



TECHNICAL BARRIERS TO TRADE

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Affirmation of the <i>TBT Agreement</i>	
<p>Article 4.1 – Affirmation of the <i>TBT Agreement</i></p> <p>The Parties affirm their existing rights and obligations with respect to each other under the Agreement on Technical Barriers to Trade, contained in Annex 1A to the WTO Agreement (hereinafter referred to as the ‘TBT Agreement’) which is incorporated into and made part of this Agreement, <i>mutatis mutandis</i>.</p>	<p>Article 9.1 – Affirmation of the <i>TBT Agreement</i></p> <p>Further to Article 1.2 (Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the TBT Agreement.</p>

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Scope and Definitions/Coverage	
<p>Article 4.2 – Scope and Definitions</p> <p>1. This Chapter applies to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures as defined in the TBT Agreement that may affect trade in goods between the Parties.</p> <p>2. Notwithstanding paragraph 1, this Chapter does not apply to:</p> <p>(a) technical specifications prepared by governmental bodies for production or consumption requirements of such bodies; or</p> <p>(b) sanitary and phytosanitary measures as defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement (hereinafter referred to as the ‘SPS Agreement’).</p> <p>3. For the purposes of this Chapter, the definitions of Annex 1 to the TBT Agreement shall apply.</p>	<p>Article 9.2 – Scope and Coverage</p> <p>1. This Chapter applies to the preparation, adoption, and application of all standards, technical regulations, and conformity assessment procedures of central government bodies, unless otherwise specified, that may, directly or indirectly, affect trade in goods between the Parties¹ including any amendment² thereto and any addition to their rules or the product coverage thereof, except amendments and additions of an insignificant nature.</p> <p>2. Notwithstanding paragraph 1, this Chapter does not apply to:</p> <p>(a) technical specifications prepared by a governmental body for its production or consumption requirements; or</p> <p>(b) sanitary or phytosanitary measures.</p> <p><i>(Footnote 1: For greater certainty, the Parties understand that any reference in this Chapter to a standard, technical regulation, or conformity assessment procedure includes those related to metrology.)</i></p> <p><i>(Footnote 2: “Any amendment” includes the elimination of a technical regulation.)</i></p> <p>Article 9.10 – Definitions</p> <p>For purposes of this Chapter:</p> <p>central government body,⁴ local government body, conformity assessment procedures, standard, and technical regulation have the meanings assigned to those terms in Annex 1 of the TBT</p>

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	<p>Agreement; and</p> <p>good regulatory practice means a practice that: (i) serves clearly identified policy goals, and is effective in achieving those goals; (ii) has a sound legal and empirical basis; (iii) takes into consideration the distribution of a regulation’s effects across society, taking economic, environmental, and social effects into account; (iv) minimizes costs and market distortions; (v) promotes innovation through market incentives and goal-based approaches; (vi) is clear, simple, and practical for users; (vii) is consistent with the Party’s other regulations and policies; and (viii) is compatible as far as possible with domestic and international competition, trade, and investment principles.</p> <p><i>(Footnote 4: For greater certainty, a non-governmental entity that a Party’s central government has authorized to prepare, adopt, or apply standards, technical regulations, or conformity assessment procedures on its behalf shall be considered a central government body for purposes of this Chapter in respect of such activity.)</i></p>
Joint Cooperation	
<p>Article 4.3 – Joint Cooperation</p> <p>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. To this end, they may establish regulatory dialogues at both the horizontal and sectoral levels.</p> <p>2. In their bilateral cooperation, the Parties shall seek to identify,</p>	<p>Article 9.4 – Joint Cooperation</p> <p>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 shall seek to identify, develop, and promote trade facilitating initiatives regarding standards, technical regulations, and conformity assessment procedures that</p>

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<p>develop and promote trade facilitating initiatives which may include, but are not limited to:</p> <p>(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;</p> <p>(b) where appropriate, simplifying technical regulations, standards and conformity assessment procedures;</p> <p>(c) where the Parties agree, and where appropriate, for example where no international standard exists, avoiding unnecessary divergence in approach to regulations and conformity assessment procedures, and working towards the possibility of converging or aligning technical requirements; and</p> <p>(d) promoting and encouraging bilateral cooperation between their respective organisations, public or private, responsible for metrology, standardisation, testing, certification and accreditation.</p> <p>3. On request, a Party shall give due consideration to proposals that the other Party makes for cooperation under the terms of this Chapter.</p>	<p>are appropriate for particular issues or sectors. These initiatives may include cooperation on regulatory issues, such as transparency, the promotion of good regulatory practices, alignment with international standards, and use of accreditation to qualify conformity assessment bodies.</p> <p>2. On request, a Party shall give favorable consideration to a sector-specific proposal that the requesting Party makes for further cooperation under this Chapter.</p>
International Standards	
<p>Article 4.5 – Standards</p> <p>1. The Parties reconfirm their obligations under Article 4.1 of the TBT Agreement to ensure that their standardising bodies accept and comply with the Code of Good Practice for the Preparation</p>	<p>Article 9.3 – International Standards</p> <p>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</p>

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<p>and Adoption of Standards in Annex 3 to the TBT Agreement, and also have regard to the principles set out in Decisions and Recommendations adopted by the Committee since 1 January 1995, G/TBT/1/rev.8, 23 May 2002, Section IX (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), issued by the WTO Committee on Technical Barriers to Trade.</p> <p>2. The Parties undertake to exchange information on:</p> <p>(a) their use of standards in connection with technical regulations;</p> <p>(b) each other’s standardisation processes, and the extent of use of international standards as a base for their national and regional standards; and</p> <p>(c) cooperation agreements implemented by either Party on standardisation, for example information on standardisation issues in free trade agreements with third parties.</p>	<p>determination on the principles set out in Decisions and Recommendations adopted by the Committee since 1 January 1995, G/TBT/1/Rev.8, 23 May 2002, Section IX (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), issued by the WTO Committee on Technical Barriers to Trade.</p>
Transparency	
<p>Article 4.4 – Technical Regulations</p> <p>1. The Parties agree to make best use of good regulatory practice, as provided for in the TBT Agreement. In particular, the Parties agree:</p> <p>(a) to fulfil the transparency obligations of the Parties as indicated in the TBT Agreement;</p> <p>[...]</p>	<p>Article 9.6 – Transparency</p> <p>1. Each Party shall allow persons of the other Party to participate in the development of standards, technical regulations, and conformity assessment procedures.³ Each Party shall permit persons of the other Party to participate in the development of these measures on terms no less favorable than those it accords to its own persons.</p> <p>2. Each Party shall recommend that non-governmental bodies in</p>

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	<p>its territory observe paragraph 1 in developing standards and voluntary conformity assessment procedures.</p> <p>3. In order to enhance the opportunity for persons and the other Party to be aware of, and to understand, proposed technical regulations and conformity assessment procedures, and to be able to provide meaningful comments on these regulations and procedures, a Party publishing a notice and filing a notification in accordance with Article 2.9, 3.2, 5.6, or 7.2 of the TBT Agreement shall:</p> <p>(a) include an explanation of the objectives the proposed technical regulation or conformity assessment procedure is meant to serve and how it addresses those objectives;</p> <p>(b) transmit the proposal electronically to the other Party through, in the case of a Korean proposal, the U.S. inquiry point established in accordance with Article 10 of the TBT Agreement or, in the case of a U.S. proposal, the Korean coordinator established in accordance with Annex 9-A, at the same time as it notifies WTO Members of the proposal in accordance with the TBT Agreement; and</p> <p>(c) make available to the public, preferably by electronic means, comments it receives from persons or the other Party on the proposed technical regulation or conformity assessment procedure.</p> <p>Each Party shall also publish and notify new technical regulations and amendments to existing technical regulations that are in accordance with the technical content of any relevant</p>

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	<p>international standards. Each Party shall also take such reasonable measures as may be available to it to ensure that new technical regulations and amendments to existing technical regulations of local governments on the level directly below that of the central government that are in accordance with the technical content of any relevant international standards are published and notified through the inquiry point referenced in subparagraph (b).</p> <p>Each Party should allow at least 60 days after it transmits a proposal under subparagraph (b) for persons and the other Party to provide comments in writing on the proposal. A Party shall give favorable consideration to reasonable requests from persons or the other Party for extending the comment period.</p> <p>4. Where a Party makes a notification under Article 2.10, 3.2, 5.7, or 7.2 of the TBT Agreement, it shall at the same time transmit the notification and text of the proposal electronically to the other Party through the inquiry point referenced in paragraph 3(b). Each Party shall also notify new technical regulations and amendments to existing technical regulations that are in accordance with the technical content of any relevant international standards. Each Party shall also take such reasonable measures as may be available to it to ensure that new technical regulations and amendments to existing technical regulations of local governments on the level directly below that of the central government that are in accordance with the technical content of any relevant international standards are published and notified through the inquiry point referenced in paragraph 3(b).</p> <p>5. Each Party shall publish, preferably by electronic means,</p>

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	<p>notices of proposed and final technical regulations and conformity assessment procedures required under Articles 2.9, 2.11, 5.6, and 5.8 of the TBT Agreement in a single official journal and shall encourage the government bodies that issue them to disseminate them through additional channels. With respect to notices of proposed and final technical regulations and conformity assessment procedures notified under Articles 3.2 and 7.2 of the TBT Agreement, each Party shall ensure to the extent practicable, that all such notices are accessible through a single Internet site or other information source.</p> <p>6. Each Party shall include in the notice of a final technical regulation or conformity assessment procedure that it publishes in its official journal:</p> <p>(a) an explanation of the objectives of the technical regulation or conformity assessment procedure and how it addresses those objectives; and</p> <p>(b) responses to significant comments that it received during the comment period and an explanation of substantive revisions that it made to the proposed technical regulation or conformity assessment procedure.</p> <p>7. On request, each Party shall provide the other Party with additional available information regarding the objective of, and rationale for, a standard, technical regulation, or conformity assessment procedure that the Party has adopted or is proposing to adopt. Such requests may include requests for information regarding the matter the technical regulation or conformity assessment procedure is designed to address, alternative</p>

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	<p>approaches the Party considered, and the merits of the particular approach the Party chose.</p> <p><i>(Footnote 3: For purposes of the first sentence of paragraph 1 and for greater certainty, a Party allows persons of the other Party to participate in the development of standards, technical regulations, and conformity assessment procedures if it maintains a process for participation that is open to the public, including persons of the other Party.)</i></p>
Rules on Technical Regulations	
<p>Article 4.4 – Technical Regulations</p> <p>1. The Parties agree to make best use of good regulatory practice, as provided for in the TBT Agreement. In particular, the Parties agree:</p> <p>[...]</p> <p>(b) to use relevant international standards as a basis for technical regulations including conformity assessment procedures, except when such international standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, and where international standards have not been used as a basis, to explain on request to the other Party the reasons why such standards have been judged inappropriate or ineffective for the aim pursued;</p> <p>(c) when a Party has adopted or is proposing to adopt a technical regulation, to provide the other Party on request with available information regarding the objective, legal basis and rationale for the technical regulation;</p> <p>(d) to establish mechanisms for providing improved information</p>	

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<p>on technical regulations (including through a public website) to the other Party’s economic operators, and in particular to provide written information, and as appropriate and available, written guidance on compliance with their technical regulations to the other Party or its economic operators upon request without undue delay;</p> <p>e) to take appropriate consideration of the other Party’s views where a part of the process of developing a technical regulation is open to public consultation, and on request to provide written responses to the comments made by the other Party;</p> <p>(f) when making notifications in accordance with the TBT Agreement, to allow at least 60 days following the notification for the other Party to provide comments in writing on the proposal; and</p> <p>(g) to leave sufficient time between the publication of technical regulations and their entry into force for economic operators of the other Party to adapt, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise, and where practicable to give appropriate consideration to reasonable requests for extending the comment period.</p> <p>2. Each Party shall ensure that economic operators and other interested persons of the other Party are allowed to participate in any formal public consultative process concerning development of technical regulations, on terms no less favourable than those accorded to its own legal or natural persons.</p>	

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<p>3. Each Party shall endeavour to apply technical regulations uniformly and consistently throughout its territory. If Korea notifies the EU Party of an issue of trade that appears to arise from variations in the legislation of the Member States of the European Union that Korea considers not to be compatible with the Treaty on the Functioning of the European Union, the EU Party will make its best endeavours to address the issue in a timely manner.</p>	
Conformity Assessment/Accreditation Procedures	
<p>Article 4.6 – Conformity assessment and accreditation</p> <p>1. The Parties recognise that a broad range of mechanisms exist to facilitate the acceptance of the results of conformity assessment procedures conducted in the territory of the other Party, including:</p> <p>(a) agreements on mutual acceptance of the results of conformity assessment procedures with respect to specific technical regulations conducted by bodies located in the territory of the other Party;</p> <p>(b) accreditation procedures for qualifying conformity assessment bodies located in the territory of the other Party;</p> <p>(c) governmental designation of conformity assessment bodies located in the territory of the other Party;</p> <p>(d) recognition by a Party of the results of conformity assessment procedures conducted in the territory of the other Party;</p> <p>(e) voluntary arrangements between conformity assessment</p>	<p>Article 9.5 – Conformity assessment procedures</p> <p>1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party’s territory. For example:</p> <p>(a) a Party may agree with the other Party to accept the results of conformity assessment procedures that bodies located in the other Party’s territory conduct with respect to specific technical regulations;</p> <p>(b) a Party may adopt accreditation procedures for qualifying conformity assessment bodies located in the other Party’s territory;</p> <p>(c) a Party may designate conformity assessment bodies located in the other Party’s territory;</p> <p>(d) a Party may recognize the results of conformity assessment procedures conducted in the other Party’s territory;</p> <p>(e) conformity assessment bodies located in each of the Parties’</p>

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<p>bodies in the territory of each Party; and</p> <p>(f) the importing Party’s acceptance of a supplier’s declaration of conformity.</p> <p>2. Having regard in particular to those considerations, the Parties undertake:</p> <p>(a) to intensify their exchange of information on these and similar mechanisms with a view to facilitating the acceptance of conformity assessment results;</p> <p>(b) to exchange information on conformity assessment procedures, and in particular on the criteria used to select appropriate conformity assessment procedures for specific products;</p> <p>(c) to exchange information on accreditation policy, and to consider how to make best use of international standards for accreditation, and international agreements involving the Parties’ accreditation bodies, for example, through the mechanisms of the International Laboratory Accreditation Cooperation and the International Accreditation Forum; and</p> <p>(d) in line with Article 5.1.2 of the TBT Agreement, to require conformity assessment procedures that are not more strict than necessary.</p> <p>3. Principles and procedures established in respect of development and adoption of technical regulations under Article 4.4 with a view to avoiding unnecessary obstacles to trade and ensuring transparency and non-discrimination shall also apply in</p>	<p>territories may enter into voluntary arrangements to accept the results of each other’s assessment procedures; and</p> <p>(f) the importing Party may rely on a supplier’s declaration of conformity.</p> <p>The Parties shall intensify their exchange of information on these and similar mechanisms with a view to facilitating the acceptance of conformity assessment results.</p> <p>2. 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.</p> <p>3. Each Party shall accredit, approve, license, or otherwise recognize conformity assessment bodies in the territory of the other Party on terms no less favorable than those it accords to conformity assessment bodies in its territory. Where a Party accredits, approves, licenses, or otherwise recognizes a body assessing conformity with a specific technical regulation or standard in its territory and it refuses to accredit, approve, license, or otherwise recognize a body assessing conformity with that technical regulation or standard in the territory of the other Party, it shall, on request of the other Party, explain the reasons for its decision.</p> <p>4. A Party that accredits, approves, licenses, or otherwise recognizes conformity assessment bodies shall do so on the basis of criteria published by the Party for determining whether a conformity assessment body is competent to receive accreditation,</p>

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respect of mandatory conformity assessment procedures.	approval, licensing or other recognition. 5. Each Party shall take steps to implement Phase II of the APEC Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (1998) with respect to the other Party as soon as possible. No later than one year after the date this Agreement enters into force, Korea will publish notice of the changes in its legislation that it proposes to make to implement Phase II.
Market Surveillance	
<p>Article 4.7 – Market surveillance</p> <p>The Parties undertake to exchange views on market surveillance and enforcement activities.</p>	
Conformity Assessment Fees	
<p>Article 4.8 – Conformity assessment fees</p> <p>The Parties reaffirm their obligation under Article 5.2.5 of the TBT Agreement, that fees for mandatory conformity assessment of imported products shall be equitable in relation to the fees charged for conformity assessment of like products of national origin or originating in other countries, taking into account communication, transportation and other costs arising from differences between location of facilities of the applicant and the conformity assessment body, and undertake to apply this principle in the areas covered by this Chapter.</p>	

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Marking and Labelling	
<p>Article 4.9 – Marking and labelling</p> <p>1. The Parties note the provision of paragraph 1 of Annex 1 of the TBT Agreement, that a technical regulation may include or deal exclusively with marking or labelling requirements, and agree that where their technical regulations contain mandatory marking or labelling, they will observe the principles of Article 2.2 of the TBT Agreement, that technical regulations should not be prepared with a view to, or with the effect of, creating unnecessary obstacles to international trade, and should not be more trade restrictive than necessary to fulfil a legitimate objective.</p> <p>2. In particular, the Parties agree that where a Party requires mandatory marking or labelling of products:</p> <p>(a) the Party shall endeavour to minimise its requirements for marking or labelling other than marking or labelling relevant to consumers or users of the product. Where labelling for other purposes, for example, for fiscal purposes is required, such a requirement shall be formulated in a manner that is not more trade restrictive than necessary to fulfil a legitimate objective;</p> <p>(b) the Party may specify the form of labels or markings, but shall not require any prior approval, registration or certification in this regard. This provision is without prejudice to the right of the Party to require prior approval of the specific information to be provided on the label or marking in the light of the relevant domestic regulation;</p>	

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<p>(c) where the Party requires the use of a unique identification number by economic operators, the Party shall issue such number to the economic operators of the other Party without undue delay and on a non-discriminatory basis;</p> <p>(d) the Party shall remain free to require that the information on the marks or labels be in a specified language. Where there is an international system of nomenclature accepted by the Parties, this may also be used. The simultaneous use of other languages shall not be prohibited, provided that, either the information provided in the other languages shall be identical to that provided in the specified language, or that the information provided in the additional language shall not constitute a deceptive statement regarding the product; and</p> <p>(e) the Party shall, in cases where it considers that legitimate objectives under the TBT Agreement are not compromised thereby, endeavour to accept non-permanent or detachable labels, or marking or labelling in the accompanying documentation rather than physically attached to the product.</p>	
Institutional provisions	
<p>Article 4.10 – Coordination mechanism</p> <p>1. The Parties agree to nominate TBT Coordinators and to give appropriate information to the other Party when their TBT Coordinator changes. The TBT Coordinators shall work jointly in order to facilitate the implementation of this Chapter and cooperation between the Parties in all matters pertaining to this Chapter.</p>	<p>Article 9.8 – Committee on technical barriers to trade</p> <p>1. The Parties hereby establish a Committee on Technical Barriers to Trade, comprising representatives of each Party, as set out in Annex 9-A.</p> <p>2. The Committee’s functions shall include:</p> <p>(a) monitoring the implementation and administration of this</p>

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<p>2. The Coordinator’s functions shall include:</p> <p>(a) monitoring the implementation and administration of this Chapter, promptly addressing any issue that either Party raises related to the development, adoption, application or enforcement of standards, technical regulations and conformity assessment procedures, and upon either Party’s request, consulting on any matter arising under this Chapter;</p> <p>(b) enhancing cooperation in the development and improvement of standards, technical regulations and conformity assessment procedures;</p> <p>(c) arranging the establishment of regulatory dialogues as appropriate in accordance with Article 4.3;</p> <p>(d) arranging the establishment of working groups, which may include or consult with non-governmental experts and stakeholders as mutually agreed by the Parties;</p> <p>(e) exchanging information on developments in non-governmental, regional and multilateral fora related to standards, technical regulations and conformity assessment procedures; and</p> <p>(f) reviewing this Chapter in light of any developments under the TBT Agreement.</p> <p>3. The Coordinators shall communicate with one another by any agreed method that is appropriate for the efficient and effective discharge of their functions.</p>	<p>Chapter;</p> <p>(b) promptly addressing any issue that a Party raises related to the development, adoption, application, or enforcement of standards, technical regulations, or conformity assessment procedures;</p> <p>(c) enhancing cooperation in the development and improvement of standards, technical regulations, and conformity assessment procedures;</p> <p>(d) facilitating the consideration of any sector-specific proposal a Party makes for further cooperation between conformity assessment bodies, including, where appropriate, between governmental and non-governmental conformity assessment bodies in the Parties’ territories;</p> <p>(e) facilitating the consideration of a request that a Party recognize the results of conformity assessment procedures conducted by bodies in the other Party’s territory, including a request for the negotiation of an agreement, in a sector nominated by that other Party;</p> <p>(f) exchanging information on developments in non-governmental, regional, and multilateral fora engaged in activities related to standards, technical regulations, and conformity assessment procedures;</p> <p>(g) at a Party’s request, consulting on any matter arising under this Chapter;</p> <p>(h) reviewing this Chapter in light of any developments under the TBT Agreement, and developing recommendations for</p>

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	<p>amendments to this Chapter in light of those developments;</p> <p>(i) taking any other steps that the Parties consider will assist them in implementing this Chapter;</p> <p>(j) exchanging information, at a Party’s request, on the Parties’ respective views regarding third party issues concerning standards, technical regulations, and conformity assessment procedures so as to foster a common approach to their resolution; and</p> <p>(k) as it considers appropriate, reporting to the Joint Committee on the implementation of this Chapter.</p> <p>3. Where the Parties have had recourse to consultations under paragraph 2(g), the consultations shall, if the Parties agree, constitute consultations under Article 22.7 (Consultations).</p> <p>4. The Committee shall meet at least once a year unless the Parties otherwise agree.</p> <p>5. The Committee may, as it considers appropriate, establish and determine the scope and mandate of working groups, including ad hoc working groups, comprising representatives of each Party. Subject to decisions of the Committee and as the Parties may agree, each working group, including an ad hoc working group, may:</p> <p>(a) as it considers necessary and appropriate, include or consult with nongovernmental experts and stakeholders; and</p> <p>(b) determine its work program, taking into account relevant international activities.</p>

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	<p>6. Within 30 days after the date this Agreement enters into force, each Party shall notify the Committee of the criteria it uses to accredit, approve, license, or otherwise recognize conformity assessment bodies with respect to cosmetics, household electrical appliances, motor vehicles, and noise and emissions, and with respect to any other areas identified by a Party. Thereafter, each Party shall notify the Committee of the criteria it uses for this purpose with respect to other areas that the other Party requests. The Committee shall review this information in order to improve mutual understanding of each Party’s conformity assessment system and to discuss possible reforms to facilitate trade between the Parties.</p> <p>Annex 9-A – Committee on technical barriers to trade</p> <p>The Committee on Technical Barriers to Trade shall be coordinated by:</p> <p>(a) in the case of Korea, the Korean Agency for Technology and Standards, or its successor; and</p> <p>(b) in the case of the United States, the Office of the United States Trade Representative, or its successor.</p>

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U.S.- KOREA SPECIFIC PROVISIONS	
Automotive Standards and Technical Regulations	
	<p>Article 9.7 – Automotive standards and technical regulations</p> <p>1. The Parties shall cooperate bilaterally, including in the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe (WP.29), to harmonize standards for motor vehicle environmental performance and safety.</p> <p>2. Each Party shall ensure that technical regulations related to motor vehicles are not prepared, adopted, or applied with a view to or with the effect of creating unnecessary obstacles to international trade, to the extent provided in Article 2.2 of the TBT Agreement. For this purpose, technical regulations related to motor vehicles shall not be more trade-restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create. Such legitimate objectives are, <i>inter alia</i>: national security requirements; the prevention of deceptive practices; and protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are, <i>inter alia</i>: available scientific and technical information, related processing technology, or intended end-uses of products.</p>

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	<p>Annex 9-B – Automotive Working Group</p> <p>1. The Parties hereby establish an Automotive Working Group under Article 9.8.5 comprising representatives of each Party. Representatives of the Office of the United States Trade Representative, in the case of the United States, and the Ministry of Foreign Affairs and Trade, in the case of Korea, shall serve as coordinators. The Working Group shall include or consult as appropriate with the United States Department of Transportation, through its National Highway Traffic Safety Administration, the United States Environmental Protection Agency, the Ministry of Information and Communications of Korea, the Ministry of Commerce, Industry and Energy of Korea, the Ministry of Environment of Korea, the Ministry of Construction and Transportation of Korea, and other relevant government regulatory agencies. The Working Group may include or consult with other experts and stakeholders as the Parties deem necessary and appropriate.</p> <p>2. The Working Group shall:</p> <p>(a) consult to resolve issues that a Party raises with respect to developing, implementing, and enforcing relevant standards, technical regulations, and conformity assessment procedures;</p> <p>(b) facilitate increased cooperation between the Parties and stakeholders in their territories with respect to issues that arise in developing, implementing, and enforcing relevant standards, technical regulations, and conformity assessment procedures;</p> <p>(c) work to enhance cooperation between the Parties in</p>

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	<p>multilateral fora addressing automotive regulatory issues; and</p> <p>(d) monitor the development, implementation, and enforcement of each Party’s relevant standards, technical regulations, and conformity assessment procedures to promote the development of good regulatory practices with respect to regulation of motor vehicles.</p> <p>3. The Working Group shall convene at least once each year, unless the coordinators otherwise agree. Its meetings shall normally be held in conjunction with meetings of WP.29 or other bilateral or multilateral fora in which both Parties participate that address automotive regulatory issues. The Working Group shall also carry out its work through electronic mail, videoconferences, and such other means of communication as the Working Group may agree.</p> <p>4. (a) Unless the Working Group otherwise agrees, no later than the date on which a Party first supplies information in writing to a non-governmental expert or stakeholder for comment⁵ regarding:</p> <p>(i) a relevant standard, technical regulation, or conformity assessment procedure; or</p> <p>(ii) an amendment to a relevant standard, technical regulation, or conformity assessment procedure it is developing, it shall provide the information to the Working Group. When a Party transmits a proposal to the other Party pursuant to Article 9.6.3 or 9.6.4, the Party shall at the same time provide the proposal to the Working Group.</p> <p>(b) As soon as it is available, a Party shall provide to the Working</p>

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	<p>Group a draft of the relevant standard, technical regulation, or conformity assessment procedure or amendment it is developing.</p> <p>(c) On request of the other Party, a Party shall provide additional available information with respect to a relevant standard, technical regulation, or conformity assessment procedure or amendment it is developing, such as information regarding other regulatory approaches under consideration and analysis of regulatory impact.</p> <p>On request of either Party, the Working Group should evaluate the information a Party provides it and provide views to the Party that provided the information, consistent with the Working Group’s mandate described in paragraph 2.</p> <p>5. If a Party carries out a post-implementation review of a relevant standard, technical regulation, or conformity assessment procedure it has adopted:</p> <p>(a) the Party should provide a summary of the results of the review to the Working Group; and</p> <p>(b) on request of a Party, the Working Group should analyze the results of, and methods and assumptions used in, the review.</p> <p>For purposes of this paragraph, post-implementation review means a comprehensive and systematic examination of the effectiveness of a standard, technical regulation, or conformity assessment procedure after it has been implemented, including an assessment of whether it achieves its stated objectives, the burden it imposes, and its compatibility with other standards, technical regulations, or conformity assessment procedures the Party has</p>

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	<p>adopted.</p> <p>6. For purposes of this Annex: relevant standard, technical regulation, and conformity assessment procedure means a standard, technical regulation, or conformity assessment procedure affecting motor vehicles.</p> <p><i>(Footnote 5: The United States first supplies information to a non-governmental expert or stakeholder for comment when it publishes a notice in the Federal Register requesting comment on a proposed regulation or amendment.)</i></p>
Information Exchange	
	<p>Article 9.9 – Information exchange</p> <p>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 within a reasonable period. A Party shall endeavor to respond to each such request within 60 days.</p>