

CHAPTER 3

TRADE IN GOODS

Article 1 Scope

Except as otherwise provided, this Chapter shall apply to trade in all goods between the Parties.

Article 2 National Treatment

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of *GATT 1994*. To this end, Article III of *GATT 1994* is incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 3 Elimination of Customs Duties

1. Except as otherwise provided in this Agreement, neither Party may increase any existing customs duty, or adopt any new customs duty, on an originating good of the other Party.
2. Except as otherwise provided in this Agreement, and subject to each Party's Tariff Schedule in Annex I, as at the date of entry into force of this Agreement each Party shall eliminate its customs duties on originating goods of the other Party.

Article 4 Fees and Charges Connected with Importation and Exportation

1. The Parties agree that fees, charges, formalities and requirements imposed in connection with the importation and exportation of goods shall be consistent with their obligations under *GATT 1994*.

2. Each Party shall make available through the internet or a comparable computer-based telecommunications network details of the fees and charges it imposes in connection with importation and exportation.

3. Neither Party may require that any documentation supplied in connection with the importation of any good of the other Party be endorsed, certified or otherwise sighted or approved by the importing Party's overseas representatives, or persons or entities with authority to act on the importing Party's behalf, nor impose any related fees or charges.

Article 5

Non-Tariff Measures

1. Neither Party shall adopt or maintain any non-tariff measures on the importation of any good of the other Party or on the exportation of any good destined for the Area of the other Party except in accordance with its WTO rights and obligations or in accordance with other provisions of this Agreement.

2. Each Party shall ensure its non-tariff measures permitted in Paragraph 1 are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to trade between the Parties.

Article 6

Consumer Protection

1. The Parties affirm their commitment to provide protection in their Areas from deceptive practices or the use of false or misleading descriptions in trade.

2. Each Party shall provide the legal means for its authorities and, to the extent permitted by its domestic law, interested parties to prevent the sale of products within the Party's Area which are labelled in a manner which is false,

deceptive or misleading or is likely to create an erroneous impression about the character, composition, quality or origin, including country of origin, of the product. In addition, each Party shall provide the legal means for its authorities, to the extent permitted by its domestic law, and its interested parties to claim compensation for any loss suffered from such sale.

Article 7

Committee on Trade in Goods

1. The Parties hereby establish a Committee on Trade in Goods ("the Committee"), comprising representatives of each Party.

2. The Committee shall meet at the request of either Party or the Joint Commission to consider any matter arising under this Chapter, Chapter 4 (Rules of Origin), Chapter 5 (Customs Procedures and Cooperation), or Chapter 6 (Trade Remedies). Meetings of the Committee may be conducted in person or via teleconference, video-conference or any other means mutually determined by the Parties.

3. The Committee's functions shall include:

- (a) reviewing implementation of the Chapters referred to in Paragraph 2;
- (b) addressing barriers to trade in goods between the Parties, especially those related to the application of non-tariff measures other than measures covered under Chapters 7 (Sanitary and Phytosanitary Measures) and 8 (Technical Barriers to Trade); and
- (c) referring matters considered by the Committee to the Joint Commission where the Committee considers this appropriate.

Article 8

Contact Points and Consultations

1. Each Party shall designate one or more contact points to facilitate communication between the Parties on any matter relating to this Chapter. The Parties shall notify each other promptly of any amendments to the details of their contact points.
2. Where either Party considers that any actual or proposed measure of the other Party may materially affect trade in goods between the Parties, that Party may through the contact point of the other Party request detailed information relating to that measure and, if necessary, request consultations with a view to resolving any concerns about the measure.
3. The requested Party shall respond promptly to any such request for information.
4. Any consultations requested under Paragraph 2 shall be conducted through the relevant contact points and shall take place within 30 days of the receipt of the request, unless the Parties mutually determine otherwise.
5. Any action taken pursuant to this Article shall be without prejudice to the rights and obligations of the Parties under Chapter 16 (Dispute Settlement) or under the *WTO Dispute Settlement Understanding*.