

CHAPTER 6

TECHNICAL BARRIERS TO TRADE

Article 6.1: Objective and Scope

1. The objective of this Chapter is to provide a framework to address the impact of technical barriers to trade between the Parties.
2. For this purpose, technical barriers to trade shall cover all standards, technical regulations and conformity assessment procedures that may directly or indirectly affect trade in goods and / or assessments of manufacturers or manufacturing processes of goods traded between the Parties.
3. Standards, technical regulations and conformity assessment procedures shall have the meanings assigned to those terms in Annex 1 of the *WTO Agreement on Technical Barriers to Trade* ("TBT Agreement").

Article 6.2: Coverage

1. The Parties affirm their existing rights and obligations under the TBT Agreement.
2. The Parties additionally affirm their commitment to the modalities whichever is most expedient in the framework as set out in this Chapter so as to facilitate and increase trade in goods and / or assessments of manufacturers or manufacturing processes of goods traded between the Parties.
3. This Chapter does not apply to sanitary and phytosanitary measures as defined in the *WTO Agreement on Application of Sanitary and Phytosanitary Measures* which are covered by Chapter 5 (*Sanitary and Phytosanitary Measures*) of this Agreement.
4. This Chapter applies to all goods and/or assessments of manufacturers or manufacturing processes of goods traded between the Parties, regardless of the origin of those goods, unless otherwise specified by a Party under the modalities in this framework.

Article 6.3: International Standards

1. Consistent with Article 2.4 of the TBT Agreement, each Party shall use, to the maximum extent possible, relevant international standards as a basis for its technical regulations.
2. In determining whether an international standard, guide, or recommendation within the meaning of Articles 2, 5 and Annex 3 of the TBT Agreement exists, each Party shall apply the principles set out in *Decisions*

and Recommendations adopted by the Committee since 1 January 1995, G/TBT/1/Rev.8, 23 May 2002, Section IX (Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the TBT Agreement) issued by the WTO Committee on Technical Barriers to Trade.

Article 6.4: Trade Facilitation

1. The Parties shall cooperate and jointly identify work in the field of standards, technical regulations, and conformity assessment procedures, with a view to facilitating market access. In particular, the Parties shall seek to identify initiatives that are appropriate for the particular issues or sectors. Such initiatives may include cooperation on regulatory issues, such as unilateral recognition or harmonisation of technical regulations and standards, alignment to international standards, reliance on a supplier's declaration of conformity, and use of accreditations to qualify conformity assessment bodies.
2. At the request of the other Party, each Party shall encourage non-governmental bodies in its territory to cooperate with the non-governmental bodies in the territory of the other Party with respect to particular standards or conformity assessment procedures.

Article 6.5: Conformity Assessment Procedures

1. The Parties recognise that a broad range of mechanisms exists to facilitate the acceptance of conformity assessment results, including:
 - (a) the importing Party's reliance on a supplier's declaration of conformity;
 - (b) voluntary arrangements between conformity assessment bodies from each Party's territory;
 - (c) agreements on mutual acceptance of the results or certification of conformity assessment procedures with respect to specified regulations conducted by bodies located in the territory of the other Party;
 - (d) accreditation procedures for qualifying conformity assessment bodies;
 - (e) government designation of conformity assessment bodies; and
 - (f) recognition by one Party of the results of conformity assessment procedures performed in the other Party's territory on a unilateral basis for a sector nominated by that Party.

2. To this end, the Parties shall intensify their exchange of information on the variety of mechanisms to facilitate the acceptance of conformity assessment results or certification.
3. Where a Party does not accept the results of a conformity assessment procedure performed in the territory of the other Party, it shall, on request of the other Party, explain its reasons.
4. Each Party shall accredit, approve, license, or otherwise recognise conformity assessment bodies in the territory of the other Party on terms no less favourable than those it accords to conformity assessment bodies in its territory. If a Party accredits, approves, licenses, or otherwise recognises a body assessing conformity with a particular technical regulation or standard in its territory and it refuses to accredit, approve, license, or otherwise recognise a body assessing conformity with that technical regulation or standard in the territory of the other Party, it shall, on request, explain the reasons for its refusal.
5. Where a Party declines a request from the other Party to engage in or conclude negotiations to reach agreement on facilitating recognition in its territory of the results of conformity assessment procedures conducted by bodies in the territory of the other Party, it shall, on request, explain its reasons. The Parties may agree to further engagement, including through the possible establishment of an *ad hoc* working group, as provided for in Article 17.1 (*Administrative Commission of the Agreement*)

Article 6.6: Equivalence of Standards and Technical Regulations

1. Each Party shall give favourable consideration to accepting as equivalent the standards and technical regulations of the other Party, even if they differ from its own standards and technical regulations, provided that the said standards and technical regulations produce the outcomes equivalent to those produced by its own standards and technical regulations, with both meeting the legitimate objective or achieve the same level of protection.
2. Where a Party does not accept a standard and technical regulation of the other Party as equivalent to its own standard and technical regulation, it shall, at the request of the other Party, explain the reasons for not accepting the said standard and regulation as equivalent. The Parties may agree to further engagement on accepting equivalence of particular standard and technical regulations, including through the possible establishment of an *ad hoc* working group, as provided for in Article 17.1 (*Administrative Commission of the Agreement*).
3. No Party may have recourse to the provisions for Dispute Settlement under Chapter 15 (*Dispute Settlement*) of this Agreement for any matter related to this Chapter.

Article 6.7: Information Exchange

Each Party shall respond expeditiously to any enquiry from the other Party on standards, technical regulations or conformity assessment procedures relating to any good and / or assessments of manufacturers or manufacturing processes of goods traded between the Parties. Any information or explanation that is provided shall be given in print or electronically.

Article 6.8: Confidentiality

1. Nothing in this Chapter shall be construed to require either Party to furnish or allow access to information the disclosure of which it considers would:

- (a) be contrary to its essential security interests;
- (b) be contrary to the public interest as determined by its domestic laws, regulations and administrative provisions;
- (c) be contrary to any of its domestic laws, regulations and administrative provisions including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- (d) impede law enforcement; or
- (e) prejudice legitimate commercial interests of particular public or private enterprises.

2. In pursuance to Articles 6.5, 6.6, 6.7 and 6.9, a Party shall, in accordance with its applicable laws, protect the confidentiality of any proprietary information disclosed to it.

Article 6.9: Coordinators

1. To facilitate the implementation of this Chapter and cooperation between the Parties, each Party shall designate a Coordinator, who shall be responsible for coordinating with interested persons in the Party's territory and communicating with the other Party's Coordinator in all matters pertaining to this Chapter. The Coordinators' functions shall include:

- (a) monitoring the implementation and administration of this Chapter;

- (b) promptly addressing any issue that a Party raises related to the development, adoption, application, or enforcement of standards, technical regulations or conformity assessment procedures;
- (c) enhancing cooperation in the development and improvement of standards, technical regulations, and conformity assessment procedures;
- (d) exchanging information on standards, technical regulations, and conformity assessment procedures, in response to a reasonable requests for such information from a Party;
- (e) considering and facilitating any sector-specific proposal a Party makes for further cooperation among governmental and non-governmental conformity assessment bodies;
- (f) facilitating the consideration of a request by a Party for the recognition of the results of conformity assessment procedures, including a request for the negotiation of an agreement, in a sector nominated by that Party;
- (g) facilitating cooperation in the areas of specific technical regulations by referring enquiries from a Party to the appropriate regulatory authorities;
- (h) promptly consulting on any matter arising under this Chapter upon request by a Party; and
- (i) reviewing this Chapter in light of any developments under the TBT Agreement, and developing recommendations for amendments to this Chapter in light of those developments.

3. The Coordinators shall normally carry out their functions through agreed communication channels such as telephone, facsimile, emails, whichever is most expedient in the discharge of their functions.

Article 6.10: Final Provisions

1. Nothing in this Chapter shall limit the authority of a Party to determine the level of protection it considers necessary for the protection of, *inter alia*, human health or safety, animal or plant life or health or the environment. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.

2. For the purposes of Article 6.9, the Coordinator for:

(a) Panama shall be:

Ministry of Trade and Industries
Edison Plaza, Ave, Ricardo J. Alfaro, El Paical, 2nd Floor
Panama, Republic of Panama
Tel: (507) 360-0690
Fax: (507) 360-0691
Email: admtratados@mici.gob.pa

(b) Singapore shall be:

Ministry of Trade and Industry,
Trade Division,
100 High Street # 09-01, The Treasury,
Singapore 179434, Republic of Singapore
Tel: (65) 6225 9911
Fax: (65) 6332 7260
Email: mti_fta@mti.gov.sg

or their successors or designated contact points.