

CHAPTER 9

COOPERATION

ARTICLE 9.1

Objectives

The Parties declare their readiness to foster trade and economic cooperation in order to facilitate the implementation of the overall objectives of this Agreement, in particular to enhance trade and investment opportunities arising from this Agreement and contribute to sustainable development.

ARTICLE 9.2

Scope and Means

1. Means of cooperation may include technical assistance, development and implementation of joint actions as agreed between the Parties.
2. Cooperation and technical assistance provided by the EFTA States for the implementation of this Chapter shall be carried out through programmes administered by the EFTA Secretariat, without prejudice to other bilateral cooperation and technical assistance programmes that the Parties may develop in fields covered by this Agreement, including complementary arrangements.
3. Cooperation under this Chapter shall be subject to the availability of funds and resources of each Party. Costs of cooperation under this Chapter shall be borne by the Parties within the limits of their own capacities and through their own channels, in a manner to be agreed between the Parties.

ARTICLE 9.3

Fields of Cooperation

1. Cooperation and technical assistance may cover any fields jointly identified by the Parties that may serve to enhance the Parties' and their economic operators' capacities to benefit from increased trade and investment arising from this Agreement, including:
 - (a) promotion and facilitation of exports of goods and services to the other Parties and fostering competitiveness and innovation;
 - (b) strengthening of institutional capacities in the following areas , in addition to the areas provided in specific provisions of this Chapter:
 - (i) customs and origin matters;

- (ii) encouraging technological innovation and dissemination of technological information;
 - (iii) facilitation of trade in services, by exchanging information on trade in services and where appropriate qualifications and standards;
 - (iv) promotion of investment and technology flows, by identifying investment opportunities and information channels on investment regulations, exchange of information on measures to promote investment abroad, and furthering of legal environment conducive to increased investment flows;
 - (v) facilitation in the collaboration on and development of intellectual property laws and practices, including training of stakeholders from the public, private sector and civil society, and to promote awareness on intellectual property rights in the general public; and
 - (vi) trade and investment related aspects of sustainable development;
- (c) encouraging and stimulating business contacts, including between enterprises, with the aim of developing long lasting business relationships.

ARTICLE 9.4

Trade Facilitation

1. The Parties shall promote international cooperation in relevant multilateral fora on trade facilitation and review relevant international initiatives in order to identify further areas where joint actions could contribute to their common objectives.
2. Within the scope of this Chapter and Annex VII (Trade Facilitation), technical cooperation may cover areas such as:
 - (a) institutional capacity building;
 - (b) transfer technology within the scope of Annex VII (Trade Facilitation);
 - (c) targeted training activities for customs or other border control agencies; and
 - (d) identification of specific projects, partnerships or other forms of cooperation between entities of the Parties.
3. The Parties may submit to the Joint Committee additional measures with a view to facilitating trade between them.
4. The Parties may, if deemed necessary, conclude complementary cooperation agreements which allow the fulfilment of the objectives of Annex VII (Trade Facilitation).

ARTICLE 9.5

Technical Regulations

The Parties shall strengthen cooperation in the field of technical regulations, standards and conformity assessment, with a view to increasing the mutual understanding of their respective systems and facilitating access to their respective markets. To this end, they shall in particular cooperate in:

- (a) reinforcing the role of international standards as a basis for technical regulations, including conformity assessment procedures;
- (b) promoting the accreditation of conformity assessment bodies on the basis of relevant Standards and Guides of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC); and
- (c) promoting mutual acceptance of conformity assessment results of conformity assessment bodies, which have been recognised under appropriate multilateral agreements between their respective accreditation systems or bodies.

ARTICLE 9.6

Sanitary and Phytosanitary Measures

The Parties shall cooperate in the field of sanitary and phytosanitary measures, with the aim of increasing the mutual understanding of their respective systems and to improve their sanitary and phytosanitary systems.

ARTICLE 9.7

Competition

The Parties acknowledge the importance of technical assistance and capacity building with regard to competition law and policy. To that effect and subject to the availability of funding under the Parties' cooperation instruments and programmes, the Parties shall endeavour to engage in technical assistance activities with regard to:

- (a) capacity building;
- (b) development and implementation of competition laws and regulations;
- (c) exchange of information on competition laws and policies; and
- (d) other cooperation activities in the development and implementation of competition laws and regulations.

ARTICLE 9.8

Government Procurement

1. The Parties recognise the importance of cooperation with a view to achieving a better understanding of their respective government procurement systems, as well as a better access to their respective markets, in particular for Micro, Small and Medium business suppliers. In the case of Ecuador, Micro Small and Medium business suppliers includes the Actores de la Economía Popular y Solidaria (“AEPYS”) (Popular and Solidarity Stakeholders).
2. The Parties shall endeavour to cooperate in matters such as:
 - (a) development and use of electronic communications in government procurement systems;
 - (b) exchange of experience and information, such as regulatory frameworks, best practices, government procurement opportunities and statistics;
 - (c) capacity building and technical assistance to suppliers with respect to access to the government procurement market;
 - (d) institutional strengthening for the implementation of this Chapter, including training to government personnel; or
 - (e) facilitation of the identification of specific projects, partnerships or other forms of cooperation between them.

ARTICLE 9.9

Contact Points

The Parties shall exchange names and addresses of designated contact points for matters pertaining to cooperation.

ARTICLE 9.10

Sub-Committee on Cooperation

1. A Sub-Committee on Cooperation is hereby established.
2. The mandate of the Sub-Committee on Cooperation is set out in Annex XVIII (Mandate of the Sub-Committee on Cooperation).

ARTICLE 9.11

Non-Application of Dispute Settlement

The provisions set out in this Chapter shall have a cooperative nature and shall not be subject to dispute settlement under Chapter 11 (Dispute Settlement).