

**Draft**  
**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
**March 31, 2003**

**CHAPTER SEVEN**  
**TECHNICAL BARRIERS TO TRADE**

ARTICLE 7.1: SCOPE AND COVERAGE

1. Except as provided in paragraphs 2 and 3, this Chapter applies to all standards, technical regulations, and conformity assessment procedures that may, directly or indirectly, affect trade in goods between the Parties. This Chapter applies only to central government bodies.
2. Technical specifications prepared by governmental bodies for production or consumption requirements of such bodies are not subject to the provisions of this Chapter, but are addressed in Chapter Nine (Government Procurement), according to its coverage.
3. This Chapter does not apply to sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement.

ARTICLE 7.2: AFFIRMATION OF AGREEMENT ON TECHNICAL BARRIERS TO TRADE

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.

ARTICLE 7.3: INTERNATIONAL STANDARDS

In determining whether an international standard, guide, or recommendation within the meaning of Articles 2, 5, and Annex 3 of the TBT Agreement exists, each Party shall apply the principles set out in *Decisions and Recommendations adopted by the Committee since 1 January 1995, G/TBT/1/Rev.7, 28 November 2000, 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.

ARTICLE 7.4: TRADE FACILITATION

The Parties shall intensify their joint work in the field of standards, technical regulations, and conformity assessment procedures with a view to facilitating market access. In particular, the Parties shall seek to identify bilateral initiatives that are appropriate for particular issues or sectors. Such initiatives may include cooperation on regulatory issues, such as alignment to international standards, and use of accreditation to qualify conformity assessment bodies.

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ARTICLE 7.5: CONFORMITY ASSESSMENT

1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance of conformity assessment results, including:
  - (a) recognition by one Party of the results of conformity assessments performed in the other Party's territory;
  - (b) voluntary arrangements between conformity assessment bodies from each Party's territory;
  - (c) accreditation procedures for qualifying conformity assessment bodies;
  - (d) government designation of conformity assessment bodies; and
  - (e) the importing Party's reliance on a supplier's declaration of conformity.

The Parties shall intensify their exchange of information on the range of mechanisms to facilitate the acceptance of conformity assessment results.

2. Where a Party does not accept the results of a conformity assessment procedure performed in the territory of the other Party, it shall, on request of the other Party, explain its reasons.
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. If a Party accredits, approves, licenses, or otherwise recognizes a body assessing conformity with a particular 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, explain the reasons for its refusal.
4. Where a Party declines a request from the other Party to engage in or conclude negotiations to reach agreement on facilitating recognition in its territory of the results of conformity assessment procedures conducted by bodies in the territory of the other Party, it shall, on request, explain its reasons.

ARTICLE 7.6: TRANSPARENCY

1. Each Party shall allow their own persons and persons of the other Party to participate in the development of standards, technical regulations, and conformity assessment procedures.<sup>1</sup> Each Party shall permit persons of the other Party to participate

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<sup>1</sup> The Parties understand that a Party may choose to satisfy this obligation through public consultations.

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in the development of such measures on terms no less favorable than those accorded to its own persons.

2. Each Party shall recommend that non-governmental standardizing bodies in its territory observe paragraph 1.
3. In order to enhance the opportunity for persons to provide meaningful comments, a Party publishing a notice under Article 2.9 or 5.6 of the TBT Agreement shall:
  - (a) include in the notice a statement describing the objective of the proposal and the rationale for the approach the Party is proposing;
  - (b) transmit the proposal electronically to the other Party through the inquiry point established under Article 10 of the TBT Agreement at the same time as it notifies WTO Members of the proposal pursuant to the TBT Agreement; and
  - (c) publish, preferably by electronic means, or otherwise make available to the public, its responses to significant comments no later than the publication date of the final technical regulation or conformity assessment procedure.

Each party should allow at least 60 days from the transmission under subparagraph (b) for persons and the other Party to make comments in writing on the proposal.

4. Where a Party makes a notification under Article 2.10 or 5.7 of the TBT Agreement, it shall at the same time transmit the notification electronically to the other Party through the inquiry point referenced in subparagraph 3(b).
5. Each Party shall, on request of the other Party, provide 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.
6. Each Party shall implement this Article as soon as is practicable and in no event later than five years from the date of entry into force of this Agreement.

**ARTICLE 7.7: CHAPTER SEVEN COORDINATOR**

1. In order to facilitate implementation of this Agreement and cooperation between the Parties in all matters pertaining to this Chapter, each Chapter Seven Coordinator designated in Annex 7-A shall coordinate with the other Party's Chapter Seven Coordinator to, *inter alia*:

- (a) monitor the implementation and administration of this Chapter;

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- (b) promptly address any issue that the other Party raises related to the development, adoption, application, or enforcement of standards, technical regulations, or conformity assessment procedures;
- (c) enhance cooperation in the development and improvement of standards, technical regulations, and conformity assessment procedures;
- (d) where appropriate, facilitate sectoral cooperation among governmental and non-governmental conformity assessment bodies in the Parties' territories;
- (e) exchange information on developments in non-governmental, regional, and multilateral fora related to standards, technical regulations, and conformity assessment procedures;
- (f) take any other steps the Parties consider will assist them in implementing this Chapter and the TBT Agreement and in facilitating trade in goods between them;
- (g) at a Party's request, consult on any matter arising under this Chapter;
- (h) review this Chapter in light of any developments under the TBT Agreement, and develop recommendations for amendments to this Chapter in light of those developments; and,
- (i) give favorable consideration to any sector-specific proposal the other Party makes for further cooperation under this Chapter.

In carrying out its functions, each Party's Chapter Seven Coordinator shall coordinate with interested parties in its territory.

2. The Parties' Chapter Seven Coordinators shall normally carry out their functions through agreed communication channels and meet as and when they agree is necessary for the efficient and effective discharge of their functions.

**ARTICLE 7.8: INFORMATION EXCHANGE**

Any information or explanation that is provided on request of a Party pursuant to this Chapter shall be provided within a reasonable period of time, preferably by electronic means.

**ARTICLE 7.9: DEFINITIONS**

For purposes of this Chapter, **technical regulation, standard, conformity assessment procedures, non-governmental body** and **central government body** shall have the meanings assigned to those terms in Annex 1 of the TBT Agreement.

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**ANNEX 7-A**  
**CHAPTER SEVEN COORDINATOR**

The Chapter Seven Coordinator shall be:

- (a) in the case of Morocco, the Ministry of Industry, or its successor;
- (b) in the case of the United States, the Office of the U.S. Trade Representative, or its successor.