

Article 70
Implementation and Institutional Arrangements

The ASEAN Directors-General of Customs, supported by customs working bodies, shall be responsible to implement the provisions of this Chapter and any other provisions relevant to customs in this Agreement.

CHAPTER 7
STANDARDS, TECHNICAL REGULATIONS AND CONFORMITY
ASSESSMENT PROCEDURES

Article 71
Objective

The objective of this Chapter is to establish provisions on standards, technical regulations and conformity assessment procedures to ensure that these do not create unnecessary obstacles to trade in establishing ASEAN as a single market and production base, and at the same time ensure that the legitimate objectives of Member States are met.

Article 72
Terms and Definitions

General terms concerning standardisation and conformity assessment used in this Chapter have the meaning given to them in the definitions contained in the appropriate editions of ISO/ IEC Guide 2 and ISO/ IEC 17000 of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) as cited in the *ASEAN Framework Agreement on Mutual Recognition Arrangements* and the relevant ASEAN Sectoral Mutual Recognition Arrangements.

Article 73
General Provisions

1. Member States reaffirm and are committed to abide by the rights and obligations under *the Agreement on Technical Barriers to Trade* contained in Annex 1A to the WTO Agreement.

第七十条 实施和机构安排

东盟海关总署署长应在海关工作机构的支持下, 负责实施本章及本协定中与海关相关的其他条款。

第七章 标准、技术法规和合格评定程序

第七十一条
目标

本章的目标是制定关于标准、技术法规和合格评定程序的规定, 以确保这些规定在将东盟建立为单一市场和生产基地的过程中不会对贸易造成不必要的障碍, 同时确保成员国的合法目标得以实现。

第七十二条 术语和定义

本章中使用的标准化和合格评定通用术语具有《东盟互认安排框架协议》及相关《东盟部门互认安排》所引用的国际标准化组织 (ISO) 和国际电工委员会 (IEC) 发布的ISO/IEC指南2及ISO/IEC 17000适当版本中定义的含义。

第七十三条 一般规定

1. 成员国重申并承诺遵守WTO协定附件1A中所载《技术性贸易壁垒协定》规定的权利和义务。

2. Member States shall take any of the following possible measures or their combinations to mitigate, if not totally eliminate, unnecessary technical barriers to trade:

- (a) harmonise national standards with relevant international standards and practices;
- (b) promote mutual recognition of conformity assessment results among Member States;
- (c) develop and implement ASEAN Sectoral Mutual Recognition Arrangements and develop ASEAN Harmonised Regulatory Regimes in the regulated areas where applicable; and
- (d) encourage the co-operation among National Accreditation Bodies and National Metrology Institutes (NMIs) including relevant legal metrology authorities in ASEAN to facilitate the implementation of Mutual Recognition Arrangements (MRAs) in regulated and non-regulated sectors.

3. To facilitate the free movement of goods within ASEAN, Member States shall develop and implement a Marking Scheme, where appropriate, for products covered under the ASEAN Harmonised Regulatory Regimes or Directives.

**Article 74
Standards**

- 1. Each Member State undertakes that its national standards authorities accept and follow the *Code of Good Practice for the Preparation, Adoption and Application of Standards* as provided for in Annex 3 of the *Agreement on Technical Barriers to Trade* as contained in Annex 1A to the WTO Agreement.
- 2. In harmonising national standards, Member States shall, as the first and preferred option, adopt the relevant international standards when preparing new national standards or revising existing standards. Where international standards are not available, national standards shall be aligned among Member States.
- 3. Member States are encouraged to actively participate in the development of international standards, particularly in those sectors that have trade potential for ASEAN.
- 4. Harmonisation of the existing national standards and adoption of

2. 成员国应采取以下任何可能的措施或其组合，以减轻（如不能完全消除）不必要的技术性贸易壁垒：

- (a) 将国家标准与相关国际标准与实践相协调；(b) 促进成员国间合格评定结果互认；(c) 制定并实施东盟部门互认安排，并在适用的受监管领域发展东盟协调监管制度；以及(d) 鼓励东盟内国家认证机构与国家计量机构（NMIs）及相关法制计量机构合作，以推动受监管和非监管领域互认协议（MRAs）的实施。

3. 为促进东盟内货物自由流动，成员国应酌情为东盟协调监管制度或指令覆盖的产品制定并实施标记方案。

**第74条
标准**

- 1. 各成员国承诺其国家标准机构接受并遵循《技术性贸易壁垒协定》（作为WTO协定附件1A的一部分）附件3中规定的《标准制定、采用和应用的良好行为规范》。
- 2. 在协调国家标准时，成员国应作为首选方案，在制定新国家标准或修订现有标准时采用相关国际标准。若无国际标准可用，成员国之间应对国家标准进行协调统一。
- 3. 鼓励成员国积极参与国际标准的制定，特别是对东盟具有贸易潜力的行业领域。
- 4. 现有国家标准的协调和将

international standards into new national standards should be based on “*Adoption of International Standards as Regional or National Standards*”, as contained in the ISO/IEC Guide 21 or its latest edition.

5. Whenever modifications of contents and structure of the relevant international standards are necessary, Member States shall ensure an easy comparison of the contents and structure of their national standards with the referenced international standards and provide information to explain the reason(s) for such modifications.

6. Member States shall ensure that:

- (a) the modifications of contents of international standards are not prepared and adopted with a view to, or with the effect of, creating unnecessary technical barriers to trade; and
- (b) the modifications of contents shall not be more restrictive than necessary.

Article 75
Technical Regulations

1. In adopting technical regulations, Member States shall ensure that:

- (a) these are not adopted with a view, to or with the effect of, creating technical barriers to trade;
- (b) these are based on international or national standards that are harmonised to international standards, except where legitimate reasons for deviations exist;
- (c) alternative means that are least trade restrictive to achieve the desired objectives are considered before a decision is taken on the adoption of technical regulations;
- (d) the adoption of prescriptive standards is avoided to ensure that unnecessary obstacles to trade are not introduced, to enhance fair competition in the market or that it does not lead to a reduction of business flexibility; and
- (e) treatment accorded to products imported from Member States is no less favourable than that accorded to like products of national origin and to like products originating

国际标准采纳为新的国家标准应以ISO/IEC指南21或其最新版本中所载的“将国际标准采纳为区域或国家标准”为基础。

5. 当需要对相关国际标准的内容和结构进行修改时，成员国应确保其国家标准的内容和结构与所引用的国际标准易于比较，并提供信息说明此类修改的原因。

6. 成员国应确保：

- (a) 对国际标准内容的修改并非出于或导致制造不必要的技术性贸易壁垒的目的而制定和采纳；且 (b) 对内容的修改不应超出必要的限制性。

第75条 技术法规

1. 成员国在采纳技术法规时，应确保：

- (a) 这些措施并非旨在或实际上造成技术性贸易壁垒；(b) 这些措施基于与国际标准协调的国家标准或国际标准，除非存在合理的偏离理由；(c) 在决定采用技术法规前，已考虑过对贸易限制最小的替代方案以实现预期目标；(d) 避免采用规定性标准，以确保不会引入不必要的贸易障碍，促进市场公平竞争，或不会导致商业灵活性的降低；(e) 对从成员国进口产品的待遇不得低于对本国同类产品及原产于

- from any other Member State.
- Member States shall ensure that only those parts of a standard that represent minimum requirements to fulfil the desired objectives are referred to in the technical regulations.
 - Member States shall also ensure that, wherever applicable, the preparation, adoption and application of technical regulations are to facilitate the implementation of the respective ASEAN Sectoral Mutual Recognition Arrangements.
 - Whenever the need for technical regulations is urgent for overcoming problems that arise or threaten to arise within the territory of a Member State and the available time does not allow such Member State to harmonise the relevant national standards, that Member State shall consider using the appropriate international standards or the relevant parts of them as the first alternative.
 - Member States shall comply with the notification procedures as stipulated in Article 11. However, in the case of technical regulations under this Article, other Member States shall present their comments, if any, within sixty (60) days of the notification. Member States shall, upon request, provide to other Member States the draft of the technical regulation and other information regarding the deviations from the relevant international standards and the applicable pre-market conformity assessment procedure.
 - Except in urgent circumstances, Member States shall allow at least six (6) months between the publication of technical regulations and their entry into force in order to provide sufficient time for producers in exporting Member States to adapt their products or methods of production to the requirements of importing Member States.

Article 76
Conformity Assessment Procedures

- Member States shall ensure that conformity assessment procedures are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary technical barriers to trade and that conformity assessment procedures that have to be complied with by suppliers of products originating in the territories of other Member States are not more stringent than those accorded to suppliers of like products of national origin.
- Member States shall adopt conformity assessment procedures

- 来自其他成员国。
- 成员国应确保技术法规中仅引用标准中代表实现预期目标所需最低要求的部分。
 - 成员国还应确保在适用的情况下，技术法规的制定、采纳和应用应促进各自东盟部门互认安排的执行。
 - 当成员国境内出现或即将出现的问题亟需技术法规来解决，且可用时间不足以使该成员国协调相关国家标准时，该成员国应考虑采用适当的国际标准或其相关部分作为首选替代方案。
 - 成员国应遵守第11条规定的通知程序。然而，对于本条项下的技术法规，其他成员国应在通知后六十（60）天内提出意见（如有）。成员国应请求向其他成员国提供技术法规草案以及其他关于偏离相关国际标准和适用的上市前合格评定程序的信息。
 - 除紧急情况外，成员国应在技术法规的公布与其生效之间留出至少六（6）个月的时间，以便为出口成员国的生产者提供足够时间调整其产品或生产方法以满足进口成员国的要求。

第76条 合格评定程序

- 成员国应确保合格评定程序的制定、采用或实施不以制造不必要的技术性贸易壁垒为目的或产生此类效果，且对于其他成员国境内原产产品的供应商必须遵守的合格评定程序，不得比对本国同类产品的供应商所适用的程序更为严格。
- 成员国应采用合格评定程序

that are consistent with international standards and practices and wherever such procedures cannot be achieved because of differences in legitimate objectives, the differences of conformity assessment procedures shall be minimised as far as possible.

3. Member States shall develop and implement ASEAN Sectoral Mutual Recognition Arrangement in the regulated areas, where appropriate, in accordance with the provisions of *the ASEAN Framework Agreement on Mutual Recognition Arrangements*.

4. Member States shall accept the results of conformity assessment produced by conformity assessment bodies designated by other Member States in accordance with the provisions of *the ASEAN Framework Agreement on Mutual Recognition Arrangements* and the provisions of the respective ASEAN Sectoral Mutual Recognition Arrangements in all regulated areas.

5. Member States shall establish co-operation among National Accreditation Bodies and National Metrology Institutes (NMIs), including legal metrology in ASEAN to facilitate the implementation of MRAs in regulated and non-regulated sectors.

Article 77
Post Market Surveillance

1. Member States shall establish post market surveillance systems to complement the implementation of the ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes and/or Directives.

2. The relevant authority that undertakes the post market surveillance system of the Member States shall take the necessary actions to ensure compliance of products placed in the market with the applicable ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes and/or Directives.

3. Member States should ensure that the necessary laws and technical infrastructure are in place to support post market surveillance systems.

4. The effectiveness of the post market surveillance systems shall be further enhanced through the establishment of Alert Systems among Member States.

这些程序应符合国际标准与实践，若因合法目标差异导致无法达成一致，则应尽可能缩小合格评定程序的差异。

3. 成员国应根据《东盟互认安排框架协议》的规定，在适当情况下，在受监管领域制定并实施东盟部门互认安排。

4. 成员国应接受其他成员国根据《东盟互认安排框架协议》及各东盟部门互认安排的规定指定的合格评定机构出具的合格评定结果，适用于所有受监管领域。

5. 成员国应推动国家认证机构与国家计量机构（NMIs）之间的合作，包括东盟范围内的法制计量，以促进互认协议在受监管领域和非监管领域的实施。

第77条 市场后监管

1. 成员国应建立市场后监管体系，以配合东盟部门互认安排及东盟协调监管制度和/或指令的实施。

2. 负责成员国市场后监管体系的相关当局应采取必要措施，确保投放市场的产品符合适用的东盟部门互认安排及东盟协调监管制度和/或指令的要求。

3. 成员国应确保必要的法律和技术基础设施到位，以支持市场后监管系统。

4. 应通过在各成员国间建立预警系统，进一步加强市场后监管体系的有效性。

Article 78
Implementation

1. Member States shall take all necessary measures to ensure implementation of all the ASEAN Sectoral Mutual Recognition Arrangements, ASEAN Harmonised Regulatory Regimes and the relevant provisions of this Agreement within the time frame stipulated in the aforesaid agreements and to ensure compliance with aforesaid harmonised requirements.
2. The following instruments, and any future instruments agreed by Member States to implement the provisions of this Agreement, shall form an integral part of this Agreement:
- (a) *ASEAN Framework Agreement on Mutual Recognition Arrangements*;
 - (b) *ASEAN Sectoral Mutual Recognition Arrangement for Electrical and Electronic Equipment*;
 - (c) *Agreement on the ASEAN Harmonized Electrical and Electronic Equipment (EEE) Regulatory Regime*; and
 - (d) *Agreement on the ASEAN Harmonized Cosmetic Regulatory Scheme*.
3. The ASEAN Consultative Committee for Standards and Quality (ACCSQ) shall be responsible for:
- a) identifying and initiating sectoral MRAs;
 - b) monitoring the effective implementation of the relevant provisions of this Agreement in respect of standards, technical regulations and conformity assessment procedures;
 - c) providing support to the respective Joint Sectoral Committees when required; and
 - d) collaborating with the ASEAN Secretariat to provide regular feedback on the implementation of this Agreement.
4. The ACCSQ shall provide support and co-operation under the relevant ASEAN Free Trade Agreements (FTAs) with Dialogue Partners, including capacity building and institutional strengthening

第78条 实施

1. 各成员国应采取一切必要措施，确保在上述协议规定的时间框架内实施所有东盟部门互认安排、东盟协调监管制度及本协议相关条款，并确保遵守上述协调要求。
2. 以下文件及成员国为实施本协议条款而商定的任何未来文件，应构成本协议的组成部分：
- (a) 东盟互认安排框架协议；(b) 东盟电气和电子设备部门互认安排；(c) 东盟协调电气和电子设备监管制度协议；及(d) 东盟协调化妆品监管计划协议。
3. 东盟标准与质量咨询委员会（ACCSQ）应负责：
- a) 识别并启动部门互认协议；b) 监督本协议关于标准、技术法规和合格评定程序相关条款的有效实施；c) 在需要时为各联合部门委员会提供支持；及d) 与东盟秘书处协作，定期反馈本协议的实施情况。
4. 东盟标准与质量咨询委员会应根据与对话伙伴签署的相关东盟自由贸易协定（FTAs）提供支持与合作，包括能力建设和制度强化

programmes for Standards, Technical Regulations and Conformity Assessment Procedures Chapters in such ASEAN FTAs.

5. The ACCSQ shall take the necessary actions to ensure effective implementation of the ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes.

CHAPTER 8
SANITARY AND PHYTOSANITARY MEASURES

Article 79
Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between and among Member States while protecting human, animal or plant life or health in each Member State;
- (b) provide a framework and guidelines on requirements in the application of sanitary and phytosanitary measures among Member States, particularly to achieve commitments set forth in the ASEAN Economic Community Blueprint;
- (c) strengthen co-operation among Member States in protecting human, animal or plant life or health; and
- (d) facilitate and strengthen implementation of this Chapter in accordance with the principles and disciplines in the *Agreement on the Application of Sanitary and Phytosanitary Measures* contained in Annex 1A to the WTO Agreement and this Agreement.

Article 80
Definitions

For the purposes of this Chapter:

- (a) **international standards, guidelines and recommendations** shall have the same meaning as in Annex A of paragraph 3 to the *SPS Agreement*;

计划，以支持此类东盟自由贸易协定中的标准、技术法规和合格评定程序章节。

5. 东盟标准与质量咨询委员会应采取必要行动，确保东盟部门互认安排和东盟协调监管制度的有效实施。

第8章 卫生与植物检疫措施

第79条
目标

本章的目标是：

- (a) 在保护各成员国人类、动物或植物的生命或健康的同时，促进成员国之间的贸易；(b) 为成员国在实施卫生与植物检疫措施方面的要求提供框架和指导，特别是实现东盟经济共同体蓝图中规定的承诺；(c) 加强成员国在保护人类、动物或植物的生命或健康方面的合作；以及(d) 根据WTO协定附件1A中的《实施卫生与植物检疫措施协定》和本协定的原则和纪律，促进和加强本章的实施。

第80条
定义

就本章而言：

- (a) 国际标准、指南和建议应具有与《实施卫生与植物检疫措施协定》附件A第3款相同的含义；