

CHAPTER FOUR
TECHNICAL BARRIERS TO TRADE

ARTICLE 4.1

Objectives

The objectives of this chapter are to:

- (a) increase and facilitate trade through enhancing the Parties' implementation of the TBT Agreements;
- (b) promote mutual understanding of each Party's standards, technical regulations and conformity assessment procedures; and
- (c) ensure standards, technical regulation, and conformity assessment procedures do not create unnecessary obstacles to trade.

Article 4.2

Scope

1. This Chapter shall apply to the preparation, adoption, and application of all standards, technical regulations, and conformity assessment procedures that may affect the trade in goods between the Parties.
2. Notwithstanding paragraph 1, this Chapter does not apply to sanitary and phytosanitary measures covered by Chapter 5 (Sanitary and Phytosanitary Measures).

Article 4.3

Affirmation and Incorporation of the TBT Agreement

The Parties affirm their existing rights and obligations with respect to each other under the WTO Agreement on Technical Barriers to Trade, which is incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 4.4

Standards

1. With respect to the preparation, adoption and application of standards, each Party shall take reasonable measures to ensure that its standardizing body accept and comply with Annex 3 to the TBT Agreement.

2. Where technical regulation or conformity assessment procedures are required and relevant international standards exist or their completion is imminent, each Party shall use them, or the relevant parts of them, as a basis for their technical regulations and conformity assessment procedures except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued.

Article 4.5

Technical Regulation

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

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

Article 4.6

Conformity Assessment Procedures

1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party's territory. Such mechanisms may include but are not limited to:

- (a) mutual recognition agreements for the results of conformity assessment procedures conducted by bodies in the Parties.
- (b) use of accreditation to qualify conformity assessment bodies, including through relevant multilateral agreements or arrangements to recognize the accreditation granted by the other Party;
- (c) designation of conformity assessment bodies in the other Party;
- (d) unilateral recognition by a Party of results of conformity assessment procedures conducted in the other Party;
- (e) co-operative (voluntary) arrangements between accreditation bodies or those between conformity assessment bodies in the other party; and
- (f) manufacturer's or supplier's declaration of conformity.

2. The Parties shall exchange information on their experience in the development and application of the approaches in paragraph 1 and other appropriate approaches and therefore encourage their conformity assessment bodies to work closer with a view to facilitating the acceptance of conformity assessment results between the Parties.

3. The Parties shall accept, the results of conformity assessment procedures conducted in the territory of the other Party, 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. Where a Party does not accept the results of conformity assessment procedures conducted in the territory of the other Party, it shall, upon request of the other Party, explain in writing the reasons for its decision.
4. Prior to accepting the results of a conformity assessment procedures pursuant to paragraph 3, and in order to enhance confidence in the permanent reliability of each one of the conformity assessment results, the Parties may consult on matters such as the technical competence of the conformity assessment bodies involved including verified compliance with relevant international standards through means such as accreditation. Where a Party considers that a conformity assessment body of the other Party does not fulfill its requirements, it shall explain to the other Party in writing the reasons for its decision.
5. A Party shall give positive consideration to a request by the other Party to negotiate agreements for the mutual recognition of the results of their respective conformity assessment procedures. Where a Party declines such request, it shall, upon request of the other Party, explain in writing the reasons for its decision. The Parties shall work together to implement the mutual recognition agreements to which both Parties are party.
6. The Parties shall encourage their national certification bodies to be member of the IECEE-CB scheme and the national certification bodies to accept each other's IECEE-CB test certificate as the basis for national certification to electric safety requirements in order to reduce duplicative testing and certification requirements
7. If a Party requires conformity assessment as a positive assurance that a product conforms with technical regulations, it shall consider in the regulatory process the use of the supplier's declaration of conformity as assurance of conformity among other options for showing compliance with technical regulations. In this regard, the Parties shall endeavor to introduce a supplier's declaration of conformity for the placing on the market of the products.
8. A Party shall endeavor to eliminate duplicative testing and certification requirement between confirmative assessment procedure operated by regional economic community and confirmative assessment procedure operated by individual member country and to unify technical regulations among member countries, if the other party requests it.
9. A party shall, upon written request of the other Party, give positive consideration to accrediting, approving, or otherwise recognizing the conformity assessment bodies recommended by the other Party.

Article 4.7

Transparency

1. The Parties endeavor to comply with the decisions and recommendations of the TBT Committee of the WTO.
2. Each Party ensures that economic operators and other interested persons of the other Party are allowed to participate in any formal public consultative process concerning development of technical regulations and conformity assessment procedures, on terms no less favorable than those accorded to its legal or natural persons.
3. Each Party shall allow a period of at least 60 days following the notification of its proposed technical regulations and conformity assessment procedures to WTO Central Registry of Notifications, to solicit comments from the other Party except where urgent problems of safety, health, environmental protection, or national security arise or threaten to arise. A Party shall give positive consideration to reasonable requests of the other Party for extending the comment period.
4. Each Party shall also notify the other Party of its proposed technical regulations and conformity assessment procedures that are in accordance with the technical content of relevant international standards and that may have a significant effect on trade between the Parties.
5. Upon request, a Party shall provide, if already available, the full text or summary of its notified technical regulations and conformity assessment procedures in English. If unavailable, the Party shall endeavor to provide summary stating the requirements of the notified technical regulations and conformity assessment procedures to the requesting Party in English within a reasonable period of time agreed between the Parties and, if possible, within 30 days after receiving the written request.
6. Each Party shall, upon request of the other Party, provide information regarding the objectives of, and rationale for, a technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.
7. Each Party should take into due consideration the comments of the other Party, received in a timely manner following the notification of a proposed technical regulation and conformity assessment procedures, and, upon request, shall endeavor to provide responses to these comments.
8. The Parties shall ensure that all adopted technical regulation and conformity assessment procedures are published, or otherwise made available in such a manner as to enable interested persons of the other Party and the other Party to become acquainted with them.
9. Except in urgent circumstances, the Parties shall allow a reasonable interval between the publication of technical regulations or conformity assessment procedures and their entry into force in order to allow time for producers in the exporting Party to adapt their products or methods of production to the requirements of the importing Party. Reasonable interval

shall be understood to normally mean a period of not less than six months, except when this would be ineffective in fulfilling the legitimate objectives pursued.

10. A Party shall give due consideration to a reasonable request of the other Party, received prior to the end of the period for comments following the notification of a proposed technical regulation or conformity assessment procedure, for extending the period of time between the adoption of the technical regulation or conformity assessment procedure and its entry into force, except where this would be ineffective in fulfilling the legitimate objectives pursued.

Article 4.8

Joint Cooperation

1. The Parties shall strengthen their cooperation in the field of standards, technical regulations, and conformity assessment procedures, with a view to increasing the mutual understanding of their respective systems and facilitating access to their respective markets.

2. Each Party shall, upon request of the other Party, give positive consideration to proposals of cooperation on technical regulations, standards, and conformity assessment procedures and reply thereto in a reasonable time, with a view to enabling the Parties to fulfill the obligations under this Chapter. Each Party shall cooperate under this Article on the mutually determined terms and conditions.

3. The Parties shall seek to identify, develop, and promote trade facilitating initiatives regarding standards, technical regulations, and conformity assessment procedures that are appropriate for particular issues or sectors, as agreed upon by the Parties, on the mutually determined terms and conditions, including:

- (a) transparency;
- (b) promotion of good regulatory practices;
- (c) alignment of technical regulations and conformity assessment procedures with relevant international standards;
- (d) use of accreditation to qualify conformity assessment bodies;
- (e) use of mechanisms to facilitate the acceptance of results of conformity assessment procedures conducted in the other Party's territory; and
- (f) encouraging cooperation between their respective organizations, public and/or private, responsible for metrology, standardization, testing, certification and accreditation.

Article 4.9

TBT Committee

1. The Parties hereby establish a Committee on Technical Barriers to Trade (hereinafter referred to as “the Committee”), which shall comprise representatives of the Parties. The Committee may meet in person, via teleconference, via videoconference or through any other means, as agreed by the Parties.

2. The functions of the Committee shall include:

- (a) promoting and monitoring the implementation and administration of this Chapter;
- (b) enhancing co-operation in the development and improvement of standards, technical regulations, and conformity assessment procedures;
- (c) ensuring appropriate steps are taken promptly to address any issue that a Party may raise related to the development, adoption, application, or enforcement of technical regulations or conformity assessment procedures;
- (d) considering any sector-specific proposal a Party makes for further co-operation between regulatory authorities, accreditation bodies or conformity assessment bodies, including, where appropriate, between governmental and non- governmental conformity assessment bodies located in the Parties’ territories;
- (e) considering a request that a Party recognize the results of conformity assessment procedures conducted by bodies in the other Party’s territory, including a request for the negotiation of an agreement, in a sector nominated by that other Party;
- (f) exchanging information on developments in non-governmental, regional, and multilateral fora engaged in activities related to standards, technical regulations, and conformity assessment procedures;
- (g) upon request of the other Party, promptly facilitating technical discussions on any matter arising under this Chapter, which shall be without prejudice to the rights and obligations of the Parties under Chapter 15 (Dispute Settlement);
- (h) taking any other steps the Parties consider will enhance their implementation of the TBT Agreement and facilitate trade in goods between them;
- (i) reviewing this Chapter in light of any developments under the TBT Agreement, and developing recommendations for amendments to the Chapter in light of those developments; and;
- (j) establishing working groups to undertake specific tasks under this Chapter.

3. The Parties shall take such reasonable measures as may be available to them to ensure that representatives of bodies responsible for the technical regulations, standards or conformity assessment procedures that are the subject of the technical discussions under paragraph 2(g) participate in those discussions.
4. The Committee shall meet within one year of entry into force of this Agreement, or at times mutually agreed by the Parties.
5. The Committee shall be coordinated by the following contact points:
 - (a) for Korea, the Korean Agency for Technology and Standards, or its successor;
and
 - (b) For the GCC:
 - United Arab Emirates Ministry of Industry and Advanced Technology (MoIA)
 - Kingdom of Bahrain Testing & Metrology Directorate - Ministry of Industry & Commerce (BSMD)
 - Kingdom of Saudi Arabia Saudi Arabia Standards Organization (SASO)
 - Sultanate of Oman Ministry of commerce, Industry and Investment promotions Directorate General of Standards and Metrology (DGSM)
 - Qatar State Qatar General Organization for Standards and Metrology (QGOSM)
 - Kuwait State Standard and Industrial Services Affaires-(KOWMD)
 - GSO GCC Standardization Organization
6. The contact points may communicate by any agreed method that is appropriate for the efficient and effective discharge of their functions.
7. The Parties shall notify each other promptly of any change of their contact points or any changes to the details of the relevant officials.
8. The contact points shall work jointly in order to facilitate implementation of this Chapter and co-operation between the Parties in all matters pertaining to this Chapter.

Article 4.10

Information Exchange

1. A Party shall provide any information or explanation requested by the other Party pursuant to this Chapter in print form or electronically within a reasonable period. A Party shall endeavor to respond to each such request within 60 days.
2. Nothing in this Chapter shall be construed to require a Party to furnish any information the disclosure of which it considers is contrary to its essential security interests.