

CHAPTER 6

TECHNICAL BARRIERS TO TRADE

ARTICLE 6.1

Objectives

The objectives of this Chapter are to:

- (a) facilitate bilateral trade and access to respective markets for goods falling under the scope of this Chapter and furthering the implementation of the WTO Agreement on Technical Barriers to Trade (hereinafter referred to as the “TBT Agreement”);
- (b) reduce, wherever possible, unnecessary costs associated with trade between the Parties;
- (c) facilitate information exchange and technical cooperation between the Parties, and enhance mutual understanding of each Party’s regulatory system; and
- (d) strengthen cooperation between the Parties in the field of technical regulations, standards and conformity assessment procedures.

ARTICLE 6.2

Affirmation

Except as otherwise provided for in this Chapter, with respect to technical regulations, standards and conformity assessment procedures, the TBT Agreement shall apply between the Parties and is hereby incorporated into and made part of this Agreement, *mutatis mutandis*.

ARTICLE 6.3

Scope and Definitions

1. This Chapter applies to all standards, technical regulations and conformity assessment procedures of the Parties, except sanitary and phytosanitary measures covered by Chapter 7, and purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies.
2. The definitions of Annex 1 to the TBT Agreement shall apply to this Chapter.

ARTICLE 6.4

International Standards

For the purpose of applying this Chapter, standards issued, in particular, by the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and Codex Alimentarius Commission (CAC) shall be considered relevant international standards in the sense of article 2.4 of the TBT Agreement.

ARTICLE 6.5

Technical Cooperation

With a view to increasing their mutual understanding of their respective systems, enhancing capacity building and facilitating bilateral trade, the Parties shall strengthen their technical cooperation in the following areas :

- (a) activities of international standardisation bodies and the WTO Committee on Technical Barriers to Trade;
- (b) communication between each other's competent authorities, exchange of information in respect of technical regulations, standards, conformity assessment procedures and good regulatory practice;
- (c) reinforcing the role of international standards as a basis for technical regulations and conformity assessment procedures;
- (d) promoting the accreditation of conformity assessment bodies on the basis of relevant standards and guides of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC);
- (e) encouraging the mutual acceptance of conformity assessment results of bodies accredited in accordance with paragraph d), which have been recognised under an appropriate multilateral agreement or arrangement; and
- (f) other areas as agreed upon by the Parties.

ARTICLE 6.6

Measures at the Border

Where a Party detains, at a port of entry, goods exported from the other Party due to a perceived failure to comply with a technical regulation or conformity assessment procedures, the reasons for the detention shall be promptly notified to the importer or his or her representative.

ARTICLE 6.7

Sub-Committee on Technical Barriers to Trade

1. A Sub-Committee on Technical Barriers to Trade (hereinafter referred to as the “TBT Sub-Committee”) is hereby established under the Joint Committee.
2. The functions of the TBT Sub-Committee shall be:
 - (a) monitoring the implementation of this Chapter;
 - (b) coordinating technical cooperation activities;
 - (c) facilitating technical consultations pursuant to Article 6.8
 - (d) identifying sectors for enhanced cooperation, including giving favourable consideration to any sector-specific proposal made by either Party;
 - (e) establishing dialogues between regulators in accordance with the objectives of this Chapter;
 - (f) initiating side agreements where appropriate pursuant to Article 6.9;
 - (g) coordinating the implementation of side agreements pursuant to 6.9;
 - (h) consulting on any issue prior to meetings of relevant international organisations, if appropriate;
 - (i) other functions mutually agreed by the Parties; and
 - (j) carrying out other tasks assigned to it by the Joint Committee.
3. The TBT Sub-Committee shall be co-chaired and meet once a year, unless otherwise agreed by the Parties. The TBT Sub-Committee meetings may be conducted by any agreed method on a case by case basis and may be combined with those of the Sub-Committee on Sanitary and Phytosanitary Measures established under Article 7.9.
4. The TBT Sub-Committee shall keep up to date a work-programme and keep track of its activities.
5. The TBT Sub-Committee may establish ad hoc working groups to accomplish specific tasks.
6. The TBT Sub-Committee shall report on its work to the Joint Committee.
7. The contact points referred to in Article 6.11 shall be responsible for setting the agenda and organising the meetings. The TBT Sub-Committee shall include representatives of the authorities of each Party with expertise in the areas to be discussed.
8. Upon agreement, the Parties may invite representatives from industry, business associations or other relevant organisations to participate in parts of the meetings of the TBT Sub-Committee on a case by case basis.

ARTICLE 6.8

Technical Consultations

Technical consultations under the auspices of the TBT Sub-Committee shall be held at the written request of the Party which considers that the other Party has taken a measure which is likely to create, or has created, an unnecessary obstacle to trade. Such consultations shall take place within 60 days from the request with the objective of finding mutually acceptable solutions. Such consultations may be conducted by any agreed method on a case by case basis.⁶

ARTICLE 6.9

Annexes and Side Agreements

1. The Parties have concluded Annex V to this Agreement on Labelling of Textiles.
2. Pursuant to and in conjunction with this Agreement, the Parties have concluded side agreements to implement this Chapter. The Parties may conclude further side agreements in the future.

ARTICLE 6.10

Review Clause

1. The Parties shall no later than two years after the entry into force of this Agreement, and thereafter upon request, jointly review this Chapter.
2. In this review, the Parties shall consider, among others, entering into negotiations with regard to providing each other treatment granted to a third party with whom both Parties have established arrangements concerning standards, technical regulations or conformity assessment procedures.

ARTICLE 6.11

Contact Points

1. The Parties shall exchange names and addresses of contact points for matters related to this chapter in order to facilitate communication and the exchange of information.
2. The Parties shall notify each other of any significant changes in the structures and responsibilities of the authorities acting as contact points.

⁶ It is understood that technical consultations pursuant to this paragraph shall be without prejudice to the rights and obligations of the Parties under Chapter 15 or under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes.