

Chapter Six

Technical Standards

Article 601: Scope

1. The provisions of this Chapter shall apply to technical standards related to goods other than agricultural, food, beverage and certain related goods as defined in Chapter Seven (Agriculture).
2. The provisions of this Chapter shall not apply to any measure of a provincial or state government. Accordingly, the Parties need not ensure the observance of these provisions by state or provincial governments.

Article 602: Affirmation of GATT Agreement

The Parties affirm their respective rights and obligations under the *GATT Agreement on Technical Barriers to Trade*.

Article 603: No Disguised Barriers to Trade

Neither Party shall maintain or introduce standards-related measures or procedures for product approval that would create unnecessary obstacles to trade between the territories of the Parties. Unnecessary obstacles to trade shall not be deemed to be created if:

- a) the demonstrable purpose of such measure or procedure is to achieve a legitimate domestic objective; and
- b) the measure or procedure does not operate to exclude goods of the other Party that meet that legitimate domestic objective.

Article 604: Compatibility

1. To the greatest extent possible, and taking into account international standardization activities, each Party shall make

compatible its standards-related measures and procedures for product approval with those of the other Party.

2. Each Party shall, upon request of the other Party, take such reasonable measures as may be available to it to promote the objectives of paragraph 1 with respect to specific standards-related measures that are developed or maintained by private standards-related organizations within its territory.

Article 605: Accreditation

1. Each Party shall provide for recognition of the accreditation systems for testing facilities, inspection agencies and certification bodies of the other Party.

2. Neither Party shall require as a condition for accreditation that testing facilities, inspection agencies or certification bodies be located or established in or make decisions within its territory.

3. Either Party may charge a reasonable fee, limited in amount to the approximate cost of the services rendered, to testing facilities, inspection agencies or certification bodies seeking accreditation, provided that such fees shall be charged on an equal basis to the testing facilities, inspection agencies or certification bodies of either Party. Where a Party charges such fees during the transition period, they need not be charged to domestic testing facilities, inspection agencies or certification bodies.

Article 606: Acceptance of Test Data

Each Party shall provide, upon request, a written explanation whenever any of its federal government bodies is unable to accept from bodies located in the territory of the other Party test results that are needed to obtain certification or product approval.

Article 607: Information Exchange

1. Each Party shall promptly provide the other Party with full texts of proposed federal government standards-related measures and

product approval procedures published in official journals in sufficient time to provide persons of the other Party with at least 60 days to develop comments and discuss them with the appropriate regulating authority prior to submitting the comments.

2. Either Party may, in urgent circumstances where delay would frustrate the achievement of a legitimate domestic objective, proceed without prior provision of a text under paragraph 1. In such instances, the texts shall be provided expeditiously after issuance in final form.

3. Where feasible, each Party shall:

- a) notify the other Party of proposed standards-related measures of state and provincial authorities that may significantly affect bilateral trade; if such notice cannot be provided in advance, it should be provided as expeditiously as possible;
- b) provide a full text of such proposed state and provincial standards-related measures;
- c) take such reasonable steps as may be available to it to provide persons of the other Party with information that would facilitate their provision of comments to, and discussions of comments with, appropriate state or provincial authorities; and
- d) take such reasonable steps as may be available to it to notify the other Party of standards-related measures of major national private organizations.

Article 608: Further Implementation

The Parties shall, as may be appropriate to further the objectives of this Chapter, undertake additional negotiations with respect to:

- a) making compatible standards-related measures and product approval procedures;
- b) accreditation; and

c) acceptance of test data.

Article 609: Definitions

For purposes of this Chapter:

accreditation means a formal recognition of competence to carry out specific tests or specific types of tests, including authorization to certify conformity with standards or technical specifications, by means of a certificate of conformity or mark of conformity;

legitimate domestic objective means an objective whose purpose is to protect health, safety, essential security, the environment, or consumer interests;

make compatible means the process by which differing standards, technical regulations or certification systems of the same scope which have been approved by different standardizing bodies are recognized as being either technically identical or technically equivalent in practice;

product approval means a federal government declaration that a set of published criteria has been fulfilled and therefore that goods are permitted to be used in a specific manner or for a specific purpose;

standards-related measures include technical specifications, technical regulations, standards and rules for certification systems that apply to goods, and processes and production methods; and

testing facility means a facility that inspects, measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or goods.