

## IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

### Communication from the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu

#### Addendum

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu.

The publication of the technical regulations, standards and procedures for assessment of conformity; the invitation for comments by the public; details concerning the enquiry point; and the consultation agency that are required under the Agreement are as follows:

1. Notices of proposed or adopted technical regulations, standards, and procedures for assessment of conformity shall be published in an Official Gazette, distributed by the Ministry of Economic Affairs.

2. Currently, there are no explicit rules, either at the central government level or at the local government level, setting forth the length of time required for soliciting comments. In principle, all government bodies shall provide a reasonable time period (generally 60 days) for presentation of comments.

3. The fully operational enquiry point is:

Name: The Bureau of Standards, Metrology and Inspection  
Ministry of Economic Affairs

Address: 4 Chinan Road, Section 1,  
Taipei, 100, Taiwan

Tel: +(886-2)2343-1984

Fax: +(886-2)2343-1986

E-mail: tbtenq@bsmi.gov.tw

4. Name and address of the agency to contact if relevant consultations are requested:

Name: The Board of Foreign Trade  
Ministry of Economic Affairs

Address: 1 Hu-kou Street, Taipei, 100, Taiwan

Tel: +(886-2)2351-0271

Fax: +(886-2)2321-6445

E-mail: 3rd-dept@trade.gov.tw

5. The Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu has formed a national committee to deal with and to coordinate all matters relating to the Agreement. To ensure that the Agreement is applied and fulfilled by all relevant domestic bodies, the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu has promulgated the "Operation Points for Enquiries Concerning the World Trade Organization's Agreement on Technical Barriers to Trade."

**Operation Points for Enquiries Concerning the World Trade Organization's Agreement  
on Technical Barriers to Trade (27 June 1995)**

6. These points have been enacted in response to the World Trade Organization's (WTO) Agreement on Technical Barriers to Trade (TBT) for the purpose of handling affairs involving the collection, provision, notification, consultation and response to enquiries concerning technical regulations, standards, and conformity assessment procedures between the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu and the other Members.

7. The government agency serving as the enquiry point (hereinafter referred to as the Enquiry Point) for all affairs relating to the points contained herein is the Bureau of Standards, Metrology and Inspection under the Ministry of Economic Affairs.

8. When the Enquiry Point handles the affairs discussed herein, other competent authorities or non-governmental bodies that are involved shall cooperate in full and make every effort to complete the tasks within the time limit specified by the Enquiry Point.

9. With regard to the items to be published as specified under the Agreement on Technical Barriers to Trade, the Enquiry Point shall publish these items in an Official Gazette.

10. Nationals of the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu may request information relating to technical regulations, standards, and conformity assessment procedures of other Members from the Enquiry Point. In the event that this information cannot be provided, the Enquiry Point must provide an explanation. When nationals of the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu make enquiries as a result of questions or differing opinions relating to technical regulations, standards, and conformity assessment procedures of other Members, these shall be passed on to that Member's Enquiry Point via the offices of the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu's Enquiry Point.

11. Other Members or interested parties may also request the Enquiry Point to provide information relating to technical regulations, standards, and conformity assessment procedures of the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu. If the Enquiry Point is unable to provide such information, it must provide an explanation. When other Members or interested parties make enquiries as a result of questions or differing opinions relating to the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu's technical regulations, standards, and conformity assessment procedures, the Enquiry Point shall reply to all reasonable enquiries, or pass them on to the relevant authorities or non-governmental bodies for reply. Copies of all replies thus provided by the relevant authorities or non-governmental bodies shall be made to the Enquiry Point.

12. When preparing a technical regulation or conformity assessment procedure, the government or non-governmental body shall consider using international standards. If the proposed technical regulation or conformity assessment procedure is not in accordance with the technical content of relevant international standards, or in the event that relevant international standards do not exist, and if the technical regulation or conformity assessment procedure may bring about significant trade effect to other Members, and where the provisions in the lead-in to paragraph 10, Article 2 and the provisions in the lead-in to paragraph 7, Article 5 of the Agreement on Technical Barriers to Trade are not applied, all related documentation together with the notification made shall be passed on to the Enquiry Point. The Enquiry Point shall then publish the proposed technical regulation or conformity

assessment procedure and forward the notification to the Secretariat of the World Trade Organization for distribution to other Members.

13. Any comments presented by other Members shall be collated by the Enquiry Point and passed on to the competent authority or non-governmental body that drafted the original proposal. When the comments are not taken into account, the competent authority or non-governmental body concerned shall provide written explanation to the Members that made comments.

14. Where the provisions in the lead-in to paragraph 10, Article 2, and the provisions in the lead-in to paragraph 7, Article 5 of the Agreement on Technical Barriers to Trade are applied and the procedures stated in the previous two paragraphs are omitted, the competent authority or non-governmental body shall still provide the Enquiry Point with relevant information including the notification upon adoption of the technical regulation and conformity assessment procedure. The Enquiry Point shall then forward the notification to the Secretariat of the World Trade Organization for distribution to other Members.

15. The Enquiry Point upon receiving notifications from other Members, shall take the following measures immediately:

- to publish the notifications and the notified technical regulations, standards, and conformity assessment procedures, if available, along with the contact information (such as the name, address, telephone number) of the competent authorities or non-governmental bodies for comment.
- to forward the notifications and the notified technical regulations, standards, and conformity assessment procedures, if available, to relevant government or non-governmental bodies for comment.

16. The relevant authorities or non-governmental bodies, based on the information received from the previous mentioned two sub-paragraphs, shall decide whether comments will be made to the notified Members. If it is decided that comments will be made to the notified Members, the relevant authorities or non-governmental bodies shall provide the comments to the Enquiry Point within the specified time limit. The Enquiry Point shall then pass the comments on to the notified Members. Where the relevant authorities or non-governmental bodies decide to present their comments directly to the notified Members, a copy of the comments shall be made to the Enquiry Point.

17. The comments, enquiries, replies, or notifications mentioned in paragraph 2, Article 5 and Articles 6-8 shall be drafted in both Chinese and English before they are passed on to the Enquiry Point for further actions. When other Members request information relating to the proposed technical regulations, standards, or conformity assessment procedures, the relevant authorities or non-governmental bodies concerned shall provide a complete English translation, or a summary in English if it is of great volume.

18. The Enquiry Point shall charge for the actual distribution costs of the documents supplied. Also, where additional fees are requested, a fair price shall be given to the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu nationals and the nationals of other Members.

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