

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

Article 1

THE ASSOCIATION OF EAST ASIAN RELATIONS and THE INTERCHANGE ASSOCIATION (hereinafter referred to as "both Sides"), having regard to paragraphs 3(5) and 3(7) of the Arrangement between the Association of East Asian Relations and the Interchange Association 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 ISO/IEC 17000: 2004 Edition, "Conformity assessment - Vocabulary and general principles"

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.

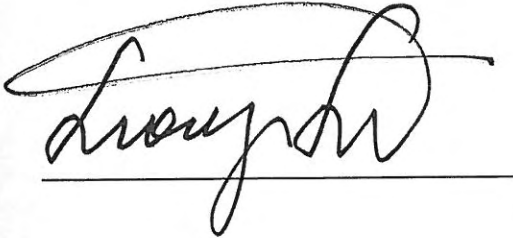
Article 10

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.

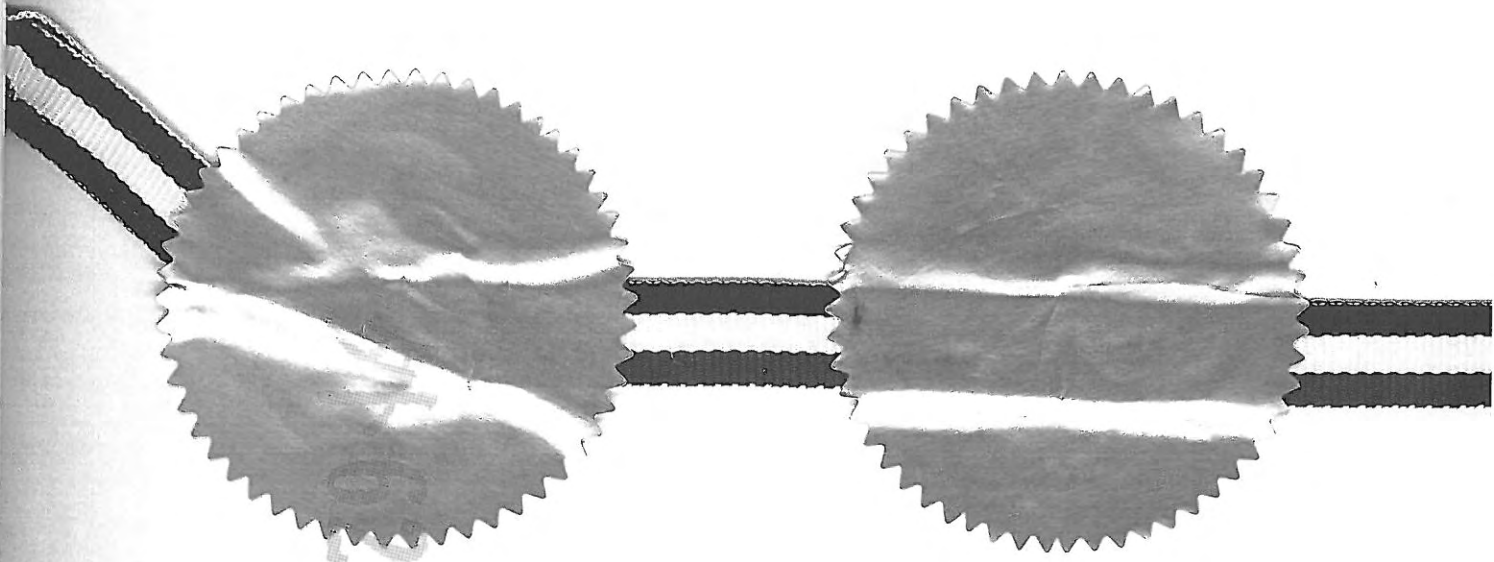
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This Arrangement has been made in the English language. In witness whereof, the representative of the Association of East Asian Relations and the representative of the Interchange Association, signed this Arrangement in Taipei, on November 29, 2012.

**FOR THE ASSOCIATION OF
EAST ASIAN RELATIONS:**



**FOR THE INTERCHANGE
ASSOCIATION:**



Annex

Part 1

Scope and Coverage

1. This Annex relates to conformity assessment procedures for all electrical and electronic products and information technology equipment, which in the area of either Side respectively are subject to conformity assessment procedures conducted by conformity assessment bodies, as set out in the laws, regulations and administrative provisions in the area of that Side specified in Section 1 of Part 2 of this Annex.
2. For the purposes of this Annex, the criteria for registration or recognition shall be consistent with the criteria for conformity assessment bodies concerned, as provided for by International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC).
3. It is understood that the term "amendment" referred to in Part 2 of this Annex includes the following cases where:
 - (a) Applicable laws, regulations and/or administrative provisions listed in Part 2 of this Annex are entirely or partially changed, whether or not their titles are changed;
 - (b) Applicable laws, regulations and/or administrative provisions listed in Part 2 of this Annex are repealed and new laws, regulations and/or administrative provisions, substituting for the previous laws, regulations and/or administrative provisions, are adopted, whether or not the previous titles are changed; and
 - (c) The whole or a relevant part of applicable laws, regulations and/or administrative provisions listed in Part 2 of this Annex are incorporated into other laws, regulations and/or administrative provisions.
4. For the purposes of this Annex:
 - (a) the term "Public Interest Incorporated Associations" and the term "Public Interest Incorporated Foundations" mean juridical persons authorized and registered as Public Interest Incorporated Associations and Public Interest Incorporated Foundations respectively according to the Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations (Act No. 49 of 2006) or the Act on the Revision of Related Acts for the Enforcement of the Act on General Incorporated Associations and General Incorporated Foundations

and the Act on the Authorization of Public-interest Incorporated Associations and Public-interest Incorporated Foundations (Act No. 50 of 2006) in Japan.

- (b) the term “General Incorporated Associations” and the term “General Incorporated Foundations” mean juridical persons registered as General Incorporated Associations and General Incorporated Foundations respectively according to the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) or the Act on the Revision of Related Acts for the Enforcement of the Act on General Incorporated Associations and General Incorporated Foundations and the Act on the Authorization of Public-interest Incorporated Associations and Public-interest Incorporated Foundations (Act No. 50 of 2006) in Japan.

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Part 2

**The Applicable Laws, Regulations and Administrative Provisions,
and Registering Authority or Recognizing Authority**

Section 1

The Applicable Laws, Regulations and Administrative Provisions
Stipulating Products

Taiwan	Japan
1 The Commodity Inspection Act and amendments thereto	1 Electrical Appliance and Material Safety Law (Law No. 234, 1961) and amendments thereto
2 Enforcement Rules of the Commodity Inspection Act and amendments thereto	2 Cabinet Order of the Electrical Appliance and Material Safety Law (Cabinet Order No. 324, 1962) and amendments thereto

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Section 2

The Applicable Laws, Regulations and Administrative Provisions Stipulating the Technical Requirements and the Conformity Assessment Procedures

Taiwan	Japan
1 The Commodity Inspection Act and amendments thereto	1 Electrical Appliance and Material Safety Law (Law No. 234, 1961) and amendments thereto
2 Enforcement Rules of the Commodity Inspection Act and amendments thereto	2 Ordinance of the Electrical Appliance and Material Safety Law (Ordinance of the Ministry of International Trade and Industry No. 84, 1962) and amendments thereto
3 Regulations Governing Registration of Product Certification and amendments thereto	3 Ordinance concerning Technical Requirements for Electrical Appliances and Materials (Ordinance of the Ministry of International Trade and Industry No. 85, 1962) and amendments thereto
4 Directions Governing Factory Inspection and amendments thereto	4 Public Announcement for the Technical Requirements pursuant to paragraph 2 of the Ordinance concerning Technical Requirements for Electrical Appliances and Materials (Ordinance of the Ministry of International Trade and Industry No. 85, 1962)(Public Announcement by the Minister of Economy, Trade and Industry, HEISEI14.03.13 SHO No. 6) and amendments thereto
5 Procedures Governing Factory Inspection and amendments thereto	5 Working Regulations for the Ordinance concerning Technical Requirements for Electrical Appliances and Materials (50 Shikobu No. 192 (1975)) and amendments thereto

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Section 3

The Applicable Laws, Regulations and Administrative Provisions Stipulating the Criteria for Registration or Recognition

Taiwan	Japan
1 Regulations Governing Commission of Commodity Inspection Operations and amendments thereto	1 Electrical Appliance and Material Safety Law (Law No. 234, 1961) and amendments thereto
2 Regulations Governing Recognition of Designated Testing Laboratory for Commodity Inspection and amendments thereto	2 Cabinet Order of the Electrical Appliance and Material Safety Law (Cabinet Order No. 324, 1962) and amendments thereto
3 Particular Criteria Governing Designated Testing Laboratories for Electromagnetic Compatibility and amendments thereto	3 Ordinance of the Electrical Appliance and Material Safety Law (Ordinance of the Ministry of International Trade and Industry No. 84, 1962) and amendments thereto
4 Particular Criteria Governing Designated Testing Laboratories for Electrical and Electronic Commodities and amendments thereto	
5 Particular Criteria Governing Designated Testing Laboratories for Information Technology Equipment and amendments thereto	
6 Particular Criteria Governing Designated Testing Laboratories for Digital Terrestrial Television Receivers and amendments thereto	
7 Directions for Recognition of Quality Management Systems Certification Bodies and amendments thereto	
8 Directions Governing Recognition of Factory	

Inspection Bodies and amendments thereto	
9 Procedures Governing Recognition of Factory Inspection Bodies and amendments thereto	

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Section 4

Registering Authority or Recognizing Authority

Taiwan	Japan
Bureau of Standards, Metrology and Inspection or an authority succeeding this bureau	Ministry of Economy, Trade and Industry or an authority succeeding this ministry

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Part 3

Details of Implementation and Operation

1. Juridical personality of the bodies in Japan which may be recognized as "commodity certification bodies" by the Recognizing Authority in Taiwan pursuant to Article 5 shall be:
 - (a) Public Interest Incorporated Associations;
 - (b) Public Interest Incorporated Foundations;
 - (c) General Incorporated Associations; and
 - (d) General Incorporated Foundations.
2. Except the provision of paragraph 1 above, no restriction on juridical personality shall be applied to the conformity assessment bodies in Japan which may be recognized by the Recognizing Authority in Taiwan pursuant to Article 5.
3. The notification from the Bureau of Standards, Metrology and Inspection to the Taipei Office of the Interchange Association concerning recognition of the testing laboratories in Japan dated April 14, 2004 shall be no longer valid on the date of entry into force of this Arrangement, and no such conditions as those in the notification above applies to any conformity assessment bodies in Japan.
4.
 - (a) Recognized testing laboratories in Japan may conduct tests outside Japan, in accordance with the applicable laws, regulations and administrative provisions in Taiwan. However, prior notification shall be made by such recognized testing laboratories in Japan to the Recognizing Authority in Taiwan.
 - (b) Registered conformity assessment bodies in Taiwan may conduct tests outside Taiwan, in accordance with the applicable laws, regulations and administrative provisions in Japan.
5. The Association of East Asian Relations recognizes the request from the Interchange Association to extend the scope of the juridical personality of the bodies in Japan which may be recognized as "commodity certification bodies" by the Recognizing Authority in Taiwan beyond that indicated in paragraph 1 above to include profit-making corporations, and shall inform the relevant authorities in Taiwan the request in order to make such extension at the earliest possible time.

6. Conformity assessment bodies in Japan shall be recognized through Article 15 of the Commodity Inspection Act of 1932, as amended by the Commodity Inspection Act of July 11, 2007, and amendments thereto, of Taiwan.

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亞東關係協會與公益財團法人交流協會
相互承認合作協議中譯本

亞東關係協會與公益財團法人交流協會 相互承認合作協議

第 1 條

亞東關係協會與公益財團法人交流協會（以下簡稱“雙方”），依據 1972 年 12 月 26 日簽訂之「亞東關係協會與財團法人交流協會互設駐外辦事處協議書」第 3 條第 5 項及第 7 項規定，應相互合作，以取得主管機關對下列第 2 條至第 10 條所涉事項之同意。

第 2 條

1. 任一方領域內之符合性評鑑機構，依照本協議之規定，應被允許參與他方領域內符合性評鑑程序之體系，且依適用之法律、法規命令及行政規則所要求符合性評鑑程序之執行結果，應被他方領域所接受。該等符合性評鑑程序明定附錄中，並包含由位於前一方領域而獲他方登錄機關或認可機關所登錄或認可之符合性評鑑機構執行之符合性證書。
2. 除第 1 項所述之符合性證書外，若任一方領域內登錄主管機關或認可主管機關之相關產品認可程序係必要時，該產品認可程序應於接到符合性證書後，於 4 個日曆天或 2 個工作天內(擇較長者)完成。

第 3 條

1. 本協議係有關附錄所包括之符合性評鑑機構登錄或認可作業，及產品或製程之符合性評鑑程序。本協議附錄包括第 1、第 2 及第 3 部分。
2. 附錄第 1 部分包括適用範圍。
3. 附錄第 2 部分載明下列事項：
 - (a) 雙方所規範本協議相關產品之適用法律、法規命令及行政規則。
 - (b) 為滿足本協議相關之要求，雙方所規範技術要求與符合性評鑑程序之適用法律、法規命令及行政規則。
 - (c) 雙方所規範關於符合性評鑑機構登錄或認可基準之適用法律、法規命令及行政規則；及
 - (d) 登錄主管機關或認可主管機關之清單。
4. 附錄之第 3 部分載明本協議所定由相關權責機關執行與運作細節。

第 4 條

1. 為本協議之目的：

(a) 「領域」係指：

(i) 對公益財團法人交流協會，為日本；及

(ii) 對亞東關係協會，為臺灣。

(b) 「符合性證書」係指已登錄或已認可之符合性評鑑機構、所出具作為符合性評鑑程序結果之文件，其敘述該等產品或製程已達到於附錄中指定雙方領域內適用法律、法規命令及行政規則所制訂之相關技術要求。

(c) 「符合性評鑑機構」係指執行符合性評鑑程序之機構。

(d) 「符合性評鑑程序」係指直接或間接判定產品或製程、是否已達到於附錄中指定任一方領域內適用法律、法規命令及行政規則所制訂之相關技術要求之程序。

(e) 「登錄或認可基準」係指於任一方領域內之符合性評鑑機構、為了被他方領域內登錄主管機關或認可主管機關所登錄或認可，而被要求達到之基準；及針對符合性評鑑機構經由他方領域內之登錄主管機關或認可主管機關所登錄或認可，而在登錄或認可後要求持續達成之其他條件，該等指定他方領域內適用法律、法規命令及行政規則之條件，亦制訂於附錄中。

(f) 「登錄主管機關或認可主管機關」係指任一方領域內業經授權登錄或認可於他方領域內之符合性評鑑機構，及依據附錄中指定前一方領域內適用法律、法規命令及行政規則予以撤銷前述登錄或認可之主管機關。

(g) 「登錄或認可」係指於任一方領域內符合性評鑑機構經由他方領域內之登錄主管機關或認可主管機關依據附錄中指定該他方領域內適用法律、法規命令及行政規則所進行之登錄或認可。

2. 除非另有定義，本協議任何名詞之涵義，應依國際標準組織(ISO)及國際電工委員會(IEC)所發行 2004 年版 ISO/IEC Guide 2: (標準化與相關活動-一般詞彙)，及 2004 年版 ISO/IEC 17000 (符合性評鑑-詞彙與一般原則)之定義。

第 5 條

1. (a) 當任一方領域內之符合性評鑑機構，依據附錄中所指定他方之適用法律、法規命令及行政規則，向他方領域內之登錄主管機關或認可主管機關提出登錄或認可資格申請，只要達到附錄中指定該他方領域內適用法律、法規命令及行政規則所制訂之登錄或認可基準，應獲登錄或認可。

- (b) 任一方領域之符合性評鑑機構，不得被要求須在他方領域內設立有住所或營業所之代理人、辦公室或子公司，以作為被他方領域內之登錄主管機關或認可主管機關執行登錄或認可之部分基準。
 - (c) 任一方領域內之符合性評鑑機構，依據附錄中所指定他方領域內適用法律、法規命令及行政規則所給予相關於符合性評鑑活動與登錄及認可基準之待遇，應不低於任何其他國家或區域內符合性評鑑機構在相似情況下所被給予之優惠待遇。
 - (d) 任一方符合性評鑑機構，依附錄所列他方適用之法律、法規命令及行政規則，對產品進行符合性評鑑活動時，他方不得限制產品之原產地或製造商之所在地。
 - (e) 若任一方領域內符合性評鑑機構不符合附錄所列他方領域內適用法律、法規命令及行政規則所定之登錄或認可基準時，他方領域內之登錄主管機關或認可主管機關得廢止該符合性評鑑機構之登錄或認可資格。
2. (a) 為確認任一方領域內之符合性評鑑機構能符合登錄或認可基準，他方領域內之登錄主管機關或認可主管機關得：
- (i) 藉由書面問卷、或於第(ii)目所述之訪查期間，向前一方領域內之符合性評鑑機構進行查詢；
 - (ii) 於前一方領域內符合性評鑑機構同意接受訪查，且該方領域內之登錄主管機關或認可主管機關未反對，及若前一方提出要求時其領域內之登錄主管機關或認可主管機關官員得參與該訪查之條件下，進行前一方領域內符合性評鑑機構之實地訪查；及
 - (iii) 若申請登錄或認可之前一方領域內符合性評鑑機構，依符合性評鑑程序之要求，前往該方領域內之法人機構實地執行符合性評鑑活動時，於前一方領域內之法人機構及符合性評鑑機構同意他方官員陪同，且前一方領域內之登錄主管機關或認可主管機關未反對，及若前一方提出要求時其領域內之登錄主管機關或認可主管機關官員得參與陪同之條件下，派遣官員以觀察員身分陪同。
- 備註：本項第(a)款第(ii)目及第(iii)目分別所述訪查與陪同之要求，應由他方向前一方提出。若前一方領域內之登錄主管機關或認可主管機關未於接到訪查或陪同要求之日起 14 日內或他方領域內登錄主管機關或認可主管機關指定期間內(擇較長者)表示反對，他方得視為未反對。
- (b) 他方領域內之登錄主管機關或認可主管機關寄送第(a)款第(i)目所述之問卷時，他方應立即與前一方聯絡。
 - (c) 第(a)款第(ii)目及第(iii)目分別所述之訪查與陪同，應以與該訪查與陪同作業所在地一方領域內法律與法規命令不牴觸之方式執行。

(d)任一方領域內之登錄主管機關或認可主管機關，於上述查詢、訪查或以觀察員身分陪同所獲得資訊之利用，僅得基於第(a)款所述之目的而為之。

3. 若任一方領域內符合性評鑑機構對依第 2 項第(a)款第(i)目所為之查詢無正當理由而未回應或回應不實，或前一方領域內之登錄主管機關或認可主管機關無正當理由而反對依第 2 項第(a)款第(ii)目所為之訪查或該符合性評鑑機構無正當理由而不同意接受依第 2 項第(a)款第(ii)目所為之訪查，或對依第 2 項第(a)款第(ii)目所為之訪查無正當理由而拒絕、妨礙或規避時，他方登錄主管機關或認可主管機關得廢止該符合性評鑑機構之登錄或認可資格。

第 6 條

1. 為有效執行與運作本協議，雙方應成立一相互承認聯合委員會（以下簡稱“委員會”）。
2. 委員會之功能應為：
 - (a) 進行標準與符合性評鑑程序之資訊交換，以及透過聯絡窗口、提供資訊予任一方之登錄主管機關或認可主管機關；
 - (b) 檢視本協議之執行與運作；
 - (c) 審視本協議後續增加其他產品或製程相互承認作業進行諮商之可能性；
 - (d) 研商與本協議有關之任何議題，包含如何有效執行及運作本協議，以提升雙方於標準與符合性評鑑程序之合作管道。
 - (e) 作成執行與運作本協議之相關決定及建議；及
 - (f) 必要時，要求任一方領域內之登錄主管機關及認可主管機關，進行關於前述決定及建議之合作。
3. 委員會應：
 - (a) 由雙方代表所組成。
 - (b) 決定其規則與程序；及
 - (c) 以共識決作成決定及採用建議。
4. 在雙方同意下，委員會得就研商議題邀請相關機構具備必要專業之代表，並與企業部門舉行聯合會議。

第 7 條

1. 咸瞭解本協議不得被解釋為要求任何一方洽相關主管機關接受或採行他方領域內之標準及符合性評鑑程序。
2. 已認知雙方領域內有關資訊技術設備電磁相容規定制度之不同，雙方將考量進一步促進資訊技術設備電磁相容之符合性評鑑結果相互接受。

第 8 條

1. 提供予任一方或該方領域內登錄主管機關或認可主管機關之機密性資訊，應依該方領域內之相關法律及法規命令予以保密，且於可能侵害提供該等資訊之人或機構之競爭地位時，應避免公開該資訊。
2. 經由本協議之合作所獲得之資訊，不得被任一方或該方領域內登錄主管機關或認可主管機關使用於由法院或法官所執行之任何刑事案件程序中。

第 9 條

1. 若為了符合附錄所列相關法律、法規命令及行政規則所定之技術要求，於相同產品範圍有新增之符合性評鑑程序，則附錄之第 2 部分應於雙方同意下予以修正，以列出規範該新增符合性評鑑程序之適用法律、法規命令及行政規則。
2. 當附錄之第 2 部分所列任一方領域內之法律、法規命令及行政規則所涵蓋之產品範圍及/或標準有變更時，則該等變更應自動適用於本協議。

第 10 條

1. 本協議於雙方通知彼此各自程序已完成時之日起生效。
2. 本協議之附錄為本協議之一部分。
3. 任一方得於任何時間向他方提出諮商請求，以修正本協議。
4. 任一方得提前一年以書面通知他方，終止本協議。
5. 本協議終止後，除非登錄主管機關或認可主管機關基於健康、安全及環境保護之考量而另有決定外，任一方領域內經他方領域登錄主管機關或認可主管機關所登錄或認可之符合性評鑑機構，於終止前所執行之符合性評鑑程序結果，於他方領域內應持續被接受。

本協議係以英文作成。由亞東關係協會代表及交流協會代表於【時間】在【地點】簽署本協議，以昭信守。

亞東關係協會

公益財團法人交流協會

附錄

第 1 部分 適用範圍

1. 本附錄係有關所有電機與電子類產品及資訊技術設備之符合評鑑程序，而該等產品於雙方個別領域內、均須由符合性評鑑機構依據本附錄之第 2 部分，第 1 節所述該方領域內之法律、法規命令及行政規則，執行符合性評鑑程序。
2. 為本附錄之目的，登錄或認可之基準應與國際標準組織(ISO)及國際電工委員會(IEC)所提供相關符合性評鑑機構之基準一致。
3. 咸瞭解本附錄之第 2 部分所引述之「修正」係包含下列情形：
 - (a) 無論標題有無變更，本附錄之第 2 部分所列適用法律、法規命令及/或行政規則全部或部分之變更；
 - (b) 無論標題有無變更，本附錄之第 2 部分所列適用法律、法規命令及/或行政規則經廢止，及取代前述法律、法規命令及/或行政規則之新法律、法規命令及/或行政規則經採行；及
 - (c) 本附錄之第 2 部分所列法律、法規命令及/或行政規則之全部或一部包含於其他法律、法規命令及/或行政規則。
4. 為本附錄之目的：
 - (a) 「公益社團法人」及「公益財團法人」係指法律上分別依據日本「公益社團法人及公益財團法人授權法案」（2006 年第 49 號法案）或該法案之後續修正，以及針對一般社團法人及一般財團法人授權法案之執行細則相關法案，及公益社團法人及公益財團法人相關法案（2006 年第 50 號法案）所授權及登錄，作為公益社團法人與公益財團法人之法人。
 - (b) 「一般社團法人」及「一般財團法人」係指法律上分別依據日本「一般社團法人及一般財團法人法案」（2006 年第 48 號法案）或該法案之後續修正，以及針對一般社團法人及一般財團法人授權法案之執行細則相關法案，及公益社團法人及公益財團法人相關法案（2006 年第 50 號法案）所授權及登錄，作為一般社團法人及一般財團法人之法人。

第 2 部分 適用法律、法規命令及行政規則，以及登錄主管機關或認可主管機關

第 1 節 規範產品適用之法律、法規命令及行政規則

臺灣	日本
1 商品檢驗法，及後續修正。 2 商品檢驗法施行細則，及後續修正。	1 電氣用品暨材料安全法(1961 年法律編號 234, 1961)，及後續修正。 2 電氣用品暨材料安全法之國會命令(1962 年國會命令編號 324)，及後續修正。

第 2 節 規範技術要求與符合性評鑑程序所適用之法律、法規命令及行政規則

臺灣	日本
<ol style="list-style-type: none"> 1 商品檢驗法，及後續修正。 2 商品檢驗法施行細則，及後續修正。 3 商品驗證登錄辦法，及後續修正。 4 工廠檢查作業要點，及後續修正。 5 工廠檢查作業程序，及後續修正。 	<ol style="list-style-type: none"> 1 電氣用品暨材料安全法(1961 年法律編號 234, 1961) ，及後續修正。 2 電氣用品暨材料安全法之條例(1962 年國際貿易與產業省條例編號 84) ，及後續修正。 3 有關電氣用品暨材料技術規定之條例(1962 年國際貿易與產業省條例編號 85) ，及後續修正。 4. 依據有關電氣用品暨材料技術規定之條例(1962 年國際貿易與產業省條例編號 85) (經濟貿易產業省公告，HEISEI14.03.13 SHO No. 6)第 2 段之技術規定公告，及後續修正。 5. 有關電氣用品暨材料技術規定之條例的作業法規(50 Shikobu No. 192 (1975)) ，及後續修正。

第 3 節 規範登錄或認可基準所適用之法律、法規命令及行政規則

臺灣	日本
1 商品驗證登錄辦法，及後續修正。	1 電氣用品暨材料安全法(1961 年法律編號 234, 1961)，及後續修正。
2 商品檢驗指定試驗室認可管理辦法，及後續修正。	2 電氣用品暨材料安全法之國會命令(1962 年國會命令編號 324)，及後續修正。
3 電磁相容指定試驗室特定規範，及後續修正。	3 電氣用品暨材料安全法之條例(1962 年國際貿易與產業省條例編號 84)，及後續修正。
4 電機電子類商品指定試驗室特定規範，及後續修正。	
5 資訊類商品指定試驗室特定規範，及後續修正。	
6 地面數位電視接收機指定試驗室特定規範，及後續修正。	
7 品質管理驗證機構認可作業要點，及後續修正。	
8 工廠檢查機構認可作業要點，及後續修正。	
9 工廠檢查機構認可作業程序，及後續修正。	

第 4 節 登錄主管機關或認可主管機關

臺灣	日本
標準檢驗局，或其繼受之權責機關。	經濟貿易產業省，或其繼受之權責機關。

第 3 部分 執行與運作細節

1. 臺灣認可主管機關依據第 5 條得予認可成爲「商品驗證機構」之日本機構法人資格，爲：
 - (a) 公益社團法人；
 - (b) 公益財團法人；
 - (c) 一般社團法人；及
 - (d) 一般財團法人。
2. 除第 1 條規定外，對臺灣認可主管機關依據本協議第 5 條得予認可之日本符合性評鑑機構，其法人資格不予限制。
3. 標準檢驗局於 2004 年 4 月 14 日致日本交流協會臺北事務所有關日本測試實驗室認可條件之通知，應自本協議生效之日起不再適用，且不得有類似該通知所列之條件適用於日本之任何符合性評鑑機構。
4. (a) 日本境內之被認可檢測實驗室得依據臺灣之適用法律、法規命令及行政規則，在日本以外地區執行試驗；惟該日本境內之被認可檢測實驗室應於之前通知臺灣認可主管機關。

(b) 臺灣境內經登錄之符合性評鑑機構得依據日本之適用法律、法規命令及行政規則，在臺灣以外地區執行試驗。
5. 亞東關係協會瞭解公益財團法人交流協會有關日本機構得被臺灣認可主管機關予以認可成爲「商品驗證機構」之法人資格，從第 1 條之條件擴大至營利法人之要求，並將前述要求通知臺灣相關主管機關，以儘早完成此項擴大作業。
6. 日本之符合性評鑑機構應透過 1932 年制定、並於 2007 年 7 月 11 日修正公布及後續修正之臺灣商品檢驗法第 15 條予以認可。