

CHAPTER SIX

TECHNICAL BARRIERS TO TRADE

Article 601: Objectives

The objectives of this Chapter are to:

- (a)# improve the implementation of the TBT Agreement;
- (b)# ensure that standards, technical regulations, and conformity assessment procedures, including those related to metrology, do not create unnecessary obstacles to trade; and
- (c)# enhance joint cooperation between the Parties in order to resolve specific issues related to the development and application of standards, technical regulations and conformity assessment procedures, thereby facilitating the conduct of international trade in goods.

Article 602: Affirmation of the TBT Agreement

Further to Article 102 (Initial Provisions and General Definitions - Relation to Other Agreements), the Parties affirm with respect to each other their existing rights and obligations under the TBT Agreement.

第六章

技术性贸易壁垒

第601条：目标

本章的目标是：

- (a) 改进《技术性贸易壁垒协定》的实施；
- (b) 确保标准、技术法规和合格评定程序（包括与计量学相关的程序）不会造成不必要的贸易障碍；
- (c) 加强缔约方之间的联合合作，以解决与标准、技术法规和合格评定程序的制定和应用相关的具体问题，从而促进货物国际贸易的开展。

第602条：技术性贸易壁垒协定的确认

根据第102条（初始条款和一般定义—与其他协定的关系），缔约方确认彼此在《技术性贸易壁垒协定》项下的现有权利和义务。

Article 603: Scope and Coverage

- 1. The provisions of this Chapter apply to the preparation, adoption and application of all standards, technical regulations and conformity assessment procedures, including those related to metrology, of national government bodies that may affect trade in goods between the Parties.
- 2. This Chapter does not apply to:
 - (a) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies; or
 - (b) sanitary and phytosanitary measures.

Article 604: Joint Cooperation

- 1. The Parties shall strengthen their joint cooperation in the areas of standards, technical regulations, conformity assessment and metrology with a view to facilitating the conduct of trade between the Parties.

第603条：范围和覆盖范围

- 1. 本章节规定适用于国家政府机构可能影响缔约方间货物贸易的所有标准、技术法规和合格评定程序（包括与计量学相关者）的制定、通过和实施。
- 2. 本章节不适用于：
 - (a) 政府机构为其生产或消费需求制定的采购规范；或 (b) 卫生和植物检疫措施。

第604条：联合合作

- 1. 缔约方应加强在标准、技术法规、合格评定和计量学领域的联合合作，以促进缔约方之间的贸易往来。

2. Pursuant to paragraph 1, the Parties shall seek to identify, develop and promote bilateral initiatives regarding standards, technical regulations, conformity assessment procedures and metrology that are appropriate for particular issues or sectors, taking into consideration their experience in regional and multilateral arrangements or agreements. Such initiatives may include: regulatory or technical cooperation programs directed at reaching effective and full compliance with the obligations set forth in this Chapter and the TBT Agreement; initiatives to develop common views on good regulatory practices such as transparency, the use of equivalency and regulatory impact assessment; and the use of mechanisms to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party’s territory.

3. A Party shall give positive consideration to any reasonable sector-specific proposal made by the other Party for further cooperation under this Chapter.

Article 605: International Standards

1. Each Party shall use relevant international standards, guides and recommendations as a basis for its technical regulations and conformity assessment procedures in accordance with Articles 2.4 and 5.4 of the TBT Agreement.

2. 根据第1款，缔约方应寻求识别、制定并推动针对特定问题或领域的标准、技术法规、合格评定程序及计量学的双边倡议，同时考虑其在区域和多边安排或协议中的经验。此类倡议可包括：旨在有效全面履行本章和技术性贸易壁垒协定所规定义务的监管或技术合作计划；就良好监管实践（如透明度、等效性运用及监管影响评估）形成共同观点的倡议；以及建立机制以促进对另一缔约方领土内实施的合格评定程序结果的认可。

3. 一缔约方应积极考虑另一缔约方就本章节下进一步合作提出的任何合理特定行业提案。

第605条：国际标准

1. 每一方应根据《技术性贸易壁垒协定》第2.4条和第5.4条，使用相关国际标准、指南和建议作为其技术法规和合格评定程序的基础。

2. In determining whether an international standard, guide, or recommendation exists within the meaning of Articles 2 and 5 and Annex 3 of the TBT Agreement, each Party shall follow, to the greatest possible extent, 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 Agreement*), issued by the TBT Committee.

3. 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 through the Parties' activities in regional and international standardizing bodies of which they are both members.

Article 606: Technical Regulations

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

2. Where a Party does not accept a technical regulation of the other Party as equivalent to its own, it shall, at the request of the other Party, explain its decision. The Parties recognize that it may be necessary to develop common views, methods and procedures to facilitate the use of equivalency.

2. 在确定是否存在《技术性贸易壁垒协定》第2条、第5条及附件3所述含义的国际标准、指南或建议时，每一方应尽可能遵循技术性贸易壁垒委员会自1995年1月1日以来通过的决定和建议（G/TBT/1/Rev.8，2002年5月23日，第九节《委员会关于与协定第2条、第5条及附件3相关的国际标准、指南和建议制定原则的决定》）中规定的原则。

3. 每一方应鼓励其国家标准化机构在国际标准化活动中与另一方的相关国家标准化机构合作。此类合作可通过缔约双方共同参与的区域和国际标准化机构的活动进行。

第606条：技术法规

1. 每一方应积极考虑将另一方的技术法规视为等同于自身技术法规，即使这些法规与自身法规存在差异，只要该方确信这些法规能充分实现其自身法规的目标。

2. 如一缔约方不接受另一缔约方的技术法规与其自身法规具有等效性，应另一缔约方请求，该缔约方应解释其决定。双方认识到，可能需要制定共同观点、方法和程序以促进等效性的运用。

3. At the request of a Party that has an interest in developing a technical regulation similar to that of the other Party, the other Party shall provide, to the extent practicable, relevant information, studies, or other documents, except for confidential information, on which it has relied in the development of the technical regulation. The Parties recognize that it may be necessary to agree on the scope of a specific request.

Article 607: Conformity Assessment

1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance in a Party’s territory of the results of conformity assessment procedures conducted in the other Party’s territory. For example:

- (a) a Party may adopt accreditation procedures for qualifying conformity assessment bodies located in the territory of the other Party;
- (b) a Party may recognize the results of conformity assessment procedures conducted in the territory of the other Party;
- (c) a Party may agree with the other Party to accept the results of conformity assessment procedures that bodies located in the other Party’s territory conduct with respect to specific technical regulations;
- (d) a Party may designate conformity assessment bodies located in the territory of the other Party;

3. 对于有意制定与另一缔约方类似技术法规的缔约方提出的请求，另一缔约方应在可行范围内提供其制定该技术法规时所依据的相关信息、研究或其他文件（机密信息除外）。双方认识到可能需就特定请求的范围达成一致。

第607条：合格评定

1. 缔约方认识到存在多种机制，可促进一缔约方领土内接受另一缔约方领土内进行的合格评定程序的结果。例如：

- (a) 一缔约方可采用认可程序，对位于另一缔约方领土内的合格评定机构进行资格认定；
- (b) 一缔约方可承认在另一缔约方领土内进行的合格评定程序的结果；
- (c) 一缔约方可与另一缔约方协商同意接受位于另一缔约方领土内的机构就特定技术法规实施的合格评定程序的结果；
- (d) 一缔约方可指定位于另一缔约方领土；

- (e) a conformity assessment body located in the territory of a Party may enter into voluntary arrangements with a conformity assessment body located in the territory of the other Party to accept the results of each other’s assessment procedures; and
- (f) the importing Party may rely on a supplier’s declaration of conformity.

2. Where a Party does not accept the results of a conformity assessment procedure conducted in the territory of the other Party, it shall, on request of the other Party, explain the reasons for its decision so that corrective action may be taken, when appropriate, by the requesting Party.

3. Where a Party declines a request of the other Party to enter into negotiations to conclude an agreement for recognition in its territory of the results of conformity assessment procedures conducted by bodies in the other Party’s territory, it shall explain the reasons for its decision.

4. Further to paragraph 2 of Article 604, the Parties shall cooperate by:

- (a) exchanging information on the range of mechanisms that exist to facilitate the acceptance in a Party’s territory of the results of conformity assessment procedures conducted in the other Party’s territory;
- (b) promoting the accreditation of conformity assessment bodies on the basis of relevant international standards and guides;

(e) 位于一缔约方领土内的合格评定机构可与位于另一缔约方领土内的合格评定机构达成自愿性安排，以相互接受对方的评定程序结果；

(f) 进口缔约方可依赖供应商符合性声明。

2. 如一缔约方不接受在另一缔约方领土内进行的合格评定程序的结果，应另一缔约方请求，该缔约方应解释其决定的理由，以便请求缔约方在适当时采取纠正措施。

3. 如一缔约方拒绝另一缔约方提出的就缔结认可协议以承认在另一缔约方领土内由机构进行的合格评定程序结果在其领土内的效力进行谈判的请求，应解释其决定的理由。

4. 根据第604条第2款，缔约方应通过以下方式合作：

- (a) 交换关于促进一缔约方领土内接受在另一缔约方领土内进行的合格评定程序结果的现有机制范围的信息；
- (b) 在相关国际标准和指南的基础上，促进合格评定机构的认可；

- c) promoting the acceptance of results of conformity assessment bodies that have been recognized under a relevant multilateral agreement or arrangement between their respective accreditation systems or bodies; and
- d) encouraging their conformity assessment bodies, including accreditation bodies, to participate in cooperation arrangements that promote the acceptance of conformity assessment results.

Article 608: Transparency

- Each Party shall ensure that transparency procedures regarding the development of technical regulations and conformity assessment procedures allow interested parties to participate at an early appropriate stage when amendments can still be introduced and comments taken into account, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise. Where a consultation process on the development of technical regulations and conformity assessment procedures is open to the public, each Party shall permit persons of the other Party to participate on terms no less favourable than those accorded to its own persons.
- Each Party shall recommend to standardization bodies in its territory that they observe paragraph 1 with respect to their consultation processes for the development of standards and voluntary conformity assessment procedures.

- c) 促进对已根据相关多边协议或各自认证体系/机构间安排获得认可的合格评定机构所出具结果的接受；以及
- d) 鼓励其合格评定机构（包括认证机构）参与促进合格评定结果接受的合作安排。

第608条：透明度

- 每一缔约方应确保关于技术法规和合格评定程序制定的透明度程序允许相关方在仍可提出修正案并考虑意见的适当早期阶段参与，除非出现或可能出现安全、健康、环境保护或国家安全的紧急问题。若技术法规和合格评定程序制定的磋商程序向公众开放，每一缔约方应允许另一缔约方的人员以不低于给予其本国人员的条件参与。
- 每一方应建议其领土内的标准化机构在制定标准和自愿性合格评定程序的磋商程序中遵守第1款。

3. Each Party shall transmit electronically to the other Party’s contact point, established under Article 10 of the TBT Agreement at the same time it submits its notification to the WTO Central Registry of Notifications in accordance with the TBT Agreement:

- (a) its proposed technical regulations and conformity assessment procedures; and
- (b) its technical regulations and conformity assessment procedures adopted to address urgent problems of safety, health, environmental protection or national security arising or threatening to arise.

4. Each Party shall transmit electronically to the other Party’s contact point its proposed technical regulations and conformity assessment procedures that are in accordance with the technical content of the relevant international standards and that may have an effect on trade.

5. The transmission of technical regulations and conformity assessment procedures made pursuant to paragraphs 3 and 4 shall include an electronic link to, or a copy of, the full text of the document.

6. Further to subparagraph 3(a) and paragraph 4, each Party shall allow a period of at least 60 days following transmission of proposed technical regulations and conformity assessment procedures for the public and the other Party to provide written comments. A Party shall give positive consideration to a reasonable request for extending the comment period.

3. 每一方在根据《技术性贸易壁垒协定》向世界贸易组织中央通知登记处提交通知的同时，应以电子方式将通知传送至另一方根据《技术性贸易壁垒协定》第10条设立的联系点：

- (a) 其拟议的技术法规和合格评定程序；以及
- (b) 其为应对已发生或即将发生的安全、健康、环境保护或国家安全的紧急问题而采用的技术法规和合格评定程序。

4. 每一方应以电子方式向另一方联络点传送其拟议的技术法规和合格评定程序，这些法规和程序应符合相关国际标准的技术内容，并可能对贸易产生影响。

5. 根据第3款和第4款传送的技术法规和合格评定程序应包括文件全文的电子链接或副本。

6. 进一步根据第3款(a)项和第4款，每一方应允许在拟议技术法规和合格评定程序传送后至少60天的期限内，供公众和另一方提供书面意见。对于延长评论期的合理请求，缔约方应予以积极考虑。

7. Each Party shall publish or otherwise make publicly available, in print or electronically, its responses or a summary of its responses, to significant comments it receives, no later than the date it publishes the final technical regulation or conformity assessment procedure.

8. Each Party shall, upon request of the other Party, provide information regarding the objectives of, and rationale for, a technical regulation or conformity assessment procedure, that the Party has adopted or is proposing to adopt.

9. A Party shall give positive consideration to a reasonable request from the other Party, received prior to the end of the comment period following the transmission of a proposed technical regulation, to establish or extend the period of time between the adoption of the technical regulation and the day upon which it is applicable, except where such delay would be ineffective in fulfilling the legitimate objectives pursued.

10. Each Party shall ensure that its adopted technical regulations and conformity assessment procedures are available on official websites that are freely and publicly available.

11. Where a Party detains at a port of entry a good imported from the territory of the other Party on the ground that the good has failed to comply with a technical regulation, it shall immediately notify the importer of the reasons for the detention of the good.

12. Each Party shall implement this Article as soon as is practicable and under no circumstances later than two years from the date of entry into force of this Agreement.

7. 每一方应在其发布最终技术法规或合格评定程序之前，以印刷或电子形式公布或以其他方式公开其收到的对重要意见的回应或回应摘要。

8. 每一方应另一缔约方请求，须提供关于其已通过或拟通过的技术法规或合格评定程序的目标及理由的信息。

9. 一缔约方对于另一缔约方在拟议技术法规传送后评论期结束前收到的合理请求，应积极考虑设立或延长技术法规通过日期与其适用日期之间的时间段，除非此类延迟将无法有效实现所追求的合法目标。

10. 每一缔约方应确保其通过的技术法规和合格评定程序可在自由公开访问的官方网站上获取。

11. 如一缔约方以货物不符合技术法规为由，在入境口岸扣留来自另一缔约方领土的进口货物，应立即将扣留货物的理由通知进口商。

12. 每一方应尽快实施本条，无论如何不得迟于本协议生效日期后两年。

Article 609: Country Coordinators on Technical Barriers to Trade

1. The Country Coordinators designated in Annex 609.1 shall work jointly to facilitate the implementation of this Chapter and the cooperation between the Parties on matters pertaining to this Chapter.

2. The Country Coordinators’ functions include:

- (a) monitoring the implementation and administration of this Chapter;
- (b) promptly addressing any issue that a Party raises, under this Chapter or the TBT Agreement, related to the development, adoption or application of standards, technical regulations or conformity assessment procedures;
- (c) enhancing joint cooperation by the Parties in the development and improvement of standards, technical regulations, conformity assessment procedures and metrology;
- (d) exchanging information on standards, technical regulations, and conformity assessment procedures;
- (e) on a Party’s written request, consulting on any matter arising under this Chapter;
- (f) reviewing this Chapter in the light of any developments in the TBT Committee or under the TBT Agreement, and, if necessary, developing recommendations for amendments to this Chapter;

第609条：技术性贸易壁垒国家协调员

1. 附件609.1中指定的国家协调员应共同协作，以促进本章节的实施以及缔约方之间就本章节相关事项的合作。

2. 国家协调员的职能包括：

- (a) 监督本章节的实施与管理；
- (b) 及时处理缔约方根据本章节或《技术性贸易壁垒协定》提出的、与标准、技术法规或合格评定程序的制定、通过或应用相关的任何问题；
- (c) 加强缔约方在标准、技术法规、合格评定程序及计量学的制定与改进方面的联合合作；
- (d) 就标准、技术法规及合格评定程序交换信息；
- (e) 应缔约方书面请求，就本章节引发的任何事项进行磋商；
- (f) 根据技术性贸易壁垒委员会或《技术性贸易壁垒协定》的最新进展审议本章节，并在必要时提出本章节的修订建议；

- (g) reporting to the Commission on the implementation of this Chapter as appropriate;
- (h) establishing, if necessary to achieve the objectives of this Chapter, issue- or sector-specific *ad hoc* working groups;
- (i) taking any other steps that the Parties consider will assist them in implementing this Chapter and the TBT Agreement and in facilitating trade between the Parties.

3. Consultations under subparagraph 2(e) shall constitute consultations under Article 2104 (Dispute Settlement - Consultations) and shall be governed by the procedures set out in that Article.

4. The Country Coordinator of each Party is responsible for ensuring that the relevant institutions and persons in its territory participate, as appropriate, in the activities related to this Chapter and for coordinating such participation. The Country Coordinators shall elaborate their own work rules and shall meet at least once a year unless the Parties otherwise agree. The Country Coordinators shall carry out their work through communication channels agreed to by the Parties, which may include electronic mail, videoconferencing or other means.

Article 610: Information Exchange

1. Where a Party makes a reasonable enquiry pursuant to the provisions of Articles 10.1 and 10.3 of the TBT Agreement, the other Party shall answer, in print or electronically, ordinarily within 30 days from the date of receipt of the enquiry, but may extend the period of time for answering by giving notice to the enquiring Party prior to the end of the 30 day period.

(g) 适时向委员会报告本章节的实施情况；(h) 如为实现本章节目标所需，可设立针对特定问题或行业的临时工作组；(i) 采取缔约方认为有助于实施本章节及《技术性贸易壁垒协定》、并促进缔约方间贸易的任何其他措施。

3. 根据第2(e)项进行的磋商应构成第2104条（争端解决-磋商）项下的磋商，并应遵循该条规定的程序。

4. 每一方的国家协调员负责确保其领土内的相关机构和个人酌情参与本章节相关活动，并协调此类参与。国家协调员应制定其自身的工作规则，且除非缔约方另有约定，每年至少会晤一次。国家协调员应通过缔约方商定的沟通渠道开展工作，此类渠道可包括电子邮件、视频会议或其他方式。

第610条：信息交换

1. 如一缔约方根据《技术性贸易壁垒协定》第10.1条和第10.3条的规定提出合理询问，另一缔约方应以书面或电子形式通常在收到询问之日起30天内作出答复，但可在30天期限届满前通知询问方延长答复期限。

2. With respect to information exchanges referred to in paragraph 1, the Parties shall apply recommendations 3 and 4 of Section IV (Procedure for information exchanges) set out in *Decisions and Recommendations adopted by the Committee since 1 January 1995*, G/TBT/1/Rev. 8, 23 May, 2002, issued by the TBT Committee.

Article 611: Definitions

For the purposes of this Chapter, the terms and definitions of Annex 1 of the WTO *Agreement on Technical Barriers to Trade* shall apply;

For the purposes of this Chapter:

national government body means a central government body as defined in Annex 1 of the WTO *Agreement on Technical Barriers to Trade*;

TBT Agreement means the WTO *Agreement on Technical Barriers to Trade*; and

TBT Committee means the WTO Committee on Technical Barriers to Trade.

2. 关于第1款所述的信息交换，缔约方应适用技术性贸易壁垒委员会自1995年1月1日以来通过的决定和建议中第四部分（信息交换程序）所载的建议3和4，即2002年5月23日发布的G/TBT/1/Rev. 8。

第611条：定义

就本《章节》而言，应适用《WTO技术性贸易壁垒协定》附件1中的术语和定义；

就本《章节》而言：

国家政府机构指《WTO技术性贸易壁垒协定》附件1中定义的中央政府机构；

TBT Agreement指WTO技术性贸易壁垒协定；TBT Committee指WTO技术性贸易壁垒委员会。

Annex 609.1

Country Coordinators on Technical Barriers to Trade

The Country Coordinators on Technical Barriers to Trade are:

- (a) in the case of Peru, the Ministerio de Comercio Exterior y Turismo, or its successor; and
- (b) in the case of Canada, the Department of Foreign Affairs and International Trade, or its successor.

附件609.1

技术性贸易壁垒国家协调员

技术性贸易壁垒国家协调员包括：

- (a) 对于秘鲁，指外贸和旅游部或其继任机构；以及 (b) 对于加拿大，指外交和国际贸易部或其继任机构。