

## **CHAPTER 7 TECHNICAL BARRIERS TO TRADE**

### **Article 7.1: Definitions**

For the purposes of this Chapter, the definitions shall be those contained in Annex 1 of the TBT Agreement.

### **Article 7.2: Objectives**

The objectives of this Chapter are to facilitate trade, including by:

- (a) eliminating unnecessary technical barriers to trade;
- (b) enhancing transparency; and
- (c) promoting greater regulatory cooperation, good regulatory practices and joint cooperation between two Parties.

### **Article 7.3: 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. Notwithstanding paragraph 1, this Chapter shall not apply to:
  - (a) technical specifications prepared by a governmental body for its production or consumption requirements which are covered by Chapter 11 (Government Procurement); or
  - (b) sanitary or phytosanitary measures which are covered by Chapter 6 (Sanitary and Phytosanitary Measures).

### **Article 7.4: Affirmation of the TBT Agreement**

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

### **Article 7.5: International Standards**

1. 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.
2. In determining whether an international standard, guide, or recommendation within the meaning of Article 2 and 5 and Annex 3 of the TBT Agreement exists, each

Party shall base its determination on the principles set out in the *Decisions and Recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995* as revised on 15 November 2022 (G/TBT/1/Rev15), and any subsequent version thereof.

#### **Article 7.6: Technical Regulations**

1. The Parties shall use international standards as a basis for preparing their technical regulations, unless those international standards are ineffective or inappropriate for achieving the legitimate objectives pursued. 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 a request by the other Party to negotiate arrangements for achieving the equivalence of technical regulations. Where a Party refuses to negotiate such arrangements, it shall, on request of the other Party, provide the reason for its decision.
3. The Parties shall strengthen communications and coordination with each other, where appropriate, in the context of discussions on the equivalence of technical regulations and related issues in international fora, such as the WTO Committee on Technical Barriers to Trade.

#### **Article 7.7: Conformity Assessment Procedures**

1. The Parties recognise that 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:
  - (a) recognition of the existing international multilateral recognition agreements and arrangements among accreditation bodies as well as conformity assessment bodies to which the Parties are party;
  - (b) mutual recognition of conformity assessment results by the other Party.
  - (c) designation of conformity assessment bodies located in the territory of the other Party;
  - (d) voluntary arrangements between conformity assessment bodies in the territory of each Party;
  - (e) utilisation of accreditation to qualify conformity assessment bodies;
  - (f) acceptance of supplier's declaration of conformity where appropriate;
  - (g) harmonizing conformity assessment procedures as mutually agreed by the Parties; and
  - (h) other mechanisms as mutually agreed by the Parties.

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. Where 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 in areas mutually agreed upon.
5. The Parties shall endeavour to intensify their exchange of information on acceptance mechanisms with a view to facilitating the acceptance of conformity assessment results.

#### **Article 7.8: Cooperation**

1. The Parties shall strengthen 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 interests including health, safety and environmental protection;
  - (c) facilitating trade by implementing good regulatory practices; and
  - (d) enhancing cooperation, as appropriate, to ensure that technical regulations and conformity assessment procedures are based on international standards or the relevant parts of them and do not create unnecessary obstacles to trade between the Parties.
2. In order to achieve the objectives set out in paragraph 1, the Parties shall, as mutually agreed and to the extent possible, co-operate on regulatory issues, which may include the:
  - (a) promotion of good regulatory practices based on risk management principles;
  - (b) exchange of information with a view to improving 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 cooperation between their respective organisations responsible for standardization, conformity assessment, accreditation, and metrology, with the view to facilitating trade and avoiding unnecessary obstacles to trade between the Parties.
  4. The Parties shall encourage the cooperation between their relevant standardization activities, such as:
    - (a) exchange of information on standards, conformity assessment, metrology;
    - (b) exchange of information relating to standards setting procedures; and
    - (c) concertation in areas of mutual interests at both international and regional fora.

#### **Article 7.9: Transparency**

1. Each Party shall, on request of the other Party, provide information, including the objective of, and rationale for, a technical regulation or conformity assessment procedure which the Party has adopted or proposes to adopt and may affect the trade between the Parties, within a reasonable period of time as agreed between the Parties.
2. When a proposed technical regulation is submitted for public consultation or notified to the WTO, a Party shall give appropriate consideration to the comments received from the other Party, and, on request of the other Party, provide written answers 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.

#### **Article 7.10: Contact Points**

1. For the purposes of this Chapter, the contact points are:
  - (a) For Viet Nam: The Commission for the Standards, Metrology and Quality of Viet Nam, Ministry of Science and Technology, or its successor; and
  - (b) For the UAE: the Standards and Regulations Sector, the Ministry of Industry and Advanced Technology, or its successor.
2. Each Party shall promptly notify the other Party of any change of its contact point.

### **Article 7.11: Information Exchange and Technical Discussions**

1. Any information or explanation that a Party provides on request of the other Party pursuant to this Chapter shall be provided in print or electronically. A Party shall endeavour to respond to such a request within 60 days of the date of receiving request.
2. All communication between the Parties on any matter covered by this Chapter shall be conducted through the contact points designated under Article 7.10 (Contact Points).
3. On request of a Party for technical discussions on any matter arising under this Chapter, the Parties shall endeavour, to the extent practicable, to enter into technical discussions by notifying the contact points designated under Article 7.10 (Contact Points).