MEMORANDUM OF UNDERSTANDING CONCERNING COOPERATION ON STANDARDS AND CONFORMANCE

BETWEEN

THE GOVERNMENTS OF BRUNEI DARUSSALAM, THE REPUBLIC OF INDONESIA, MALAYSIA, THE REPUBLIC OF THE PHILIPPINES, THE REPUBLIC OF SINGAPORE, THE KINGDOM OF THAILAND AND THE SOCIALIST REPUBLIC OF VIETNAM AS MEMBER STATES OF THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)

AND

THE GOVERNMENTS OF AUSTRALIA AND NEW ZEALAND AS PARTIES TO THE AUSTRALIA-NEW ZEALAND CLOSER ECONOMIC RELATIONS (CER) TRADE AGREEMENT

The member states of ASEAN as one "Party" forming the ASEAN Free Trade Area (AFTA), and the parties to the CER Trade Agreement as the other "Party" (hereinafter referred to collectively as the " Parties");

CONSIDERING the traditional links of friendship that exist between the members of ASEAN and Australia and New Zealand;

CONSIDERING their shared commitment in ensuring the economic well-being, health and safety of their citizens;

DESIRING to enhance, through trade facilitation activities, trade and investment liberalization and to intensify the economic partnership;

RECOGNIZING the contribution of standards and conformance to trade, and economic and social development;

ACKNOWLEDGING the experience, expertise and cooperation which already exists within regional groupings of infrastructure bodies and the value of an on-going and constructive relationship between these groupings;

ACKNOWLEDGING the benefits of mutual recognition arrangements of regional groupings of infrastructure bodies to trade;

ACKNOWLEDGING the important role played by infrastructure bodies in the development of international linkages and promotion of freer trade both within the AFTA-CER region and between the region and other economies;

ACKNOWLEDGING the different stages of experience in the infrastructure development and the different infrastructure capacities of the ASEAN member states and the CER countries;

RECOGNIZING the mutual interest and benefits of strengthening technical cooperation; and

BEARING in mind their status (except Vietnam) as Contracting Parties to the Agreement establishing the World Trade Organization;

HAVE reached an understanding on the following:

ARTICLE 1
GENERAL PROVISIONS

This Memorandum of Understanding embodies the understanding of the Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam and the Governments of Australia and New Zealand and is an expression of the intent of the Parties to work together in their mutual interest.

The Parties will use their best endeavours to achieve the objectives set out in Article 2 of this Memorandum using the standards and conformance infrastructure bodies established or which may be established, in the AFTA-CER region (the Bodies).

This Memorandum of Understanding will not be legally binding under international law or under the domestic laws of the Parties.

ARTICLE 2
OBJECTIVES

The principal objectives of this Memorandum are:

a) to encourage collaboration in programs that may, from time to time, be arranged between the Bodies that support the development of standards and conformance systems that facilitate trade; and

b) to encourage and promote cooperation on standards and conformance including :

(I). measurement standards;
(II). legal metrology;
(III). documentary standards development;
(IV). accreditation of testing and inspection bodies;
(V). accreditation of certification bodies; and
(VI). any other areas that may be mutually determined by the Parties.

ARTICLE 3
IMPLEMENTING BODIES

The Parties will implement the objectives set out in Article 2 of this Memorandum through the Bodies. The Bodies will use their best endeavours to achieve these objectives.

ARTICLE 4
SUBSIDIARY ARRANGEMENTS

The Parties or the Bodies may negotiate subsidiary arrangements in support of the objectives set out in Article 2 of this Memorandum. Subsidiary arrangements will make specific reference to this Memorandum and will be read subject to the provisions contained herein.

ARTICLE 5
IDENTIFICATION OF COOPERATION PROGRAMS

Specific programs for cooperation in the areas of standards and conformance will be identified and jointly determined by the Parties and the Bodies following appropriate consultation with domestic industry representatives and in accordance with criteria to be developed and determined by the Parties.

ARTICLE 6
IMPLEMENTATION

Each Party to this Memorandum will be responsible for the costs of its participation in activities implementing this Memorandum.

Activities will be implemented in accordance with the laws and regulations of the country in which they are being carried out and in accordance with each country's membership in international infrastructure bodies.

ARTICLE 7
EXCHANGE OF INFORMATION

The Parties will exchange information on specific matters identified in the subsidiary arrangements made pursuant to this Memorandum.

ARTICLE 8
INTELLECTUAL PROPERTY

Cooperative activities that are carried out pursuant to this Memorandum will respect the intellectual property rights of the Bodies or their constituents.

ARTICLE 9
REVIEW

To ensure that this Memorandum operates in a satisfactory manner, this Memorandum will be reviewed, in terms of facilitating trade, economic and social development, reducing or eliminating technical barriers to trade and fostering cooperation on standards and conformance between the Parties. The Parties or the Bodies may hold further consultations as may be necessary from time to time.

ARTICLE 10
EXTENSION OF THE MEMORANDUM

This Memorandum may be extended to include additional signatories according to procedures to be mutually determined by the Parties.

ARTICLE 11
COMMENCEMENT AND DURATION

This Memorandum will take effect from the date on which it is signed by the Parties.

This Memorandum may be terminated by either Party giving six months written notice to the other Party.

These Parties have signed this Memorandum on this 13th day of September of 1996;

DONE at Jakarta, Indonesia in a single copy in the English Language.

for the Government of Brunei Darussalam

ABDUL RAHMAN TAIB
Minister of Industry and Primary Resources

for the Government of the Republic of Indonesia

TUNGKY ARIWIBOWO
Minister of Industry and Trade

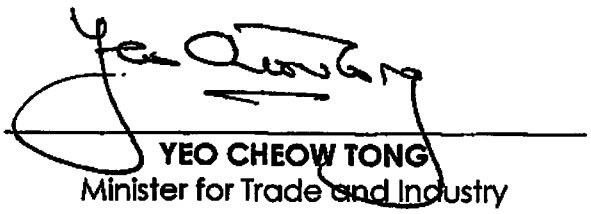
for the Government of Malaysia

RAFIDAH AZIZ
Minister of International Trade and Industry

for the Government of the Republic of the Philippines

CESAR BAUTISTA
Secretary of Trade and Industry

For the Government of the Republic of Singapore



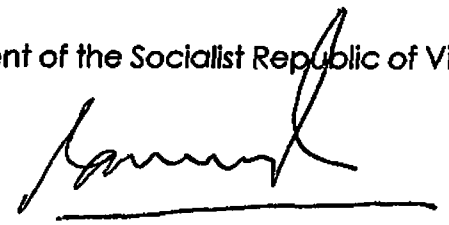
YEO CHEOW TONG
Minister for Trade and Industry

for the Government of the Kingdom of Thailand



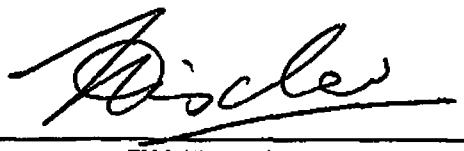
AMNUAY VIRAVAN
Deputy Prime Minister

for the Government of the Socialist Republic of Vietnam



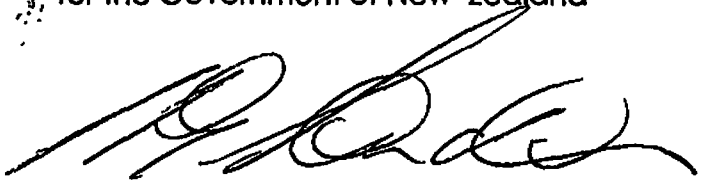
LE VAN TRIET
Minister of Trade

for the Government of Australia



TIM FISCHER
Deputy Prime Minister and Minister for Trade

for the Government of New Zealand



PHILIP BURDON
Minister for Trade Negotiations