
**Arrangement between the Interchange Association
and
the Association of East Asian Relations
for the Cooperation
on Mutual Recognition**

ARRANGEMENT BETWEEN THE INTERCHANGE ASSOCIATION AND THE ASSOCIATION OF EAST ASIAN RELATIONS FOR THE COOPERATION ON MUTUAL RECOGNITION

Article 1

THE INTERCHANGE ASSOCIATION and THE ASSOCIATION OF EAST ASIAN RELATIONS (hereinafter referred to as “both Sides”), having regard to paragraphs 3(5) and 3(7) of the Arrangement between the Interchange Association and the Association of East Asian Relations for the Establishment of the Respective Overseas Offices of 26 December 1972, shall cooperate with each other in order to obtain necessary consent from the relevant authorities with regard to the matters as contained in Articles 2 through 10 below.

Article 2

1. Conformity assessment bodies in the area of either Side shall, as set out in this Arrangement, be permitted to participate in the system in the area of the other Side providing for conformity assessment procedures and the results of conformity assessment procedures required by applicable laws, regulations and administrative provisions in the area of the other Side shall be accepted in the area of the other Side. Such conformity assessment procedures are those specified in the Annex, and include certificates of conformity, that are conducted by the conformity assessment bodies in the area of the former Side registered or recognized by the Registering Authority or Recognizing Authority in the area of the other Side.
2. Where relevant product approval processes by the Registering Authority or Recognizing Authority in the area of either Side are necessary in addition to certificates of conformity referred to in paragraph 1 above, the relevant product approval processes shall be completed within four (4) calendar days or two (2) working days, whichever is the longer, upon receipt of the certificates of conformity.

Article 3

1. This Arrangement relates to the registration or recognition of conformity assessment bodies and conformity assessment procedures for products or processes covered by the Annex. The Annex attached to this Arrangement consists of Part 1, Part 2 and Part 3.
2. Part 1 of the Annex includes, inter alia, provisions on scope and coverage.
3. Part 2 of the Annex sets out the following matters:
 - (a) the applicable laws, regulations and administrative provisions in the area of each Side stipulating the products which this Arrangement relates to;
 - (b) the applicable laws, regulations and administrative provisions in the area of each Side stipulating the technical requirements and the conformity assessment procedures to satisfy such requirements which this Arrangement relates to;
 - (c) the applicable laws, regulations and administrative provisions in the area of each Side stipulating the criteria for registration or recognition of conformity assessment bodies; and
 - (d) the list of the Registering Authority or Recognizing Authority.
4. Part 3 of the Annex sets out details of implementation and operation by relevant authorities set out in this Arrangement.

Article 4

1. For the purposes of this Arrangement:
 - (a) the term “area” means;
 - (i) with respect to the Interchange Association, Japan; and
 - (ii) with respect to the Association of East Asian Relations, Taiwan.
 - (b) the term “certificates of conformity” means documents issued by registered or recognized conformity assessment bodies as a result of

conformity assessment procedures, stating that products or processes fulfill relevant technical requirements set out in the applicable laws, regulations and administrative provisions in the area of each Side specified in the Annex;

(c) the term “conformity assessment bodies” means bodies which conduct conformity assessment procedures;

(d) the term “conformity assessment procedures” means procedures to determine, directly or indirectly, whether products or processes fulfill relevant technical requirements set out in the applicable laws, regulations and administrative provisions in the area of either Side specified in the Annex;

(e) the term “criteria for registration or recognition” means the criteria which conformity assessment bodies in the area of either Side are required to fulfill in order to be registered or recognized by the Registering Authority or Recognizing Authority in the area of the other Side, and other relevant conditions which conformity assessment bodies registered or recognized by the Registering Authority or Recognizing Authority in the area of the other Side are required to continuously fulfill after the registration or recognition, as set out in the applicable laws, regulations and administrative provisions in the area of the other Side specified in the Annex;

(f) the term “Registering Authority or Recognizing Authority” means an authority in the area of either Side which is authorized to register or recognize the conformity assessment bodies in the area of the other Side and withdraw such registration or recognition in accordance with the applicable laws, regulations and administrative provisions in the area of the former Side specified in the Annex;

(g) the term “registration or recognition” means the registration or recognition of conformity assessment bodies in the area of either Side by the Registering Authority or Recognizing Authority in the area of the other Side pursuant to the applicable laws, regulations and administrative provisions in the area of that other Side specified in the Annex; and

2. Any term used in this Arrangement, unless otherwise defined herein, has the meaning assigned to it in the ISO/IEC Guide 2:2004 Edition "Standardization and related activities – General vocabulary" and the

Article 5

1. (a) Conformity assessment bodies in the area of either Side shall be registered or recognized by the Registering Authority or Recognizing Authority in the area of the other Side in accordance with the applicable laws, regulations and administrative provisions in the area of that other Side specified in the Annex, where the conformity assessment bodies which apply for registration or recognition fulfill the criteria for registration or recognition in the area of that other Side set out in its applicable laws, regulations and administrative provisions specified in the Annex.
- (b) Conformity assessment bodies in the area of either Side shall not be required to have an agent or an office or a subsidiary which has a domicile or business location in the area of the other Side, as a part of criteria for registration or recognition by the Registering Authority or Recognizing Authority in the area of the other Side.
- (c) Conformity assessment bodies in the area of either Side shall, under the applicable laws, regulations and administrative provisions in the area of the other Side specified in the Annex, be accorded treatment no less favorable than the treatment accorded in like circumstances to conformity assessment bodies of any other countries or regions with respect to conformity assessment activities and criteria for registration or recognition.
- (d) No restriction shall be applied based on the origin of the products or the location of entities producing the products to which conformity assessment bodies in the area of either Side provide conformity assessment activities under the applicable laws, regulations and administrative provisions in the area of the other Side specified in the Annex.
- (e) The registration or recognition of the conformity assessment bodies in the area of either Side may be withdrawn by the Registering Authority or Recognizing Authority in the area of the other Side, where the conformity assessment bodies no longer fulfill the criteria for registration or recognition set out in the applicable laws, regulations and administrative provisions in the area of that other Side specified in the Annex.

2. (a) For the purposes of confirming the fulfillment of the criteria for registration or recognition by conformity assessment bodies in the area of either Side, the Registering Authority or Recognizing Authority in the area of the other Side may:
- (i) make inquiries by means of written questionnaires to the conformity assessment bodies in the area of the former Side or during the visit referred to in subparagraph (ii) below;
 - (ii) conduct visit on the premises of the conformity assessment bodies in the area of the former Side on the condition that the Registering Authority or Recognizing Authority in the area of the former Side does not object to such visit and the conformity assessment bodies concerned give consent to such visit and, if the former Side so requests, officials of the Registering Authority or Recognizing Authority in the area of the former Side join the visit; and
 - (iii) have its officials accompany conformity assessment bodies in the area of the former Side applying for registration or recognition as an observer where those bodies carry out, as part of the conformity assessment procedures, conformity assessment activities at the premises of entities in the area of the former Side subject to such activities on condition that the Registering Authority or Recognizing Authority in the area of the former Side does not object to such accompaniment and the entities and the conformity assessment bodies concerned give consent to such accompaniment and, if the former Side so requests, officials of the Registering Authority or Recognizing Authority in area of the former Side join the accompaniment.

Note: Request for the visit and accompaniment referred to in subparagraphs (a)(ii) and (a)(iii) above respectively shall be sent from the other Side to the former Side. If no objection of the Registering Authority or Recognizing Authority in the area of the former Side is communicated to the other Side within fourteen (14) days or a period specified by the Registering Authority or Recognizing Authority in the area of the other Side, whichever is the longer, from the receipt of the request for the visit or the accompaniment, as the case may be, the other Side may consider that no objection was made.

- (b) The other Side shall immediately communicate to the former Side whenever the Registering Authority or Recognizing Authority in the area of the other Side sends questionnaires referred to in subparagraph (a)(i) above.
 - (c) The visit and accompaniment referred to in subparagraphs (a)(ii) and (a)(iii) above respectively shall be carried out in a manner not inconsistent with the laws and regulations in the area of either Side where the visit and accompaniment take place.
 - (d) The information obtained by the Registering Authority or Recognizing Authority in the area of either Side in connection with such inquiries, visit or accompaniment as an observer shall be used only for the purposes referred to in subparagraph (a) above.
3. The registration or the recognition of the conformity assessment bodies in the area of either Side may be withdrawn by the Registering Authority or Recognizing Authority in the area of the other Side, where the inquiries specified in subparagraph 2(a)(i) above are not responded to without valid reasons or are responded to falsely, or the Registering Authority or Recognizing Authority in the area of the former Side objects to the visit referred to in subparagraph 2(a)(ii) or the conformity assessment bodies concerned do not give consent referred to in subparagraph 2(a)(ii) above, without valid reasons, or the visit referred to in subparagraph 2(a)(ii) above is refused, obstructed or evaded without valid reasons.

Article 6

1. For the purposes of the effective implementation and operation of this Arrangement, both Sides shall establish a Joint Committee on Mutual Recognition (hereinafter referred to as “the Committee”).
2. The functions of the Committee shall be:
- (a) exchanging information on standards and conformity assessment procedures and providing the information to the Registering Authority or Recognizing Authority in the area of each Side through contact points;
 - (b) reviewing the implementation and operation of this Arrangement;

- (c) examining the possibility of negotiating on additional products or processes for mutual recognition which this Arrangement relates to;
 - (d) discussing any issues related to this Arrangement, including ways to promote cooperation between both Sides on standards and conformity assessment procedures in view of the effective implementation and operation of this Arrangement;
 - (e) making its decisions and recommendations with regard to the implementation and operation of this Arrangement; and
 - (f) requesting the Registering Authority and Recognizing Authority in the area of each Side cooperation with regard to the decisions and recommendations, as necessary.
3. The Committee shall:
- (a) be composed of representatives of each Side;
 - (b) determine its own rules and procedures; and
 - (c) make its decisions and adopt its recommendations by consensus.
4. The Committee may, upon mutual consent of both Sides, invite representatives of entities concerned with necessary expertise in relation to the issues to be discussed, and hold joint meetings with the business sector.

Article 7

1. It is understood that nothing in this Arrangement shall be construed so as to require either Side to approach relevant authorities to accept or adopt the standards and conformity assessment procedures in the area of the other Side.
2. Having recognized that different systems exist in the area of both Sides concerning the electromagnetic compatibility requirements for information technology equipment, both Sides would consider to further collaborate to facilitate on mutual acceptance of conformity assessment results of electromagnetic compatibility for information technology equipment.

Article 8

1. The confidentiality of information provided as confidential to either Side or the Registering Authority or Recognizing Authority in the area of that Side shall be maintained in accordance with the relevant laws and regulations in the area of that Side and that information shall be protected from disclosure that could prejudice the competitive position of persons or entities providing the information.
2. Information obtained through the cooperation set out in this Arrangement shall not be used by either Side or the Registering Authority or Recognizing Authority in the area of that Side in any criminal proceedings carried out by a court or a judge.

Article 9

1. If new or additional conformity assessment procedures within the same product coverage are introduced to satisfy the technical requirements set out in the applicable laws, regulations and administrative provisions specified in the Annex, Part 2 of the Annex shall be amended to set out the applicable laws, regulations and administrative provisions stipulating such new or additional conformity assessment procedures, based on the mutual consent of both Sides.
2. When the scope of products and/or standards covered by the laws, regulations and/or administrative provisions in the area of either Side listed in Part 2 of the Annex are changed, these changes shall be automatically applied to this Arrangement.

Article 10

1. This Arrangement shall enter into force on the date that both Sides inform each other that the respective procedures have been completed.
2. The Annex to this Arrangement shall form an integral part of this Arrangement.

3. Either Side may at any time request consultations with the other Side for the purpose of amending this Arrangement.
4. Either Side may, by giving one year's advance notice in writing to the other Side, terminate this Arrangement.
5. Following termination of this Arrangement, the results of conformity assessment procedures conducted prior to the termination by conformity assessment bodies in the area of the either Side registered or recognized by the Registering Authority or Recognizing Authority in the area of the other Side shall continue to be accepted in the area of the other Side, unless the Registering Authority or Recognizing Authority decides otherwise based on health, safety and environmental protection considerations.

This Arrangement has been made in the English language. In witness whereof, the representative of the Interchange Association and the representative of the Association of East Asian Relations, signed this Arrangement in Taipei, on November 29, 2012.

FOR THE INTERCHANGE
ASSOCIATION:

FOR THE ASSOCIATION OF EAST
ASIAN RELATIONS:
