

Article 42
Non-application of Chapter 9

The dispute settlement procedures provided for in Chapter 9 shall not apply to this Chapter.

CHAPTER 5
Standards, Technical Regulations and
Conformity Assessment Procedures

Article 43
Objectives

The objectives of this Chapter are to promote trade 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 the standards, technical regulations and conformity assessment procedures in each Party;
- (c) strengthening information exchange and cooperation among the Parties in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures;
- (d) strengthening cooperation among the Parties in the work of international bodies related to standardisation and conformity assessments; and
- (e) providing a framework to realise these objectives.

Article 44
Scope

1. This Chapter shall apply to standards, technical regulations and conformity assessment procedures as defined in the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement (hereinafter referred to as "TBT Agreement").
2. This Chapter shall not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies and sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement.

第42条 第9章的适用

第9章规定的争端解决程序不适用于本章。

第5章 标准、技术法规和合格评定程序

第43条 目标

本章的目标是通过以下方式促进缔约方之间的贸易：

- (a) 确保标准、技术法规和合格评定程序不会造成贸易不必要的障碍；(b) 促进对每个方标准、技术法规和合格评定程序的相互理解；(c) 加强缔约方之间在标准、技术法规和合格评定程序的制定、采纳和应用方面的信息交流与合作；(d) 加强缔约方在标准化和合格评定相关国际机构工作中的合作；以及(e) 提供一个实现这些目标的框架。

第44条 范围

1. 本章应适用于附件1A中定义的世界贸易组织协定（以下简称“TBT协定”）下的标准、技术法规和合格评定程序。
2. 本章不适用于政府机构为满足政府机构的生产或消费需求而制定的采购规格，以及根据SPS协定附件A定义的卫生和植物卫生措施。

3. Nothing in this Chapter shall limit the right of a Party to prepare, adopt and apply standards and technical regulations, 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. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.

Article 45 Reaffirmation of Rights and Obligations

The Parties reaffirm the rights and obligations relating to standards, technical regulations and conformity assessment procedures under the TBT Agreement among those Parties that are parties to the said Agreement.

Article 46 Cooperation

1. For the purposes of ensuring that standards, technical regulations and conformity assessment procedures do not create unnecessary obstacles to trade in goods among the Parties, the Parties shall, where possible, cooperate in the field of standards, technical regulations and conformity assessment procedures.

2. The forms of cooperation pursuant to paragraph 1 may include the following:

- (a) conducting joint studies and holding seminars, in order to enhance mutual understanding of standards, technical regulations and conformity assessment procedures in each Party;
- (b) exchanging information on standards, technical regulations and conformity assessment procedures;
- (c) developing and implementing joint programmes for building and/or upgrading capacity in the Parties for advancement of activities within the scope of the TBT Agreement;
- (d) encouraging the bodies responsible for standards, technical regulations and conformity assessment procedures in each Party to cooperate on matters of mutual interest;

3. 本章任何规定均不得限制一方根据需要制定、采纳和适用标准和技术法规的权利，以实现合法目标。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。为此，每一方保留解释其法律、法规和行政规定的全部权力。

第45条 权利和义务的重申

缔约方重申有关TBT协定下标准的权利和义务，这些标准适用于该协定缔约方之间的技术法规和合格评定程序。

第46条 合作

1. 为了确保标准、技术法规和合格评定程序不会在缔约方之间商品贸易中造成不必要的障碍，缔约方应尽可能在标准、技术法规和合格评定程序领域进行合作。

2. 根据第1段规定进行的合作形式可以包括以下内容：

(a) 进行联合研究和举办研讨会，以增进各方对标准、技术法规和合格评定程序的相互理解；(b) 交换关于标准、技术法规和合格评定程序的信息；(c) 制定和实施联合计划，以建设和/或提升各方在TBT协定范围内的活动能力；(d) 鼓励各方负责标准、技术法规和合格评定程序的组织机构在相互感兴趣的领域进行合作；

- (e) contributing, where appropriate, jointly to the activities related to standards, technical regulations and conformity assessment procedures in international and regional fora; and
- (f) jointly identifying work in the field of standards, technical regulations and conformity assessment procedures, where appropriate, to avoid unnecessary obstacle to trade among the Parties.

3. The implementation of this Article shall be subject to the availability of appropriated funds and the applicable laws and regulations of each Party.

Article 47 Enquiry Points

1. Each Party shall designate an enquiry point which shall have the responsibility to coordinate the implementation of this Chapter.
2. Each Party shall provide the other Parties with the name of its designated enquiry point and the contact details of relevant officials in that organisation including information on telephone, facsimile and e-mail and other relevant details.
3. Each Party shall notify the other Parties promptly of any change of its enquiry point or any amendments to the information of the relevant officials.

Article 48 Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures (hereinafter referred to in this Article as "the Sub-Committee") shall be established pursuant to Article 11.
2. The functions of the Sub-Committee shall be to:
 - (a) coordinate cooperation pursuant to Article 46;
 - (b) identify mutually agreed priority sectors for enhanced cooperation, including giving favourable consideration to any proposal made by a Party;

(e) 在适当情况下, 共同参与与标准、技术法规和合格评定程序相关的国际和区域论坛的活动; 以及 (f) 共同确定在

标准、技术法规和合格评定程序, 在适当情况下, 以避免缔约方之间贸易的不必要障碍。

3. 本条的实施应受各方法定资金可用性和适用法律和法规的约束。

第47条 咨询点

1. 每一方应指定一个咨询点, 该咨询点应负责协调本章的实施。
2. 每一方应向其他一方提供其指定咨询点的名称以及该组织中相关官员的联系详情, 包括电话、传真和电子邮件和其他相关详情。
3. 每一方应及时通知其他一方其咨询点的任何变更或相关官员信息的任何修订。

第48条 标准、技术法规和合格评定程序分委员会

1. 为有效实施和运行本章, 应依据第11条设立标准、技术法规和合格评定程序分委员会 (以下简称本条中称“该分委员会”)。
2. 该分委员会的职能应为:
 - (a) 根据《第46条》进行协调合作; (b) 确定双方同意的重点合作领域, 包括优先考虑任何一方提出的建议;

- (c) establish work programmes in mutually agreed priority areas to facilitate the acceptance of conformity assessment results and equivalence of technical regulations;
- (d) monitor the progress of work programmes;
- (e) review the implementation and operation of this Chapter;
- (f) facilitate technical consultations;
- (g) report, where appropriate, its findings to the Joint Committee; and
- (h) carry out other functions as may be delegated by the Joint Committee pursuant to Article 11.

3. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

4. The Parties shall coordinate their undertakings with the activities conducted in the bilateral, regional and multilateral context, with the objective of avoiding unnecessary duplication and maximising efficiency of efforts of the Parties in this field.

5. The Sub-Committee shall be:

- (a) composed of representatives of the Governments of the Parties; and
- (b) co-chaired by an official of the Government of Japan and an official of one of the Governments of the ASEAN Member States, which are the Parties.

Article 49 Non-application of Chapter 9

The dispute settlement procedures provided for in Chapter 9 shall not apply to this Chapter.

Chapter 6 Trade in Services

Article 50 Trade in Services

1. Each Party shall endeavour to, in accordance with its laws, regulations and policies, take further steps towards the expansion of trade in services among or between the Parties consistent with GATS.

(c) 在双方同意的重点领域建立工作计划，以促进合格评定结果的接受和技术法规的等同；(d) 监督工作计划的进展；(e) 审查本章的实施和运行；(f) 促进技术磋商；(g) 在适当情况下，将其发现报告给联合委员会；以及 (h) 根据《第11条》由联合委员会授权执行其他职能。

3. 分委员会应在不影响其他章节的情况下举行会议
as 由缔约方商定。

4. 缔约方应协调其承诺与双边、区域和多边环境下的活动，以避免不必要的重复并最大限度地提高缔约方在该领域的努力效率。

5. 分委员会应：

(a) 由缔约方政府的代表组成；以及 (b) 由日本政府的一名官员和东盟成员国政府（即缔约方）的一名官员共同主持。第9章不适用

第9章规定的争端解决程序不适用于本章。

第六章 服务贸易 第 50条 服务贸易

1. 每一方应根据其法律、法规和政策，努力采取进一步措施，在符合《服务贸易总协定》的规定下，促进或加强缔约方之间或缔约方相互之间的服务贸易。