

## **CHAPTER 5 TECHNICAL BARRIERS TO TRADE**

### **ARTICLE 5.1: OBJECTIVES**

1. The objectives of this Chapter are to:
  - (a) facilitate and promote trade in goods between the Parties by ensuring that standards, technical regulations, and conformity assessment procedures do not create unnecessary technical barriers to trade;
  - (b) strengthen cooperation, including information exchange in relation to the preparation, adoption and application of standards, technical regulations, and conformity assessment procedures;
  - (c) promote mutual understanding of each Party's standards, technical regulations, and conformity assessment procedures; and
  - (d) facilitate implementation of the principles of *the Agreement on Technical Barriers to Trade* (hereinafter referred to as "the TBT Agreement") in Annex 1A of the WTO Agreement.

### **ARTICLE 5.2: SCOPE**

1. This Chapter shall apply to all standards, technical regulations, and conformity assessment procedures of each Party that may, directly or indirectly, affect trade in goods between the Parties. It shall exclude:
  - (a) the SPS measures which are covered in Chapter 4 (Sanitary and Phytosanitary Measures); and
  - (b) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies, as provided by Article 1.4 of the TBT Agreement.

### **ARTICLE 5.3: DEFINITIONS**

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

### **ARTICLE 5.4: GENERAL PROVISION**

Except as otherwise provided for in this Chapter, the TBT Agreement shall apply between the Parties and is hereby incorporated into and made part of this Agreement, *mutatis mutandis*.

#### **ARTICLE 5.5: INTERNATIONAL STANDARDS**

For the purpose of this Chapter, standards issued, in particular, by the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and Codex Alimentarius Commission (CAC) shall be considered as relevant international standards in the sense of Article 2.4 of the TBT Agreement.

#### **ARTICLE 5.6: CONFORMITY ASSESSMENT PROCEDURES**

1. The Parties, with a view to increasing efficiency and ensuring cost effectiveness of conformity assessment, shall seek to enhance the acceptance of the results of conformity assessment procedures conducted by the designated conformity assessment bodies in the other Party, through negotiating a mutual recognition agreement.

2. When cooperating in the area of conformity assessment, the Parties shall take into consideration their participation in relevant international organizations.

#### **ARTICLE 5.7: MEASURES AT THE BORDER**

Where a Party detains, at a port of entry, goods exported from the other Party due to a perceived failure to comply with a technical regulation or a conformity assessment procedure, the reasons for the detention shall be promptly notified to the importer or his or her representative. Official measures taken in relation to such goods shall be proportionate to the risk associated with such goods.

#### **ARTICLE 5.8: TRANSPARENCY AND INFORMATION EXCHANGE**

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended technical regulations or conformity assessment procedures is made available in accordance with the Article 2.9 and Article 5.6 of the TBT Agreement.

2. Each Party shall make available the full text of its notified technical regulations and conformity assessment procedures to the requesting Party within 15 working days of receiving the written request.

3. Each Party shall allow at least 60 days following the notification of its proposed technical regulations and conformity assessment procedures to WTO for the other Party to present comments except where risks to health, safety, and the environment arising or threatening to arise warrant urgent actions.

4. Each Party may request information from the other Party on a matter arising under this Chapter. The requested Party shall endeavour to provide available information to the requesting Party within a reasonable period of time.

#### **ARTICLE 5.9: TECHNICAL CONSULTATIONS**

1. Where a Party considers that a relevant technical regulation or conformity assessment procedure of the other Party has constituted unnecessary obstacles to its exports, it may request technical consultations. The requested Party shall respond as early as possible to such a request.

2. The requested Party shall enter into technical consultations within a period mutually agreed, with a view to reaching a solution. Technical consultations may be conducted via any means mutually agreed by the Parties.

#### **ARTICLE 5.10: COOPERATION**

1. With a view to increasing mutual understanding of their respective systems and facilitating bilateral trade, the Parties shall strengthen their technical cooperation in the following areas:

(a) communication between competent authorities of the Parties;

(b) exchange of information in respect of standards, technical regulations, conformity assessment procedures, and good regulatory practices;

(c) encouraging, where possible, cooperation between standardization and conformity assessment bodies of the Parties including training programmes, workshops and related activities;

(d) cooperation in areas of mutual interest in the work of relevant regional and international bodies relating to the development and application of standards and conformity assessment procedures;

(e) activities defined in ISO/IEC Guide 2; and

(f) other areas mutually agreed by the Parties.

#### **ARTICLE 5.11: CONTACT POINTS**

1. Each Party shall designate contact points which shall, for that Party, have the responsibility for coordinating the implementation of this Chapter. The contact points will be:

(a) for China, State Administration for Market Regulation and General Administration of Customs; and

(b) for Mauritius, the Mauritius Standards Bureau.

2. Each Party shall provide the other Party with the contact details of the relevant officials in their respective contact points, including telephone, facsimile, email, and any other relevant details.

3. Each Party shall notify the other Party promptly of any change in its contact points or any amendment to the details of the relevant officials acting as or on behalf of its contact point.