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**European Community
and
United States of America**

Agreement between the European Community and the United States of America on the mutual recognition of certificates of conformity for marine equipment (with annexes). Washington, 27 February 2004

Entry into force: 1 July 2004, in accordance with article 21

Authentic texts: Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish

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Only the authentic English and French texts of the Agreement and its annexes are published herein. Other authentic texts of the Agreement and annexes are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

**Communauté européenne
et
États-Unis d'Amérique**

Accord entre la Communauté européenne et les États-Unis d'Amérique sur la reconnaissance mutuelle de l'évaluation des certificats de conformité des équipements marins (avec annexes). Washington, 27 février 2004

Entrée en vigueur : 1^{er} juillet 2004, conformément à l'article 21

Textes authentiques : danois, néerlandais, anglais, finnois, français, allemand, grec, italien, portugais, espagnol et suédois

Enregistrement auprès du Secrétariat des Nations Unies : Conseil de l'Union européenne, 8 juin 2012

Seuls les textes authentiques anglais et français de l'Accord et de ses annexes sont publiés ici. Les autres textes authentiques de l'Accord et des annexes ne sont pas publiés ici, conformément aux dispositions du paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique du Secrétariat dans le domaine des publications.

AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA
AND THE EUROPEAN COMMUNITY
ON THE MUTUAL RECOGNITION OF CERTIFICATES OF CONFORMITY
FOR MARINE EQUIPMENT

PREAMBLE

The UNITED STATES OF AMERICA and the EUROPEAN COMMUNITY, hereinafter referred to as "the Parties",

CONSIDERING the traditional links of friendship that exist between the United States of America (US) and the European Community (EC);

DESIRING to facilitate bilateral trade in marine equipment and to increase the effectiveness of each Party's regulatory actions;

RECOGNISING the opportunities offered to regulators by the elimination of unnecessary duplication of their activities;

NOTING the shared commitment of the Parties to the work of the International Maritime Organisation (IMO);

CONSIDERING that the aim of the Parties is enhancing safety at sea and the prevention of marine pollution;

RECOGNISING, on the one hand, that mutual recognition agreements can positively contribute to greater international harmonisation of standards;

BEARING IN MIND, on the other hand, that the determination of equivalence must ensure that the fulfilment of the regulatory objectives of the Parties is fully respected and shall not lead to a lowering of their respective levels of safety and protection;

RECOGNISING that mutual recognition of certificates of conformity based on the equivalence of EC and US marine equipment regulations is an important means of enhancing market access between the Parties;

RECOGNISING that agreements providing for mutual recognition are of particular interest to small and medium-sized businesses in the US and the EC;

RECOGNISING that any mutual recognition also requires confidence in the continued reliability of the other Party's conformity assessments;

BEARING IN MIND that the Agreement on Technical Barriers to Trade, an agreement annexed to the Agreement Establishing the World Trade Organisation (WTO), encourages WTO Members to enter into negotiations for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures, as well as to give positive consideration to accepting as equivalent the technical regulations of other Members, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations,

HAVE AGREED AS FOLLOWS:

CHAPTER 1

DEFINITIONS AND PURPOSE

ARTICLE 1

Definitions

1. The following terms and definitions shall apply to this Agreement:
 - (a) "Regulatory Authority" means a government agency or entity that has the authority to issue regulations regarding issues related to safety at sea and prevention of marine pollution, that exercises a legal right to control the use or sale of marine equipment within a Party's jurisdiction, and that may take enforcement action to ensure that products marketed within its jurisdiction comply with applicable legal requirements. The Parties' respective Regulatory Authorities are identified in Annex III.
 - (b) "Conformity Assessment Body" means a legal entity, whether a Regulatory Authority or another body, public or private, that has the authority to issue Certificates of Conformity under a Party's domestic laws and regulations. For purposes of this Agreement, the Parties' respective Conformity Assessment Bodies are those referred to in Article 6.