**CHAPTER 8**

**TECHNICAL BARRIERS TO TRADE**

**Article 8.1**

**Definitions**

For the purposes of this Chapter, the definitions set out in Annex 1 to the TBT Agreement apply.

**Article 8.2**

**Objectives**

The objective of this Chapter is to facilitate trade, including by eliminating unnecessary technical barriers to trade, enhancing transparency, and promoting greater regulatory cooperation and good regulatory practices.

**Article 8.3**

**Scope**

1. This Chapter shall apply to the preparation, adoption, and application of all standards, technical regulations, and conformity assessment procedures that may affect trade in goods between the Parties.

2. Each Party shall take such reasonable measures as may be available to it to ensure compliance with the provisions of this Chapter by local government bodies within its territory which are responsible for the preparation, adoption, and application of technical regulations, standards and conformity assessment procedures.

3. Notwithstanding paragraph 1, this Chapter shall not apply to:

(a) purchasing specifications prepared by a governmental body for its production or consumption requirements, which are covered by Chapter 15 (Government Procurement); or

(b) sanitary or phytosanitary measures, which are covered by Chapter 6 (Sanitary and Phytosanitary Measures).

**Article 8.4**

**Affirmation of TBT Agreement**

The Parties affirm their existing rights and obligations with respect to each other under the TBT Agreement.

**Article 8.5**

**International Standards**

1. The Parties recognise the important role that international standards, guides, and recommendations can play in supporting greater regulatory alignment and good regulatory practice and reducing unnecessary barriers to trade.

2. Each Party shall use relevant international standards, guides, and recommendations, to the extent provided in Articles 2.4 and 5.4 of the TBT Agreement, as a basis for its technical regulations and conformity assessment procedures.

3.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 base its determination on the principles set out in 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*”, adopted on 13 November 2000 by the WTO Committee on Technical Barriers to Trade (Annex 2 to PART 1 of G/TBT/1/Rev. 15), and any subsequent version thereof.

4.The Parties shall encourage cooperation between their respective national standardising organisations in areas of mutual interest in the context of their participation in international standardising bodies to ensure that international standards, guides and recommendations developed within such organisations are trade-facilitating and do not create unnecessary obstacles to international trade.

**Article 8.6**

**Technical Regulations**

1. Each Party shall, upon request of the other Party, provide its reasons for not having used international standards as a basis for preparing its technical regulations.

2. Each Party shall give positive consideration to accepting technical regulations of the other Party as equivalent to its own, even if these regulations differ from its own, provided that it is satisfied that these regulations adequately fulfil the objectives of its own regulations.

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

**Article 8.7**

**Conformity Assessment Procedures**

1. The Parties recognise that, depending on the specific sectors involved, a broad range of mechanisms exists to facilitate the acceptance in a Party’s territory of the results of conformity assessment procedures conducted in the other Party’s territory. Such mechanisms may include, but are not limited to:

(a) the use of accreditation to qualify conformity assessment bodies, including through relevant multilateral agreements or arrangements, to recognise the accreditation granted by the other Party;

(b) mutual recognition agreements for the results of conformity assessment procedures conducted by bodies in the other Party;

(c) voluntary arrangements between conformity assessment bodies in the territory of each Party;

(d) accepting a supplier’s declaration of conformity, where appropriate; and

(e) accepting the results of conformity assessment procedures conducted in the other Party’s territory.

2. Each Party shall ensure, whenever possible, that the results of conformity assessment procedures conducted in the territory of the other Party are accepted, even when those procedures differ from its own, provided that those procedures offer a satisfactory assurance of applicable technical regulations or standards equivalent to its own procedures. If 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 the other Party, explain the reasons for its decision.

3. In order to enhance confidence in the consistent reliability of conformity assessment results, the Parties may consult on matters such as the technical competence of the conformity assessment bodies involved.

4. Each Party shall give positive consideration to a request by the other Party to negotiate agreements or arrangements for the mutual recognition of the results of their respective conformity assessment procedures.

5. If 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 the other Party, explain the reasons for its decision.

6. The Parties shall endeavour to intensify their exchange of information on the range of mechanisms relevant to conformity assessment procedures in their respective territories with a view to facilitating the acceptance of conformity assessment results.

**Article 8.8**

**Cooperation**

1. The Parties shall encourage their cooperation in the field of standards, technical regulations, and conformity assessment procedures with a view to:

(a) increasing the mutual understanding of their respective systems;

(b) enhancing cooperation between the Parties’ regulatory agencies on matters of mutual interest, including health, safety and environmental protection;

(c) facilitating bilateral trade by promoting good regulatory practices; and

(d) enhancing cooperation, as appropriate, on the use of international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures, as provided for in Article 5.2 of the TBT Agreement.

2. To achieve the objectives set out in paragraph 1, the Parties shall, as mutually agreed and to the extent possible, cooperate on regulatory issues, which may include the:

(a) promotion of good regulatory practices based on risk management principles, including with respect to labelling requirements;

(b) exchange of information to improve the quality and effectiveness of their technical regulations;

(c) development of joint initiatives for managing risks to health, safety, or the environment and preventing deceptive practices; and

(d) exchange of market surveillance information where appropriate.

3. The Parties shall encourage communications and coordination with each other, where appropriate, in discussions on the equivalence of technical regulations and related issues in international fora, such as the WTO Committee on Technical Barriers to Trade.

4. The Parties shall endeavour to exchange information on standardisation, conformity assessment and accreditation as they relate to halal certification, including procedures and guidelines, with a view to facilitating trade between the Parties.

**Article 8.9**

**Transparency**

1. Each Party shall, upon request of the other Party, provide general information, in English and, if requested, in writing, including the objective of, and rationale for, a technical regulation or conformity assessment procedure that the Party has adopted or amended or proposes to adopt or amend and which may affect the trade between the Parties, within a reasonable period as agreed between the Parties.

2. When a notification is made to the WTO in accordance with the relevant requirements of the TBT Agreement, a Party shall give appropriate consideration to the comments received from the other Party and, upon request of the other Party, provide written responses to the comments made by the other Party.

3. The Parties shall ensure that all adopted technical regulations and conformity assessment procedures are publicly available in accordance with the TBT Agreement.

**Article 8.10**

**Contact Points**

1. Each Party shall designate and notify a contact point to facilitate communications between the Parties on any matter covered by this Chapter.

2. Each Party shall promptly notify the other Party of any change of its contact point.

**Article 8.11**

**Information Exchange and Technical Discussions**

1. Any information or explanation that a Party provides upon request of the other Party under this Chapter shall be provided in print or electronically within a reasonable period. Each Party shall endeavour to provide this information or explanation within 60 days.

2. A Party may make a written request for technical discussions with the other Party with the aim of resolving any issue relating to trade or any other matter that arises under this Chapter. The other Party shall respond as early as possible to such a request.

3. The Parties shall enter into technical discussions within 60 days, unless otherwise mutually determined, with a view to reaching a mutually acceptable solution. Technical discussions may be conducted by any means agreed by the Parties.