

2009 MEMORANDUM OF UNDERSTANDING BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA ON STRENGTHENING COOPERATION IN THE FIELD OF STANDARDS, TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT

Signed in Cha-am Hua Hin, Thailand on 25 October 2009

The Governments of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") and the Government of People's Republic of China (hereinafter referred to as "China") (hereinafter singularly referred to as "Party" and collectively referred to as "the Parties");

REFERRING to the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and China signed on 4 November 2002 and its amending Protocols;

RECOGNISING that further cooperation among the Parties in the field of standards, technical regulations and conformity assessment has important significance in safeguarding national security, in the protection of human, animal or plant life or health, in the protection of the environment, in the prevention of deceptive practices, in raising the quality of mutually supplied goods, in the protection of consumer's rights, and in facilitating and promoting regional trade, towards the effective and successful realisation of the ASEAN-China Free Trade Area;

DESIRING to further promote the cooperation between relevant Parties in implementation of Agreement on Technical Barriers to Trade of the World Trade Organisation (hereinafter referred to as "TBT Agreement");

WISHING to further strengthen the strategic partnership established between ASEAN and China,

HAVE REACHED the following understandings:

ARTICLE 1 OBJECTIVE

The Parties, subject to the terms of this Memorandum of Understanding and the laws, rules, regulations and policies from time to time in force in each country, will strengthen cooperation in the field of standards, technical regulations and conformity assessment on the basis of equality, mutual benefit and mutual respect, in order to ensure that imported and exported products between ASEAN and China conform to requirements of safety, health, environment, the protection of the interests of consumers, and the promotion of regional trade in line with the principles of the TBT Agreement.

ARTICLE 2 AREAS OF COOPERATION

1. Taking into account the existing implementation system of the TBT Agreement and subject to the terms of this Memorandum of Understanding and policies on standards, technical regulations and conformity assessment of the Parties, the Parties, in order to strengthen the cooperation and consultation mechanism between them, endeavour to cooperate in the following areas:

- (a) establishment of an efficient system of information exchange and communication for which the Parties will decide on the priority sectors for cooperation;
 - (b) conducting exchange visits of relevant management, enforcement and technical personnel of the Parties so as to exchange experience and consult and resolve relevant problems;
 - (c) conducting training courses, seminars and other similar activities based on the needs and capabilities of the Parties, and in consideration of narrowing the development gap within ASEAN;
 - (d) conducting collaborative research in areas of mutual interest within the scope of this Memorandum of Understanding; and
 - (e) other areas as agreed by the Parties.
2. Information to be notified or communicated through the system established in accordance with paragraph 1 (a) may include, but is not limited to:
 - (a) the administrative systems, management methodologies and experience of the Parties, relating to standards, technical regulations and conformity assessment;
 - (b) relevant laws, regulations, policies and implementing experience, encountered problems and suggestions of the Parties related to the implementation of the TBT Agreement;
 - (c) the standards, technical regulations and conformity assessment adopted by the Parties; and
 - (d) the information on adoption of international standards, guides and recommendations.
3. This Memorandum of Understanding will not affect other agreements between ASEAN or any ASEAN Member State and China nor restrain any ASEAN Member State from entering into other cooperation agreements in the field of standards, technical regulations and conformity assessment with China.

ARTICLE 3 IMPLEMENTATION

1. In order to implement this Memorandum of Understanding effectively, China designates the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as "AQSIQ"), as the authority responsible for the implementation of this Memorandum of Understanding, and the ASEAN Member States shall designate their respective competent authorities to be responsible for the implementation of this Memorandum of Understanding and designate the ASEAN Secretariat as the coordinating body for ASEAN. The Parties agree to establish a regular consultation mechanism.
2. One ministerial level meeting will be held at least once in every two years and as the need arises, to review the implementation of this Memorandum of Understanding. The meetings shall be hosted and chaired alternately by ASEAN and China.
3. In order to strengthen communication and cooperation, the Parties may establish technical working groups to study and consult on specific issues as and when required.

4. Contact points shall be established by the Parties for the purposes of coordinating the implementation and exchange of information under this Memorandum of Understanding.
5. The ASEAN Secretariat is designated as the contact point for ASEAN and the International Cooperation Department of the AQSIQ is designated as the contact point for China. ASEAN Member States shall designate their respective national contact points upon completion of their internal procedures which shall be notified officially to the Parties by the ASEAN Secretariat.

ARTICLE 4 FINANCIAL ARRANGEMENTS

The financial arrangements to cover expenses for the cooperative activities carried out within the framework of this Memorandum of Understanding shall be mutually agreed upon by the respective Parties on a case-by-case basis subject to the availability of funds.

ARTICLE 5 CONFIDENTIALITY

1. Each Party, in accordance with its laws and regulations, undertakes to observe the confidentiality and secrecy of documents and information received from or supplied by any other Party during the period of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding.
2. The Parties agree that the provisions of this Article shall continue to have effect between them notwithstanding the termination of this Memorandum of Understanding.

ARTICLE 6 SUSPENSION

Each Party reserve the right for reasons of national security, national interest, public order or trade order to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding and such suspension shall take effect immediately upon notification to the Parties through diplomatic channels.

ARTICLE 7 REVISION, AMENDMENTS AND MODIFICATION

1. Any of the Parties may request in writing for a revision, modification or amendment of all or part of this Memorandum of Understanding.
2. Any revision, modification or amendment mutually approved in writing between the Parties shall form part of this Memorandum of Understanding.
3. Such revision, modification or amendment shall be made in writing and come into effect on such date as determined by the Parties.
4. Any revision, modification or amendment shall not prejudice the rights and obligations arising from or based on this Memorandum of Understanding before or up to the date of such revision, modification or amendment.

ARTICLE 8 SETTLEMENT OF DISPUTE

Any difference or dispute between the Parties concerning the interpretation and/or implementation and/or application of the provisions of this Memorandum of Understanding shall be settled amicably through consultations and/or negotiations between the Parties.

ARTICLE 9 FINAL PROVISIONS

1. This Memorandum of Understanding shall come into effect on the date of signing and will be valid for a period of five (5) years. Thereafter it shall be automatically renewed every two (2) years unless sooner terminated by written notice by either ASEAN or China, six (6) months prior to the intended date of termination.
2. The termination of this Memorandum of Understanding will not affect the implementation of on-going programmes, or programmes which have been accepted by the respective Parties prior to the date of termination of the Memorandum of Understanding.
3. A Party shall not use the name, logo and/or official emblem of any of the Parties in any publication, document and/or paper without the prior written approval of such Party.
4. For the ASEAN Member States, this Memorandum of Understanding shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised by the respective Governments of the Member States of ASEAN and the Government of the People's Republic of China, have signed this Memorandum of Understanding.

Signed in Cha-am Hua Hin on the Twenty Fifth day of October in the Year Two Thousand and Nine in two original copies, one in the English Language and one in the Chinese Language, all texts being equally valid. In the event of any divergence of interpretation between any of the texts, the English text shall prevail.

For Brunei Darussalam:

LIM JOCK SENG

Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

CHAM PRASIDH

Senior Minister and Minister of Commerce

For the Republic of Indonesia:

MARI ELKA PANGESTU

Minister of Trade

For the Government of the People's Republic of
China:

WANG YONG

Minister, General Administration of Quality
Supervision, Inspection and Quarantine
(AQSIQ)

For the Lao People's Democratic Republic:

NAM VIYAKETH

Minister of Industry and Commerce

For Malaysia:

MUSTAPA MOHAMED

Minister of International Trade and Industry

For the Union of Myanmar:

U SOE THA

Minister of National Planning and Economic
Development

For the Republic of the Philippines:

PETER B. FAVILA

Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG

Minister of Trade and Industry

For the Kingdom of Thailand:

PORNTHIVA NAKASAI

Minister of Commerce

For the Socialist Republic of Viet Nam:

VU HOY HOANG

Minister of Industry and Trade