

**DISCLAIMER:** *The Commission and Australia are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 24 March 2026. The texts are published in view of the public interest in the Agreement, for information purposes only and they may undergo further minor modifications, including as a result of the process of legal and linguistic revision. These texts are without prejudice to the final outcome of the Agreement between the EU and Australia. The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its applicable legal requirements and procedures necessary for the entry into force of the Agreement.*

## CHAPTER 8

### TECHNICAL BARRIERS TO TRADE

#### ARTICLE 8.1

##### Objectives

The objective of this Chapter is to facilitate trade in goods between the Parties including by preventing, identifying and minimising unnecessary technical barriers to trade, enhancing transparency, promoting cooperation and good regulatory practice.

#### ARTICLE 8.2

##### Scope

1. This Chapter applies to the preparation, adoption and application of all standards, technical regulations and conformity assessment procedures which may affect trade in goods between the Parties.
2. Unless otherwise provided in this Chapter, each Party shall, in accordance with the TBT Agreement, take such reasonable measures as may be available to it to ensure compliance by local government and non-governmental bodies within their territories with the relevant provisions of this Chapter.

3. Nothing in this Chapter shall be construed as limiting the right of a Party to prepare, adopt or apply standards, technical regulations or conformity assessment procedures necessary to fulfil a legitimate objective, in accordance with its rights and obligations under the TBT Agreement. Such legitimate objectives include, *inter alia*, national security requirements, the prevention of deceptive practices, protection of human health or safety, animal or plant life or health, or the environment.

4. This Chapter does not apply to:

- (a) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies; or
- (b) sanitary or phytosanitary measures as defined in Annex A of the SPS Agreement.

## ARTICLE 8.3

### Definitions

For the purposes of this Chapter, the following definitions apply:

- (a) "economic operator" means a manufacturer, importer, exporter, authorised representative or distributor;
- (b) "ISO" means International Organization for Standardization;
- (c) "market surveillance" means activities conducted and measures taken by public authorities, including those taken in cooperation with economic operators, on the basis of procedures of a Party, to enable that Party to monitor or address safety of products or their compliance with the requirements set out in its laws and regulations; and
- (d) "supplier's declaration of conformity" means a declaration made by the manufacturer or, where applicable, importer, that the product supplied is compliant with the relevant technical

regulations. The manufacturer or importer is responsible for the supplier's declaration of conformity. Such declaration does not include mandatory third-party assessment.

#### ARTICLE 8.4

##### Relation to the TBT Agreement

1. The Parties affirm their rights and obligations under the TBT Agreement.
2. The following provisions of the TBT Agreement are incorporated into and made part of this Agreement, *mutatis mutandis*:
  - (a) Articles 2 to 9;
  - (b) Annex 1; and
  - (c) Annex 3.

#### ARTICLE 8.5

##### Technical regulations

1. The Parties acknowledge that consideration of whether regulatory or non-regulatory measures may fulfil the Party's legitimate objectives, in accordance with Article 2.2 of the TBT Agreement, would normally be part of the process of developing technical regulations.
2. Each Party shall use relevant international standards as a basis for its technical regulations, except if such international standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued. Where a relevant international standard exists, if a Party did not use that international standard as a basis for a technical regulation which may have a significant effect on trade of the other Party, it shall, in accordance with Article 2 of the TBT

Agreement, on request of the other Party, justify that non-use. Such justification may include identifying the substantive deviation from the relevant international standard, explaining why the international standard was considered to be ineffective or inappropriate in that instance, and providing the supporting information on which this judgement was based.

3. When reviewing its technical regulations, each Party shall, subject to its laws and regulations, take into account, *inter alia*, any new developments in the relevant international standards and any changes in the circumstances that have resulted in divergences from any relevant international standard.

## ARTICLE 8.6

### International standards

1. A standard developed by the ISO, the International Electrotechnical Commission, the International Telecommunication Union, or the Codex Alimentarius Commission shall be considered to be a relevant international standard within the meaning of Articles 2 and 5 of, and Annex 3 to, the TBT Agreement.

2. A Party may also consider a standard developed by another international organisation as a relevant international standard within the meaning of Articles 2 and 5 of, and Annex 3 to, the TBT Agreement, provided that it has been developed, at least, in accordance with the WTO TBT Committee Decision on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2 and 5 of, and Annex 3 to, the TBT Agreement.

## ARTICLE 8.7

### Standards and standardising bodies

1. With a view to harmonising standards on as wide a basis as possible, each Party shall encourage its standardising bodies, as well as the regional standardising bodies of which the Party or its standardising bodies are members, to:

- (a) cooperate, where practicable and appropriate, with relevant standardising bodies of the other Party bilaterally, regionally or internationally on areas of mutual interest; and
- (b) when reviewing national and regional standards that are not based on relevant international standards, take into account, inter alia, any new developments in relevant international standards and any changes in the circumstances that have resulted in a divergence from those international standards.

2. The Parties may exchange information on:

- (a) the use of standards in support of technical regulations; and
- (b) processes used for developing standards, and the extent to which the Parties have based their national standards on international standards or regional standards.

3. If national and regional standards are made mandatory through incorporation into or by reference in a draft technical regulation or conformity assessment procedure, the transparency obligations set out in Article 8.9 (Transparency), and in Articles 2 or 5 of the TBT Agreement shall apply.

## ARTICLE 8.8

### Conformity assessment

1. The Parties acknowledge that consideration of whether regulatory or non-regulatory measures may fulfil the Party's legitimate objectives in accordance with Article 5.1.2 of the TBT Agreement is normally part of the process of developing conformity assessment procedures. Such consideration should include the type and appropriateness of conformity assessment procedure to be applied.

2. Each Party shall use relevant international standards, guides or recommendations issued by international standardising bodies, or the relevant parts of them, as a basis for its conformity assessment procedures, except if such international standards, guides or recommendations would be an ineffective or inappropriate means for fulfilling the Party's legitimate objectives. If a Party does not use an international standard as a basis for a technical regulation which may have a significant effect on trade of the other Party it shall, on request of the other Party and further to Article 5.4 of the TBT Agreement, justify the non-use.

3. When reviewing their conformity assessment procedures, each Party shall, subject to its laws and regulations, take into account, *inter alia*, any new developments in the relevant international standards, guides or recommendations, and any changes in the circumstances that have resulted in divergences from those relevant international standards, guides or recommendations.

4. If a Party requires conformity assessment as a positive assurance that a product conforms with a technical regulation, when selecting a conformity assessment procedure it shall:

- (a) take into account the risks that non-conformity would create, while ensuring, *inter alia*, that its conformity assessment procedures are not stricter or applied more strictly than is necessary to give that Party adequate confidence that products conform with the applicable technical regulations or standards;
- (b) consider a supplier's declaration of conformity as an option; and
- (c) upon request, provide information to the other Party on the reasons for selecting the conformity assessment procedures for specific products.

5. If a Party requires third-party conformity assessment as a positive assurance that a product conforms with a technical regulation, and it has not reserved that task to a governmental body as specified in paragraph 6, it shall:

- (a) use accreditation as the preferred means to qualify conformity assessment bodies;

- (b) use international standards for accreditation and conformity assessment<sup>1</sup>;
- (c) encourage accreditation bodies and conformity assessment bodies in its territory to join relevant international agreements or arrangements that facilitate acceptance of conformity assessment results;
- (d) ensure that its laws and regulations do not unnecessarily restrict choice amongst the conformity assessment bodies designated or authorised by its authorities for a particular product or set of products;
- (e) ensure that conformity assessment bodies operate independently from economic operators and that there are no conflicts of interest between accreditation bodies and conformity assessment bodies, or that potential conflicts are identified and managed;
- (f) allow conformity assessment bodies to use subcontractors to perform testing or inspections in relation to the conformity assessment, including subcontractors located in the territory of the other Party. Nothing in this point shall be construed as to prohibit a Party from requiring subcontractors to meet the same requirements that the conformity assessment body to which they are contracted would be required to meet in order to perform the contracted tests or inspection itself; and
- (g) endeavour to ensure that a list of the bodies that it has designated or authorised to perform such conformity assessment and the scope of each such body's designation or authorisation is published online.

6. Nothing in this Article shall preclude a Party from requiring a government authority of the Party to perform conformity assessment procedures in relation to specific products. In such cases, the Party shall:

- (a) limit the conformity assessment fees to the approximate cost of the services rendered; and

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<sup>1</sup> For greater certainty, point (b) of paragraph 5 does not imply that international standards are the sole basis regulators may use for accreditation and conformity assessment.

- (b) make information about the conformity assessment fees, including how they are set, publicly available.

7. Notwithstanding the provisions of paragraphs 4, 5, and 6 of this Article, a Party shall, subject to its laws and regulations, accept supplier's declarations of conformity as proof of compliance with existing technical regulations for the fields covered by Annex 8-A (Conformity assessment). If Australia requires mandatory third-party conformity assessment as an assurance that a field covered by Annex 8-A (Conformity assessment) conforms with its requirements, it shall, in accordance with the modalities specified in that Annex and its laws and regulations, accept a conformity assessment report from an appropriately accredited conformity assessment body based in the Union.

8. The Parties acknowledge the trade facilitating role of the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community and Australia, done at Canberra on 24 June 1998, and shall continue to cooperate on mutual recognition in relation to conformity assessment in accordance with that agreement. The Parties may also decide, through the Joint Committee established under Article 12 of that agreement, may decide to review and amend that agreement, as appropriate.

## ARTICLE 8.9

### Transparency

1. Each Party shall allow a period of at least 60 days after the date of notification to the WTO Central Registry of Notifications of proposed technical regulations and conformity assessment procedures for the other Party to provide written comments except, *inter alia*, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise. A Party shall give positive consideration to a reasonable request from the other Party to extend that comment period.

2. If a Party receives written comments on its proposed technical regulation or conformity assessment procedure from the other Party, it shall:

- (a) if requested by the other Party, discuss the written comments, where possible with the participation of its relevant regulatory authority, at a time when amendments can still be introduced and comments can be taken into account; and
- (b) reply in writing to the comments without undue delay.

3. Each Party shall, no later than the date of publication of a final technical regulation or conformity assessment procedure that may have a significant effect on trade, make publicly available, if feasible online, its responses to significant or substantive issues set out in the comments received on the notified proposal for the technical regulation or conformity assessment procedure.

4. Each Party shall, if requested by the other Party, provide information regarding the objectives of, and rationale for, a technical regulation or conformity assessment procedure that may have a significant effect on trade between the Parties, which the Party has adopted or is proposing to adopt.

5. Each Party shall ensure that its adopted technical regulations and conformity assessment procedures are publicly available on official websites free of charge.<sup>2</sup>

6. Each Party shall provide the date of the adoption and the date of entry into force of a technical regulation or conformity assessment procedure, and the adopted final text, through an addendum to the original notification to the WTO.

7. Each Party shall provide a reasonable interval between the publication of technical regulations and their entry into force to allow economic operators of the other Party to adapt to the requirements. For greater certainty, the term "reasonable interval" means a period of not less than six months, except when this would be ineffective in fulfilling the legitimate objectives pursued.

8. A Party shall consider a reasonable request from the other Party, received prior to the end of the comment period referred to in paragraph 1 following the notification to the WTO Central

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<sup>2</sup> This paragraph does not apply in respect of standards referenced in technical regulations or conformity assessment procedures.

Registry of Notifications, to extend the period of time between the adoption of the technical regulation and its entry into force, except where this would be ineffective in fulfilling the legitimate objectives pursued.

## ARTICLE 8.10

### Marking and labelling

1. In respect of technical regulations that include or deal exclusively with marking or labelling requirements, each Party shall, in accordance with Article 2.2 of the TBT Agreement, ensure that such technical regulations are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade. For this purpose, such technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, such as, *inter alia*, national security requirements, the prevention of deceptive practices, the protection of human health or safety, animal or plant life or health, or the environment.
2. If a Party requires mandatory marking or labelling of products, it shall:
  - (a) endeavour to minimise the requirements for marking or labelling to information that is relevant to consumers or users of the product or that indicates the product's conformity with mandatory technical requirements;
  - (b) if it requires the use of a unique identification number by economic operators, issue such a number to the economic operators of the other Party without undue delay and on a non-discriminatory basis;
  - (c) if it requires prior approval, registration or certification of the labels or markings of products, or any fee disbursements for placing on its market products that otherwise comply with its mandatory technical requirements, grant such approval, registration or certification or process such fee disbursements, without undue delay and on a non-discriminatory basis; and
  - (d) endeavour to accept:

- (i) non-permanent or detachable labels;
- (ii) marking or labelling in the accompanying documentation instead of marking or labelling attached to the product;
- (iii) as appropriate, electronic labelling, such as a QR code or similar, if the relevant link is to information on a website; and
- (iv) corrections to labelling taking place in designated areas in the country of import, subject to the country of import's laws and regulations.

3. A Party may require that information on the markings or labels be in a specified language. If an international system of nomenclature, pictograms, symbols or graphics has been accepted by the Parties, such elements may be used. The simultaneous use of additional languages shall not be prohibited, provided that the information in the additional languages does not constitute a contradictory, confusing, misleading or deceptive statement regarding the product.

## ARTICLE 8.11

### Cooperation

1. With a view to enhancing the mutual understanding of each other's regulatory and quality infrastructure systems and facilitating bilateral trade, the Parties shall, subject to available resources, explore opportunities to strengthen their cooperation on standards, technical regulations and conformity assessment. Such cooperation may include:

- (a) exchanging information regarding technical regulations, standards, conformity assessment procedures and good regulatory practices;
- (b) enhancing cooperation and dialogue on mutually agreed regulatory issues;

- (c) increasing coordination, as appropriate, in relevant regional and international bodies relating to the development and application of standards and conformity assessment procedures, and other relevant regional and international bodies; and
- (d) other areas as agreed by the Parties.

## ARTICLE 8.12

### Cooperation on market surveillance, safety, and compliance of non-food products

1. The Parties recognise the importance of cooperation on market surveillance, safety, and compliance of non-food products for facilitating trade, and for the protection of consumers and other users. The Parties also recognise the importance of building mutual trust based on shared information.
2. The Parties shall ensure the independence and impartiality of market surveillance authorities in their control or supervision of economic operators.
3. The Parties may cooperate and exchange information on market surveillance, safety, and compliance of non-food products, in particular with respect to the following:
  - (a) market surveillance and enforcement activities and measures;
  - (b) risk assessment methods and product testing;
  - (c) coordinated product recalls or other similar actions;
  - (d) scientific, technical and regulatory matters, aiming to improve non-food product safety and compliance;
  - (e) emerging issues of significant health and safety relevance;

(f) standardisation-related activities; and

(g) exchange of officials.

4. The Union may provide Australia with selected information from its Rapid Alert System for dangerous non-food products with respect to consumer products as referred to in Directive 2001/95/EC of the European Parliament and of the Council or its successor system, and Australia may provide the Union with selected information on the safety of consumer products and on preventive, restrictive and corrective measures taken with respect to consumer products.<sup>3</sup> The information exchange may take the form of:

(a) *ad hoc* exchanges, in duly justified cases, excluding personal data; or

(b) systematic exchanges.

5. Building on the existing Administrative Arrangement for Information Sharing on Consumer Policy and Protection between the Government of Australia and the European Commission, done at Brussels on 21 March 2002, the Parties may establish appropriate arrangements between their relevant agencies to facilitate exchanges of information, including by electronic means.

6. Each Party shall use the information obtained pursuant to paragraphs 3, 4 and 5 for the sole purpose of the protection of consumers, health, safety or the environment.

7. Each Party shall treat the information obtained pursuant to paragraphs 3, 4 and 5 as confidential.

8. Any arrangements shall specify the type of information to be exchanged, the modalities for the exchange and the application of confidentiality and personal data protection rules pursuant to the laws and regulations of each Party.

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<sup>3</sup> For greater certainty, for the purposes of exchanges under paragraph 4, the term "consumer products" means goods intended for, or likely to be used for personal or domestic use, excluding food, medical devices and medicinal products.

## ARTICLE 8.13

### Technical discussions and consultations

1. A Party may request a discussion on any draft or proposed technical regulation or conformity assessment procedure of the other Party, which the Party considers may significantly adversely affect trade between the Parties. The request shall be made in writing and identify:
  - (a) the draft or proposed technical regulation or conformity assessment procedure at issue;
  - (b) the provisions of this Chapter to which the concerns relate; and
  - (c) the requesting Party's concerns regarding the relevant draft or proposed technical regulation or conformity assessment procedure.
2. The requesting Party shall send its request to the contact point of the other Party.
3. At the further request of either Party, the Parties shall meet within 60 days after the date of the request to discuss the concerns raised in the request in person or by video or teleconference, and shall endeavour to resolve the matter as expeditiously as possible. If the requesting Party believes that the matter is urgent, it may request that any meeting take place within a shorter time frame. In such cases, the responding Party shall give positive consideration to such a request.
4. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point for this Chapter of the other Party. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter and

may refer it to the Committee on Trade in Goods and Technical Barriers to Trade as appropriate for that purpose.

5. For greater certainty, this Article is without prejudice to a Party's rights and obligations under Chapter 23 (Dispute settlement).

## ARTICLE 8.14

### Contact points

1. Within 90 days after the date of entry into force of this Agreement, each Party shall:
  - (a) designate a contact point responsible for facilitating communication between the Parties on matters covered by this Chapter; and
  - (b) promptly notify the other Party of the contact details of its contact point.
2. Each Party shall promptly notify the other Party of any changes to the contact details of its contact point.
3. The functions of the contact points shall be:
  - (a) coordinating engagement with the work of the Committee on Trade in Goods and Technical Barriers to Trade;
  - (b) facilitating the implementation of this Chapter, including in relation to relevant decisions of the Committee on Trade in Goods and Technical Barriers to Trade; and

(c) answering all reasonable enquiries from the other Party regarding technical regulations, standards and conformity assessment procedures and, as appropriate, providing the other Party with other relevant information.

4. The contact points shall communicate with each other by any agreed method that is appropriate for the efficient and effective discharge of their functions.

#### ARTICLE 8.15

##### Committee on Trade in Goods and Technical Barriers to Trade

1. In addition to the functions specified in Article 21.6 (Functions of the specialised committees), the Committee on Trade in Goods and Technical Barriers to Trade shall:

(a) enhance cooperation on technical regulations, standards and conformity assessment procedures; and

(b) undertake consultations on issues related to technical regulations, standards and conformity assessment procedures, including, if the Parties so decide, by establishing *ad hoc* working groups.

2. If a Party declines a request from the other Party to consult on an issue relevant to this Chapter, it shall, on request of the other Party, explain the reasons for its decision.