Appendix B

Items to be reviewed under the AUSFTA

Location	Description	Relevant text from FTA
Ch Two- *National Treatment and Market Access for Goods* **Section E** *Institutional Provisions* **Article 2.13** *Committee on Trade in Goods*	Comprises representatives from each party and may meet to consider any matter arising from Ch 2 (*National Treatment and Market Access for Goods*), Ch 5 (*Rules of Origin*), or Ch 6 (*Customs Administration*).	***Section E : Institutional Provisions*** ***Article 2.13 : Committee on Trade in Goods*** 1. The Parties hereby establish a Committee on Trade in Goods, comprising representatives of each Party. 2. The Committee shall meet on the request of either Party or the Joint Committee established in Chapter 21 (Institutional Arrangements and Dispute Settlement) to consider any matter arising under this Chapter, Chapter Five (Rules of Origin), or Chapter Six (Customs Administration). 3. The Committee's functions shall include: (a) promoting trade in goods between the Parties; and (b) addressing barriers to trade in goods between the Parties, especially those related to the application of non-tariff measures, and, if appropriate, referring such matters to the Joint Committee for its consideration.
Annex 2-C- *Pharmaceuticals* **Paragraph 3** *Medicines Working Group*	To promote discussion and mutual understanding of issues relating to this annex (except those issues covered in paragraph 4). Paragraph 4. Regulatory	3. Medicines Working Group (a) The Parties hereby establish a Medicines Working Group. (b) The objective of the Working Group shall be to promote discussion and mutual understanding of issues relating to this Annex (except those issues covered in paragraph 4), including the importance of pharmaceutical research and development to continued improvement of healthcare outcomes.[2C-2] (c) The Working Group shall comprise officials of federal government agencies responsible for federal healthcare programs and other appropriate federal government officials.

	Cooperation The Parties shall seek to advance the existing dialogue between the Australian Therapeutic Goods Administration and the U.S. Food and Drug Administration with a view to making innovative medical products more quickly available to their nationals.	
Ch Three- *Agriculture* **Article 3.2** *Committee on Agriculture*	Committee to meet at least once a year unless agreed otherwise by the parties and report the results of each meeting to the Joint Committee.	***Article 3.2 : Committee on Agriculture*** 1. The Parties hereby establish a Committee on Agriculture, comprising representatives of each Party. 2. The Committee shall provide a forum for: (a) promoting trade in agricultural goods between the Parties; (b) addressing barriers to trade in agricultural goods; (c) conducting consultations between the Parties on agricultural export competition issues; and (d) considering any matters arising under this Chapter. 3. The Committee shall meet at least once a year unless the Parties otherwise agree. 4. The Committee shall report the results of each meeting to the Joint Committee.
Annex 3-A- *Agricultural*		***Section C: Price-Based Safeguard for Beef*** 1. The United States shall apply an agricultural safeguard measure, pursuant to

Safeguard Measures **Section C** *Price-based Safeguard for Beef* **Paragraph 6** *Review operation of this section every five years.*		Article 3.4, on a good entered under subheadings 02011050, 02012080, 02013080, 02021050, 02022080, or 02023080 of the Harmonized Tariff Schedule of the United States starting in year 19 of the Agreement. 2. For the purposes of Article 3.4.2, the additional customs duty shall equal 65 percent of the MFN rate of duty for the good as described in Article 3.4.1. 3. The United States shall apply the measure as follows: (a) if the monthly average index price falls below the 24-month trigger price in any two months during the previous quarter of any calendar year, the United States shall apply the measure during the current quarter of the calendar year; or (b) if the monthly average index price falls below the 24-month trigger price in any month of the fourth quarter of any calendar year, or in the month immediately preceding the fourth quarter, the United States shall apply the measure during the remainder of the fourth quarter of the calendar year. 4. The measure shall apply to goods that enter the United States in any calendar year in aggregate quantities greater than the sum of: (a) the quantity of goods eligible to be entered under Additional Note 3 to Chapter 2 of the Harmonized Tariff Schedule of the United States, identified by certificates issued by the Government of Australia; and (b) 70,000 metric tons, which quantity shall grow at a compound annual rate of 0.6 percent starting in year 19 of the Agreement, identified by certificates issued by the Government of Australia. 5. The United States shall have the discretion not to apply an agricultural safeguard measure under this Section. **6. The Parties shall review the operation of this Section every five years after the date of entry into force of this Agreement.** 7. For the purposes of this Section:

		(a) **monthly average index price** means the monthly average index price for Wholesale Boxed Beef Cut-Out Value Select 1-3 Central U.S. 600-750 lbs., or its equivalent, as reported by the United States Department of Agriculture's Agricultural Marketing Service; and (b) **24-month trigger price** means the price that is 6.5 percent less than the average of the previous 24 monthly average index prices.
Ch Five- *Rules of Origin* **Section C** *Consultation and Modifications* **Article 5.16** *Consultation and Modifications*	The Parties shall consult within 6 months of the date of entry into force of this agreement regarding this chapter.	***Section C : Consultation And Modifications*** ***Article 5.16 : Consultation And Modifications*** 1. The Parties shall consult and cooperate to ensure that this Chapter is applied in an effective and uniform manner. Unless the Parties otherwise agree, the Parties shall consult within six months of the date of entry into force of this Agreement regarding the implementation and application of this Chapter. 2. The Parties shall consult regularly pursuant to Article 21.5 (Consultations) to discuss necessary amendments to this Chapter and its Annexes, taking into account developments in technology, production processes, and other related matters.
Ch Seven- *Sanitary and Phytosanitary Measures* **Article 7.4** *Committee on Sanitary and Phytosanitary Matters*		***Article 7.4 : Committee on Sanitary and Phytosanitary Matters*** 1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Matters ("Committee"), comprising representatives of each Party who have responsibility for sanitary and phytosanitary matters. 2. Each Party shall identify its primary representative on the Committee and the Parties shall establish the Committee's operating procedures not later than 30 days after the date of entry into force of this Agreement. 3. The objectives of the Committee shall be to enhance each Party's implementation of the SPS Agreement, protect human, animal, or plant life or health, enhance consultation and cooperation between the Parties on sanitary and phytosanitary matters, and facilitate trade between the Parties. 4. The Committee shall seek to enhance and complement existing and future relationships between the Parties' agencies responsible for sanitary and

		phytosanitary matters. 5. The mandate of the Committee shall be to: (a) enhance mutual understanding of each Party’s sanitary and phytosanitary measures and the regulatory processes that relate to those measures; (b) improve mutual understanding of specific issues relating to the implementation of the SPS Agreement; (c) review progress on and, as appropriate, resolve through mutual consent, sanitary and phytosanitary matters that may arise between the Parties’ agencies responsible for such matters; and (d) consult on: (i) matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties; (ii) issues, positions, and agendas for meetings of the WTO SPS Committee, the *Codex Alimentarius Commission* and its subsidiary bodies, the *International Plant Protection Convention*, the *International Office of Epizootics*, and other international and regional fora on food safety and human, animal, or plant health; and (iii) technical cooperation activities on sanitary and phytosanitary matters. 6. Each Party shall ensure that the appropriate representatives responsible for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies participate in meetings of the Committee. 7. The Committee shall meet within 45 days after the date of entry into force of this Agreement, and at least once a year thereafter, unless the Parties otherwise agree. The Committee shall inform the Joint Committee established under Article 21.1 (Joint Committee) of the results of each meeting. 8. The Committee shall perform its work in accordance with its operating

		procedures, which it may revise at any time. 9. The Parties hereby establish a Standing Technical Working Group on Animal and Plant Health Measures, as set out in Annex 7-A. 10. The Committee may establish additional technical working groups in accordance with its mandate.
Annex 7-A- *Standing Technical Working Group on Animal and Plant Health Measures* **Section A** *Establishment of the Standing Technical Working Group on Animal and Plant Health Measures.*	Rules for working group outlined in paragraphs 1-9.	***Annex 7-A*** Standing Technical Working Group on Animal and Plant Health Measures ***Section A : Establishment of the Standing Technical Working Group on Animal and Plant Health Measures*** 1. The Parties establish a Standing Technical Working Group on Animal and Plant Health Measures ("Working Group"), with a view to facilitating trade between the Parties to the greatest extent possible while preserving each Party's right to protect animal or plant life or health in its territory and respecting each Party's regulatory systems and risk assessment and policy development processes. 2. The Working Group shall be co-chaired by the chief administrators of the Australian Government Department of Agriculture, Fisheries and Forestry's Biosecurity Australia and the United States Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS"), or the respective successor organizations with comparable responsibilities. 3. Members of the Working Group shall include each Party's primary representative on the Committee on Sanitary and Phytosanitary Matters established under Article 7.4 and representatives of appropriate regulatory agencies of each Party. 4. The Working Group shall provide a forum for: (a) resolving specific bilateral animal and plant health matters with a view to facilitating trade between the Parties and, whenever possible, achieving consensus on scientific issues; (b) engaging, at the earliest appropriate point in each Party's risk assessment

		and regulatory processes, in scientific and technical exchange and cooperation regarding animal and plant health matters that may, directly or indirectly, affect the trade of either Party; and (c) considering specific measures or sets of measures likely to affect, directly or indirectly, trade between the Parties that are designed to protect animal or plant life or health within the territory of the importing Party from risks arising from the entry, establishment, or spread of pests, diseases, disease-carrying organisms or disease-causing organisms. 5. The Working Group shall recognise that each Party's agencies responsible for sanitary and phytosanitary matters are undertaking, at any particular time, a range of risk analyses and policy development work on matters relating to animal and plant health that may be of mutual interest to the Parties. The Working Group shall undertake, as part of its regular agenda, to update its members on the progress of work related to bilateral trade, complementing and without prejudice to exchanges in other fora, including the annual bilateral dialogues between APHIS and Biosecurity Australia on plant and animal health matters. 6. The Working Group shall establish a work program, including issues that shall be the subject of specific work plans, in accordance with Section B of this Annex, taking into account the resource constraints of each Party and the need to develop an agenda that balances the needs of both Parties, including through identifying and addressing the priority needs of each Party. 7. The Working Group shall establish operating procedures within 45 days of the date of entry into force of this Agreement. 8. The co-chairs may agree to appoint sub-groups that include, if necessary, subject area specialists from within or outside their respective agencies to consider particular technical issues. 9. The co-chairs shall confer every two months (unless otherwise agreed) on the progress of matters on the Working Group's agenda, including specific work plans

		established in accordance with Section B, by telephone, electronic mail, or in person. The co-chairs shall submit annual reports to the Committee on Sanitary and Phytosanitary Matters summarising the Working Group's progress.
Ch Eight- *Technical Barriers to Trade* **Article 8.9** *Chapter coordinators*	The coordinators role outlined in paragraphs 1-3	***Article 8.9 : Chapter Coordinators*** 1. In order to facilitate implementation of this Chapter and cooperation between the Parties, each Party shall designate a Chapter Coordinator who shall be responsible for coordinating with interested persons in the Party's territory and communicating with the other Party's Coordinator in all matters pertaining to this Chapter. The Coordinators' functions shall include: (a) monitoring the implementation and administration of this Chapter; (b) promptly addressing any issue that a Party raises related to the development, adoption, application, or enforcement of standards, technical regulations, or conformity assessment procedures; (c) enhancing cooperation in the development and improvement of standards, technical regulations, and conformity assessment procedures; (d) exchanging information on standards, technical regulations, and conformity assessment procedures, in response to all reasonable requests for such information from a Party; (e) facilitating the consideration of any sector-specific proposal a Party makes for further cooperation between conformity assessment bodies, both governmental and nongovernmental, in the territories of the Parties; (f) facilitating the consideration of a request that a Party recognise the results of conformity assessment procedures conducted by bodies in the other Party's territory, including a request for the negotiation of an agreement, in a sector nominated by that other Party; (g) facilitating cooperation in the area of specific technical regulations by referring enquiries from a Party to the appropriate regulatory authorities; (h) on request of a Party, consulting on any matter arising under this

		Chapter; and (i) reviewing this Chapter in light of any developments under the TBT Agreement and developing recommendations for amendments to this Chapter in light of those developments. 2. The Coordinators shall communicate with one another by any agreed method that is appropriate for the efficient and effective discharge of their functions. 3. Where a matter covered under this Chapter cannot be clarified or resolved through the Chapter Coordinators, the Parties may establish an *ad hoc* technical working group with a view to identifying a workable and practical solution that would facilitate trade. A working group shall comprise representatives of the Parties and may include regional government representatives, where appropriate, with responsibility for the standards, technical regulations, or conformity assessment procedures in question. Where a Party declines a request from the other Party to establish a working group, it shall, on request, explain the reasons for its decision.
Annex 10-A- *Professional Services Working Group on Professional Services*	Working Group's role outlined in paragraphs 5-9. **Paragraph 1** The Parties shall encourage the relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional services	Working Group on Professional Services 5. The Parties shall establish a Professional Services Working Group, comprising representatives of each Party, to facilitate the activities listed in paragraph 1. 6. In pursuing this objective, the Working Group shall consider, as appropriate, relevant bilateral, plurilateral and multilateral agreements relating to professional services. 7. The issues that the Working Group should consider, for professional services generally and, as appropriate, for individual professional services, include: (a) procedures for fostering the development of mutual recognition arrangements between their relevant professional bodies; (b) the feasibility of developing model procedures for the licensing and certification of professional services suppliers; and (c) other issues of mutual interest relating to the supply of professional

	suppliers and to provide recommendations on mutual recognition to the Joint Committee.	services. 8. To facilitate the efforts of the Working Group, each Party shall consult with the relevant bodies in its territory to seek to identify professional services to which the Working Group should give consideration. 9. The Working Group shall report to the Joint Committee on its progress, including with respect to any recommendations for initiatives to promote mutual recognition of standards and criteria, and on the further direction of its work, within two years of the entry into force of the Agreement.
Ch Thirteen- *Financial Services* **Article 13.16** *Financial Services Committee*	Outlined in paragraphs 1-3.	***Article 13.16 : Financial Services Committee*** 1. The Parties hereby establish a Financial Services Committee. The principal representative of each Party shall be an official of the Party's authority responsible for financial services set out in Annex 13-C. 2. The Committee shall: (a) supervise the implementation of this Chapter and its further elaboration; and (b) consider issues regarding financial services that are referred to it by a Party, including ways to further integrate financial services sectors between the Parties. 3. The Committee shall meet annually, or as otherwise agreed, to assess the functioning of this Agreement as it applies to financial services. The Committee shall inform the Joint Committee established under Article 21.1 (Joint Committee) of the results of each meeting.
Ch Fourteen- *Competition Related Matters* **Article 14.2** *Competition Law and anticompetitive*	Paragraph 4: Establish a joint working group to enhance their respective legal and regulatory regimes.	4. To further advance their cooperation, the Parties shall examine the scope for strengthening support for, and minimizing legal impediments to, the effective enforcement of each other's competition laws and policies. The Parties shall establish a joint working group with the goal of seeking to reach a common view, by the first meeting of the Joint Committee established pursuant to Chapter 21 (Institutional Arrangements and Dispute Settlement), of appropriate steps to

Business Conduct		enhance their respective legal and regulatory regimes in that regard.
Ch Fifteen- *Government Procurement* **Article 15.11** *Domestic Review of Supplier Challenges*		***Article 15.11 : Domestic Review of Supplier Challenges*** 1. In the event of a complaint by a supplier of a Party that there has been a breach of the other Party's measures implementing this Chapter in the context of a covered procurement in which the supplier has or had an interest, the Party of the procuring entity shall encourage the supplier to seek resolution of its complaint in consultation with the procuring entity. In such instances the procuring entity shall accord timely and impartial consideration to any such complaint. 2. Each Party shall maintain at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review challenges that suppliers submit, in accordance with the Party's law, relating to a covered procurement. Each Party shall ensure that any such challenge not prejudice the supplier's participation in ongoing or future procurement activities. 3. Where a body other than an authority referred to in paragraph 2 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent of the procuring entity that is the subject of the challenge. 4. Each Party shall ensure that the authorities referred to in paragraph 2 have the power to take prompt interim measures, pending the resolution of a challenge, to preserve the supplier's opportunity to participate in the procurement and to ensure that the procuring entities of the Party comply with its measures implementing this Chapter. Such interim measures may include, where appropriate, suspending the contract award or the performance of a contract that has already been awarded. 5. Each Party shall ensure that its review procedures are conducted in accordance with the following: (a) a supplier shall be allowed sufficient time to prepare and submit a written challenge, which in no case shall be less than ten days from the time when the basis of the complaint became known or reasonably should have become

		known to the supplier; (b) a procuring entity shall respond in writing to a supplier’s complaint and provide all relevant documents to the review authority; (c) a supplier that initiates a complaint shall be provided an opportunity to reply to the procuring entity’s response before the review authority takes a decision on the complaint; and (d) the review authority shall provide its decision on a supplier’s challenge in a timely fashion, in writing, with an explanation of the basis for the decision.
Chpter Twenty-One- *Institutional arrangements and dispute settlement* **Section A** *Institutional arrangements and administration* **Article 21.1** *Joint Committee*	Paragraphs 1- 7 outline the rules for the joint committee to review the trade relationship between the Parties.	***Section A : Institutional Arrangements and Administration*** ***Article 21.1 : Joint Committee*** 1. The Parties hereby establish a Joint Committee to supervise the implementation of this Agreement and to review the trade relationship between the Parties. (a) The Joint Committee shall be composed of government officials of each Party and shall be co-chaired by (i) the United States Trade Representative for the United States and (ii) the Minister for Trade for Australia, or their respective designees. (b) The Joint Committee may establish and delegate responsibilities to *ad hoc* and standing committees, working groups, or other bodies, and seek the advice of non-governmental persons or groups. 2. The Joint Committee shall: (a) review the general functioning of this Agreement; (b) review and consider specific matters related to the operation and implementation of this Agreement in the light of its objectives; (c) facilitate the avoidance and settlement of disputes arising under this Agreement, including through consultations pursuant to Articles 21.5 and

		21.6; (d) consider and adopt any amendment to this Agreement or other modification to the commitments therein, subject to completion of necessary legal procedures by each Party; (e) as appropriate, issue interpretations of the Agreement; (f) consider ways to further enhance trade relations between the Parties and to further the objectives of this Agreement; and (g) take such other action as the Parties may agree. 3. Unless the Parties agree otherwise, the Joint Committee shall convene: (a) in regular session every year to review the general functioning of the Agreement and such other issues as the Parties may agree, with such sessions to be held alternately in the territory of each Party; and (b) in special session within 30 days of the request of a Party, with such sessions to be held in the territory of the other Party or at such location as may be agreed by the Parties. 4. The Joint Committee shall adopt its own rules of procedure. 5. Each Party shall treat any confidential information exchanged in relation to a meeting of the Joint Committee or any body created under Article 21.1.1(b) on the same basis as the Party providing the information. 6. Recognizing the importance of transparency and openness, the Parties affirm their respective practices of considering the views of members of the public in order to draw on a broad range of perspectives in the implementation of this Agreement. 7. At its first meeting, the Joint Committee shall consider each Party's review of the environmental effects of this Agreement and shall provide the public an opportunity

		to provide views on those effects.
		Article Headings - NOT full text: ***Section B: Dispute Settlement Proceedings*** **Article 21.2 : Scope of Application** **Article 21.3 : Administration of Dispute Settlement Proceedings** **Article 21.4 : Choice of Forum** **Article 21.5 : Consultations** **Article 21.6 : Referral of Matters to the Joint Committee** **Article 21.7 : Establishment of Panel** **Article 21.8 : Rules of Procedure** **Article 21.9 : Panel Report** **Article 21.10 : Implementation of the Final Report** **Article 21.11 : Non-Implementation** **Article 21.12 : Non-Implementation in Certain Disputes** **Article 21.13 : Compliance Review** **Article 21.14 : Five-Year Review** **Article 21.15 : Private Rights**

Correspondence between the US and Australia that requests reviews of information:

Date	Relevant Chapter	Letter To	Letter From	Description
18 May 2004		Peter Yuile Deputy Secretary Dept Transport and Regional Services	John Byerly Deputy Assistant Secretary Transportation Affairs	Australia wishes to review the use of ownership and control criteria for international air carriers (bilateral air transport agreements).
18 May 2004		Ambassador Zoellick US Trade Rep.	Mark Vaile Minister for Trade	Meet annually to review relevant elements of information technology and communications industries.
18 May 2004	**Ch Two**- *National Treatment and Market Access for Goods*	Ambassador Zoellick US Trade Rep.	Mark Vaile Minister for Trade	OIE presently reviewing BSE standards as they relate to animal and public health.
18 May 04	**Ch Ten-** *Services* (Education US)	Mark Vaile Minister for Trade	Ambassador Zoellick US Trade Rep.	US will review measures affecting cross- border trade in the higher education sub sector.
18 May 2004	**Ch Eleven-** *Investment* FIRB Review	Ambassador Zoellick US Trade Rep.	Mark Vaile Minister for Trade	Aust to review the treatment under the *Foreign Acquisitions and Takeovers Act 1975 (*FATA).
18 May 2004	**Ch Thirteen**- *Financial Services*(Insurance)	Mark Vaile Minister for Trade	Ambassador Zoellick US Trade Rep.	Further updates on the matter of supplying insurance services (financial services committee)
18 May 2004	**Ch Thirteen**- *Financial Services* (Securities)	Mr Quarles Assist Sec for Int Affairs US Dpt of Treasury	Mark Vaile Minister for Trade	Financial Services Committee to report to Joint Committee within two years of enforcement of the FTA.
18 May 2004	**Ch Thirteen**- *Financial Services*(Guarantees)	Ambassador Zoellick US Trade Rep.	Mark Vaile Minister for Trade	Aust shall provide the US info under which guarantees can be provided at regional govt level and associated authorisation processes before 30 June 2004.