

**AGREEMENT ON COOPERATION
IN THE AREA OF TECHNICAL
BARRIERS TO TRADE AND
SANITARY AND PHYTOSANITARY
MEASURES**

BETWEEN

**THE STATE SECRETARIAT FOR
ECONOMIC AFFAIRS (SECO)
OF THE SWISS CONFEDERATION**

AND

**THE GENERAL ADMINISTRATION
OF QUALITY SUPERVISION,
INSPECTION AND QUARANTINE
(AQSIQ) OF THE
PEOPLE'S REPUBLIC OF CHINA**

The State Secretariat for Economic Affairs (SECO) of the Swiss Confederation and the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China, hereinafter individually referred to as a "Party" or collectively as "the Parties";

With a view to strengthening the bilateral economic relations between Switzerland and China;

Recognising that the strengthening of bilateral economic cooperation reduces barriers to trade and produces mutual benefits for Switzerland and China;

Recognising that no country should be prevented from taking measures necessary to fulfil a legitimate objective in line with the WTO Agreement on Technical Barriers to Trade (hereinafter referred to as the "TBT Agreement") and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter referred to as the "SPS Agreement");

Mindful that reducing, wherever possible, unnecessary costs associated with trade between Switzerland and China will encourage further trade;

Reaffirming the importance of international standards to enhance trade;

Desiring to facilitate access to respective markets and to further the TBT Agreement and the SPS Agreement;

Have reached the following Agreement to strengthen cooperation in the area of technical barriers to trade and sanitary and phytosanitary measures:

ARTICLE 1

Committee

1. The Parties hereby establish a Sino-Swiss Committee on Technical Barriers to Trade and Sanitary and Phytosanitary Measures (hereinafter referred to as the "TBT/SPS Committee").
2. The functions of the TBT/SPS Committee shall be:
 - (a) coordinating technical cooperation activities;
 - (b) facilitating technical consultations;
 - (c) identifying sectors for enhanced cooperation, including giving favourable consideration to any sector-specific proposal made by either Party;
 - (d) establishing dialogues between regulators in accordance with the objectives of this Agreement;
 - (e) initiating arrangements where appropriate;
 - (f) consulting on any issue prior to meetings of relevant international organisations, if appropriate; and

(g) other functions mutually agreed by the Parties.

3. The TBT/SPS Committee shall be co-chaired and meet once a year, unless otherwise agreed by the Parties. The TBT/SPS Committee's meetings may be conducted by any agreed method on a case by case basis.

4. The TBT/SPS Committee shall keep up to date a work programme and keep track of its activities.

5. The TBT/SPS Committee may establish ad hoc working groups to accomplish specific tasks.

6. The contact points, as referred to in Article 4, shall be responsible for setting the agenda and organising the meetings. The TBT/SPS Committee shall include representatives of the authorities of each Party with expertise in the areas to be discussed.

7. Upon mutual agreement, the Parties may invite representatives from industry, business associations or other relevant organisations to participate in parts of the meetings of the TBT/SPS Committee on a case by case basis.

ARTICLE 2

Specific Cooperation

Annexes I – IV, which form an integral part of this Agreement, list areas and means of cooperation between Swiss and Chinese authorities in specific sectors. The TBT/SPS Committee can agree on other areas of cooperation.

ARTICLE 3

Confidentiality of Information

The Parties shall treat as confidential information submitted by the other Party which that Party has designated as confidential.

ARTICLE 4

Contact Points

1. The Parties shall exchange names and addresses of contact points for matters related to this Agreement in order to facilitate communication and the exchange of information.

2. The Parties shall notify each other of any significant changes in the structures and responsibilities of the authorities acting as contact points.

ARTICLE 5

Final Provisions

1. This Agreement has been elaborated in parallel to the Free Trade Agreement between the People's Republic of China and the Swiss Confederation (hereinafter referred to as "Free Trade Agreement").
2. This Agreement enters into force upon signature and shall terminate automatically on the same date as the Free Trade Agreement enters into force. A Party may terminate this Agreement at any time upon six months' written notice to the other Party.

Signed in Beijing on 5th July 2013 in two originals each in the English, Chinese and French language, each text being equally authentic. In case of divergence between the language versions, the English text shall prevail.

For SECO

For AQSIQ

Annex I

Mutual Recognition of Test Results of Measuring Instruments between AQSIQ and the Federal Institute of Metrology (METAS) of the Swiss Confederation

ARTICLE 1

Scope

1.1 AQSIQ and METAS agree to mutually recognise the test results of measuring instruments as a basis for their respective national type approval procedure, according to the Agreement.

1.2 The types of measuring instruments covered by the Agreement are specified in Appendix I.

1.3 The Agreement shall apply only to test results obtained after the entry into force of the Agreement.

ARTICLE 2

Testing and Issuing of OIML Certificates

2.1 The implementing testing laboratories of the Agreement are the National Institute of Metrology (NIM) of the People's Republic of China and METAS.

When examining the documentation and instruments, AQSIQ and METAS agree to carry out tests based on related recommendations by the International Organisation of Legal Metrology (OIML), and if necessary, the national deviations set out in Appendix I.

The manufacturer is responsible to apply for the Chinese or Swiss approval procedures, according to the relevant respective technical regulations.

OIML certificates of conformity and OIML test reports issued by Chinese or Swiss bodies in accordance with the Agreement shall be used by the other authority to issue the type approval certificate for its territory. The necessary technical documentation for the respective Chinese and Swiss approval procedure is laid down in Appendix II.

2.2 The tests shall be performed by employees of NIM or METAS.

2.3 Except as required by the test procedure or by using the means at disposal of the user, all tests shall be performed on the same instrument without adjusting it during or between tests.

In the exceptional event of an adjustment or an intervention, the test report shall indicate:

- (a) the reason for the adjustment or the intervention;
- (b) the nature of the adjustment or the intervention; and
- (c) the tests performed before the adjustment or the intervention, and the tests not performed thereafter.

If not all tests were performed on the same instrument, the list of the tests shall indicate which tests were performed on each instrument. If the instruments are not exactly identical, the report shall list the differences in detail.

2.4 AQSIQ and METAS agree to issue a valid OIML certificate of conformity with the associated OIML test report and the technical documentation.

2.5 If, in the event of a malfunction of a testing instrument, the test needs to be stopped and the problem can be solved without influencing the results of the measurement, the test can be pursued. In that case, the test report shall mention the occurrence of a malfunction.

ARTICLE 3

Examining the Application for Recognition and Issuing of Type Approval Certificates

3.1 The manufacturer or its authorised representative shall apply for recognition of test results either at AQSIQ or METAS.

3.2 AQSIQ or METAS may request:

- (a) documents from the testing laboratory describing the instrument's pattern, to verify conformity with the tested pattern;
- (b) OIML test report(s) and technical documentation from the testing laboratory; and
- (c) the testing laboratory to certify the complete set of documentation submitted by the manufacturer.

3.3 AQSIQ or METAS shall issue the necessary approval certificate unless there is documented suspicion that the instrument does not comply with the national requirements.

3.4 AQSIQ and METAS shall support each other in case of difficulties during the recognition procedure.

3.5 AQSIQ and METAS agree to provide each other once a year with the names and signatures of authorised employees for signing the OIML test reports and OIML certificate of conformity. This information shall be submitted in writing.

3.6 Testing laboratories shall be assessed by peer assessment using requirements complying with ISO/IEC 17025 and OIML D 30 for the scope of the Agreement. Peer assessments carried out by testing laboratories from other countries than Switzerland and China shall be mutually accepted, as long as they are in accordance with the scope of the Agreement.

ARTICLE 4

Consultations

AQSIQ and METAS shall investigate complaints or problems that the other authority brings forward, and both authorities shall work together in order to find a satisfactory resolution of such matters. The contact persons are listed in Appendix III.

Appendix I
Type of instruments

Non-automatic weighing instruments (NAWI)

NIM, National Institute of Metrology (China)

	Class I	Class II	Class III	Class IIII
Maximum testing capacity (kg)	60	3 000	3 000	3 000
Maximum number of verification scale intervals (Max /e)	1 000 000	100 000	10 000	1 000
Minimum verification scale intervals (g)	0.001	0.001	0.1	5

Federal Institute of Metrology METAS (Switzerland)

	Class I	Class II	Class III	Class IIII
Maximum testing capacity (kg)	50	100	100 000	100 000
Maximum number of verification scale intervals (Max /e)	500 000	100 000	10 000	1 000
Minimum verification scale intervals (g)	0.001	0.001	0.1	5

Note: The use of modules approach for testing may lead to higher capabilities.

National deviations from OIML R76-1:2006 / R76-2:2007

China: none

Switzerland: none

	<input checked="" type="checkbox"/> Beam (shear)	<input checked="" type="checkbox"/> Beam (bending)
	<input checked="" type="checkbox"/> Universal	
Type of tests related to humidity effects	<input type="checkbox"/> Damp heat, steady state	<input checked="" type="checkbox"/> Damp heat, cyclic test
Range for temperature effects	from -18 °C to +50 °C	

National deviations from OIML R60:2000

China: none

Switzerland: none

Appendix II

Technical documentation

Non-automatic weighing instruments (NAWI) and weighing modules

1. List of necessary documentation for Swiss or Chinese approval procedure:
 - (a) OIML certificate if applicable;
 - (b) complete OIML test report (R76-2:2007), i.e. including the checklist; and
 - (c) descriptive documents according to OIML R76-1:2006, section 8.2.1.2 and if applicable section 5.5.2.2 d.
2. Documentation supplemented by the manufacturer for Chinese type approval can be in Chinese or English. Documentation for Swiss type approval shall be in English.

Load Cells

1. List of necessary documentation for Swiss or Chinese approval procedure:
 - (a) OIML certificate if applicable;
 - (b) complete OIML R60:2000 test report;
 - (c) picture that shows the approved type(s)
 - (d) schematic drawings;
 - (e) connection scheme;
 - (f) operating manual for the load cells equipped with electronics and weighing modules;
 - (g) specifications and the additional information required according to International Recommendation OIML R60:2000;
 - (h) the information necessary that should be presented on the individual instruments; and
 - (i) drawings and technical data of electric circuits for the load cells equipped with electronics and weighing modules.
2. Documentation supplemented by the manufacturer for Chinese type approval can be in Chinese or English. Documentation for Swiss type approval shall be in English.

Appendix III
Contact Persons

Non-automatic weighing instruments (NAWI)

For METAS: Mr. Gulian Couvreur

For AQSIG: Mrs. Wang Yingjun, Mrs. Zheng Huaxin

For NIM: Mrs. Cai Changqing

Load Cells

For METAS: Mr. Christian Wüthrich, Mr. Gulian Couvreur

For AQSIG: Mrs. Wang Yingjun, Mrs. Zheng Huaxin

For NIM: Mr. Zhang Yue

Annex II

Cooperation in the Area of Telecommunication Equipment, Electromagnetic Compatibility and Electrical Equipment between AQSIIQ and the Federal Office of Communication (OFCOM) of the Swiss Confederation

ARTICLE 1

Cooperation

In the area of telecommunication equipment, electromagnetic compatibility (EMC) and electrical equipment AQSIIQ and OFCOM shall, in particular, cooperate on the following:

- (a) regulatory issues and implementation of laws;
- (b) management of conformity assessment bodies and inspections of manufacturers;
- (c) domestic practices and programs regarding product and market surveillance;
- (d) good regulatory practice;
- (e) the development and implementation of risk management principles including product monitoring, safety, compliance and enforcement practices; and
- (f) exchange of information on:
 - (i) regulatory systems;
 - (ii) incident analysis;
 - (iii) hazard alerts;
 - (iv) product bans and recalls;
 - (v) requested product information; and
 - (vi) reviews of technical regulations and their implementation.

ARTICLE 2

Means of Cooperation

AQSIIQ and OFCOM shall promote:

- (a) the providing of training programmes, study tours and internships for government officials;
- (b) the providing of training programmes, study tours for technical personnel, including but not limited to inspection and testing technical personnel, and standardisation personnel;
- (c) the exchange of information, transfer of expertise and training;
- (d) the implementation of joint actions such as seminars and workshops;
- (e) technical and administrative cooperation;
- (f) the information of stakeholders about the other country's regulations; and

- (g) any other forms of cooperation decided by the TBT/SPS Sub-Committee.

ARTICLE 3

Specific Cooperation

AQSIQ and OFCOM agree to:

- (a) inform the other authority of non-compliant products on their markets, originating in the other country;
- (b) share relevant information of non-compliant products for the other authority to take necessary action, if appropriate; and
- (c) share results of such action.

Annex III

Cooperation in the Area of Certification and Accreditation between the Certification and Accreditation Administration (CNCA) of the People's Republic of China and SECO

ARTICLE 1

Cooperation

CNCA and SECO shall, in particular, cooperate on the following:

- (a) compulsory certification schemes;
- (b) voluntary certification schemes, especially in new areas;
- (c) accreditation; and
- (d) other areas of mutual interest.

ARTICLE 2

Means of Cooperation

CNCA and SECO shall promote:

- (a) the communication and cooperation between competent authorities;
- (b) the communication and cooperation between certification and accreditation bodies of each country;
- (c) the organisation of seminars, if necessary, to inform industry representatives of the two countries on technical regulations, conformity assessment procedures and related standards; and
- (d) joint research projects, if appropriate.

ARTICLE 3

Cooperation between Relevant Bodies

The accreditation bodies, certification bodies, relevant testing laboratories and inspection bodies of China and Switzerland may carry out cooperation activities under the Agreement, including cooperation of authorised bodies on inspections, testing, national type approval and compulsory certification.

Annex IV

Cooperation in the Area of Sanitary and Phytosanitary Measures between AQSIQ and the Federal Veterinary Office (FVO) of the Swiss Confederation

ARTICLE 1

Cooperation

AQSIQ and FVO¹ agree, through the TBT/SPS Committee to:

- (a) share knowledge and experience including possible exchanges of officials;
- (b) coordinate positions in the activities of regional and international organisations;
- (c) carry out joint research and share the results of such research in important areas, such as:
 - (i) animal and plant disease surveillance;
 - (ii) animal and plant pest and disease prevention and control;
 - (iii) detection methods for pathogenic micro-organisms in food;
 - (iv) surveillance and control of harmful substances and agri-chemical and veterinary medicine residues and other food safety issues; and
 - (v) any other food safety, phytosanitary and zoonotic issues of mutual interest;
- (d) cooperate on certificates in the area of sanitary and phytosanitary measures, in particular on:
 - (i) the development and use of electronic certificates; and
 - (ii) the introduction and revision of certificates in the area of sanitary and phytosanitary measures.
- (e) exchange information on:
 - (i) regulatory systems; and
 - (ii) domestic practices and programmes for food safety activities;
- (f) carry out other forms of cooperation.

¹ Due to changes in structure and responsibilities within the Swiss Government, the Federal Veterinary Office (FVO) will be renamed as Federal Food Safety and Veterinary Office (FSVO) on 1 January 2014.

ARTICLE 2

Means of Cooperation

AQSIQ and FVO shall promote within the limits of their resources:

- (a) the providing of training programmes, and internships for government officials;
- (b) the providing of training programmes, for technical personnel, including but not limited to inspection and testing technical personnel, and standardisation personnel;
- (c) the exchange of information, transfer of expertise and training;
- (d) the implementation of joint actions such as seminars and workshops;
- (e) technical and administrative cooperation;
- (f) the information of stakeholders about the other country's regulations; and
- (g) any other forms of cooperation decided by the TBT/SPS Committee.