

Section 4  
**Standards, technical regulations and conformity assessment procedures**

*Article 83*

**Objective**

The objective of this section is to facilitate and increase trade in goods by eliminating and preventing unnecessary barriers to trade while taking into account the legitimate objectives of the Parties and the principle of non-discrimination, within the meaning of the WTO Agreement on Technical Barriers to Trade ( "the TBT Agreement").

*Article 84*

**Scope and coverage**

The provisions of this section apply to trade in goods in the area of standards, technical regulations and conformity assessment procedures, as defined in the TBT Agreement. It does not apply to measures covered by section 5 of this Chapter. Technical specifications prepared by governmental bodies for public procurement purposes are not subject to the provisions of this section but are addressed in Title IV of this Part of the Agreement.

*Article 85*

**Definitions**

For the purpose of this section, the definitions of Annex I of the TBT Agreement shall apply. In this respect, the 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, of the WTO Committee on Technical Barriers to Trade, shall also apply.

*Article 86*

**Basic rights and obligations**

The Parties confirm their rights and obligations under the TBT Agreement and their commitment to its comprehensive implementation. In this respect and in line with the objective of this section, cooperation activities and measures pursued under this section shall be conducted with a view to enhancing and reinforcing the implementation of those rights and obligations.

*Article 87*

**Specific actions to be pursued under this Agreement**

With a view to fulfilling the objective of this section:

1. The Parties shall intensify their bilateral cooperation in the field of standards, technical regulations and conformity assessment with a view to facilitating access to their respective markets, by increasing the mutual knowledge, understanding and compatibility of their respective systems.
2. In their bilateral cooperation the Parties shall aim at identifying which mechanisms or combination of mechanisms are the most appropriate for particular issues or sectors. Such mechanisms include aspects of regulatory co-operation, *inter alia* convergence and/or equivalence of technical regulations and standards, alignment to international standards, reliance on the supplier's

declaration of conformity and use of accreditation to qualify conformity assessment bodies, and mutual recognition agreements.

3. Based on progress made in their bilateral cooperation, the Parties shall agree on what specific arrangements should be concluded with a view to implementing the mechanisms identified.

4. To this end, the Parties shall work towards:

(a) developing common views on good regulatory practices, including, but not limited to:

(i) transparency in the preparation, adoption and application of technical regulations, standards and conformity assessment procedures;

(ii) necessity and proportionality of regulatory measures and related conformity assessment procedures, including the use of suppliers declaration of conformity;

(iii) use of international standards as a basis for technical regulations, except when such international standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued;

(iv) enforcement of technical regulations and market surveillance activities;

(v) the necessary technical infrastructure, in terms of metrology, standardisation, testing, certification and accreditation, to support technical regulations; and

(vi) mechanisms and methods for reviewing technical regulations and conformity assessment procedures;

(b) reinforcing regulatory co-operation through, for example, exchange of information, experiences and data, and through scientific and technical cooperation with a view to improving the quality and level of their technical regulations and making efficient use of regulatory resources;

(c) compatibility and/or equivalence of their respective technical regulations, standards and conformity assessment procedures;

(d) promoting and encouraging bilateral cooperation between their respective organisation, public and/or private, responsible for metrology, standardisation, testing, certification and accreditation;

(e) promoting and encouraging full participation in international standard setting bodies, and reinforcing the role of international standards as a basis for technical regulations; and

(f) increasing their bilateral cooperation in the relevant international organisations and fora dealing with the issues covered by this section.

#### *Article 88*

### **Committee on Standards, Technical Regulations and Conformity Assessment**

1. The Parties hereby establish a Special Committee on Technical Regulations, Standards and Conformity Assessment in order to achieve the objectives set out in this section. The Committee, made up of representatives of the Parties, shall be co-chaired by a representative of each Party. The Committee shall meet at least once a year, unless otherwise agreed by the Parties. The Committee shall report to the Association Committee.

2. The Committee may address any matter related to the effective functioning of this section. In particular, it shall have the following responsibilities and functions:

- (a) monitoring and reviewing the implementation and administration of this section. In this connection, the Committee shall draw up a work program aimed at achieving the objectives of the section and in particular those set out in Article 87;
- (b) providing a forum for discussion and exchanging information on any matter related to this section and in particular as it relates to the Parties' systems for technical regulations, standards and conformity assessment procedures, as well as developments in related international organisations;
- (c) providing a forum for consultation and prompt resolution of issues that act or can act as unnecessary barriers to trade, within the scope and meaning of this section, between the Parties;
- (d) encouraging, promoting and otherwise facilitating cooperation between the Parties' organisations, public and/or private, for metrology, standardisation, testing, certification, inspection and accreditation; and
- (e) exploring any means aimed at improving access to the Parties' respective markets and enhancing the functioning of this section.