

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENTS OF AUSTRALIA AND
THE GOVERNMENT OF NEW ZEALAND ON TECHNICAL BARRIERS TO TRADE

The Government of Australia and the Government of New Zealand,

Having regard to their commitments under Article 12 of the Australia New Zealand Closer Economic Relations - Trade Agreement, done at Canberra on 28 March 1983 (called "the Agreement") in accordance with which the two Governments have examined the scope for taking action to harmonise requirements relating to such matters as standards, technical specifications and testing procedures, and domestic labelling, and have, where appropriate, encouraged government bodies and other organisations and institutions to work towards the harmonisation of such requirements;

Recognising the benefits for improving efficiency of production and facilitating the conduct of international trade through the adoption of uniform and internationally accepted requirements relating to such matters as standards, technical specifications, testing procedures, certification requirements and domestic labelling;

Recognising that such requirements should not be applied so as to create obstacles to trade;

Noting that the New Zealand Government is pursuing its objectives in this area through its adherence to the GATT Agreement on Technical Barriers to Trade, done at Geneva on 12 April 1979;

Noting that the Australian Commonwealth Government is seeking to obtain State Government co-operation in establishing Australian standards which are simple, uniform and which as far as possible are more aligned with international standards;

HAVE reached the following understandings in the course of the 1988 Review of the Agreement:

1. In the light of the Governments' commitment to the further development of the closer economic relationship, they reaffirm their commitment to work towards the harmonisation of standards, technical regulations and other such requirements.
2. Both Governments will continue to encourage relevant authorities of both countries, including Australian State Government bodies, to co-operate on the basis of full and equal participation in established processes for the determination and revision of standards applying in both countries;
3. While acknowledging the desirability of adopting international standards, technical regulations and other such requirements wherever possible, both Governments recognise the need for particular measures necessary to ensure the quality of imports and exports, or for the protection of human, animal or plant life or health, or the environment, or for the prevention of misleading or deceptive practices.

4. Both Governments will endeavour to ensure that exporters in each country have reasonable access to information regarding such matters as standards, technical specifications, testing procedures, certification requirements and domestic labelling standards.

5. To the maximum extent possible, given the extent of the respective Governments' control over the bodies concerned, each Government will endeavour to ensure that relevant authorities in its country accept test results provided and certificates of conformity with technical regulations and requirements issued by competent and authorised bodies of the other country, or rely upon self-certification by producers of the other country. It is recognised that prior consultations may be necessary to arrive at mutually satisfactory understandings between relevant bodies in this regard.

6. Each Government will endeavour to ensure that, with regard to testing procedures:

- (i) goods imported from the other country are accepted for testing under conditions no less favourable than those accorded to like domestic goods in a comparable situation;
- (ii) the test methods and administrative procedures for goods imported from the other country are no more complex and no less expeditious than the corresponding methods and procedures accorded to like domestic goods in a comparable situation;
- (iii) the results of tests will be made available to the exporter or importer or their agents, if requested, so that corrective action may be taken if necessary;
- (iv) the confidentiality of information about imported goods arising from or supplied in connection with such tests will be respected in the same way as for domestic goods.

Nothing in this paragraph will prevent authorities in each country from carrying out reasonable inspections within the territory of that country.

7. In accordance with paragraph 2 of Article 12 of the Agreement, the Governments will consult at the written request of either with a view to resolving any problems which arise under this Memorandum of Understanding.

8. In the event that the Government of Australia accepts the GATT Agreement on Technical Barriers to Trade, the Governments will review this Memorandum of Understanding.

9. This Memorandum of Understanding will not apply to quarantine, which is the subject of separate arrangements.

10. This Memorandum of Understanding will be reviewed before 31 December 1990.

11. This Memorandum of Understanding will enter into effect on the date of signature.

SIGNED AT WELLINGTON ON THE SIXTEENTH DAY OF AUGUST 1988

For the Government Australia

For the Government of New Zealand