

CHAPTER 6

STANDARDS, TECHNICAL REGULATIONS AND
CONFORMITY ASSESSMENT PROCEDURES

Article 1
Objectives

The objectives of this Chapter are to facilitate trade in goods among the Parties by:

- (a) ensuring that standards, technical regulations, and conformity assessment procedures do not create unnecessary obstacles to trade;
- (b) promoting mutual understanding of each Party's standards, technical regulations, and conformity assessment procedures;
- (c) strengthening information exchange and co-operation among the Parties in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures;
- (d) strengthening co-operation among the Parties in the work of international bodies related to standardisation and conformity assessments; and
- (e) providing a framework to implement supporting mechanisms to realise these objectives.

Article 2
Scope

1. For the mutual benefit of the Parties, this Chapter applies to all standards, technical regulations and conformity

CHAPTER 6

标准、技术法规和合格评定程序

Article 1
Objectives

本章的目的是通过以下方式促进各缔约方之间的货物贸易：

(a) 确保标准、技术法规和合格评定程序不会给贸易造成不必要的障碍；(b) 促进各缔约方对彼此的标准、技术法规和合格评定程序的理解；(c) 加强各缔约方在制定、采纳和应用标准、技术法规和合格评定程序方面的信息交流与合作；(d) 加强各缔约方在国际标准化和合格评定相关机构工作中的合作；以及(e) 提供一个框架来实施支持机制以实现这些目标。

Article 2
Scope

1. 为各方互利，本章适用于各方的所有标准、技术法规和合格评定程序

assessment procedures of the Parties that may affect trade in goods between the Parties except:

- (a) purchasing specifications prepared by governmental bodies for the production or consumption requirements of such bodies; and
- (b) sanitary or phytosanitary measures as defined in Chapter 5 (Sanitary and Phytosanitary Measures).

2. Nothing in this Chapter shall limit the right of a Party to prepare, adopt and apply standards, technical regulations and conformity assessment procedures only to the extent necessary to fulfil a legitimate objective. Such legitimate objectives are, *inter alia*, national security requirements; the prevention of deceptive practices; protection of human health or safety; animal or plant life or health; or the environment.

Article 3
Definitions

For the purposes of this Chapter, the definitions set out in Annex 1 to the *Agreement on Technical Barriers to Trade* (TBT Agreement) in Annex 1A to the WTO Agreement shall apply.

Article 4
Affirmation of the TBT Agreement

- 1. Each Party affirms its rights and obligations with respect to each other Party under the TBT Agreement.
- 2. Each Party shall take such reasonable measures as may be available to it to ensure compliance, in the implementation of this Chapter, by local government and non-governmental bodies within its territory which are responsible for the preparation, adoption and application of standards, technical regulations and conformity assessment procedures.

，可能影响各方之间货物贸易的评估程序，但除外：

- (a) 政府机构为满足自身生产或消费需求而制定的采购规格；以及 (b) 第5章（卫生与植物卫生措施）中定义的卫生或植物卫生措施。

2. 本章任何规定均不得限制各缔约方在为履行合法目标而仅准备、采纳和应用标准、技术法规和合格评定程序的程度上行使权利。此类合法目标包括但不限于国家安全要求；防止欺骗性做法；保护人类健康或安全；动物或植物生命或健康；或环境。

第3条 定
义

就本章而言，应适用附件1A中世界贸易组织协定附件1A中关于技术性贸易壁垒协定（TBT协定）附件1所载的定义。

第4条 TBT协定的确认

- 1. 各缔约方确认其根据TBT协定对他方享有的权利和应履行的义务。
- 2. 各缔约方应当采取其能够采取的合理措施，以确保其领土内负责准备、采纳和应用标准、技术法规和合格评定程序的地方政府和非政府机构在实施本章时予以遵守。

Article 5
Standards

1. With respect to the preparation, adoption and application of standards, each Party shall ensure that its standardising body or bodies accept and comply with Annex 3 to the TBT Agreement.
2. Each Party shall encourage the standardising body or bodies in its territory to co-operate with the standardising body or bodies of other Parties. Such co-operation shall include, but is not limited to:
- (a) exchange of information on standards;
 - (b) exchange of information relating to standard setting procedures; and
 - (c) co-operation in the work of international standardising bodies in areas of mutual interest.

Article 6
Technical Regulations

1. Where relevant international standards exist or their completion is imminent, each Party shall use them, or relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.
2. Each Party shall give positive consideration to accepting as equivalent, technical regulations of another Party, even if these regulations differ from its own, provided it is satisfied that these regulations adequately fulfil the objectives of its own regulations.

第5条标
准

1. 关于标准的准备、采纳和应用，各缔约方应当确保其标准化机构或机构接受并遵守TBT协定的附件3。
2. 各缔约方应鼓励在其领土内的标准化机构与另一方的标准化机构合作。此种合作包括但不限于：
- (a) 交换标准信息；(b) 交换与标准制定程序有关的信息；以及(c) 在共同利益领域的国际标准化机构工作中合作。

第6条技术法规

1. 如存在相关国际标准或其完成即将完成，各缔约方应将其或其相关部分作为其技术法规的基础，除非此类国际标准或相关部分在实现合法目标方面是无效或不适当的手段，例如由于基本气候或地理因素或基本技术问题。
2. 各缔约方应当积极考虑接受另一缔约方的技术法规作为等效法规，即使这些法规与其自身的法规不同，前提是其认为这些法规充分实现了其自身法规的目标。

3. Where a Party does not accept a technical regulation of another Party as equivalent to its own it shall, upon request of the other Party, explain the reasons for its decision.

Article 7
Conformity Assessment Procedures

1. Each Party shall give positive consideration to accepting the results of conformity assessment procedures of other Parties, even where those procedures differ from its own, provided it is satisfied that those procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to its own procedures.

2. Each Party shall seek to enhance the acceptance of the results of conformity assessment procedures conducted in the territories of other Parties with a view to increasing efficiency, avoiding duplication and ensuring cost effectiveness of the conformity assessments. In this regard, each Party may choose, depending on the situation of the Party and the specific sectors involved, a broad range of approaches. These may include but are not limited to:

- (a) recognition by a Party of the results of conformity assessments performed in the territory of another Party;
- (b) recognition of co-operative arrangements between accreditation bodies in the territories of the Parties;
- (c) mutual recognition of conformity assessment procedures conducted by bodies located in the territory of each Party;
- (d) accreditation of conformity assessment bodies in the territory of another Party;

3. 如果一缔约方不接受另一缔约方的技术法规作为其自身的等效法规，则应在另一缔约方的请求下，说明其决定的理由。

第六章 合格评定程序

1. 各缔约方应当对接受其他缔约方的合格评定程序的结果给予积极考虑，即使这些程序与其自身的程序不同，前提是其认为这些程序能够提供与适用技术法规或标准等效的合格保证，而该保证与其自身的程序相当。

2. 各缔约方应当努力提高在其它缔约方领土上进行的合格评定程序结果的接受程度，旨在提高效率、避免重复并确保合格评定的成本效益。在这方面，每一缔约方可以根据该缔约方的情况以及所涉及的具体部门，选择一系列广泛的方法。这些方法包括但不限于：

- (a) 一方承认另一方领土内进行的合格评定结果；(b) 承认各方领土内认可机构之间的合作安排；(c) 各方领土内机构进行的合格评定程序的相互承认；(d) 在另一方领土内认可合格评定机构；

- (e) use of existing regional and international multilateral recognition agreements and arrangements;
- (f) designating conformity assessment bodies located in the territory of another Party to perform conformity assessment; and
- (g) suppliers' declaration of conformity.

3. Each Party shall exchange information with other Parties on its experience in the development and application of the approaches in Paragraph 2(a) to (g) and other appropriate approaches with a view to facilitating the acceptance of the results of conformity assessment procedures.

4. A Party shall, upon request of another Party, explain its reasons for not accepting the results of any conformity assessment procedure performed in the territory of that other Party.

Article 8 Co-operation

1. The Parties shall intensify their joint efforts in the field of standards, technical regulations and conformity assessment procedures with a view to facilitating access to each other's markets.

2. Each Party shall, upon request of another Party, give positive consideration to proposals to supplement existing co-operation on standards, technical regulations and conformity assessment procedures. Such co-operation, which shall be on mutually determined terms and conditions, may include but is not limited to:

- (e) 使用现有的区域和国际多边认可协议和安排；(f) 指定位于另一方领土内的合格评定机构进行合格评定；以及 (g) 供应商合格声明。

3. 各缔约方应当就其在第2款（a）项至（g）项所述方法以及其他适当方法的发展和应用方面的经验，与其他缔约方交换信息，以促进合格评定程序的结果的接受。

4. 一缔约方在另一缔约方的请求下，应当说明其不接受在另一缔约方领土上进行的任何合格评定程序的结果的原因。

Article 8 Co-operation

1. 各缔约方应当加强在标准、技术法规和合格评定程序领域的联合努力，以促进相互市场准入。

2. 各缔约方应根据另一缔约方的请求，对补充现有关于标准、技术法规和合格评定程序的合作的建议给予积极考虑。此类合作应基于双方商定的条款和条件，可能包括但不限于：

- (a) advice or technical assistance relating to the development and application of standards, technical regulations and conformity assessment procedures;
- (b) co-operation between conformity assessment bodies, both governmental and non-governmental, in the territories of each of the Parties such as:
 - (i) use of accreditation to qualify conformity assessment bodies; and
 - (ii) enhancing infrastructure in calibration, testing, inspection, certification and accreditation to meet relevant international standards, recommendations and guidelines;
- (c) co-operation in areas of mutual interest in the work of relevant regional and international bodies relating to the development and application of standards and conformity assessment procedures such as enhancing participation in the existing frameworks for mutual recognition developed by relevant regional and international bodies; and
- (d) enhancing co-operation in the development and improvement of technical regulations and conformity assessment procedures such as:
 - (i) co-operation in the development and promotion of good regulatory practice;
 - (ii) transparency, including ways to promote improved access to information on standards, technical regulations and conformity assessment procedures; and

- (a) 与...相关的建议或技术援助
标准的开发和应用；技术法规和合格评定程序；
- (b) 合格评定机构之间的合作
在各方领土内，政府间和非政府间合格评定机构在以下方面的合作，例如：
 - (i) 使用认可来资格认定合格评定机构；以及 (ii) 加强校准、测试、检验、认证和认可的基础设施，以满足相关的国际标准、建议和指南；
- (c) 在与标准和合格评定程序的开发和应用相关的区域和国际机构的工作领域中的共同利益合作
例如，加强参与由相关区域和国际机构制定的互认框架的工作；以及
- (d) 加强在技术法规和合格评定程序的发展和改进方面的合作，例如：
 - (i) 在发展和推广良好监管实践；(ii) 透明度，包括促进对标准、技术法规和合格评定程序的信息获取改进的方法；以及

(iii) management of risks relating to health, safety, the environment and deceptive practices.

3. Upon request of another Party, a Party shall give positive consideration to a sector-specific proposal that the requesting Party makes for further co-operation under this Chapter.

**Article 9
Consultations**

1. Each Party shall give prompt and positive consideration to any request from another Party for consultations on issues relating to the implementation of this Chapter.

2. Where a matter covered under this Chapter cannot be clarified or resolved as a result of consultations, the Parties concerned may establish an *ad hoc* working group with a view to identifying a workable and practical solution to facilitate trade. The *ad hoc* working group shall comprise representatives of the Parties concerned.

3. Where a Party declines a request from another Party to establish an *ad hoc* working group, it shall, upon request of the other Party, explain the reasons for its decision.

**Article 10
Agreements or Arrangements**

1. Parties shall seek to identify trade-facilitating initiatives regarding standards, technical regulations and conformity assessment procedures that are appropriate for particular issues or sectors.

2. Such trade-facilitating initiatives may include agreements or arrangements on regulatory issues, such as

(iii) 管理与健康、安全、环境和欺骗性做法相关的风险。

3. 应另一方的要求，缔约方应积极考虑请求方根据本章提出的特定部门合作提案。

第9条 磋商

1. 各缔约方应迅速并积极考虑另一缔约方就本章实施相关事宜提出的磋商请求。

2. 如本章规定的事项经磋商无法澄清或解决，有关缔约方可成立临时工作组，以寻求可行的解决方案，促进贸易。临时工作组应包括有关缔约方的代表。

3. 如一方拒绝另一方成立临时工作组的请求，应另一方的要求，该方应说明其决定的原因。

第10条 协议或安排

1. 方应当努力识别与标准、技术法规和合格评定程序相关的贸易便利化举措，这些举措适用于特定问题或行业。

2. 此类促进贸易的倡议可能包括关于监管问题的协议或安排，例如

alignment of standards, convergence or equivalence of technical regulations conformity assessment procedures and compliance issues.

3. Parties to an existing agreement or arrangement shall give consideration to extending such an agreement or arrangement to another Party upon request of that Party. Such consideration may be subject to appropriate confidence building processes to ensure equivalency of relevant standards, technical regulations and/or conformity assessment procedures.

4. Where a Party declines a request of another Party to consider extending the application of an existing agreement or arrangement it shall, upon request of that Party, explain the reasons for its decision.

Article 11
Transparency

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended standards, technical regulations and conformity assessment procedures is made available in accordance with the relevant requirements of the TBT Agreement.

2. Each Party shall ensure that the information relating to standards, technical regulations and conformity assessment procedures is published. Such information should be made available in printed form and, where possible, in electronic form.

Article 12
Contact Points

1. Each Party shall designate a contact point or contact points who shall, for that Party, have responsibility for co-ordinating the implementation of this Chapter.

标准的协调、技术法规的趋同或等效、合格评定程序和合规问题。

3. 现有协议或安排的方应当考虑根据另一方的请求将该协议或安排扩展至另一方。此类考虑可能需要采取适当的建立信任措施，以确保相关标准、技术法规和/或合格评定程序的同等性。

4. 当一方拒绝另一方请求考虑扩展现有协议或安排的应用时，应当根据该方的请求解释其决定的原因。

第11条 透明度

1. 各方确认其致力于确保拟议的新或修订的标准、技术法规和合格评定程序的信息按照TBT协定的相关要求提供。

2. 各方应当确保标准、技术法规和合格评定程序的相关信息得到公布。此类信息应以印刷形式提供，并在可能的情况下以电子形式提供。

第12条 联系点

1. 各缔约方应指定一个或多个联系点，这些联系点应就本章节的实施对该缔约方负责。

- 2. Each Party shall provide each of the other Parties with the name of the designated contact point or contact points and the contact details of the relevant official in that organisation, including telephone, facsimile, email and any other relevant details.
- 3. Each Party shall notify each of the other Parties promptly of any change of their contact points or any amendments to the details of the relevant officials.
- 4. Each Party shall ensure that its contact point or contact points facilitate the exchange of information between the Parties on standards, technical regulations and conformity assessment procedures, in response to all reasonable requests for such information from a Party.

Article 13
Sub-Committee on Standards, Technical Regulations
and Conformity Assessment Procedures

- 1. The Parties hereby establish a Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures (STRACAP Sub-Committee), consisting of representatives of the Parties, to promote and monitor the implementation and administration of this Chapter.
- 2. The STRACAP Sub-Committee shall meet as mutually determined by the Parties. Meetings may be conducted in person, or by any other means as mutually determined by the Parties.
- 3. The STRACAP Sub-Committee shall determine its terms of reference in accordance with this Chapter.
- 4. The STRACAP Sub-Committee shall determine its work programme in response to priorities as identified by the Parties.

- 2. 各缔约方应向其他缔约方提供指定联系点或联系点的名称以及该组织内相关官员的联系方式，包括电话、传真、电子邮件和任何其他相关细节。
- 3. 各缔约方应迅速将联系点的变更或相关官员详情的修订通知其他各缔约方。
- 4. 各缔约方应确保其联系点或联系点促进各缔约方之间就标准、技术法规和合格评定程序进行信息交换，以回应一方提出的所有合理信息请求。

第13条 标准、技术法规和合格评定程序分委员会

- 1. 各缔约方兹设立标准、技术法规和合格评定程序分委员会（STRACAP分委员会），由各缔约方代表组成，以促进和监督本章的实施和管理。
- 2. STRACAP分委员会应根据各缔约方的共同决定开会。会议可以面对面进行，或根据各缔约方的共同决定以其他方式举行。
- 3. STRACAP分委员会应根据本章确定其工作范围。
- 4. STRACAP分委员会应根据方确定的优先事项确定其工作计划。