

2. Further to Article 6.4 of the TBT Agreement, each Party shall accord to conformity assessment bodies located in the territory of the other Party treatment no less favourable than that accorded to bodies located in its own territory or the territory of a non-Party. In order to ensure that it accords such treatment, each Party shall apply to conformity assessment bodies located in the territory of the other Party the same or equivalent procedures, criteria and other conditions that it applies where it accredits, approves, licenses or otherwise recognizes conformity assessment bodies located in its own territory.

3. Paragraph 2 does not preclude a Party from undertaking conformity assessment of specific products solely by government bodies located in its own territory or in the other Party's territory, nor from verifying the results of conformity assessment procedures undertaken by conformity assessment bodies located outside its territory.

4. If a Party undertakes a conformity assessment procedure pursuant to paragraph 3 and pursuant to Articles 5.2 and 5.4 of the TBT Agreement concerning limitation on information requirements, the protection of legitimate commercial interests, and the adequacy of review procedures, the Party shall, at the request of the other Party, explain:

- (a) why the information required is necessary to assess conformity and determine fees;
- (b) how the Party ensures that the confidentiality of the information is respected in a manner that ensures that legitimate commercial interests are protected; and
- (c) the procedure to review complaints concerning the operation of the conformity assessment procedure and to take corrective action if a complaint is justified.

5. Further to Article 5.2.5 of the TBT Agreement, each Party shall limit any conformity assessment fees imposed by the Party to the approximate cost of the services rendered to do the assessment.

6. Further to Article 9.1 of the TBT Agreement, the Parties shall:

- (a) consider adopting provisions for accreditation bodies to approve conformity assessment bodies that are signatory to an international or regional mutual recognition arrangement or agreement; and
- (b) recognize that such arrangements or agreements can address the key considerations for the approval of conformity assessment bodies, including technical competence, independence, and the avoidance of conflict of interest.