

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

**ARTICLE 7.1**  
**Definitions**

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

**ARTICLE 7.2**  
**Objectives**

The objective of this Chapter is to facilitate trade in goods, including by eliminating unnecessary technical barriers to trade, enhancing transparency, and promoting regulatory cooperation and good regulatory practices.

**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) purchasing specifications prepared by governmental bodies for their 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).
3. For greater certainty, nothing in this Chapter shall prevent a Party from adopting or maintaining standards, technical regulations, or conformity assessment procedures in accordance with its rights and obligations under this Agreement, the TBT Agreement, and any other relevant international agreement.

**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 Articles 2 and 5 and Annex 3 of the TBT Agreement exists, each Party shall base its determination on the principles set out in the TBT Committee Decision on International Standards: *Decision and Recommendations 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 by the WTO committee on technical barriers to trade since 1 January 1995, as revised on 15 November 2022 (G/TBT/1/Rev.15), and any subsequent version thereof.
3. The Parties shall cooperate, where feasible and appropriate, in areas of mutual interest in the context of their participation in international standardisation bodies to ensure that international standards developed within such organisations are trade-facilitating and do not create unnecessary obstacles to international trade.

**ARTICLE 7.6**  
**Technical Regulations**

1. Consistent with Article 2.2 of the TBT Agreement, the Parties shall ensure that technical regulations are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to trade between the Parties.
2. 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 objective pursued.
3. Where a Party does not use relevant international standards, or the relevant parts thereof, as the basis for its technical regulations, that Party shall, on request from the other Party:
  - (a) identify any substantial deviation from the relevant international standards;  
and
  - (b) explain the reasons why those international standards have been considered inappropriate or ineffective for the objective pursued.
4. Consistent with Article 2.7 of the TBT Agreement, each Party shall give positive consideration to accepting as equivalent technical regulations of the other Party, even

if these regulations differ from its own, provided that it is satisfied that those technical regulations adequately fulfil the objectives of its own technical regulations.

5. Each Party shall give positive consideration to a request by the other Party to negotiate arrangements for achieving the equivalence of technical regulations.

6. Each Party shall, upon request of the other Party, explain why it has not accepted a request by the other Party to negotiate such arrangements.

### **ARTICLE 7.7**

#### **Conformity Assessment Procedures**

1. Consistent with Article 5.1.2 of the TBT Agreement, the Parties shall ensure that conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to trade between the Parties.

2. The Parties shall use international standards as a basis for preparing their conformity assessment procedures unless those international standards are ineffective or inappropriate for achieving the legitimate objective pursued.

3. Where a Party does not use relevant international standards as the basis for its conformity assessment procedures, that Party shall, on request from the other Party:

- (a) identify any substantial deviation from the relevant international standards;  
and
- (b) explain the reasons why those international standards have been considered inappropriate or ineffective for the aim pursued.

4. The Parties recognise that a broad range of mechanisms exist to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party's territory. Such mechanisms may include:

- (a) recognising existing regional and multilateral mutual recognition agreements and arrangements to which both Parties' conformity assessment bodies are party;
- (b) promoting mutual recognition of conformity assessment results by either Party through recognition of the other Party's designation of conformity assessment bodies;
- (c) encouraging voluntary arrangements between conformity assessment bodies in the territory of each Party;
- (d) accepting a supplier's declaration of conformity where appropriate;

(e) harmonising criteria for the designation of conformity assessment bodies, including accreditation procedures; and

(f) other mechanisms as mutually agreed by the Parties.

5. 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.

6. In order to enhance confidence in the consistent reliability of conformity assessment results, the Parties may consult as appropriate on matters such as the technical competence of the conformity assessment bodies involved.

7. 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.

8. The Parties shall exchange 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 fields 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 on matters of mutual interest, 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. To achieve the objectives set out in paragraph 1, the Parties shall, as mutually agreed and to the extent possible, cooperate on regulatory issues, which may include the:

- (a) promotion of good regulatory practices, including based on risk management principles;
  - (b) exchange of information to improve 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 standardisation, conformity assessment, accreditation, and metrology with a view to furthering the objectives of this Chapter.
4. The Parties shall enhance communication and coordination with each other, where appropriate, in discussions on the equivalence of technical regulations and related issues in international fora, such as the WTO Committee on Technical Barriers to Trade.

#### **ARTICLE 7.9 Transparency**

1. When a proposed technical regulation is notified to the WTO, a Party shall give appropriate consideration to the comments received from the other Party and, upon request of the other Party, provide written responses to the comments made by the other Party.
2. Each Party shall, upon request of the other Party, provide information, including the objective of, and rationale for, a technical regulation or conformity assessment procedure that the Party has adopted or proposes to adopt that may affect the trade between the Parties, within a reasonable period as agreed between the Parties.
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 the UAE, the Standardisation Affairs Sector, Ministry of Industry and Advanced Technology or its successor; and

(b) for New Zealand, Trade & Supply Chains team, Ministry of Business, Innovation and Employment or its successor.

2. Each Party shall promptly notify the other Party of any change of its Contact Point.
3. The Contact Points shall work jointly to facilitate the implementation of this Chapter, communication and cooperation between the Parties on matters relating to this Chapter.

#### **ARTICLE 7.11** **Information Exchange and Technical Discussions**

1. A Party may request a technical discussion regarding any matter arising under this chapter, with the aim of resolving the matter to the mutual satisfaction of both Parties, by notifying the Contact Points. Each Party shall give positive consideration to such a request.
2. Unless the Parties agree otherwise, the Parties shall endeavour to hold technical discussions within 60 days of the request for technical discussions, and by any agreed method. The Parties shall endeavour to resolve the matter as expeditiously as possible.
3. If the requesting Party considers that the matter is urgent, it may request that any discussions commence within a shorter timeframe. In that case, the responding Party shall give positive consideration to this request.
4. Any information or explanation that a Party provides upon request of the other Party under this Chapter shall be provided in print or electronically within a reasonable period. Each Party shall endeavour to respond to such a request within 60 days.

#### **ARTICLE 7.12** **Halal**

The Parties agree to strengthen cooperation between their respective competent authorities on halal-quality infrastructure, as well as any other form of cooperation as may be agreed between the Parties.