

CHAPTER 6

TRADE FACILITATION

Article 6.1: Definitions

For the purposes of this Chapter:

Trade Facilitation Agreement means the *Agreement on Trade Facilitation* in Annex 1A to the WTO Agreement.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) expedite the movement, release and clearance of goods, including goods in transit; and
- (b) provide for effective cooperation so as to support the Parties in acquiring capacity to implement trade facilitative measures, including those provided under the Trade Facilitation Agreement.

Article 6.3: Scope

This Chapter shall apply to trade in goods between the Parties and shall be implemented in accordance with the Parties' respective laws and regulations.

Article 6.4: Publication and Enquiry Points

1. Each Party shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- (a) procedures relating to the administration of tariff quotas;
- (b) country of origin marking, if it is a prerequisite for importation;
- (c) the eligibility requirements for goods re-entered after repair and alteration;
- (d) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;

- (e) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- (f) laws, regulations, and administrative rulings of general application relating to rules of origin;
- (g) import, export or transit restrictions or prohibitions; and
- (h) procedures for appeal or review.

2. Each Party shall, within its available resources, establish or maintain one or more enquiry points to expeditiously provide advice or information to answer reasonable enquiries of governments, traders, and other interested parties on matters covered by paragraph 1, and to provide the required forms and documents referred to in paragraph 1(d) preferably through electronic means.

Article 6.5: Perishable Goods

1. With a view to preventing avoidable loss or deterioration of perishable goods, and provided all regulatory requirements have been met, each Party shall provide for the release of perishable goods:

- (a) under normal circumstances within the shortest possible time; and
- (b) in exceptional circumstances where it would be appropriate to do so, outside the business hours of customs and other relevant authorities.

2. Each Party shall give appropriate priority to perishable goods when scheduling any examinations that may be required.

3. Each Party shall either arrange, or allow an importer to arrange, for the proper storage of perishable goods pending their release. That Party may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorisations for the operator moving the goods, may be subject to the approval, if required, of the relevant authorities. That Party shall, where practicable and in accordance with its laws and regulations, on the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.

4. In cases of significant delay in the release of perishable goods, and upon written request, the importing Party shall, to the extent practicable, provide a communication on the reasons for the delay.

Article 6.6: Acceptance of Copies

1. Each Party shall, where appropriate, accept paper or electronic copies of supporting documents required for import, export or transit formalities.
2. Where a government agency of a Party already holds the original of such a document, any other agency of that Party shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.
3. A Party shall not require an original or copy of export declarations submitted to the customs administrations of the exporting Party as a requirement for importation. Nothing in this paragraph precludes a Party from requiring documents such as certificates, permits or licenses as a requirement for the importation of controlled or regulated goods.

Article 6.7: Support for Trade Facilitation

In order to expedite the movement, release and clearance of goods, and to provide for effective cooperation in acquiring capacity to implement on trade facilitative measures, the Parties agree that:

- (a) all provisions of this Chapter shall apply between the Parties 90 days after the date of entry into force of this Agreement unless a Party notifies the other Party that it currently lacks the capacity to implement a provision of this Chapter. Such notification shall be made through diplomatic channels within 90 days of the date of entry into force of this Agreement. A provision notified in this way shall not apply between the Parties until such notification is revoked;
- (b) the Committee on Trade in Goods established under Article 2.11 (Committee on Trade in Goods) of Chapter 2 (Trade in Goods) shall consider any assistance required for the Parties to acquire the capacity to implement the notified provisions and keep under review the implementation capacity of the Parties at each meeting; and
- (c) the Committee on Trade in Goods may decide to revoke a notification under subparagraph (a) with respect to a provision of this Chapter. Where a notification is revoked the relevant provision shall apply between the Parties, from a date agreed between the Parties.

Article 6.8: Trade Facilitation Sub-Committee

1. For the purposes of the effective implementation and operation of this Agreement relating to matters within the scope of this Chapter, the Parties hereby establish a Sub-Committee on Trade Facilitation (the Trade Facilitation Sub-Committee).

2. The functions of the Trade Facilitation Sub-Committee shall be:
 - (a) reviewing and monitoring the implementation and operation of this Agreement relating to matters within the scope of this Chapter;
 - (b) identifying areas relating to matters within the scope of this Chapter to be improved to facilitate trade between the Parties;
 - (c) recommending economic cooperation activities relating to matters within the scope of this Chapter to the Committee on Trade in Goods;
 - (d) reporting the findings of the Trade Facilitation Sub-Committee to the Committee on Trade in Goods; and
 - (e) carrying out other functions as may be delegated by the Committee on Trade in Goods.
3. The Trade Facilitation Sub-Committee shall be composed of and co-chaired by representatives of the governments of the Parties.
4. The Trade Facilitation Sub-Committee shall meet at such venues and times and by such means as may be agreed by the Parties.