ARTICLE 11.12

Confidentiality

Any information provided under this Section shall be subject to Article 19.6 (Disclosure of information and treatment of confidential information).

CHAPTER 12

SMALL AND MEDIUM-SIZED ENTERPRISES

ARTICLE 12.1

Objectives

The Parties recognise the importance of SMEs in their bilateral trade and investment relations and affirm their commitment to enhance the ability of SMEs to benefit from this Agreement.

ARTICLE 12.2

Information sharing

1. Each Party shall establish or maintain a publicly accessible website containing information regarding this Agreement, including:

(a) a summary of this Agreement; and

(b) information designed for SMEs that shall contain:

(i) a description of the provisions in this Agreement that each Party considers to be relevant to SMEs of the Parties; and

(ii) any additional information that each Party considers would be useful for SMEs interested in benefitting from this Agreement.

2. Each Party shall include internet links on the website referred to in paragraph 1 to:

(a) the text of this Agreement, including all annexes, tariff schedules, and product-specific rules of origin;

(b) the equivalent website of the other Party; and

(c) the websites of its own authorities that the Party considers would provide useful information to persons interested in trading and doing business in that Party.

3. Each Party shall include internet links on the website referred to in paragraph 1 to websites of its own authorities that include information, as appropriate, related to the following:

(a) regulations and procedures for importation, exportation and transit as well as relevant forms, documents and other information required;

(b) regulations and procedures concerning intellectual property rights, including geographical indications;

(c) technical regulations including, where necessary, mandatory conformity assessment procedures and links to lists of conformity assessment bodies in cases where third party conformity assessment is mandatory, as provided for in Chapter 6 (Technical barriers to trade);

(d) sanitary and phytosanitary measures relating to importation and exportation as provided for in Chapter 5 (Sanitary and phytosanitary measures);

(e) rules on public procurement and a database containing public procurement notices;

(f) company registration procedures;

(g) customs or other fees, including other product specific fees, at the border; fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;

(h) duty drawback, deferral, or other types of relief that reduce, refund or waive customs duties;

(i) rules for the classification or valuation of products for customs purposes; and

(j) any other information which the Party considers may be of assistance to SMEs.

4. Each Party shall include an internet link on the website referred to in paragraph 1 to a database that is electronically searchable by tariff nomenclature code and that includes, as appropriate, the following information with respect to access to its market:

(a) rates of customs duties and quotas, including most-favoured nation, rates concerning non-most-favoured nation countries and preferential rates and tariff rate quotas;

(b) excise duties;

(c) taxes (value added tax or sales tax);

(d) rules of origin as provided for in Chapter 3 (Rules of origin and origin procedures);

(e) other tariff measures;

(f) information needed for import procedures; and

(g) information related to non-tariff measures or regulations.

5. Each Party shall regularly, or on request of the other Party, update the information and links referred to in paragraphs 1 to 4 that it maintains on its website to ensure they are up-to-date and accurate.

6. Each Party shall ensure that the information set out in this Article is presented in an adequate manner for use by SMEs. Each Party shall endeavour to make the information available in English.

7. A Party shall not apply a fee for access to the information provided pursuant to paragraphs 1 to 4 to a person of either Party.

ARTICLE 12.3

SMEs contact points

1. Each Party shall communicate to the other Party its SMEs contact point that will carry out the functions listed in this Chapter. The Parties shall promptly notify each other of any change to the notified contact details.

2. Each Party recognizes the importance of cooperation between the Parties and may carry out activities to support the objectives of this Chapter by identifying ways to assist their SMEs to take advantage of the opportunities resulting from this Agreement through the promotion of a favourable environment for the development of SMEs and their participation in bilateral trade and investment, and exchanging information and best practices on SMEs-related initiatives.

3. The SMEs contact points shall:

(a) ensure that the needs of SMEs are taken into account in the implementation of this Agreement and that SMEs of both Parties can take advantage of this Agreement;

(b) ensure that the information referred to in Article 12.2 (Information sharing) is regularly updated and relevant for SMEs. Either Party may, through the SMEs contact point, suggest additional information that the other Party may include on its websites to be maintained in accordance with Article 12.2 (Information sharing);

(c) examine any matter relevant to SMEs in connection with the implementation of this Agreement, including:

(i) exchanging information to assist the Joint Committee in its task to monitor and implement the SMEs-related aspects of this Agreement; and

(ii) assisting other specialised committees, contact points, and working groups or bodies established under this Agreement in considering matters of relevance to SMEs;

(d) report periodically on their activities, jointly or individually, to the Joint Committee for its consideration; and

(e) consider any other matter arising under this Agreement pertaining to SMEs as the Parties may agree.

4. The SMEs contact points shall meet as necessary and shall carry out their work through the communication channels mutually agreed by the Parties, which may include electronic mail, videoconferencing, or other means.

5. The SMEs contact points may seek to collaborate with experts and external organisations, as appropriate, in carrying out their activities.

ARTICLE 12.4

Non-application of dispute settlement

Neither Party shall have recourse to dispute settlement under Chapter 17 (Dispute settlement) for any matter arising under this Chapter.