

Chapter 6
Technical Regulations, Standards and Conformity
Assessment Procedures

Article 6.1
Scope

1. This Chapter shall apply to technical regulations, standards and conformity assessment procedures as defined in the TBT Agreement, that may affect trade in goods between the Parties.
2. This Chapter shall not apply to:
 - (a) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies; or
 - (b) SPS measures as defined in Annex A of the SPS Agreement.

Article 6.2
Objectives

The objectives of this Chapter are to:

- (a) increase and facilitate trade between the Parties, through the improvement of the implementation of the TBT Agreement;
- (b) ensure that technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to trade; and
- (c) enhance joint cooperation between the Parties.

Article 6.3
Definitions

For the purposes of this Chapter:

- (a) the term "TBT Agreement" means the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement; and

- (b) the terms and definitions set out in Annex 1 of the TBT Agreement shall apply.

Article 6.4 Reaffirmation of Rights and Obligations

The Parties reaffirm their rights and obligations related to technical regulations, standards and conformity assessment procedures under the TBT Agreement.

Article 6.5 International Standards

1. Each Party shall use relevant international standards and guides or recommendations to the extent provided in paragraph 4 of Article 2 and paragraph 4 of Article 5 of the TBT Agreement, as a basis for its technical regulations and conformity assessment procedures.

2. Each Party shall encourage its national standardizing bodies to cooperate with the relevant national standardizing bodies of the other Party in international standardizing activities. Such cooperation may take place in regional and international standardizing bodies of which they are both members.

Article 6.6 Technical Regulations

1. Upon request of a Party that has an interest in developing a technical regulation similar to a technical regulation of the other Party, such other Party shall provide, to the extent practicable, relevant information, including studies or documents, except for confidential information, on which it has relied in its development.

2. Each Party shall give positive consideration to accepting as equivalent technical regulations of the other Party, even if these regulations differ from its own, provided it is satisfied that these regulations adequately fulfill the objectives of its own regulations.

3. Where a Party does not accept a technical regulation of the other Party as equivalent to its own, it shall, upon request of the other Party, explain the reasons therefor.

Article 6.7

Acceptance of Results of Conformity Assessment Procedures

1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance in a Party of the results of conformity assessment procedures conducted in the other Party. Each Party shall, upon request of the other Party, provide information on the range of such mechanisms used in its Area.

2. Each Party shall ensure, whenever possible, that results of the conformity assessment procedures in the other Party are accepted, even when those procedures differ from its own, provided it is satisfied that the procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to its own procedures.

3. Where a Party does not accept the results of a conformity assessment procedure conducted in the other Party, it shall, upon request of the other Party and subject to the laws and regulations of that Party, explain the reasons therefor so that corrective action may be taken by the other Party where appropriate.

4. Each Party shall, whenever possible, accredit, designate or recognize conformity assessment bodies in the other Party on terms no less favorable than those it accords to conformity assessment bodies in its Area. If a Party accredits, designates or recognizes a body assessing conformity with a particular technical regulation or standard in its Area and it refuses to accredit, designate or recognize a body in the other Party assessing conformity with that technical regulation or standard, it shall, upon request, explain the reasons therefor.

Article 6.8
Enquiry Point

Each Party shall designate an enquiry point to answer all reasonable enquiries from the other Party regarding technical regulations, standards and conformity assessment procedures and, where appropriate, to provide the other Party with other relevant information which it considers the other Party should be made aware of.

Article 6.9
Sub-Committee on Technical Regulations, Standards
and Conformity Assessment Procedures

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Sub-Committee on Technical Regulations, Standards and Conformity Assessment Procedures (hereinafter referred to in this Article as "the Sub-Committee").
2. The functions of the Sub-Committee shall be:
 - (a) reviewing and monitoring the implementation and operation of this Chapter;
 - (b) enhancing joint cooperation in the development and improvement of technical regulations, standards and conformity assessment procedures;
 - (c) exchanging information on technical regulations, standards and conformity assessment procedures;
 - (d) undertaking consultations on issues related to technical regulations, standards and conformity assessment procedures;
 - (e) exchanging information on the work in regional and multilateral fora engaged in activities related to technical regulations, standards and conformity assessment procedures;
 - (f) discussing technical cooperation between the Parties on matters related to this Chapter;

- (g) discussing any issues including those which may cause disputes between the Parties related to this Chapter with the objective of finding mutually acceptable solutions;
- (h) reporting the findings of the Sub-Committee to the relevant bodies; and
- (i) carrying out other functions as may be delegated by the Joint Committee.

3. The Sub-Committee shall be composed of representatives of the Governments of the Parties.

4. The Sub-Committee shall hold meetings at such times and venues or by means, as may be agreed by the Parties.

5. For the purposes of this Article, the Sub-Committee shall be coordinated by:

- (a) for Japan, the Ministry of Foreign Affairs, or its successor; and
- (b) for Mongolia, the Ministry of Industry, or its successor.

Article 6.10
Non-Application of Chapter 16

Chapter 16 shall not apply to this Chapter.