

Article 42
Non-application of Chapter 9

The dispute settlement procedures provided for in Chapter 9 shall not apply to this Chapter.

CHAPTER 5
Standards, Technical Regulations and
Conformity Assessment Procedures

Article 43
Objectives

The objectives of this Chapter are to promote trade among the Parties by:

- (a) ensuring that standards, technical regulations and conformity assessment procedures do not create unnecessary obstacles to trade;
- (b) promoting mutual understanding of the standards, technical regulations and conformity assessment procedures in each Party;
- (c) strengthening information exchange and cooperation among the Parties in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures;
- (d) strengthening cooperation among the Parties in the work of international bodies related to standardisation and conformity assessments; and
- (e) providing a framework to realise these objectives.

Article 44
Scope

1. This Chapter shall apply to standards, technical regulations and conformity assessment procedures as defined in the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement (hereinafter referred to as "TBT Agreement").

2. This Chapter shall not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies and sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement.

3. Nothing in this Chapter shall limit the right of a Party to prepare, adopt and apply standards and technical regulations, to the extent necessary, to fulfil a legitimate objective. Such legitimate objectives are, *inter alia*, national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.

Article 45 Reaffirmation of Rights and Obligations

The Parties reaffirm the rights and obligations relating to standards, technical regulations and conformity assessment procedures under the TBT Agreement among those Parties that are parties to the said Agreement.

Article 46 Cooperation

1. For the purposes of ensuring that standards, technical regulations and conformity assessment procedures do not create unnecessary obstacles to trade in goods among the Parties, the Parties shall, where possible, cooperate in the field of standards, technical regulations and conformity assessment procedures.

2. The forms of cooperation pursuant to paragraph 1 may include the following:

- (a) conducting joint studies and holding seminars, in order to enhance mutual understanding of standards, technical regulations and conformity assessment procedures in each Party;
- (b) exchanging information on standards, technical regulations and conformity assessment procedures;
- (c) developing and implementing joint programmes for building and/or upgrading capacity in the Parties for advancement of activities within the scope of the TBT Agreement;
- (d) encouraging the bodies responsible for standards, technical regulations and conformity assessment procedures in each Party to cooperate on matters of mutual interest;

- (e) contributing, where appropriate, jointly to the activities related to standards, technical regulations and conformity assessment procedures in international and regional fora; and
 - (f) jointly identifying work in the field of standards, technical regulations and conformity assessment procedures, where appropriate, to avoid unnecessary obstacle to trade among the Parties.
3. The implementation of this Article shall be subject to the availability of appropriated funds and the applicable laws and regulations of each Party.

Article 47 Enquiry Points

1. Each Party shall designate an enquiry point which shall have the responsibility to coordinate the implementation of this Chapter.
2. Each Party shall provide the other Parties with the name of its designated enquiry point and the contact details of relevant officials in that organisation including information on telephone, facsimile and e-mail and other relevant details.
3. Each Party shall notify the other Parties promptly of any change of its enquiry point or any amendments to the information of the relevant officials.

Article 48 Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures (hereinafter referred to in this Article as "the Sub-Committee") shall be established pursuant to Article 11.
2. The functions of the Sub-Committee shall be to:
 - (a) coordinate cooperation pursuant to Article 46;
 - (b) identify mutually agreed priority sectors for enhanced cooperation, including giving favourable consideration to any proposal made by a Party;

- (c) establish work programmes in mutually agreed priority areas to facilitate the acceptance of conformity assessment results and equivalence of technical regulations;
 - (d) monitor the progress of work programmes;
 - (e) review the implementation and operation of this Chapter;
 - (f) facilitate technical consultations;
 - (g) report, where appropriate, its findings to the Joint Committee; and
 - (h) carry out other functions as may be delegated by the Joint Committee pursuant to Article 11.
3. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.
4. The Parties shall coordinate their undertakings with the activities conducted in the bilateral, regional and multilateral context, with the objective of avoiding unnecessary duplication and maximising efficiency of efforts of the Parties in this field.
5. The Sub-Committee shall be:
- (a) composed of representatives of the Governments of the Parties; and
 - (b) co-chaired by an official of the Government of Japan and an official of one of the Governments of the ASEAN Member States, which are the Parties.

Article 49 Non-application of Chapter 9

The dispute settlement procedures provided for in Chapter 9 shall not apply to this Chapter.

Chapter 6 Trade in Services

Article 50 Trade in Services

1. Each Party shall endeavour to, in accordance with its laws, regulations and policies, take further steps towards the expansion of trade in services among or between the Parties consistent with GATS.