infrastructure in ASEAN Member States.
- (viii) Formulate and promote ASEAN position, wherever possible, at relevant international and regional fora.

2.2 Matters relating to technical information

The ACCSQ shall develop policies and network to ensure that information on STRACAP in ASEAN Member States is accessible by all interested stakeholders within ASEAN and to increase the two-way flow of information between Member States and other regions/ countries and trading blocks for both the public and private sector.

2.3 Matters relating to the non-regulated sector

The ACCSQ shall formulate policies and enhance existing cooperation efforts and implement programmes which include, amongst others, the following:

- Harmonisation of national standards with international standards and cooperation in international standardisation;
- Cooperation in the development of infrastructure in accreditation and conformity assessment to relevant international best practices;
- Cooperation in participation in relevant arrangements undertaken by regional and international bodies on standardisation; accreditation, metrology, conformity assessment.

2.4 Matters relating to the regulated sector

The ACCSQ shall:

- (i) Whenever appropriate, monitor and provide guidance on the establishment of ASEAN regulatory frameworks, harmonisation of technical regulations and

development and implementation of mutual recognition arrangements for products in the regulated sectors.

- (ii) Provide recommendations to the ASEAN Senior Economic Officials Meeting relating to the elimination of TBTs in the regulated sectors.
- (iii) Develop recommendations and guidance to AMS regulatory authorities on cross-cutting issues on market integration with regard to STRACAP.
- (iv) Cooperate in implementing Good Regulatory Practices.

Article 3: The Structure of the ACCSQ and Terms of Office

Official Representation at the ACCSQ

The ACCSQ shall comprise of:

- 3.1 A Chairperson and Vice-Chair. The Chairperson and Vice-Chair shall not be from the same Member State and they should be the Head of National Standards Bodies or his/her designated representatives. The tenure for the ACCSQ chairmanship shall be for period of one year and followed by alphabetical order.
- 3.2 A Secretary. The Secretary should be a designated officer of the ASEAN Secretariat.
- 3.3 A maximum of four official representatives from each Member State with the lead being the Head of National Standards Body (NSB) or equivalent Body of each Member State or his/her designated representative given the mandate by the relevant Head of the NSB or equivalent body.
- 3.4 Chairs and Vice-Chairs of WGs and PWGs under the ACCSQ.

Article 4: The Establishment of Working Groups/ Product Working Groups/ Task Forces

To enable ACCSQ to accomplish its mandate, the ACCSQ may form Working Groups/ Product Working Group or Task Forces under it to address and/or implement specific measures on STRACAP and to make the necessary recommendations relating to ACCSQ's objectives. Working Groups/ Product Working Groups may establish task forces to undertake defined tasks within their terms of reference. The ACCSQ, however, will monitor and provide any guidance when necessary.

The ACCSQ may initiate consultations and/or networking with other relevant bodies in ASEAN and provide them with inputs and/or support related STRACAP, if necessary.

Article 5: Duties and Responsibilities of Chairperson, Vice- Chairperson of the ACCSQ and the Secretary

- 5.1 The Chairperson of the ACCSQ shall be responsible to the SEOM. He/she shall preside at every meeting of the ACCSQ and ensure that all interests are heard, keep discussion to the point, judge when a consensus of opinion has been reached and express it by a summing up process in order that the minutes are clear and precise. The Chairperson shall conduct all meetings at all times in an impartial manner.
- 5.2 The Vice- Chairperson shall assist the Chairperson in fulfilling the duties and responsibilities under Article 5.1.
- 5.3 Secretary: the Secretary to the ACCSQ is responsible to the Chairperson of the ACCSQ. His/her duties shall include the convening of meetings, the submission of requests and forwarding decision of the meeting and approvals to the appropriate ASEAN Sectoral Body. He or she will also facilitate or assist Member States in preparing policy and technical papers to be submitted for consideration and discussion at the Meetings, keeping a record of the minutes of ACCSQ meetings and monitoring the follow up actions from each decision made by ACCSQ.

Article 6: Meetings and Procedures of the ACCSQ

- 6.1 Meetings of the ACCSQ shall be held regularly at least twice a year at such times and places as the Committee may from time to time decide. The Secretary to the Committee shall summon a meeting giving 6 weeks' notice of the meeting when possible and the business to be transacted whenever he/she is directed to do so

by the Chairperson. In case, there is an urgent matter for which ACCSQ meeting needs to be convened then a shorter notice is allowed.

- 6.2 Any member of the ACCSQ can request for a meeting with the approval of the Chairperson and Vice Chairperson after consultation with other members.
- 6.3 Meetings of the ACCSQ shall be presided over by the Chairperson of the Committee, or, in his/her absence by the Vice Chairperson appointed under Article 5. In the event both the Chairperson and the Vice Chairperson are not available, the members present may elect from among themselves a Protem Chairperson to preside at that meeting.
- 6.4 Attendance by representatives from at least six member states shall be required to constitute a quorum
- 6.5 The Chairperson or Vice Chairperson of the WGs/PWGs under ACCSQ should attend or be represented in the Meeting to report on the progress made by their relevant WGs/ PWGs and provide ACCSQ with any inputs or clarifications related to their areas.
- 6.6 Observers. Representatives from other sectoral bodies related to TBT and SPS and representatives from the relevant industry associations and other stakeholders may also be invited to participate as observers. However, decisions of the Meeting shall be achieved only through the consensus of the ACCSQ.
- 6.7 Participation of resource persons and experts. The ACCSQ may invite resource persons and experts, to participate and provide inputs in particular agenda items of the Meetings.
- 6.8 Every decision before the ACCSQ shall be determined by consensus of all members.
- 6.9 The ACCSQ shall report its recommendation and proceedings to the SEOM.