

Chapter VII

Technical Barriers to Trade (TBT)

Article 35 Definitions

1. “WTO/TBT Agreement” means the Agreement on Technical Barriers to Trade of the World Trade Organization.
2. The definitions of Annex I of the WTO/TBT Agreement shall apply.

Article 36 Objectives

The objectives of this Chapter are to:

1. Increase and facilitate trade through furthering the implementation of the WTO TBT Agreement;
2. Reduce, wherever possible, unnecessary transaction costs associated with trade between the Parties;

Article 37 Scope and Coverage

This Chapter applies to all standards, technical regulations and conformity assessment procedures that may, directly or indirectly, affect the trade in goods between the Parties, except sanitary and phyto-sanitary measures which are covered by Chapter VI of this Agreement.

Article 38 Reaffirmation

The rights and obligations of the Parties in respect of technical regulations, standards and conformity assessment procedures shall be governed by the WTO Agreement on Technical Barriers to Trade (TBT).

Article 39 Cooperation Area

1. The Parties shall intensify their joint work in the field of technical regulations, standards and conformity assessment procedures with a view to facilitating bilateral trade. The Parties shall, through consultation, seek to identify specific preferential cooperation areas and products, and arrange for cooperative implementation initiatives that are appropriate for trade needs and practical capacity step by step.

2. The Parties shall use international standards, or the relevant parts of international standards, as a basis for their technical regulations and related conformity assessment procedures where relevant international standards exist or their completion is imminent, except when such international standards or their relevant parts are ineffective or inappropriate to fulfill legitimate regulatory objectives.

3. The Parties shall encourage appropriate institutions in their jurisdiction to strengthen their technical cooperation aimed at achieving full and effective compliance with the obligations set forth in the WTO Agreement and with a view to increase the mutual understanding of their respective systems and facilitating access to their respective markets. To this end, they shall encourage their competent authorities in the areas of standards to cooperate in:

(i) reinforcing the role of international standards as a basis for technical regulations;

(ii) promoting bilateral institutions and regulatory information exchange and technical cooperation; and

(iii) promoting bilateral coordination by appropriate agencies in multilateral and international fora on standards.

4. The Parties shall, within the context of this Article, encourage appropriate institutions in their jurisdiction to:

(i) exchange information; and

(ii) give favourable consideration to any written request for cooperation.

Article 40 Transparency

1. In order to enhance the opportunity for persons to provide comments, a Party publishing a notice under Article 2.9 or 5.6 of the WTO/TBT Agreement shall:

(a) include in the notice a statement describing the objective of the proposal and the rationale for the approach the Party is proposing; and

(b) transmit electronically the proposal to the other Party through the inquiry point established under Article 10 of the WTO/TBT Agreement at the same time as it notifies WTO Members of the proposal pursuant to the TBT Agreement.

2. Where a Party makes a notification under Article 2.10 or 5.7 of the WTO/TBT Agreement, it shall at the same time transmit the notification to the other Party, electronically, through the inquiry point referred to in subparagraph (b) of paragraph 1.

3. The Parties shall undertake cooperation as per transparency requirements set out in WTO/TBT Agreement, and establish cooperation mechanism between enquiry

points of the parties.

4. Each Party shall provide and keep updated information about the competent authorities and will communicate any significant change in their structure, organization and division.

5. Each Party shall notify each other upon request the conformity assessment procedure and related list of products stipulated by relevant technical regulations.

Article 41 Implementation

1. The Parties hereby establish the Joint Committee on Technical Barriers to Trade, comprising representatives of each Party. The Committee shall be coordinated by:

(a) in the case of China, the Director General of Department of International Cooperation of AQSIQ, or its designated person; and

(b) in the case of Pakistan, the Director General of Pakistan Standards and Quality Control Authority (PSQCA), or its designated person.

2. In order to facilitate the communication and ensure the proper functioning of the Committee, the Parties will designate a contact person no later than two months following the date of entry into force of this Agreement.

3. The Committee's functions shall include:

(i) monitoring the implementation and administration of this TBT Chapter;

(ii) promptly addressing any issue that a Party raises related to the development, application, or enforcement of technical regulations and conformity assessment procedures;

(iii) enhancing cooperation in the development and improvement of technical regulations and conformity assessment procedures;

(iv) taking any other steps which the Parties consider would assist them in implementing the WTO/TBT Agreement and in facilitating trade in goods between them;

(v) consulting on any matter arising under this Chapter, upon either Party's request;

4. A Party shall, upon request, give favorable consideration to any sector-specific proposal the other Party makes to further cooperation under this Chapter.

5. The Committee shall meet once a year unless the Parties otherwise agree. These meetings may be held via teleconference, videoconference, or through any other means, as mutually determined by the Parties. By mutual agreement, ad hoc working groups may be established if necessary.