

Exchange of Notes at Singapore October 22 and October 23, 2007

Entered into force February 1, 2008

(Korean Proposing Note)

Singapore, 22 October 2007

Excellency,

I have the honour to refer to the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Singapore, signed on August 4, 2005 (hereinafter referred to as "the Agreement").

I have also the honour to propose, on behalf of the Government of the Republic of Korea, the Sectoral Annex on Electrical and Electronic Equipment as attached to this Note to be incorporated into the Agreement as Annex 8B in accordance with Chapter 8 of the Agreement.

If the above proposal is acceptable to the Government of the Republic of Singapore, I have further the honour to propose that this Note and Your Excellency's Note in reply indicating acceptance be regarded as constituting an agreement between our two Governments, which shall enter into force on the first day of the second month following the date on which our two Governments have exchanged notes confirming the completion of our respective domestic legal procedures for the entry into force of this Sectoral Annex.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Enclosure: Annex 8B, Sectoral Annex on Electrical and Electronic Equipment

Kim Joong-keun

Ambassador Extraordinary and Plenipotentiary  
of the Republic of Korea

His Excellency

Mr. George Yeo

Minister for Foreign Affairs of  
the Republic of Singapore

(Singapore's Reply Note)

Singapore, 23 October 2007

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of 22 October 2007, which reads as follows:

"I have the honour to refer to the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Singapore, signed on August 4, 2005 (hereinafter referred to as "the Agreement").

I have also the honour to propose, on behalf of the Government of the Republic of Korea, the Sectoral Annex on Electrical and Electronic Equipment as attached to this Note to be incorporated into the Agreement as Annex 8B in accordance with Chapter 8 of the Agreement.

If the above proposal is acceptable to the Government of the Republic of Singapore, I have further the honour to propose that this Note and Your Excellency's Note in reply indicating acceptance be regarded as constituting an agreement between our two Governments, which shall enter into force on the first day of the second month following the date on which our two Governments have exchanged notes confirming the completion of our respective domestic legal procedures for the entry into force of this Sectoral Annex.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have the honour to inform you that, on behalf of the Government of Republic of Singapore, I accept your abovementioned proposals.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Minister for Foreign Affairs of the Republic of Singapore  
George Yeo

His Excellency,

Mr. Kim Joong-keun  
Ambassador Extraordinary and Plenipotentiary of  
the Republic of Korea

## ANNEX 8B: SECTORAL ANNEX ON ELECTRICAL AND ELECTRONIC EQUIPMENT

Pursuant to Chapter 8 (Technical Barriers to Trade and Mutual Recognition), the Parties agree to this Sectoral Annex for Electrical and Electronic Equipment.

### Section 1 Scope

1. This Sectoral Annex applies to new<sup>1)</sup> electrical and electronic equipment that are intended to be either directly connected or plugged-in to the low voltage supply on which either Party has prescribed mandatory requirements applicable to imports as set out in the applicable laws, regulations and administrative provisions listed in Table I, and which are:
  - a. not telecommunications equipment; and
  - b. not medical equipment.
2. This Sectoral Annex applies to mandatory requirements on third party conformity assessment processes or requirements for product certification for the equipment referred to in paragraph 1 of Section 1 of this Sectoral Annex. The applicable laws, regulations and administrative provisions are set out in Table II.
3. This Sectoral Annex does not require mutual acceptance of the mandatory requirements of each Party, or mutual recognition of the equivalence of such mandatory requirements. The Parties shall, however, give consideration to increasing the degree of harmonisation or equivalence of their respective mandatory requirements, where appropriate and where consistent with good regulatory practice. Where both Parties agree that the standards or technical regulations are harmonised or established as equivalent, a Party shall be able to assess compliance with its own mandatory requirements and this shall be deemed acceptable by the other Party.
4. The following CABs located within each Party's own territories may be designated under this Sectoral Annex:
  - a. test facilities; and/or
  - b. certification bodies.
5. The conformity assessment procedures which CABs may be designated to conduct under this Sectoral Annex are:
  - a. testing by designated test facilities;
  - b. factory/product surveillance procedures undertaken in accordance with the relevant mandatory requirements by designated certification bodies, the results of which are supplemented by test results from designated test facilities; and
  - c. certification by designated certification bodies.
6. For the purpose of this Sectoral Annex "low voltage" has the same meaning as that defined in Band II of International Electrotechnical Commission Standards 60449:1979 - Voltage bands for electrical installations

in building (IEC 60449:1979), and/or a voltage rating of between 50 and 1000V for alternating current, and between 75 and 1500V for direct current.

## **Section 2 Obligations**

1. Korea shall accept certification of the results of conformity assessment procedures (including results of factory/product surveillance activities and test results) to demonstrate conformity of products with its mandatory requirements when the conformity assessment procedures are undertaken by CABs designated by Singapore's Designating Authority and registered by Korea's Designating Authority in accordance with Section 5 of this Sectoral Annex. Such certification shall be supplemented by test results from test facilities designated by Singapore and registered by Korea. Upon receipt of such assessments, Korea shall complete the relevant certification registration processes within four (4) calendar days or two (2) working days, whichever is the longer.
2. Singapore shall accept certification of the results of conformity assessment procedures (including results of factory/product surveillance activities and test results) to demonstrate conformity of products with its mandatory requirements when the conformity assessment procedures are undertaken by CABs designated by Korea's Designating Authority and registered by Singapore's Designating Authority in accordance with Section 5 of this Sectoral Annex. Such certification shall be supplemented by test results from test facilities designated by Korea and registered by Singapore. Upon receipt of such assessments, Singapore shall complete the relevant product registration processes within four (4) calendar days or two (2) working days, whichever is the longer.
3. Each Party shall, in accordance with Article 2.4 of the TBT Agreement, use international standards, or the relevant parts of international standards, as the basis for its mandatory requirements where applicable international standards exist or when their completion is imminent, except when such international standards or their relevant parts are ineffective or inappropriate.

## **Section 3 Exchange of information**

1. The Parties shall exchange information concerning their mandatory requirements, conformity assessment procedures and regimes.
2. Each Party shall inform the other Party and the TBT Joint Committee (hereinafter referred to as "Joint Committee") of any proposed changes to its mandatory requirements. Each Party shall notify the other Party and the Joint Committee of the changes at least sixty (60) calendar days before the changes enter into force, except where considerations of health, safety and environmental protection warrant more urgent action.
3. The Parties' relevant Regulatory Authorities or responsible agencies shall notify each other, the Joint Committee and the relevant Designating Authorities as appropriate of any amendment referred to in Tables I-IV of this Sectoral Annex. For this purpose, "amendment" shall include the following cases where:

- a. a Party entirely or partially changes its applicable laws, regulations and/or administrative provisions whether or not those names are changed;
- b. a Party repeals its applicable laws, regulations and/or administrative provisions and adopts new laws, regulations and/or administrative provisions substituting for the previous laws, regulations and/or administrative provisions, whether or not the previous names are changed; and
- c. a Party incorporates the whole or a relevant part of its applicable laws, regulations and/or administrative provisions into other laws, regulations and/or administrative provisions.

4. When requested, the Parties will make every endeavour to make copies of their mandatory requirements, and intended changes thereto, available in English in a timely manner.

#### **Section 4 Designating Authorities**

- 1. For the purpose of this Sectoral Annex, Designating Authorities shall be:
  - a. KATS (Korean Agency for Technology and Standards); and
  - b. SPRING (Standards Productivity and Innovation Board) Singapore.
- 2. Designating Authorities shall:
  - a. specify the scope of the conformity assessment procedures which a CAB has been designated to conduct. When a CAB is designated to undertake conformity assessment procedures with regard to particular mandatory requirements, the relevant obligations of acceptance shall be limited to the results of assessments in relation to those particular mandatory requirements;
  - b. only designate CABs where the CAB, or the organisation of which the CAB is a part, is a legal person in the relevant jurisdiction;
  - c. only designate CABs that are able to demonstrate that they understand, have experience relevant to and are technically competent to undertake the conformity assessment procedures for which they are designated to conduct;
  - d. give the other Party advance notice of at least seven (7) calendar days, of any changes, including suspensions, to their list of designated CABs;
  - e. inform the other Party, in an expeditious manner, of any changes that affect a designated CAB's technical competence or compliance with the relevant stipulated requirements; and
  - f. ensure that their designated CABs participate in appropriate proficiency testing programs and other comparative reviews, so that confidence in their technical competence to undertake the required conformity assessment procedures is maintained.

#### **Section 5 Designation and Registration of CABs**

- 1. The designation and registration of CABs shall be in accordance with applicable laws, regulations and administrative provisions and meet with the stipulated criteria for designation as set out in Table IV.

2. Designated CABs shall not be adversely influenced by a body that manufactures or trades in electrical and electronic equipment. Furthermore, designated CABs shall be impartial. Any other services offered by the CABs shall be provided in a manner that does not compromise the objectivity of their conformity assessment procedures and decisions.

3. Demonstration of technical competence shall be based on:

- a. technological knowledge of the relevant products, processes or services;
- b. understanding of the technical standards and the general risk protection requirements for which designation is sought;
- c. the experience relevant to the applicable mandatory requirements;
- d. the physical capability to perform the relevant conformity assessment procedures;
- e. an adequate management of the conformity assessment procedures concerned; and
- f. any other circumstance necessary to give assurance that the conformity assessment procedures shall be adequately performed on a consistent basis.

4. Pursuant to paragraph 4a of Section 1 of this Sectoral Annex, the basis for designating test facilities shall be:

- a. accreditation to ISO/IEC 17025:2005, which shall constitute sufficient proof of technical competence to undertake conformity assessment procedures that demonstrate conformity with the mandatory requirements for which they are to be designated provided that:
  - i. the accreditation process is conducted in compliance with ISO/IEC 17011:2004; and
  - ii. the accreditation body participates in mutual recognition arrangements, such as the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement, where they are subject to peer evaluation of the competence of accreditation bodies and the test facilities accredited by them; or
- b. membership in the IECEE CB Scheme.

5. Pursuant to paragraph 4b of Section 1 of this Sectoral Annex, the basis for designating certification bodies shall be:

- a. accreditation to ISO/IEC Guide 65:1996, which shall constitute sufficient proof of technical competence to undertake conformity assessment procedures that demonstrate conformity with the mandatory requirements for which they are to be designated provided that:
  - i) the accreditation process is conducted in compliance with ISO/IEC 17011:2004; and
  - ii) the accreditation body is recognised by the Designating Authority; or
- b. membership in the IECEE CB-FC Scheme.

6. When designating a CAB, the Designating Authority shall provide to the other Party the following details in respect of each CAB it designates:

- a. the name;
- b. the postal address;
- c. the facsimile (fax) number;
- d. email address (if available);
- e. name and telephone number of the contact person;

- f. scope of designation detailing range of products, reference standards, methods of certification, capability and other relevant details;
- g. designating procedure used; and
- h. date of effect of designation.

## **Section 6 Verification, Suspension and Withdrawal of CABs**

For the purpose of this Sectoral Annex, the time period specified in paragraph 23 of the Article 8.5 of Chapter 8 (Technical Barriers to Trade and Mutual Recognition) shall be 70 calendar days.

## **Section 7 Entry into Force**

This Sectoral Annex shall enter into force on the first day of the second month following the date on which the Parties have exchanged notes confirming the completion of their respective domestic legal procedures for the entry into force of this Sectoral Annex.

**TABLE I**

### **THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING PRODUCTS COVERED BY THIS SECTORAL ANNEX**

Republic of Korea	Republic of Singapore
<p>1. Electric Appliances Safety Control Act (No. 2674, 1974) and amendments thereto.</p> <p>2. Enforcement Regulation of the Electric Appliances Safety Control Act (No. 430, 1974) and amendments thereto.</p>	<p>1. Consumer Protection (Trade Descriptions and Safety Requirements) Act (Chapter 53) and amendments thereto,</p> <p>2. Consumer Protection (Safety Requirements) Regulations 2002 and amendments thereto.</p>

TABLE II

**THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING THE REQUIREMENTS AND THE CONFORMITY ASSESSMENT PROCEDURES**

Republic of Korea	Republic of Singapore
<p>1. Electric Appliances Safety Control Act (No. 2674, 1974) and amendments thereto,</p> <p>2. Enforcement Decree of Electric Appliances Safety Control Act (No. 7167, 1974) and amendments thereto.</p> <p>3. Enforcement Regulation of the Electric Appliances Safety Control Act (No. 430, 1974) and amendments thereto,</p> <p>4. Operational Rule for Electric Appliances Safety Certification (No. 2005-671) and amendments thereto,</p> <p>5. Electric Appliances Safety Criteria and Operational Rule (No. 2000-154, 2000) and amendments thereto,</p> <p>6. Administrative Criteria for Non-compliance Test Result corresponding to the Safety Criteria of Electric Appliances subject to Safety Certification (No. 2005-672) and amendments thereto.</p>	<p>1. Consumer Protection (Trade Descriptions and Safety Requirements) Act (Chapter 53) and amendments thereto,</p> <p>2. Consumer Protection (Safety Requirements) Regulations 2002 and amendments thereto,</p> <p>3. Consumer Protection (Safety Requirements) Registration Scheme Information Booklet (2002 Edition) and amendments thereto</p>

TABLE III

**THE APPLICABLE LAWS AND REGULATIONS PROVIDING LEGAL MANDATE FOR DESIGNATING AUTHORITIES**

Republic of Korea	Republic of Singapore
<p>1. Electric Appliances Safety Control Act (No. 2674, 1974) and amendments thereto,</p> <p>2. Enforcement Decree of Electric Appliances Safety Control Act (No. 7167, 1974) and amendments thereto.</p> <p>3. Enforcement Regulation of the Electric Appliances Safety Control Act (No. 430, 1974) and amendments thereto.</p>	<p>1. Standards, Productivity and Innovation Board or SPRING Act and amendments thereto,</p> <p>2. Standards, Productivity and Innovation Board (Conformity Assessments) Regulations 2002 and amendments thereto.</p>

TABLE IV

## THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING THE CRITERIA FOR DESIGNATION

Republic of Korea	Republic of Singapore
1. Enforcement Regulation of the Electric Appliances Safety Control Act (No. 430, 1974) and amendments thereto	<p>1. Standards, Productivity and Innovation Board or SPRING Act and amendments thereto,</p> <p>2. Standards, Productivity and Innovation Board (Conformity Assessments) Regulations 2002 and amendments thereto,</p> <p>3. Standards, Productivity and Innovation Board (Conformity Assessment) Information Booklet (2002 Edition) and amendments thereto.</p>

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1) "New" excludes used and second-hand equipment regardless of whether they have been refurbished or reconditioned.