

Article 36
Operational Certification Procedures

The operational certification procedures, as set out in Annex 3, shall apply with respect to procedures regarding certificate of origin and related matters.

Article 37
Sub-Committee on Rules of Origin

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Rules of Origin (hereinafter referred to in this Article as "the Sub-Committee") shall be established pursuant to Article 11.

2. The functions of the Sub-Committee shall be:

- (a) reviewing and making appropriate recommendations, as needed, to the Joint Committee on:
 - (i) the implementation and operation of this Chapter;
 - (ii) any amendments to Annex 2 and Attachment to Annex 3, proposed by either Party; and
 - (iii) the Implementing Regulations referred to in Rule 11 of Annex 3;
- (b) considering any other matter related to this Chapter, as the Parties may agree;
- (c) reporting the findings of the Sub-Committee to the Joint Committee; and
- (d) carrying out other functions as may be delegated by the Joint Committee pursuant to Article 11.

3. The Sub-committee shall be composed of representatives of the Governments of the Parties, and may invite representatives of relevant entities other than the Governments of the Parties with necessary expertise relevant to the issues to be discussed, upon agreement of the Parties.

4. The Sub-Committee shall meet at such time and venue as may be agreed by the Parties.

Chapter 4
Customs Procedures

Article 38
Scope

1. This Chapter shall apply to customs procedures required for the clearance of goods traded between the Parties, to promote the following aspects of the customs procedures:

- (a) transparency;
- (b) simplification and harmonization; and
- (c) cooperation and exchange of information.

2. This Chapter shall be implemented by the Parties in accordance with the laws and regulations of each Party and within the available resources of their respective customs authorities.

Article 39 Definitions

For the purposes of this Chapter, the term "customs laws" means such laws and regulations administered and enforced by the customs authority of each Party concerning the importation, exportation, and transit of goods, as they relate to customs duties, charges, and other taxes, or to prohibitions, restrictions, and other similar controls with respect to the movement of controlled items across the boundary of the customs territory of each Party.

Article 40 Transparency

1. Each Party shall ensure that all relevant information of general application pertaining to its customs laws is readily available to any interested person.

2. When information that has been made available must be revised due to changes in its customs laws, each Party shall make the revised information readily available sufficiently in advance of the entry into force of the changes to enable interested persons to take account of them, unless such an advance notice is precluded.

3. At the request of any interested person of the Parties, each Party shall, wherever appropriate, provide, as quickly and as accurately as possible, information relating to the specific customs matters raised by the interested person and pertaining to its customs laws. Each Party shall supply not only the information specifically requested but also any other pertinent information which it considers the interested person should be made aware of.

Article 41 Customs Clearance

1. The Parties shall apply their respective customs procedures in a predictable, consistent, and transparent manner.
2. For prompt customs clearance of goods traded between the Parties, each Party shall:
 - (a) endeavor to make use of information and communications technology;
 - (b) simplify its customs procedures;
 - (c) harmonize its customs procedures, as far as possible, with relevant international standards and recommended practices such as those made under the auspices of the Customs Co-operation Council; and
 - (d) promote cooperation, wherever appropriate, between its customs authority and:
 - (i) other national authorities of the Party;
 - (ii) the trading communities of the Party; and
 - (iii) the customs authorities of non-Parties.
3. Each Party shall provide affected parties with easily accessible processes of administrative and judicial review of its administrative actions relating to customs matters.

Article 42 Goods in Transit

Each Party shall continue to facilitate customs clearance of goods in transit from or to the other Party in accordance with paragraph 3 of Article V of the GATT 1994.

Article 43 Cooperation and Exchange of Information

1. The Parties shall cooperate and exchange information with each other in the field of customs procedures, including their enforcement against the trafficking of prohibited goods and the importation and exportation of goods suspected of infringing intellectual property rights.
2. Such cooperation and exchange of information shall be implemented as provided for in the Implementing Agreement.
3. Paragraph 3 of Article 6 shall not apply to the exchange of information under this Article.

Article 44 Sub-Committee on Customs Procedures

1. For the purposes of the effective implementation and operation of this Chapter, the Sub-Committee on Customs Procedures (hereinafter referred to in this Article as "the Sub-Committee") shall be established in accordance with Article 11.

2. The functions of the Sub-Committee shall be:

- (a) reviewing the implementation and operation of this Chapter;
- (b) reporting the findings of the Sub-Committee to the Joint Committee;
- (c) identifying areas, relating to this Chapter, to be improved for facilitating trade between the Parties; and
- (d) carrying out other functions as may be delegated by the Joint Committee pursuant to Article 11.

3. The Sub-Committee shall meet at such time and venue as may be agreed by the Parties.

4. The composition of the Sub-Committee shall be specified in the Implementing Agreement.

Chapter 5 Sanitary and Phytosanitary Measures

Article 45 Scope

This Chapter shall apply to all sanitary and phytosanitary (hereinafter referred to in this Chapter as "SPS") measures of the Parties under the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement (hereinafter referred to in this Agreement as "SPS Agreement"), that may, directly or indirectly, affect trade in goods between the Parties.

Article 46 Reaffirmation of Rights and Obligations

The Parties reaffirm their rights and obligations relating to SPS measures under the SPS Agreement.

Article 47 Enquiry Points