



Code of Practice

for

Consignment Based Conformity Assessment (CBCA) Services

1 July 2022

PREFACE

Many developed countries have strong National Standards and Technical Regulations supported internally with a network of enforcement bodies and testing facilities. The threat to the globalisation of trade from such countries' measures to protect their consumers, environment etc. led to the World Trade Organisation 'Technical Barriers to Trade' (TBT) Agreement. Recognising the right of a government to protect the health and safety of its population from deceptive trade practices and the import and export of inferior goods, several countries have sought external assistance to implement a comprehensive conformity assessment program while at the same time complying with the trade facilitation requirements of the World Trade Organization 'Technical Barriers to Trade' (TBT) Agreement.

Such assistance is frequently contracted out to qualified private companies by the country's Standards Body or Authority in the form of Consignment Based Conformity Assessment (CBCA) programmes as a means of checking on imported goods. A CBCA programme is designed to:

- Protect the consumer from dangerous or substandard products
- Protect the environment
- Protect domestic industry from unfair competition of non-compliant goods
- Facilitate trade through the avoidance of consignment testing upon arrival or multiple testing requirements.
- To ensure the provision of state-of-the-art technologies and high level recognized expertise.

CBCA programme provides the user country with a degree of reassurance that products entering its domestic market comply with either National or International Standards.

As CBCA programmes have become a substantial part of the evolving international trade landscape, the TIC Council has developed and maintains this Code of Practice (CoP) that should be followed by all TIC Council Members in implementing CBCA programmes. TIC Council encourages those non-TIC Council member companies offering CBCA programmes, to follow, as well, this CoP.

This Code of Practice is designed to provide confidence to Governments and consumers that TIC Council Members implementing CBCA programmes comply with a recognised industry code and are subject to annual audit to ensure such compliance.

This Code of Practice does not detract from, or take precedence over, any legal or contractual obligations of the TIC Council Member Companies, and TIC Council accepts no responsibility for acts or omissions of its Members or others who may make use of it.

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A. INTRODUCTION

1. Definitions

- 1.1. **“Consignment Based Conformity Assessment (CBCA)”** shall mean a process ensuring that a consignment to be exported fulfils the relevant Standards and Technical Regulations. Such process includes review of conformity supporting documents, visual inspection of the consignment (where appropriate) and their correlation with shipping documents.
- 1.2. **“CBCA programme”** shall mean rules, procedures and management for carrying out Consignment Based Conformity Assessment (CBCA) in a determined country. CBCA programmes are set forth by the Competent Authorities and Standardization bodies and require consignments of imported goods to be covered by documented evidence of compliance to technical regulations and/or national or international Standards.
- 1.3. **“Client”** means the Party in the name of which the certificate of conformity is issued for the consignment.
- 1.4. **“Competent Authorities”** mean Authorities in the country of import having jurisdiction in the activity concerned. Such Authorities could be the Ministry of Trade, another Ministry, the National Standardization Body and other bodies in charge of conformity control, the Central Bank.
- 1.5. **“Standards”** shall mean those standards applicable to the products in question. Such Standards shall encompass National and recognized Regional and International recognised Standards/Regulations, including published “national deviations” to the Standards as applicable.
- 1.6. **“Technical Regulations”** shall mean those regulations created by the National Authority governing safety or environmental protection as recognised within the meaning of Standards.
- 1.7. **“TBT”** is the World Trade Organization Technical Barriers to Trade Agreement.
- 1.8. **“Conformity supporting documents”** shall mean authentic test reports, certificates, reports of analysis, approval stating conformity or giving test/analysis results. Conformity supporting documents shall be issued by a “Recognized body”.
- 1.9. **“Recognized body”** shall mean:
 - A Conformity Assessment Body (CAB) accredited by an accreditation body which is a member of ILAC or IAF (as appropriate for the kind of assessment) to the appropriate standard: ISO/IEC 17025 for laboratories; ISO/IEC 17065 Guide 65 for product certification bodies; ISO/IEC 17020 for inspection bodies. The accreditation scope shall be relevant to the product being assessed and to the applicable standards and/or technical regulations.

- A laboratory that is owned by the TIC Council Member, either directly or through a subsidiary, and is subject to the TIC Council Member's management and audit systems.
 - The manufacturer's laboratory, having certification to ISO 9001 or an equivalent quality management system standard, and who issues internal test reports to the applicable standards and/or technical regulations. The competency of the manufacturer's laboratory shall be demonstrated to the satisfaction of the TIC Council Member through a list of test equipment, calibration records and quality control records or an equivalent proof of competence.
- 1.10. **"Registration"** shall mean a process ensuring that a product has been fully tested satisfactorily according to the relevant Standards and complies with the appropriate Technical Regulation and that visual inspection demonstrates compliance. TIC Council Members may provide specific conformity assessment procedures for shipments of registered products.
- 1.11. **"Licensing"** shall mean a process ensuring that a product has been fully tested satisfactorily according to the relevant Standards or any appropriate technical regulation.
- 1.12. **"Final documents"** shall mean those shipping documents stipulated in the relevant CBCA Programme (final commercial invoice, packing list, transport document, certificate of origin or similar) which are necessary for the issuance of a Certificate in addition to Conformity supporting documents.

2. Scope

- 2.1. This Code of Practice (CBCA-CoP) shall apply to those TIC Council Members providing CBCA services and establishes guidelines for the provision by such TIC Council Members of conformity assessment services for consignments to national or international standards and/or technical regulations set forth by the Competent Authorities.
- 2.2. The CBCA-CoP is based on relevant principles of the WTO Agreement on Technical Barriers to Trade and on international standards.
- 2.3. The CBCA-CoP does not cover:
- Pre-shipment Inspection (PSI) activities.;
 - Product Certification activities carried out uniquely for the product itself and without assessment of consignments of such product.

3. Coverage

- 3.1. This CBCA-CoP establishes requirements for TIC Council Members delivering CBCA services and the processes to be conducted in delivering such services. The CBCA-CoP will be regularly updated to reflect developments in the market and regulatory environment.

3.2. The CBCA-CoP has three parts:

- Part A - INTRODUCTION, provides the scope and definitions;
- Part B - GENERAL REQUIREMENTS, sets out key values, skills, knowledge and expertise that the company must have to provide services in this domain;
- Part C - PROCESS FOR CONSIGNMENT BASED CONFORMITY ASSESSMENT, describes the process and performance levels required.

3.3. TIC Council Members shall be audited once a year for compliance with the TIC Council CBCA Code of Practice. The audit shall include random file selection and an audit check list. The audit may be carried out by TIC Council or, by agreement with the TIC Council secretariat, by an external auditor such as the Member's accredited ISO 9001 certification body.

B. GENERAL REQUIREMENTS

1. Integrity

All TIC Council Members, in compliance with the requirements of the TIC Council Compliance Code, shall:

- 1.1. Establish a set of corporate values that eschew corrupt practices and promote honesty in the approach of the organization and its employees to clients and other stakeholders.
- 1.2. Implement rules and procedures to ensure that these corporate values are observed in all its activities, including;
 - (i) An appropriate formal and published policy statement at the highest level in the organization, setting out the relevant corporate values;
 - (ii) Implementation of procedures to ensure that all employees are aware of these values and apply them in the performance of their duties;
 - (iii) Establishment of mechanisms for reporting cases of non-observance of these values, including the protection of those initiating the reports;
 - (iv) Recording systems adequate to permit the audit of incidents of non-compliance with relevant corporate rules and procedures.

2. Confidentiality

- 2.1. TIC Council Members shall treat all information received in the course of a CBCA programme as business confidential and staff shall be required to sign a non-disclosure agreement.
- 2.2. TIC Council Members shall implement adequate security measures in their offices containing confidential business information to ensure that
 - (i) Access is restricted to authorised personnel only;
 - (ii) Documents/data are stored in designated secure areas; and,
 - (iii) All sensitive material is disposed of by shredding, disintegration or incineration under supervision of authorised personnel.

3. Impartiality and independence

TIC Council Members shall, through appropriate procedures and management controls:

- 3.1 Manage, prevent and/or avoid conflicts of interest, notably by establishing mechanisms for identifying and resolving potential conflicts of interest within the organization or in its relations with its clients and stakeholders:
 - (i) Between TIC Council Members and any related entities of the TIC Council Members in question, including any entities in which the latter have a financial or commercial interest or any entities which have a financial interest in the TIC Council Members in question, and whose consignments the TIC Council Members are to inspect;
 - (ii) Between TIC Council Members and any other entities, including other entities subject to such verification, with the exception of the government entities contracting or mandating the programme;
 - (iii) With divisions of TIC Council Members engaged in activities other than those required to carry out the CBCA process.
- 3.2 Be objective, ensuring that their behaviour and decisions are not influenced by the client's or other parties' interests;
- 3.3 Have suitable facilities and equipment and appropriate risk mitigation strategies to cover situations in which there is a risk of compromise in outsourcing activities;
- 3.4 Ensure that the services provided lead to the full and fair implementation of the relevant CBCA programme rules and criteria; and,
- 3.5 Observe the independence criteria of Annex A of ISO/IEC 17020.

4. Competence

TIC Council Members shall possess the following attributes:

- 4.1. To support the consistency of delivery of services covered by this CBCA Code of Practice, the TIC Council Member shall implement a quality management system in accordance with or equivalent to ISO 9001.
- 4.2. The TIC Council Member shall demonstrate competence as an accredited conformity assessment body through accreditation to ISO/IEC Guide 17065, ISO/IEC 17020 or similar by an accreditation body signatory of the MRA of IAF/ILAC, as applicable. While the accreditation needs not extend to every branch of the Member's network, all branches engaged in the CBCA activity shall operate under the Member's system that is subject to accreditation and be under the control of personnel deemed competent under the terms of the Member's accreditation.

- 4.3. TIC Council Members shall demonstrate an appropriate knowledge of international standards and technical regulations, including a full comprehension of conformity assessment activities (testing, inspection, certification of products and systems).
- 4.4. TIC Council Members shall have a sufficient number of qualified permanent personnel performing assessment of “Conformity supporting documents”. Such qualifications shall be left to the individual TIC Council Member to decide. However, it is expected that the personnel have experience and are trained on the specific requirements of the relevant CBCA Programme(s).
- 4.5. Inspectors conducting visual inspection shall have undergone appropriate training.
- 4.6. Inspectors shall demonstrate competence in the inspection of products and shall be qualified by the TIC Council Member.
- 4.7. Inspectors and other relevant personnel involved in the conformity assessment shall be monitored and assessed annually in accordance with the TIC Council Member’s quality procedures.
- 4.8. The TIC Council Member shall have procedures for tracking and disseminating information about changes in the regulatory environment.
- 4.9. The TIC Council Member shall have an organisation with management systems integrating this Code of Practice.
- 4.10. The Management Systems shall require nomination of a manager who is qualified and experienced in the CBCA operations of the TIC Council Member and who has overall responsibility for the TIC Council Member’s compliance with this Code of Practice.

5. Office and global network

- 5.1. The TIC Council Member shall itself normally perform the inspections which it contracts to undertake under a CBCA programme. To this purpose, the TIC Council Member should have a network of offices with sufficient personnel adequate to meet the requirements of the Program.
- 5.2. The TIC Council Member shall have available to it, suitable and adequate facilities and equipment to permit all the necessary activities to be carried-out. This will, for example, include (a) databases capable of recording and retrieving details of goods inspected, the results of conformity assessment and laboratory tests (b) facilities for communicating between all offices in the TIC Council Member’s network.
- 5.3. The TIC Council Member shall have or have access to sufficient laboratories that are accredited to ISO/IEC 17025, or equivalent where applicable, with the appropriate scope, in order to provide testing services to the exporters and goods which are subject to a CBCA Programme.

- 5.4. The subcontracting inspection or testing activities may proceed after ensuring that the subcontractor has the necessary competence, infrastructure and accreditation to perform such activity. TIC Council Members shall ensure subcontractors' compliance to this Code of Practice.

6. Governmental requirements

- 6.1. In carrying-out conformity assessment activities, TIC Council Members shall follow the applicable laws, regulations and requirements of relevant Government authorities.
- 6.2. Within the above scope, TIC Council Members shall take care not to create unnecessary obstacles to international trade. Procedures and information requirements shall be limited to what is necessary to assess conformity.

7. Performance Standards

- 7.1. TIC Council Members shall design their management system to ensure compliance with the performance Standards set, where applicable, by the relevant Government authorities.
- 7.2. In any event, as a minimum requirement, TIC Council Members shall ensure compliance with the following performance Standards:
 - (i) Date of visual inspection: subject to receipt of satisfactory conformity assessment documents and to the payment of the service by the client (at the discretion of the TIC Council Member), to be either on the date requested by the exporter or within the notice period published by the TIC Council Member, whichever is the longer.
 - (ii) Date of issuance of a Certificate (explaining reasons for non-issuance of Certificate): to be in accordance with issuance requirements of the CBCA Program.

8. Non-Discrimination

- 8.1. CBCA programmes shall be conducted in a non-discriminatory manner. The procedures and criteria employed in the conduct of CBCA activities should be objective and applied on an equal basis to all importers/exporters affected by such activities.
- 8.2. Procedures and criteria may vary according to Government authorities' requirements and to risks assessed for a specific consignment, but the rules of application shall be uniform and non- discriminatory.

9. Transparency

TIC Council Members shall ensure that guidelines to any CBCA programme are available to exporters or importers via the internet or in printed version. These guidelines shall provide clarity as to the basis on which CBCA services are provided, having regard to legislation, standards, procedures and criteria, best practice and other relevant aspects to the CBCA programme.

10. Complaints and Appeals

- 10.1. TIC Council Members shall have documented procedures for receiving, deliberating and deciding on complaints about CBCA services. This shall include provisions for taking appropriate corrective action where a complaint is upheld.
- 10.2. TIC Council Members shall have documented procedures for the consideration and resolution of appeals against the results of its CBCA services.
- 10.3. A record shall be maintained of all complaints and appeals and of the actions taken by the TIC Council Member.

C. PROCESS FOR CONSIGNMENT BASED CONFORMITY ASSESSMENT

1. Consignment Conformity Assessment

- 1.1 The TIC Council Member shall perform an assessment of the objective evidence that a consignment fulfils requirements of applicable standards and/or technical regulations.
- 1.2 Such assessment activities shall include:
 - (i) Review of conformity supporting documents provided by the client and applicable to the consignments that are subject to the CBCA programme.
 - (ii) Assessment of the conformance risks of the products and specific consignment to be shipped.
 - (iii) Visual inspection that the products intended to be shipped are those for which valid conformity supporting documents have been reviewed. The visual inspection shall also include checks regarding conformity of the goods with specific applicable standards and national deviations such as labelling, marking or shelf-life requirements in particular.
 - (iv) The comparison of the inspected products with the shipping and/or transaction documents.
- 1.3 Details and results of the assessment conducted by the TIC Council Member shall be documented through a specific report or check-list which shall be retrievable from the TIC Council Member's filing system.
- 1.4. Reduced and/or specific assessment activities may be applicable to Registered or Licensed products (as per sections 4 and 5 below) and/or as per Government authorities' documented requirements.
- 1.5 The methodology of performing the above assessment activities shall be determined by the TIC Council Member in agreement with the Government authorities establishing a CBCA Programme.

2. Conformity Supporting Documents

- 2.1 Each consignment shall have satisfactory conformity supporting documents.

- 2.2 The conformity supporting documents shall cover the requirements necessary and to demonstrate that the product in question complies with the relevant national, international standards and any extant technical regulations. Compliance to national deviations related only to marking may be checked during the visual inspection.
- 2.3 Where exporters are unable to produce a valid and acceptable conformity supporting documents, they shall be given the opportunity to submit the product for testing. TIC Council Members may implement a control test process whereby the complexity and level of testing is reduced from full testing in accordance with the appropriate standard. Such 'control testing' requirements shall be given to the test laboratory and the exporter. The exporter/importer shall have free choice of the test laboratory meeting the requirements as clarified in the definitions section.
- 2.4 Conformity supporting documents shall be retrievable from the TIC Council Member's filing system.

3. Visual Inspection

- 3.1 Visual inspection shall be conducted in such a manner to minimise the amount of potential disruption in the supply chain. Wherever possible, inspection shall be carried out at the time of shipment of the consignment. In any case, all of the goods of the consignment shall be available at the time of visual inspection.
- 3.2 Visual inspection details and results shall be documented through a specific report or check- list which shall be retrievable from the TIC Council Member's filing system.
- 3.3 Visual Inspection is performed either in-person or remotely.
Remote inspection is performed by a distant inspector of the TIC Council Member using a specific application and connecting via Information and Communication Technology (ICT) internet to the inspection site using a smartphone (or other suitable connected device) available on site.
The application is used by the inspector to:
- communicate with the inspection site via voice and video streaming,
 - take photos or video through the distant device,
 - identify actual geo localization of the device on site (GPS coordinates...)

The remote inspection is an alternative that may apply when all the eligibility criteria are met unless it is expressly excluded by the contracting Government authorities or by the inspection site.

In all cases, the TIC Council Member shall maintain the ability to require an in-person inspection or if a remote inspection has begun, to stop the remote inspection and require an in-person inspection.

- 3.4 The inspection site is eligible for the remote inspection when the following additional criteria are met:

- Device at inspection site is connected via Information and Communication Technology to the Internet during the needed time for inspection,
- Photos and videos are not forbidden
- Risk assessment of TIC Council Member concludes suitability of the remote inspection

4. Registration

- 4.1 Registration of products regularly shipped shall permit a reduced level of requirements at the time of shipment of consignments.
- 4.2 Eligibility to Registration, requirements at time of shipment for registered products and process of Registration shall be determined by the Government authorities establishing a CBCA Programme in agreement with the TIC Council Member. The processes detailed in this section shall apply unless expressly excluded by the contracting Government authorities.
- 4.3 The importer/exporter wishing to register a product must make application to the TIC Council Member.
- 4.4 The acceptance of the application is conditional upon:
 - (i) The importer/exporter/manufacture having no record of standards contraventions.
 - (ii) Submission of a sample of the product along with the appropriate laboratory test reports demonstrating full compliance with the required standards and regulations.

- 4.5 The TIC Council Member may reserve the right to require any further testing that it may consider necessary. It is not permitted to test a sample from a shipment for the purposes of registration.
- 4.6 The TIC Council Member shall perform a review of the test reports and shall visually examine the product. In case of satisfactory results, Registration may be granted.
- 4.7 Registration of a product for the import into one country cannot automatically be extended to import into another country. A separate application should be made to the TIC Council Member who must ensure that the products comply with the required standards and regulations of the other country.
- 4.8 Registration is unique to the applicant and shall not be transferred to third parties. It may be extended to other manufacturing plants of the same company; however, verification should take place to ensure the same level of quality control at the additional plant.
- 4.9 Registration is valid for a maximum of one calendar year. It can be extended upon receipt of a new application and satisfactory review by the TIC Council Member.
- 4.10 TIC Council Members shall maintain a record of Registrations granted, including details to permit the audit of the provisions of the present Code of Practice.
- 4.11 Mutual recognition of Registrations between TIC Council Members is encouraged.
- 4.12 Shipments of registered products shall be subject to a periodic visual inspection as per program's contractual requirements or at least twice a year. Additionally, the TIC Council Member shall establish a documentary monitoring process of each shipment to ensure continued compliance of the product with the standards.
- 4.13 TIC Council Members shall maintain a record of the examination level (with or without inspection) of each shipment of registered products.

5. Licensing

- 5.1 Except as otherwise specified below, the provisions of section C.4 shall apply to the Licensing of products.
- 5.2 Applications for product licensing shall be submitted by the product manufacturer.
- 5.3. Eligibility for licensing, requirements at time of shipment for licensed products and process of Licensing shall be determined by the Government authorities establishing a CBCA Programme in agreement with the TIC Council Member. The processes detailed in this section and section C.4 shall apply unless expressly excluded by the contracting Government authorities.
- 5.4 The TIC Council Member shall:

- (i) Perform a review of the test reports and of the manufacturer's quality system documentation,
- (ii) Visually inspect the product and,
- (iii) Conduct an audit of the manufacturing

process. In case of satisfactory results, Licensing may be granted.

- 5.5. The TIC Council Member shall conduct an annual audit of the manufacturing process and review the quality management system for licensed products.
- 5.6 Shipments of licensed products shall be subject to visual inspection at a minimum frequency of 12 months. Additionally, the TIC Council Member shall establish a documentary monitoring process of each shipment to ensure continued compliance of the product with the standards.