TRADE

Conformity Assessment Procedures

Agreement between the
UNITED STATES OF AMERICA
and JAPAN

Signed at Washington February 16, 2007

with

Annex
NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“. . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”
JAPAN

Trade: Conformity Assessment Procedures

AGREEMENT
ON MUTUAL RECOGNITION OF RESULTS OF
CONFORMITY ASSESSMENT PROCEDURES BETWEEN
THE UNITED STATES OF AMERICA AND JAPAN

The UNITED STATES OF AMERICA and JAPAN (hereinafter referred to as “the Parties”);

CONSIDERING the traditional friendly relations that exist between the Parties;

RECOGNIZING that mutual recognition of the results of conformity assessment procedures is an important means of enhancing market access between and economic activity in the respective territories of the Parties;

RECOGNIZING that such mutual recognition requires each Party to have confidence in reliability of conformity assessment procedures of the other Party;

BEARING IN MIND the obligations of the Parties as Members of the World Trade Organization (hereinafter referred to as the “WTO”), and being conscious, inter alia, of their obligations under the Agreement on Technical Barriers to Trade included in Annex 1A (hereinafter referred to as the “Agreement on Technical Barriers to Trade”), and the Agreement on Trade-Related Aspects of Intellectual Property Rights included in Annex 1C (hereinafter referred to as the “Agreement on Trade-Related Aspects of Intellectual Property Rights”), of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the “WTO Agreement”); and

RECOGNIZING that an agreement providing for mutual recognition of the results of conformity assessment procedures is of particular interest to suppliers of equipment;

HAVE AGREED AS FOLLOWS:

ARTICLE 1— PURPOSE OF THE AGREEMENT

This Agreement establishes procedures for the acceptance by a Party of the results of conformity assessment procedures conducted by conformity assessment bodies located in the territory of the other Party for equipment within the scope of this Agreement, with the objective of facilitating economic activity related to such equipment in and between the territories of the Parties.

ARTICLE 2— DEFINITIONS

1. For the purposes of this Agreement:

(a) the term “conformity assessment procedure” means a procedure to determine whether equipment or a process complies with the Technical Regulations of a Party;

(b) the term “conformity assessment body” means a body that conducts conformity assessment procedures;

(c) the term “Technical Regulations” means relevant laws, regulations, and administrative provisions of a Party set out in Section I of the Annex pertaining to technical requirements for equipment, conformity assessment procedures, and the criteria for designation;

(d) the term “Designating Authority” means an authority of a Party identified in Section II of the Annex with the power to designate, monitor, withdraw the designation of, suspend the
designation of, and remove the suspension of the designation of conformity assessment bodies located in the territory of that Party;

(e) the term “designation” means the designation of a conformity assessment body in accordance with Article 5 and the procedures set out in Section III of the Annex;

(f) the term “criteria for designation” means the criteria with which conformity assessment bodies located in the territory of a Party must comply in order to obtain and maintain designation by the Designating Authority of that Party, and that are set out in the Technical Regulations of the other Party and the relevant ISO/IEC Guide and Standard set out in Section III of the Annex;

(g) the term “designated conformity assessment body” means a conformity assessment body located in the territory of a Party designated by the Designating Authority of that Party in accordance with Article 5 and the procedures set out in Section III of the Annex;

(h) the term “Regulatory Authority” means an authority of a Party identified in Section IV of the Annex with the power to regulate the equipment within the scope of this Agreement with respect to compliance with the Technical Regulations of that Party;

(i) the term “registration” means the registration of a conformity assessment body in accordance with the procedures set out in Article 6;

(j) the term “registered conformity assessment body” means a conformity assessment body registered in accordance with the procedures set out in Article 6;

(k) the term “results of conformity assessment procedures” means a determination, reached through conducting conformity assessment procedures, of whether equipment or a process complies with the Technical Regulations of a Party and includes certificates and marks of conformity reflecting an affirmative determination; and

(l) the term “days” means calendar days.

2. All terms used in this Agreement that are not defined in paragraph 1 have the meaning assigned to them in the ISO/IEC Standard set out in Section V of the Annex.

ARTICLE 3 — GENERAL PROVISIONS

1. This Agreement applies to conformity assessment procedures for the telecommunications terminal equipment and radio equipment covered by Section VI of the Annex and for processes associated with that equipment. This Agreement applies regardless of the location of the supplier or the country of origin of the equipment, including where the country of origin of the equipment is other than the United States or Japan.

2. Each Party shall accept, in accordance with this Agreement, the results of conformity assessment procedures that a registered conformity assessment body located in the territory of the other Party conducts for equipment within the scope of this Agreement that determine that the equipment or a process associated with that equipment complies with the Technical Regulations of the Party.

3. The results of conformity assessment procedures referred to in paragraph 1 may be based on tests conducted by a laboratory regardless of its location, including where the laboratory is located in a country other than the United States or Japan.

4. The Annex is an integral part of this Agreement and sets out the following:
(a) Technical Regulations of each Party;
(b) The Designating Authority of each Party;
(c) Procedures of each Party for designating conformity assessment bodies;
(d) The Regulatory Authority of each Party;
(e) The ISO/IEC Standard for terms not defined in this Agreement;
(f) The equipment within the scope of this Agreement for each Party;
(g) Information for registration of conformity assessment bodies; and
(h) Co-chairs of the Joint Committee.

5. Each Party shall:
(a) make publicly available its Technical Regulations and any amendments it makes thereto;
(b) make publicly available a list of registered conformity assessment bodies;
(c) notify the other Party and provide corrected information on registered conformity assessment bodies, if the information the Party has provided in a proposal to register the conformity assessment body becomes inaccurate and the inaccuracy could affect the operation of this Agreement; and
(d) notify the other Party if it names a Designating Authority or Regulatory Authority other than the authority identified in Section II and IV of the Annex, respectively.

6. Each Party shall respond to inquiries from the other Party regarding:
(a) conformity assessment procedures within the scope of this Agreement and Technical Regulations of the Party, including inquiries concerning the specific article, annex, section, or part, of the Technical Regulations of the Party that is applicable to such conformity assessment procedures;
(b) implementation of this Agreement; and
(c) any proposed change in its Technical Regulations before it takes effect.

7. Each Party recognizes that cooperation with conformity assessment bodies is essential to ensuring that conformity assessment bodies located in a territory of a Party understand and comply with the criteria for designation, including the Technical Regulations of the other Party, and to that end, should encourage training sessions and other exchanges of information with conformity assessment bodies as a means to enhance their ability to benefit from this Agreement.

8. Each Party should also encourage conformity assessment bodies located in its territory to include conformity assessment bodies located in the territory of the other Party in activities organized to promote understanding of the Technical Regulations of the Party.
ARTICLE 4 — DESIGNATING AUTHORITY

1. Each Party shall ensure that its Designating Authority identified in Section II of the Annex has the necessary power to designate, monitor, conduct verification of, withdraw the designation of, suspend the designation of, and remove the suspension of the designation of, the conformity assessment bodies in its territory.

2. If a Party appoints one or more bodies to evaluate conformity assessment bodies, such appointment shall not affect the obligations of the Designating Authority set out in this Agreement.

ARTICLE 5 — DESIGNATION

1. The Designating Authority of each Party shall apply the procedures set out in Section III of the Annex in determining whether to designate conformity assessment bodies in its territory for purposes of this Agreement.

2. Each Party shall ensure, through appropriate means such as audits, inspections, or monitoring, that registered conformity assessment bodies in its territory comply with the criteria for designation.

3. Each Party shall, on the request of the other Party, provide information to the other Party on methods the Party uses to designate conformity assessment bodies.

ARTICLE 6 — REGISTRATION

1. The following procedures shall apply to the registration of a conformity assessment body:

   (a) If a Party seeks to register a designated conformity assessment body under this Agreement, the Party shall submit a proposal to the other Party and the Joint Committee. The proposal shall be in writing and include (i) a proposed text of a Joint Committee decision to register the conformity assessment body signed by the proposing Party’s co-chair of the Joint Committee and (ii) the information for registration of the conformity assessment body identified in Section VII of the Annex.

   (b) The Party receiving the proposal shall evaluate whether the conformity assessment body complies with the criteria for designation. If the Regulatory Authority of the receiving Party requires additional information to evaluate the conformity assessment body’s compliance with the criteria for designation, it may request the information from the proposing Party through the Designating Authority of the proposing Party. A request for additional information under this subparagraph shall suspend the 30-day period referred to in subparagraph (c) until the date on which the receiving Party receives the information.

   (c) Within 30 days after the date on which it receives a proposal referred to in subparagraph (a), the receiving Party shall notify the proposing Party and the co-chairs of the Joint Committee in writing whether it accepts or rejects the proposal, in accordance with subparagraph (d) or (e), based on its evaluation of whether the conformity assessment body complies with the criteria for designation.

   (d) If the receiving Party accepts the proposal, that Party’s co-chair of the Joint Committee shall sign the proposed text of the Joint Committee decision, which
shall then constitute a decision of the Joint Committee registering the conformity assessment body. The receiving Party shall include a copy of the decision in its notification under subparagraph (c). The registration of the conformity assessment body shall take effect on the date on which the receiving Party's co-chair of the Joint Committee signs the decision.

(e) If the receiving Party does not accept the proposal,

(i) the receiving Party shall include in its notification under subparagraph (c) the reasons therefor, and

(ii) at the request of either Party, the Joint Committee shall discuss the matter within 60 days after it receives notification under subparagraph (c). The Joint Committee may request the proposing Party to verify whether the conformity assessment body complies with the criteria for designation. Paragraphs 2 and 3 of Article 9 shall apply mutatis mutandis to a verification requested pursuant to this paragraph.

2. The receiving Party shall accept the results of conformity assessment procedures conducted by a registered conformity assessment body located in the territory of the other Party from the date of a decision of the Joint Committee registering the conformity assessment body under paragraph 1(d).

ARTICLE 7 — WITHDRAWAL AND SUSPENSION OF DESIGNATION AND TERMINATION AND SUSPENSION OF REGISTRATION

1. Each Party shall ensure that its Designating Authority withdraws its designation of a registered conformity assessment body when the Designating Authority determines that the conformity assessment body no longer complies with the criteria for designation.

2. If a Designating Authority of a Party withdraws its designation of a registered conformity assessment body, the Party shall immediately notify the other Party and the co-chairs of the Joint Committee. A notification under this paragraph shall be considered to be a decision of the Joint Committee to terminate the registration of the conformity assessment body, unless the Joint Committee decides otherwise. The termination shall take effect on the date on which the other Party's co-chair of the Joint Committee receives the notification. The other Party shall accept the results of conformity assessment procedures conducted by the conformity assessment body before the date on which the Designating Authority of the Party withdrew the designation of the conformity assessment body.

3. If a Designating Authority of a Party suspends its designation of a registered conformity assessment body, the Party shall immediately notify the other Party and the co-chairs of the Joint Committee. A notification under this paragraph shall be considered to be a decision of the Joint Committee to suspend the registration of the conformity assessment body. The suspension of registration shall take effect on the date on which the other Party's co-chair of the Joint Committee receives the notification under this paragraph. The other Party shall accept the results of conformity assessment procedures conducted by the conformity assessment body before the date on which the Designating Authority of the Party suspended the designation of the conformity assessment body.

4. If a Designating Authority of a Party removes its suspension of the designation of a registered conformity assessment body, the Party shall immediately notify the other Party and the co-chairs of the Joint Committee. A notification under this paragraph shall be considered to be a decision of the Joint Committee to remove the suspension of registration of the conformity assessment body. The removal of the suspension of registration shall take effect
on the date on which the other Party's co-chair of the Joint Committee receives notification under this paragraph. The other Party shall accept the results of conformity assessment procedures conducted by the conformity assessment body from the date of the removal of the suspension of registration.

ARTICLE 8 – CONTESTATION

1. If a Party considers that a registered conformity assessment body located in the territory of the other Party does not comply with the criteria for designation, the Party may notify the other Party and the co-chairs of the Joint Committee that it contests the conformity assessment body's compliance with the criteria for designation. The notification shall be in writing and include the reasons for the contestation. The Joint Committee shall discuss the matter within 60 days after the date on which the Party makes the notification.

2. Thirty days after the date on which the Joint Committee receives a notification under paragraph 1, the notification shall be considered to be a decision of the Joint Committee to suspend the registration of the conformity assessment body, unless the Joint Committee decides otherwise within the 30 days. The contesting Party shall accept the results of conformity assessment procedures conducted by the conformity assessment body before the date of the suspension.

3. The registration of the conformity assessment body shall remain suspended until the contesting Party withdraws the contest or the Joint Committee decides to remove the suspension of the registration of the conformity assessment body, whichever occurs first. The contesting Party may withdraw the contest by notifying the other Party and the co-chairs of the Joint Committee. A notification under this paragraph shall be considered to be a decision of the Joint Committee to remove the suspension. The contesting Party shall accept the results of conformity assessment procedures conducted by the conformity assessment body from the date of the removal of the suspension.

ARTICLE 9 – VERIFICATION

1. The Joint Committee may request a Party to verify whether a registered conformity assessment body located in the territory of that Party complies with the criteria for designation. The request shall be in writing and include the reasons for the request.

2. The requested Party shall conduct the verification in a timely manner. One or more representatives of the Regulatory Authority of the other Party may, as appropriate, participate as an observer in the verification, provided that, prior to the start of the verification, the conformity assessment body agrees to such participation.

3. The requested Party shall promptly notify the other Party and the co-chairs of the Joint Committee of the results of the verification.

ARTICLE 10 – JOINT COMMITTEE

1. The Parties hereby establish a Joint Committee composed of one or more representatives of each Party. The Joint Committee shall be co-chaired by a representative of each Party as set out in Section VIII of the Annex.

2. The Joint Committee shall have the authority to take decisions concerning:
(a) registration, suspension of registration, removal of suspension of registration, and termination of registration of conformity assessment bodies as provided in Articles 6, 7, and 8; and

(b) requests for verification as provided in Articles 6 and 9.

3. The Joint Committee shall adopt rules of procedure.

4. The Joint Committee shall convene at the request of either Party.

5. The Joint Committee shall take decisions by agreement of the co-chairs of the Joint Committee or as provided in this Agreement. All decisions of the Joint Committee shall be in writing.

6. The Joint Committee may consider any matter related to the operation of this Agreement.

7. The Joint Committee shall confirm that each Party makes publicly available a list of conformity assessment bodies that are registered under this Agreement.

8. The Joint Committee shall establish appropriate means, including relevant contact points, for the Parties to exchange the information and respond to inquiries referred to in paragraphs 5 and 6 of Article 3 and paragraph 3 of Article 5.

9. A Party may bring any question or concern it may have regarding the interpretation or application of this Agreement to the Joint Committee, which shall seek to answer the question or resolve the concern in a manner that is acceptable to the Parties.

ARTICLE 11—REGULATORY AUTHORITY
The Regulatory Authority of a Party may request a registered conformity assessment body located in the territory of the other Party to answer questions or provide information concerning the results of conformity assessment procedures the conformity assessment body has conducted. Responses by registered conformity assessment bodies to such requests shall be voluntary. The Parties recognize that responses to such requests shall not affect the power of the Designating Authority of the other Party. The Regulatory Authority of a Party shall notify the Designating Authority of the other Party regarding requests made to the conformity assessment body under this Article.

ARTICLE 12—CONFIDENTIALITY
Each Party shall maintain, in accordance with its laws and regulations, the confidentiality of any information provided to it as confidential in connection with the operation of this Agreement and the disclosure of which would prejudice the legitimate commercial interests of particular enterprises, public or private.

ARTICLE 13—HEADINGS
The headings of the Articles of this Agreement are included for convenience of reference only and shall not affect the interpretation of this Agreement.
ARTICLE 14 — MISCELLANEOUS PROVISIONS

1. Nothing in this Agreement shall require either Party to accept standards or technical regulations of the other Party.

2. Nothing in this Agreement shall be construed to limit the authority of a Party to:
   (a) determine the level of protection it considers appropriate with regard to health or safety, including the safety and effectiveness of medical devices and radiological health, the environment, or misleading or deceptive practices;
   (b) take such measures as it considers necessary to protect health or safety, including with regard to the safety and effectiveness of medical devices and radiological health, or the environment or to prevent misleading or deceptive practices; or
   (c) take all other appropriate measures whenever it ascertains that particular equipment does not meet its Technical Regulations or other laws, regulations, or administrative provisions or policies governing such equipment.

3. Nothing in this Agreement shall be construed to affect the rights or obligations of either Party under the WTO Agreement, including the Agreement on Technical Barriers to Trade or the Agreement on Trade-Related Aspects of Intellectual Property Rights.

ARTICLE 15 — ENTRY INTO FORCE

This Agreement shall enter into force on the first day of the second month following the date on which the Parties exchange diplomatic notes informing each other that they have completed their respective internal procedures necessary for the entry into force of this Agreement.

ARTICLE 16 — AMENDMENTS

1. This Agreement may be amended by agreement between the Parties. The Parties may amend Section I, II, IV, V, or VIII of the Annex by agreement between the Government of the United States and the Government of Japan through an exchange of diplomatic notes.

2. If there is any change in the laws or regulations of a Party that renders any of the information set out in Section I, II, IV, or VIII of the Annex no longer accurate or complete, the Party shall initiate, in a timely manner, an exchange of diplomatic notes between the Government of the United States and the Government of Japan in accordance with paragraph 1 to revise the relevant Section.
ARTICLE 17 – TERMINATION

Either Party may notify the other Party in writing of its intention to terminate this Agreement. If a Party gives such notice, this Agreement shall terminate 180 days after the date on which the other Party receives the notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

Done in duplicate at Washington, this sixteenth day of February, 2007 in the English and Japanese languages, both texts being equally authentic.

For the United States of America:

[Signature]

For Japan:

[Signature]
ANNEX

Section I: Technical Regulations

<table>
<thead>
<tr>
<th>UNITED STATES</th>
<th>JAPAN</th>
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<tbody>
<tr>
<td>1. Communications Act of 1934, as amended by the Telecommunication Act of 1996 (Title 47 of the United States Code) and amendments thereto;</td>
<td>1. Telecommunications Business Law (Law No.86, 1984) and amendments thereto;</td>
</tr>
<tr>
<td>2. Title 47 of the Code of Federal Regulations (hereinafter referred to as &quot;47 CFR&quot;) as follows and amendments thereto:</td>
<td>2. Ordinance concerning Terminal Facilities etc. (Ordinance of the Ministry of Posts and Telecommunications No.31, 1985) and amendments thereto;</td>
</tr>
<tr>
<td>Part 2 Frequency Allocations and Radio Treaty Matters; General Rules and Regulations</td>
<td>3. Ordinance concerning Technical Conditions Compliance Approval etc. for Terminal Equipment (Ordinance of the Ministry of Internal Affairs and Communications No.15, 2004) and amendments thereto;</td>
</tr>
<tr>
<td>Part 11 Emergency Alert System (EAS)</td>
<td>4. Radio Law (Law No.131, 1950) and amendments thereto;</td>
</tr>
<tr>
<td>Part 15 Radio Frequency Devices</td>
<td>5. Ordinance Regulating Radio Equipment (Radio Regulatory Commission Regulations No.18, 1950) and amendments thereto; and</td>
</tr>
<tr>
<td>Part 18 Industrial, Scientific, and Medical Equipment</td>
<td>6. Ordinance concerning Technical Regulations Conformity Certification etc. of Specified Radio Equipment (Ordinance of the Ministry of Posts and Telecommunications No.37, 1981) and amendments thereto.</td>
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<tr>
<td>Part 20 Commercial Mobile Radio Services</td>
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<td>Part 22 Public Mobile Services</td>
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<td>Part 24 Personal Communications Services</td>
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<td>Part 25 Satellite Communications</td>
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<td>Part 27 Miscellaneous Wireless Communications Services</td>
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<tr>
<td>Part 68 Connection of Terminal Equipment to the Telephone Network</td>
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<td>Part 73 Radio Broadcast Services</td>
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<td>Part 74 Experimental Radio, Auxiliary, Special Broadcast and Other Program Distribution Services</td>
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<tr>
<td>Part 78 Cable Television Relay Service</td>
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<tr>
<td>Part 80 Stations in the Maritime Services</td>
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<td>Part 87 Aviation Services</td>
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<td>Part 90 Private Land Mobile Radio Services</td>
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</table>
Part 95  Personal Radio Services  
Part 97  Amateur Radio Service  
Part 101  Fixed Microwave Services; and  
3. Administrative provisions related to the laws and regulations set out in paragraphs 1 and 2.

<table>
<thead>
<tr>
<th>UNITED STATES</th>
<th>JAPAN</th>
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<tbody>
<tr>
<td>National Institute of Standards and Technology (NIST) or an authority succeeding this institute</td>
<td>Ministry of Internal Affairs and Communications or an authority succeeding this ministry</td>
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</table>
### Section III: Procedures for Designating Conformity Assessment Bodies

<table>
<thead>
<tr>
<th>UNITED STATES</th>
<th>JAPAN</th>
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</thead>
<tbody>
<tr>
<td>1. The Designating Authority of the United States may appoint a body or bodies to evaluate conformity assessment bodies. The Designating Authority of the United States shall ensure appointed bodies comply with the requirements of ISO/IEC Standard 17011 and are competent to evaluate conformity assessment bodies' competence to conduct conformity assessment procedures with respect to the Technical Regulations of Japan.</td>
<td>1. The Designating Authority of Japan may appoint a body or bodies to evaluate conformity assessment bodies. The Designating Authority of Japan shall ensure appointed bodies comply with the requirements of ISO/IEC Standard 17011 and are competent to evaluate conformity assessment bodies' competence to conduct conformity assessment procedures with respect to the Technical Regulations of the United States.</td>
</tr>
<tr>
<td>2. The Designing Authority of the United States or the appointed body or bodies shall evaluate whether a conformity assessment body complies with the criteria for designation set out in the Technical Regulations of Japan and ISO/IEC Guide 65 and ISO/IEC Standard 17025.</td>
<td>2. The Designing Authority of Japan or the appointed body or bodies shall evaluate whether a conformity assessment body complies with the criteria for designation set out in the Technical Regulations of the United States and ISO/IEC Guide 65 and ISO/IEC Standard 17025.</td>
</tr>
<tr>
<td>3. The Designing Authority of the United States shall determine, based on the results of the evaluation made pursuant to paragraph 2, whether the conformity assessment body complies with the criteria for designation. If the Designing Authority of the United States determines that the conformity assessment body complies with the criteria for designation, the Designing Authority may designate the conformity assessment body.</td>
<td>3. The Designing Authority of Japan shall determine, based on the results of the evaluation made pursuant to paragraph 2, whether the conformity assessment body complies with the criteria for designation. If the Designing Authority of Japan determines that the conformity assessment body complies with the criteria for designation, the Designing Authority may designate the conformity assessment body.</td>
</tr>
<tr>
<td>4. When evaluating whether a conformity assessment body complies with the criteria for designation, the Designing Authority or the appointed body or bodies of the United States shall consider whether the conformity assessment body understands the Technical Regulations of Japan.</td>
<td>4. When evaluating whether a conformity assessment body complies with the criteria for designation, the Designing Authority or the appointed body or bodies of Japan shall consider whether the conformity assessment body understands the Technical Regulations of the United States.</td>
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</table>
### Section IV: Regulatory Authority

<table>
<thead>
<tr>
<th>UNITED STATES</th>
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<tbody>
<tr>
<td>Federal Communications Commission (FCC) or an authority succeeding this commission</td>
<td>Ministry of Internal Affairs and Communications or an authority succeeding this ministry</td>
</tr>
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</table>

### Section V: The ISO/IEC Standard for Terms Not Defined in this Agreement


### Section VI: Equipment within the Scope of this Agreement

<table>
<thead>
<tr>
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<tr>
<td>Any equipment subject to certification, as defined in 47 CFR 2.907, that falls within the scope of the 47 CFR parts listed in paragraph 2 of Section I of the Annex, except Unintentional Radiators and Industrial, Scientific, and Medical Equipment as defined in 47 CFR 15.3(z) and 47 CFR 18.107(c), respectively.</td>
<td>1. Any equipment defined as Specified Radio Equipment in Radio Law (Law No.131, 1950) and amendments thereto; and 2. Any equipment defined as Terminal Equipment in Telecommunications Business Law (Law No. 86, 1984) and amendments thereto.</td>
</tr>
</tbody>
</table>
Section VII: Information for Registration of Conformity Assessment Bodies

<table>
<thead>
<tr>
<th>UNITED STATES</th>
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</thead>
<tbody>
<tr>
<td>1. Information identifying the conformity assessment body, including the name, contact person, mailing address, telephone number, and electronic mail address, for the conformity assessment body;</td>
<td>1. Information identifying the conformity assessment body, including the name, contact person, mailing address, telephone number, and electronic mail address, for the conformity assessment body;</td>
</tr>
<tr>
<td>2. The equipment for which the conformity assessment body is authorized to conduct conformity assessment procedures (scope of designation);</td>
<td>2. The equipment for which the conformity assessment body is authorized to conduct conformity assessment procedures (scope of designation);</td>
</tr>
<tr>
<td>3. The intervals at which the Designating Authority or the appointed body or bodies shall re-evaluate whether the conformity assessment body continues to comply with the criteria for designation; and</td>
<td>3. The intervals at which the Designating Authority or the appointed body or bodies shall re-evaluate whether the conformity assessment body continues to comply with the criteria for designation; and</td>
</tr>
<tr>
<td>4. Documentation on the evaluation of the conformity assessment body’s compliance with the criteria for designation.</td>
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</tbody>
</table>
### Section VIII: Co-chairs of the Joint Committee

<table>
<thead>
<tr>
<th>UNITED STATES</th>
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<tbody>
<tr>
<td>For the United States, the co-chair of the Joint Committee shall be as follows:</td>
<td>For Japan, the co-chair of the Joint Committee shall be the Ministry of Foreign Affairs for all functions.</td>
</tr>
<tr>
<td>1. For functions referred to in Articles 6 and 7 relating to registration, termination of registration, suspension of registration, and removal of suspension of registration of, conformity assessment bodies located in the territory of Japan: FCC</td>
<td></td>
</tr>
<tr>
<td>2. For functions referred to in Articles 6 and 7 relating to registration, termination of registration, suspension of registration, and removal of suspension of registration of, conformity assessment bodies located in the territory of the United States: NIST</td>
<td></td>
</tr>
<tr>
<td>3. For functions referred to in Article 8 relating to contestation concerning a conformity assessment body located in the territory of the United States: NIST</td>
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<tr>
<td>4. For functions referred to in Article 8 relating to contestation concerning a conformity assessment body located in the territory of Japan: FCC</td>
<td></td>
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<tr>
<td>5. For functions referred to in Article 9 relating to verification of conformity assessment bodies located in the territory of the United States: NIST</td>
<td></td>
</tr>
<tr>
<td>6. For functions referred to in Article 9 relating to verification of conformity assessment bodies located in the territory of Japan: FCC</td>
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<tr>
<td>7. For all other functions: Office of the U.S. Trade Representative (USTR).</td>
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</table>
両同盟国間の経済活動を促進させる重要な手段であることを認識し、
このような相互承認においては、各同盟国による他方の同盟国の合意性評価手続に対する信頼が必要であることを認識し、
世界貿易機関（WTO）の加盟国として両同盟国が負う義務に留意し、特に、両同盟機関を設立するマラセシュ協定（以下「世界貿易機関設立協定」という。）及び附属書（A）知的財産権に関する協定（以下「貿易の技術的障害に関する協定」という。）に基づく両同盟国間の義務を認識し、
適合性評価手続の結果の相互承認を規定する合意が機器の供給者にとって特に利益となることを認識し、
この協定は、両締約国の領域内及び領域の間におけるこの協定の対象となる機器に関連する経済活動を促進するため、一方の締約国が他方の締約国の領域内に所在する適合性評価機関の実施する当該機器についての適合性評価手続の結果を受け入れる手続について定める。

第一条 定義

この協定の適用上、

(a) 適合性評価手続とは、機器の技術上の要件、適合性評価手続及び指定基準に関する締約国の関係法令及び

(b) 適合性評価機関とは、適合性評価手続を実施する機関をいう。

(c) 技術法規と申すのは、機器の技術上の要件、適合性評価手続及び指定基準に関する締約国の関係法令及び

第二条 定義
指定当局とは、附属書第二節に特定する締約国の当局であって、自国の領域内に所在する適合性評価機関の指定をするものをいう。

指定基準とは、一方の締約国の領域内に存在する適合性評価機関が当該一方の締約国の指定当局による指定を受け、及び当該指定を維持するためには適合しなければならない基準である。他方の締約国の技術法規及び附属書第三節に定めるものをいう。

指定を受けた適合性評価機関とは、締約国の領域内に所在する適合性評価機関であって、第五条及び附属書第三節に定める手続に従って当該締約国の指定当局による指定を受けたものをいう。

規制当局とは、附属書第四節に定める機器の規制を行う権限を有するものをいう。

「規制当局」とは、第六条に定める手続に従って行う適合性評価機関の登録をする。
器について実施する適合性評価手続の結果であって、当該機器又は当該機器に係る工程が自国の技術法規に適合する旨の決定を行うものを、この協定に従って受け入れる。1に規定する適合性評価手続の結果は、試験所の所在地にかかわらず、当該試験所における試験の結果に基づくことができる。

4 附属書は、この協定の不可分の一部を成し、次の内容を定める。

(a) 各締約国の技術法規
(b) 各締約国の指定当局
(c) 各締約国における適合性評価機関の指定手続
(d) 各締約国の規制当局
(e) この協定に定義されていない用語に関する国際標準化機構・国際電気標準会議規格書
(f) 各締約国においてこの協定の対象となる機器
(g) 適合性評価機関の登録に関する情報
(h) 合同委員会の共同議長
5 各締約国は、次のことを行う。

(a) 技術法規及びその改正を公表すること。

(b) 登録を受けた適合性評価機関の一覧を公表すること。

(c) 自国が登録を受けた適合性評価機関を登録するための提案において提供した情報を正確なものでなく

必要、かつ、その不正確さがこの協定の運用に影響を及ぼし得る場合には、他方の締約国に通報し、及

び当該登録を受けた適合性評価機関に関する訂正を要求される場合には、他方の締約国に通報すること。

6 各締約国は、他方の締約国からの次の事項に関する照会に回答する。

(a) この協定の対象となる適合性評価手続き及び自国の技術法規（適合性評価手続きに適用される技術法規の

特定の条項、附属書、節又は部に関する照会を含む。)

(b) この協定の実施

(c) 技術法規に係る予定される何らかの変更であって、その効力を生ずる前のもの


7 各締約国は、一方の締約国の領域内に所在する適合性評価機関が指定基準（他方の締約国の技術法規を含む。）を理解し、及びこれに適合することを確保するためには適合性評価機関との協力が不可欠であることを認識し、このため、適合性評価機関がこの協定により利益を得る能力を向上させる手段としての研修会その他の適合性評価機関との情報交換を奨励すべきである。

8 各締約国は、自国の領域内に所在する適合性評価機関に対し、それらが自国の技術法規への理解を増進する目的として行う活動に他方の締約国の領域内に所在する適合性評価機関を含めるよう奨励すべきである。

第四条 指定当局

1 各締約国は、附属書第二節に特定する自国の指定当局が、自国の領域内に所在する適合性評価機関の指定、監視、適合性の検証、指定の取消し、指定の効力の停止及び指定の効力の停止の解除を行うために必要な権限を有することを確保する。

2 締約国が一又は二以上の機関に任せた適合性評価機関の審査を行わせる場合には、そのことは、この協定に定める指定当局の義務に影響を及ぼすものではない。
2 一方の締約国が当該国が登録を受けた適合性評価機関の指定を撤回した場合には、当該他方の締約国は、その旨を直ちに他方の締約国及び合同委員会の共同議長に通告する。この規定に基づく通告は、合同委員会の決定とみなす。登録の取消しは、当該他方の締約国が合意した締約国及び合同委員会の共同議長に通告した後、当該他方の締約国及び合同委員会の共同議長に通告した場合を除くほか、当該登録を受けた適合性評価機関の登録を取消したものである。合意した締約国及び合同委員会の共同議長に通告した場合を除くほか、当該登録を受けた適合性評価機関の登録を取消したものである。

3 一方の締約国の指定局が登録を受けた適合性評価機関の指定の効力を停止した場合には、当該他方の締約国は、その旨を直ちに他方の締約国及び合同委員会の共同議長に通告する。この規定に基づく通告は、当該登録を受けた適合性評価機関の登録の効力を停止する合同意員会の共同議長に通告する。この規定に基づく通告は、当該登録を受けた適合性評価機関の登録の効力を停止する合同意員会の共同議長に通告する。この規定に基づく通告は、当該登録を受けた適合性評価機関の登録の効力を停止する合同意員会の共同議長に通告する。
一方の締約国が、その旨を直ちに他方の締約国及び合同委員会の共同議長に通告する。この規定に基づく通告は、当該登録を受けた適合性評価機関の登録の効力の停止を解除した場合（ただし、登録の効力の停止の解除は、当該他方の締約国が、当該登録を受けた適合性評価機関の共同議長がこの規定に基づく通告を受領した日にその効力を生ずる。当該他方の締約国は、当該登録を受けた適合性評価機関の結果を受け入れる。）

第八条
締約の申立て

一方の締約国は、他方の締約国の領域内に所在する登録を受けた適合性評価機関が指定基準に適合していないと認める場合には、当該登録を受けた適合性評価機関の共同議長に通告することができる。その通告は、書面により行い、かつ、当該異議の申立ての理由を付すものとする。合同意会は、当該一方の締約国が当該通告を行った日の後六十日以内に、当該申立てについて検討する。
を除くほか、当該通告を合同委員会が受領した日の後三十日目の日に当該登録を受けた適合性評価機関の
締約の効力を停止する合意委員会の決定とみなす。異義の申立てを行った締約国は、当該登録を受けた適
合性評価機関が登録の効力を停止された締約国では、当該登録を受けた適合性評価機関が登録の効力を停止された
締約国が異議の申立てを撤回する時又は合同委員会が異議の申立ての対象とされ
た適合性評価機関の登録の効力を解除する決定を行う時におけるいずれか早い時までの間、当該登録
及び合同委員会の共同議長に通告することにより当該異義の申立てを撤回することができる。この規定に
基づく通告は、当該登録を受けた適合性評価機関の登録の効力の停止を解除する適合性評価機関が登録の効力の停止を解除された
締約国及び締約国
以後に実施する適合性評価手続きの結果を受け入れる。
一方の締約国が規制当局は、他方の締約国の領域内に所在する登録を受けた適合性評価機関に対し、当該登録を受けた適合性評価機関が実施する適合性評価手続の結果に関する質問への回答を求め、又は情報を提供するよう要請することができる。その要請に応ずることには、登録を受けた適合性評価機関の権限に影響を及ぼすものではないことを認める。一方の締約国の規制当局は、この条の規定に基づいて行った適合性評価機関に対する要請について、他方の締約国の規制当局に通報する。

第十二条
秘密性
各締約国は、自国の法令に従い、この協定の運用において秘密のものとして提供された情報であって、その開示が公私の特定の企業の正当な商業上の利益を害することとなるものの秘密性を保持する。

第十三条
見出し
この協定中の条の見出しは、引用上の便宜のためにのみ付されたものであって、この協定の解釈に影響を及ぼすものではない。

第十四条
従則
この協定のいかなる規定も、いずれか一方の締約国が他方の締約国の任意規定又は強制規定を受け入れることを求めるものではない。

2 この協定のいかなる規定も、締約国の次の権限を制限するものと解釈してはならない。
(a) 健康若しくは安全、医療機器の安全性及び有効性並びに放射線の健康及びその他の影響を含む。」」、環境保護、環境の保護又は誤認させる若しくは借欺的な行為に関する適切な措置をとること。
(b) 健康若しくは安全（医療機器の安全性及び有効性並びに放射線の健康及びその他の影響を含む。）の保護、環境の保護又は誤認させる若しくは借欺的な行為の防止のために必要と認める措置をとること。
(c) 特定の機器が当該特定の機器に関する技術法規その他の法令若しくは運用規則又は政策に適合しないと認める場合には、その他のあらゆる適切な措置をとること。

3 この協定のいかなる規定も、貿易の技術的障害に関する協定及び知的所有権の貿易関連の側面に関する協定を含む世界貿易機関設立協定の下で各締約国が有する権利及び義務に影響を及ぼすものと解釈してはならない。

第十五条 効力発生
この協定は、両締約国のこの協定の効力発生に必要とされる内情の内部手続が完了した旨を相互に通知する
外交上の公文を交換する日の属する月の翌々月の初日を効力を生ずる。

第十六条 改正

1 この協定は、両締約国の合意によって改正することができる。両締約国は、附属書第一節、第二節、第四節、第五節又は第八節の改正について、アメリカ合衆国政府と日本国政府の間において外交上の公文の交換を通じて合意することにより、これを行うことができるものとする。

2 締約国は、自国の法令に係る何らの変更により、附属書第一節、第二節、第四節又は第八節に定めるいずれかの情報が正確なものでなくなったり、又は完全なものでなくなっただ場合には、時宜を失することなく、規則の定的なに従ってアメリカ合衆国政府と日本国政府との間の外交上の公文の交換を行うことにより、関連する節を改正するものとする。

第十七条 終了

いずれの締約国も、他方の締約国に対して、この協定を終了させる意思を書面により通告することができ

る。一方の締約国がこの通告を行った場合には、当該通告を受け領した日の後百
<table>
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<tr>
<th>千九百九十六年の電気通信法により改正された電気通信事業法（昭和五十九年法律第八十六号）及びその改正</th>
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<tr>
<td>第二十四部 パーソナル通信業務</td>
</tr>
<tr>
<td>第十一部 緊急警報システム（EAS）</td>
</tr>
<tr>
<td>第十八部 産業科学医療用機器</td>
</tr>
<tr>
<td>第十五部 無線周波装置</td>
</tr>
<tr>
<td>第二十二部 営利を目的とする移動業務</td>
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<tr>
<td>四電波法（昭和二十五年法律第百三十一号）及びその改正</td>
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<tr>
<td>三電波の配分等に関する規則（昭和四十七年法律第百四十七号）及びその改正</td>
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<td>一電気通信規則集第十四編（以下「R-14」）及びその改正</td>
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<tr>
<td>二電波の配分等に関する規則（昭和四十七年法律第百四十七号）及びその改正</td>
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<tr>
<td>第二部 周波数の分配及び電波に関する条約に定められた事項の一般原則及び規則</td>
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附属書

第一節 技術法規
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（「類型ヲ」

参考文献:

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