

CHAPTER SIX TECHNICAL BARRIERS TO TRADE

Article 6.1: Objectives

The objectives of this Chapter are to:

- (a) increase and facilitate trade between the Parties, through the implementation of the TBT Agreement;
- (b) ensure that standards, technical regulations, and conformity assessment procedures of the Parties do not create unnecessary obstacles to trade; and
- (c) enhance joint cooperation between the Parties.

Article 6.2: Affirmation of the TBT Agreement

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

Article 6.3: Scope

1. This Chapter shall apply to all standards, technical regulations, and conformity assessment procedures of central and local government bodies that may affect the trade in goods between the Parties.
2. Notwithstanding paragraph 1, this Chapter shall not apply to sanitary and phytosanitary measures as defined in Annex A to the SPS Agreement or to technical specifications prepared by governmental bodies for production or consumption requirements of such bodies.

Article 6.4: International Standards

1. The Parties reconfirm their obligations under Article 4.1 of the TBT Agreement to ensure that their standardizing bodies accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 to the TBT Agreement.
2. For the purpose of applying this Chapter, standards issued by international organizations, including among others the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU), and the Codex Alimentarius Commission (CAC) shall be considered relevant

international standards in the sense of Article 2.4 of the TBT Agreement.¹

Article 6.5: Technical Regulations

In their bilateral cooperation, the Parties shall seek to identify, develop and promote trade facilitating initiatives which may include, but are not limited to:

- (a) reinforcing regulatory cooperation through, for example, the exchange of information, experiences, and data and scientific and technical cooperation with a view to improving the quality and level of their technical regulations and making efficient use of regulatory resources;
- (b) where appropriate, providing positive consideration to the acceptance of equivalence between the Parties' technical regulations, standards, and conformity assessment procedures and endeavoring to provide reasons for not accepting technical regulations of the other Party as equivalent; and
- (c) promoting and encouraging bilateral cooperation between their respective organizations, public or private responsible for metrology, standardization, accreditation and conformity assessment.

Article 6.6: Conformity Assessment Procedures

1. The Parties recognize that, depending on the specific sectors involved, a broad range of mechanisms exist to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party. Such mechanisms may include:

- (a) recognizing existing international multilateral recognition agreements and arrangements among conformity assessment bodies;
- (b) promoting mutual recognition of conformity assessment results by the other Party, through recognizing the other Party's designation of conformity assessment bodies;
- (c) encouraging voluntary arrangements between conformity assessment bodies in the territory of each Party; and
- (d) other mechanisms as mutually agreed by the Parties.

2. Each Party, with a view to increasing the efficiency of the conformity assessment, shall seek, upon request, to enhance the acceptance of the results of conformity assessment

¹ For greater certainty, for the purposes of this Article, the Parties confirm their understanding of the applicability of the "*Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement*", adopted on 13 November 2000 by the WTO Committee on Technical Barriers to Trade, and any subsequent development thereof.

procedures conducted by the relevant accredited and/or authorized conformity assessment bodies in the territory of the other Party through a separate mutual recognition agreement.

3. The Parties agree to exchange, upon request, information on conformity assessment procedures, including testing, inspection, certification, –and accreditation.

4. The Parties shall endeavor to intensify their exchange of information on acceptance mechanisms with a view to facilitating the acceptance of conformity assessment results.

5. Without prejudice to the Articles 6.5 and 6.6, the Parties may agree to negotiate separate sectoral agreements which define mechanisms for the recognition and acceptance of relevant technical regulations and the results of conformity assessment procedures provided in those regulations.

Article 6.7: Transparency

1. Upon request of the other Party, each Party shall provide the other Party with an on-line link to, or a copy of, the complete text or summary of the technical regulations and conformity assessment procedures which are notified according to Articles 2.9.3 and 5.6.3 of the TBT Agreement. Where possible, the Parties shall provide the on-line link to, or the copy of, the complete text or summary of the notified document in English.

2. A Party shall, upon request of the other Party, provide information on the objectives and rationale for a technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.

3. Each Party shall allow, whenever possible, a period of at least 60 days following the notification of its proposed technical regulations and conformity assessment procedures for the public and the other Party to provide written comments, except where urgent problems of safety, health, environmental protection, or national security arise or threaten to arise.

4. A Party shall give appropriate consideration to the comments received from the other Party when a proposed technical regulation is submitted to public consultation and, upon request of the other Party, provide written answers to the comments made by such other Party.

5. Each Party shall endeavor to ensure that transparency procedures regarding the development of technical regulations and conformity assessment procedures allow interested parties to participate, when amendments can still be introduced and comments taken into account, except where urgent problems of safety, health, environmental protection, or national security arise or threaten to arise. If consultations respecting the development of technical regulations and conformity assessment procedures are open to the public, each Party shall permit persons of the other Party to participate on terms no less favorable than those accorded to its own persons.

6. A Party shall endeavor to give positive consideration to a reasonable request of the other Party, received prior to the end of the comment period following the notification of a proposed technical regulation, for extending the period of time between the publication of the technical regulation and its entry into force, except where this would be ineffective in fulfilling

the legitimate objectives pursued.

7. The Parties shall ensure, whenever possible, that all adopted technical regulations and conformity assessment procedures are available on official websites.

Article 6.8: 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. In particular, the Parties will 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.

2. These initiatives may include, *inter alia*, cooperation on:

- (a) regulatory issues, such as transparency, the promotion of good regulatory practices, alignment with respective international standards according to the Parties' membership status, and use of accreditation to qualify conformity assessment bodies; and
- (b) capacity building activities aimed at improving technical infrastructure in conformity assessment, such as metrology, testing, certification, and accreditation.

3. Upon request, a Party shall give favorable consideration to a sector-specific proposal that the requesting Party makes for further cooperation under this Chapter.

Article 6.9: Information Exchange

1. Any information or explanation that a Party provides upon request of the other Party pursuant to this Chapter shall be communicated within a reasonable period of time, in written form through regular mail or any other means accepted by the Parties, including electronic mail. The requested 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 contrary to its essential security interests.

Article 6.10: Contact Points

1. Each Party designates a contact point, which shall for that Party have the responsibility of coordinating the implementation of this Chapter, as follows:

- (a) for Korea, the Korean Agency for Technology and Standards; and
- (b) for Georgia, Ministry of Economy and Sustainable Development of

Georgia.

2. Each Party shall provide the other Party with the name and the contact details of the relevant official of its designated contact point, including telephone and email.
3. Each Party shall notify the other Party promptly of any change of its contact point or any amendment to the details of the relevant official.