

## **CHAPTER 14**

### **ECONOMIC COOPERATION AND TECHNICAL ASSISTANCE**

#### **Section A: Objectives, Scope and General Provisions**

##### **Article 14.1 Objectives**

1. The objective of this Chapter is to support the effectiveness and efficiency of the implementation and utilisation of this Agreement through activities that relate to trade, investment and capacity building.
2. Cooperation and provision of technical assistance under this Chapter is intended to promote and facilitate trade and investment between the Parties and to foster economic growth.

##### **Article 14.2 General Provisions**

1. Economic cooperation and technical assistance under this Chapter shall be built upon a common understanding between the Parties to support the implementation of this Agreement, with the objective of maximising its benefits, building capacity, supporting pathways to trade and investment facilitation, and further improving market access and openness to contribute to the sustainable inclusive economic growth and prosperity of the Parties.
2. The Parties agree that economic cooperation and technical assistance activities under this Chapter should complement existing development and economic cooperative partnerships between the Parties in trade and investment related areas, taking into account the needs that are identified and mutually determined.
3. The Parties shall strive to promote cooperation and provision of technical assistance under this Chapter for their mutual benefit, in order to promote and facilitate trade and investment between the Parties and foster economic growth, including through activities that relate to trade, investment and capacity building.
4. The Parties shall, in accordance with this Chapter:
  - (a) promote opportunities for cooperation and the provision of technical assistance between the Parties, their respective business communities, scientific and academic communities,

Māori in the case of New Zealand, or other stakeholders as appropriate, in areas of common interest under this Agreement with a view to benefitting from the complementarities of their economies and the opportunities created under this Agreement and with priorities to be mutually determined and subject to available resources; and

- (b) where any cooperation or technical assistance activities are agreed under this Chapter, take the necessary steps to facilitate those activities in accordance with the relevant terms as agreed between the Parties.
5. The Parties acknowledge the provisions to encourage and facilitate cooperation included in other Chapters of this Agreement, including in particular where required for the coordination of regulatory cooperation between the Parties. Cooperation and technical assistance activities under this Chapter may complement and supplement those activities.

### **Article 14.3**

#### **Scope of Cooperation Activities and Technical Assistance**

1. Areas of cooperation and technical assistance may include:
  - (a) any of the thematic areas set out in Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas);
  - (b) any of the thematic areas set out in Annex 14B (Non-Agricultural and Technical Assistance Thematic Areas); and
  - (c) any other area of cooperation and technical assistance mutually agreed by the Parties.
2. In addition to and without limiting the activities identified in relation to each thematic area set out in Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas) or Annex 14B (Non-Agricultural and Technical Assistance Thematic Areas) the Parties may cooperate or undertake technical cooperation through activities such as:
  - (a) exchanging information, technical knowledge and expertise relevant to the area of cooperation;
  - (b) policy dialogues and sharing best practices;
  - (c) training, education, skills development, and exchange of personnel, including through visits of experts, scientists and technicians, as well as their participation in seminars, conferences and other professional events;
  - (d) engaging in dialogues, technical consultations, exchanges and collaborative initiatives;

- (e) offering technical support and capacity building;
- (f) technology transfer;
- (g) conducting joint research and development, including through the organisation of scientific workshops in both countries;
- (h) undertaking two-way technical visits and exchanges of experts, researchers, students and relevant professionals, including in-person visits and interactions involving relevant government agencies, academic institutions, industry associations, businesses and relevant stakeholders of both Parties;
- (i) collaborative training exercises, in particular for students and graduates from educational institutions in the fields of agriculture, dairying, food technology and other fields as mutually decided;
- (j) organisation of trade missions, business and networking events, and trade fairs;
- (k) the promotion of collaborative initiatives between entrepreneurs of the Parties; and
- (l) any other form of cooperation that may be mutually agreed by the Parties.

## **Section B: Agriculture Productivity Partnership**

### **Article 14.4**

#### **Purpose of the Agriculture Productivity Partnership**

1. The Parties hereby establish an Agriculture Productivity Partnership (“APP”) to promote productivity in agriculture and allied sectors<sup>1</sup> for the purpose of:
  - (a) establishing a long-term cooperation partnership between New Zealand and India to help increase returns to Indian farmers, fishers and producers through improved productivity in agricultural and allied sectors;
  - (b) promoting and facilitating engagement in agriculture and allied sectors across the value chain between New Zealand and India to foster economic growth; and

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<sup>1</sup> For greater certainty, “allied sectors” include livestock, fisheries, apiculture, forestry, and food processing, among others.

- (c) the effective implementation and operation of this Chapter in relation to cooperation and technical assistance in agriculture and allied sectors.
2. For the purpose of this Chapter, cooperation and technical assistance in agricultural and allied sectors, referred to in subparagraph 1(a), includes any cooperation or technical assistance falling within:
- (a) sectors associated with the thematic areas set out in Section A of Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas);
  - (b) to the extent they overlap with any of the sectors referred to in subparagraph 2(a), any of the cross-cutting thematic areas set out in Section B of Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas); and
  - (c) any other agriculture or allied sectors or any cross-cutting thematic areas agreed by the Joint Agriculture Productivity Council.

#### **Article 14.5**

#### **Joint Agriculture Productivity Council**

1. Recognising the purposes of the APP set out in paragraph 1 of Article 14.4 (Purpose of the Agriculture Productivity Partnership) for the agriculture and allied sectors, the Parties hereby establish a Joint Agriculture Productivity Council (“JAPC”).
2. The JAPC shall consist of the following representatives of each Party, or their successors:
  - (a) for India, the Secretary, Agriculture and Farmers Welfare; and
  - (b) for New Zealand, the Director General, Ministry for Primary Industries.
3. The JAPC shall meet on an annual basis, unless otherwise agreed.<sup>2</sup>
4. The JAPC shall undertake the following functions:
  - (a) facilitate the effective implementation and operation of the APP;

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<sup>2</sup> The Parties note that for the purposes of paragraphs 4 and 5 of Article 14A.2 (Forestry Cooperation) and Article 14A.3 (Horticulture Cooperation) of Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas), and as agreed in Annex 2B (Implementation and Review of Economic Cooperation Action Plans and Related Tariff Rate Quotas), the JAPC shall meet every six months, unless otherwise agreed.

- (b) provide oversight and review of the progress of agreed cooperation and technical assistance activities under the APP;
- (c) review the implementation and progress of other cooperation and technical assistance arrangements and activities in agriculture and allied sectors outside the scope of the APP;
- (d) provide an opportunity to the Parties to raise and, if agreed, discuss matters within the wider agriculture relationship between the Parties; and
- (e) in relation to cooperation and technical assistance in agricultural and allied sectors under this Chapter:
  - (i) facilitate the sharing of cooperation and technical assistance priorities between the Parties;
  - (ii) set the overarching direction for cooperation and technical assistance;
  - (iii) consider any proposal or suggested modification of any opportunity, or new ideas for cooperation and technical assistance activities;
  - (iv) promote projects being undertaken under the APP;
  - (v) by mutual agreement of the representatives of each Party, or their successors, establish, restructure, dissolve and oversee working groups in accordance with Article 14.7 (Working Groups);
  - (vi) coordinate, monitor and review progress of working groups in accordance with sub-subparagraph 2(f)(i) of Article 14.7 (Working Groups);
  - (vii) receive and consider annual reports on progress from working groups; and
  - (viii) report to the Joint Commission in relation to the implementation of cooperation and technical assistance under this Chapter and under other cooperative arrangements in agriculture and allied sectors between the Parties.

5. The JAPC Group may decide on its own rules of procedure, in the absence of which the rules of procedure of the Joint Commission shall apply *mutatis mutandis*.

## **Section C: Committee on Economic Cooperation and Technical Assistance**

### **Article 14.6**

#### **Operation of Committee on Economic Cooperation and Technical Assistance**

1. The Parties hereby establish a Committee on Economic Cooperation and Technical Assistance (“CECTA”) for cooperation and technical assistance in sectors other than agriculture and allied sectors.
2. The CECTA shall meet on an annual basis, unless otherwise agreed.
3. The CECTA shall undertake the following functions in relation to any economic cooperation and technical assistance not falling within the scope of the Agriculture Productivity Partnership, including those listed under Annex 14B (Non-Agricultural Cooperation and Technical Assistance Thematic Areas):
  - (a) facilitate the sharing of cooperation and technical assistance priorities between the Parties;
  - (b) set the overarching direction for cooperation and technical assistance;
  - (c) review the implementation and progress of other cooperation and technical assistance arrangements and activities not falling within agriculture and allied sectors or within the CECTA’s areas of responsibility;
  - (d) consider any proposal or suggested modification of any opportunity, or new ideas for cooperation and technical assistance activities;
  - (e) promote projects being undertaken within CECTA’s areas of responsibility;
  - (f) establish, restructure, dissolve and oversee working groups, based on mutual agreement, in accordance with Article 14.7 (Working Groups);
  - (g) coordinate, monitor and review progress of working groups in accordance with sub-subparagraph 2(f)(ii) of Article 14.7 (Working Groups);
  - (h) receive and consider annual reports on progress from working groups; and

- (i) report to the Joint Commission in relation to the implementation of cooperation and technical assistance falling within the scope of CECTA.
- 4. The CECTA may decide on its own rules of procedure, in the absence of which the rules of procedure of the Joint Commission shall apply *mutatis mutandis*.

## **Section D: Working Groups, Work Programmes and Action Plans**

### **Article 14.7 Working Groups**

- 1. The JAPC or the CECTA may, in relation to any relevant thematic area or sector falling within the scope of their responsibility:
  - (a) establish, restructure or dissolve working groups, in specific areas of interest;
  - (b) coordinate, monitor and review, annually, the progress of working groups' activities or projects in operation to assess their overall effectiveness; and
  - (c) receive and consider reports from working groups.
- 2. Each working group shall, unless otherwise agreed in accordance with paragraph 1, undertake the following functions in relation to its relevant sector or thematic area:
  - (a) agree on a work programme, which sets out activities to be undertaken;
  - (b) agree on the budget, resources, funding and specificities of activities within that work programme;
  - (c) monitor and evaluate progress of and, where needed, adapt activities under that work programme;
  - (d) bring in expertise outside of the governments of the Parties, as agreed, to join that working group or undertake the activities;
  - (e) where relevant, coordinate the development of any action plan; and

- (f) produce a report on the progress of activities conducted under that work programme by the end of each calendar year, and where relevant:
  - (i) in carrying out the reporting referred to in sub-subparagraph 4(e)(vii) of Article 14.5 (Joint Agriculture Productivity Council) produce that report to the JAPC at least one month prior to the next relevant meeting of the JAPC; or
  - (ii) in carrying out the reporting referred to in subparagraph 3(h) of Article 14.6 (Operation of Committee on Economic Cooperation and Technical Assistance) produce that report to the CECTA at least one month prior to the next relevant meeting of the CECTA,
- 3. Each working group may decide on its own rules of procedure, in the absence of which the rules of procedure of the Joint Commission shall apply *mutatis mutandis*.

#### **Article 14.8 Work Programmes**

Any work programme developed, adopted and maintained under this Chapter shall:

- (a) include planned, ongoing and completed activities;
- (b) be guided by the objectives and principles agreed in Article 14.1 (Objectives) and Article 14.2 (General Provisions); and
- (c) address the mutual priorities of the Parties.

#### **Article 14.9 Action Plans**

- 1. The Parties may develop, agree and implement action plans in relation to an activity, or group of related activities, including where the Parties agree that an activity or group of related activities is not suitable for a work programme as a result of that activity or group of related activities requiring a significant programme of work, resources, investment or other contribution by a Party, non-Parties or other persons.
- 2. Where a Party proposes the development of an action plan under paragraph 1 that aligns with the purposes of this Chapter, the other Party shall consider that proposal and, where appropriate and subject to any resourcing constraints, work with the proposing Party to develop

a suitable action plan. Any developed action plan is subject to the agreement of the Parties.

3. Any action plan developed, agreed and implemented under this Chapter shall:
  - (a) be guided by the objectives and principles agreed in Article 14.1 (Objectives) and Article 14.2 (General Provisions); and
  - (b) address the mutual priorities of the Parties.

## **Section E: Final Provisions**

### **Article 14.10 Technology Development, Sharing and Transfer**

1. The Parties acknowledge that agreed cooperation and technical assistance activities under this Chapter may involve the transfer, sharing or use of existing technologies or the development of new technologies.
2. With respect to areas covered within Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas) and Annex 14B (Non-Agricultural and Technical Assistance Thematic Areas), the Parties may identify and agree to share, transfer or jointly develop technologies for mutual benefit.
3. Where any activity agreed under this Chapter involves the assignment, licence or any other transfer of intellectual property or the development of any new intellectual property, the participants in that activity may enter suitable agreements for that assignment, licence or transfer or to address the rights and responsibilities in relation to any new intellectual property.
4. The Parties shall undertake appropriate efforts towards the facilitation of such sharing, transfer or development of technology, subject to the mutual agreement of the Parties.

### **Article 14.11 Priorities and Resources**

1. Priorities for cooperation and technical assistance activities shall be decided by the Parties based on their interests, available resources, benefits resulting from those activities, and in accordance with the laws and regulations of the Parties. This is without prejudice to the support

and assistance agreed to be provided by New Zealand, in respect of the cooperation activities agreed under paragraphs 4 and 5 of Article 14A.2 (Forestry Cooperation), and Article 14A.3 (Horticulture Cooperation) of Annex 14A (Agriculture Cooperation and Technical Assistance Thematic Areas), Annex 2B (Implementation and Review of Economic Cooperation Action Plans and Related Tariff Rate Quotas) and the action plans referred to therein. Such support and assistance by New Zealand is excluded from investment by New Zealand in accordance with the Chapter 9 (Investment Promotion and Cooperation).

2. The Parties, on the basis of mutual benefit, may consider cooperation with, and contributions from, external parties to support their cooperation activities.

#### **Article 14.12 Contact Points**

1. Each Party shall, within 60 days of the date of entry into force of this Agreement, designate an official contact point to address matters related to this Chapter. Each Party shall promptly notify the other Party of any change to its contact point.
2. The contact points shall endeavour to facilitate regular communication and coordination between the Parties and work together to develop and implement cooperative and technical assistance activities as mutually agreed.

#### **Article 14.13 Non-application of Dispute Settlement**

Neither Party shall have recourse to dispute settlement under Chapter 19 (Dispute Settlement) for any matter arising under this Chapter.