

Chapter 7
Technical Regulations, Standards and
Conformity Assessment Procedures

Article 7.1: Definitions

For the purposes of this Chapter:

technical regulation, standard and conformity assessment procedures shall have the meanings assigned to those terms in Annex 1 of the TBT Agreement.

Article 7.2: Objectives

The objectives of this Chapter are to increase and facilitate trade through the improvement of the implementation of the TBT Agreement, the elimination of unnecessary technical barriers to trade and the enhancement of bilateral cooperation.

Article 7.3: Scope and Coverage

1. Except as provided in paragraphs 2 and 3 of this Article, this Chapter applies to all standards, technical regulations, and conformity assessment procedures of the central level of government that may, directly or indirectly, affect trade in goods between the Parties.
2. Each Party shall take such reasonable measures as may be available to it to ensure compliance by regional or local governments and non-governmental bodies within its territory which are responsible for the preparation, adoption and application of technical regulations, standards and conformity assessment procedures in the implementation of the provisions of this Chapter.
3. Technical specifications prepared by governmental bodies for production or consumption requirements of such bodies are not subject to the provisions of this Chapter, but are addressed in Chapter 15 (Government Procurement), according to its coverage.
4. This Chapter does not apply to sanitary and phytosanitary measures as defined in Annex A, paragraph 1 of the SPS Agreement, which are covered in Chapter 6 (Sanitary and Phytosanitary Measures).

Article 7.4: Affirmation of Agreement on Technical Barriers to Trade

The Parties affirm their rights and obligations under the TBT Agreement.

第七章 技术法规、标准和合格
评定程序

第七条 定义

本章所称：

技术法规、标准和合格评定程序应具有TBT协定附件1中规定的那些术语的含义。

第七条 目的

本章的目的是通过改进TBT协定的实施、消除不必要的贸易技术壁垒以及加强双边合作来增加和促进贸易。

第7.3条：范围和覆盖范围

1. 除本条第2、3款另有规定外，本章适用于所有中央政府层面制定的标准、技术法规和合格评定程序，这些标准、技术法规和合格评定程序可能直接或间接地影响缔约方之间商品的贸易。
2. 每一方应采取其所能采取的合理措施，以确保其领土内负责制定、采用和应用技术法规、标准和合格评定程序以实施本章规定的地区或地方政府和非政府机构遵守相关规定。
3. 政府机构为生产或消费需求而准备的技术规范不适用本章规定，但根据其覆盖范围在第15章（政府采购）中予以规定。
4. 本章不适用于SPS协定附件A第1段中定义的卫生和植物卫生措施，这些措施在第6章（卫生和植物卫生措施）中予以涵盖。

第7.4条：关于技术性贸易壁垒的协议确认

缔约方确认其根据TBT协定享有的权利和义务。

Article 7.5: International Standards

1. Each Party shall use relevant international standards, to the extent provided in Article 2.4 of the TBT Agreement, as a basis for its technical regulations.
2. In determining whether an international standard, guide or recommendation within the meaning of Articles 2 and 5 and Annex 3 of the TBT Agreement exists, each Party shall apply 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 WTO Committee on Technical Barriers to Trade.

Article 7.6: Trade Facilitation

The Parties shall work cooperatively in the fields of standards, technical regulations and conformity assessment procedures with a view to facilitating trade between the Parties. In particular, the Parties shall seek to identify trade facilitating bilateral initiatives regarding standards, technical regulations and conformity assessment procedures that are appropriate for particular issues or sectors. Such initiatives may include:

- (a) cooperation on regulatory issues, such as convergence or equivalence of technical regulations and standards;
- (b) alignment with international standards;
- (c) reliance on a supplier’s declaration of conformity; and
- (d) use of accreditation to qualify conformity assessment bodies, as well as cooperation through recognition of conformity assessment procedures.

Article 7.7: Technical Regulations

1. Each Party shall give positive consideration to accepting as equivalent technical regulations of the other Party, even if these regulations differ from its own, provided it is satisfied that these regulations adequately fulfil the objectives of its 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 reasons.
3. Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Article.

Article 7.5: 国际标准

1. 每一方应根据TBT协定第2.4条所规定的方式，使用相关的国际标准作为其技术法规的基础。
2. 在确定是否存在《TBT协定》第2条和第5条及附件3中所称的国际标准、指南或建议时，每一方应适用自1995年1月1日起由委员会通过的决定和建议，G/TBT/1/Rev.8，2002年5月23日，第九部分（关于制定与《协定》第2条、第5条和附件3相关的国际标准、指南和建议原则的委员会决定），由世界贸易组织技术性贸易壁垒委员会发布。

Article 7.6: 贸易便利化

各方应在标准、技术法规和合格评定程序领域进行合作，以促进各方之间的贸易。特别是，各方应努力确定适用于特定问题或部门的标准、技术法规和合格评定程序的双边倡议。此类倡议可包括：

- (a) 监管问题的合作，例如技术法规和标准的趋同或等同；(b) 与国际标准一致；(c) 依赖供应商符合性声明；以及(d) 使用认可来资格合格评定机构，以及通过合格评定程序的承认进行合作。

Article 7.7: 技术法规

1. 每一方应当积极考虑接受另一方的技术法规作为等同，即使这些法规与其自身的法规不同，前提是它满意这些法规充分满足了其法规的目标。
2. 如果一方不接受另一方的技术法规作为与其自身的法规等同，则应在另一方的请求下解释其理由。
3. 任何一方均不得根据本协议就本条项下事项援引争端解决程序。

Article 7.8: Conformity Assessment Procedures

1. The Parties recognise that a broad range of mechanisms exist 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) the importing Party may rely on a supplier's declaration of conformity;
- (b) conformity assessment bodies located in each Party's territory may enter into voluntary arrangements to accept the results of each other's conformity assessment procedures;
- (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 adopt accreditation procedures for qualifying conformity assessment bodies located in the territory of the other Party;
- (e) a Party may designate conformity assessment bodies located in the territory of the other Party; and
- (f) a Party may facilitate the consideration of a request by the other Party to recognise the results of conformity assessment procedures conducted by bodies in the other Party's territory, including through negotiation of agreements in a sector nominated by that other Party.

The Parties shall exchange information on these and other similar mechanisms with a view to facilitating acceptance of conformity assessment results.

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 that other Party, explain the reasons for its decision.

3. Each Party shall accredit, approve, license, or otherwise recognise conformity assessment bodies in the territory of the other Party on terms no less favourable than those it accords to conformity assessment bodies in its territory. Where a Party accredits, approves, licenses, or otherwise recognises a body assessing conformity with a specific technical regulation or standard in its territory and refuses to accredit, approve, license, or otherwise recognise a body assessing conformity with that technical regulation or standard in the territory of the other Party, it shall, on request of that other Party, explain the reasons for its decision.

4. Where a Party declines a request from the other Party to engage in negotiations or conclude an agreement on facilitating recognition in its territory of the results of conformity assessment procedures conducted by bodies in the other Party's territory, it shall, on request of that other Party, explain the reasons for its decision.

第7.8条：合格评定程序

1. 各方承认存在多种机制以促进一方领土内接受另一方领土内进行的合格评定程序的结果。例如：

- (a) 进口方可以依赖供应商符合性声明；(b) 各方境内设置的合格评定机构可以达成自愿协议，接受对方合格评定程序的结果；(c) 一方可以与另一方同意接受位于对方境内机构针对特定技术法规进行的合格评定程序的结果；(d) 一方可以采用认可程序，对位于对方境内的合格评定机构进行资格认定；(e) 一方可以指定位于对方境内的合格评定机构；以及(f) 一方可以促进另一方考虑承认位于对方境内机构进行的合格评定程序结果的请求，包括通过协商该另一方指定的领域内的协议。

缔约方应当就这些及其他类似机制交换信息，以促进合格评定结果的接受。

2. 当一方不接受在另一方领土内进行合格评定程序的结果时，应根据另一方的要求，解释其决定的原因。

3. 各方应在另一方领土内认可、批准、许可或以其他方式承认合格评定机构，其条件不得比其给予其领土内合格评定机构的条件差。当一方认可、批准、许可或以其他方式承认在其领土内评估符合特定技术法规或标准的机构，并拒绝认可、批准、许可或以其他方式承认在另一方领土内评估符合该技术法规或标准的机构时，应根据另一方的要求，解释其决定的原因。

4. 当一方方拒绝另一方方请求在其领土内承认由另一方领土内的机构进行的合格评定程序的结果，并参与谈判或达成协议时，该一方方应根据另一方方的请求，解释其决定的理由。

Article 7.9: Transparency

1. Each Party shall allow persons of the other Party to participate in the development of standards, technical regulations and conformity assessment procedures on terms no less favourable than those accorded to its own persons.
2. Each Party shall recommend that non-governmental bodies in its territory observe paragraph 1 in relation to the development of standards and voluntary conformity assessment procedures.
3. The Parties acknowledge the importance of transparency in decision-making, including providing a meaningful opportunity for persons to provide comments on proposed technical regulations and conformity assessment procedures. Where a Party publishes a notice under Article 2.9 or 5.6 of the TBT Agreement, it shall:
 - (a) include in the notice a statement describing the objective of the proposed technical regulation or conformity assessment procedure and the rationale for the approach the Party is proposing; and
 - (b) transmit the proposal electronically to the other Party through the enquiry point the Party has established under Article 10 of the TBT Agreement at the same time as it notifies WTO Members of the proposal pursuant to the TBT Agreement.

Each Party should allow at least 60 days after it transmits a proposal under subparagraph (b) for the public and the other Party to make comments in writing on the proposal.

4. Where a Party makes a notification under Article 2.10 or 5.7 of the TBT Agreement, it shall at the same time transmit the notification to the other Party electronically through the enquiry point referenced in subparagraph 3(b).
5. Each Party shall publish, or otherwise make available to the public, in print or electronically, its responses to significant comments it receives under paragraph 3 no later than the date it publishes the final technical regulation or conformity assessment procedure.
6. On request of the other Party, a Party shall provide the other Party information regarding the objective of, and rationale for, a standard, technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.

Article 7.10: Committee on Technical Barriers to Trade

1. In order to facilitate implementation of this Chapter and cooperation between the Parties, the Parties hereby establish a Committee on Technical Barriers to Trade, comprising representatives of each Party.
2. For the purposes of this Article, the Committee shall be coordinated by (“the Coordinators”):

第7.9条：透明度

1. 每一方方应允许另一方方的人员参与标准的制定、技术法规和合格评定程序，其条件不得低于其自身人员所获得的条件。
2. 每一方应建议其领土内的非政府机构在制定标准和自愿合格评定程序方面遵守第1段。
3. 各方承认决策中的透明度的重要性，包括为人员提供对拟议的技术法规和合格评定程序提出意见的 **meaningful** 机会。当一方根据TBT协定第2.9条或第5.6条发布通知时，它应：
 - (a) 在通知中包含一段说明拟议的技术法规或合格评定程序的目标以及该方提出的方法的理由的陈述；以及 (b) 通过该方根据TBT协定第10条设立的查询点，以电子方式将提案传送给另一方，同时根据TBT协定通知WTO成员该提案。

每一方应在它根据子句 (b) 传输提案后，至少允许60天供公众和另一方就提案书面提出意见。

4. 当一方根据TBT协定第2.10条或第5.7条提出通知时，应同时通过第3(b)款中引用的查询点以电子方式将通知传送给另一方。
5. 每一方应在其发布最终技术法规或合格评定程序之日起不迟于该日期，以印刷或电子方式公布或以其他方式向公众提供其根据第3款收到的重大意见的答复。
6. 应另一方的要求，一方应向另一方提供有关其已采纳或拟采纳的标准、技术法规或合格评定程序的目标和理由的信息。

第7.10条：技术性贸易壁垒委员会

1. 为了促进本章的实施以及缔约方之间的合作，缔约方特设立技术性贸易壁垒委员会，该委员会由各缔约方的代表组成。
2. 根据本条文的宗旨，委员会应由（“协调员”）：

- (a) in the case of Australia, the Department of Innovation, Industry, Science and Research, or its successor; and
- (b) in the case of Chile, the General Directorate of International Economic Affairs, Ministry of Foreign Affairs, or its successor.

3. The Committee's functions shall include:

- (a) monitoring the implementation and administration of this Chapter;
- (b) promptly addressing any issue that a Party raises related to the development, adoption, application, or enforcement of standards, technical regulations or conformity assessment procedures;
- (c) enhancing cooperation in the development and improvement of standards, technical regulations and conformity assessment procedures;
- (d) exchanging information on standards, technical regulations and conformity assessment procedures, in response to all reasonable requests for such information from a Party;
- (e) providing technical advice, information and assistance on mutually agreed terms and conditions to enhance the Parties' standards, technical regulations and conformity assessment procedures;
- (f) conducting joint studies and holding seminars on mutually agreed terms and conditions to enhance the Parties' understanding of technical regulations, standards and conformity assessment procedures;
- (g) facilitating cooperation in the area of specific technical regulations by referring enquiries from a Party to the appropriate regulatory authorities;
- (h) where appropriate, facilitating sectoral cooperation among governmental and non-governmental conformity assessment bodies in the Parties' territories;
- (i) exchanging information on developments in non-governmental, regional, and multilateral fora engaged in activities related to standardisation, technical regulations and conformity assessment procedures;
- (j) taking any other steps the Parties consider will assist them in implementing the TBT Agreement and in facilitating trade in goods between them;
- (k) at a Party's request, consulting on any matter arising under this Chapter;

- (a) 在澳大利亚的情况下，创新、工业、科学和研究中心，或其继任者；以及 (b) 在智利的情况下，国际经济事务总局、外交部，或其继任者。

3. 委员会的职能应包括：

- (a) 监督本章的实施和管理； (b) 及时处理任何一方提出的与发展、采用、应用或执行标准、技术法规或合格评定程序相关的问题； (c) 加强在标准、技术法规和合格评定程序的开发和改进方面的合作； (d) 应一方提出的所有合理信息请求，就标准、技术法规和合格评定程序交换信息； (e) 在共同商定的条款和条件下提供技术建议、信息和援助，以增强各方的标准、技术法规和合格评定程序； (f) 在共同商定的条款和条件下开展联合研究和举办研讨会，以增强各方对技术法规、标准和合格评定程序的理解； (g) 通过将一方的查询转介给适当的监管机构，促进在特定技术法规领域的合作； (h) 在适当的情况下，促进各方法定领土内政府和非政府合格评定机构之间的部门合作； (i) 就参与标准化、技术法规和合格评定程序相关活动的非政府、区域和多边论坛的发展情况交换信息； (j) 采取任何其他一方认为将有助于其实施 TBT 协定和促进相互之间货物贸易的步骤； (k) 应一方要求，就本章项下产生的任何事项进行磋商；

- (l) reviewing this Chapter in light of any developments under the TBT Agreement, and developing recommendations for amendments to this Chapter in light of those developments; and
- (m) as it considers appropriate, reporting to the Joint FTA Committee on the implementation of this Chapter.

4. Where the Parties have had recourse to consultations under paragraph 3(k) such consultations shall, on the agreement of the Parties, constitute consultations under Article 21.3 (Consultations - Dispute Settlement Chapter).
5. A Party shall, on request, give favourable consideration to any sector-specific proposal the other Party makes for further cooperation under this Chapter.
6. The Coordinators shall communicate with each other by any agreed method that is appropriate for the efficient and effective discharge of their functions.
7. The Committee shall meet at such venues and times as may be agreed by the Parties. 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.

Article 7.11: Information Exchange

Any information or explanation that is provided on request of a Party pursuant to the provisions of this Chapter shall be provided in print or electronically within a reasonable period of time.

(l) 鉴于TBT协定项下任何发展情况，审查本章，并鉴于这些发展情况，制定对本章进行修订的建议；以及 (m) 在其认为适当的情况下，就本章的实施情况向联合自由贸易委员会报告。

4. 当缔约方根据第3(k)款进行磋商时，经缔约方同意，此类磋商应构成第21.3条（争端解决章节磋商）项下的磋商。
5. 一方应根据请求，对另一方在本章项下提出的任何部门特定提案给予优惠考虑，以促进合作。
6. 协调员应通过任何经缔约方商定的、适合其职能高效有效履行的方式相互沟通。
7. 委员会应在缔约方商定的场所和时间举行会议。会议可通过电话会议、视频会议或任何其他经缔约方共同确定的方式举行。经共同商定，如有必要，可设立临时工作组。

第7.11条：信息交换

任何一方根据本章规定提出的请求而提供的信息或解释，应在合理期限内以印刷或电子方式提供。