

**Agreement to Amend the Singapore-Australia
Free Trade Agreement**

The Government of Australia and the Government of the Republic of Singapore (the Parties) agree to amend the *Singapore-Australia Free Trade Agreement*, done at Singapore on 17 February 2003, and which entered into force on 28 July 2003, with subsequent amendments. In accordance with Article 7 of Chapter 17 (Amendments) of the Singapore-Australia Free Trade Agreement, the Parties have agreed to the following amendments:

1. Replace Chapter 1 (Objectives and General Definitions) with:

01 OBJECTIVES AND GENERAL DEFINITIONS

ARTICLE 1

Objectives

The objectives of the Parties in concluding this Agreement are:

- (a) to strengthen the relationship between them;
- (b) to liberalise trade in goods and services between them and to establish a framework conducive for bilateral investments;
- (c) to support the wider liberalisation process in the Asia-Pacific Economic Cooperation consistent with its goals of free and open trade and investment;
- (d) to build upon their commitments at the World Trade Organization, and to support its efforts to create a predictable, and more free and open global trading environment;
- (e) to improve the efficiency and competitiveness of their goods and services sectors and expand trade and investment between them;
- (f) to establish a framework of transparent rules to govern trade and investment between them; and
- (g) to explore newer areas of economic cooperation.

ARTICLE 2

General Definitions

For the purposes of this Agreement:

- (a) “APEC” means Asia-Pacific Economic Cooperation;
- (b) “central level of government” means for Australia, the Commonwealth Government, and for Singapore, the national level of government;
- (c) “covered investment” means, with respect to a Party, an investment in its territory of an investor of the other Party in existence as of the date of entry into force of this Agreement or established, acquired, or expanded thereafter;

- (d) “customs administration” means the competent authority that is responsible under the laws of a Party for the administration of customs laws, regulations and, where applicable, policies, and means:
 - (i) for Australia, the Department of Immigration and Border Protection; and
 - (ii) for Singapore, the Singapore Customs;
- (e) “customs duty” includes any duty or charge of any kind imposed on or in connection with the importation of a good, and any surtax or surcharge imposed in connection with such importation, but does not include any:
 - (i) charge equivalent to an internal tax imposed consistently with Article III:2 of GATT 1994;
 - (ii) fee or other charge in connection with the importation commensurate with the cost of services rendered; or
 - (iii) anti-dumping or countervailing duty;
- (f) “days” means calendar days, including weekends and holidays;
- (g) “GATS” means the *General Agreement on Trade in Services*, set out in Annex 1B to the WTO Agreement;
- (h) “GATT 1994” means the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;
- (i) “goods” and “products” shall be understood to have the same meaning unless the context otherwise requires;
- (j) “Harmonized System (HS)” means the *Harmonized Commodity Description and Coding System*, including its General Rules of Interpretation, Section Notes, Chapter Notes and Subheading Notes as adopted and implemented by the Parties in their respective laws;
- (k) “regional level of government” means for Australia, a state of Australia, the Australian Capital Territory, or the Northern Territory; for Singapore, the term “regional level of government” is not applicable;
- (l) “remanufactured good” means a good classified in Chapters 84 to 90 or under heading 94.02 of the Harmonized System, that is entirely or partially composed of recovered materials and:
 - (i) has a similar life expectancy and performs the same as or similar to a new good; and

- (ii) has a factory warranty similar to that applicable to such a new good;
- (m) “territory” means:
 - (i) in respect of Australia, the territory of Australia:
 - (A) excluding all external territories other than the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of Cocos (Keeling) Islands, the Territory of Ashmore and Cartier Islands, the Territory of Heard Island and McDonald Islands, and the Coral Sea Islands Territory; and
 - (B) including Australia’s air space, territorial sea, contiguous zone, exclusive economic zone and continental shelf over which Australia exercises sovereign rights or jurisdiction in accordance with international law;
 - (ii) in respect of Singapore, its land territory, internal waters and territorial sea, as well as any maritime area situated beyond the territorial sea which has been or might in the future be designated under its national law, in accordance with international law, as an area within which Singapore may exercise sovereign rights or jurisdiction with regards to the sea, the sea-bed, the subsoil and the natural resources;
- (n) “WTO” means the World Trade Organization; and
- (o) “WTO Agreement” means the *Marrakesh Agreement Establishing the World Trade Organization*, done at Marrakesh on April 15, 1994.

2. Replace Chapter 2 (Trade in Goods) with:

02 TRADE IN GOODS

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “AD Agreement” means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;
- (b) “advertising films and recordings” means recorded visual media or audio materials, consisting essentially of images or sound, showing the nature or operation of goods or services offered for sale or lease by a person of a Party, that are of a kind suitable for exhibition to prospective customers but not for broadcast to the general public;
- (c) “Agreement on Agriculture” means the *Agreement on Agriculture*, set out in Annex 1A to the WTO Agreement;
- (d) “commercial samples of negligible value” means commercial or trade samples: having a value, individually or in the aggregate as shipped, of not more than one U.S. dollar or the equivalent amount in the currency of either Party; or so marked, torn, perforated or otherwise treated that they are unsuitable for sale or for use except as commercial samples;
- (e) “consumed” means, with respect to a good:
 - (i) actually consumed; or
 - (ii) further processed or manufactured:
 - (A) so as to result in a substantial change in the value, form or use of the good; or
 - (B) in the production of another good;
- (f) “distributor” means a person of a Party who is responsible for the commercial distribution, agency, concession or representation in the territory of that Party of goods of another Party;
- (g) “duty-free” means free of customs duty;
- (h) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally

owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;

- (i) “export subsidy” means a subsidy as defined by Article 3 of the SCM Agreement and includes export subsidies listed in Article 9 of the Agreement on Agriculture;
- (j) “goods” means any merchandise, product, article or material;
- (k) “goods admitted for sports purposes” means sports requisites admitted into the territory of the importing Party for use in sports contests, demonstrations or training in the territory of that Party;
- (l) “goods intended for display or demonstration” includes their component parts, ancillary apparatuses and accessories;
- (m) “import licensing” means an administrative procedure requiring the submission of an application or other documentation, other than that generally required for customs clearance purposes, to the relevant administrative body of the importing Party as a prior condition for importation into the territory of that Party;
- (n) “Import Licensing Agreement” means the *Agreement on Import Licensing Procedures*, set out in Annex 1A to the WTO Agreement;
- (o) “measure” includes any law, regulation, procedure, requirement or practice;
- (p) “national” means:
 - (i) for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007*, as amended from time to time, or any successor legislation;
 - (ii) for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or
 - (iii) a permanent resident of either Party;
- (q) “performance requirement” means a requirement that:
 - (i) a given level or percentage of goods or services be exported;
 - (ii) domestic goods or services of the Party granting a waiver of customs duties or an import licence be substituted for imported goods;
 - (iii) a person benefiting from a waiver of customs duties or a requirement for an import licence purchase other goods or services in the territory of the Party that grants the waiver of

customs duties or the import licence or accord a preference to domestically produced goods;

- (iv) a person benefiting from a waiver of customs duties or a requirement for an import licence produce goods or supply services in the territory of the Party that grants the waiver of customs duties or the import licence, with a given level or percentage of domestic content; or
- (v) relates in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows;

but does not include a requirement that an imported good be:

- (vi) subsequently exported;
 - (vii) used as a material in the production of another good that is subsequently exported;
 - (viii) substituted by an identical or similar good used as a material in the production of another good that is subsequently exported; or
 - (ix) substituted by an identical or similar good that is subsequently exported;
- (r) “person” means a natural person or an enterprise;
 - (s) “person of a Party” means a national or an enterprise of a Party;
 - (t) “printed advertising materials” means those goods classified in Chapter 49 of the Harmonized System, including brochures, pamphlets, leaflets, trade catalogues, yearbooks published by trade associations, tourist promotional materials and posters, that are used to promote, publicise or advertise a good or service, are essentially intended to advertise a good or service, and are supplied free of charge;
 - (u) “Safeguards Agreement” means the *Agreement on Safeguards*, set out in Annex 1A to the WTO Agreement; and
 - (v) “SCM Agreement” means the *Agreement on Subsidies and Countervailing Measures*, set out in Annex 1A to the WTO Agreement.

ARTICLE 2

National Treatment on Internal Taxation and Regulation

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994, including its interpretative notes. To this end, Article III of the GATT 1994 and its interpretative notes are incorporated into and shall form part of this Agreement, *mutatis mutandis*.

ARTICLE 3

Customs Duties

1. Each Party shall eliminate all customs duties on goods originating in the territory of the other Party that meet the requirements for originating goods as set out in Chapter 3 (Rules of Origin). All customs duties on such goods shall thereby be free from the date of entry into force of this Agreement.
2. The classification of goods traded between the Parties shall be in conformity with the Harmonized System (HS).

ARTICLE 4

Customs Value

The Parties shall determine the customs value of goods traded between them in accordance with Article VII of the GATT 1994 and the WTO Agreement on Implementation of Article VII of the GATT 1994.

ARTICLE 5

Goods Re-entered after Repair and Alteration

1. Neither Party shall apply a customs duty to a good, regardless of its origin, that re-enters the Party's territory after that good has been temporarily exported from the Party's territory to the territory of the other Party for repair or alteration, regardless of whether that repair or alteration could have been performed in the territory of the Party from which the good was exported for repair or alteration or increased the value of the good.
2. Neither Party shall apply a customs duty to a good, regardless of its origin, admitted temporarily from the territory of the other Party for repair or alteration.
3. For the purposes of this Article, "repair or alteration" does not include an operation or process that:
 - (a) destroys a good's essential characteristics or creates a new or commercially different good; or
 - (b) transforms an unfinished good into a finished good.

ARTICLE 6

Duty-Free Entry of Commercial Samples of Negligible Value and Printed Advertising Material

Each Party shall grant duty-free entry to commercial samples of negligible value and printed advertising material imported from the territory of the other Party, regardless of their origin, but may require that:

- (a) commercial samples of negligible value be imported solely for the solicitation of orders for goods, or services provided from the territory, of another Party or a non-Party; or
- (b) printed advertising material be imported in packets that each contain no more than one copy of the material and that neither that material nor those packets form part of a larger consignment.

ARTICLE 7

Temporary Admission of Goods

1. Each Party shall grant duty-free temporary admission for the following goods, regardless of their origin:

- (a) professional equipment, including equipment for the press or television, software, and broadcasting and cinematographic equipment, that is necessary for carrying out the business activity, trade or profession of a person who qualifies for temporary entry pursuant to the laws of the importing Party;
- (b) goods intended for display or demonstration;
- (c) commercial samples and advertising films and recordings; and
- (d) goods admitted for sports purposes.

2. Each Party shall, at the request of the person concerned and for reasons its customs authority considers valid, extend the time limit for duty-free temporary admission beyond the period initially fixed.

3. Neither Party shall condition the duty-free temporary admission of the goods referred to in paragraph 1, other than to require that those goods:

- (a) be used solely by or under the personal supervision of a national of the other Party in the exercise of the business activity, trade, profession or sport of that national of the other Party;
- (b) not be sold or leased while in its territory;

- (c) be accompanied by a security in an amount no greater than the charges that would otherwise be owed on entry or final importation, releasable on exportation of the goods;
- (d) be capable of identification when imported and exported;
- (e) be exported on the departure of the national referred to in subparagraph (a), or within any other period reasonably related to the purpose of the temporary admission that the Party may establish, or within one year, unless extended;
- (f) be admitted in no greater quantity than is reasonable for their intended use; and
- (g) be otherwise admissible into the Party's territory under its laws.

4. Each Party shall grant duty-free temporary admission for containers and pallets regardless of their origin, that are in use or to be used in the shipment of goods in international traffic.

- (a) For the purposes of this paragraph, "container" means an article of transport equipment that is: fully or partially enclosed to constitute a compartment intended for containing goods; substantial and has an internal volume of one cubic metre or more; of a permanent character and accordingly strong enough to be suitable for repeated use; used in significant numbers in international traffic; specially designed to facilitate the carriage of goods by more than one mode of transport without intermediate reloading; and designed both for ready handling, particularly when being transferred from one mode of transport to another, and to be easy to fill and to empty, but does not include vehicles, accessories or spare parts of vehicles or packaging.
- (b) For the purposes of this paragraph, "pallet" means a small, portable platform, which consists of two decks separated by bearers or a single deck supported by feet, on which goods can be moved, stacked, and stored, and which is designed essentially for handling by means of fork lift trucks, pallet trucks, or other jacking devices.

5. If any condition that a Party imposes under paragraph 3 has not been fulfilled, the Party may apply the customs duty and any other charge that would normally be owed on the good in addition to any other charges or penalties provided for under its law.

6. Each Party shall adopt and maintain procedures providing for the expeditious release of goods admitted under this Article. To the extent possible, those procedures shall provide that when a good admitted under this Article accompanies a national of the other Party who is seeking temporary entry, the good shall be released simultaneously with the entry of that national.

7. Each Party shall permit a good temporarily admitted under this Article to be exported through a customs port other than the port through which it was admitted.
8. Each Party shall, in accordance with its laws, provide that the importer or other person responsible for a good admitted under this Article shall not be liable for failure to export the good on presentation of satisfactory proof to the importing Party that the good was destroyed within the period fixed for temporary admission, including any lawful extension.
9. Subject to Chapters 7 (Cross-Border Trade in Services) and 8 (Investment):
 - (a) each Party shall allow a container used in international traffic that enters its territory from the territory of the other Party to exit its territory on any route that is reasonably related to the economic and prompt departure of that container;
 - (b) neither Party shall require any security or impose any penalty or charge solely by reason of any difference between the customs port of entry and the customs port of departure of a container;
 - (c) neither Party shall condition the release of any obligation, including any security, that it imposes in respect of the entry of a container into its territory on the exit of that container through any particular customs port of departure; and
 - (d) neither Party shall require that the carrier bringing a container from the territory of the other Party into its territory be the same carrier that takes such container to the territory of the other Party.

ARTICLE 8

Import and Export Restrictions

1. Except as otherwise provided in this Agreement, neither Party shall adopt or maintain any prohibition or restriction on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the territory of the other Party, except in accordance with Article XI of the GATT 1994 and its interpretative notes, and to this end Article XI of the GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.
2. The Parties understand that the GATT 1994 rights and obligations incorporated by paragraph 1 prohibit, in any circumstances in which any other form of restriction is prohibited, a Party from adopting or maintaining:
 - (a) export and import price requirements, except as permitted in enforcement of countervailing and anti-dumping duty orders and undertakings;

- (b) import licensing conditioned on the fulfilment of a performance requirement; or
 - (c) voluntary export restraints inconsistent with Article VI of the GATT 1994, as implemented under Article 18 of the SCM Agreement and Article 8.1 of the AD Agreement.
3. For greater certainty, paragraph 1 shall apply to the importation of commercial cryptographic goods.
4. For the purposes of paragraph 3, “commercial cryptographic goods” means any good implementing or incorporating cryptography, if the good is not designed or modified specifically for government use and is sold or otherwise made available to the public.
5. In the event that a Party adopts or maintains a prohibition or restriction on the importation from or exportation to a non-Party of a good, no provision of this Agreement shall be construed to prevent that Party from:
- (a) limiting or prohibiting the importation of the good of the non-Party from the territory of the other Party; or
 - (b) requiring, as a condition for exporting the good of that Party to the territory of the other Party, that the good not be re-exported to the non-Party, directly or indirectly, without being consumed in the territory of the other Party.
6. In the event that a Party adopts or maintains a prohibition or restriction on the importation of a good from a non-Party, it shall, on the request of the other Party, consult with the other Party a view to avoiding undue interference with or distortion of pricing, marketing, or distribution arrangements in that other Party.
7. Neither Party shall, as a condition for engaging in importation or for the importation of a good, require a person of the other Party to establish or maintain a contractual or other relationship with a distributor in its territory.
8. For greater certainty, paragraph 7 does not prevent a Party from requiring a person referred to in that paragraph to designate a point of contact for the purpose of facilitating communications between its regulatory authorities and that person.

ARTICLE 9

Remanufactured Goods

1. For greater certainty, Article 8.1 (Import and Export Restrictions) shall apply to prohibitions and restrictions on the importation of remanufactured goods.

2. If a Party adopts or maintains measures prohibiting or restricting the importation of used goods, it shall not apply those measures to remanufactured goods.¹

ARTICLE 10

Import Licensing

1. Neither Party shall adopt or maintain a measure that is inconsistent with the Import Licensing Agreement.

2. Promptly after this Agreement enters into force for a Party, that Party shall notify the other Parties of its existing import licensing procedures, if any. The notice shall include the information specified in Article 5.2 of the Import Licensing Agreement and any information required under paragraph 6.

3. A Party shall be deemed to be in compliance with paragraph 2 with respect to an existing import licensing procedure if:

- (a) it has notified that procedure to the WTO Committee on Import Licensing provided for in Article 4 of the Import Licensing Agreement together with the information specified in Article 5.2 of that agreement;
- (b) in the most recent annual submission due before the date of entry into force of the Agreement to Amend the Singapore-Australia Free Trade Agreement for that Party to the WTO Committee on Import Licensing in response to the annual questionnaire on import licensing procedures described in Article 7.3 of the Import Licensing Agreement, it has provided, with respect to that procedure, the information requested in that questionnaire; and
- (c) it has included in either the notice described in subparagraph (a) or the annual submission described in subparagraph (b) any information required to be notified to the other Party under paragraph 6.

4. Each Party shall comply with Article 1.4(a) of the Import Licensing Agreement with respect to any new or modified import licensing procedure. Each Party shall also publish on an official government website any information that it is required to publish under Article 1.4(a) of the Import Licensing Agreement.

5. Each Party shall notify the other Party of any new import licensing procedures it adopts and any modifications it makes to its existing import licensing procedures, if

¹ For greater certainty, subject to its obligations under this Agreement and the WTO Agreement, a Party may require that remanufactured goods:

- (a) be identified as such for distribution or sale in its territory; and
- (b) meet all applicable technical requirements that apply to equivalent goods in new condition.

possible, no later than 60 days before the new procedure or modification takes effect. In no case shall a Party provide the notification later than 60 days after the date of its publication. The notification shall include any information required under paragraph 6. A Party shall be deemed to be in compliance with this obligation if it notifies a new import licensing procedure or a modification to an existing import licensing procedure to the WTO Committee on Import Licensing in accordance with Articles 5.1, 5.2 or 5.3 of the Import Licensing Agreement, and includes in its notification any information required to be notified to the other Party under paragraph 6.

6. (a) A notice under paragraph 2, paragraph 3 or paragraph 5 shall state if, under any import licensing procedure that is a subject of the notice:
 - (i) the terms of an import licence for any product limit the permissible end users of the product; or
 - (ii) the Party imposes any of the following conditions on eligibility for obtaining a licence to import any product:
 - (A) membership in an industry association;
 - (B) approval by an industry association of the request for an import licence;
 - (C) a history of importing the product or similar products;
 - (D) minimum importer or end user production capacity;
 - (E) minimum importer or end user registered capital; or
 - (F) a contractual or other relationship between the importer and a distributor in the Party's territory.
- (b) A notice that states, under subparagraph (a), that there is a limitation on permissible end users or a licence-eligibility condition shall:
 - (i) list all products for which the end-user limitation or licence eligibility condition applies; and
 - (ii) describe the end-user limitation or licence-eligibility condition.

7. Each Party shall respond within 60 days to a reasonable enquiry from the other Party concerning its licensing rules and its procedures for the submission of an application for an import licence, including the eligibility of persons, firms and institutions to make an application, the administrative body or bodies to be approached and the list of products subject to the licensing requirement.

8. If a Party denies an import licence application with respect to a good of the other Party, it shall, on request of the applicant and within a reasonable period after receiving the request, provide the applicant with a written explanation of the reason for the denial.

9. Neither Party shall apply an import licensing procedure to a good of the other Party unless it has, with respect to that procedure, met the requirements of paragraph 2 or paragraph 4, as applicable.

ARTICLE 11

Export Duties

A Party shall not impose any export duty on the goods set out in Annex 1 (Export Duties), when exported from its territory to the territory of the other Party.

ARTICLE 12

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 territory of the other Party except in accordance with its WTO rights and obligations or in accordance with this Agreement.

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

ARTICLE 13

Subsidies and Countervailing Measures

1. The Parties agree to prohibit export subsidies on all goods, including agricultural goods.

2. The Parties reaffirm their commitment to abide by the SCM Agreement.

ARTICLE 14

Anti-Dumping Measures

1. With respect to the application of anti-dumping measures, the Parties reaffirm their commitment to the AD Agreement.

2. The Parties agree to observe the following practices in anti-dumping cases between them:

- (a) the time frame to be used for determining the volume of dumped imports in an investigation or review shall be representative of the

imports of both dumped and non-dumped goods, for a reasonable period, and such reasonable period shall normally be at least 12 months;

- (b) if a decision is taken to impose an anti-dumping duty pursuant to Article 9.1 of the AD Agreement, the Party taking such a decision shall normally apply the “lesser duty rule” by imposing a duty which is less than the dumping margin where such lesser duty would be adequate to remove the injury to the domestic industry; and
- (c) notification procedures shall be as follows:
 - (i) immediately following the acceptance by a Party of a properly documented application from an industry in that Party for the initiation of an anti-dumping investigation in respect of goods from the other Party, the first Party shall immediately inform the other Party;
 - (ii) where a Party considers that, in accordance with Article 5 of the AD Agreement, there is sufficient evidence to justify the initiation of an anti-dumping investigation, it shall give written notice to the other Party and shall act in accordance with Article 17.2 of that Agreement concerning consultations.

3. At reviews of this Agreement under Article 7 (Review) of Chapter 17 (Final Provisions), the Parties shall review this Article, including a consideration of any recommendations by the WTO Committee on Anti-Dumping Practices.

ARTICLE 15

Safeguard Measures

A Party shall not initiate or take any safeguard measure within the meaning of the Safeguards Agreement against the goods of the other Party from the date of entry into force of this Agreement.

ARTICLE 16

Transparency

Article X of the GATT 1994 is incorporated into and shall form part of this Agreement, *mutatis mutandis*.

ARTICLE 17

Measures to Safeguard the Balance of Payments

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may, in accordance with the GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the GATT 1994, adopt restrictive import measures.

ARTICLE 18

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importations or exportations of gold or silver;
- (d) necessary to secure compliance with laws or regulations which are not inconsistent with this Chapter, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of the GATT 1994, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; Provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not

depart from the provisions of this Chapter relating to non-discrimination;

- (j) essential to the acquisition or distribution of products in general or local short supply; Provided that any such measures shall be consistent with the principle that all WTO members are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with this Chapter shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

3. Replace Chapter 3 (Rules of Origin) with the following, provided that, for three years after the entry into force of this Agreement for both Parties, a good shall also qualify as an “originating good” if it qualifies as originating in accordance with the relevant provisions of Section A of Chapter 3 (Rules of Origin), as in force prior to the entry into force of this Agreement:

03 RULES OF ORIGIN AND ORIGIN PROCEDURES

Section A: Rules of Origin

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “aquaculture” means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants from seed stock such as eggs, fry, fingerlings or larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding or protection from predators;
- (b) “Customs Valuation Agreement” means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, set out in Annex 1A to the WTO Agreement;
- (c) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;
- (d) “fungible goods or materials” means goods or materials that are interchangeable for commercial purposes and whose properties are essentially identical;
- (e) “Generally Accepted Accounting Principles” means those principles recognised by consensus or with substantial authoritative support in the territory of a Party with respect to the recording of revenues, expenses, costs, assets and liabilities; the disclosure of information; and the preparation of financial statements. These principles may encompass broad guidelines for general application, as well as detailed standards, practices and procedures;
- (f) “good” means any merchandise, product, article or material;
- (g) “indirect material” means a material used in the production, testing or inspection of a good but not physically incorporated into the good; or a

material used in the maintenance of buildings or the operation of equipment, associated with the production of a good, including:

- (i) fuel, energy, catalysts and solvents;
 - (ii) equipment, devices and supplies used to test or inspect the good;
 - (iii) gloves, glasses, footwear, clothing, safety equipment and supplies;
 - (iv) tools, dies and moulds;
 - (v) spare parts and materials used in the maintenance of equipment and buildings;
 - (vi) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings; and
 - (vii) any other material that is not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production;
- (h) “material” means a good that is used in the production of another good;
 - (i) “non-originating good” or “non-originating material” means a good or material that does not qualify as originating in accordance with this Chapter;
 - (j) “originating good” or “originating material” means a good or material that qualifies as originating in accordance with this Chapter;
 - (k) “packing materials and containers for shipment” means goods used to protect another good during its transportation, but does not include the packaging materials or containers in which a good is packaged for retail sale;
 - (l) “person” means a natural person or an enterprise;
 - (m) “person of a Party” means a national¹ or an enterprise of a Party;
 - (n) “producer” means a person who engages in the production of a good;
 - (o) “production” means operations including growing, cultivating, raising, mining, harvesting, fishing, trapping, hunting, capturing, collecting,

¹ For the purposes of this Chapter, a “national” means, for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation; for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or a permanent resident of either Party.

breeding, extracting, aquaculture, gathering, manufacturing, processing or assembling a good;

- (p) “recovered material” means a material in the form of one or more individual parts that results from:
 - (i) the disassembly of a used good into individual parts; and
 - (ii) the cleaning, inspecting, testing or other processing of those parts as necessary for improvement to sound working condition;
- (q) “transaction value” means the price actually paid or payable for the good when sold for export or other value determined in accordance with the Customs Valuation Agreement; and
- (r) “value of the good” means the transaction value of the good excluding any costs incurred in the international shipment of the good.

ARTICLE 2

Originating Goods

Except as otherwise provided in this Chapter, each Party shall provide that a good is originating if it is:

- (a) wholly obtained or produced entirely in the territory of one or both of the Parties by one or more producers as established in Article 3 (Wholly Obtained or Produced Goods);
- (b) produced entirely in the territory of one or both of the Parties by one or more producers, exclusively from originating materials; or
- (c) produced entirely in the territory of one or both of the Parties by one or more producers using non-originating materials provided the good satisfies all applicable requirements of Annex 2 (Product-Specific Rules of Origin),

and the good satisfies all other applicable requirements of this Chapter.

ARTICLE 3

Wholly Obtained or Produced Goods

Each Party shall provide that for the purposes of Article 2 (Originating Goods), a good is wholly obtained or produced entirely in the territory of one or both of the Parties if it is:

- (a) a plant or plant good, grown, cultivated, harvested, picked or gathered there;
- (b) a live animal born and raised there;
- (c) a good obtained from a live animal there;
- (d) an animal obtained by hunting, trapping, fishing, gathering or capturing there;
- (e) a good obtained from aquaculture there;
- (f) a mineral or other naturally occurring substance, not included in subparagraphs (a) to (e), extracted or taken from there;
- (g) fish, shellfish and other marine life taken from the high seas, by vessels that are entitled to fly the flag of that Party;
- (h) a good produced from goods referred to in subparagraph (g) on board a factory ship that is registered, listed or recorded with a Party and entitled to fly the flag of that Party;
- (i) a good other than fish, shellfish and other marine life taken by a Party or a person of a Party from the seabed or subsoil outside the territories of the Parties, and beyond areas over which non-Parties exercise jurisdiction provided that Party or person of that Party has the right to exploit that seabed or subsoil in accordance with international law;
- (j) a good that is:
 - (i) waste or scrap derived from production there; or
 - (ii) waste or scrap derived from used goods collected there, provided that those goods are fit only for the recovery of raw materials; and
- (k) a good produced there, exclusively from goods referred to in subparagraphs (a) to (j), or from their derivatives.

ARTICLE 4

Treatment of Recovered Materials Used in Production of a Remanufactured Good

1. Each Party shall provide that a recovered material derived in the territory of one or both of the Parties is treated as originating when it is used in the production of, and incorporated into, a remanufactured good.
2. For greater certainty:

- (i) a remanufactured good is originating only if it satisfies the applicable requirements of Article 2 (Originating Goods); and
- (ii) a recovered material that is not used or incorporated in the production of a remanufactured good is originating only if it satisfies the applicable requirements of Article 2 (Originating Goods).

ARTICLE 5

Regional Value Content

1. Each Party shall provide that a regional value content requirement specified in this Chapter, including related Annexes, to determine whether a good is originating, is calculated as follows:

- (a) Build-down Method: Based on Value of Non-Originating Materials

$$RVC = \frac{\text{Value of the Good} - \text{VNM}}{\text{Value of the Good}} \times 100$$

or

- (b) Build-up Method: Based on Value of Originating Materials

$$RVC = \frac{\text{VOM}}{\text{Value of the Good}} \times 100$$

where:

“RVC” is the regional value content of a good, expressed as a percentage;

“VNM” is the value of non-originating materials, including materials of undetermined origin, used in the production of the good; and

“VOM” is the value of originating materials used in the production of the good in the territory of one or both of the Parties.

2. Each Party shall provide that all costs considered for the calculation of regional value content are recorded and maintained in conformity with the Generally Accepted Accounting Principles applicable in the territory of a Party where the good is produced.

ARTICLE 6

Materials Used in Production

1. Each Party shall provide that if a non-originating material undergoes further production such that it satisfies the requirements of this Chapter, the material is treated as originating when determining the originating status of the subsequently produced good, regardless of whether that material was produced by the producer of

the good.

2. Each Party shall provide that if a non-originating material is used in the production of a good, the following may be counted as originating content for the purpose of determining whether the good meets a regional value content requirement:

- (a) the value of processing of the non-originating materials undertaken in the territory of one or both of the Parties; and
- (b) the value of any originating material used in the production of the non-originating material undertaken in the territory of one or both of the Parties.

ARTICLE 7

Value of Materials Used in Production

Each Party shall provide that for the purposes of this Chapter, the value of a material is:

- (a) for a material imported by the producer of the good, the transaction value of the material at the time of importation, including the costs incurred in the international shipment of the good;
- (b) for a material acquired in the territory where the good is produced:
 - (i) the price paid or payable by the producer in the Party where the producer is located;
 - (ii) the value as determined for an imported material in subparagraph (a); or
 - (iii) the earliest ascertainable price paid or payable in the territory of the Party; or
- (c) for a material that is self-produced:
 - (i) all the costs incurred in the production of the material, which includes general expenses; and
 - (ii) an amount equivalent to the profit added in the normal course of trade, or equal to the profit that is usually reflected in the sale of goods of the same class or kind as the self-produced material that is being valued.

ARTICLE 8

Further Adjustments to the Value of Materials

1. Each Party shall provide that for an originating material, the following expenses may be added to the value of the material, if not included under Article 7 (Value of Materials Used in Production):

- (a) the costs of freight, insurance, packing and all other costs incurred to transport the material to the location of the producer of the good;
- (b) duties, taxes and customs brokerage fees on the material, paid in the territory of one or both of the Parties, other than duties and taxes that are waived, refunded, refundable or otherwise recoverable, which include credit against duty or tax paid or payable; and
- (c) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of reusable scrap or by-product.

2. Each Party shall provide that, for a non-originating material or material of undetermined origin, the following expenses may be deducted from the value of the material:

- (a) the costs of freight, insurance, packing and all other costs incurred in transporting the material within the territories of the Parties to the location of the producer of the good;
- (b) duties, taxes and customs brokerage fees on the material paid in the territory of one or both of the Parties, other than duties and taxes that are waived, refunded, refundable or otherwise recoverable, which include credit against duty or tax paid or payable; and
- (c) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of reusable scrap or by-product.

3. If the cost or expense listed in paragraph 1 or 2 is unknown or documentary evidence of the amount of the adjustment is not available, then no adjustment is allowed for that particular cost.

ARTICLE 9

Accumulation

1. Each Party shall provide that an originating good or material of one of the Parties that is used in the production of another good in the territory of the other Party is considered as originating in the territory of the other Party.

2. Each Party shall provide that production undertaken on a non-originating material in the territory of one or both of the Parties by one or more producers may contribute toward the originating content of a good for the purpose of determining its

origin, regardless of whether that production was sufficient to confer originating status to the material itself.

ARTICLE 10

De Minimis

1. Each Party shall provide that a good that contains non-originating materials that do not satisfy the applicable change in tariff classification requirement specified in Annex 2 (Product-Specific Rules of Origin) for the good is nonetheless an originating good if:

- (a) the value of all these materials does not exceed 10 per cent of the value of the good, as defined under Article 5 (Regional Value Content), and the good meets all the other applicable requirements of this Chapter; or
- (b) for a good classified in Chapters 50 through 63 of the Harmonized System, the total weight of all such materials does not exceed 10 per cent of the total weight of the good, or the total value of all such materials does not exceed 10 per cent of the value of the good.

2. Paragraph 1 applies only when using a non-originating material in the production of another good.

ARTICLE 11

Fungible Goods or Materials

Each Party shall provide that a fungible good or material is treated as originating based on the:

- (a) physical segregation of each fungible good or material; or
- (b) use of any inventory management method recognised in the Generally Accepted Accounting Principles if the fungible good or material is commingled, provided that the inventory management method selected is used throughout the fiscal year of the person that selected the inventory management method.

ARTICLE 12

Accessories, Spare Parts, Tools and Instructional or Other Information Materials

1. Each Party shall provide that:

- (a) in determining whether a good is wholly obtained, or satisfies a process or change in tariff classification requirement as set out in

Annex 2 (Product-Specific Rules of Origin), accessories, spare parts, tools or instructional or other information materials, as described in paragraph 3, are to be disregarded; or

- (b) in determining whether a good meets a regional value content requirement, the value of the accessories, spare parts, tools or instructional or other information materials, as described in paragraph 3, are to be taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good.

2. Each Party shall provide that a good's accessories, spare parts, tools or instructional or other information materials, as described in paragraph 3, have the originating status of the good with which they are delivered.

3. For the purposes of this Article, accessories, spare parts, tools, and instructional or other information materials are covered when:

- (a) the accessories, spare parts, tools and instructional or other information materials are classified with, delivered with but not invoiced separately from the good; and
- (b) the types, quantities, and value of the accessories, spare parts, tools and instructional or other information materials are customary for that good.

ARTICLE 13

Packaging Materials and Containers for Retail Sale

1. Each Party shall provide that packaging materials and containers in which a good is packaged for retail sale, if classified with the good, are disregarded in determining whether all the non-originating materials used in the production of the good have satisfied the applicable process or change in tariff classification requirement set out in Annex 2 (Product-Specific Rules of Origin) or whether the good is wholly obtained or produced.

2. Each Party shall provide that if a good is subject to a regional value content requirement, the value of the packaging materials and containers in which the good is packaged for retail sale, if classified with the good, are taken into account as originating or non-originating, as the case may be, in calculating the regional value content of the good.

ARTICLE 14

Packing Materials and Containers for Shipment

Each Party shall provide that packing materials and containers for shipment are disregarded in determining whether a good is originating.

ARTICLE 15

Indirect materials

Each Party shall provide that an indirect material is considered to be originating without regard to where it is produced.

ARTICLE 16

Sets of Goods

1. Each Party shall provide that for a set classified as a result of the application of rule 3(a) or 3(b) of the General Rules for the Interpretation of the Harmonized System, the originating status of the set shall be determined in accordance with the product-specific rule of origin that applies to the set.
2. Each Party shall provide that for a set classified as a result of the application of rule 3(c) of the General Rules for the Interpretation of the Harmonized System, the set is originating only if each good in the set is originating and both the set and the goods meet the other applicable requirements of this Chapter.
3. Notwithstanding paragraph 2, for a set classified as a result of the application of rule 3(c) of the General Rules for the Interpretation of the Harmonized System, the set is originating if the value of all the non-originating goods in the set does not exceed 10 per cent of the value of the set.
4. For the purposes of paragraph 3, the value of the non-originating goods in the set and the value of the set shall be calculated in the same manner as the value of non-originating materials and the value of the good.

ARTICLE 17

Transit and Transshipment

1. Each Party shall provide that an originating good retains its originating status if the good has been transported to the importing Party without passing through the territory of a non-Party.
2. Each Party shall provide that if an originating good is transported through the territory of one or more non-Parties, the good retains its originating status provided that the good does not undergo any operation outside the territories of the Parties other than: unloading; reloading; separation from a bulk shipment; storing; labelling or marking required by the importing Party; or any other operation necessary to

preserve it in good condition or to transport the good to the territory of the importing Party.

Section B: Origin Procedures

ARTICLE 18

Claims for Preferential Treatment

1. Each Party shall provide that an importer may make a claim for preferential tariff treatment, based on a certification of origin completed by the exporter, producer or importer or an authorised representative of the exporter, producer or importer.²
2. Each Party shall provide that a certification of origin:
 - (a) need not follow a prescribed format;
 - (b) be in writing, including electronic format;
 - (c) specifies that the good is both originating and meets the requirements of this Chapter; and
 - (d) contains a set of minimum data requirements as set out in Annex 3-A (Minimum Data Requirements).
3. Each Party shall provide that a certification of origin may apply to:
 - (a) a single shipment of a good into the territory of a Party; or
 - (b) multiple shipments of identical goods within any period specified in the certification of origin, but not exceeding 12 months.
4. Each Party shall provide that a certification of origin is valid for one year after the date that it was issued or for such longer period specified by the laws and regulations of the importing Party.
5. Each Party shall allow an importer to submit a certification of origin in English.

ARTICLE 19

Basis of a Certification of Origin

² This article does not prevent parties maintaining laws and regulations governing the issuance of certificates of origin.

1. Each Party shall provide that if a producer certifies the origin of a good, the certification of origin is completed on the basis of the producer having information that the good is originating.
2. Each Party shall provide that if the exporter is not the producer of the good, a certification of origin may be completed by the exporter of the good on the basis of:
 - (a) the exporter having information that the good is originating; or
 - (b) reasonable reliance on the producer's information that the good is originating.
3. Each Party shall provide that a certification of origin may be completed by the importer of the good on the basis of:
 - (a) the importer having documentation that the good is originating; or
 - (b) reasonable reliance on supporting documentation provided by the exporter or producer that the good is originating.
4. Each Party shall provide that a certification of origin may be completed by an authorised representative of a producer, exporter or importer of the good on the basis of:
 - (a) the authorised representative having documentation that the good is originating; or
 - (b) reasonable reliance on supporting documentation provided by the producer, exporter or importer that the good is originating.
5. For greater certainty, nothing in paragraph 1 or paragraph 2 shall be construed to allow a Party to require an exporter or producer to complete a certification of origin or provide a certification of origin to another person.

ARTICLE 20

Discrepancies

Each Party shall provide that it shall not reject a certification of origin due to minor errors or discrepancies in the certification of origin.

ARTICLE 21

Waiver of Certification of Origin

Neither Party shall require a certification of origin if:

- (a) the customs value of the importation does not exceed 1000 Australian dollars for Australia or the equivalent amount in the importing Party's currency or any higher amount as the importing Party may establish; or
- (b) it is for an importation of a good for which the importing Party has waived the requirement for a certificate of origin,

provided that the importation does not form part of a series of importations carried out or planned for the purpose of evading compliance with the importing Party's laws governing claims for preferential tariff treatment under this Agreement.

ARTICLE 22

Obligations Relating to Importation

1. Except as otherwise provided for in this Chapter, each Party shall provide that, for the purpose of claiming preferential tariff treatment, the importer shall:
 - (a) make a declaration³ that the good qualifies as an originating good;
 - (b) have a valid certification of origin in its possession at the time the declaration referred to in subparagraph (a) is made; and
 - (c) provide a copy of the certification of origin to the importing Party if required by the Party.
2. Each Party shall provide that, if the importer has reason to believe that the certification of origin is based on incorrect information that could affect the accuracy or validity of the certification of origin, the importer shall correct the importation document and pay any customs duty and, if applicable, penalties owed.
3. No importing Party shall subject an importer to a penalty for making an invalid claim for preferential tariff treatment if the importer, on becoming aware that such a claim is not valid and prior to discovery of the error by that Party, voluntarily corrects the claim and pays any applicable customs duty under the circumstances provided for in the Party's law.

ARTICLE 23

Obligations Relating to Exportation

Each Party shall provide that an exporter or a producer, or their authorised representative, that has completed and signed a certificate of origin, shall, on request, provide a copy of the certificate of origin and such other documents to its customs administration, if required by the Party's laws and regulations.

³ A Party shall specify its declaration requirements in its laws, regulations or procedures that are published or otherwise made available in a manner as to enable interested persons to become acquainted with them.

ARTICLE 24

Record Keeping Requirements

1. Each Party shall provide that an importer claiming preferential tariff treatment for a good imported into the territory of that Party shall maintain, for a period of no less than five years from the date of importation of the good:

- (a) the documentation related to the importation, including the certification of origin that served as the basis for the claim; and
- (b) all records necessary to demonstrate that the good is originating and qualified for preferential tariff treatment, if the claim was based on a certification of origin completed by the importer.

2. Each Party shall provide that a producer or exporter in its territory that provides a certification of origin shall maintain, for a period of no less than five years from the date the certification of origin was issued, all records necessary to demonstrate that a good for which the exporter or producer provided a certification of origin is originating. Each Party shall endeavour to make available information on types of records that may be used to demonstrate that a good is originating.

3. Each Party shall provide that an importer, exporter or producer in its territory may choose to maintain the records specified in paragraph 1 and paragraph 2 in any medium that allows for prompt retrieval, including electronic, optical, magnetic or written form in accordance with that Party's law.

ARTICLE 25

Verification of Origin

1. For the purposes of determining whether a good imported into a Party from the other Party qualifies as an originating good, the customs administration of the importing Party may conduct a verification action by means of:

- (a) written requests for information from the importer;
- (b) written requests for information from the exporter or producer of the exporting Party;
- (c) requests that the customs administration of the exporting Party assist in verifying the origin of the good; or
- (d) verification visits to the premises of the exporter or the producer in the territory of the other Party to observe the facilities and the production processes of the good and to review the records referring to origin, including accounting records.

2. For the purposes of paragraph 1(a) and paragraph 1(b), the customs administration shall allow the importer, exporter, or producer a period of 30 days from the date of the written request to respond. During this period the importer, exporter, or producer may request, in writing, an extension not exceeding 30 days.

3. For the purposes of this Article and Article 26 (Verification Visit), all the information requested by the importing Party and responded to by the exporting Party shall be communicated in English.

4. The customs administration of the importing Party shall complete any action under paragraph 1 to verify eligibility for preferential tariff treatment within the period specified in the laws, regulations or administrative procedures of the importing Party. Upon completion of the verification action, the customs administration shall provide written advice to the importer, exporter or producer of its decision as well as the legal basis and findings of fact on which the decision was made within 90 days.

5. Where a verification visit was undertaken, the customs administration shall also provide advice of the decision to the exporting Party.

ARTICLE 26

Verification Visit

1. Prior to conducting a verification visit under Article 25.1(d) (Verification of Origin), the customs administration of the importing Party shall:

- (a) make a written request to the exporter or producer to conduct a verification visit of their premises; and
- (b) obtain the written consent of the exporter or producer whose premises are to be visited.

2. An exporter or producer should provide its written consent to a proposed verification visit within 30 days from the receipt of notification in accordance with paragraph 1(a).

3. The written request referred to in paragraph 1(a) shall include:

- (a) the identity of the customs administration issuing the request;
- (b) the name of the exporter of the good in the exporting Party to whom the request is addressed;
- (c) the date the written request is made;
- (d) the proposed date and place of the visit;

- (e) the objective and scope of the proposed visit, including specific reference to the good that is the subject of the verification referred to in the certificate of origin; and
 - (f) the names and titles of the officials of the customs administration of the importing Party who will participate in the visit.
4. The customs administration of the importing Party shall notify the customs administration of the exporting Party when it requests a verification visit in accordance with this Article.
5. Officials of the customs administration of the exporting Party may participate in the verification visit as observers.

ARTICLE 27

Determinations on Claims for Preferential Tariff Treatment

1. Except as otherwise provided in paragraph 2, each Party shall grant a claim for preferential tariff treatment made on or after the date of entry into force of this Agreement for that Party.
2. The importing Party may deny a claim for preferential tariff treatment if:
- (a) it determines that the good does not qualify for preferential treatment;
 - (b) pursuant to a verification under Article 25 (Verification of Origin), it has not received sufficient information to determine that the good qualifies as originating;
 - (c) the exporter, producer or importer fails to respond to a written request for information in accordance with Article 25 (Verification of Origin);
 - (d) after receipt of a written notification for a verification visit, the exporter or producer does not provide its written consent in accordance with Article 25 (Verification of Origin); or
 - (e) the importer, exporter or producer fails to comply with the requirements of this Chapter.
3. If an importing Party denies a claim for preferential tariff treatment, it shall issue a determination to the importer that includes the reasons for the determination.
4. A Party shall not reject a claim for preferential tariff treatment for the sole reason that the invoice was issued in a non-Party.

ARTICLE 28

Refunds and Claims for Preferential Tariff Treatment after Importation

1. Each Party shall provide that an importer may apply for preferential tariff treatment and a refund of any excess duties paid for a good if the importer did not make a claim for preferential tariff treatment at the time of importation, provided that the good would have qualified for preferential tariff treatment when it was imported into the territory of the Party.
2. As a condition for preferential tariff treatment under paragraph 1, the importing Party may require that the importer:
 - (a) make a claim for preferential tariff treatment;
 - (b) provide a statement that the good was originating at the time of importation;
 - (c) provide a copy of the certification of origin; and
 - (d) provide such other documentation relating to the importation of the good as the importing Party may require,

no later than one year after the date of importation or a longer period if specified in the importing Party's law.

ARTICLE 29

Penalties

A Party may establish or maintain appropriate penalties for violations of its laws and regulations related to this Chapter.

ARTICLE 30

Confidentiality

Each Party shall maintain the confidentiality of the information collected in accordance with this Chapter and shall protect that information from disclosure that could prejudice the competitive position of the person providing the information.

Section C: Other Matters

ARTICLE 31

Consultation on Rules of Origin and Origin Procedures

1. The Parties shall consult regularly to ensure that this Chapter is administered effectively, uniformly and consistently with the spirit and objectives of this Agreement, and shall cooperate in the administration of this Chapter.
2. The Parties shall consult to discuss possible amendments or modifications to this Chapter and its Annexes, taking into account developments in technology, production processes or other related matters.
3. Prior to the entry into force of an amended version of the Harmonized System, the Committee shall consult to prepare updates to this Chapter that are necessary to reflect changes to the Harmonized System.

ANNEX 3-A

MINIMUM DATA REQUIREMENTS

A certification of origin that is the basis for a claim for preferential tariff treatment under this Agreement shall include the following elements:

1. Importer, Exporter, Producer or Authorised Representative Certification of Origin

Indicate whether the certifier is the exporter, producer or importer or an authorised representative of the exporter, producer or importer in accordance with Article 18 (Claims for Preferential Treatment).

2. Certifier

Provide the certifier's name, address (including country), telephone number and e-mail address.

3. Exporter

Provide the exporter's name, address (including country), e-mail address and telephone number if different from the certifier. This information is not required if the producer is completing the certification of origin and does not know the identity of the exporter.

4. Producer

Provide the producer's name, address (including country), e-mail address and telephone number, if different from the certifier or exporter or, if there are multiple producers, state "Various" or provide a list of producers. A person that wishes for this information to remain confidential may state "Available upon request by the importing authorities".

5. Importer

Provide, if known, the importer's name, address, e-mail address and telephone number.

6. Description and HS Tariff Classification of the Good

- (a) Provide a description of the good and the HS tariff classification of the good to the 6-digit level. The description should be sufficient to relate it to the good covered by the certification; and
- (b) If the certification of origin covers a single shipment of a good, indicate, if known, the invoice number related to the exportation.

7. Origin Criterion

Specify the rule of origin under which the good qualifies.

8. Blanket Period

Include the period if the certification covers multiple shipments of identical goods for a specified period of up to 12 months as set out in Article 18.4 (Claims for Preferential Treatment).

9. Authorised Signature and Date:

The certification must be signed and dated by the certifier and accompanied by the following statement:

I certify that the goods described in this document qualify as originating and the information contained in this document is true and accurate. I assume responsibility for proving such representations and agree to maintain and present upon request or to make available during a verification visit, documentation necessary to support this certification.

4. Replace Chapter 6 (Government Procurement) with:

06 GOVERNMENT PROCUREMENT

ARTICLE 1

Definitions

1. For the purposes of this Chapter:
 - (a) “build-operate-transfer contract and public works concession contract” means a contractual arrangement the primary purpose of which is to provide for the construction or rehabilitation of physical infrastructure, plants, buildings, facilities or other government-owned works and under which, as consideration for a supplier’s execution of a contractual arrangement, a procuring entity grants to the supplier, for a specified period of time, temporary ownership or a right to control and operate, and demand payment for the use of those works for the duration of the contract;
 - (b) “commercial goods or services” means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;
 - (c) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;
 - (d) “in writing or written” means any worded or numbered expression that can be read, reproduced and may be later communicated. It may include electronically transmitted and stored information;
 - (e) “limited tendering” means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;
 - (f) “measure” includes any law, regulation, procedure, requirement or practice;
 - (g) “multi-use list” means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that the procuring entity intends to use more than once;
 - (h) “notice of intended procurement” means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender or both;

- (i) “offset” means any condition or undertaking that requires the use of domestic content, a domestic supplier, the licensing of technology, technology transfer, investment, counter-trade or similar action to encourage local development or to improve a Party’s balance of payments accounts;
- (j) “open tendering” means a procurement method whereby all interested suppliers may submit a tender;
- (k) “person” means a natural person or an enterprise;
- (l) “procuring entity” means an entity listed in Annex 3;
- (m) “publish” means to disseminate information through paper or electronic means that is distributed widely and is readily accessible to the general public;
- (n) “qualified supplier” means a supplier that a procuring entity recognises as having satisfied the conditions for participation;
- (o) “selective tendering” means a procurement method whereby the procuring entity invites only qualified suppliers to submit a tender;
- (p) “services” includes construction services, unless otherwise specified;
- (q) “SME” means a small and medium-sized enterprise, including a micro-sized enterprise;
- (r) “supplier” means a person or group of persons that provides or could provide a good or service to a procuring entity; and
- (s) “technical specification” means a tendering requirement that:
 - (i) sets out the characteristics of:
 - (A) goods to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production; or
 - (B) services to be procured, or the processes or methods for their provision, including any applicable administrative provisions; or
 - (ii) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

ARTICLE 2

Scope

Application of Chapter

1. This Chapter shall apply to any measure regarding covered procurement.
2. For the purposes of this Chapter, covered procurement means government procurement:
 - (a) of a good, service or any combination thereof as specified in each Party's Schedule to Annex 3;
 - (b) by any contractual means, including: purchase; rental or lease, with or without an option to buy; build-operate-transfer contracts and public works concessions contracts;
 - (c) for which the value, as estimated in accordance with paragraph 8, paragraph 9 and paragraph 10, equals or exceeds the relevant threshold specified in a Party's Schedule to Annex 3, at the time of publication of a notice of intended procurement;
 - (d) by a procuring entity; and
 - (e) that is not otherwise excluded from coverage under this Agreement.

Activities Not Covered

3. Unless otherwise provided in a Party's Schedule to Annex 3, this Chapter shall not apply to:
 - (a) the acquisition or rental of land, existing buildings or other immovable property or the rights thereon;
 - (b) non-contractual agreements or any form of assistance that a Party, including its procuring entities, provides, including cooperative agreements, grants, loans, equity infusions, guarantees, subsidies, fiscal incentives and sponsorship arrangements;
 - (c) the procurement or acquisition of: fiscal agency or depository services; liquidation and management services for regulated financial institutions; or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
 - (d) public employment contracts;
 - (e) procurement:
 - (i) conducted for the specific purpose of providing international assistance, including development aid;

- (ii) funded by an international organisation or foreign or international grants, loans or other assistance to which procurement procedures or conditions of the international organisation or donor apply. If the procedures or conditions of the international organisation or donor do not restrict the participation of suppliers then the procurement shall be subject to Article 4.1 (General Principles); or
- (iii) conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project;
- (f) procurement of a good or service outside the territory of the Party of the procuring entity, for consumption outside the territory of that Party; and
- (g) procurement of asset management and financial advisory services pertaining to reserves held by each Party's Government or its entities.

Schedules

4. Each Party shall specify the following information in its Schedule to Annex 3:
- (a) in Section A, the central government entities whose procurement is covered by this Chapter;
 - (b) in Section B, the sub-central government entities whose procurement is covered by this Chapter;
 - (c) in Section C, other entities whose procurement is covered by this Chapter;
 - (d) in Section D, the goods covered by this Chapter;
 - (e) in Section E, the services, other than construction services, covered by this Chapter;
 - (f) in Section F, the construction services covered by this Chapter;
 - (g) in Section G, any General Notes;
 - (h) in Section H, the applicable Threshold Adjustment Formula;
 - (i) in Section I, the publication information required under Article 5.2 (Publication of Procurement Information); and
 - (j) in Section J, any Implementation Arrangements.

Compliance

5. Each Party shall ensure that its procuring entities comply with this Chapter in conducting covered procurements.

6. No procuring entity shall prepare or design a procurement, or otherwise structure or divide a procurement into separate procurements in any stage of the procurement, or use a particular method to estimate the value of a procurement, in order to avoid the obligations of this Chapter.

7. Nothing in this Chapter shall be construed to prevent a Party, including its procuring entities, from developing new procurement policies, procedures or contractual means, provided that they are not inconsistent with this Chapter.

Valuation

8. In estimating the value of a procurement for the purposes of ascertaining whether it is a covered procurement, a procuring entity shall include the estimated maximum total value of the procurement over its entire duration, taking into account:

- (a) all forms of remuneration, including any premium, fee, commission, interest or other revenue stream that may be provided for under the contract;
- (b) the value of any option clause; and
- (c) any contract awarded at the same time or over a given period to one or more suppliers under the same procurement.

9. If the total estimated maximum value of a procurement over its entire duration is not known, the procurement shall be deemed a covered procurement, unless otherwise excluded under this Agreement.

10. In the case of procurement by lease, rental or hire purchase of goods or services, or procurement for which a total price is not specified, the basis for valuation shall be:

- (a) in the case of a fixed-term contract:
 - (i) where the term of the contract is 12 months or less, the total estimated maximum value for its duration; or
 - (ii) where the term of the contract exceeds 12 months, the total estimated maximum value, including any estimated residual value;
- (b) where the contract is for an indefinite period, the estimated monthly instalment multiplied by 48; and
- (c) where it is not certain whether the contract is to be a fixed-term contract, subparagraph (b) shall be used.

11. For the procurement described in paragraph 10, paragraph 9 may also be used as a valid valuation method.

ARTICLE 3

Exceptions

1. Subject to the requirement that the measure is not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail, or a disguised restriction on international trade between the Parties, nothing in this Chapter shall be construed to prevent a Party, including its procuring entities, from adopting or maintaining a measure:

- (a) necessary to protect public morals, order or safety;
- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to protect intellectual property; or
- (d) relating to the good or service of a person with disabilities, of philanthropic or not-for-profit institutions, or of prison labour.

2. The Parties understand that paragraph 1(b) includes environmental measures necessary to protect human, animal or plant life or health.

ARTICLE 4

General Principles

National Treatment and Non-Discrimination

1. With respect to any measure regarding covered procurement, each Party, including its procuring entities, shall accord immediately and unconditionally to the goods and services of the other Party and to the suppliers of the other Party, treatment no less favourable than the treatment that the Party, including its procuring entities, accords to domestic goods, services and suppliers.

2. With respect to any measure regarding covered procurement, neither Party, including its procuring entities, shall:

- (a) treat a locally established supplier less favourably than another locally established supplier on the basis of degree of foreign affiliation or ownership; or
- (b) discriminate against a locally established supplier on the basis that the good or service offered by that supplier for a particular procurement is a good or service of the other Party.

3. All orders under contracts awarded for covered procurement shall be subject to paragraph 1 and paragraph 2 of this Article.

Procurement Methods

4. A procuring entity shall use an open tendering procedure for covered procurement unless Article 8 (Qualification of Suppliers) or Article 9 (Limited Tendering) applies.

Rules of Origin

5. Each Party shall apply to covered procurement of a good the rules of origin that it applies in the normal course of trade to that good.

Offsets

6. With regard to covered procurement, neither Party, including its procuring entities, shall seek, take account of, impose or enforce any offset, at any stage of a procurement.

Measures Not Specific to Procurement

7. Paragraph 1 and paragraph 2 shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations or formalities, and measures affecting trade in services other than measures governing covered procurement.

Use of Electronic Means

8. The Parties shall seek to provide opportunities for covered procurement to be undertaken through electronic means, including for the publication of procurement information, notices and tender documentation, and for the receipt of tenders.

9. When conducting covered procurement by electronic means, a procuring entity shall:

- (a) ensure that the procurement is conducted using information technology systems and software, including those related to authentication and encryption of information, that are generally available and interoperable with other generally available information technology systems and software; and
- (b) establish and maintain mechanisms that ensure the integrity of information provided by suppliers, including requests for participation and tenders.

ARTICLE 5

Publication of Procurement Information

1. Each Party shall promptly publish any measure of general application relating to covered procurement, and any change or addition to this information.
2. Each Party shall list in Section I of its Schedule to Annex 3 the paper or electronic means through which the Party publishes the information described in paragraph 1 and the notices required by Article 6 (Notices of Intended Procurement), Article 8.3 (Qualification of Suppliers) and Article 15.3 (Post-Award Information).
3. Each Party shall, on request, respond to an inquiry relating to the information referred to in paragraph 1.

ARTICLE 6

Notices of Intended Procurement

1. For each covered procurement, except in the circumstances described in Article 9 (Limited Tendering), a procuring entity shall publish a notice of intended procurement through the appropriate paper or electronic means listed in Annex 3. The notices shall remain readily accessible to the public until at least the expiration of the time period for responding to the notice or the deadline for submission of the tender.
2. The notices shall, if accessible by electronic means, be provided free of charge:
 - (a) for central government entities that are covered under Annex 3, through a single point of access; and
 - (b) for sub-central government entities and other entities covered under Annex 3, through links in a single electronic portal.
3. Unless otherwise provided in this Chapter, each notice of intended procurement shall include the following information, unless that information is provided in the tender documentation that is made available free of charge to all interested suppliers at the same time as the notice of intended procurement:
 - (a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and the cost and terms of payment to obtain the relevant documents, if any;
 - (b) a description of the procurement, including, if appropriate, the nature and quantity of the goods or services to be procured and a description of any options, or the estimated quantity if the quantity is not known;
 - (c) if applicable, the time-frame for delivery of goods or services or the duration of the contract;

- (d) if applicable, the address and any final date for the submission of requests for participation in the procurement;
- (e) the address and the final date for the submission of tenders;
- (f) the language or languages in which tenders or requests for participation may be submitted, if other than an official language of the Party of the procuring entity;
- (g) a list and a brief description of any conditions for participation of suppliers, that may include any related requirements for specific documents or certifications that suppliers must provide;
- (h) if, pursuant to Article 8 (Qualification of Suppliers), a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, if applicable, any limitation on the number of suppliers that will be permitted to tender; and
- (i) an indication that the procurement is covered by this Chapter, unless that indication is publicly available through information published pursuant to Article 5.2 (Publication of Procurement Information).

4. For greater certainty, paragraph 3 does not preclude a Party from charging a fee for tender documentation if the notice of intended procurement includes all of the information set out in paragraph 3.

Notice of Planned Procurement

5. Procuring entities are encouraged to publish as early as possible in each fiscal year a notice regarding their future procurement plans (notice of planned procurement), which should include the subject matter of the procurement and the planned date of publication of the notice of intended procurement.

ARTICLE 7

Conditions for Participation

1. A procuring entity shall limit any conditions for participation in a covered procurement to those conditions that ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to fulfil the requirements of that procurement.

2. In establishing the conditions for participation, a procuring entity:

- (a) shall not impose the condition that, in order for a supplier to participate in a procurement, the supplier has previously been awarded one or more contracts by a procuring entity of a Party or that the supplier has prior work experience in the territory of that Party; and

- (b) may require relevant prior experience if essential to meet the requirements of the procurement.
- 3. In assessing whether a supplier satisfies the conditions for participation, a procuring entity shall:
 - (a) evaluate the financial capacity and the commercial and technical abilities of a supplier on the basis of that supplier's business activities both inside and outside the territory of the Party of the procuring entity; and
 - (b) base its evaluation solely on the conditions that the procuring entity has specified in advance in notices or tender documentation.
- 4. If there is supporting material, a Party, including its procuring entities, may exclude a supplier on grounds such as:
 - (a) bankruptcy or insolvency;
 - (b) false declarations;
 - (c) significant or persistent deficiencies in the performance of any substantive requirement or obligation under a prior contract or contracts; or
 - (d) failure to pay taxes.

ARTICLE 8

Qualification of Suppliers

Registration Systems and Qualification Procedures

1. A Party, including its procuring entities, may maintain a supplier registration system under which interested suppliers are required to register and provide certain information.
2. Neither Party, including its procuring entities, shall:
 - (a) adopt or apply any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other Party in its procurement; or
 - (b) use such registration system or qualification procedure to prevent or delay the inclusion of suppliers of the other Party on a list of suppliers or prevent those suppliers from being considered for a particular procurement.

Selective Tendering

3. If a procuring entity intends to use selective tendering, the procuring entity shall:
 - (a) publish a notice of intended procurement that invites suppliers to submit a request for participation in a covered procurement; and
 - (b) include in the notice of intended procurement the information specified in Articles 6.3(a), (b), (d), (g), (h) and (i) (Notices of Intended Procurement).
4. The procuring entity shall:
 - (a) publish the notice sufficiently in advance of the procurement to allow interested suppliers to request participation in the procurement;
 - (b) provide, by the commencement of the time period for tendering, at least the information in Articles 6.3 (c), (e) and (f) (Notices of Intended Procurement) to the qualified suppliers that it notifies as specified in Article 13.3(b) (Time Periods); and
 - (c) allow all qualified suppliers to submit a tender, unless the procuring entity stated in the notice of intended procurement a limitation on the number of suppliers that will be permitted to tender and the criteria or justification for selecting the limited number of suppliers.
5. If the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 3, the procuring entity shall ensure that the tender documentation is made available at the same time to all the qualified suppliers selected in accordance with paragraph 4(c).

Multi-Use Lists

6. A Party, including its procuring entities, may establish or maintain a multi-use list provided that it publishes annually, or otherwise makes continuously available by electronic means, a notice inviting interested suppliers to apply for inclusion on the list. The notice shall include:
 - (a) a description of the goods and services, or categories thereof, for which the list may be used;
 - (b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity or other government agency will use to verify a supplier's satisfaction of those conditions;
 - (c) the name and address of the procuring entity or other government agency and other information necessary to contact the procuring entity and to obtain all relevant documents relating to the list;

- (d) the period of validity of the list and the means for its renewal or termination or, if the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list;
- (e) the deadline for submission of applications for inclusion on the list, if applicable; and
- (f) an indication that the list may be used for procurement covered by this Chapter, unless that indication is publicly available through information published pursuant to Article 5.2 (Publication of Procurement Information).

7. A Party, including its procuring entities, that establishes or maintains a multi-use list, shall include on the list, within a reasonable period of time, all suppliers that satisfy the conditions for participation set out in the notice referred to in paragraph 6.

8. If a supplier that is not included on a multi-use list submits a request for participation in a procurement based on the multi-use list and submits all required documents, within the time period provided for in Article 13.2 (Time Periods), a procuring entity shall examine the request. The procuring entity shall not exclude the supplier from consideration in respect of the procurement unless the procuring entity is not able to complete the examination of the request within the time period allowed for the submission of tenders.

Information on Procuring Entity Decisions

9. A procuring entity or other entity of a Party shall promptly inform any supplier that submits a request for participation in a procurement or application for inclusion on a multi-use list of the decision with respect to the request or application.

10. If a procuring entity or other entity of a Party rejects a supplier's request for participation or application for inclusion on a multi-use list, ceases to recognise a supplier as qualified, or removes a supplier from a multi-use list, the entity shall promptly inform the supplier and on request of the supplier, promptly provide the supplier with a written explanation of the reason for its decision.

ARTICLE 9

Limited Tendering

1. Provided that it does not use this provision for the purpose of avoiding competition between suppliers, to protect domestic suppliers or in a manner that discriminates against suppliers of the other Party, a procuring entity may use limited tendering.

2. If a procuring entity uses limited tendering, it may choose, according to the nature of the procurement, not to apply Articles 6 (Notices of Intended Procurement),

7 (Conditions for Participation), 8 (Qualification of Suppliers), 10 (Negotiations), 11 (Technical Specifications), 12 (Tender Documentation), 13 (Time Periods) or 14 (Treatment of Tenders and Awarding of Contracts). A procuring entity may use limited tendering only under the following circumstances:

- (a) if, in response to a prior notice, invitation to participate or invitation to tender:
 - (i) no tenders were submitted or no suppliers requested participation;
 - (ii) no tenders were submitted that conform to the essential requirements in the tender documentation;
 - (iii) no suppliers satisfied the conditions for participation; or
 - (iv) the tenders submitted were collusive,

provided that the procuring entity does not substantially modify the essential requirements set out in the notices or tender documentation;

- (b) if the good or service can be supplied only by a particular supplier and no reasonable alternative or substitute good or service exists for any of the following reasons:
 - (i) the requirement is for a work of art;
 - (ii) the protection of patents, copyrights or other exclusive rights; or
 - (iii) due to an absence of competition for technical reasons;
- (c) for additional deliveries by the original supplier or its authorised agents, of goods or services that were not included in the initial procurement if a change of supplier for such additional goods or services:
 - (i) cannot be made for technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement, or due to conditions under original supplier warranties; and
 - (ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;
- (d) for a good purchased on a commodity market or exchange;
- (e) if a procuring entity procures a prototype or a first good or service that is intended for limited trial or that is developed at its request in the

course of, and for, a particular contract for research, experiment, study or original development. Original development of a prototype or a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the prototype or the first good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs. Subsequent procurements of these newly developed goods or services, however, shall be subject to this Chapter;

- (f) if additional construction services that were not included in the initial contract but that were within the objectives of the original tender documentation have, due to unforeseeable circumstances, become necessary to complete the construction services described therein. However, the total value of contracts awarded for additional construction services may not exceed 50 per cent of the value of the initial contract;
- (g) for purchases made under exceptionally advantageous conditions that only arise in the very short term, such as from unusual disposals, unsolicited innovative proposals, liquidation, bankruptcy or receivership, but not for routine purchases from regular suppliers;
- (h) if a contract is awarded to the winner of a design contest, provided that:
 - (i) the contest has been organised in a manner that is consistent with this Chapter; and
 - (ii) the contest is judged by an independent jury with a view to award a design contract to the winner; or
- (i) in so far as is strictly necessary if, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the good or service could not be obtained in time by means of open or selective tendering.

3. For each contract awarded in accordance with paragraph 2, a procuring entity shall prepare a report in writing, or maintain a record, that includes the name of the procuring entity, the value and kind of good or service procured, and a statement that indicates the circumstances and conditions described in paragraph 2 that justified the use of limited tendering.

ARTICLE 10

Negotiations

1. A Party may provide for its procuring entities to conduct negotiations in the context of covered procurement if:
 - (a) the procuring entity has indicated its intent to conduct negotiations in the notice of intended procurement required under Article 6 (Notices of Intended Procurement); or
 - (b) it appears from the evaluation that no tender is obviously the most advantageous in terms of the specific evaluation criteria set out in the notice of intended procurement or tender documentation.
2. A procuring entity shall:
 - (a) ensure that any elimination of suppliers participating in negotiations is carried out in accordance with the evaluation criteria set out in the notice of intended procurement or tender documentation; and
 - (b) when negotiations are concluded, provide a common deadline for the remaining participating suppliers to submit any new or revised tenders.

ARTICLE 11

Technical Specifications

1. A procuring entity shall not prepare, adopt or apply any technical specification or prescribe any conformity assessment procedure with the purpose or effect of creating an unnecessary obstacle to trade between the Parties.
2. In prescribing the technical specifications for the good or service being procured, a procuring entity shall, if appropriate:
 - (a) set out the technical specifications in terms of performance and functional requirements, rather than design or descriptive characteristics; and
 - (b) base the technical specifications on international standards, if these exist; otherwise, on national technical regulations, recognised national standards or building codes.
3. A procuring entity shall not prescribe technical specifications that require or refer to a particular trademark or trade name, patent, copyright, design, type, specific origin, producer or supplier, unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that, in these cases, the procuring entity includes words such as “or equivalent” in the tender documentation.
4. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in the procurement.

5. For greater certainty, a procuring entity may conduct market research in developing specifications for a particular procurement.

6. For greater certainty, this Article is not intended to preclude a procuring entity from preparing, adopting or applying technical specifications to promote the conservation of natural resources or the protection of the environment.

7. For greater certainty, this Chapter is not intended to preclude a Party, or its procuring entities, from preparing, adopting or applying technical specifications required to protect sensitive government information, including specifications that may affect or limit the storage, hosting or processing of such information outside the territory of the Party.

ARTICLE 12

Tender Documentation

1. A procuring entity shall promptly make available or provide on request to any interested supplier tender documentation that includes all information necessary to permit the supplier to prepare and submit a responsive tender. Unless already provided in the notice of intended procurement, that tender documentation shall include a complete description of:

- (a) the procurement, including the nature, scope and, if known, the quantity of the good or service to be procured or, if the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity certification, plans, drawings or instructional materials;
- (b) any conditions for participation, including any financial guarantees, information and documents that suppliers are required to submit;
- (c) all criteria to be considered in the awarding of the contract and the relative importance of those criteria;
- (d) if there will be a public opening of tenders, the date, time and place for the opening;
- (e) any other terms or conditions relevant to the evaluation of tenders; and
- (f) any date for delivery of a good or supply of a service.

2. In establishing any date for the delivery of a good or the supply of a service being procured, a procuring entity shall take into account factors such as the complexity of the procurement.

3. A procuring entity shall promptly reply to any reasonable request for relevant information by an interested or participating supplier, provided that the information does not give that supplier an advantage over other suppliers.

Modifications

4. If, prior to the award of a contract, a procuring entity modifies the evaluation criteria or requirements set out in a notice of intended procurement or tender documentation provided to a participating supplier, or amends or re-issues a notice or tender documentation, it shall publish or provide those modifications, or the amended or re-issued notice or tender documentation:

- (a) to all suppliers that are participating in the procurement at the time of the modification, amendment or re-issuance, if those suppliers are known to the procuring entity, and in all other cases, in the same manner as the original information was made available; and
- (b) in adequate time to allow those suppliers to modify and re-submit their initial tender, if appropriate.

ARTICLE 13

Time Periods

General

1. A procuring entity shall, consistent with its own reasonable needs, provide sufficient time for a supplier to obtain the tender documentation and to prepare and submit a request for participation and a responsive tender, taking into account factors such as:

- (a) the nature and complexity of the procurement; and
- (b) the time necessary for transmitting tenders by non-electronic means from foreign as well as domestic points if electronic means are not used.

Deadlines

2. A procuring entity that uses selective tendering shall establish that the final date for the submission of a request for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. If a state of urgency duly substantiated by the procuring entity renders this time period impracticable, the time period may be reduced to no less than 10 days.

3. Except as provided in paragraph 4 and paragraph 5, a procuring entity shall establish that the final date for the submission of tenders shall not be less than 40 days from the date on which:

- (a) in the case of open tendering, the notice of intended procurement is published; or
 - (b) in the case of selective tendering, the procuring entity notifies the suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.
4. A procuring entity may reduce the time period for tendering set out in paragraph 3 by five days for each one of the following circumstances:
- (a) the notice of intended procurement is published by electronic means;
 - (b) the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
 - (c) the procuring entity accepts tenders by electronic means.
5. A procuring entity may reduce the time period for tendering set out in paragraph 3 to no less than 10 days if:
- (a) the procuring entity has published a notice of planned procurement under Article 6 (Notices of Intended Procurement) at least 40 days and no more than 12 months in advance of the publication of the notice of intended procurement, and the notice of planned procurement contains:
 - (i) a description of the procurement;
 - (ii) the approximate final dates for the submission of tenders or requests for participation;
 - (iii) the address from which documents relating to the procurement may be obtained; and
 - (iv) as much of the information that is required for the notice of intended procurement as is available;
 - (b) a state of urgency duly substantiated by the procuring entity renders impracticable the time period for tendering set out in paragraph 3; or
 - (c) the procuring entity procures commercial goods or services.
6. The use of paragraph 4, in conjunction with paragraph 5, shall in no case result in the reduction of the time periods for tendering set out in paragraph 3 to less than 10 days.
7. A procuring entity shall require all interested or participating suppliers to submit requests for participation or tenders in accordance with a common deadline. These time periods, and any extension of these time periods, shall be the same for all interested or participating suppliers.

ARTICLE 14

Treatment of Tenders and Awarding of Contracts

Treatment of Tenders

1. A procuring entity shall receive, open and treat all tenders under procedures that guarantee the fairness and impartiality of the procurement process and the confidentiality of tenders.
2. If a procuring entity provides a supplier with an opportunity to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the procuring entity shall provide the same opportunity to all participating suppliers.

Awarding of Contracts

3. To be considered for an award, a tender shall be submitted in writing and shall, at the time of opening, comply with the essential requirements set out in the notice and tender documentation and be submitted by a supplier who satisfies the conditions for participation.
4. Unless a procuring entity determines that it is not in the public interest to award a contract, it shall award the contract to the supplier that the procuring entity has determined to be fully capable of fulfilling the terms of the contract and that, based solely on the evaluation criteria specified in the notice and tender documentation, submits:
 - (a) the most advantageous tender; or
 - (b) if price is the sole criterion, the lowest price.
5. A procuring entity shall not use options, cancel a covered procurement, or modify or terminate awarded contracts in order to avoid the obligations of this Chapter.

ARTICLE 15

Post-Award Information

Information Provided to Suppliers

1. A procuring entity shall promptly inform suppliers that have submitted a tender of the contract award decision. The procuring entity may do so in writing or through the prompt publication of the notice in paragraph 3, provided that the notice includes the date of award. If a supplier has requested the information in writing, the procuring entity shall provide it in writing.

2. Subject to Article 16 (Disclosure of Information), a procuring entity shall, on request, provide an unsuccessful supplier with an explanation of the reasons why the procuring entity did not select the unsuccessful supplier's tender or an explanation of the relative advantages of the successful supplier's tender.

Publication of Award Information

3. A procuring entity shall, promptly after the award of a contract for a covered procurement, publish in an officially designated publication a notice containing at least the following information:

- (a) a description of the good or service procured;
- (b) the name and address of the procuring entity;
- (c) the name and address of the successful supplier;
- (d) the value of the contract award;
- (e) the date of award or, if the procuring entity has already informed suppliers of the date of the award under paragraph 1, the contract date; and
- (f) the procurement method used and, if a procedure was used pursuant to Article 9 (Limited Tendering), a brief description of the circumstances justifying the use of that procedure.

Maintenance of Records

4. A procuring entity shall maintain the documentation, records and reports relating to tendering procedures and contract awards for covered procurement, including the records and reports provided for in Article 9.3 (Limited Tendering), for at least three years after the award of a contract.

ARTICLE 16

Disclosure of Information

Provision of Information to Parties

1. On request of the other Party, a Party shall provide promptly information sufficient to demonstrate whether a procurement was conducted fairly, impartially and in accordance with this Chapter, including, if applicable, information on the characteristics and relative advantages of the successful tender, without disclosing confidential information. The Party that receives the information shall not disclose it to any supplier, except after consulting with, and obtaining the agreement of, the Party that provided the information.

Non-Disclosure of Information

2. Notwithstanding any other provision of this Chapter, a Party, including its procuring entities, shall not, except to the extent required by law or with the written authorisation of the supplier that provided the information, disclose information that would prejudice legitimate commercial interests of a particular supplier or that might prejudice fair competition between suppliers.

3. Nothing in this Chapter shall be construed to require a Party, including its procuring entities, authorities and review bodies, to disclose confidential information if that disclosure:

- (a) would impede law enforcement;
- (b) might prejudice fair competition between suppliers;
- (c) would prejudice the legitimate commercial interests of particular persons, including the protection of intellectual property; or
- (d) would otherwise be contrary to the public interest.

ARTICLE 17

Ensuring Integrity in Procurement Practices

Each Party shall ensure that criminal or administrative measures exist to address corruption in its government procurement. These measures may include procedures to render ineligible for participation in the Party's procurements, either indefinitely or for a stated period of time, suppliers that the Party has determined to have engaged in fraudulent or other illegal actions in relation to government procurement in the Party's territory. Each Party shall also ensure that it has in place policies and procedures to eliminate to the extent possible or manage any potential conflict of interest on the part of those engaged in or having influence over a procurement.

ARTICLE 18

Domestic Review

1. Each Party shall maintain, establish or designate at least one impartial administrative or judicial authority (review authority) that is independent of its procuring entities to review, in a non-discriminatory, timely, transparent and effective manner, a challenge or complaint (complaint) by a supplier that there has been:

- (a) a breach of this Chapter; or
- (b) if the supplier does not have a right to directly challenge a breach of this Chapter under the law of a Party, a failure of a procuring entity to comply with the Party's measures implementing this Chapter,

arising in the context of a covered procurement, in which the supplier has, or had, an interest. The procedural rules for all complaints shall be in writing and made generally available.

2. In the event of a complaint by a supplier, arising in the context of covered procurement in which the supplier has, or had, an interest, that there has been a breach or a failure as referred to in paragraph 1, the Party of the procuring entity conducting the procurement shall encourage, if appropriate, the procuring entity and the supplier to seek resolution of the complaint through consultations. The procuring entity shall accord impartial and timely consideration to the complaint in a manner that is not prejudicial to the supplier's participation in ongoing or future procurement or to its right to seek corrective measures under the administrative or judicial review procedure. Each Party shall make information on its complaint mechanisms generally available.

3. If a body other than the review authority initially reviews a complaint, the Party shall ensure that the supplier may appeal the initial decision to the review authority that is independent of the procuring entity that is the subject of the complaint.

4. If the review authority has determined that there has been a breach or a failure as referred to in paragraph 1, a Party may limit compensation for the loss or damages suffered to either the costs reasonably incurred in the preparation of the tender or in bringing the complaint, or both.

5. Each Party shall ensure that, if the review authority is not a court, its review procedures are conducted in accordance with the following procedures:

- (a) a supplier shall be allowed sufficient time to prepare and submit a complaint in writing, which in no case shall be less than 10 days from the time when the basis of the complaint became known or reasonably should have become known to the supplier;
- (b) a procuring entity shall respond in writing to a supplier's complaint and provide all relevant documents to the review authority;
- (c) a supplier that initiates a complaint shall be provided an opportunity to reply to the procuring entity's response before the review authority takes a decision on the complaint; and
- (d) the review authority shall provide its decision on a supplier's complaint in a timely fashion, in writing, with an explanation of the basis for the decision.

6. Each Party shall adopt or maintain procedures that provide for:

- (a) prompt interim measures, pending the resolution of a complaint, to preserve the supplier's opportunity to participate in the procurement

and to ensure that the procuring entities of the Party comply with its measures implementing this Chapter; and

- (b) corrective action that may include compensation under paragraph 4.

The procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account when deciding whether those measures should be applied. Just cause for not acting shall be provided in writing.

ARTICLE 19

Modifications and Rectifications of Annex

1. A Party shall notify any proposed modification or rectification (“modification”) to its Schedule to Annex 3 by providing a notice in writing to the other Party through the contact points designated under Article 6 (Contact Point) of Chapter 17 (Final Provisions). A Party shall provide compensatory adjustments for a change in coverage if necessary to maintain a level of coverage comparable to the coverage that existed prior to the modification. The Party may include the offer of compensatory adjustment in its notice.

2. A Party is not required to provide compensatory adjustments to the other Party if the proposed modification concerns one of the following:

- (a) a procuring entity over which the Party has effectively eliminated its control or influence in respect of covered procurement by that procuring entity; or
- (b) rectifications of a purely formal nature and minor modifications to its Schedule to Annex 3, such as:
 - (i) changes in the name of a procuring entity;
 - (ii) the merger of one or more procuring entities listed in its Schedule;
 - (iii) the separation of a procuring entity listed in its Schedule into two or more procuring entities that are all added to the procuring entities listed in the same Section of Annex 3; and
 - (iv) changes in website references,

and the other Party does not object under paragraph 3 on the basis that the proposed modification does not concern subparagraph (a) or subparagraph (b).

3. A Party whose rights under this Chapter may be affected by a proposed modification that is notified under paragraph 1 shall notify the other Party of any

objection to the proposed modification within 45 days of the date of provision of the notice.

4. If a Party objects to a proposed modification, including a modification regarding a procuring entity on the basis that government control or influence over the entity's covered procurement has been effectively eliminated, that Party may request additional information, including information on the nature of any government control or influence, with a view to clarifying and reaching agreement on the proposed modification, including the procuring entity's continued coverage under this Chapter. The Parties shall make every attempt to resolve the objection through consultations.

5. If the Parties resolve the objection through consultations, the Parties shall notify the contact points designated under Article 6 (Contact Point) of Chapter 17 (Final Provisions) of the resolution, including any agreed modification to Annex 3.

ARTICLE 20

Facilitation of Participation by SMEs

1. The Parties recognise the important contribution that SMEs can make to economic growth and employment and the importance of facilitating the participation of SMEs in government procurement.

2. If a Party maintains a measure that provides preferential treatment for SMEs, the Party shall ensure that the measure, including the criteria for eligibility, is transparent.

3. To facilitate participation by SMEs in covered procurement, each Party shall, to the extent possible and if appropriate:

- (a) provide comprehensive procurement-related information that includes a definition of SMEs in a single electronic portal;
- (b) endeavour to make all tender documentation available free of charge;
- (c) conduct procurement by electronic means or through other new information and communication technologies; and
- (d) consider the size, design and structure of the procurement, including the use of subcontracting by SMEs.

ARTICLE 21

Cooperation and Further Negotiations

1. The Parties recognise their shared interest in cooperating to promote international liberalisation of government procurement markets with a view to

achieving enhanced understanding of their respective government procurement systems and to improving access to their respective markets.

2. A Party may request consultations regarding this Chapter, and the Parties may decide to hold further negotiations with a view to:

- (a) improving market access coverage through enlargement of procuring entity lists and reduction of exclusions and exceptions as set out in Annex 3;
- (b) revising the thresholds set out in Annex 3;
- (c) revising the Threshold Adjustment Formula in Section H of Annex 3;
- (d) reducing and eliminating discriminatory measures.

5. Replace Chapter 7 (Trade in Services) with:

07 CROSS-BORDER TRADE IN SERVICES

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “cross-border trade in services” or “cross-border supply of services” means the supply of a service:
 - (i) from the territory of a Party into the territory of the other Party;
 - (ii) in the territory of a Party to a person of the other Party; or
 - (iii) by a natural person of a Party in the territory of the other Party,but does not include the supply of a service in the territory of a Party by a covered investment;
- (b) “enterprise” means:
 - (i) any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation; and
 - (ii) a branch of an enterprise;
- (c) “existing measures” means measures in force as of the date of entry into force of this Agreement;
- (d) “measure” includes any law, regulation, procedure, requirement or practice;
- (e) “measures adopted or maintained by a Party” means measures adopted or maintained by:
 - (i) central, regional or local governments and authorities; or
 - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
- (f) “monopoly supplier of a service” means any person, public or private, which in the relevant market of the territory of a Party is authorised or

established formally or in effect by that Party as the sole supplier of that service;

- (g) “natural person of a Party” means:
 - (i) for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation;
 - (ii) for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or
 - (iii) a permanent resident of either Party;
- (h) “new measures” means measures adopted after the date of entry into force of this Agreement;
- (i) “person” means either a natural person or an enterprise;
- (j) “person of a Party” means a natural person of a Party or an enterprise of a Party;
- (k) “service consumer” means any person that receives or uses a service;
- (l) “service of the other Party” means a service which is supplied:
 - (i) from or in the territory of the other Party, or in the case of maritime transport, by a vessel registered under the laws of the other Party, or by a person of the other Party which supplies the service through the operation of a vessel and/or its use in whole or in part; or
 - (ii) in the case of the supply of a service as defined in subparagraph (a)(iii), by a service supplier of the other Party;
- (m) “service supplied in the exercise of governmental authority” means for each Party any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;
- (n) “service supplier of a Party” means a person of a Party that seeks to supply or supplies a service; and
- (o) “services” means all services including new and variant services in any sector except services supplied in the exercise of governmental authority.

ARTICLE 2

Scope

1. This Chapter shall apply to measures adopted or maintained by a Party affecting cross-border trade in services by a service supplier of the other Party. Such measures include measures affecting:

- (a) the production, distribution, marketing, sale or delivery of a service;
- (b) the purchase or use of, or payment for, a service;
- (c) the access to and use of distribution, transport or telecommunications networks and services in connection with the supply of a service;
- (d) the presence in a Party's territory of a service supplier of the other Party; and
- (e) the provision of a bond or other form of financial security as a condition for the supply of a service except to the extent that such bond or financial security is a covered investment.

2. In addition to paragraph 1, Articles 3 (Market Access), 9 (Transparency) and 11 (Domestic Regulation) shall also apply to measures adopted or maintained by a Party affecting the supply of a service in its territory by a covered investment.¹

3. This Chapter shall not apply to:

- (a) a "financial service" as defined in Article 1 (Definitions) of Chapter 9 (Financial Services), except that paragraph 2 shall apply if the financial service is supplied by a covered investment that is not a covered investment in a "financial institution" as defined in Article 1 (Definitions) of Chapter 9 (Financial Services) in the Party's territory;
- (b) subsidies or grants provided by a Party or to any conditions attached to the receipt or continued receipt of such subsidies or grants, including government-supported loans, guarantees and insurance;
- (c) a service supplied in the exercise of governmental authority within the territory of each respective Party; and
- (d) government procurement.

4. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

5. Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to

¹ For greater certainty, nothing in this Chapter, including Annex 7-A (Professional Services), is subject to investor-State dispute settlement pursuant to Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment).

ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under this Chapter.

ARTICLE 3

Market Access

Neither Party shall adopt or maintain, either on the basis of a regional subdivision or on the basis of its entire territory:

- (a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
- (b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;²
- (d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test; or
- (e) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service.

ARTICLE 4

*National Treatment*³

1. Each Party shall accord to services and service suppliers of the other Party, treatment no less favourable than that it accords, in like circumstances, to its own services and service suppliers.

² This subparagraph does not cover measures of a Party which limit inputs for the supply of services.

³ For greater certainty, whether treatment is accorded in “like circumstances” under Articles 4 (National Treatment) or 5 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between services or service suppliers on the basis of legitimate public welfare objectives.

2. For greater certainty, the treatment to be accorded by a Party under paragraph 1 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to service suppliers of the Party of which it forms a part.

ARTICLE 5

Most-Favoured-Nation Treatment

Each Party shall accord to service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to service suppliers of a non-Party.

ARTICLE 6

Local Presence

Neither Party shall require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

ARTICLE 7

Reservations

1. Articles 3 (Market Access), 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 6 (Local Presence) shall not apply to:
 - (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government or a regional level of government, as set out by that Party in its Schedule to Annex 4-I; or
 - (ii) a local level of government; or
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
 - (c) an amendment to any non-conforming measure referred to in subparagraph (a), to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 3 (Market Access), 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) or 6 (Local Presence).

2. Articles 3 (Market Access), 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 6 (Local Presence) shall not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors or activities as set out in Annex 4-II.
3. Article 11 (Domestic Regulation) shall not apply to:
 - (a) any existing non-conforming measure that is maintained by a Party as set out in Annex 4-I; or
 - (b) any existing or new measure that a Party adopts or maintains with respect to sectors, subsectors or activities as set out in Annex 4-II.

ARTICLE 8

Additional Commitments

The Parties shall set out their respective additional commitments in Annex 4-III of this Agreement with respect to measures affecting trade in services not covered by:

- (a) Articles 3 (Market Access), 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 6 (Local Presence); or
- (b) Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 7 (Prohibition of Performance Requirements) and 8 (Senior Management and Boards of Directors) of Chapter 8 (Investment)

including those regarding qualifications, standards or licensing matters and any other matters as may be mutually agreed.

ARTICLE 9

Transparency

1. Each Party shall publish promptly and, except in an emergency situation, at the latest by the date of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Chapter. An international agreement pertaining to or affecting trade in services to which a Party is a signatory shall also be published.
2. Where publication as referred to in paragraph 1 is not practicable, such information shall be made otherwise publicly available.
3. Each Party shall respond promptly to all requests by the other Party for specific information on any of its measures of general application or international agreements within the meaning of paragraph 1. Each Party shall also establish one or more enquiry points to provide specific information to the other Party, upon request, on all such matters.

4. Each Party shall maintain or establish appropriate mechanisms for responding to inquiries from interested persons regarding its regulations that relate to the subject matter of this Chapter.

5. To the extent possible, each Party shall allow reasonable time between the publication of final regulations and the date they enter into effect.

ARTICLE 10

Disclosure of Confidential Information

Nothing in this Chapter shall require a Party to furnish or allow access to confidential information, the disclosure of which would be contrary to its law, impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

ARTICLE 11

Domestic Regulation

1. Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2. Each Party shall ensure that its judicial, arbitral or administrative tribunals or procedures which provide for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services are open on a non-discriminatory basis to a service supplier of the other Party. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

3. Paragraph 2 shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

4. If a Party requires authorisation for the supply of a service, it shall:

- (a) where specific time periods exist for applications, allow an applicant a reasonable period for the submission of an application;
- (b) initiate the processing of an application without undue delay;
- (c) in the case of an application considered incomplete for processing under domestic laws and regulations, within a reasonable period of time, to the extent practicable:
 - (i) inform the applicant that the application is incomplete;

- (ii) at the request of the applicant provide guidance on why the application is considered incomplete;
 - (iii) provide the applicant with the opportunity to provide the additional information that is required to complete the application; and
 - (iv) where none of the above is practicable, and the application is rejected due to incompleteness, ensure that the applicant is informed within a reasonable period of time;
- (d) to the extent practicable, establish an indicative timeframe for the processing of an application;
 - (e) within a reasonable period of time after the submission of an application considered complete under its laws and regulations, inform the applicant of the decision concerning the application;
 - (f) on request of the applicant, provide, without undue delay, information concerning the status of the application;
 - (g) if an application is rejected, to the extent practicable, inform the applicant of the reasons for the rejection, either directly or on request, as appropriate;
 - (h) to the extent practicable, provide the applicant with the opportunity to correct any minor errors or omissions in the application and endeavour to provide guidance on the additional information required;
 - (i) if it deems appropriate, accept copies of documents that are authenticated in accordance with the Party's laws in place of original documents; and
 - (j) to the extent practicable, ensure that authorisation, once granted, enters into effect without undue delay subject to the applicable terms and conditions.

5. Each Party shall ensure that any authorisation fee charged is reasonable, transparent and does not, in itself, restrict the supply of the relevant service.⁴

6. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures do not constitute unnecessary barriers to trade in services, while recognising the right to regulate and to introduce new regulations on the supply of a service in order to meet its policy objectives, each Party shall endeavour to ensure that any such measures that it adopts or maintains are:

⁴ For the purposes of this paragraph, authorisation fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

- (a) based on objective and transparent criteria, such as competence and the ability to supply the service; and
 - (b) in the case of licensing procedures, not in themselves a restriction on the supply of the service.
7. In determining whether a Party is in conformity with its obligations under paragraph 6, account shall be taken of international standards of relevant international organisations applied by that Party.⁵
8. Each Party shall:
- (a) explain, on request, the policy rationale of a measure, particularly of a new measure; and
 - (b) to the extent possible:
 - (i) publish in advance any measure referred to in paragraph 1 of Article 9 (Transparency) that it proposes to adopt;
 - (ii) provide interested persons with a reasonable opportunity to comment on those proposed measures; and
 - (iii) consider comments received under paragraph 8(b)(ii).
9. If licensing or qualification requirements include the completion of an examination, each Party shall ensure that:
- (a) the examination is scheduled at reasonable intervals; and
 - (b) a reasonable period of time is provided to enable interested persons to submit an application.
10. Further to paragraph 9, each Party should explore, as appropriate, the possibility of:
- (a) using electronic means for conducting such examinations;
 - (b) conducting such examinations orally; and
 - (c) providing opportunities for taking such examinations in the territory of the other Party.
11. Each Party shall ensure that there are procedures in place domestically to assess the competency of professionals of the other Party.

⁵ “Relevant international organisations” refers to international bodies whose membership is open to the relevant bodies of both Parties to the Agreement.

12. Subject to its laws and regulations, a Party shall permit service suppliers of the other Party to use the enterprise names under which they trade in the territory of the other Party and otherwise ensure that the use of enterprise names is not unduly restricted.

13. If the results of the negotiations related to paragraph 4 of Article VI of GATS, or the results of any similar negotiations undertaken in other multilateral fora in which the Parties participate, enter into effect, the Parties shall jointly review these results with a view to bringing them into effect, as appropriate, under this Agreement.

ARTICLE 12

Monopoly and Exclusive Service Supplier

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with the Party's obligations under Articles 3 (Market Access) and 4 (National Treatment).

2. Where a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's obligations under Articles 3 (Market Access) and 4 (National Treatment), the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.

3. If a Party has reason to believe that a monopoly supplier of a service of the other Party is acting in a manner inconsistent with paragraph 1 or paragraph 2, it may request the other Party establishing, maintaining or authorising such a supplier to provide specific information concerning the relevant operations in its territory.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:

- (a) authorises or establishes a small number of service suppliers; and
- (b) substantially prevents competition among those service suppliers in its territory.

ARTICLE 13

Safeguard Measures

Neither Party shall take safeguard action against services and service suppliers of the other Party from the date of entry into force of this Agreement. Neither Party shall initiate or continue any safeguard investigations in respect of services and service suppliers of the other Party.

ARTICLE 14

Payments and Transfers

1. Subject to its reservations pursuant to Article 7 (Reservations) and except under the circumstances envisaged in Article 4 (Temporary Safeguard Measures) of Chapter 17 (Final Provisions), a Party shall not apply restrictions on international transfers and payments for current transactions.

2. Nothing in this Chapter shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations under this Chapter regarding such transactions, except under Article 4 (Temporary Safeguard Measures) of Chapter 17 (Final Provisions) or at the request of the Fund.

ARTICLE 15

Denial of Benefits

1. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party, and the denying Party adopts or maintains measures with respect to the non-Party or a person of the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise.

2. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party or by persons of the denying Party that has no substantial business activities in the territory of the other Party.

ARTICLE 16

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on trade in services, nothing in this Chapter shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals or to maintain public order;⁶

⁶ The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

- (b) necessary to protect human, animal or plant life or health; or
- (c) necessary to secure compliance with laws or regulations which are not inconsistent with this Chapter including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on a services contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; or
 - (iii) safety.

ARTICLE 17

Review of Subsidies

1. The Parties shall review the treatment of subsidies in the context of developments in international fora of which both Parties are Members.
2. The Parties shall consult on appropriate steps in regard to subsidies related to trade in services where any subsidies issues arise under this Chapter.

ARTICLE 18

Air Transport Services

1. For the purposes of this Article:
 - (a) “aircraft repair and maintenance services” means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance;
 - (b) “air transport” means the public carriage by aircraft of passengers, baggage, cargo or mail, separately or in combination, for remuneration or hire; and
 - (c) “computer reservation system (CRS) services” means services provided by computerised systems that contain information about air carriers’ schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued.
2. This Chapter and Chapter 16 (Dispute Settlement), shall not apply to measures affecting:

- (a) rights in relation to air transport, however granted; or
 - (b) services directly related to the exercise of rights in relation to air transport, except as provided in paragraph 3.
3. This Chapter shall apply to measures affecting:
- (a) aircraft repair and maintenance services; and
 - (b) computer reservation system (CRS) services.
4. Both Parties agree to review developments in the air transport sector at the first review of this Agreement under Article 7 (Review) of Chapter 17 (Final Provisions) or at any other time agreed between the Parties, with a view to including these developments in this Agreement.
5. While both Parties affirm their rights and obligations under the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Singapore relating to Air Services, signed on 3 November 1967 and any subsequent amendments thereto, both Parties agree to work towards an Open Skies Air Services Agreement and to review that work in accordance with paragraph 4.
6. The Parties affirm, *mutatis mutandis*, their rights and obligations under the GATS, including the Annex on Air Transport Services.

ARTICLE 19

Recognition

1. For the purposes of the fulfilment, in whole or in part, of a Party's standards or criteria for the authorisation, licensing or certification of a service supplier, and subject to the requirements of paragraph 4, it may recognise the education or experience obtained, requirements met, or licences or certifications granted, in the territory of the other Party or a non-Party. That recognition, which may be achieved through harmonisation or otherwise, may be based on an agreement or arrangement with the Party or non-Party concerned, or may be accorded autonomously.
2. If a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licenses or certifications granted, in the territory of a non-Party, nothing in Article 5 (Most-Favoured-Nation Treatment) shall be construed to require the Party to accord recognition to the education or experience obtained, requirements met, or licences or certifications granted, in the territory of the other Party.
3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity to the other Party, on request, to negotiate its accession to that agreement or arrangement, or to negotiate a comparable agreement or arrangement. If a Party accords

recognition autonomously, it shall afford adequate opportunity to the other Party to demonstrate that education, experience, licences or certifications obtained or requirements met in the other Party's territory should be recognised.

4. A Party shall not accord recognition in a manner that would constitute a means of discrimination between the other Party and non-Parties in the application of its standards or criteria for the authorisation, licensing or certification of a service supplier, or a disguised restriction on trade in services.

5. As set out in Annex 7-A (Professional Services), the Parties shall endeavour to facilitate trade in professional services, including through the establishment of a Professional Services Working Group.

ANNEX 7-A

PROFESSIONAL SERVICES

Licensing, certification and mutual recognition

1. The Parties shall encourage relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional services suppliers.
2. Without limiting the potential scope of work, the standards and criteria referred to in paragraph 1 may be developed with regard to the following matters:
 - (a) education – accreditation of schools or academic programs;
 - (b) examinations – qualifying examinations for licensing, including alternative methods of assessment, such as oral examinations and interviews;
 - (c) experience – length and nature of experience required for licensing;
 - (d) conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;
 - (e) professional development and re-certification – continuing education and ongoing requirements to maintain professional certification;
 - (f) scope of practice – extent of, or limitations on, permissible activities;
 - (g) local knowledge – requirements for knowledge of such matters as local laws, regulations, geography, or climate; and
 - (h) consumer protection – alternatives to any residency requirements, including bonding, professional liability insurance, and client restitution funds, to provide for the protection of consumers.
3. A Party may consider, if feasible, taking steps to implement a temporary or project specific licensing or registration regime based on a foreign supplier's home licence or recognised professional body membership, without the need for further written examination. That temporary or limited licence regime should not operate to prevent a foreign supplier from gaining a local licence once that supplier satisfies the applicable local licensing requirements.
4. On request of the other Party, a Party shall to the extent practicable provide information concerning standards and criteria for the licensing and certification of professional service suppliers, including information concerning the appropriate regulatory or other body to consult regarding these standards and criteria.

Consultations

5. Without prejudice to each Party's rights and obligations under this Agreement, and while recognising the right to regulate and to introduce new regulations on the supply of services in order to meet policy objectives, each Party should refrain from raising new barriers to trade in professional services. Where a Party considers that a new barrier has been adopted, or is proposed to be adopted, it may request consultations with the other Party.

Working Group

6. The Parties hereby establish a Working Group on Professional Services, comprising representatives of each Party, to facilitate activities listed in paragraphs 1 to 4. The Working Group shall meet annually, or as agreed by the Parties.

7. The issues that the Working Group should consider, for professional services generally and, as appropriate, for individual professional services, include:

- (a) procedures for fostering the development of mutual recognition arrangements between relevant bodies;
- (b) the feasibility of developing model procedures for the licensing and certification of professional services suppliers; and
- (c) other issues of mutual interest relating to the supply of professional services.

8. In implementing this Annex, the Working Group should consider, as appropriate, relevant bilateral, plurilateral and multilateral agreements relating to professional services.

9. To assist the Working Group in its activities, the Parties should, as appropriate, encourage the involvement of relevant industry bodies. This may include encouraging relevant industry bodies to provide joint views on potential initiatives within the scope of the Working Group's activities, including views on mutual recognition opportunities. The Parties should consider and provide a response to any joint views, advancing projects where feasible and mutually agreed.

10. Each Party shall encourage its relevant bodies to implement any decisions or recommendations of the Working Group within a mutually agreed time.

11. The Working Group, at each meeting, shall review progress made, including with respect to any recommendation for initiatives to promote mutual recognition of standards and criteria and temporary licensing, and agree on the further direction of its work.

6. Replace Chapter 8 (Investment) with:

08 INVESTMENT

Section A

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “Centre” means the International Centre for Settlement of Investment Disputes (ICSID) established by the ICSID Convention;
- (b) “claimant” means an investor of a Party that is a party to an investment dispute with the other Party. If that investor is a natural person, who is a permanent resident of a Party and a national of the other Party, that natural person may not submit a claim to arbitration against that latter Party;
- (c) “disputing parties” means the claimant and the respondent;
- (d) “disputing party” means either the claimant or the respondent;
- (e) “enterprise” means
 - (i) any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation; and
 - (ii) a branch of an enterprise;
- (f) “enterprise of a Party” means an enterprise constituted or organised under the law of a Party, or a branch located in the territory of a Party and carrying out business activities there;¹
- (g) “freely usable currency” means “freely usable currency” as determined by the International Monetary Fund under its Articles of Agreement;
- (h) “ICC Arbitration Rules” means the arbitration rules of the International Chamber of Commerce;

¹ For greater certainty, the inclusion of a “branch” in the definitions of “enterprise” and “enterprise of a Party” is without prejudice to a Party’s ability to treat a branch under its laws as an entity that has no independent legal existence and is not separately organised.

- (i) “ICSID Additional Facility Rules” means the *Rules Governing the Additional Facility for the Administration of Proceedings by the Secretariat of the International Centre for Settlement of Investment Disputes*;
- (j) “ICSID Convention” means the *Convention on the Settlement of Investment Disputes between States and Nationals of other States*, done at Washington, March 18, 1965;
- (k) “investment” means every asset that an investor owns or controls, directly or indirectly, that has the characteristics of an investment, including such characteristics as the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk. Forms that an investment may take include:
 - (i) an enterprise;
 - (ii) shares, stock and other forms of equity participation in an enterprise;
 - (iii) bonds, debentures, other debt instruments and loans;^{2, 3}
 - (iv) futures, options and other derivatives;
 - (v) turnkey, construction, management, production, concession, revenue-sharing and other similar contracts;
 - (vi) intellectual property rights;
 - (vii) licences, authorisations, permits and similar rights conferred pursuant to the Party’s law; and
 - (viii) other tangible or intangible, movable or immovable property, and related property rights, such as leases, mortgages, liens and pledges,

but investment does not mean an order or judgment entered in a judicial or administrative action;
- (l) “investor of a non-Party” means, with respect to a Party, an investor that attempts to make,⁴ is making, or has made an investment in the territory of that Party, that is not an investor of a Party;

² Some forms of debt, such as bonds, debentures, and long-term notes, are more likely to have the characteristics of an investment, while other forms of debt, such as claims to payment that are immediately due and result from the sale of goods or services, are less likely to have such characteristics.

³ A loan issued by one Party to the other Party is not an investment.

- (m) “investor of a Party” means a Party, or a national⁵ or an enterprise of a Party, that attempts to make, is making, or has made an investment in the territory of the other Party;
- (n) “measure” includes any law, regulation, procedure, requirement or practice;
- (o) “non-disputing Party” means the Party that is not a party to an investment dispute;
- (p) “New York Convention” means the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, done at New York, June 10, 1958;
- (q) “person” means a natural person or an enterprise;
- (r) “protected information” means confidential business information or information that is privileged or otherwise protected from disclosure under a Party’s law, including classified government information;
- (s) “respondent” means the Party that is a party to an investment dispute;
- (t) “Secretary-General” means the Secretary-General of ICSID;
- (u) “TRIPS Agreement” means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, set out in Annex 1C to the WTO Agreement;⁶ and
- (v) “UNCITRAL Arbitration Rules” means the arbitration rules of the United Nations Commission on International Trade Law.

ARTICLE 2

Scope

⁴ For greater certainty, the Parties understand that, for the purposes of the definitions of “investor of a non-Party” and “investor of a Party”, an investor “attempts to make” an investment when that investor has taken concrete action or actions to make an investment, such as channelling resources or capital in order to set up a business, or applying for a permit or licence.

⁵ For the purposes of this Chapter, a “national” means, for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation; for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or a permanent resident of either Party.

⁶ For greater certainty, a reference in this Agreement to the TRIPS Agreement includes any waiver in force between the Parties of any provision of the TRIPS Agreement granted by WTO Members in accordance with the WTO Agreement.

1. This Chapter shall apply to measures adopted or maintained by a Party relating to:
 - (a) investors of the other Party;
 - (b) covered investments; and
 - (c) all investments in the territory of that Party with respect to:
 - (i) Article 7 (Prohibition of Performance Requirements); and
 - (ii) Article 20 (Investment and Environmental, Health and other Regulatory Objectives).
2. This Chapter shall not apply to:
 - (a) subsidies or grants provided by a Party or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic investors and investments; or
 - (b) a natural person who is a permanent resident but not a citizen of a Party where:
 - (i) the provisions of an investment protection agreement between the other Party and the country of which the person is a citizen have already been invoked in respect of the same matter; or
 - (ii) the person is a citizen of the other Party.
3. An enterprise of a Party shall not be treated as an investor of the other Party, but any investments in that enterprise by investors of that other Party shall be protected by this Chapter.
4. Nothing in this Chapter shall be construed to impose an obligation on a Party to privatise.
5. A Party's obligations under this Chapter shall apply to measures adopted or maintained by:
 - (a) the central, regional or local governments or authorities of that Party; and
 - (b) any person, including a state enterprise or any other body, when it exercises any governmental authority delegated to it by central, regional or local governments or authorities of that Party.⁷

⁷ For greater certainty, governmental authority is delegated under the Party's law, including through a legislative grant or a government order, directive or other action transferring or authorising the exercise of governmental authority.

ARTICLE 3

Relation to Other Chapters

1. In the event of any inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter shall prevail to the extent of the inconsistency.
2. A requirement of a Party that a service supplier of the other Party post a bond or other form of financial security as a condition for the cross-border supply of a service does not of itself make this Chapter applicable to measures adopted or maintained by the Party relating to such cross-border supply of the service. This Chapter shall apply to measures adopted or maintained by the Party relating to the posted bond or financial security, to the extent that the bond or financial security is a covered investment.
3. This Chapter shall not apply to measures adopted or maintained by a Party to the extent that they are covered by Chapter 9 (Financial Services).

ARTICLE 4

*National Treatment*⁸

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.
2. Each Party shall accord to covered investments treatment no less favourable than that it accords, in like circumstances, to investments in its territory of its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.
3. For greater certainty, the treatment to be accorded by a Party under paragraphs 1 and 2 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to investors, and to investments of investors, of the Party of which it forms a part.

ARTICLE 5

Most-Favoured-Nation Treatment

⁸ For greater certainty, whether treatment is accorded in “like circumstances” under Articles 4 (National Treatment) or 5 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between investors or investments on the basis of legitimate public welfare objectives.

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

2. Each Party shall accord to covered investments treatment no less favourable than that it accords, in like circumstances, to investments in its territory of investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

3. For greater certainty, the treatment referred to in this Article does not encompass international dispute resolution procedures or mechanisms such as those included in Section B (Investor-State Dispute Settlement).

ARTICLE 6

Minimum Standard of Treatment

1. Each Party shall accord to covered investments treatment in accordance with the customary international law minimum standard of treatment of aliens, including fair and equitable treatment and full protection and security.⁹

2. For greater certainty, paragraph 1 prescribes the customary international law minimum standard of treatment of aliens as the standard of treatment to be afforded to covered investments. The concepts of “fair and equitable treatment” and “full protection and security” do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens referred to in paragraph 1 and do not create additional substantive rights. The obligation in paragraph 1 to provide:

- (a) “fair and equitable treatment” includes the obligation not to deny justice in criminal, civil or administrative adjudicatory proceedings in accordance with the principle of due process embodied in the principal legal systems of the world; and
- (b) “full protection and security” requires each Party to provide the level of police protection required under customary international law.

3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

⁹ The Parties confirm their shared understanding that “customary international law” generally and as specifically referenced in Article 6 (Minimum Standard of Treatment) results from a general and consistent practice of States that they follow from a sense of legal obligation. The customary international law minimum standard of treatment of aliens refers to all customary international law principles that protect the investments of aliens.

4. For greater certainty, the mere fact that a Party takes or fails to take an action that may be inconsistent with an investor's expectations does not constitute a breach of this Article, even if there is loss or damage to the covered investment as a result.

5. For greater certainty, the mere fact that a subsidy or grant has not been issued, renewed or maintained, or has been modified or reduced, by a Party, does not constitute a breach of this Article, even if there is loss or damage to the covered investment as a result.

ARTICLE 7

Prohibition of Performance Requirements

1. Neither Party shall, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment of an investor of a Party or of a non-Party in its territory, impose or enforce any requirement, or enforce any commitment or undertaking, to:¹⁰

- (a) export a given level or percentage of goods or services;
- (b) achieve a given level or percentage of domestic content;
- (c) purchase, use or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;
- (d) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment;
- (e) restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;
- (f) transfer a particular technology, a production process or other proprietary knowledge to a person in its territory; or
- (g) supply exclusively from the territory of the Party the goods that such investment produces or the services that such investment supplies to a specific regional market or to the world market.

2. Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment in its territory of an investor of a Party or of a non-Party, on compliance with any requirement to:

- (a) achieve a given level or percentage of domestic content;

¹⁰ For greater certainty, a condition for the receipt or continued receipt of an advantage referred to in paragraph 2 does not constitute a "requirement" or a "commitment or undertaking" for the purposes of paragraph 1.

- (b) purchase, use or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;
 - (c) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment; or
 - (d) restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales in any way to the volume or value of its exports or foreign exchange earnings.
3. (a) Nothing in paragraph 2 shall be construed to prevent a Party from conditioning the receipt or continued receipt of an advantage, in connection with an investment in its territory of an investor of a Party or of a non-Party, on compliance with a requirement to locate production, supply a service, train or employ workers, construct or expand particular facilities, or carry out research and development, in its territory.
- (b) Paragraph 1(f) shall not apply:
- (i) when a Party authorises use of an intellectual property right in accordance with Article 31¹¹ of the TRIPS Agreement, or to measures requiring the disclosure of proprietary information that fall within the scope of, and are consistent with, Article 39 of the TRIPS Agreement; or
 - (ii) when the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal or competition authority to remedy a practice determined after judicial or administrative process to be anticompetitive under a Party's competition laws.¹²
- (c) Provided that such measures are not applied in an arbitrary or unjustifiable manner, and provided that such measures do not constitute a disguised restriction on investment or international trade, paragraphs 1(b), (c), and (f), and 2(a) and (b), shall not be construed to prevent a Party from adopting or maintaining measures, including environmental measures:
- (i) necessary to secure compliance with laws and regulations that are not inconsistent with this Agreement;
 - (ii) necessary to protect human, animal, or plant life or health; or

¹¹ The reference to Article 31 includes footnote 7 to Article 31 and includes any waiver or amendment to the TRIPS Agreement implementing paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/MIN (01)/DEC/2).

¹² The Parties recognise that a patent does not necessarily confer market power.

- (iii) related to the conservation of living or non-living exhaustible natural resources.
 - (d) Paragraphs 1(a), (b), and (c), and 2(a) and (b), do not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programs.
 - (e) Paragraphs 1(b), (c), (f), and (g), and 2(a) and (b), do not apply to government procurement.
 - (f) Paragraphs 2(a) and (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.
4. For greater certainty, paragraphs 1 and 2 do not apply to any requirement other than the requirements set out in those paragraphs.
5. This Article does not preclude enforcement of any commitment, undertaking, or requirement between private parties, where a Party did not impose or require the commitment, undertaking, or requirement.

ARTICLE 8

Senior Management and Boards of Directors

1. A Party shall not require that an enterprise of that Party that is a covered investment appoint to a senior management position a natural person of any particular nationality.
2. A Party may require that a majority of the board of directors, or any committee thereof, of an enterprise of that Party that is a covered investment, be of a particular nationality or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.

ARTICLE 9

Special Formalities and Information Requirements

1. Nothing in Article 4 (National Treatment) shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities in connection with a covered investment, such as a residency requirement for registration or a requirement that a covered investment be legally constituted under the laws or regulations of the Party, provided that these formalities do not materially impair the protections afforded by the Party to investors of the other Party and covered investments pursuant to this Chapter.

2. Notwithstanding Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment), a Party may require an investor of the other Party or its covered investment to provide information concerning that investment solely for informational or statistical purposes. The Party shall protect such information that is confidential from any disclosure that would prejudice the competitive position of the investor or the covered investment. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its law.

ARTICLE 10

Transparency

Each Party shall promptly make public its laws, regulations and investment policies, and any amendments thereto, of general application that pertain to or affect investments in its territory by investors of the other Party.

ARTICLE 11

Reservations

1. Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 7 (Prohibition of Performance Requirements) and 8 (Senior Management and Boards of Directors) shall not apply to:

- (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government or a regional level of government, as set out by that Party in its Schedule to Annex 4-I; or
 - (ii) a local level of government; or
- (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
- (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 7 (Performance Requirements) or 8 (Senior Management and Board of Directors).

2. Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 7 (Prohibition of Performance Requirements) and 8 (Senior Management and Boards of Directors) shall not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors or activities as set out in its Schedule to Annex 4-II.

3. Neither Party shall, under any measure adopted after the date of entry into force of this Agreement for that Party and covered by its Schedule to Annex 4-II, require an investor of the other Party, by reason of its nationality, to sell or otherwise dispose of an investment existing at the time the measure becomes effective.
4.
 - (a) Article 4 (National Treatment) shall not apply to any measure that falls within an exception to, or derogation from, the obligations which are imposed by Article 3 of the TRIPS Agreement; and
 - (b) Article 5 (Most-Favoured-Nation Treatment) shall not apply to any measure that falls within Article 5 of the TRIPS Agreement, or an exception to, or derogation from, the obligations which are imposed by: Article 4 of the TRIPS Agreement.
5. Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 8 (Senior Management and Boards of Directors) shall not apply to government procurement.
6. For greater certainty, any amendments or modifications to a Party's Schedules to Annex 4-I or Annex 4-II, pursuant to this Article, shall be made in accordance with Article 11 (Amendments) of Chapter 17 (Final Provisions).

ARTICLE 12

Additional Commitments

1. The Parties shall set out their respective additional commitments in Annex 4-III of this Agreement with respect to investment matters not covered by Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 7 (Prohibition of Performance Requirements) and 8 (Senior Management and Board of Directors).
2. Section B (Investor-State Dispute Settlement) shall not apply to these additional commitments.

ARTICLE 13

Expropriation and Nationalisation

1. Neither Party shall expropriate or nationalise a covered investment either directly or indirectly through measures equivalent to expropriation or nationalisation (expropriation), except:
 - (a) for a public purpose;¹³
 - (b) in a non-discriminatory manner;

¹³ For greater certainty, for the purposes of this Article, the term "public purpose" refers to a concept in customary international law. Domestic law may express this or a similar concept by using different terms, such as "public necessity", "public interest" or "public use".

- (c) on payment of prompt, adequate and effective compensation in accordance with paragraphs 2, 3 and 4; and
 - (d) in accordance with due process of law.
- 2. Compensation shall:
 - (a) be paid without delay;
 - (b) be equivalent to the fair market value of the expropriated investment immediately before the expropriation took place (the date of expropriation);
 - (c) not reflect any change in value occurring because the intended expropriation had become known earlier; and
 - (d) be fully realisable and freely transferable.
- 3. If the fair market value is denominated in a freely usable currency, the compensation paid shall be no less than the fair market value on the date of expropriation, plus interest at a commercially reasonable rate for that currency, accrued from the date of expropriation until the date of payment.
- 4. If the fair market value is denominated in a currency that is not freely usable, the compensation paid, converted into the currency of payment at the market rate of exchange prevailing on the date of payment, shall be no less than:
 - (a) the fair market value on the date of expropriation, converted into a freely usable currency at the market rate of exchange prevailing on that date; plus
 - (b) interest, at a commercially reasonable rate for that freely usable currency, accrued from the date of expropriation until the date of payment.
- 5. Notwithstanding paragraphs 1, 2, 3 and 4, any measure of expropriation relating to land, which shall be as defined in the existing domestic legislation of the expropriating Party on the date of entry into force of this Agreement, shall be for a purpose and upon payment of compensation in accordance with the aforesaid legislation and any subsequent amendments thereto relating to the amount of compensation where such amendments follow the general trends in the market value of the land.
- 6. This Article shall not apply to the issuance of compulsory licences granted in relation to intellectual property rights in accordance with the TRIPS Agreement, or to the revocation, limitation or creation of intellectual property rights, to the extent that

the issuance, revocation, limitation or creation is consistent with the TRIPS Agreement.¹⁴

7. For greater certainty, a Party's decision not to issue, renew or maintain a subsidy or grant, or decision to modify or reduce a subsidy or grant,

- (a) in the absence of any specific commitment under law or contract to issue, renew or maintain that subsidy or grant; or
- (b) in accordance with any terms or conditions attached to the issuance, renewal, modification, reduction and maintenance of that subsidy or grant;

standing alone, does not constitute an expropriation.

ARTICLE 14

Treatment in Cases of Armed Conflict or Civil Strife

1. Each Party shall accord to investors of the other Party and to covered investments non-discriminatory treatment with respect to measures it adopts or maintains relating to losses suffered by investments in its territory owing to armed conflict or civil strife.

2. Notwithstanding paragraph 1, if an investor of a Party, in a situation referred to in paragraph 1, suffers a loss in the territory of the other Party resulting from:

- (a) requisitioning of its covered investment or part thereof by the latter's forces or authorities; or
- (b) destruction of its covered investment or part thereof by the latter's forces or authorities, which was not required by the necessity of the situation,

the latter Party shall provide the investor restitution, compensation or both, as appropriate, for that loss.

ARTICLE 15

Transfers

1. Each Party shall permit all transfers relating to a covered investment to be made freely and without delay into and out of its territory. Such transfers include:

- (a) contributions to capital;¹⁵

¹⁴ For greater certainty, the Parties recognise that, for the purposes of this Article, the term "revocation" of intellectual property rights includes the cancellation or nullification of those rights, and the term "limitation" of intellectual property rights includes exceptions to those rights.

- (b) profits, dividends, interest, capital gains, royalty payments, management fees, technical assistance fees and other fees;
- (c) proceeds from the sale of all or any part of the covered investment or from the partial or complete liquidation of the covered investment;
- (d) payments made under a contract, including a loan agreement;
- (e) payments made pursuant to Article 14 (Treatment in Cases of Armed Conflict or Civil Strife) and Article 13 (Expropriation and Nationalisation); and
- (f) payments arising out of a dispute.

2. Each Party shall permit transfers relating to a covered investment to be made in a freely usable currency at the market rate of exchange prevailing at the time of transfer.

3. Each Party shall permit returns in kind relating to a covered investment to be made as authorised or specified in a written agreement between the Party and a covered investment or an investor of another Party.

4. Notwithstanding paragraphs 1, 2 and 3, a Party may prevent or delay a transfer through the equitable, non-discriminatory and good faith application of its laws¹⁶ relating to:

- (a) bankruptcy, insolvency or the protection of the rights of creditors;
- (b) issuing, trading or dealing in securities, futures, options or derivatives;
- (c) criminal or penal offences;
- (d) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities; or
- (e) ensuring compliance with orders or judgments in judicial or administrative proceedings.

5. Notwithstanding paragraph 3, a Party may restrict transfers of returns in kind in circumstances where it could otherwise restrict such transfers under this Agreement, including as set out in paragraph 4.

¹⁵ For greater certainty, contributions to capital include the initial contribution.

¹⁶ For greater certainty, this Article does not preclude the equitable, non-discriminatory and good faith application of a Party's laws relating to its social security, public retirement or compulsory savings programmes.

6. Nothing in this Chapter shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations under this Chapter regarding such transactions, except under Article 4 (Temporary Safeguard Measures) of Chapter 17 (Final Provisions) or at the request of the Fund.

ARTICLE 16

Subrogation

1. If a Party or a designated agency of a Party makes a payment to an investor of the Party under a guarantee, a contract of insurance or other form of indemnity it has granted in respect of a covered investment, the other Party in whose territory the covered investment was made shall recognise the subrogation or transfer of any rights or title the investor would have possessed under this Chapter in respect of such covered investment but for the subrogation. The subrogated or transferred right or claim shall not be greater than the original right or claim of the investor.

2. Where a Party or a designated agency of a Party has made a payment to an investor of that Party and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the designated agency of the Party making the payment, pursue those rights and claims against the other Party.

ARTICLE 17

Review of Subsidies

1. The Parties shall review the treatment of subsidies in the context of developments at international fora to which both Parties are Members.

2. The Parties shall consult on appropriate steps in regard to subsidies related to investments or investors where any subsidies issues arise under this Chapter.

ARTICLE 18

Denial of Benefits

1. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of the other Party and to investments of that investor if the enterprise:

- (a) is owned or controlled by a person of a non-Party or of the denying Party; and

(b) has no substantial business activities in the territory of the other Party.

2. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of that other Party and to investments of that investor if persons of a non-Party own or control the enterprise and the denying Party adopts or maintains measures with respect to the non-Party or a person of the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise or to its investments.

ARTICLE 19

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on investments in the territory of a Party by investors of the other Party, nothing in this Chapter shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals or to maintain public order;¹⁷
- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on a contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
or
 - (iii) safety;
- (d) imposed for the protection of national treasures of artistic, historic or archaeological value; or
- (e) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

ARTICLE 20

¹⁷ The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

Investment and Environmental, Health and other Regulatory Objectives

Nothing in this Chapter shall be construed to prevent a Party from adopting, maintaining or enforcing any measure otherwise consistent with this Chapter that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental, health or other regulatory objectives.

ARTICLE 21

Disclosure of Confidential Information

Nothing in this Chapter shall require a Party to furnish or allow access to confidential information, the disclosure of which would be contrary to its law, impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Section B: Investor-State Dispute Settlement¹⁸

ARTICLE 22

Tobacco Control Measures

No claim may be brought under this Section in respect of a tobacco control measure¹⁹ of a Party.

ARTICLE 23

Consultation and Negotiation

1. In the event of an investment dispute, the claimant and the respondent should initially seek to resolve the dispute through consultation and negotiation, which may include the use of non-binding, third party procedures, such as good offices, conciliation or mediation.

¹⁸ No claim may be brought under this Section in respect of the following measures of Australia: measures comprising or related to the Pharmaceutical Benefits Scheme, Medicare Benefits Scheme, Therapeutic Goods Administration and Office of the Gene Technology Regulator. A reference to a body or program in this footnote includes any successor of that body or program.

¹⁹ “Tobacco control measure” means a measure of a Party related to tobacco products (including products made or derived from tobacco), such as for their production, consumption, distribution, labelling, packaging, advertising, marketing, promotion, sale, purchase, or use, as well as fiscal measures such as internal taxes and excise taxes, and enforcement measures, such as inspection, recordkeeping, and reporting requirements. “Tobacco products” means products under Chapter 24 of the Harmonised System, including processed tobacco, or any product that contains tobacco, that is manufactured to be used for smoking, sucking, chewing or snuffing.

2. The claimant shall deliver to the respondent a written request for consultations setting out a brief description of facts regarding the measure or measures at issue.
3. For greater certainty, the initiation of consultations and negotiations shall not be construed as recognition of the jurisdiction of the tribunal.

ARTICLE 24

Submission of a Claim to Arbitration

1. If an investment dispute has not been resolved within six months of the receipt by the respondent of a written request for consultations pursuant to Article 23.2 (Consultation and Negotiation):

- (a) the claimant, on its own behalf, may submit to arbitration under this Section a claim:
 - (i) that the respondent has breached an obligation under Section A; and
 - (ii) that the claimant has incurred loss or damage by reason of, or arising out of, that breach; and
- (b) the claimant, on behalf of an enterprise of the respondent that is a juridical person that the claimant owns or controls directly or indirectly, may submit to arbitration under this Section a claim:
 - (i) that the respondent has breached an obligation under Section A; and
 - (ii) that the enterprise has incurred loss or damage by reason of, or arising out of, that breach.

2. At least 90 days before submitting any claim to arbitration under this Section, the claimant shall deliver to the respondent a written notice of its intention to submit a claim to arbitration (notice of intent). The notice shall specify:

- (a) the name and address of the claimant and, if a claim is submitted on behalf of an enterprise, the name, address and place of incorporation of the enterprise;
- (b) for each claim, the provision of this Agreement alleged to have been breached and any other relevant provisions;
- (c) the legal and factual basis for each claim; and
- (d) the relief sought and the approximate amount of damages claimed.

3. The claimant may submit a claim referred to in paragraph 1 under one of the following alternatives:
 - (a) the ICSID Convention and the ICSID *Rules of Procedure for Arbitration Proceedings*;
 - (b) the ICSID Additional Facility Rules;
 - (c) the UNCITRAL Arbitration Rules; or
 - (d) if the claimant and respondent agree, any other arbitral institution or any other arbitration rules.

4. A claim shall be deemed submitted to arbitration under this Section when the claimant's notice of or request for arbitration (notice of arbitration):
 - (a) referred to in the ICSID Convention is received by the Secretary-General;
 - (b) referred to in the ICSID Additional Facility Rules is received by the Secretary-General;
 - (c) referred to in the UNCITRAL Arbitration Rules, together with the statement of claim referred to therein, are received by the respondent; or
 - (d) referred to under any arbitral institution or arbitration rules selected under paragraph 3(d) is received by the respondent.

5. A claim asserted by the claimant for the first time after such notice of arbitration is submitted shall be deemed submitted to arbitration under this Section on the date of its receipt under the applicable arbitration rules.

6. The arbitration rules applicable under paragraph 3 that are in effect on the date the claim or claims were submitted to arbitration under this Section shall govern the arbitration except to the extent modified by this Agreement.

7. The claimant shall provide with the notice of arbitration:
 - (a) the name of the arbitrator that the claimant appoints; or
 - (b) the claimant's written consent for the Secretary-General to appoint that arbitrator.

ARTICLE 25

Consent of Each Party to Arbitration

1. Each Party consents to the submission of a claim to arbitration under this Section in accordance with this Agreement.
2. The consent under paragraph 1 and the submission of a claim to arbitration under this Section shall be deemed to satisfy the requirements of:
 - (a) Chapter II of the ICSID Convention (Jurisdiction of the Centre) and the ICSID Additional Facility Rules for written consent of the parties to the dispute; and
 - (b) Article II of the New York Convention for an “agreement in writing”.

ARTICLE 26

Conditions and Limitations on Consent of Each Party

1. No claim shall be submitted to arbitration under this Section if more than three years and six months have elapsed from the date on which the claimant first acquired, or should have first acquired, knowledge of the breach alleged under Article 24 (Submission of a Claim to Arbitration) and knowledge that the claimant (for claims brought under Article 24.1(a)) or the enterprise (for claims brought under Article 24.1(b)) has incurred loss or damage.
2. No claim shall be submitted to arbitration under this Section unless:
 - (a) the claimant consents in writing to arbitration in accordance with the procedures set out in this Agreement; and
 - (b) the notice of arbitration is accompanied:
 - (i) for claims submitted to arbitration under Article 24.1(a) (Submission of a Claim to Arbitration), by the claimant’s written waiver; and
 - (ii) for claims submitted to arbitration under Article 24.1(b) (Submission of a Claim to Arbitration), by the claimant’s and the enterprise’s written waivers,

of any right to initiate or continue before any court or administrative tribunal under the law of either Party, or any other dispute settlement procedures, any proceeding with respect to any measure alleged to constitute a breach referred to in Article 24 (Submission of a Claim to Arbitration).

3. Notwithstanding paragraph 2(b), the claimant (for claims brought under Article 24.1(a) (Submission of a Claim to Arbitration)) and the claimant or the enterprise (for claims brought under Article 24.1(b)) may initiate or continue an action that seeks interim injunctive relief and does not involve the payment of monetary damages before a judicial or administrative tribunal of the respondent, provided that the action is brought for the sole purpose of preserving the claimant's or the enterprise's rights and interests during the pendency of the arbitration.

ARTICLE 27

Selection of Arbitrators

1. Unless the disputing parties agree otherwise, the tribunal shall comprise three arbitrators, one arbitrator appointed by each of the disputing parties and the third, who shall be the presiding arbitrator, appointed by agreement of the disputing parties.

2. The Secretary-General shall serve as appointing authority for an arbitration under this Section.

3. If a tribunal has not been constituted within a period of 75 days after the date that a claim is submitted to arbitration under this Section, the Secretary-General, on the request of a disputing party, shall appoint, in his or her discretion, the arbitrator or arbitrators not yet appointed. The Secretary-General shall not appoint a national of either Party as the presiding arbitrator unless the disputing parties agree otherwise.

4. For the purposes of Article 39 of the ICSID Convention and Article 7 of Schedule C to the ICSID Additional Facility Rules, and without prejudice to an objection to an arbitrator on a ground other than nationality:

- (a) the respondent agrees to the appointment of each individual member of a tribunal established under the ICSID Convention or the ICSID Additional Facility Rules;
- (b) a claimant referred to in Article 24.1(a) (Submission of a Claim to Arbitration) may submit a claim to arbitration under this Section, or continue a claim, under the ICSID Convention or the ICSID Additional Facility Rules, only on condition that the claimant agrees in writing to the appointment of each individual member of the tribunal; and
- (c) a claimant referred to in Article 24.1(b) (Submission of a Claim to Arbitration) may submit a claim to arbitration under this Section, or continue a claim, under the ICSID Convention or the ICSID Additional Facility Rules, only on condition that the claimant and the enterprise agree in writing to the appointment of each individual member of the tribunal.

5. Any person appointed as a member or chair of a tribunal shall meet the requirements set out in Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).

6. In addition to any applicable arbitral rules regarding independence and impartiality of arbitrators, arbitrators shall comply with Annex 7 (Code of Conduct for Arbitrators appointed under Chapter 8 (Investment) and Chapter 16 (Dispute Settlement)) and any other guidance on the application of relevant rules or guidelines on conflicts of interest in international arbitration that the Parties may provide.

ARTICLE 28

Conduct of the Arbitration

1. The disputing parties may agree on the legal place of any arbitration under the arbitration rules applicable under Article 24.4 (Submission of a Claim to Arbitration). If the disputing parties fail to reach agreement, the tribunal shall determine the place in accordance with the applicable arbitration rules, provided that the place shall be in the territory of a State that is a party to the New York Convention.

2. A non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.

3. After consultation with the disputing parties, the tribunal may accept and consider written *amicus curiae* submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall identify the author; disclose any affiliation, direct or indirect, with any disputing party; and identify any person, government or other entity that has provided, or will provide, any financial or other assistance in preparing the submission. Each submission shall be in a language of the arbitration and comply with any page limits and deadlines set by the tribunal. The tribunal shall provide the disputing parties with an opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.

4. Without prejudice to a tribunal's authority to address other objections as a preliminary question, such as an objection that a dispute is not within the competence of the tribunal, including an objection to the tribunal's jurisdiction, a tribunal shall address and decide as a preliminary question any objection by the respondent that, as a matter of law, a claim submitted is not a claim for which an award in favour of the claimant may be made under Article 33 (Awards) or that a claim is manifestly without legal merit.

- (a) An objection under this paragraph shall be submitted to the tribunal as soon as possible after the tribunal is constituted, and in no event later than the date the tribunal fixes for the respondent to submit its counter-memorial or, in the case of an amendment to the notice of arbitration,

the date the tribunal fixes for the respondent to submit its response to the amendment.

- (b) On receipt of an objection under this paragraph, the tribunal shall suspend any proceedings on the merits, establish a schedule for considering the objection consistent with any schedule it has established for considering any other preliminary question, and issue a decision or award on the objection, stating the grounds therefor.
- (c) In deciding an objection under this paragraph that a claim submitted is not a claim for which an award in favour of the claimant may be made under Article 33 (Awards), the tribunal shall assume to be true the claimant's factual allegations in support of any claim in the notice of arbitration (or any amendment thereof) and, in disputes brought under the UNCITRAL Arbitration Rules, the statement of claim referred to in the relevant article of the UNCITRAL Arbitration Rules. The tribunal may also consider any relevant facts not in dispute.
- (d) The respondent does not waive any objection as to competence, including an objection to jurisdiction, or any argument on the merits merely because the respondent did or did not raise an objection under this paragraph or make use of the expedited procedure set out in paragraph 5.

5. In the event that the respondent so requests within 45 days after the tribunal is constituted, the tribunal shall decide on an expedited basis an objection under paragraph 4 or any objection that the dispute is not within the tribunal's competence, including an objection that the dispute is not within the tribunal's jurisdiction. The tribunal shall suspend any proceedings on the merits and issue a decision or award on the objection, stating the grounds therefor, no later than 150 days after the date of the request. However, if a disputing party requests a hearing, the tribunal may take an additional 30 days to issue the decision or award. Regardless of whether a hearing is requested, a tribunal may, on a showing of extraordinary cause, delay issuing its decision or award by an additional brief period, which may not exceed 30 days.

6. When the tribunal decides a respondent's objection under paragraph 4 or 5, it may, if warranted, award to the prevailing disputing party reasonable costs and attorney's fees incurred in submitting or opposing the objection. In determining whether such an award is warranted, the tribunal shall consider whether either the claimant's claim or the respondent's objection was frivolous, and shall provide the disputing parties a reasonable opportunity to comment.

7. For greater certainty, if an investor of a Party submits a claim under this Section, including a claim alleging that a Party breached Article 6 (Minimum Standard of Treatment), the investor has the burden of proving all elements of its claims, consistent with general principles of international law applicable to international arbitration.

8. A respondent may not assert as a defence, counterclaim, right of set-off or for any other reason, that the claimant has received or will receive indemnification or

other compensation for all or part of the alleged damages pursuant to an insurance or guarantee contract.

9. A tribunal may order an interim measure of protection to preserve the rights of a disputing party, or to ensure that the tribunal's jurisdiction is made fully effective, including an order to preserve evidence in the possession or control of a disputing party or to protect the tribunal's jurisdiction. A tribunal may not order attachment or enjoin the application of a measure alleged to constitute a breach referred to in Article 24 (Submission of a Claim to Arbitration). For the purposes of this paragraph, an order includes a recommendation.

10. In any arbitration conducted under this Section, at the request of a disputing party, a tribunal shall, before issuing a decision or award on liability, transmit its proposed decision or award to the disputing parties. Within 60 days after the tribunal transmits its proposed decision or award, the disputing parties may submit written comments to the tribunal concerning any aspect of its proposed decision or award. The tribunal shall consider any comments and issue its decision or award no later than 45 days after the expiration of the 60 day comment period.

11. In the event that an appellate mechanism for reviewing awards rendered by investor-State dispute settlement tribunals is developed in the future under other institutional arrangements including under another Agreement to which both Parties are party, the Parties shall consider whether awards rendered under Article 33 (Awards) should be subject to that appellate mechanism. The Parties shall strive to ensure that any such appellate mechanism they consider adopting provides for transparency of proceedings similar to the transparency provisions established in Article 29 (Transparency of Arbitral Proceedings).

ARTICLE 29

Transparency of Arbitral Proceedings

1. Subject to paragraphs 2 and 4, the respondent shall, after receiving the following documents, promptly transmit them to the non-disputing Party and make them available to the public:

- (a) the notice of intent;
- (b) the notice of arbitration;
- (c) pleadings, memorials and briefs submitted to the tribunal by a disputing party and any written submissions submitted pursuant to Articles 28.2 and 28.3 (Conduct of the Arbitration) and Article 32 (Consolidation);
- (d) minutes or transcripts of hearings of the tribunal, if available; and
- (e) orders, awards and decisions of the tribunal.

2. The tribunal shall conduct hearings open to the public and shall determine, in consultation with the disputing parties, the appropriate logistical arrangements. If a disputing party intends to use information in a hearing that is designated as protected information or otherwise subject to paragraph 3 it shall so advise the tribunal. The tribunal shall make appropriate arrangements to protect such information from disclosure which may include closing the hearing for the duration of the discussion of that information.

3. Nothing in this Section, including paragraph 4(d), requires a respondent to make available to the public or otherwise disclose during or after the arbitral proceedings, including the hearing, protected information, or to furnish or allow access to information that it may withhold in accordance with Article 2 (Security Exceptions) of Chapter 17 (Final Provisions) or Article 21 (Disclosure of Confidential Information).²⁰

4. Any protected information that is submitted to the tribunal shall be protected from disclosure in accordance with the following procedures:

- (a) subject to subparagraph (d), neither the disputing parties nor the tribunal shall disclose to the non-disputing Party or to the public any protected information if the disputing party that provided the information clearly designates it in accordance with subparagraph (b);
- (b) any disputing party claiming that certain information constitutes protected information shall clearly designate the information according to any schedule set by the tribunal;
- (c) a disputing party shall, according to any schedule set by the tribunal, submit a redacted version of the document that does not contain the protected information. Only the redacted version shall be disclosed in accordance with paragraph 1; and
- (d) the tribunal, subject to paragraph 3, shall decide any objection regarding the designation of information claimed to be protected information. If the tribunal determines that the information was not properly designated, the disputing party that submitted the information may:
 - (i) withdraw all or part of its submission containing that information; or
 - (ii) agree to resubmit complete and redacted documents with corrected designations in accordance with the tribunal's determination and subparagraph (c).

²⁰ For greater certainty, when a respondent chooses to disclose to the tribunal information that may be withheld in accordance with Article 2 (Security Exceptions) of Chapter 17 (Final Provisions) or Article 21 (Disclosure of Confidential Information), the respondent may still withhold that information from disclosure to the public.

In either case, the other disputing party shall, whenever necessary, resubmit complete and redacted documents which either remove the information withdrawn under subparagraph (d)(i) by the disputing party that first submitted the information or redesignate the information consistent with the designation under subparagraph (d)(ii) of the disputing party that first submitted the information.

5. Nothing in this Section requires a respondent to withhold from the public information required to be disclosed by its laws. The respondent should endeavour to apply those laws in a manner sensitive to protecting from disclosure information that has been designated as protected information.

ARTICLE 30

Governing Law

When a claim is submitted under Articles 24.1(a) or 24.1(b) (Submission of a Claim to Arbitration), the tribunal shall decide the issues in dispute in accordance with this Agreement and applicable rules of international law.²¹

ARTICLE 31

Expert Reports

Without prejudice to the appointment of other kinds of experts when authorised by the applicable arbitration rules, a tribunal, on request of a disputing party or, unless the disputing parties disapprove, on its own initiative, may appoint one or more experts to report to it in writing on any factual issue concerning scientific matters raised by a disputing party in a proceeding, subject to any terms and conditions that the disputing parties may agree.

ARTICLE 32

Consolidation

1. If two or more claims have been submitted separately to arbitration under Article 24.1 (Submission of a Claim to Arbitration) and the claims have a question of law or fact in common and arise out of the same events or circumstances, any disputing party may seek a consolidation order in accordance with the agreement of all the disputing parties sought to be covered by the order or the terms of paragraphs 2 through 10.

²¹ For greater certainty, this provision is without prejudice to any consideration of the domestic law of the respondent when it is relevant to the claim as a matter of fact.

2. A disputing party that seeks a consolidation order under this Article shall deliver, in writing, a request to the Secretary-General and to all the disputing parties sought to be covered by the order and shall specify in the request:

- (a) the names and addresses of all the disputing parties sought to be covered by the order;
- (b) the nature of the order sought; and
- (c) the grounds on which the order is sought.

3. Unless the Secretary-General finds within a period of 30 days after the date of receiving a request under paragraph 2 that the request is manifestly unfounded, a tribunal shall be established under this Article.

4. Unless all the disputing parties sought to be covered by the order agree otherwise, a tribunal established under this Article shall comprise three arbitrators:

- (a) one arbitrator appointed by agreement of the claimants;
- (b) one arbitrator appointed by the respondent; and
- (c) the presiding arbitrator appointed by the Secretary-General, provided that the presiding arbitrator is not a national of the respondent or of a Party of any claimant.

5. If, within a period of 60 days after the date when the Secretary-General receives a request made under paragraph 2, the respondent fails or the claimants fail to appoint an arbitrator in accordance with paragraph 4, the Secretary-General, on request of any disputing party sought to be covered by the order, shall appoint, in his or her discretion, the arbitrator or arbitrators not yet appointed.

6. If a tribunal established under this Article is satisfied that two or more claims that have been submitted to arbitration under Article 24.1 (Submission of a Claim to Arbitration) have a question of law or fact in common, and arise out of the same events or circumstances, the tribunal may, in the interest of fair and efficient resolution of the claims, and after hearing the disputing parties, by order:

- (a) assume jurisdiction over, and hear and determine together, all or part of the claims;
- (b) assume jurisdiction over, and hear and determine one or more of the claims, the determination of which it believes would assist in the resolution of the others; or
- (c) instruct a tribunal previously established under Article 27 (Selection of Arbitrators) to assume jurisdiction over, and hear and determine together, all or part of the claims, provided that:

- (i) that tribunal, on request of a claimant that was not previously a disputing party before that tribunal, shall be reconstituted with its original members, except that the arbitrator for the claimants shall be appointed pursuant to paragraphs 4(a) and 5; and
- (ii) that tribunal shall decide whether a prior hearing shall be repeated.

7. If a tribunal has been established under this Article, a claimant that has submitted a claim to arbitration under Article 24.1 (Submission of a Claim to Arbitration) and that has not been named in a request made under paragraph 2 may make a written request to the tribunal that it be included in any order made under paragraph 6. The request shall specify:

- (a) the name and address of the claimant;
- (b) the nature of the order sought; and
- (c) the grounds on which the order is sought.

The claimant shall deliver a copy of its request to the Secretary-General.

8. A tribunal established under this Article shall conduct its proceedings in accordance with the UNCITRAL Arbitration Rules, except as modified by this Section.

9. A tribunal established under Article 27 (Selection of Arbitrators) shall not have jurisdiction to decide a claim, or a part of a claim, over which a tribunal established or instructed under this Article has assumed jurisdiction.

10. On the application of a disputing party, a tribunal established under this Article, pending its decision under paragraph 6, may order that the proceedings of a tribunal established under Article 27 (Selection of Arbitrators) be stayed, unless the latter tribunal has already adjourned its proceedings.

ARTICLE 33

Awards

1. When a tribunal makes a final award, the tribunal may award, separately or in combination, only:

- (a) monetary damages and any applicable interest; and
- (b) restitution of property, in which case the award shall provide that the respondent may pay monetary damages and any applicable interest in lieu of restitution.

2. For greater certainty, if an investor of a Party submits a claim to arbitration under Article 24.1(a) (Submission of a Claim to Arbitration), it may recover only for loss or damage that it has incurred in its capacity as an investor of a Party.

3. A tribunal may also award costs and attorney's fees incurred by the disputing parties in connection with the arbitral proceeding, and shall determine how and by whom those costs and attorney's fees shall be paid, in accordance with this Section and the applicable arbitration rules.

4. For greater certainty, for claims alleging the breach of an obligation under Section A with respect to an attempt to make an investment, when an award is made in favour of the claimant, the only damages that may be awarded are those that the claimant has proven were sustained in the attempt to make the investment, provided that the claimant also proves that the breach was the proximate cause of those damages. If the tribunal determines such claims to be frivolous, the tribunal may award to the respondent reasonable costs and attorney's fees.

5. Subject to paragraph 1, if a claim is submitted to arbitration under Article 24.1(b) (Submission of a Claim to Arbitration) and an award is made in favour of the enterprise:

- (a) an award of restitution of property shall provide that restitution be made to the enterprise;
- (b) an award of monetary damages and any applicable interest shall provide that the sum be paid to the enterprise; and
- (c) the award shall provide that it is made without prejudice to any right that any person may have under applicable domestic law with respect to the relief provided in the award.

6. A tribunal shall not award punitive damages.

7. An award made by a tribunal shall have no binding force except between the disputing parties and in respect of the particular case.

8. Subject to paragraph 9 and the applicable review procedure for an interim award, a disputing party shall abide by and comply with an award without delay.

9. A disputing party shall not seek enforcement of a final award until:

- (a) in the case of a final award made under the ICSID Convention:
 - (i) 120 days have elapsed from the date the award was rendered and no disputing party has requested revision or annulment of the award; or
 - (ii) revision or annulment proceedings have been completed; and

- (b) in the case of a final award under the ICSID Additional Facility Rules, the UNCITRAL Arbitration Rules, or the rules selected pursuant to Article 24.4(d) (Submission of a Claim to Arbitration):
 - (i) 90 days have elapsed from the date the award was rendered and no disputing party has commenced a proceeding to revise, set aside or annul the award; or
 - (ii) a court has dismissed or allowed an application to revise, set aside or annul the award and there is no further appeal.
- 10. Each Party shall provide for the enforcement of an award in its territory.
- 11. If the respondent fails to abide by or comply with a final award, on delivery of a request by the Party of the claimant, a tribunal shall be established under Chapter 16 (Dispute Settlement). The requesting Party may seek in those proceedings:
 - (a) a determination that the failure to abide by or comply with the final award is inconsistent with the obligations of this Agreement; and
 - (b) a recommendation that the respondent abide by or comply with the final award.
- 12. A disputing party may seek enforcement of an arbitration award under the ICSID Convention or the New York Convention regardless of whether proceedings have been taken under paragraph 11.
- 13. A claim that is submitted to arbitration under this Section shall be considered to arise out of a commercial relationship or transaction for the purposes of Article I of the New York Convention.

ARTICLE 34

Service of Documents

1. Notices and other documents in disputes under Section B (Investor-State Dispute Settlement) shall be served on Australia by delivery to:

Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

2. Notices and other documents in disputes under Section B (Investor-State Dispute Settlement) shall be served on Singapore by delivery to:

Permanent Secretary
Ministry of Trade & Industry

100 High Street #09-01
Singapore 179434
Singapore.

ANNEX 8-A

EXPROPRIATION

The Parties confirm their shared understanding that:

1. An action or a series of actions by a Party cannot constitute an expropriation unless it interferes with a tangible or intangible property right or property interest in an investment.
2. Article 13.1 (Expropriation and Nationalisation) addresses two situations. The first is direct expropriation, where an investment is nationalised or otherwise directly expropriated through formal transfer of title or outright seizure.
3. The second situation addressed by Article 13.1 (Expropriation and Nationalisation) is indirect expropriation, where an action or series of actions by a Party has an effect equivalent to direct expropriation without formal transfer of title or outright seizure.
 - (a) The determination of whether an action or series of actions by a Party, in a specific fact situation, constitutes an indirect expropriation, requires a case-by-case, fact-based inquiry that considers, among other factors:
 - (i) the economic impact of the government action, although the fact that an action or series of actions by a Party has an adverse effect on the economic value of an investment, standing alone, does not establish that an indirect expropriation has occurred;
 - (ii) the extent to which the government action interferes with distinct, reasonable investment-backed expectations; and
 - (iii) the character of the government action.
 - (b) Non-discriminatory regulatory actions by a Party that are designed and applied to protect legitimate public welfare objectives, such as public health,²² safety, and the environment, do not constitute indirect expropriation, except in rare circumstances.

²² For greater certainty and without limiting the scope of this subparagraph, regulatory actions to protect public health include, among others, such measures with respect to the regulation, pricing and supply of, and reimbursement for, pharmaceuticals (including biological products), diagnostics, vaccines, medical devices, gene therapies and technologies, health-related aids and appliances and blood and blood-related products.

ANNEX 8-B

For greater certainty, a decision under Australia's foreign investment policy, which consists of the *Foreign Acquisitions and Takeovers Act 1975*, *Foreign Acquisitions and Takeovers Regulations 2015*, *Foreign Acquisitions Fees Imposition Act 2015 (Commonwealth)*, *Foreign Acquisitions Fees Imposition Regulation 2015 (Commonwealth)*, *Financial Sector (Shareholdings) Act 1998* and associated Ministerial Statements by the Treasurer of the Commonwealth of Australia or a minister acting on his or her behalf, on whether or not to approve a foreign investment proposal, shall not be subject to the dispute settlement provisions under Section B (Investor-State Dispute Settlement) or Chapter 16 (Dispute Settlement).

7. Replace Chapter 9 (Financial Services) with:

09 FINANCIAL SERVICES

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “Chapter 16 arbitral tribunal” means an arbitral tribunal appointed under Chapter 16 (Dispute Settlement);
- (b) “cross-border financial service supplier of a Party” means a person of a Party that is engaged in the business of supplying a financial service within the territory of the Party and that seeks to supply or supplies a financial service through the cross-border supply of such a service;
- (c) “cross-border trade in financial services or cross-border supply of financial services” means the supply of a financial service:
 - (i) from the territory of a Party into the territory of the other Party;
 - (ii) in the territory of a Party to a person of the other Party; or
 - (iii) by a national of a Party in the territory of the other Party,but does not include the supply of a financial service in the territory of a Party by an investment in that territory;
- (d) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;
- (e) “financial institution” means any financial intermediary or other enterprise that is authorised to do business and regulated or supervised as a financial institution under the law of the Party in whose territory it is located;
- (f) “financial institution of the other Party” means a financial institution, including a branch, located in the territory of a Party that is controlled by persons of the other Party;
- (g) “financial service” means any service of a financial nature. Financial services include all insurance and insurance-related services, and all banking and other financial services (excluding insurance), as well as services incidental or auxiliary to a service of a financial nature. Financial services include the following activities:

Insurance and insurance-related services

- (i) direct insurance (including co-insurance):
 - (A) life;
 - (B) non-life;
- (ii) reinsurance and retrocession;
- (iii) insurance intermediation, such as brokerage and agency; and
- (iv) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services;

Banking and other financial services (excluding insurance)

- (v) acceptance of deposits and other repayable funds from the public;
- (vi) lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- (vii) financial leasing;
- (viii) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;
- (ix) guarantees and commitments;
- (x) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
 - (A) money market instruments (including cheques, bills, certificates of deposits);
 - (B) foreign exchange;
 - (C) derivative products, including futures and options;
 - (D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
 - (E) transferable securities; and
 - (F) other negotiable instruments and financial assets, including bullion;

- (xi) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
 - (xii) money broking;
 - (xiii) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
 - (xiv) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
 - (xv) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
 - (xvi) advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (g)(v) to (g)(xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy;
- (h) “financial service supplier of a Party” means a person of a Party that is engaged in the business of supplying a financial service within the territory of that Party;
- (i) “investment” means “investment” as defined in Article 1 (Definitions) of Chapter 8 (Investment), except that, with respect to “loans” and “debt instruments” referred to in that Article:
- (i) a loan to or debt instrument issued by a financial institution is an investment only if it is treated as regulatory capital by the Party in whose territory the financial institution is located; and
 - (ii) a loan granted by or debt instrument owned by a financial institution, other than a loan to or debt instrument issued by a financial institution referred to in subparagraph (i)(i), is not an investment;

for greater certainty, a loan granted by or debt instrument owned by a cross-border financial service supplier, other than a loan to or debt instrument issued by a financial institution, is an investment for the purposes of Chapter 8 (Investment), if such loan or debt instrument meets the criteria for investments set out in Article 1 (Definitions) of Chapter 8 (Investment);

- (j) “investor of a Party” means a Party, or a person of a Party, that attempts to make,¹ is making, or has made an investment in the territory of the other Party;
- (k) “measure” includes any law, regulation, procedure, requirement or practice;
- (l) “national” means:
 - (i) for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation;
 - (ii) for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or
 - (iii) a permanent resident of either Party;
- (m) “new financial service” means a financial service not supplied in the Party’s territory that is supplied within the territory of the other Party, and includes any new form of delivery of a financial service or the sale of a financial product that is not sold in the Party’s territory;
- (n) “person” means a natural person or an enterprise;
- (o) “person of a Party” means a national or an enterprise of a Party and, for greater certainty, does not include a branch of an enterprise of a non-Party;
- (p) “public entity” means a central bank or monetary authority of a Party, or any financial institution that is owned or controlled by a Party;
- (q) “self-regulatory organisation” means any non-governmental body, including any securities or futures exchange or market, clearing agency, or other organisation or association, that exercises regulatory or supervisory authority over financial service suppliers or financial institutions by statute or delegation from central or regional government;
- (r) “Tribunal” means the tribunal established under Article 24 (Submission of a Claim to Arbitration) of Chapter 8 (Investment); and
- (s) “TRIPS Agreement” means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, set out in Annex 1C to the WTO Agreement.²

¹ For greater certainty, the Parties understand that an investor “attempts to make” an investment when that investor has taken concrete action or actions to make an investment, such as channelling resources or capital in order to set up a business, or applying for permits or licences.

ARTICLE 2

Scope

1. This Chapter shall apply to measures adopted or maintained by a Party relating to:
 - (a) financial institutions of the other Party;
 - (b) investors of the other Party, and investments of those investors, in financial institutions in the Party's territory; and
 - (c) cross-border trade in financial services.
2. Chapter 7 (Cross-Border Trade in Services) and Chapter 8 (Investment) shall apply to measures described in paragraph 1 only to the extent that those Chapters or Articles of those Chapters are incorporated into this Chapter.
 - (a) Articles 15 (Denial of Benefits) and 16 (General Exceptions) of Chapter 7 (Cross-Border Trade in Services), and Articles 6 (Minimum Standard of Treatment), 9 (Special Formalities and Information Requirements), 13 (Expropriation and Nationalisation), 14 (Treatment in Cases of Armed Conflict or Civil Strife), 15 (Transfers), 18 (Denial of Benefits), 19 (General Exceptions) and 20 (Investment and Environmental, Health and other Regulatory Objectives) of Chapter 8 (Investment) are hereby incorporated into and made a part of this Chapter.
 - (b) Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment) is hereby incorporated into and made a part of this Chapter³ solely for claims that a Party has breached Articles 6 (Minimum Standard of Treatment), 9 (Special Formalities and Information Requirements), 13 (Expropriation and Nationalisation), 14 (Treatment in Cases of Armed Conflict or Civil Strife), 15 (Transfers), or 18 (Denial of Benefits) of Chapter 8 (Investment) incorporated into this Chapter under subparagraph (a).⁴

² For greater certainty, a reference in this Agreement to the TRIPS Agreement includes any waiver in force between the Parties of any provision of the TRIPS Agreement granted by WTO Members in accordance with the WTO Agreement.

³ For greater certainty, Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment) shall not apply to cross-border trade in financial services.

⁴ For greater certainty, if an investor of a Party submits a claim to arbitration under Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment):

- (1) as referenced in Article 28.7 (Conduct of the Arbitration) of Chapter 8 (Investment), the investor has the burden of proving all elements of its claims, consistent with

- (c) Article 14 (Payments and Transfers) of Chapter 7 (Cross-Border Trade in Services) is incorporated into and made a part of this Chapter to the extent that cross-border trade in financial services is subject to obligations pursuant to Article 6 (Cross-Border Trade).

3. This Chapter shall not apply to measures adopted or maintained by a Party relating to:

- (a) activities or services forming part of a public retirement plan or statutory system of social security; or
- (b) activities or services conducted for the account or with the guarantee or using the financial resources of the Party, including its public entities,

except that this Chapter shall apply to the extent that a Party allows any of the activities or services referred to in subparagraph (a) or subparagraph (b) to be conducted by its financial institutions in competition with a public entity or a financial institution.

4. This Chapter shall not apply to government procurement of financial services.

5. This Chapter shall not apply to subsidies or grants with respect to the cross-border supply of financial services, including government-supported loans, guarantees and insurance.

ARTICLE 3

*National Treatment*⁵

general principles of international law applicable to international investment arbitration;

- (2) pursuant to Article 28.4 (Conduct of the Arbitration) of Chapter 8 (Investment), a Tribunal shall address and decide as a preliminary question any objection by the respondent that, as a matter of law, a claim submitted is not a claim for which an award in favour of the claimant may be made under Article 33 (Awards) of Chapter 8 (Investment); and
- (3) pursuant to Article 28.6 (Conduct of the Arbitration) of Chapter 8 (Investment), the Tribunal may, if warranted, award to the prevailing disputing party reasonable costs and attorney's fees incurred in submitting or opposing the objection and, in determining whether such an award is warranted, the Tribunal shall consider whether either the claimant's claim or the respondent's objection was frivolous and shall provide the disputing parties a reasonable opportunity to comment.

⁵ For greater certainty, whether treatment is accorded in "like circumstances" under Articles 3 (National Treatment) or 4 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between investors, investments, financial institutions or financial service suppliers on the basis of legitimate public welfare objectives.

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords to its own investors, in like circumstances, with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of financial institutions and investments in financial institutions in its territory.

2. Each Party shall accord to financial institutions of the other Party, and to investments of investors of the other Party in financial institutions, treatment no less favourable than that it accords to its own financial institutions, and to investments of its own investors in financial institutions, in like circumstances, with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of financial institutions and investments.

3. For greater certainty, the treatment to be accorded by a Party under paragraph 1 and paragraph 2 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to investors, financial institutions and investments of investors in financial institutions, of the Party of which it forms a part.

4. For the purposes of the national treatment obligations in Article 6.1 (Cross-Border Trade), a Party shall accord to cross-border financial service suppliers of the other Party treatment no less favourable than that it accords to its own financial service suppliers, in like circumstances, with respect to the supply of the relevant service.

ARTICLE 4

Most-Favoured-Nation Treatment

1. Each Party shall accord to:
 - (a) investors of the other Party, treatment no less favourable than that it accords to investors of a non-Party, in like circumstances;
 - (b) financial institutions of the other Party, treatment no less favourable than that it accords to financial institutions of a non-Party, in like circumstances;
 - (c) investments of investors of the other Party in financial institutions, treatment no less favourable than that it accords to investments of investors of a non-Party in financial institutions, in like circumstances; and
 - (d) cross-border financial service suppliers of the other Party, treatment no less favourable than that it accords to cross-border financial service suppliers of a non-Party, in like circumstances.

2. For greater certainty, the treatment referred to in paragraph 1 does not encompass international dispute resolution procedures or mechanisms such as those included in Article 2.2(b) (Scope).

ARTICLE 5

Market Access for Financial Institutions

Neither Party shall adopt or maintain with respect to financial institutions of the other Party or investors of the other Party seeking to establish those institutions, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

- (a) impose limitations on:
 - (i) the number of financial institutions whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;
 - (ii) the total value of financial service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
 - (iii) the total number of financial service operations or the total quantity of financial services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;⁶ or
 - (iv) the total number of natural persons that may be employed in a particular financial service sector or that a financial institution may employ and who are necessary for, and directly related to, the supply of a specific financial service in the form of numerical quotas or the requirement of an economic needs test; or
- (b) restrict or require specific types of legal entity or joint venture through which a financial institution may supply a service.

ARTICLE 6

Cross-Border Trade

1. Each Party shall permit, under terms and conditions that accord national treatment, cross-border financial service suppliers of the other Party to supply the financial services specified in Annex 9-A (Cross-Border Trade).

⁶ Subparagraph (a)(iii) does not cover measures of a Party which limit inputs for the supply of financial services.

2. Each Party shall permit persons located in its territory, and its nationals wherever located, to purchase financial services from cross-border financial service suppliers of the other Party located in the territory of the other Party. This obligation does not require a Party to permit those suppliers to do business or solicit in its territory. A Party may define “doing business” and “solicitation” for the purposes of this obligation provided that those definitions are not inconsistent with paragraph 1.

3. Without prejudice to other means of prudential regulation of cross-border trade in financial services, a Party may require the registration or authorisation of cross-border financial service suppliers of the other Party and of financial instruments.

ARTICLE 7

*New Financial Services*⁷

Each Party shall permit a financial institution of the other Party to supply a new financial service that the Party would permit its own financial institutions, in like circumstances, to supply without adopting a law or modifying an existing law.⁸ Notwithstanding Article 5(b) (Market Access for Financial Institutions), a Party may determine the institutional and juridical form through which the new financial service may be supplied and may require authorisation for the supply of the service. If a Party requires a financial institution to obtain authorisation to supply a new financial service, the Party shall decide within a reasonable period of time whether to issue the authorisation and may refuse the authorisation only for prudential reasons.

ARTICLE 8

Treatment of Certain Information

Nothing in this Chapter shall require a Party to furnish or allow access to:

- (a) information related to the financial affairs and accounts of individual customers of financial institutions or cross-border financial service suppliers; or
- (b) any confidential information, the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or prejudice legitimate commercial interests of particular enterprises.

⁷ The Parties understand that nothing in this Article prevents a financial institution of a Party from applying to the other Party to request that it authorise the supply of a financial service that is not supplied in the territory of either Party. That application shall be subject to the law of the Party to which the application is made and, for greater certainty, shall not be subject to this Article.

⁸ For greater certainty, a Party may issue a new regulation or other subordinate measure in permitting the supply of the new financial service.

ARTICLE 9

Senior Management and Boards of Directors

1. Neither Party shall require financial institutions of the other Party to engage natural persons of any particular nationality as senior managerial or other essential personnel.
2. Neither Party shall require that more than a minority of the board of directors of a financial institution of the other Party be composed of nationals of the Party, persons residing in the territory of the Party, or a combination thereof.

ARTICLE 10

Non-Conforming Measures

1. Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 5 (Market Access for Financial Institutions), 6 (Cross-Border Trade) and 9 (Senior Management and Boards of Directors) shall not apply to:
 - (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government, as set out by that Party in Section A of its Schedule to Annex 6;
 - (ii) a regional level of government, as set out by that Party in Section A of its Schedule to Annex 6; or
 - (iii) a local level of government;
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
 - (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure as it existed:
 - (i) immediately before the amendment, with Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 5 (Market Access for Financial Institutions) or 9 (Senior Management and Boards of Directors); or
 - (ii) on the date of entry into force of the Agreement for the Party applying the non-conforming measure, with Article 6 (Cross-Border Trade).
2. Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 5 (Market Access for Financial Institutions), 6 (Cross-Border Trade) and 9 (Senior Management and Boards of Directors) shall not apply to any measure that a Party

adopts or maintains with respect to sectors, subsectors or activities, as set out by that Party in Section B of its Schedule to Annex 6.

3. A non-conforming measure, set out in a Party's Schedule to Annex 4-I or 4-II as not subject to Articles 4 (National Treatment) or 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services) or Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) or 8 (Senior Management and Boards of Directors) of Chapter 8 (Investment) shall be treated as a non-conforming measure not subject to Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment) or 9 (Senior Management and Boards of Directors), as the case may be, to the extent that the measure, sector, subsector or activity set out in the entry is covered by this Chapter.

4. (a) Article 3 (National Treatment) shall not apply to any measure that falls within an exception to, or derogation from, the obligations which are imposed by Article 3 of the TRIPS Agreement.

(b) Article 4 (Most-Favoured-Nation Treatment) shall not apply to any measure that falls within Article 5 of the TRIPS Agreement, or an exception to, or derogation from, the obligations which are imposed by Article 4 of the TRIPS Agreement.

ARTICLE 11

Exceptions

1. Notwithstanding any other provisions of this Chapter and Agreement except for Chapters 2 (Trade in Goods), 3 (Rules of Origin), 4 (Customs Procedures) and 5 (Technical Regulations and Sanitary and Phytosanitary Measures), a Party shall not be prevented from adopting or maintaining measures for prudential reasons,⁹ including for the protection of investors, depositors, policy holders, or persons to whom a fiduciary duty is owed by a financial institution or cross-border financial service supplier, or to ensure the integrity and stability of the financial system. If these measures do not conform with the provisions of this Agreement to which this exception applies, they shall not be used as a means of avoiding the Party's commitments or obligations under those provisions.

2. Nothing in this Chapter, Chapters 7 (Cross-Border Trade in Services), 8 (Investment), 10 (Telecommunications Services), or 14 (Electronic Commerce) shall apply to non-discriminatory measures of general application taken by any public entity in pursuit of monetary and related credit policies or exchange rate policies. This paragraph shall not affect a Party's obligations under Article 7 (Prohibition of Performance Requirements) of Chapter 8 (Investment) with respect to measures covered by Chapter 8 (Investment), under Article 15 (Transfers) of Chapter 8

⁹ The Parties understand that the term "prudential reasons" includes the maintenance of the safety, soundness, integrity, or financial responsibility of individual financial institutions or cross-border financial service suppliers as well as the safety, and financial and operational integrity of payment and clearing systems.

(Investment) or Article 14 (Payments and Transfers) of Chapter 7 (Cross-Border Trade in Services).

3. Notwithstanding Article 15 (Transfers) of Chapter 8 (Investment) and Article 14 (Payments and Transfers) of Chapter 7 (Cross-Border Trade in Services), as incorporated into this Chapter, a Party may prevent or limit transfers by a financial institution or cross-border financial service supplier to, or for the benefit of, an affiliate of or person related to such institution or supplier, through the equitable, non-discriminatory and good faith application of measures relating to maintenance of the safety, soundness, integrity, or financial responsibility of financial institutions or cross-border financial service suppliers. This paragraph does not prejudice any other provision of this Agreement that permits a Party to restrict transfers.

4. For greater certainty, nothing in this Chapter shall be construed to prevent a Party from adopting or enforcing measures necessary to secure compliance with laws or regulations that are not inconsistent with this Chapter, including those relating to the prevention of deceptive and fraudulent practices or to deal with the effects of a default on financial services contracts, subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Parties or between Parties and non-Parties where like conditions prevail, or a disguised restriction on investment in financial institutions or cross-border trade in financial services as covered by this Chapter.

ARTICLE 12

Recognition

1. A Party may recognise prudential measures of the other Party or a non-Party in the application of measures covered by this Chapter.¹⁰ That recognition may be:

- (a) accorded autonomously;
- (b) achieved through harmonisation or other means; or
- (c) based upon an agreement or arrangement with the other Party or a non-Party.

2. A Party that accords recognition of prudential measures under paragraph 1 shall provide adequate opportunity to the other Party to demonstrate that circumstances exist in which there are or would be equivalent regulation, oversight, implementation of regulation and, if appropriate, procedures concerning the sharing of information between the Parties.

3. If a Party accords recognition of prudential measures under paragraph 1(c) and the circumstances set out in paragraph 2 exist, that Party shall provide adequate

¹⁰ For greater certainty, nothing in Article 4 (Most-Favoured-Nation Treatment) shall be construed to require a Party to accord recognition to prudential measures of the other Party.

opportunity to the other Party to negotiate accession to the agreement or arrangement, or to negotiate a comparable agreement or arrangement.

ARTICLE 13

Transparency and Administration of Certain Measures

1. The Parties recognise that transparent regulations and policies governing the activities of financial institutions and cross-border financial service suppliers are important in facilitating their ability to gain access to and operate in each other's markets. Each Party commits to promote regulatory transparency in financial services.
2. Each Party shall ensure that all measures of general application to which this Chapter applies are administered in a reasonable, objective and impartial manner.
3. Each Party shall, to the extent practicable:
 - (a) publish in advance any such regulation that it proposes to adopt and the purpose of the regulation; and
 - (b) provide interested persons and the other Party with a reasonable opportunity to comment on that proposed regulation.
4. At the time that it adopts a final regulation, a Party should, to the extent practicable, address in writing the substantive comments received from interested persons with respect to the proposed regulation.¹¹
5. To the extent practicable, each Party should allow a reasonable period of time between publication of a final regulation of general application and the date when it enters into effect.
6. Each Party shall ensure that the rules of general application adopted or maintained by a self-regulatory organisation of the Party are promptly published or otherwise made available in a manner that enables interested persons to become acquainted with them.
7. Each Party shall maintain or establish appropriate mechanisms for responding to inquiries from interested persons regarding measures of general application covered by this Chapter.
8. Each Party's regulatory authorities shall make publicly available the requirements, including any documentation required, for completing an application relating to the supply of financial services.

¹¹ For greater certainty, a Party may address those comments collectively on an official government website.

9. On request of an applicant, a Party's regulatory authority shall inform the applicant of the status of its application. If the authority requires additional information from the applicant, it shall notify the applicant without undue delay.

10. A Party's regulatory authority shall make an administrative decision on a complete application of an investor in a financial institution, a financial institution or a cross-border financial service supplier of the other Party relating to the supply of a financial service, within 120 days and shall promptly notify the applicant of the decision. An application shall not be considered complete until all relevant hearings have been held and all necessary information has been received. If it is not practicable for a decision to be made within 120 days, the regulatory authority shall notify the applicant without undue delay and shall endeavour to make the decision within a reasonable period of time thereafter.

11. On request of an unsuccessful applicant, a regulatory authority that has denied an application shall, to the extent practicable, inform the applicant of the reasons for denial of the application.

ARTICLE 14

Self-Regulatory Organisations

If a Party requires a financial institution or a cross-border financial service supplier of the other Party to be a member of, participate in, or have access to, a self-regulatory organisation in order to provide a financial service in or into its territory, it shall ensure that the self-regulatory organisation observes the obligations contained in Articles 3 (National Treatment) and 4 (Most-Favoured-Nation Treatment).

ARTICLE 15

Payment and Clearing Systems

Under terms and conditions that accord national treatment, each Party shall grant financial institutions of the other Party established in its territory access to payment and clearing systems operated by public entities, and to official funding and refinancing facilities available in the normal course of ordinary business. This Article is not intended to confer access to the Party's lender of last resort facilities.

ARTICLE 16

Expedited Availability of Insurance Services

The Parties recognise the importance of maintaining and developing regulatory procedures to expedite the offering of insurance services by licensed suppliers. These procedures may include: allowing introduction of products unless those products are disapproved within a reasonable period of time; not requiring product approval or authorisation of insurance lines for insurance other than insurance

sold to individuals or compulsory insurance; or not imposing limitations on the number or frequency of product introductions. If a Party maintains regulatory product approval procedures, that Party shall endeavour to maintain or improve those procedures.

ARTICLE 17

Performance of Back-Office Functions

1. The Parties recognise that the performance of the back-office functions of a financial institution in its territory by the head office or an affiliate of the financial institution, or by an unrelated service supplier, either inside or outside its territory, is important to the effective management and efficient operation of that financial institution. While a Party may require financial institutions to ensure compliance with any domestic requirements applicable to those functions, they recognise the importance of avoiding the imposition of arbitrary requirements on the performance of those functions.
2. For greater certainty, nothing in paragraph 1 prevents a Party from requiring a financial institution in its territory to retain certain functions.

ARTICLE 18

Specific Commitments

Annex 9-B (Specific Commitments) sets out certain specific commitments by each Party.

ARTICLE 19

Committee on Financial Services

1. The Parties hereby establish a Committee on Financial Services (Committee). The principal representative of each Party shall be an official of the Party's authority responsible for financial services set out in Annex 9-C (Authorities Responsible for Financial Services).
2. The Committee shall:
 - (a) supervise the implementation of this Chapter and its further elaboration;
 - (b) consider issues regarding financial services that are referred to it by a Party; and
 - (c) participate in the dispute settlement procedures in accordance with Article 22 (Investment Disputes in Financial Services).

3. The Committee shall meet annually, or as it decides otherwise, to assess the functioning of this Agreement as it applies to financial services.

ARTICLE 20

Consultations

1. A Party may request, in writing, consultations with the other Party regarding any matter arising under this Agreement that affects financial services. The other Party shall give sympathetic consideration to the request to hold consultations. The Parties shall report the results of their consultations to the Committee.

2. Consultations under this Article shall include officials of the authorities specified in Annex 9-C (Authorities Responsible for Financial Services).

3. For greater certainty, nothing in this Article shall be construed to require a Party to derogate from its law regarding sharing of information between financial regulators or the requirements of an agreement or arrangement between financial authorities of the Parties, or to require a regulatory authority to take any action that would interfere with specific regulatory, supervisory, administrative or enforcement matters.

ARTICLE 21

Dispute Settlement

1. Chapter 16 (Dispute Settlement) shall apply as modified by this Article to the settlement of disputes arising under this Chapter.

2. If a Party claims that a dispute arises under this Chapter, Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement) shall apply, except that:

- (a) if the Parties agree, each arbitrator shall meet the qualifications in paragraph 3; and
- (b) in any other case:
 - (i) each disputing Party shall select arbitrators that meet the qualifications set out in either paragraph 3 or Article 5.5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement); and
 - (ii) if the responding Party indicates an intention to invoke or invokes Article 11 (Exceptions) prior to a Party's request for the establishment of a Chapter 16 arbitral tribunal, the chair of

the Chapter 16 arbitral tribunal shall meet the qualifications set out in paragraph 3, unless the disputing Parties otherwise agree.

3. In addition to the requirements set out in Article 5.5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement), arbitrators in disputes arising under this Chapter shall have expertise or experience in financial services law or practice, which may include the regulation of financial institutions.
4. Pursuant to Article 22.2(c) (Investment Disputes in Financial Services), a Party may request the establishment of a Chapter 16 arbitral tribunal to consider whether and to what extent Article 11 (Exceptions) is a valid defence to a claim without having to request consultations under Article 2 (Consultations) of Chapter 16 (Dispute Settlement).
5. If a Party seeks to suspend benefits in the financial services sector, a Chapter 16 arbitral tribunal that reconvenes to make a determination on the proposed suspension of benefits, in accordance with Article 10 (Compensation and Suspension of Benefits) of Chapter 16 (Dispute Settlement), shall seek the views of financial services experts, as necessary.

ARTICLE 22

Investment Disputes in Financial Services

1. If an investor of a Party submits a claim to arbitration under Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment) challenging a measure relating to regulation or supervision of financial institutions, markets or instruments, the expertise or experience of any particular candidate with respect to financial services law or practice shall be taken into account in the appointment of arbitrators to the Tribunal.
2. If an investor of a Party submits a claim to arbitration under Section B (Investor-State Dispute Settlement) of Chapter 8 (Investment), and the respondent invokes Article 11 (Exceptions) as a defence, the following provisions of this Article shall apply.
 - (a) The respondent shall, no later than the date the Tribunal fixes for the respondent to submit its counter-memorial, or in the case of an amendment to the notice of arbitration, the date the Tribunal fixes for the respondent to submit its response to the amendment, submit in writing to the authorities responsible for financial services of the Party of the claimant, as set out in Annex 9-C (Authorities Responsible for Financial Services), a request for a joint determination by the authorities of the respondent and the Party of the claimant on the issue of whether and to what extent Article 11 (Exceptions) is a valid defence to the claim. The respondent shall promptly provide the Tribunal, if constituted, a copy of the request. The arbitration may proceed with respect to the claim only as provided in paragraph 4.

- (b) The authorities of the respondent and the Party of the claimant shall attempt in good faith to make a determination as described in subparagraph (a). Any such determination shall be transmitted promptly to the disputing parties, the Committee and, if constituted, to the Tribunal. The determination shall be binding on the Tribunal and any decision or award issued by the Tribunal must be consistent with that determination.
 - (c) If the authorities referred to in subparagraph (a) and subparagraph (b) have not made a determination within 120 days of the date of receipt of the respondent's written request for a determination under subparagraph (a), the respondent or the Party of the claimant may request the establishment of a Chapter 16 arbitral tribunal to consider whether and to what extent Article 11 (Exceptions) is a valid defence to the claim. A Chapter 16 arbitral tribunal established under Article 4 (Appointment of Arbitral Tribunals) of Chapter 16 (Dispute Settlement) shall be constituted in accordance with Article 21 (Dispute Settlement). The Chapter 16 arbitral tribunal shall transmit its final report to the disputing Parties and to the Tribunal.
3. The final report of a Chapter 16 arbitral tribunal referred to in paragraph 2(c) shall be binding on the Tribunal, and any decision or award issued by the Tribunal must be consistent with the final report.
4. If no request for the appointment of a Chapter 16 arbitral tribunal pursuant to paragraph 2(c) has been made within 10 days of the expiration of the 120 day period referred to in paragraph 2(c), the Tribunal may proceed with respect to the claim.
- (a) The Tribunal shall draw no inference regarding the application of Article 11 (Exceptions) from the fact that the authorities have not made a determination as described in paragraph 2(a), paragraph 2(b) and paragraph 2(c).
 - (b) The Party of the claimant may make oral and written submissions to the Tribunal regarding the issue of whether and to what extent Article 11 (Exceptions) is a valid defence to the claim. Unless it makes such a submission, the Party of the claimant shall be presumed, for the purposes of the arbitration, to take a position on Article 11 (Exceptions) that is not inconsistent with that of the respondent.
5. For the purposes of this Article, the definitions of the following terms set out in Article 1 (Definitions) of Chapter 8 (Investment) are incorporated, *mutatis mutandis*: "claimant", "disputing parties", "disputing party" and "respondent".

ANNEX 9-A

CROSS-BORDER TRADE

Australia

Insurance and insurance-related services

1. Article 6.1 (Cross-Border Trade) shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (c)(i) of the definition of “cross-border supply of financial services” in Article 1 (Definitions), with respect to:

- (a) insurance of risks relating to:
 - (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and
 - (ii) goods in international transit;
- (b) reinsurance and retrocession;
- (c) services auxiliary to insurance, such as consultancy, risk assessment, actuarial and claim settlement services; and
- (d) insurance intermediation, such as brokerage and agency, as referred to in subparagraph (g)(iii) of the definition of “financial service” in Article 1 (Definitions), of insurance of risks related to services listed in subparagraph (a) and subparagraph (b).

Banking and other financial services (excluding insurance)

2. Article 6.1 (Cross-Border Trade) shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (c)(i) of the definition of “cross-border supply of financial services” in Article 1 (Definitions), with respect to:

- (a) provision and transfer of financial information, and financial data processing and related software relating to banking and other financial services, as referred to in subparagraph (g)(xv) of the definition of “financial service” in Article 1 (Definitions); and
- (b) advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services, as referred to in subparagraph (g)(xvi) of the definition of “financial service” in Article 1 (Definitions).

Singapore

Insurance and insurance-related services

1. Article 6.1 (Cross-Border Trade) shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (c)(i) of the definition of “cross-border supply of financial services” in Article 1 (Definitions), with respect to:

- (a) insurance of “MAT” risks relating to:
 - (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising there from; and
 - (ii) goods in international transit;
- (b) reinsurance and retrocession;
- (c) services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services;
- (d) reinsurance intermediation by brokerages; and
- (e) MAT intermediation by brokerages.

Banking and other financial services (excluding insurance)

2. Article 6.1 (Cross-Border Trade) shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (c)(i) of the definition of “cross-border supply of financial services” in Article 1 (Definitions), with respect to:

- (a) provision and transfer of financial information, as described in subparagraph (g)(xv) of the definition of “financial service” in Article 1 (Definitions); and
- (b) financial data processing and related software, as described in subparagraph (g)(xv) of the definition of “financial service” in Article 1 (Definitions), subject to prior authorisation from the relevant regulator, as required.¹²

¹² For greater certainty, if the financial information or financial data processing referred to in subparagraph (a) and subparagraph (b) pertain to outsourcing arrangements or involves personal data, the outsourcing arrangements and treatment of personal data shall be in accordance with the Monetary Authority of Singapore’s regulatory requirements and guidelines on outsourcing and Singapore’s law regulating the protection of such data, respectively. These regulatory requirements and guidelines shall not derogate from the commitments undertaken by Singapore in paragraph 2 and Section B (Transfer of Information) of Annex 9-B (Specific Commitments).

ANNEX 9-B

SPECIFIC COMMITMENTS

Section A: Portfolio Management

1. A Party shall allow a financial institution organised in the territory of the other Party to provide the following services to a collective investment scheme located in its territory:¹³

- (a) investment advice; and
- (b) portfolio management services, excluding:
 - (i) trustee services; and
 - (ii) custodial services and execution services that are not related to managing a collective investment scheme.

2. Paragraph 1 is subject to Article 6.3 (Cross-Border Trade).

3. For the purposes of paragraph 1, “collective investment scheme” means:

- (a) For Australia, a “managed investment scheme” as defined under section 9 of the *Corporations Act 2001* (Cth), other than a managed investment scheme operated in contravention of subsection 601ED (5) of the *Corporations Act 2001* (Cth), or an entity that:
 - (i) carries on a business of investment in securities, interests in land, or other investments; and
 - (ii) in the course of carrying on that business, invests funds subscribed, whether directly or indirectly, after an offer or invitation to the public (within the meaning of section 82 of the *Corporations Act 2001* (Cth)) made on terms that the funds subscribed would be invested.
- (b) For Singapore, a “collective investment scheme” as defined under the *Securities and Futures Act* (Cap. 289), and includes the manager of the scheme, provided that the financial institution in paragraph 1 is authorised or regulated as a fund manager in the territory of the Party it is organised in and is not a trust company.

Section B: Transfer of Information

¹³ For greater certainty, a Party may require a collective investment scheme or a person of a Party involved in the operation of the scheme located in the Party’s territory to retain ultimate responsibility for the management of the collective investment scheme.

Each Party shall allow a financial institution of the other Party to transfer information in electronic or other form, into and out of its territory, for data processing if such processing is required in the institution's ordinary course of business. Nothing in this Section restricts the right of a Party to adopt or maintain measures to:

- (a) protect personal data, personal privacy and the confidentiality of individual records and accounts; or
- (b) require a financial institution to obtain prior authorisation from the relevant regulator to designate a particular enterprise as a recipient of such information, based on prudential considerations,¹⁴

provided that this right is not used as a means of avoiding the Party's commitments or obligations under this Section.

Section C: Supply of Insurance by Postal Insurance Entities

1. This Section sets out additional disciplines that apply if a Party allows its postal insurance entity to underwrite and supply direct insurance services to the general public. The services covered by this paragraph do not include the supply of insurance related to the collection, transport and delivery of letters or packages by a Party's postal insurance entity.

2. Neither Party shall adopt or maintain a measure that creates conditions of competition that are more favourable to a postal insurance entity with respect to the supply of insurance services described in paragraph 1 as compared to a private supplier of like insurance services in its market, including by:

- (a) imposing more onerous conditions on a private supplier's licence to supply insurance services than the conditions the Party imposes on a postal insurance entity to supply like services; or
- (b) making a distribution channel for the sale of insurance services available to a postal insurance entity under terms and conditions more favourable than those it applies to private suppliers of like services.

3. With respect to the supply of insurance services described in paragraph 1 by a postal insurance entity, a Party shall apply the same regulations and enforcement activities that it applies to the supply of like insurance services by private suppliers.

4. In implementing its obligations under paragraph 3, a Party shall require a postal insurance entity that supplies insurance services described in paragraph 1 to publish an annual financial statement with respect to the supply of those services. The

¹⁴ For greater certainty, this requirement is without prejudice to other means of prudential regulation.

statement shall provide the level of detail and meet the auditing standards required under the generally accepted accounting and auditing principles, or equivalent rules, applied in the Party's territory with respect to publicly traded private enterprises that supply like services.

5. If a Chapter 16 arbitral tribunal finds that a Party is maintaining a measure that is inconsistent with any of the commitments in paragraph 2, paragraph 3 and paragraph 4, the Party shall notify the complaining Party and provide an opportunity for consultations prior to allowing the postal insurance entity to:

- (a) issue a new insurance product, or modify an existing product in a manner equivalent to the creation of a new product, in competition with like insurance products supplied by a private supplier in the Party's market; or
- (b) increase any limitation on the value of insurance, either in total or with regard to any type of insurance product, that the entity may sell to a single policyholder.

6. This Section shall not apply to a postal insurance entity in the territory of a Party:

- (a) that the Party neither owns nor controls, directly or indirectly, as long as the Party does not maintain any advantages that modify the conditions of competition in favour of the postal insurance entity in the supply of insurance services as compared to a private supplier of like insurance services in its market; or
- (b) if sales of direct life and non-life insurance underwritten by the postal insurance entity each account for no more than 10 per cent, respectively, of total annual premium income from direct life and non-life insurance in the Party's market as of January 1, 2013.

7. If a postal insurance entity in the territory of a Party exceeds the percentage threshold referred to in paragraph 6(b) after the date of signature of this Agreement by the Party, the Party shall ensure that the postal insurance entity is:

- (a) regulated and subject to enforcement by the same authorities that regulate and conduct enforcement activities with respect to the supply of insurance services by private suppliers; and
- (b) subject to the financial reporting requirements that apply to financial institutions supplying insurance services.

8. For the purposes of this Section, "postal insurance entity" means an entity that underwrites and sells insurance to the general public and that is owned or controlled, directly or indirectly, by a postal entity of the Party.

Section D: Electronic Payment Card Services

1. A Party shall allow the supply of electronic payment services for payment card transactions¹⁵ into its territory from the territory of the other Party by a person of that other Party. A Party may condition the cross-border supply of such electronic payment services on one or more of these requirements that a services supplier of the other Party:

- (a) register with or be authorised¹⁶ by relevant authorities;
- (b) be a supplier who supplies such services in the territory of the other Party; or
- (c) designate an agent office or maintain a representative or sales office in the Party's territory,

provided that such requirements are not used as a means to avoid a Party's obligation under this Section.

2. For the purposes of this Section, electronic payment services for payment card transactions does not include the transfer of funds to and from transactors' accounts. Furthermore, electronic payment services for payment card transactions include only those payment network services that use proprietary networks to process payment transactions. These services are provided on a business to business basis.

3. Nothing in this Section shall be construed to prevent a Party from adopting or maintaining measures for public policy purposes, provided that these measures are not used as a means to avoid the Party's obligation under this Section. For greater certainty, such measures may include:

- (a) measures to protect personal data, personal privacy and the confidentiality of individual records, transactions and accounts, such as restricting the collection by, or transfer to, the cross-border services supplier of the other Party, of information concerning cardholder names;
- (b) the regulation of fees, such as interchange or switching fees; and

¹⁵ For greater certainty, the electronic payment services for payment card transactions referred to in this commitment fall within subparagraph (g)(viii) of the definition of "financial service" in Article 1 (Definitions), and within subcategory 71593 of the *United Nations Central Product Classification, Version 2.0*, and include only the processing of financial transactions such as verification of financial balances, authorisation of transactions, notification of banks (or credit card issuers) of individual transactions and the provision of daily summaries and instructions regarding the net financial position of relevant institutions for authorised transactions.

¹⁶ Such registration, authorisation and continued operation, for new and existing suppliers can be conditioned, for example: (i) on supervisory cooperation with the home country supervisor; and (ii) the supplier in a timely manner providing a Party's relevant financial regulators with the ability to examine, including onsite, the systems, hardware, software and records specifically related to that supplier's cross-border supply of electronic payment services into the Party.

- (c) the imposition of fees as may be determined by a Party's authority, such as those to cover the costs associated with supervision or regulation or to facilitate the development of the Party's payment system infrastructure.
4. For the purposes of this Section, "payment card" means:
- (a) For Australia, a credit card, charge card, debit card, cheque card, automated teller machine (ATM) card, prepaid card, and other physical or electronic products or services for performing a similar function as such cards, and any unique account number associated with that card, product or service.
 - (b) For Singapore:
 - (i) a credit card as defined in the *Banking Act* (Cap. 19), a charge card as defined in the *Banking Act* and a stored value facility as defined in the *Payment Systems (Oversight) Act* (Cap. 222A); and
 - (ii) a debit card and an automated teller machine (ATM) card.

For greater certainty, both the physical and electronic forms of the cards or facility as listed in subparagraph (b)(i) and subparagraph (b)(ii) would be included as a payment card.

Section E: Transparency Considerations

In developing a new regulation of general application to which this Chapter applies, a Party may consider, in a manner consistent with its laws and regulations, comments regarding how the proposed regulation may affect the operations of financial institutions, including financial institutions of the Party or the other Party. These comments may include:

- (a) submissions to a Party by the other Party regarding its regulatory measures that are related to the objectives of the proposed regulation; or
- (b) submissions to a Party by interested persons, including the other Party or financial institutions of the other Party, with regard to the potential effects of the proposed regulation.

ANNEX 9-C

AUTHORITIES RESPONSIBLE FOR FINANCIAL SERVICES

The authorities for each Party responsible for financial services are:

- (a) for Australia, the Treasury and the Department of Foreign Affairs and Trade; and
- (b) for Singapore, the Monetary Authority of Singapore.

8. Replace Chapter 10 (Telecommunications Services) with:

10 TELECOMMUNICATIONS SERVICES

ARTICLE 1

Definitions

For the purposes of this Chapter:

- (a) “commercial mobile services” means public telecommunications services supplied through mobile wireless means;
- (b) “cost-oriented” means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;
- (c) “cross-connect links” means the links in a submarine cable landing station used to connect submarine cable capacity to the transmission, switching, or routing equipment of any supplier of public telecommunications services co-located in that submarine cable landing station;
- (d) “end-user” means a person (including a service consumer and a service supplier) to whom a public telecommunications network or service is supplied, other than for use in the further supply of a public telecommunications network or service;
- (e) “enterprise” means:
 - (i) any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation; and
 - (ii) a branch of an enterprise;
- (f) “essential facilities” means facilities of a public telecommunications network or service that:
 - (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
 - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
- (g) “facilities-based suppliers” means suppliers of public telecommunications networks or services that are:

- (i) licensed carriers in Australia; or
 - (ii) facilities-based operators in Singapore;
- (h) “interconnection” means linking with suppliers providing public telecommunications networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier;
- (i) “international mobile roaming service” means a commercial mobile service provided pursuant to a commercial agreement between suppliers of public telecommunications services that enables end-users to use their home mobile handset or other device for voice, data or messaging services while outside the territory in which the end-user’s home public telecommunications network is located;
- (j) “leased circuit” means a telecommunications facility between two or more designated points which is set aside for the dedicated use of, or availability to, a particular user;
- (k) “licence” means any authorisation that a Party may require of a person, in accordance with its laws and regulations, in order for that person to offer a telecommunications network or service, including concessions, permits or registrations;
- (l) “major supplier” means a supplier of public telecommunications networks or services that has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market¹ for public telecommunications networks or services as a result of:
- (i) control over essential facilities; or
 - (ii) use of its position in the market;
- (m) “measure” includes any law, regulation, procedure, requirement or practice;
- (n) “network element” means facilities or equipment used in the provision of a public telecommunications service, including features, functions, and capabilities that are provided by means of such facilities or equipment, which may include local loops, sub-loops and line sharing;

¹ For the avoidance of doubt, “relevant market” may refer to a market for the supply of public telecommunications networks or services (or parts thereof) provided by any supplier of public telecommunications networks or services, that gives this supplier the ability to materially affect the terms of participation in the market (having regard to price and supply).

- (o) “non-discriminatory” means treatment no less favourable than that accorded to any other user of like public telecommunications networks or services in like circumstances, including with respect to timeliness;
- (p) “number portability” means the ability of end-users of public telecommunications services to retain, at the same location, the same telephone numbers when switching between the same category of suppliers of public telecommunications services;
- (q) “person” means a natural person or an enterprise;
- (r) “physical co-location” means physical access to and control over space in order to install, maintain or repair equipment, at premises owned or controlled and used by a major supplier to provide public telecommunications services;
- (s) “public telecommunications network” means the telecommunications infrastructure authorised by a Party to be used to provide public telecommunications services between defined network termination points;
- (t) “public telecommunications service” means any telecommunications service required, explicitly or in effect, by a Party to be offered to the public generally;²
- (u) “reference interconnection offer” means an interconnection offer extended by a major supplier and filed with, approved by or determined by, a telecommunications regulatory body that sufficiently details the terms, rates and conditions for interconnection so that a supplier of public telecommunications networks or services that is willing to accept it may obtain interconnection with the major supplier on that basis, without having to engage in negotiations with the major supplier concerned;
- (v) “regulatory decisions” means decisions by a telecommunications regulatory body made pursuant to authority conferred under domestic law in relation to:
 - (i) the making of rules for the telecommunications industry excluding legislation and statutory rules;
 - (ii) the approval of terms and conditions, standards and codes to apply in the telecommunications industry;
 - (iii) the adjudication or other resolution of disputes between suppliers of public telecommunications networks or services; and
 - (iv) licensing;

² “Public telecommunications service” includes Internet routing and connectivity services.

- (w) “submarine cable landing station” means the premises where interconnection takes place with the submarine cable system, as determined by the telecommunications regulatory body, if required;
- (x) “supplier of public telecommunications networks or services” means a supplier of public telecommunications networks and/or public telecommunications services to users;
- (y) “telecommunications” means the transmission and reception of signals by any electromagnetic means, including by photonic means;
- (z) “telecommunications regulatory body” means a body or bodies responsible for the regulation of telecommunications;
- (aa) “user” means an end-user or a supplier of public telecommunications network or services; and
- (bb) “virtual co-location” means an arrangement whereby a requesting supplier that seeks co-location may specify equipment to be used in the premises of a major supplier but does not obtain physical access to those premises and allows the major supplier to install, maintain and repair that equipment.

ARTICLE 2

Scope

1. This Chapter shall apply to measures by a Party affecting trade in telecommunications services.
2. This Chapter shall not apply to measures by a Party affecting the distribution of broadcasting and audio-visual services, as defined in each Party’s domestic law and regulations.

ARTICLE 3

*Access to and Use of Public Telecommunications Networks or Services*³

1. Each Party shall ensure that all service suppliers of the other Party have access to and use of any public telecommunications network or service, including leased circuits, offered in its territory or across its borders in a timely fashion, on reasonable, transparent, and non-discriminatory terms and conditions, including as set out in this Article.⁴

³ For the avoidance of doubt, access to unbundled network elements is addressed in Article 9.3 (Additional Obligations Relating to Major Suppliers).

2. Each Party shall ensure that a service supplier of the other Party is permitted to:

- (a) purchase or lease and attach terminal or other equipment that interfaces with a public telecommunications network and which is necessary to supply a supplier's services;
- (b) provide services to individual or multiple service consumers over any leased or owned circuits;
- (c) interconnect leased or owned circuits with public telecommunications networks or services in the territory of that Party or across the borders of that Party or with circuits leased or owned by another service supplier;
- (d) perform switching, signalling, processing and conversion functions; and
- (e) use operating protocols of their choice in the supply of any service to ensure the availability of telecommunications networks and services to the public generally.

3. Each Party shall ensure that all service suppliers of the other Party may use public telecommunications networks or services for the movement of information in its territory or across its borders and for access to information contained in databases or otherwise stored in machine-readable form in the territory of either Party.

4. Notwithstanding paragraph 3, a Party may take such measures as are necessary to:

- (a) ensure the security and confidentiality of messages; and
- (b) protect the privacy of personal data of end-users of public telecommunications networks or services,

subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications networks or services other than as necessary to:

- (a) safeguard the public service responsibilities of suppliers of public telecommunications networks or services, in particular their ability to make their networks or services available to the public generally; or

⁴ For the avoidance of doubt, each Party may fulfil the obligations in this Article by any measure it considers necessary or appropriate, within the context of their respective domestic laws and regulations.

- (b) protect the technical integrity of public telecommunications networks or services.
6. Provided that they satisfy the criteria set out in paragraph 5, conditions for access to and use of public telecommunications networks or services may include:
- (a) a requirement to use specified technical interfaces, including interface protocols, for interconnection with such networks and services;
 - (b) requirements, where necessary, for the inter-operability of such networks and services;
 - (c) type approval of terminal or other equipment which interfaces with the network and technical requirements relating to the attachment of such equipment to such networks; and
 - (d) notification, registration and licensing.

ARTICLE 4

Transparency

1. Each Party shall apply the measures referred to in Article 2.1 (Scope) in a transparent manner, which:

- (a) provides suppliers of public telecommunications networks or services of the other Party who are likely to be affected by regulatory decisions with a fair and reasonable opportunity to obtain sufficient information to enable them to form informed views on proposed regulatory decisions and to provide these views to the telecommunications regulatory body;
- (b) requires its telecommunications regulatory body to provide interested persons the opportunity to comment, and to the extent practicable, respond to all significant and relevant issues raised; and
- (c) ensures that its telecommunications regulatory body makes available to suppliers of public telecommunications networks or services of the other Party its regulatory decisions and an explanation of its reasons for those regulatory decisions.

2. Each Party shall ensure that its measures relating to public telecommunications services are made publicly available, including:

- (a) tariffs and other terms and conditions of service;
- (b) specifications of technical interfaces;

- (c) conditions for attaching terminal or other equipment to the public telecommunications network;
- (d) licensing, permit, registration or notification requirements, if any;
- (e) general procedures relating to resolution of telecommunications disputes provided for in Article 6 (Dispute Settlement and Appeal); and
- (f) any measures of the telecommunications regulatory body if the government delegates to other bodies the responsibility for preparing, amending and adopting standards-related measures affecting access and use.

3. At the request of a supplier of public telecommunications networks or services who is likely to be affected by regulatory decisions, a telecommunications regulatory body may, where necessary to avoid causing prejudice to the legitimate commercial interests of that supplier, impose reasonable limitations on the requirement to provide the information referred to in paragraph 1(a) and paragraph 1(c), provided that such limitations permit that supplier to submit a request to the telecommunications regulatory body for its consideration to treat certain information provided by the supplier as confidential. Where such information is found to be confidential by the telecommunications regulatory body, subject to domestic laws, regulations and policies, paragraph 1(a) and paragraph 1(c) shall not apply to such information, provided that this:

- (a) is applied only to the extent necessary to protect such commercial interests; and
- (b) does not deprive suppliers of public telecommunications networks or services of the other Party of their right under paragraph 1(a) to provide their views to the telecommunications regulatory body.

4. Where a licence is required, the following shall be made publicly available:

- (a) all the licensing criteria, any terms and conditions of the licence, and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

5. Each Party shall ensure that, on request, an applicant receives the reasons for the:

- (a) denial of a licence;
- (b) imposition of supplier-specific conditions on a licence;
- (c) revocation of a licence; or

- (d) refusal to renew a licence.

ARTICLE 5

Independent Regulatory Bodies

1. Telecommunications regulatory bodies shall be independent of any supplier of public telecommunications networks or services.
2. The decisions of, and the procedures used by, telecommunications regulatory bodies shall be fair and impartial and shall be made and implemented without undue delay.

ARTICLE 6

Dispute Settlement and Appeal

1. Each Party shall ensure that suppliers of public telecommunications networks or services of the other Party have timely recourse to a telecommunications regulatory body to consider and, to the extent provided for in its domestic law, to resolve disputes regarding compliance with its domestic measures relating to the obligations contained in this Chapter.
2. Each Party shall ensure that any supplier of public telecommunications networks or services of the other Party aggrieved by a regulatory decision has the opportunity to appeal such regulatory decision to an independent judicial or administrative authority. Such an appeal shall not constitute grounds for non-compliance by that supplier with the regulatory decision unless an appropriate authority stays such decision.
3. Each Party shall ensure that, in the hearing of an appeal by an administrative authority referred to in paragraph 2:⁵
 - (a) suppliers of public telecommunications networks or services of the other Party which are party to the appeal have a fair and reasonable opportunity to obtain sufficient information to enable them to form informed views on the issues to be determined in the appeal and to provide these views to the administrative authority;
 - (b) the administrative authority takes into account views provided by such suppliers pursuant to subparagraph (a); and
 - (c) the administrative authority makes available to such suppliers its decision and an explanation of the reasons for its decision.

⁵ For the avoidance of doubt, this paragraph does not apply to judicial authorities of either Party.

4. At the request of a supplier of public telecommunications networks or services which is a party to an appeal referred to in paragraph 3, an administrative authority may, where necessary to avoid causing prejudice to the legitimate commercial interests of that supplier, impose reasonable limitations on the requirement to provide the information referred to in paragraph 3(a) and paragraph 3(c) provided that such limitations:

- (a) are applied only to the extent necessary to protect such commercial interests; and
- (b) do not deprive suppliers of public telecommunications networks or services of the other Party which are party to an appeal referred to in paragraph 3 of their right under paragraph 3(a) to provide their views to the administrative authority.

ARTICLE 7

General Competitive Safeguards

1. Each Party shall maintain appropriate measures⁶ for the purpose of preventing suppliers of public telecommunications networks or services in its territory from engaging in or continuing anti-competitive practices.

2. The anti-competitive practices referred to in paragraph 1 include in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available, on a timely basis, to suppliers of public telecommunications networks or services, technical information about essential facilities and commercially relevant information that is necessary for them to provide services.

ARTICLE 8

Interconnection between Suppliers of Public Telecommunications Networks

1. Each Party shall maintain appropriate measures to achieve connectivity between public telecommunications networks in order to ensure that end-users of public telecommunications services can communicate with each other, including, where that Party considers it necessary, by requiring facilities-based suppliers to interconnect with one another.

⁶ The maintenance of appropriate measures includes the effective enforcement of such measures.

2. In carrying out paragraph 1, each Party shall ensure that suppliers of public telecommunications services in its territory take reasonable steps to protect the confidentiality of commercially sensitive information of, or relating to, suppliers and end-users of public telecommunications services obtained as a result of interconnection arrangements and that those suppliers only use that information for the purpose of providing these services.

ARTICLE 9

*Additional Obligations Relating to Major Suppliers*⁷

1. Non-discrimination

Each Party shall ensure that major suppliers in its territory accord suppliers of public telecommunications networks or services of the other Party treatment no less favourable than such major supplier accords to itself, its subsidiaries, its affiliates, or any non-affiliated supplier of public telecommunications networks or services regarding the:

- (a) availability, provisioning, rates,⁸ or quality of like public telecommunications networks or services; and
- (b) availability of technical interfaces necessary for interconnection,

where such suppliers of public telecommunications networks or services and subsidiaries, affiliates and non-affiliates of the major supplier are in like circumstances.

2. Competitive Safeguards

- (a) Each Party shall maintain appropriate measures⁹ for the purpose of preventing major suppliers in its territory from engaging in or continuing anti-competitive practices.
- (b) The anti-competitive practices referred to in subparagraph (a) shall include:

⁷ For the avoidance of doubt, the obligations imposed under this Article only apply with respect to those public telecommunications networks or services, or parts thereof, that result in a supplier of public telecommunications networks or services being a major supplier.

⁸ The costs incurred by a major supplier in supplying public telecommunications networks or services to itself may be determined in accordance with any cost-oriented costing methodology considered appropriate by a Party. Treatment that is no less favourable regarding rates for like public telecommunications networks or services may take into account the legitimate transaction costs which the major supplier incurs in supplying such public telecommunications networks or services to suppliers of public telecommunications networks or services of the other Party.

⁹ The maintenance of appropriate measures includes the effective enforcement of such measures.

- (i) engaging in anti-competitive cross-subsidisation;
- (ii) using information obtained from competitors with anti-competitive results;
- (iii) not making available, on a timely basis, to suppliers of public telecommunications networks or services of the other Party, technical information about essential facilities and commercially relevant information which is necessary for them to provide services; and
- (iv) pricing services in a manner that is likely to unreasonably restrict competition, such as predatory pricing.

3. Unbundled Network Elements

- (a) Each Party shall ensure that a major supplier in its territory provide to facilities-based suppliers of the other Party access to network elements for the provision of public telecommunications services at any technically feasible point, on an unbundled basis, in a timely fashion; and on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory.
- (b) Each Party may determine, in accordance with its domestic laws and regulations, which network elements it requires major suppliers in its territory to provide access to in accordance with subparagraph (a) on the basis of the technical feasibility of unbundling and the state of competition in the relevant market.

4. Co-Location

- (a) Subject to subparagraph (b) and subparagraph (c), each Party shall ensure that a major supplier in its territory provides to suppliers of public telecommunications services of the other Party in the Party's territory physical co-location of equipment necessary for interconnection or access to unbundled network elements based on a generally available offer, on a timely basis, and on terms and conditions and at cost-oriented rates, that are reasonable and non-discriminatory.
- (b) Where physical co-location under subparagraph (a) is not practical for technical reasons or because of space limitations, each Party shall ensure that major suppliers co-operate with facilities-based suppliers to find and implement the most feasible alternative solution in a timely fashion and on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory. Such solutions may include:
 - (i) permitting facilities-based suppliers to locate equipment in a nearby building and to connect such equipment to the major supplier's network;

- (ii) conditioning additional equipment space;
 - (iii) optimizing the use of existing space;
 - (iv) finding adjacent space; or
 - (v) facilitating virtual co-location.
- (c) Each Party may determine in accordance with its domestic laws and regulations the locations at which it requires major suppliers in its territory to provide co-location under subparagraph (a) on the basis of the state of competition in the relevant market, whether those premises can be substituted in an economically or technically feasible manner in order to provide a competing service, or other specified public interest factors.

5. Resale

Each Party shall ensure that major suppliers in its territory:

- (a) allow suppliers of public telecommunications networks or services of the other Party to purchase at reasonable rates, for the purpose of resale, specific public telecommunications services supplied by the major suppliers at retail that are designated by the first Party; and
- (b) do not impose unreasonable or discriminatory conditions or limitations on the resale of such public telecommunications services.

6. Rights of Way

- (a) Each Party shall ensure that major suppliers in its territory provide access to poles, ducts, conduits, or any other structures deemed necessary by the Party, which are owned or controlled by those major suppliers to facilities-based suppliers of the other Party:
 - (i) in a timely fashion; and
 - (ii) on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory.
- (b) Each Party may determine in accordance with its domestic laws and regulations the poles, ducts, conduits or other structures to which it requires major suppliers in its territory to provide access under subparagraph (a) on the basis of the state of competition in the relevant market.

7. Interconnection with a Major Supplier

- (a) Each Party shall ensure that major suppliers in its territory provide interconnection to facilities-based suppliers of the other Party:
 - (i) at any technically feasible point in the major supplier's network;
 - (ii) under non-discriminatory terms, conditions (including technical standards and specifications) and rates;
 - (iii) of a quality no less favourable than that provided by the major supplier for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
 - (iv) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
 - (v) upon request, at points in addition to the network termination points offered to the majority of facilities-based suppliers, subject to charges that reflect the cost of construction of necessary additional facilities.

- (b) Each Party shall ensure that suppliers of public telecommunications networks or services of the other Party may interconnect with major suppliers in its territory pursuant to at least one of the following options:
 - (i) a publicly available reference interconnection offer containing the rates, terms, and conditions that the major supplier offers generally to suppliers of public telecommunications services;
 - (ii) any existing interconnection agreement between the major supplier and any similarly situated supplier of public telecommunications networks or services;
 - (iii) an individualised agreement between the major supplier and the supplier of public telecommunications networks or services that seeks to interconnect with it; or
 - (iv) binding arbitration.

- (c) In addition to the options provided in subparagraph (b), each Party shall ensure that suppliers of public telecommunications services of the other Party have the opportunity to interconnect their facilities and equipment with those of the major supplier through the negotiation of a new interconnection agreement.

- (d) Each Party shall ensure that the applicable procedures for interconnection negotiations with major suppliers in its territory are made publicly available.
- (e) Each Party shall ensure that major suppliers in its territory make publicly available either their interconnection agreements or a reference interconnection offer.

8. Resolution of Interconnection Disputes

- (a) When facilities-based suppliers are unable to resolve disputes regarding the terms, conditions and rates on which interconnection is to be provided by a major supplier, they shall have recourse to the telecommunications regulatory body, which shall aim to resolve the disputes within 180 days of the referral to it. The Parties understand that the resolution of complex disputes may take longer than 180 days.
- (b) Where the telecommunications regulatory body is unable to resolve the disputes referred to in subparagraph (a) within 180 days, each Party shall ensure that the telecommunications regulatory body endeavours to provide interim determinations on the disputes where necessary to ensure that facilities-based suppliers of the other Party are able to interconnect with a major supplier.

9. Access to Numbers

Each Party shall ensure that suppliers of public telecommunications services of the other Party established in its territory are afforded access to telephone numbers on a non-discriminatory basis.

10. Provisioning and Pricing of Leased Circuit Services by Major Suppliers

- (a) Each Party shall ensure that a major supplier in its territory provides to service suppliers of the other Party leased circuits services that are public telecommunications services in a reasonable period of time on terms and conditions, and at rates, that are reasonable and non-discriminatory, and based on a generally available offer.
- (b) Further to subparagraph (a), each Party shall provide its telecommunications regulatory body or other appropriate bodies the authority to require a major supplier in its territory to offer leased circuits services that are public telecommunications services to service suppliers of the other Party at capacity-based and cost-oriented prices.

ARTICLE 10

Number Portability

Each Party shall ensure that suppliers of public telecommunications services in its territory provide number portability, for those services designated by that Party, without impairment to quality and reliability, to the extent technically feasible, on a timely basis, and on reasonable and non-discriminatory terms and conditions.

ARTICLE 11

International Mobile Roaming

1. The Parties shall endeavour to cooperate on promoting transparent and reasonable rates for international mobile roaming services that can help promote the growth of trade between the Parties and enhance consumer welfare.
2. A Party may choose to take steps to enhance transparency and competition with respect to international mobile roaming rates and technological alternatives to roaming services, such as:
 - (a) ensuring that information regarding retail rates is easily accessible to consumers; and
 - (b) minimising impediments to the use of technological alternatives to roaming, whereby consumers when visiting the territory of a Party from the territory of the other Party can access telecommunications services using the device of their choice.
3. The Parties recognise that a Party, when it has the authority to do so, may choose to adopt or maintain measures affecting rates for wholesale international roaming services with a view to ensuring that those rates are reasonable. If a Party considers it appropriate, it may cooperate and implement mechanisms with the other Party to facilitate the implementation of those measures, including by entering into arrangements with the other Party.
4. If a Party (the first Party) chooses to regulate rates or conditions for wholesale international mobile roaming services, it shall ensure that a supplier of public telecommunications services of the other Party (the second Party) has access to the regulated rates or conditions for wholesale international mobile roaming services for its customers roaming in the territory of the first Party in circumstances in which:¹⁰
 - (a) the second Party has entered into an arrangement with the first Party to reciprocally regulate rates or conditions for wholesale international mobile roaming services for suppliers of both Parties;¹¹ or

¹⁰ For greater certainty, neither Party shall, solely on the basis of any obligations owed to it by the first Party under a most-favoured-nation provision, or under a telecommunications-specific non-discrimination provision, in any existing international trade agreement, seek or obtain for its suppliers the access to regulated rates or conditions for wholesale international mobile roaming services that is provided under this Article.

¹¹ For greater certainty, access under this subparagraph to the rates or conditions regulated by the first Party shall be available to a supplier of the second Party only if such regulated rates or conditions are reasonably comparable to those reciprocally regulated under the arrangement referred to in this

- (b) in the absence of an arrangement of the type referred to in subparagraph (a), the supplier of public telecommunications services of the second Party, of its own accord:
 - (i) makes available to suppliers of public telecommunications services of the first Party wholesale international mobile roaming services at rates or conditions that are reasonably comparable to the regulated rates or conditions;¹² and
 - (ii) meets any additional requirements¹³ that the first Party imposes with respect to the availability of the regulated rates or conditions.

The first Party may require suppliers of the second Party to fully utilise commercial negotiations to reach agreement on the terms for accessing such rates or conditions.

5. A Party that ensures access to regulated rates or conditions for wholesale international mobile roaming services in accordance with paragraph 4 shall be deemed to be in compliance with its obligations under Article 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services), and Articles 3 (Access to and Use of Public Telecommunications Networks or Services) and 9.1 (Additional Obligations Relating to Major Suppliers – Non-Discrimination) with respect to international mobile roaming services.

6. Each Party shall endeavour to ensure that:

- (a) suppliers of public telecommunications services in its territory; or
- (b) its telecommunications regulatory body

make publicly available retail rates for international mobile roaming services.

7. Nothing in this Article shall require a Party to regulate rates or conditions for international mobile roaming services.

ARTICLE 12

International Submarine Cable Systems

subparagraph. The telecommunications regulatory body of the first Party shall, in the case of disagreement, determine whether the rates or conditions are reasonably comparable.

¹² For the purposes of this subparagraph, rates or conditions that are reasonably comparable means rates or conditions agreed to be such by the relevant suppliers or, in the case of disagreement, determined to be such by the telecommunications regulatory body of the first Party.

¹³ For greater certainty, such additional requirements may include, for example, that the rates provided to the supplier of the second Party reflect the reasonable cost of supplying international mobile roaming services by a supplier of the first Party to a supplier of the second Party, as determined through the methodology of the first Party.

1. This article applies to international submarine cable systems where, under national law and regulation, a Party has authorised a supplier of public telecommunications services in its territory to operate a submarine cable system as a public telecommunications service.

2. Where submarine cable systems cannot be economically or technically substituted, each Party shall provide its telecommunications regulatory body with the authority to:

- (a) subject to technical feasibility and pre-existing contractual commitments, require a major supplier of public telecommunications services to allow suppliers of public telecommunications services of the other Party to:
 - (i) access the submarine cable landing station for the purpose of interconnection with the submarine cables owned by any supplier of telecommunications;
 - (ii) co-locate their transmission and routing equipment at the submarine cable landing station;
 - (iii) connect their equipment to submarine cable capacity, including by accessing the supplier's cross-connect links; and
 - (iv) access ancillary services; and
- (b) ensure that the terms, conditions and rates for the services referred to in subparagraph (a) as supplied by a major supplier are reasonable and non-discriminatory.

3. For greater certainty, co-location should be consistent with Article 9.4 (Additional Obligations Relating to Major Suppliers – Co-Location) and interconnection should be consistent with Article 9.7 (Additional Obligations Relating to Major Suppliers – Interconnection with a Major Supplier).

ARTICLE 13

Universal Service

Each Party has the right to define the kind of universal service obligation it wishes to maintain. Each Party shall administer any universal service obligation that it maintains in a transparent, non-discriminatory and competitively neutral manner, and shall ensure that its universal service obligation is not more burdensome than necessary for the kind of universal service that it has defined.

ARTICLE 14

*Allocation and Use of Scarce Resources*¹⁴

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available, but detailed identification of frequencies allocated for specific government use shall not be required.

ARTICLE 15

Flexibility in the Choice of Technology

1. Neither Party shall prevent suppliers of public telecommunications services from choosing the technologies they wish to use to supply their services, subject to requirements necessary to satisfy legitimate public policy interests, provided that any measure restricting that choice is not prepared, adopted or applied in a manner that creates unnecessary obstacles to trade. For greater certainty, a Party adopting those measures shall do so consistent with Article 4 (Transparency).

2. When a Party finances the development of advanced networks,¹⁵ it may make its financing conditional on the use of technologies that meet its specific public policy interests.

ARTICLE 16

Industry Participation

1. Each Party shall, through any forum or other mechanism it considers appropriate:

- (a) facilitate the involvement of suppliers of public telecommunications networks or services of the other Party operating in its territory in the development of industry standards and, where it considers appropriate, in the regulation of the telecommunications industry; and
- (b) encourage suppliers of public telecommunications networks or services of the other Party operating in its territory to provide feedback to the telecommunications regulatory body on the regulation of the telecommunications industry.

¹⁴ Decisions on the allocation and assignment of spectrum and frequency management are not measures that are per se inconsistent with Article 3 (Market Access) of Chapter 7 (Cross-Border Trade in Services). Accordingly, each Party retains the ability to exercise its spectrum and frequency management policies, which may affect the number of service suppliers, provided that this is done in a manner that is consistent with this Agreement. The Parties also retain the right to allocate frequency bands taking into account existing and future needs.

¹⁵ For greater certainty, “advanced networks” includes broadband networks.

ARTICLE 17

Enforcement

Each Party shall adopt or maintain timely, proportionate and effective sanctions for the purpose of enforcing domestic measures relating to the obligations contained in this Chapter. Such sanctions may include financial penalties, injunctions, orders to cease and desist (on an interim or final basis), and/or the ability to suspend, modify or revoke licences.

ARTICLE 18

Exceptions

This Chapter shall be subject to Article 16 (General Exceptions) of Chapter 7 (Cross-Border Trade in Services) and Article 19 (General Exceptions) of Chapter 8 (Investment), and to Article 2 (Security Exceptions) of Chapter 17 (Final Provisions).

9. Replace Chapter 11 (Movement of Business Persons) with:

11 MOVEMENT OF NATURAL PERSONS

ARTICLE 1

Scope and Definitions

1. This Chapter applies to measures affecting the movement of natural persons of a Party into the territory of the other Party where such persons are:

- (a) business visitors;
- (b) contractual service suppliers;
- (c) independent executives;
- (d) installers and servicers; and
- (e) intra-corporate transferees.

2. This Chapter reflects the Parties' mutual commitment to enhance the mobility of natural persons of either Party engaged in the conduct of trade and investment between the Parties, by facilitating temporary entry and establishing streamlined, transparent immigration clearance procedures for natural persons.

3. For the purposes of this Chapter, the following definitions shall apply:

- (a) "business visitors" means natural persons of a Party who are:
 - (i) seeking to travel to the other Party for business purposes and who must not engage in making direct sales to the general public or in supplying goods or services themselves;
 - (ii) service sellers;
 - (iii) investors of a Party or employees of an investor (who are managers, executives or specialists as defined under Article 1.3(g) (Scope and Definitions)) seeking temporary entry to establish an investment; or
 - (iv) seeking temporary entry for the purposes of negotiating the sale of goods where such negotiations do not involve direct sales to the general public;
- (b) "contractual service suppliers" means natural persons of a Party who have trade, technical or professional skills and experience; and

- (i) are employees of a service supplier or an enterprise of a Party which has concluded a contract for the supply of a service within the other Party and which does not have a commercial presence within the other Party; or
- (ii) are engaged by an enterprise lawfully and actively operating in a Party in order to supply a service under a contract within that Party; and

who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in the other Party for their nominated occupation;

- (c) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;
- (d) “immigration formality” means a visa, employment pass, or other document or electronic authority granting a natural person of a Party the right to reside or work in the territory of the other Party;
- (e) For Australia, “independent executives” means natural persons of a Party whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in the other Party of a new branch or subsidiary of an enterprise which has its head of operations in the territory of the originating Party and which has no other representative, branch or subsidiary in the other Party. Independent executives will be responsible for the entire or a substantial part of the enterprise’s operations in the other Party, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.

For Singapore, “independent executives” means natural persons of a Party with a local business presence seeking to:

- (i) carry on substantial trade in goods or services principally between the territory of the Party of the natural person and the territory of the other Party into which entry is sought; or
- (ii) establish, develop, administer, or provide advice or key technical services to the operation of an investment to which the natural person or the natural person’s enterprise has committed, or is in the process of committing, a substantial amount of capital, in a capacity that is supervisory, executive, or involves essential skills;

- (f) “installers and servicers” means natural persons of a Party who are installers or servicers of machinery and/or equipment, where such installation and/or servicing by the supplying company is a condition of purchase under contract of the said machinery or equipment, and who must not perform services which are not related to the service activity which is the subject of the contract;
- (g) “intra-corporate transferees” means employees of a service supplier, investor or enterprise of a Party established in the territory of the other Party through a branch, subsidiary or affiliate, who have been so employed for a period of not less than one year immediately preceding the date of the application for temporary entry, and who are:
 - (i) managers – natural persons within an organisation who primarily direct the organisation or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. This does not include a first-line supervisor, unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service or operation of an investment;
 - (ii) executives – natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher level executives, the board of directors, or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service or the operation of an investment; or
 - (iii) specialists – natural persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation’s service, research equipment, techniques, or management. Specialists may include, but are not limited to, members of a licensed profession;
- (h) “measure” includes any law, regulation, procedure, requirement or practice;
- (i) “natural person of a Party” means:
 - (i) for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation;

- (ii) for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or
 - (iii) a permanent resident of either Party;¹
- (j) “service sellers” means natural persons of a Party who are sales representatives of a service supplier of that Party and are seeking temporary entry to the other Party for the purpose of negotiating the sale of services for that service supplier, where such representatives will not be engaged in making direct sales to the general public or in supplying services directly; and
- (k) “temporary entry” means entry by a business visitor, a contractual service supplier, an independent executive, an installer or servicer, or an intra-corporate transferee, as the case may be, without the intent to establish permanent residence and for the purpose of engaging in activities which are clearly related to their respective business purposes. Additionally, in the case of a business visitor, the salaries of and any related payments to such a visitor should be paid entirely by the service supplier or enterprise which employs that visitor in the visitor’s home country.

4. Nothing in this Chapter shall apply to measures affecting natural persons of either Party seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

Section 1: Short-Term Temporary Entry

ARTICLE 2

Business Visitors

A Party shall grant temporary entry to a business visitor of the other Party who otherwise meets its criteria for the grant of an immigration formality for a period of up to three months.

ARTICLE 3

Installers and Servicers

A Party shall grant temporary entry to an installer and servicer of the other Party who otherwise meets its criteria for the grant of an immigration formality for a period of up to three months.

¹ Unless otherwise provided in this Chapter, a Party shall grant the benefits of this Chapter to a permanent resident of the other Party provided that the permanent resident satisfies all the administrative, legal, repatriation and other requirements as may be imposed by the granting Party.

Section 2: Long-Term Temporary Entry

ARTICLE 4

Contractual Service Suppliers

A Party shall grant temporary entry to a contractual service supplier of the other Party who otherwise meets its criteria for the grant of an immigration formality for a period of up to two years with the possibility of further stay.

ARTICLE 5

Independent Executives

A Party shall grant temporary entry to an independent executive of the other Party who otherwise meets its criteria for the grant of an immigration formality for a period of up to two years.

ARTICLE 6

Intra-Corporate Transferees

A Party shall grant temporary entry to an intra-corporate transferee of the other Party who otherwise meets its criteria for the grant of an immigration formality

- (a) in the case of Singapore, for an initial period of up to three years which may be extended for periods of up to three years at a time for a total term not exceeding 15 years; and
- (b) in the case of Australia, for an initial period of up to four years which may be extended for further periods of up to four years at a time for a total term not exceeding 15 years.

ARTICLE 7

Provision of Information

A Party shall:

- (a) publish or otherwise make available to the other Party such information as will enable the other Party to become acquainted with its measures relating to this Chapter; and
- (b) no later than six months after the date of entry into force of this Agreement, prepare, publish or otherwise make available in its own

territory, and in the territory of the other Party, explanatory material regarding the requirements for temporary entry under this Chapter in such a manner as will enable natural persons of the other Party to become acquainted with them.

ARTICLE 8

Dispute Settlement

1. A Party may not initiate proceedings under Chapter 16 (Dispute Settlement) regarding a refusal to grant temporary entry under this Chapter unless:
 - (a) the matter involves a pattern of practice; and
 - (b) its natural persons affected have exhausted the available domestic administrative remedies regarding the particular matter.
2. The remedies referred to in paragraph 1(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within one year of the institution of proceedings for domestic administrative remedies, including proceedings by way of review, and the failure to issue a determination is not attributable to delays caused by the natural person.

ARTICLE 9

Immigration Measures

1. Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of this Chapter.
2. The sole fact that a Party requires natural persons of the other Party to obtain an immigration formality shall not be regarded as nullifying or impairing the benefits accruing to any Party under this Chapter.

ARTICLE 10

Immigration Requirements and Procedures

1. For Australia, temporary entry of a natural person who is seeking temporary entry pursuant to this Chapter is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian government department

responsible for immigration matters. Employer sponsorship requirements and eligible occupations may change from time to time.

2. For Singapore, temporary entry of a natural person who is seeking temporary entry pursuant to this Chapter is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, and the requirements for Dependant's Passes, are available on the website of the Singapore government department responsible for immigration matters. Employer sponsorship requirements and eligible occupations may change from time to time.

ARTICLE 11

Licensing Requirements

The sole fact that a Party grants temporary entry to a natural person of the other Party pursuant to this Chapter shall not be construed to exempt that natural person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practise a profession or otherwise engage in business activities.

ARTICLE 12

Expeditious Application Procedures

1. A Party shall expeditiously process complete applications for immigration formalities from natural persons of the other Party, including further immigration formality requests or extensions thereof, particularly applications from members of professions for which mutual recognition arrangements have been concluded.

2. In relation to a complete application for an immigration formality covered by paragraph 1 the granting Party shall both make a decision and notify the natural person or its representative of that decision prior to the natural person's arrival in its territory subject to the granting Party's immigration formality processing time service standards.

ARTICLE 13

Notification of Outcome of Application

A Party shall notify the applicants for temporary entry, either directly or through their prospective employers, of the outcome of their applications, including the period of stay and other conditions.

ARTICLE 14

Online Lodgement and Processing

As soon as possible after the date of entry into force of this Agreement, Parties shall provide facilities for online lodgement and processing:

- (a) in the case of Australia, of immigration formalities; and
- (b) in the case of Singapore, of employment passes which shall be applied for by the prospective employers.

ARTICLE 15

Resolution of Problems

The relevant authorities of both Parties shall endeavour to favourably resolve any specific or general problems (within the framework of their domestic laws, regulations and other similar measures governing the temporary entry of natural persons) which may arise from the implementation and administration of this Chapter.

ARTICLE 16

Labour Market Testing

Neither Party shall require labour market testing, labour certification tests or other procedures of similar effect as a condition for temporary entry in respect of business visitors, contractual service suppliers, installers and servicers, independent executives and intra-corporate transferees on whom the benefits of this Chapter are conferred.

ARTICLE 17

Immigration Formality Requirements

1. Australia shall accord to natural persons of Singapore conditions of entry and processing requirements relating to its Electronic Travel Authority (“ETA”) no less favourable than those accorded to natural persons of any other country eligible under the ETA or equivalent processing system for immigration formalities.
2. Singapore shall waive visa requirements for natural persons of Australia, provided that such persons are not natural persons of a non-Party for which visa-requirements are imposed for entry into Singapore.
3. This Article shall not apply to permanent residents of either Party.

ARTICLE 18

Employment of Spouses and Dependants

For natural persons of either Party who have been granted the right to temporary entry under this Chapter as contractual service suppliers, independent executives or intra-corporate transferees and who have a spouse and dependant, a Party shall, upon application, grant the accompanying spouse or dependant who otherwise meets its criteria for the grant of an immigration formality the right of temporary entry, movement and work for an equal period to that granted to the natural person. For greater certainty, grant of temporary entry and work under this Article is subject to the accompanying spouse or dependant meeting the granting Party's prescribed application procedures and requirements for the relevant immigration formality and meet all relevant eligibility requirements for temporary entry and work or extension of temporary stay and work.

ARTICLE 19

Relation to Other Chapters

1. Except for this Chapter, Chapter 1 (Objectives and General Definitions), Chapter 16 (Dispute Settlement), Chapter 17 (Final Provisions) and Article 9 (Transparency) of Chapter 7 (Cross-Border Trade in Services), no provision of this Agreement shall impose any obligation on a Party regarding its immigration measures.
2. Nothing in this Chapter shall be construed to impose obligations or commitments with respect to other Chapters of this Agreement.

10. Replace Chapter 14 (Electronic Commerce) with:

14 ELECTRONIC COMMERCE

ARTICLE 1

Definitions

1. The purposes of this Chapter are to promote electronic commerce between the Parties and to promote the wider use of electronic commerce globally.
2. For the purposes of this Chapter:
 - (a) “computing facilities” means computer servers and storage devices for processing or storing information for commercial use;
 - (b) “covered person”¹ means:
 - (i) a “covered investment” as defined in Article 2(c) (General Definitions) of Chapter 1 (Objectives and General Definitions);
 - (ii) an “investor of a Party” as defined in Article 1 (Definitions) of Chapter 8 (Investment); but does not include an investor in a financial institution; or
 - (iii) a “service supplier of a Party” as defined in Article 1 (Definitions) of Chapter 7 (Cross-Border Trade in Services)

but does not include a “financial institution” or a “cross-border financial service supplier of a Party” as defined in Article 1 (Definitions) of Chapter 9 (Financial Services);
 - (c) “customs duty” has the same meaning as Article 2(e) (General Definitions) of Chapter 1 (Objectives and General Definitions);
 - (d) “digital product” means a computer programme, text, video, image, sound recording or other product that is digitally encoded, produced for commercial sale or distribution, and that can be transmitted electronically;^{2, 3}

¹ For Australia, a “covered person” does not include a credit reporting body.

² For greater certainty, “digital product” does not include a digitised representation of a financial instrument, including money.

³ The definition of “digital product” should not be understood to reflect a Party’s view on whether trade in digital products through electronic transmission should be categorised as trade in services or trade in goods.

- (e) “electronic authentication” means the process or act of verifying the identity of a party to an electronic communication or transaction and ensuring the integrity of an electronic communication;
- (f) “electronic transmission” or “transmitted electronically” means a transmission made using any electromagnetic means, including by photonic means;
- (g) “electronic version” of a document means a document in an electronic format prescribed by a Party, including a document sent by facsimile transmission;
- (h) “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation;
- (i) “measure” includes any law, regulation, procedure, requirement or practice;
- (j) “person” means a natural person or an enterprise;
- (k) “person of a Party” means a national⁴ or an enterprise of a Party;
- (l) “personal information” means any information, including data, about an identified or identifiable natural person;
- (m) “trade administration documents” means forms issued or controlled by a Party that must be completed by or for an importer or exporter in connection with the import or export of goods;
- (n) “TRIPS Agreement” means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, set out in Annex 1C to the WTO Agreement;⁵ and
- (o) “unsolicited commercial electronic message” means an electronic message which is sent for commercial or marketing purposes to an electronic address, without the consent of the recipient or despite the explicit rejection of the recipient, through an Internet access service supplier or, to the extent provided for under the laws and regulations of each Party, other telecommunications service.

⁴ For the purposes of this Chapter, a “national” means, for Australia, a natural person who is an Australian citizen as defined in the *Australian Citizenship Act 2007* as amended from time to time, or any successor legislation; for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws; or a permanent resident of either Party.

⁵ For greater certainty, a reference in this Agreement to the TRIPS Agreement includes any waiver in force between the Parties of any provision of the TRIPS Agreement granted by WTO Members in accordance with the WTO Agreement.

ARTICLE 2

Scope

1. The Parties recognise the economic growth and opportunities provided by electronic commerce and the importance of frameworks that promote consumer confidence in electronic commerce and of avoiding unnecessary barriers to its use and development.
2. This Chapter shall apply to measures adopted or maintained by a Party that affect trade by electronic means.
3. This Chapter shall not apply to:
 - (a) government procurement; or
 - (b) information held or processed by or on behalf of a Party or measures related to such information, including measures related to its collection.
4. For greater certainty, measures affecting the supply of a service delivered or performed electronically are subject to the obligations contained in the relevant provisions of Chapters 7 (Cross-Border Trade in Services), 8 (Investment) and 9 (Financial Services), including any exceptions or non-conforming measures set out in this Agreement that are applicable to those obligations.
5. For greater certainty, the obligations contained in Articles 5 (Non-Discriminatory Treatment of Digital Products), 13 (Cross-Border Transfer of Information by Electronic Means), 15 (Location of Computing Facilities) and 19 (Source Code) are:
 - (a) subject to the relevant provisions, exceptions and non-conforming measures of Chapters 7 (Cross-Border Trade in Services), 8 (Investment) and 9 (Financial Services); and
 - (b) to be read in conjunction with any other relevant provisions in this Agreement.
6. The obligations contained in Articles 5 (Non-Discriminatory Treatment of Digital Products), 13 (Cross-Border Transfer of Information by Electronic Means) and 15 (Location of Computing Facilities) shall not apply to the non-conforming aspects of measures adopted or maintained in accordance with Article 7 (Reservations) of Chapter 7 (Cross-Border Trade in Services) and Article 11 (Reservations) of Chapter 8 (Investment).

ARTICLE 3

Transparency

1. Each Party shall promptly publish, or otherwise promptly make publicly available where publication is not practicable, all relevant measures of general application which pertain to or affect the operation of this Chapter.
2. Each Party shall respond promptly to any request by the other Party for specific information on any of its measures of general application within the meaning of paragraph 1.

ARTICLE 4

Customs Duties

1. Neither Party shall impose customs duties on electronic transmissions, including content transmitted electronically, between a person of a Party and a person of the other Party.
2. For greater certainty, paragraph 1 shall not preclude a Party from imposing internal taxes, fees or other charges on content transmitted electronically, provided that such taxes, fees or charges are imposed in a manner consistent with this Agreement.

ARTICLE 5

Non-Discriminatory Treatment of Digital Products

1. Neither Party shall accord less favourable treatment to a digital product created, produced, published, contracted for, commissioned or first made available on commercial terms in the territory of the other Party, or to a digital product of which the author, performer, producer, developer or owner is a person of the other Party, than it accords to other like digital products.
2. Paragraph 1 shall not apply to the extent of any inconsistency with the rights and obligations in the TRIPS Agreement or with Chapter 13 (Intellectual Property).
3. The Parties understand that this Article does not apply to subsidies or grants provided by a Party including government-supported loans, guarantees and insurance.
4. This Article shall not apply to broadcasting.

ARTICLE 6

Domestic Electronic Transactions Framework

1. Each Party shall maintain a legal framework governing electronic transactions consistent with the principles of the *UNCITRAL Model Law on Electronic Commerce*

1996 or the *United Nations Convention on the Use of Electronic Communications in International Contracts*, done at New York, November 23, 2005.

2. Each Party shall endeavour to:
 - (a) avoid any unnecessary regulatory burden on electronic transactions;
and
 - (b) facilitate input by interested persons in the development of its legal framework for electronic transactions.

ARTICLE 7

Electronic Authentication and Electronic Signatures

1. Except in circumstances otherwise provided for under its law, a Party shall not deny the legal validity of a signature solely on the basis that the signature is in electronic form.
2. Neither Party shall adopt or maintain measures for electronic authentication that would:
 - (a) prohibit the other Party to an electronic transaction from mutually determining the appropriate authentication methods for that transaction; or
 - (b) prevent the other Party to an electronic transaction from having the opportunity to establish before judicial or administrative authorities that their transaction complies with any legal requirements with respect to authentication.
3. Notwithstanding paragraph 2, a Party may require that, for a particular category of transactions, the method of authentication meets certain performance standards or is certified by an authority accredited in accordance with its law.
4. The Parties shall encourage the use of interoperable electronic authentication.

ARTICLE 8

Online Consumer Protection

1. The Parties recognise the importance of adopting and maintaining transparent and effective measures to protect consumers from fraudulent and deceptive commercial activities, when they engage in electronic commerce.
2. For the purposes of this Article, fraudulent and deceptive commercial activities refers to those fraudulent and deceptive commercial practices that cause

actual harm to consumers, or that pose an imminent threat of such harm if not prevented, for example, a practice of:

- (a) making a misrepresentation of material fact, including an implied factual misrepresentation, that causes significant detriment to the economic interests of a misled consumer;
- (b) failing to deliver products or provide services to a consumer after the consumer is charged; or
- (c) charging or debiting a consumer's financial, telephone or other accounts without authorisation.

3. Each Party shall adopt or maintain consumer protection laws to proscribe fraudulent and deceptive commercial activities that cause harm or potential harm to consumers engaged in online commercial activities.

4. The Parties recognise the importance of cooperation between their respective national consumer protection agencies or other relevant bodies on activities related to cross-border electronic commerce in order to enhance consumer welfare. To this end, the Parties affirm that the cooperation sought includes cooperation with respect to online commercial activities.

ARTICLE 9

Personal Information Protection

1. The Parties recognise the economic and social benefits of protecting the personal information of users of electronic commerce and the contribution that this makes to enhancing consumer confidence in electronic commerce.

2. To this end, each Party shall adopt or maintain a legal framework that provides for the protection of the personal information of the users of electronic commerce. In the development of its legal framework for the protection of personal information, each Party should take into account principles and guidelines of relevant international bodies.⁶

3. Each Party shall endeavour to adopt non-discriminatory practices in protecting users of electronic commerce from personal information protection violations occurring within its jurisdiction.

4. Each Party should publish information on the personal information protections it provides to users of electronic commerce, including how:

- (a) an individual can pursue remedies; and

⁶ For greater certainty, a Party may comply with the obligation in this paragraph by adopting or maintaining measures such as comprehensive privacy, personal information or personal data protection laws, sector-specific laws covering privacy, or laws that provide for the enforcement of voluntary undertakings by enterprises relating to privacy.

- (b) business can comply with any legal requirements.

5. Recognising that the Parties may take different legal approaches to protecting personal information, each Party should encourage the development of mechanisms to promote compatibility between these different regimes. These mechanisms may include the recognition of regulatory outcomes, whether accorded autonomously or by mutual arrangement, or broader international frameworks. To this end, the Parties shall endeavour to exchange information on any such mechanisms applied in their jurisdictions and explore ways to extend these or other suitable arrangements to promote compatibility between them.

ARTICLE 10

Paperless Trading

1. Each Party shall make publicly available, which may include through a process prescribed by that Party, electronic versions of all existing publicly available versions of trade administration documents.
2. Each Party shall accept electronic versions of its trade administration documents as the legal equivalent of paper documents except where:
 - (a) there is a domestic or international legal requirement to the contrary; or
 - (b) doing so would reduce the effectiveness of the trade administration process.
3. The Parties shall cooperate bilaterally and in international fora to enhance the acceptance of electronic versions of trade administration documents.

ARTICLE 11

Exceptions

This Chapter shall be subject to Article 16 (General Exceptions) of Chapter 7 (Cross-Border Trade in Services) and Article 19 (General Exceptions) of Chapter 8 (Investment), and to Article 2 (Security Exceptions) of Chapter 17 (Final Provisions).

ARTICLE 12

Principles on Access to and Use of the Internet for Electronic Commerce

Subject to applicable policies, laws and regulations, the Parties recognise the benefits of consumers in their territories having the ability to:

- (a) access and use services and applications of a consumer's choice available on the Internet, subject to reasonable network management;⁷
- (b) connect the end-user devices of a consumer's choice to the Internet, provided that such devices do not harm the network; and
- (c) access information on the network management practices of a consumer's Internet access service supplier.

ARTICLE 13

Cross-Border Transfer of Information by Electronic Means

1. The Parties recognise that each Party may have its own regulatory requirements concerning the transfer of information by electronic means.
2. Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business of a covered person.
3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:
 - (a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and
 - (b) does not impose restrictions on transfers of information greater than are required to achieve the objective.

ARTICLE 14

Internet Interconnection Charge Sharing

The Parties recognise that a supplier seeking international Internet connection should be able to negotiate with suppliers of the other Party on a commercial basis. These negotiations may include negotiations regarding compensation for the establishment, operation and maintenance of facilities of the respective suppliers.

ARTICLE 15

Location of Computing Facilities

⁷ The Parties recognise that an Internet access service supplier that offers its subscribers certain content on an exclusive basis would not be acting contrary to this principle.

1. The Parties recognise that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.

2. Neither Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory.

3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure:

- (a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and
- (b) does not impose restrictions on the use or location of computing facilities greater than are required to achieve the objective.

ARTICLE 16

Unsolicited Commercial Electronic Messages

1. Each Party shall adopt or maintain measures regarding unsolicited commercial electronic messages that:

- (a) require a supplier of unsolicited commercial electronic messages to facilitate the ability of a recipient to prevent ongoing reception of those messages;
- (b) require the consent, as specified according to the laws and regulations of each Party, of a recipient to receive commercial electronic messages; or
- (c) otherwise provide for the minimisation of unsolicited commercial electronic messages.

2. Each Party shall provide recourse against a supplier of unsolicited commercial electronic messages that does not comply with the measures adopted or maintained pursuant to paragraph 1.

3. The Parties shall endeavour to cooperate in appropriate cases of mutual concern regarding the regulation of unsolicited commercial electronic messages.

ARTICLE 17

Cooperation

Recognising the global nature of electronic commerce, the Parties shall endeavour to:

- (a) work together to assist small and medium-sized enterprises⁸ to overcome obstacles to its use;
- (b) exchange information and share experiences on regulations, policies, enforcement and compliance regarding electronic commerce, including:
 - (i) personal information protection;
 - (ii) online consumer protection, including means for consumer redress and building consumer confidence;
 - (iii) unsolicited commercial electronic messages;
 - (iv) security in electronic communications;
 - (v) authentication; and
 - (vi) e-government;
- (c) exchange information and share views on consumer access to products and services offered online between the Parties;
- (d) participate actively in regional and multilateral fora to promote the development of electronic commerce; and
- (e) encourage development by the private sector of methods of self-regulation that foster electronic commerce, including codes of conduct, model contracts, guidelines and enforcement mechanisms.

ARTICLE 18

Cooperation on Cybersecurity Matters

The Parties recognise the importance of:

- (a) building the capabilities of their national entities responsible for computer security incident response; and
- (b) using existing collaboration mechanisms to cooperate to identify and mitigate malicious intrusions or dissemination of malicious code that affect the electronic networks of the Parties.

⁸ Including a micro-sized enterprise.

ARTICLE 19

Source Code

1. Neither Party shall require the transfer of, or access to, source code of software owned by a person of the other Party, as a condition for the import, distribution, sale or use of such software, or of products containing such software, in its territory.
2. For the purposes of this Article, software subject to paragraph 1 is limited to mass-market software or products containing such software and does not include software used for critical infrastructure.
3. Nothing in this Article shall preclude:
 - (a) the inclusion or implementation of terms and conditions related to the provision of source code in commercially negotiated contracts; or
 - (b) a Party from requiring the modification of source code of software necessary for that software to comply with laws or regulations which are not inconsistent with this Agreement.
4. This Article shall not be construed to affect requirements that relate to patent applications or granted patents, including any orders made by a judicial authority in relation to patent disputes, subject to safeguards against unauthorised disclosure under the law or practice of a Party.

11. Replace Chapter 17 (Final Provisions) with:

17 FINAL PROVISIONS

ARTICLE 1

Regional and Local Government

Each Party is fully responsible for the observance of all provisions in this Agreement, and, except as otherwise provided for in this Agreement, shall take such reasonable measures¹ as may be available to it to ensure that they are observed by the regional and local governments and authorities within its territory, and in respect of trade in services and investment covered by Chapter 7 (Cross-Border Trade in Services) and Chapter 8 (Investment) of this Agreement, that they are observed by non-governmental bodies (in the exercise of powers delegated by central, regional or local government or authorities) within its territory.

ARTICLE 2

Security Exceptions

Nothing in this Agreement shall be construed to:

- (a) require a Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; or
- (b) preclude a Party from applying measures that it considers necessary for the fulfilment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.

ARTICLE 3

Taxation Measures

1. For the purposes of this Article:

“tax convention” means a convention for the avoidance of double taxation or other international taxation agreement or arrangement; and

“taxation measures” do not include a “customs duty” as defined in Article 2(e) (General Definitions) of Chapter 1 (Objectives and General Definitions).

¹ For the purposes of this Chapter, “measure” includes any law, regulation, procedure, requirement or practice.

2. Except as provided in this Article, nothing in this Agreement shall apply to taxation measures.

3. This Agreement shall only grant rights or impose obligations with respect to taxation measures where corresponding rights or obligations are also granted or imposed under Article III of GATT 1994 and, with respect to services, including financial services and services supplied by a covered investment, Articles I, XVII and XIV(d) of GATS, *mutatis mutandis*.²

4. Nothing in this Agreement shall affect the rights and obligations of the Parties under any tax convention in force between the Parties. In the event of any inconsistency relating to a taxation measure between this Agreement and such tax convention, the latter shall prevail to the extent of the inconsistency. The competent authorities under that convention shall have sole responsibility for determining whether any inconsistency exists between this Agreement and that convention.

ARTICLE 4

Temporary Safeguard Measures

1. Nothing in this Agreement shall be construed to prevent a Party from adopting or maintaining restrictive measures with regard to payments or transfers for current account transactions in the event of serious balance of payments and external financial difficulties or threats thereof.

2. Nothing in this Agreement shall be construed to prevent a Party from adopting or maintaining restrictive measures with regard to payments or transfers relating to the movements of capital:

- (a) in the event of serious balance of payments and external financial difficulties or threats thereof; or
- (b) if, in exceptional circumstances, payments or transfers relating to capital movements cause or threaten to cause serious difficulties for macroeconomic management.

3. Any measure adopted or maintained under paragraph 1 or 2 shall:

- (a) not be inconsistent with Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services), Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment), or Articles 3 (National Treatment) and 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services);³

² The Parties understand that this paragraph must be interpreted by reference to the footnote to Article XIV(d) of GATS as if the Article were not restricted to direct taxes.

³ Without prejudice to the general interpretation of Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services), Articles 4 (National

- (b) be consistent with the *Articles of Agreement of the International Monetary Fund*;
- (c) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;
- (d) not exceed those necessary to deal with the circumstances described in paragraph 1 or 2;
- (e) be temporary and be phased out progressively as the situations specified in paragraph 1 or 2 improve, and shall not exceed 18 months in duration; however, in exceptional circumstances, a Party may extend such measure for additional periods of one year, by notifying the other Party in writing within 30 days of the extension. If the other Party advises, in writing, within 30 days of receiving the notification, that it does not agree that the extended measure is designed and applied to satisfy subparagraphs (c), (d) and (h), the Party imposing the measure shall commence consultations with the other Party within 90 days of receiving the notification from the other Party, and endeavour to modify the measure to bring it into conformity with subparagraphs (c), (d) and (h), taking into account the views of the other Party;
- (f) not be inconsistent with Article 13 (Expropriation and Nationalisation) of Chapter 8 (Investment);⁴
- (g) in the case of restrictions on capital outflows, not interfere with an investor's ability to earn a market rate of return in the territory of the restricting Party on any restricted assets;⁵ and
- (h) not be used to avoid necessary macroeconomic adjustment.

4. Measures referred to in paragraphs 1 and 2 shall not apply to payments or transfers relating to foreign direct investment.⁶

Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment), and Articles 3 (National Treatment) and 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services), the fact that a measure adopted or maintained pursuant to paragraph 1 or 2 differentiates between investors on the basis of residency does not necessarily mean that the measure is inconsistent with Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services), Articles 4 (National Treatment) and 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment), and Articles 3 (National Treatment) and 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services).

⁴ For greater certainty, measures referred to in paragraph 1 or 2 may be non-discriminatory regulatory actions by a Party that are designed and applied to protect legitimate public welfare objectives as referred to in subparagraph 3(b) of Annex 8-A (Expropriation) to Chapter 8 (Investment).

⁵ The term "restricted assets" in this subparagraph refers only to assets invested in the territory of the restricting Party by an investor of the other Party that are restricted from being transferred out of the territory of the restricting Party.

5. A Party shall endeavour to provide that any measures adopted or maintained under paragraph 1 or 2 be price-based, and if such measures are not price-based, the Party shall explain the rationale for using quantitative restrictions when it notifies the other Party of the measure.

6. In the case of trade in goods, Article XII of GATT 1994 and the *Understanding on the Balance of Payments Provisions of the GATT 1994* are incorporated into and made part of this Agreement, *mutatis mutandis*. Any measures adopted or maintained under this paragraph shall not impair the relative benefits accorded to the other Party under this Agreement as compared to the treatment of a non-Party.

7. A Party adopting or maintaining measures under paragraph 1, 2 or 6 shall:

- (a) notify, in writing, the other Party of the measures, including any changes therein, along with the rationale for their imposition, within 30 days of their adoption;
- (b) present, as soon as possible, either a time schedule or the conditions necessary for their removal;
- (c) promptly publish the measures; and
- (d) promptly commence consultations with the other Party in order to review the measures adopted or maintained by it.
 - (i) In the case of capital movements, promptly respond to a request for consultations from the other Party in relation to the measures adopted by it, provided that such consultations are not otherwise taking place outside of this Agreement.
 - (ii) In the case of current account restrictions, if consultations in relation to the measures adopted by it are not taking place under the framework of the WTO Agreement, a Party, if requested, shall promptly commence consultations with the other Party.

ARTICLE 5

General Exceptions

⁶ For the purposes of this Article, “foreign direct investment” means a type of investment by an investor of a Party in the territory of the other Party, through which the investor exercises ownership or control over, or a significant degree of influence on the management of, an enterprise or other direct investment, and tends to be undertaken in order to establish a lasting relationship. For example, ownership of at least 10 per cent of the voting power of an enterprise over a period of at least 12 months generally would be considered foreign direct investment. For the purposes of this Chapter, “enterprise” means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation.

1. For the purposes of Chapter 3 (Rules of Origin) and Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), Article XX of GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

2. The Parties understand that the measures referred to in Article XX(b) of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that Article XX(g) of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

ARTICLE 6

Contact Point

Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement. On the request of a Party, the contact point of the requested Party shall identify the office or official responsible for the matter and assist in facilitating communication with the requesting Party.

ARTICLE 7

Review

In addition to the provisions for consultations elsewhere in this Agreement, Ministers in charge of trade negotiations of the Parties shall meet within a year of the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review this Agreement.

ARTICLE 8

Association with the Agreement

This Agreement is open to accession or association by any State or separate customs territory, on terms to be agreed between the Parties.

ARTICLE 9

Relation to Other Agreements

Unless otherwise provided in this Agreement, in the event of any inconsistency between this Agreement and any other agreement to which both Parties are parties, the Parties shall immediately consult with each other with a view to

finding a mutually satisfactory solution in accordance with customary rules of public international law.⁷

ARTICLE 10

Annexes

The Annexes in this Agreement shall form an integral part of this Agreement.

ARTICLE 11

Amendments

This Agreement may be amended by agreement in writing by the Parties and such amendments shall enter into force on such date or dates as may be agreed between the Parties.

ARTICLE 12

Entry into Force, Duration and Termination

1. This Agreement shall enter into force on the date on which the Parties have exchanged notes confirming the completion of their respective procedures for the entry into force of this Agreement.
2. Either Party may terminate this Agreement by giving the other Party six months' advance notice in writing.

⁷ For the purposes of application of this Agreement, the Parties agree that the fact that an agreement provides more favourable treatment of goods, services, investments or persons than that provided for under this Agreement does not mean that there is an inconsistency within the meaning of this Article. For the purposes of this Chapter, "person" means a natural person or an enterprise.

12. Replace Annex 2 (Rules of Origin) with:

Annex 2: Product-Specific Rules of Origin

Section A: Introductory Notes

1. The specific rule, or specific set of rules, that applies to a particular subheading is set out immediately adjacent to the subheading, heading, or chapter, as applicable.

2. Where a tariff heading or sub-heading is subject to alternative Product Specific Rules, it shall be sufficient to comply with one of the rules.

3. A requirement of a change in tariff classification applies only to non-originating materials.

4. Where the change in tariff classification rule expressly excludes a change from other tariff classifications, the exclusion applies only to non-originating materials.

5. For the purposes of this Annex:

“subheading” means the first six digits in the tariff classification number under the Harmonized System;

“heading” means the first four digits in the tariff classification number under the Harmonized System; and

“chapter” means the first two digits in the tariff classification number under the Harmonized System.

6. For the purposes of column 3 of this Annex:

“CC” means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 2-digit level;

“CTH” means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 4-digit level;

“CTSH” means that all non-originating materials used in the production of the good have undergone a change in tariff classification at the 6-digit level;

“RVC(40)” means that the good must have a regional value content of not less than 40 per cent as calculated under Article 3.5;

“RVC(BD40)” means that the good must have a regional value content of not less than 40 per cent using the build-down method as calculated under Article 3.5; and

“RVC(BU30/BD40)” means that the good must have a regional value content of either not less than 30 per cent using the build-up method or not less than 40 per cent using the build-down method, as calculated under Article 3.5.

Section B: Chemical Chapter Origin Rules

7. Chemical Reaction Origin Rule:

Notwithstanding the applicable product-specific rules of origin, a good of chapter 27 through 40 that is the product of a chemical reaction is an originating good if the chemical reaction occurred in the territory of one or more of the Parties.

For the purposes of this rule, a “chemical reaction” is a process (including a biochemical process) which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule. The following are not chemical reactions:

- (a) dissolving in water or other solvents;
- (b) the elimination of solvents, including solvent water; or
- (c) the addition or elimination of water of crystallization.

8. Distillation Rule

Notwithstanding the applicable product-specific rules of origin, a good of heading 27.10 that undergoes atmospheric or vacuum distillation in the territory of one or more of the Parties is an originating good. For the purposes of this rule:

- (a) Atmospheric distillation means a separation process in which petroleum oils are converted, in a distillation tower, into fractions according to boiling point and the vapour then condensed into different liquefied fractions. Goods produced from petroleum distillation may include liquefied petroleum gas, naphtha, gasoline, kerosene, diesel/heating oil, light gas oils, and lubricating oil; and
- (b) Vacuum distillation means distillation at a pressure below atmospheric but not so low that it would be classed as molecular distillation. Vacuum distillation is used for distilling high-boiling and heat-sensitive materials such as heavy distillates in petroleum oils to produce light to heavy vacuum gas oils and residuum. In some refineries, gas oils may be further processed into lubricating oils.

9. Direct Blending Rule

Notwithstanding the applicable product-specific rules of origin, a good of heading 27.10 that undergoes “direct blending” in the territory of one or more of the Parties is an originating good. For the purposes of this rule, “direct blending” means a

process whereby various petroleum streams from processing units or petroleum components from holding or storage tanks are combined to create a finished product with pre-determined parameters, provided that the non-originating material of heading 27.10 constitutes no more than 25 per cent by volume of the good.

10. Diluent Rule

For the purposes of determining whether or not a good of heading 27.09 is an originating good, the origin of diluent of heading 27.09 or 27.10 that is used to facilitate the transportation between Parties of crude petroleum oils and crude oils obtained from bituminous minerals of heading 27.09 is disregarded, provided that the diluent constitutes no more than 40 per cent by volume of the good.

11. Purification Rule

Notwithstanding the applicable product-specific rules of origin, a good of chapter 28 through 35 or chapter 38, that is subject to purification is an originating good if that purification occurs in the territory of one or more of the Parties and results in the elimination of not less than 80 per cent of the content of existing impurities.

12. Mixing and Blending Rule

Notwithstanding the applicable product-specific rules of origin, a good of chapter 30 or 31, heading 33.02 subheading 35.02.20, or headings 35.06 through 35.07 or 37.07, is an originating good if, in the territory of one or more of the Parties, the deliberate and proportionally controlled mixing or blending (including dispersing) of materials to conform to predetermined specifications results in the production of a good having physical or chemical characteristics that are relevant to the purposes or uses of the good and are different from the input materials.

13. Change in Particle Size Rule

Notwithstanding the applicable product-specific rules of origin, a good of chapter 30 or 31, subheading 3204.17 or heading 33.04 is an originating good if, in the territory of one or more of the Parties, the deliberate and controlled modification in particle size of a good occurs, including micronizing by dissolving a polymer and subsequent precipitation, other than by merely crushing or pressing, resulting in a good with a defined particle size, defined particle size distribution or defined surface area, that is relevant to the purposes of the resulting good and with different physical or chemical characteristics from the input materials.

14. Standards Materials Rule

Notwithstanding the applicable product-specific rules of origin, a standards material of chapter 28 through 38, except for a good of heading 35.01 through 35.05 or subheading 3824.60, is an originating good if the production of such good occurs in the territory of one or more of the Parties. For the purposes of this rule, a “standards material” (including a standard solution) is a preparation suitable for analytical,

calibrating or referencing uses with precise degrees of purity or proportions certified by the manufacturer.

15. Isomer Separation Rule

Notwithstanding the applicable product-specific rules of origin, a good of chapter 28 through 38 is an originating good if the isolation or separation of isomers from mixtures of isomers occurs in the territory of one or more of the Parties.

Tariff Reference (HS2012)	Product Description	Product Specific Rule of Origin
Chapter 1	LIVE ANIMALS	CC
Chapter 2	MEAT AND EDIBLE MEAT OFFAL	CC
Chapter 3	FISH AND CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES	
0301	Live fish.	CC
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04.	CC
0303	Fish, frozen, excluding fish fillets and other fish meat of heading 03.04.	CC
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen.	CTH or RVC(40)
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption.	CTH or RVC(40)
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption.	
0306.1	- Frozen :	
0306.11	-- Rock lobster and other sea crawfish (Palinurus spp., Panulirus spp., Jasus spp.)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.12	-- Lobsters (Homarus spp.)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.14	-- Crabs	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party

0306.15	-- Norway lobsters (<i>Nephrops norvegicus</i>)	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.16	-- Cold-water shrimps and prawns (<i>Pandalus</i> spp., <i>Crangon crangon</i>)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.17	-- Other shrimps and prawns	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.19	-- Other, including flours, meals and pellets of crustaceans, fit for human consumption	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.2	- Not frozen :	
0306.21	-- Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.22	-- Lobsters (<i>Homarus</i> spp.)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.24	-- Crabs	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.25	-- Norway lobsters (<i>Nephrops norvegicus</i>)	CC or RVC(BD45) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.26	-- Cold-water shrimps and prawns (<i>Pandalus</i> spp., <i>Crangon crangon</i>)	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party

0306.27	-- Other shrimps and prawns	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0306.29	-- Other, including flours, meals and pellets of crustaceans, fit for human consumption	CC or RVC(BD45) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process; flours, meals and pellets of molluscs, fit for human consumption.	
0307.1	- Oysters :	
0307.11	-- Live, fresh or chilled	CC
0307.19	-- Other	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.2	- Scallops, including queen scallops, of the genera Pecten, Chlamys or Placopecten :	
0307.21	-- Live, fresh or chilled	CC
0307.29	-- Other	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.3	- Mussels (Mytilus spp., Perna spp.) :	
0307.31	-- Live, fresh or chilled	CC
0307.39	-- Other	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.4	- Cuttle fish (Sepia officinalis, Rossia macrosoma, Sepiola spp.) and squid (Ommastrephes spp., Loligo spp., Nototodarus spp., Sepioteuthis spp.) :	
0307.41	-- Live, fresh or chilled	CC

0307.49	-- Other	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.5	- Octopus (Octopus spp.) :	
0307.51	-- Live, fresh or chilled	CC
0307.59	-- Other	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.60	- Snails, other than sea snails	CC or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.7	- Clams, cockles and ark shells (families Arcidae, Arctiidae, Cardiidae, Donacidae, Hiatellidae, Mactridae, Mesodesmatidae, Myidae, Semelidae, Solecurtidae, Solenidae, Tridacnidae and Veneridae) :	
0307.71	-- Live, fresh or chilled	CC or RVC(BD40)
0307.79	-- Other	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.8	- Abalone (Haliotis spp.) :	
0307.81	-- Live, fresh or chilled	CC
0307.89	-- Other	For abalone: CC or no change in tariff classification is required provided the good is smoked in the territory of a Party; For any other good: CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0307.9	- Other, including flours, meals and pellets, fit for human consumption :	

0307.91	-- Live, fresh or chilled	CC or RVC(BD40)
0307.99	-- Other	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0308	Aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; smoked aquatic invertebrates other than crustaceans and molluscs, whether or not cooked before or during the smoking process; flours, meals and pellets of aquatic invertebrates other than crustaceans and molluscs, fit for human consumption.	
0308.1	- Sea cucumbers (<i>Stichopus japonicus</i> , <i>Holothurioidea</i>) :	
0308.11	-- Live, fresh or chilled	CC or RVC(BD40)
0308.19	-- Other	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0308.2	- Sea urchins (<i>Strongylocentrotus</i> spp., <i>Paracentrotus lividus</i> , <i>Loxechinus albus</i> , <i>Echichinus esculentus</i>) :	
0308.21	-- Live, fresh or chilled	CC or RVC(BD40)
0308.29	-- Other	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0308.30	- Jellyfish (<i>Rhopilema</i> spp.)	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party
0308.90	- Other	CC or RVC(BD40) or no change in tariff classification is required provided the good is smoked in the territory of a Party

Chapter 4	DAIRY PRODUCE; BIRDS' EGGS; NATURAL HONEY; EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED	
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.	CTSH or RVC(40)
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter.	CTSH or RVC(40)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa.	CTSH or RVC(40)
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included.	CTSH or RVC(40)
0405	Butter and other fats and oils derived from milk; dairy spreads.	CTSH or RVC(40)
0406	Cheese and curd.	CTSH or RVC(40)
0407	Birds' eggs, in shell, fresh, preserved or cooked.	CC
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter.	CC or RVC(40)
0409	Natural honey.	CC or RVC(40)
0410	Edible products of animal origin, not elsewhere specified or included.	CC or RVC(40)
Chapter 5	PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED	CC
Chapter 6	LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE	CC
Chapter 7	EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS	CC
Chapter 8	EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUIT OR MELONS	

0801	Coconuts, Brazil nuts and cashew nuts, fresh or dried, whether or not shelled or peeled.	
0801.1	- Coconuts :	
0801.11	-- Desiccated	CC
0801.12	-- In the inner shell (endocarp)	CC
0801.19	-- Other	CC
0801.2	- Brazil nuts :	
0801.21	-- In shell	CC
0801.22	-- Shelled	CC
0801.3	- Cashew nuts :	
0801.31	-- In shell	CC
0801.32	-- Shelled	CTSH
0802	Other nuts, fresh or dried, whether or not shelled or peeled.	CC
0803	Bananas, including plantains, fresh or dried.	CC
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried.	CC
0805	Citrus fruit, fresh or dried.	CC
0806	Grapes, fresh or dried.	CC
0807	Melons (including watermelons) and papaws (papayas), fresh.	CC
0808	Apples, pears and quinces, fresh.	CC
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh.	CC
0810	Other fruit, fresh.	CC
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter.	CC

0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption.	CC
0813	Fruit, dried, other than that of headings 08.01 to 08.06; mixtures of nuts or dried fruits of this Chapter.	CC
0814	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions.	CC or RVC(BD45)
Chapter 9	COFFEE, TEA, MATÉ AND SPICES	
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion.	
0901.1	- Coffee, not roasted :	
0901.11	-- Not decaffeinated	CC or RVC(40)
0901.12	-- Decaffeinated	CTSH or RVC(40)
0901.2	- Coffee roasted :	CTSH or RVC(40)
0901.21	-- Not decaffeinated	CTSH or RVC(40)
0901.22	-- Decaffeinated	CTSH or RVC(40)
0901.90	- Other	CTSH or RVC(40)
0902	Tea, whether or not flavoured.	
0902.10	- Green tea (not fermented) in immediate packings of a content not exceeding 3 kg	CC or RVC(40)
0902.20	- Other green tea (not fermented)	CC or RVC(40)
0902.30	- Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg	CTSH or RVC(40)
0902.40	- Other black tea (fermented) and other partly fermented tea	CTSH or RVC(40)
0903	Maté.	CC or RVC(40)

0904	Pepper of the genus Piper; dried or crushed or ground fruits of the genus Capsicum or of the genus Pimenta.	
0904.1	- Pepper :	
0904.11	-- Neither crushed nor ground	CC or RVC(40)
0904.12	-- Crushed or ground	CTSH or RVC(40)
0904.2	- Fruits of the genus Capsicum or of the genus Pimenta :	
0904.21	-- Dried, neither crushed nor ground	CTSH or RVC(40)
0904.22	-- Crushed or ground	CTSH or RVC(40)
0905	Vanilla.	CC or RVC(40)
0906	Cinnamon and cinnamon-tree flowers.	
0906.1	- Neither crushed nor ground :	
0906.11	-- Cinnamon (Cinnamomum zeylanicum Blume)	CC or RVC(40)
0906.19	-- Other	CC or RVC(40)
0906.20	- Crushed or ground	CTSH or RVC(40)
0907	Cloves (whole fruit, cloves and stems).	CC or RVC(40)
0908	Nutmeg, mace and cardamoms.	
0908.1	- Nutmeg :	
0908.11	-- Neither crushed nor ground	CC or RVC(40)
0908.12	-- Crushed or ground	CC or RVC(40)
0908.2	- Mace :	
0908.21	-- Neither crushed nor ground	CC or RVC(40)
0908.22	-- Crushed or ground	CC or RVC(40)
0908.3	- Cardamoms :	
0908.31	-- Neither crushed nor ground	CC or RVC(40)
0908.32	-- Crushed or ground	CTSH or RVC(40)

0909	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries.	
0909.2	- Seeds of coriander :	
0909.21	-- Neither crushed nor ground	CC or RVC(40)
0909.22	-- Crushed or ground	CC or RVC(40)
0909.3	- Seeds of cumin :	
0909.31	-- Neither crushed nor ground	CC or RVC(40)
0909.32	-- Crushed or ground	CC or RVC(40)
0909.6	- Seeds of anise, badian, caraway or fennel; juniper berries :	
0909.61	-- Neither crushed nor ground	CC or RVC(40)
0909.62	-- Crushed or ground	CTSH or RVC(40)
0910	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices.	
0910.1	- Ginger :	
0910.11	-- Neither crushed nor ground	CC or RVC(40)
0910.12	-- Crushed or ground	CC or RVC(40)
0910.20	- Saffron	CC or RVC(40)
0910.30	- Turmeric (curcuma)	CC or RVC(40)
0910.9	- Other spices :	
0910.91	-- Mixtures referred to in Note 1 (b) to this Chapter	CTH or RVC(40)
0910.99	-- Other	CTSH or RVC(40)
Chapter 10	CEREALS	CC
Chapter 11	PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN	
1101	Wheat or meslin flour.	CC or RVC(40)
1102	Cereal flours other than of wheat or meslin.	CC or RVC(40)
1103	Cereal groats, meal and pellets.	
1103.1	- Groats and meal :	

1103.11	-- Of wheat	CC or RVC(40)
1103.13	-- Of maize (corn)	CC or RVC(40)
1103.19	-- Of other cereals	CC or RVC(40)
1103.20	- Pellets	CTSH or RVC(40)
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading 10.06; germ of cereals, whole, rolled, flaked or ground.	CC or RVC(40)
1105	Flour, meal, powder, flakes, granules and pellets of potatoes.	
1105.10	- Flour, meal and powder	CC or RVC(40)
1105.20	- Flakes, granules and pellets	CTSH or RVC(40)
1106	Flour, meal and powder of the dried leguminous vegetables of heading 07.13, of sago or of roots or tubers of heading 07.14 or of the products of Chapter 8.	CC or RVC(40)
1107	Malt, whether or not roasted.	
1107.10	- Not roasted	CC or RVC(40)
1107.20	- Roasted	CTSH or RVC(40)
1108	Starches; inulin.	CC or RVC(40)
1109	Wheat gluten, whether or not dried.	CC or RVC(40)
Chapter 12	OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER	CC
Chapter 13	LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	CC
Chapter 14	VEGETABLE PLAINTING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED	CC
Chapter 15	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES	
1501	Pig fat (including lard) and poultry fat, other than that of heading 02.09 or 15.03.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining

1502	Fats of bovine animals, sheep or goats, other than those of heading 15.03.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1503	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1505	Wool grease and fatty substances derived therefrom (including lanolin).	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1507	Soya-bean oil and its fractions, whether or not refined, but not chemically modified.	
1507.10	- Crude oil, whether or not degummed	CC or RVC(40)
1507.90	- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1508	Ground-nut oil and its fractions, whether or not refined, but not chemically modified.	
1508.10	- Crude oil	CC or RVC(40)
1508.90	- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1509	Olive oil and its fractions, whether or not refined, but not chemically modified.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1510	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 15.09.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining

1511	Palm oil and its fractions, whether or not refined, but not chemically modified.	CC or RVC(40)
1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified.	
1512.1	- Sunflower-seed or safflower oil and fractions thereof :	
1512.11	-- Crude oil	CC or RVC(40)
1512.19	-- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1512.2	- Cotton-seed oil and its fractions :	
1512.21	-- Crude oil, whether or not gossypol has been removed	CC or RVC(40)
1512.29	-- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1513	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified.	CC or RVC(40)
1514	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified.	
1514.1	- Low erucic acid rape or colza oil and its fractions :	
1514.11	-- Crude oil	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1514.19	-- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1514.9	- Other :	
1514.91	-- Crude oil	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining

1514.99	-- Other	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified.	
1515.1	- Linseed oil and its fractions :	
1515.11	-- Crude oil	CC or RVC(40)
1515.19	-- Other	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1515.2	- Maize (corn) oil and its fractions :	
1515.21	-- Crude oil	CC or RVC(40)
1515.29	-- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1515.30	- Castor oil and its fractions	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1515.50	- Sesame oil and its fractions	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1515.90	- Other	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining

1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 15.16.	
1517.10	- Margarine, excluding liquid margarine	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1517.90	- Other	CC or no change in tariff classification is required provided that the good is produced by refining
1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 15.16; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or included.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1520	Glycerol, crude; glycerol waters and glycerol lyes.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes.	CC or RVC(40) or no change in tariff classification is required provided that the good is produced by refining
Chapter 16	PREPARATIONS OF MEAT, OF FISH OR OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES	CC or RVC(40)
Chapter 17	SUGARS AND SUGAR CONFECTIONERY	
1701	Cane or beet sugar and chemically pure sucrose, in solid form.	CC or RVC(40)

1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel.	CTH or RVC(40)
1703	Molasses resulting from the extraction or refining of sugar.	CTH or RVC(40)
1704	Sugar confectionery (including white chocolate), not containing cocoa.	
1704.10	- Chewing gum, whether or not sugar-coated	CTH or RVC(40)
1704.90	- Other	CTH
Chapter 18	COCOA AND COCOA PREPARATIONS	
1801	Cocoa beans, whole or broken, raw or roasted.	CC or RVC(40)
1802	Cocoa shells, husks, skins and other cocoa waste.	CC or RVC(40)
1803	Cocoa paste, whether or not defatted.	CTH or RVC(40)
1804	Cocoa butter, fat and oil.	CTH or RVC(40)
1805	Cocoa powder, not containing added sugar or other sweetening matter.	CTH or RVC(40)
1806	Chocolate and other food preparations containing cocoa.	
1806.10	- Cocoa powder, containing added sugar or other sweetening matter	CTH or RVC(40)
1806.20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg	CTH
1806.3	- Other, in blocks, slabs or bars :	
1806.31	-- Filled	CTSH or RVC(40)
1806.32	-- Not filled	CTH or RVC(40)
1806.90	- Other	CTSH
Chapter 19	PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRYCOOKS' PRODUCTS	

1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 04.01 to 04.04, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included.	
1901.10	- Preparations for infant use, put up for retail sale	CC or RVC(40)
1901.20	- Mixes and doughs for the preparation of bakers' wares of heading 19.05	CTSH or RVC(BU30/BD40)
1901.90	- Other	CTSH or RVC(BU30/BD40)
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared.	
1902.1	- Uncooked pasta, not stuffed or otherwise prepared :	
1902.11	-- Containing eggs	CTSH or RVC(BU30/BD40)
1902.19	-- Other	CTSH or RVC(BU30/BD40)
1902.20	- Stuffed pasta, whether or not cooked or otherwise prepared	CC or RVC(40)
1902.30	- Other pasta	CTSH or RVC(BU30/BD40)
1902.40	- Couscous	CC or RVC(40)
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms.	CC or RVC(40)
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included.	CC or RVC(40)

1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.	
1905.10	- Crispbread	CTH or RVC(40)
1905.20	- Gingerbread and the like	CTH or RVC(40)
1905.3	- Sweet biscuits; waffles and wafers :	
1905.31	-- Sweet biscuits	CTSH or RVC(BU30/BD40)
1905.32	-- Waffles and wafers	CTH or RVC(40)
1905.40	- Rusks, toasted bread and similar toasted products	CTH or RVC(40)
1905.90	- Other	CTSH or RVC(BU30/BD40)
Chapter 20	PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS	
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid.	CC or RVC(40)
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid.	CC or RVC(40)
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid.	CC or RVC(40)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 20.06.	CC or RVC(40)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06.	CC or RVC(40)
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised).	CC or RVC(40)
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter.	
2007.10	- Homogenised preparations	CTH
2007.9	- Other :	

2007.91	-- Citrus fruit	CTH or RVC(40)
2007.99	-- Other	CTH or RVC(40)
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included.	CC or RVC(40)
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	CC or RVC(40)
Chapter 21	MISCELLANEOUS EDIBLE PREPARATIONS	
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof.	CC or RVC(40)
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 30.02); prepared baking powders.	CC or RVC(40)
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard.	
2103.10	- Soya sauce	CTH or RVC(40)
2103.20	- Tomato ketchup and other tomato sauces	CTSH or RVC(40)
2103.30	- Mustard flour and meal and prepared mustard	CTH or RVC(40)
2103.90	- Other	CTSH or RVC(40)
2104	Soups and broths and preparations therefor; homogenised composite food preparations.	CTSH or RVC(40)
2105	Ice cream and other edible ice, whether or not containing cocoa.	CTH or RVC(40)
2106	Food preparations not elsewhere specified or included.	
2106.10	- Protein concentrates and textured protein substances	CTSH or RVC(40)

2106.90	- Other	CTSH or RVC(BU30/BD40)
Chapter 22	BEVERAGES, SPIRITS AND VINEGAR	
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow.	CC or RVC(40)
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 20.09.	
2202.10	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	CTH
2202.90	- Other	CC or RVC(40)
2203	Beer made from malt.	CC or RVC(40)
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 20.09.	
2204.10	- Sparkling wine	CTSH or RVC(40)
2204.2	- Other wine; grape must with fermentation prevented or arrested by the addition of alcohol :	
2204.21	-- In containers holding 2 l or less	CTSH except from 2204.29 or RVC(40)
2204.29	-- Other	CTSH or RVC(40)
2204.30	- Other grape must	CC or RVC(40)
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances.	CTH or RVC(40)
2206	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included.	CC or RVC(40)
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher; ethyl alcohol and other spirits, denatured, of any strength.	CTH or RVC(40)

2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages.	CTH or RVC(40)
2209	Vinegar and substitutes for vinegar obtained from acetic acid.	CTH or RVC(40)
Chapter 23	RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER	
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves.	CC or RVC(40)
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants.	CTH or RVC(40)
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets.	CC or RVC(40)
2304	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soyabean oil.	CTH or RVC(40)
2305	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of ground-nut oil.	CTH or RVC(40)
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading 23.04 or 23.05.	CTH or RVC(40)
2307	Wine lees; argol.	CTH or RVC(40)
2308	Vegetable materials and vegetable waste, vegetable residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included.	CTH or RVC(40)
2309	Preparations of a kind used in animal feeding.	CTH or RVC(40)
Chapter 24	TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES	
2401	Unmanufactured tobacco; tobacco refuse.	CC or RVC(40)
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.	CTH or RVC(40)

2403	Other manufactured tobacco and manufactured tobacco substitutes; “homogenised” or “reconstituted” tobacco; tobacco extracts and essences.	CTH or RVC(40)
Chapter 25	SALT; SULPHUR; EARTHS AND STONE; PLASTERING MATERIALS, LIME AND CEMENT	
2501	Salt (including table salt and denatured salt) and pure sodium chloride, whether or not in aqueous solution or containing added anti-caking or free-flowing agents; sea water.	CTH or RVC(40)
2502	Unroasted iron pyrites.	CTH or RVC(40)
2503	Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur.	CTH or RVC(40)
2504	Natural graphite.	CTH or RVC(40)
2505	Natural sands of all kinds, whether or not coloured, other than metalbearing sands of Chapter 26.	CTH or RVC(40)
2506	Quartz (other than natural sands); quartzite, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape.	CTH or RVC(40)
2507	Kaolin and other kaolinic clays, whether or not calcined.	CTH or RVC(40)
2508	Other clays (not including expanded clays of heading 68.06), andalusite, kyanite and sillimanite, whether or not calcined; mullite; chamotte or dinas earths.	CTH or RVC(40)
2509	Chalk.	CTH or RVC(40)
2510	Natural calcium phosphates, natural aluminium calcium phosphates and phosphatic chalk.	CTH or RVC(40)
2511	Natural barium sulphate (barytes); natural barium carbonate (witherite), whether or not calcined, other than barium oxide of heading 28.16.	CTH or RVC(40)
2512	Siliceous fossil meals (for example, kieselguhr, tripolite and diatomite) and similar siliceous earths, whether or not calcined, of an apparent specific gravity of 1 or less.	CTH or RVC(40)
2513	Pumice stone; emery; natural corundum, natural garnet and other natural abrasives, whether or not heat-treated.	CTH or RVC(40)

2514	Slate, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape.	CTH or RVC(40)
2515	Marble, travertine, ecaussine and other calcareous monumental or building stone of an apparent specific gravity of 2.5 or more, and alabaster, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape.	CTH or RVC(40)
2516	Granite, porphyry, basalt, sandstone and other monumental or building stone, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape.	CTH or RVC(40)
2517	Pebbles, gravel, broken or crushed stone, of a kind commonly used for concrete aggregates, for road metalling or for railway or other ballast, shingle and flint, whether or not heat-treated; macadam of slag, dross or similar industrial waste, whether or not incorporating the materials cited in the first part of the heading; tarred macadam; granules, chippings and powder, of stones of heading 25.15 or 25.16, whether or not heat-treated.	CTH or RVC(40)
2518	Dolomite, whether or not calcined or sintered, including dolomite roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape; dolomite ramming mix.	CTH or RVC(40)
2519	Natural magnesium carbonate (magnesite); fused magnesia; dead-burned (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering; other magnesium oxide, whether or not pure.	CTH or RVC(40)
2520	Gypsum; anhydrite; plasters (consisting of calcined gypsum or calcium sulphate) whether or not coloured, with or without small quantities of accelerators or retarders.	CTH or RVC(40)
2521	Limestone flux; limestone and other calcareous stone, of a kind used for the manufacture of lime or cement.	CTH or RVC(40)

2522	Quicklime, slaked lime and hydraulic lime, other than calcium oxide and hydroxide of heading 28.25.	CTH or RVC(40)
2523	Portland cement, aluminous cement, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinkers.	
2523.10	- Cement clinkers	CTH or RVC(40)
2523.2	- Portland cement :	
2523.21	-- White cement, whether or not artificially coloured	CTSH except from subheadings 2523.29 to 2523.90 or RVC(40)
2523.29	-- Other	CTSH except from subheadings 2523.21, 2523.30 and 2523.90 or RVC(40)
2523.30	- Aluminous cement	CTH or RVC(40)
2523.90	- Other hydraulic cements	CTH or RVC(40)
2524	Asbestos.	CTH or RVC(40)
2525	Mica, including splitting; mica waste.	
2525.10	- Crude mica and mica rifted into sheets or splitting	CTH or RVC(40)
2525.20	- Mica powder	CTH or RVC(40)
2525.30	- Mica waste	CTSH
2526	Natural steatite, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape; talc.	CTH or RVC(40)
2528	Natural borates and concentrates thereof (whether or not calcined), but not including borates separated from natural brine; natural boric acid containing not more than 85 % of H3BO3 calculated on the dry weight.	CTH or RVC(40)
2529	Feldspar; leucite, nepheline and nepheline syenite; fluorspar.	CTH or RVC(40)

2530	Mineral substances not elsewhere specified or included.	CTH or RVC(40)
Chapter 26	ORES, SLAG AND ASH	
2601	Iron ores and concentrates, including roasted iron pyrites.	
2601.1	- Iron ores and concentrates, other than roasted iron pyrites :	
2601.11	-- Non-agglomerated	CTH or RVC(40)
2601.12	-- Agglomerated	CTH or RVC(40)
2601.20	- Roasted iron pyrites	CTH or RVC(40)
2602	Manganese ores and concentrates, including ferruginous manganese ores and concentrates with a manganese content of 20 % or more, calculated on the dry weight.	CTH or RVC(40)
2603	Copper ores and concentrates.	CTH or RVC(40)
2604	Nickel ores and concentrates.	CTH or RVC(40)
2605	Cobalt ores and concentrates.	CTH or RVC(40)
2606	Aluminium ores and concentrates.	CTH or RVC(40)
2607	Lead ores and concentrates.	CTH or RVC(40)
2608	Zinc ores and concentrates.	CTH or RVC(40)
2609	Tin ores and concentrates.	CTH or RVC(40)
2610	Chromium ores and concentrates.	CTH or RVC(40)
2611	Tungsten ores and concentrates.	CTH or RVC(40)
2612	Uranium or thorium ores and concentrates.	CTH or RVC(40)
2613	Molybdenum ores and concentrates.	CTH or RVC(40)
2614	Titanium ores and concentrates.	CTH or RVC(40)
2615	Niobium, tantalum, vanadium or zirconium ores and concentrates.	CTH or RVC(40)
2616	Precious metal ores and concentrates.	CTH or RVC(40)
2617	Other ores and concentrates.	CTH or RVC(40)

2618	Granulated slag (slag sand) from the manufacture of iron or steel.	CTH or RVC(40)
2619	Slag, dross (other than granulated slag), scalings and other waste from the manufacture of iron or steel.	CTH
2620	Slag, ash and residues (other than from the manufacture of iron or steel) containing metals, arsenic or their compounds.	CTH
2621	Other slag and ash, including seaweed ash (kelp); ash and residues from the incineration of municipal waste.	CTH
Chapter 27	MINERAL FUELS, MINERAL OILS AND PRODUCTS OF THEIR DISTILLATION; BITUMINOUS SUBSTANCES; MINERAL WAXES	
2701	Coal; briquettes, ovoids and similar solid fuels manufactured from coal.	CTH
2702	Lignite, whether or not agglomerated, excluding jet.	CTH
2703	Peat (including peat litter), whether or not agglomerated.	CTH
2704	Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon.	CTH
2705	Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons.	CTH
2706	Tar distilled from coal, from lignite or from peat, and other mineral tars, whether or not dehydrated or partially distilled, including reconstituted tars.	CTH
2707	Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents.	CTH or RVC(40)
2708	Pitch and pitch coke, obtained from coal tar or from other mineral tars.	CTH
2709	Petroleum oils and oils obtained from bituminous minerals, crude.	CTH

2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils.	CTH or RVC(40)
2711	Petroleum gases and other gaseous hydrocarbons.	CTH or RVC(40)
2712	Petroleum jelly; paraffin wax, micro-crystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.	CTH or RVC(40)
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals.	CTH or RVC(40)
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks.	CTH or RVC(40)
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs).	CTH or RVC(40)
2716	Electrical energy. (optional heading)	CTH or RVC(40)
Chapter 28	INORGANIC CHEMICALS; ORGANIC OR INORGANIC COMPOUNDS OF PRECIOUS METALS, OF RARE-EARTH METALS, OF RADIOACTIVE ELEMENTS OR OF ISOTOPES	
2801	Fluorine, chlorine, bromine and iodine.	
2801.10	- Chlorine	CTSH or RVC(40)
2801.20	- Iodine	CTSH or RVC(40)
2801.30	- Fluorine; bromine	CTH or RVC(40)
2802	Sulphur, sublimed or precipitated; colloidal sulphur.	CTH or RVC(40)
2803	Carbon (carbon blacks and other forms of carbon not elsewhere specified or included).	CTH or RVC(40)
2804	Hydrogen, rare gases and other non-metals.	CTSH or RVC(40)

2805	Alkali or alkaline-earth metals; rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed; mercury.	CTSH or RVC(40)
2806	Hydrogen chloride (hydrochloric acid); chlorosulphuric acid.	CTSH or RVC(40)
2807	Sulphuric acid; oleum.	CTH or RVC(40)
2808	Nitric acid; sulphonitric acids.	CTH or RVC(40)
2809	Diphosphorus pentaoxide; phosphoric acid; polyphosphoric acids, whether or not chemically defined.	CTSH or RVC(40)
2810	Oxides of boron; boric acids.	CTH or RVC(40)
2811	Other inorganic acids and other inorganic oxygen compounds of non-metals.	CTSH or RVC(40)
2812	Halides and halide oxides of non-metals.	CTSH or RVC(40)
2813	Sulphides of non-metals; commercial phosphorus trisulphide.	CTSH or RVC(40)
2814	Ammonia, anhydrous or in aqueous solution.	CTH or RVC(40)
2815	Sodium hydroxide (caustic soda); potassium hydroxide (caustic potash); peroxides of sodium or potassium.	
2815.1	- Sodium hydroxide (caustic soda) :	
2815.11	-- Solid	CTSH except from subheading 2815.12 or RVC(40)
2815.12	-- In aqueous solution (soda lye or liquid soda)	CTSH except from subheading 2815.11 or RVC(40)
2815.20	- Potassium hydroxide (caustic potash)	CTSH or RVC(40)
2815.30	- Peroxides of sodium or potassium	CTSH or RVC(40)
2816	Hydroxide and peroxide of magnesium; oxides, hydroxides and peroxides, of strontium or barium.	CTSH or RVC(40)
2817	Zinc oxide; zinc peroxide.	CTH
2818	Artificial corundum, whether or not chemically defined; aluminium oxide; aluminium hydroxide.	CTSH or RVC(40)
2819	Chromium oxides and hydroxides.	CTSH or RVC(40)

2820	Manganese oxides.	CTSH or RVC(40)
2821	Iron oxides and hydroxides; earth colours containing 70 % or more by weight of combined iron evaluated as Fe₂O₃.	CTSH or RVC(40)
2822	Cobalt oxides and hydroxides; commercial cobalt oxides.	CTH
2823	Titanium oxides.	CTH or RVC(40)
2824	Lead oxides; red lead and orange lead.	CTSH or RVC(40)
2825	Hydrazine and hydroxylamine and their inorganic salts; other inorganic bases; other metal oxides, hydroxides and peroxides.	CTSH or RVC(40)
2826	Fluorides; fluorosilicates, fluoroaluminates and other complex fluorine salts.	CTSH or RVC(40)
2827	Chlorides, chloride oxides and chloride hydroxides; bromides and bromide oxides; iodides and iodide oxides.	CTSH or RVC(40)
2828	Hypochlorites; commercial calcium hypochlorite; chlorites; hypobromites.	CTSH or RVC(40)
2829	Chlorates and perchlorates; bromates and perbromates; iodates and periodates.	CTSH or RVC(40)
2830	Sulphides; polysulphides, whether or not chemically defined.	CTSH or RVC(40)
2831	Dithionites and sulphonylates.	CTSH or RVC(40)
2832	Sulphites; thiosulphates.	CTSH or RVC(40)
2833	Sulphates; alums; peroxosulphates (persulphates).	CTSH or RVC(40)
2834	Nitrites; nitrates.	CTSH or RVC(40)
2835	Phosphinates (hypophosphites), phosphonates (phosphites) and phosphates; polyphosphates, whether or not chemically defined.	CTSH or RVC(40)
2836	Carbonates; peroxocarbonates (percarbonates); commercial ammonium carbonate containing ammonium carbamate.	CTSH or RVC(40)
2837	Cyanides, cyanide oxides and complex cyanides.	CTSH or RVC(40)
2839	Silicates; commercial alkali metal silicates.	CTSH or RVC(40)
2840	Borates; peroxoborates (perborates).	CTSH or RVC(40)
2841	Salts of oxometallic or peroxometallic acids.	CTSH or RVC(40)

2842	Other salts of inorganic acids or peroxyacids (including aluminosilicates whether or not chemically defined), other than azides.	CTSH or RVC(40)
2843	Colloidal precious metals; inorganic or organic compounds of precious metals, whether or not chemically defined; amalgams of precious metals.	CTSH or RVC(40)
2844	Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.	CTSH or RVC(40)
2845	Isotopes other than those of heading 28.44; compounds, inorganic or organic, of such isotopes, whether or not chemically defined.	CTH or RVC(40)
2846	Compounds, inorganic or organic, of rare-earth metals, of yttrium or of scandium or of mixtures of these metals.	CTSH or RVC(40)
2847	Hydrogen peroxide, whether or not solidified with urea.	CTH or RVC(40)
2848	Phosphides, whether or not chemically defined, excluding ferrophosphorus.	CTH or RVC(40)
2849	Carbides, whether or not chemically defined.	CTSH or RVC(40)
2850	Hydrides, nitrides, azides, silicides and borides, whether or not chemically defined, other than compounds which are also carbides of heading 28.49.	CTH or RVC(40)
2852	Inorganic or organic compounds of mercury, whether or not chemically defined, excluding amalgams.	
2852.10	- Chemically defined	CTH or RVC(40)
2852.90	- Other	CTSH or RVC(40)
2853	Other inorganic compounds (including distilled or conductivity water and water of similar purity); liquid air (whether or not rare gases have been removed); compressed air; amalgams, other than amalgams of precious metals.	CTH or RVC(40)
Chapter 29	ORGANIC CHEMICALS	
2901	Acyclic hydrocarbons.	CTSH or RVC(40)

2902	Cyclic hydrocarbons.	CTSH or RVC(40)
2903	Halogenated derivatives of hydrocarbons.	CTSH or RVC(40)
2904	Sulphonated, nitrated or nitrosated derivatives of hydrocarbons, whether or not halogenated.	CTSH or RVC(40)
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2906	Cyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2907	Phenols; phenol-alcohols.	CTSH or RVC(40)
2908	Halogenated, sulphonated, nitrated or nitrosated derivatives of phenols or phenol-alcohols.	CTH or RVC(40)
2909	Ethers, ether-alcohols, ether-phenols, ether-alcohol-phenols, alcohol peroxides, ether peroxides, ketone peroxides (whether or not chemically defined), and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2910	Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2911	Acetals and hemiacetals, whether or not with other oxygen function, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2912	Aldehydes, whether or not with other oxygen function; cyclic polymers of aldehydes; paraformaldehyde.	CTSH or RVC(40)
2913	Halogenated, sulphonated, nitrated or nitrosated derivatives of products of heading 29.12.	CTSH or RVC(40)
2914	Ketones and quinones, whether or not with other oxygen function, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2916	Unsaturated acyclic monocarboxylic acids, cyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)

2917	Polycarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2918	Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2919	Phosphoric esters and their salts, including lactophosphates; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTH or RVC(40)
2920	Esters of other inorganic acids of non-metals (excluding esters of hydrogen halides) and their salts; their halogenated, sulphonated, nitrated or nitrosated derivatives.	CTSH or RVC(40)
2921	Amine-function compounds.	CTSH or RVC(40)
2922	Oxygen-function amino-compounds.	CTSH or RVC(40)
2923	Quaternary ammonium salts and hydroxides; lecithins and other phosphoaminolipids, whether or not chemically defined.	CTSH or RVC(40)
2924	Carboxamide-function compounds; amide-function compounds of carbonic acid.	CTSH or RVC(40)
2925	Carboximide-function compounds (including saccharin and its salts) and imine-function compounds.	CTSH or RVC(40)
2926	Nitrile-function compounds.	CTSH or RVC(40)
2927	Diazo-, azo- or azoxy-compounds.	CTH or RVC(40)
2928	Organic derivatives of hydrazine or of hydroxylamine.	CTH or RVC(40)
2929	Compounds with other nitrogen function.	CTSH or RVC(40)
2930	Organo-sulphur compounds.	CTSH or RVC(40)
2931	Other organo-inorganic compounds.	CTH or RVC(40)
2932	Heterocyclic compounds with oxygen hetero-atom(s) only.	CTSH or RVC(40)
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only.	CTSH or RVC(40)
2934	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds.	CTSH or RVC(40)

2935	Sulphonamides.	CTH or RVC(40)
2936	Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent.	CTSH or RVC(40)
2937	Hormones, prostaglandins, thromboxanes and leukotrienes, natural or reproduced by synthesis; derivatives and structural analogues thereof, including chain modified polypeptides, used primarily as hormones.	CTH or RVC(40)
2938	Glycosides, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives.	
2938.10	- Rutoside (rutin) and its derivatives	CTH or RVC(40)
2938.90	- Other	CTH or RVC(40)
2939	Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives.	CTH or RVC(40)
2940	Sugars, chemically pure, other than sucrose, lactose, maltose, glucose and fructose; sugar ethers, sugar acetals and sugar esters, and their salts, other than products of heading 29.37, 29.38 or 29.39.	CTH or RVC(40)
2941	Antibiotics.	CTH or RVC(40)
2942	Other organic compounds.	CTH
Chapter 30	PHARMACEUTICAL PRODUCTS	CTSH or RVC(40)
Chapter 31	FERTILISERS	
3101	Animal or vegetable fertilisers, whether or not mixed together or chemically treated; fertilisers produced by the mixing or chemical treatment of animal or vegetable products.	CTH or RVC(40)
3102	Mineral or chemical fertilisers, nitrogenous.	CTSH or RVC(40)
3103	Mineral or chemical fertilisers, phosphatic.	CTSH or RVC(40)
3104	Mineral or chemical fertilisers, potassic.	CTSH or RVC(40)

3105	Mineral or chemical fertilisers containing two or three of the fertilising elements nitrogen, phosphorus and potassium; other fertilisers; goods of this Chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg.	
3105.10	- Goods of this Chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg	CC or RVC(40)
3105.20	- Mineral or chemical fertilisers containing the three fertilising elements nitrogen, phosphorus and potassium	CTSH or RVC(40)
3105.30	- Diammonium hydrogenorthophosphate (diammonium phosphate)	CTSH or RVC(40)
3105.40	- Ammonium dihydrogenorthophosphate (monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (diammonium phosphate)	CTSH or RVC(40)
3105.5	- Other mineral or chemical fertilisers containing the two fertilising elements nitrogen and phosphorus :	
3105.51	-- Containing nitrates and phosphates	CTSH or RVC(40)
3105.59	-- Other	CTSH or RVC(40)
3105.60	- Mineral or chemical fertilisers containing the two fertilising elements phosphorus and potassium	CTSH or RVC(40)
3105.90	- Other	CTSH or RVC(40)
Chapter 32	TANNING OR DYEING EXTRACTS; TANNINS AND THEIR DERIVATIVES; DYES, PIGMENTS AND OTHER COLOURING MATTER; PAINTS AND VARNISHES; PUTTY AND OTHER MASTICS; INKS	
3201	Tanning extracts of vegetable origin; tannins and their salts, ethers, esters and other derivatives.	CTSH or RVC(40)
3202	Synthetic organic tanning substances; inorganic tanning substances; tanning preparations, whether or not containing natural tanning substances; enzymatic preparations for pre-tanning.	CTSH or RVC(40)

3203	Colouring matter of vegetable or animal origin (including dyeing extracts but excluding animal black), whether or not chemically defined; preparations as specified in Note 3 to this Chapter based on colouring matter of vegetable or animal origin.	CTH or RVC(40)
3204	Synthetic organic colouring matter, whether or not chemically defined; preparations as specified in Note 3 to this Chapter based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined.	
3204.1	- Synthetic organic colouring matter and preparations based thereon as specified in Note 3 to this Chapter :	
3204.11	-- Disperse dyes and preparations based thereon	CTSH or RVC(40)
3204.12	-- Acid dyes, whether or not premetallised, and preparations based thereon; mordant dyes and preparations based thereon	CTSH or RVC(40)
3204.13	-- Basic dyes and preparations based thereon	CTSH or RVC(40)
3204.14	-- Direct dyes and preparations based thereon	CTSH or RVC(40)
3204.15	-- Vat dyes (including those usable in that state as pigments) and preparations based thereon	CTSH or RVC(40)
3204.16	-- Reactive dyes and preparations based thereon	CTSH or RVC(40)
3204.17	-- Pigments and preparations based thereon	CTSH or RVC(40)
3204.19	-- Other, including mixtures of colouring matter of two or more of the subheadings 3204.11 to 3204.19	CTSH except from subheadings 3204.11 to 3204.17 or RVC(40)
3204.20	- Synthetic organic products of a kind used as fluorescent brightening agents	CTSH or RVC(40)
3204.90	- Other	CTSH or RVC(40)
3205	Colour lakes; preparations as specified in Note 3 to this Chapter based on colour lakes.	CTH or RVC(40)
3206	Other colouring matter; preparations as specified in Note 3 to this Chapter, other than those of heading 32.03, 32.04 or 32.05; inorganic products of a kind used as luminophores, whether or not chemically defined.	

3206.1	- Pigments and preparations based on titanium dioxide :	
3206.11	-- Containing 80 % or more by weight of titanium dioxide calculated on the dry matter	CTSH except from subheading 3206.19 or RVC(40)
3206.19	-- Other	CTSH except from subheading 3206.11 or RVC(40)
3206.20	- Pigments and preparations based on chromium compounds	CTSH or RVC(40)
3206.4	- Other colouring matter and other preparations :	
3206.41	-- Ultramarine and preparations based thereon	CTSH or RVC(40)
3206.42	-- Lithopone and other pigments and preparations based on zinc sulphide	CTSH or RVC(40)
3206.49	-- Other	CTSH or RVC(40)
3206.50	- Inorganic products of a kind used as luminophores	CTSH or RVC(40)
3207	Prepared pigments, prepared opacifiers and prepared colours, vitrifiable enamels and glazes, engobes (slips), liquid lustres and similar preparations, of a kind used in the ceramic, enamelling or glass industry; glass frit and other glass, in the form of powder, granules or flakes.	CTSH or RVC(40)
3208	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium; solutions as defined in Note 4 to this Chapter.	CTSH
3209	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in an aqueous medium.	CTSH
3210	Other paints and varnishes (including enamels, lacquers and distempers); prepared water pigments of a kind used for finishing leather.	CTH or RVC(40)
3211	Prepared driers.	CTSH or RVC(40)

3212	Pigments (including metallic powders and flakes) dispersed in non-aqueous media, in liquid or paste form, of a kind used in the manufacture of paints (including enamels); stamping foils; dyes and other colouring matter put up in forms or packings for retail sale.	
3212.10	- Stamping foils	CTSH or RVC(40)
3212.90	- Other	CTSH
3213	Artists', students' or signboard painters' colours, modifying tints, amusement colours and the like, in tablets, tubes, jars, bottles, pans or in similar forms or packings.	CTH or RVC(40)
3214	Glaziers' putty, grafting putty, resin cements, caulking compounds and other mastics; painters' fillings; non-refractory surfacing preparations for façades, indoor walls, floors, ceilings or the like.	CTSH or RVC(40)
3215	Printing ink, writing or drawing ink and other inks, whether or not concentrated or solid.	CTH or RVC(40)
Chapter 33	ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETIC OR TOILET PREPARATIONS	
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils.	CTSH or RVC(40)
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages.	CTH or RVC(40)
3303	Perfumes and toilet waters.	CTH except from subheading 3302.90 or RVC(40)

3304	Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations.	
3304.10	- Lip make-up preparations	CTH or RVC(40)
3304.20	- Eye make-up preparations	CTH or RVC(40)
3304.30	- Manicure or pedicure preparations	CTH or RVC(40)
3304.9	- Other :	
3304.91	-- Powders, whether or not compressed	CTH
3304.99	-- Other	CTH
3305	Preparations for use on the hair.	
3305.10	- Shampoos	CTH
3305.20	- Preparations for permanent waving or straightening	CTH or RVC(40)
3305.30	- Hair lacquers	CTH or RVC(40)
3305.90	- Other	CTH or RVC(40)
3306	Preparations for oral or dental hygiene, including denture fixative pastes and powders; yarn used to clean between the teeth (dental floss), in individual retail packages.	
3306.10	- Dentifrices	CTH or RVC(40)
3306.20	- Yarn used to clean between the teeth (dental floss)	CTH or RVC(40)
3306.90	- Other	CTH
3307	Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties.	
3307.10	- Pre-shave, shaving or after-shave preparations	CTH or RVC(40)
3307.20	- Personal deodorants and antiperspirants	CTH or RVC(40)

3307.30	- Perfumed bath salts and other bath preparations	CTH or RVC(40)
3307.4	- Preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites :	
3307.41	-- “Agarbatti” and other odoriferous preparations which operate by burning	CTH or RVC(40)
3307.49	-- Other	CTH or RVC(40)
3307.90	- Other	CTH
Chapter 34	SOAP, ORGANIC SURFACE-ACTIVE AGENTS, WASHING PREPARATIONS, LUBRICATING PREPARATIONS, ARTIFICIAL WAXES, PREPARED WAXES, POLISHING OR SCOURING PREPARATIONS, CANDLES AND SIMILAR ARTICLES, MODELLING PASTES, ‘DENTAL WAXES’ AND DENTAL PREPARATION	
3401	Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, moulded pieces or shapes, whether or not containing soap; organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap; paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent.	CTH or RVC(40)
3402	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading 34.01.	
3402.1	- Organic surface-active agents, whether or not put up for retail sale :	
3402.11	-- Anionic	CTSH or RVC(40)
3402.12	-- Cationic	CTSH or RVC(40)
3402.13	-- Non-ionic	CTSH or RVC(40)

3402.19	-- Other	CTSH or RVC(40)
3402.20	- Preparations put up for retail sale	CTSH except from subheading 3402.90
3402.90	- Other	CTH or RVC(40)
3403	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals.	CTSH or RVC(40)
3404	Artificial waxes and prepared waxes.	
3404.20	- Of poly(oxyethylene) (polyethylene glycol)	CTSH or RVC(40)
3404.90	- Other	CTSH or RVC(BD40)
3405	Polishes and creams, for footwear, furniture, floors, coachwork, glass or metal, scouring pastes and powders and similar preparations (whether or not in the form of paper, wadding, felt, nonwovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of heading 34.04.	
3405.10	- Polishes, creams and similar preparations for footwear or leather	CTSH or RVC(40)
3405.20	- Polishes, creams and similar preparations for the maintenance of wooden furniture, floors or other woodwork	CTSH or RVC(40)
3405.30	- Polishes and similar preparations for coachwork, other than metal polishes	CTSH or RVC(40)
3405.40	- Scouring pastes and powders and other scouring preparations	CTSH or RVC(40)
3405.90	- Other	CTH
3406	Candles, tapers and the like.	CTH or RVC(40)

3407	Modelling pastes, including those put up for children's amusement; preparations known as “dental wax” or as “dental impression compounds”, put up in sets, in packings for retail sale or in plates, horseshoe shapes, sticks or similar forms; other preparations for use in dentistry, with a basis of plaster (of calcined gypsum or calcium sulphate).	CTH or RVC(40)
Chapter 35	ALBUMINOIDAL SUBSTANCES; MODIFIED STARCHES; GLUES; ENZYMES	
3501	Casein, caseinates and other casein derivatives; casein glues.	CTSH or RVC(40)
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives.	CTSH or RVC(40)
3503	Gelatin (including gelatin in rectangular (including square) sheets, whether or not surface-worked or coloured) and gelatin derivatives; isinglass; other glues of animal origin, excluding casein glues of heading 35.01.	CTH or RVC(40)
3504	Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed.	CTH or RVC(40)
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches.	CTSH or RVC(40)
3506	Prepared glues and other prepared adhesives, not elsewhere specified or included; products suitable for use as glues or adhesives, put up for retail sale as glues or adhesives, not exceeding a net weight of 1 kg.	
3506.10	- Products suitable for use as glues or adhesives, put up for retail sale as glues or adhesives, not exceeding a net weight of 1 kg	CTSH except from heading 3503 or subheading 3501.90
3506.9	- Other :	
3506.91	-- Adhesives based on polymers of headings 39.01 to 39.13 or on rubber	CTSH or RVC(40)

3506.99	-- Other	CTSH
3507	Enzymes; prepared enzymes not elsewhere specified or included.	CTH or RVC(40)
Chapter 36	EXPLOSIVES; PYROTECHNIC PRODUCTS; MATCHES; PYROPHORIC ALLOYS; CERTAIN COMBUSTIBLE PREPARATIONS	CTH or RVC(40)
Chapter 37	PHOTOGRAPHIC OR CINEMATOGRAPHIC GOODS	
3701	Photographic plates and film in the flat, sensitised, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitised, unexposed, whether or not in packs.	CTH or RVC(40)
3702	Photographic film in rolls, sensitised, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitised, unexposed.	CTH or RVC(40)
3703	Photographic paper, paperboard and textiles, sensitised, unexposed.	CTH or RVC(40)
3704	Photographic plates, film, paper, paperboard and textiles, exposed but not developed.	CTH or RVC(40)
3705	Photographic plates and film, exposed and developed, other than cinematographic film.	CTH or RVC(40)
3706	Cinematographic film, exposed and developed, whether or not incorporating sound track or consisting only of sound track.	CTH or RVC(40)
3707	Chemical preparations for photographic uses (other than varnishes, glues, adhesives and similar preparations); unmixed products for photographic uses, put up in measured portions or put up for retail sale in a form ready for use.	CTSH or RVC(40)
Chapter 38	MISCELLANEOUS CHEMICAL PRODUCTS	
3801	Artificial graphite; colloidal or semi-colloidal graphite; preparations based on graphite or other carbon in the form of pastes, blocks, plates or other semi-manufactures.	CTSH or RVC(40)
3802	Activated carbon; activated natural mineral products; animal black, including spent animal black.	CTH or RVC(40)
3803	Tall oil, whether or not refined.	CTH or RVC(40)

3804	Residual lyes from the manufacture of wood pulp, whether or not concentrated, desugared or chemically treated, including lignin sulphonates, but excluding tall oil of heading 38.03.	CTH or RVC(40)
3805	Gum, wood or sulphate turpentine and other terpenic oils produced by the distillation or other treatment of coniferous woods; crude dipentene; sulphite turpentine and other crude para-cymene; pine oil containing alpha-terpineol as the main constituent.	CTH or RVC(40)
3806	Rosin and resin acids, and derivatives thereof; rosin spirit and rosin oils; run gums.	CTSH or RVC(40)
3807	Wood tar; wood tar oils; wood creosote; wood naphtha; vegetable pitch; brewers' pitch and similar preparations based on rosin, resin acids or on vegetable pitch.	CTH or RVC(40)
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers).	CTSH provided that at least 50 per cent by weight of the active ingredient or ingredients is originating or RVC(40)
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included.	CTSH or RVC(40)
3810	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding electrodes or rods.	CTH or RVC(40)
3811	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and other prepared additives, for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils.	CTH or RVC(40)

3812	Prepared rubber accelerators; compound plasticisers for rubber or plastics, not elsewhere specified or included; anti-oxidising preparations and other compound stabilisers for rubber or plastics.	CTH or RVC(40)
3813	Preparations and charges for fire-extinguishers; charged fire- extinguishing grenades.	CTH or RVC(40)
3814	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers.	CTH or RVC(40)
3815	Reaction initiators, reaction accelerators and catalytic preparations, not elsewhere specified or included.	CTH or RVC(40)
3816	Refractory cements, mortars, concretes and similar compositions, other than products of heading 38.01.	CTH or RVC(40)
3817	Mixed alkylbenzenes and mixed alkylnaphthalenes, other than those of heading 27.07 or 29.02.	CTH or RVC(40)
3818	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics.	CTH or RVC(40)
3819	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals.	CTH or RVC(40)
3820	Anti-freezing preparations and prepared de-icing fluids.	CTH or RVC(40)
3821	Prepared culture media for the development or maintenance of micro-organisms (including viruses and the like) or of plant, human or animal cells.	CTH or RVC(40)
3822	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, other than those of heading 30.02 or 30.06; certified reference materials.	CTH or RVC(40)
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols.	CTSH or RVC(40)

3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included.	CTSH or RVC(40)
3825	Residual products of the chemical or allied industries, not elsewhere specified or included; municipal waste; sewage sludge; other wastes specified in Note 6 to this Chapter.	CTH
3826	Biodiesel and mixtures thereof, not containing or containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals.	CTH or RVC(40)
Chapter 39	PLASTICS AND ARTICLES THEREOF	
3901	Polymers of ethylene, in primary forms.	CTH
3902	Polymers of propylene or of other olefins, in primary forms.	
3902.10	- Polypropylene	CTH
3902.20	- Polyisobutylene	CTH or RVC(40)
3902.30	- Propylene copolymers	CTH
3902.90	- Other	CTH
3903	Polymers of styrene, in primary forms.	
3903.1	- Polystyrene :	
3903.11	-- Expansible	CTH or RVC(40)
3903.19	-- Other	CTH
3903.20	- Styrene-acrylonitrile (SAN) copolymers	CTH or RVC(40)
3903.30	- Acrylonitrile-butadiene-styrene (ABS) copolymers	CTH
3903.90	- Other	CTH
3904	Polymers of vinyl chloride or of other halogenated olefins, in primary forms.	CTH or RVC(40)

3905	Polymers of vinyl acetate or of other vinyl esters, in primary forms; other vinyl polymers in primary forms.	
3905.1	- Poly(vinyl acetate) :	
3905.12	-- In aqueous dispersion	CTH or RVC(40)
3905.19	-- Other	CTH or RVC(40)
3905.2	- Vinyl acetate copolymers :	
3905.21	-- In aqueous dispersion	CTH or RVC(40)
3905.29	-- Other	CTH or RVC(40)
3905.30	- Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups	CTH
3905.9	- Other :	
3905.91	-- Copolymers	CTH or RVC(40)
3905.99	-- Other	CTH or RVC(40)
3906	Acrylic polymers in primary forms.	CTH
3907	Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters, in primary forms.	CTH or RVC(40)
3908	Polyamides in primary forms.	CTH
3909	Amino-resins, phenolic resins and polyurethanes, in primary forms.	
3909.10	- Urea resins; thiourea resins	CTH
3909.20	- Melamine resins	CTH or RVC(40)
3909.30	- Other amino-resins	CTH or RVC(40)
3909.40	- Phenolic resins	CTH
3909.50	- Polyurethanes	CTH
3910	Silicones in primary forms.	CTH

3911	Petroleum resins, coumarone-indene resins, polyterpenes, polysulphides, polysulphones and other products specified in Note 3 to this Chapter, not elsewhere specified or included, in primary forms.	
3911.10	- Petroleum resins, coumarone, indene or coumarone-indene resins and polyterpenes	CTH or RVC(40)
3911.90	- Other	CTH
3912	Cellulose and its chemical derivatives, not elsewhere specified or included, in primary forms.	CTH or RVC(40)
3913	Natural polymers (for example, alginic acid) and modified natural polymers (for example, hardened proteins, chemical derivatives of natural rubber), not elsewhere specified or included, in primary forms.	CTH or RVC(40)
3914	Ion-exchangers based on polymers of headings 39.01 to 39.13, in primary forms.	CTH or RVC(40)
3915	Waste, parings and scrap, of plastics.	CTH
3916	Monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface- worked but not otherwise worked, of plastics.	CTH or RVC(40)
3917	Tubes, pipes and hoses, and fittings therefor (for example, joints, elbows, flanges), of plastics.	CTSH
3918	Floor coverings of plastics, whether or not self-adhesive, in rolls or in the form of tiles; wall or ceiling coverings of plastics, as defined in Note 9 to this Chapter.	CTH or RVC(40)
3919	Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls.	CTH or RVC(BU30/BD40)
3920	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials.	
3920.10	- Of polymers of ethylene	CTSH
3920.20	- Of polymers of propylene	CTH or RVC(40)
3920.30	- Of polymers of styrene	CTH or RVC(40)

3920.4	- Of polymers of vinyl chloride :	
3920.43	-- Containing by weight not less than 6 % of plasticisers	CTSH
3920.49	-- Other	CTSH
3920.5	- Of acrylic polymers :	
3920.51	-- Of poly(methyl methacrylate)	CTH or RVC(40)
3920.59	-- Other	CTH or RVC(40)
3920.6	- Of polycarbonates, alkyd resins, polyallyl esters or other polyester :	
3920.61	-- Of polycarbonates	CTH or RVC(40)
3920.62	-- Of poly(ethylene terephthalate)	CTH or RVC(40)
3920.63	-- Of unsaturated polyesters	CTH or RVC(40)
3920.69	-- Of other polyesters	CTH or RVC(40)
3920.7	- Of cellulose or its chemical derivatives :	
3920.71	-- Of regenerated cellulose	CTH or RVC(40)
3920.73	-- Of cellulose acetate	CTH or RVC(40)
3920.79	-- Of other cellulose derivatives	CTH or RVC(40)
3920.9	- Of other plastics :	
3920.91	-- Of poly(vinyl butyral)	CTH or RVC(40)
3920.92	-- Of polyamides	CTSH
3920.93	-- Of amino-resins	CTH or RVC(40)
3920.94	-- Of phenolic resins	CTH or RVC(40)
3920.99	-- Of other plastics	CTH or RVC(40)
3921	Other plates, sheets, film, foil and strip, of plastics.	CTH or RVC(40)
3922	Baths, shower-baths, sinks, wash-basins, bidets, lavatory pans, seats and covers, flushing cisterns and similar sanitary ware, of plastics.	CTH or RVC(40)

3923	Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics.	CTH or RVC(40)
3924	Tableware, kitchenware, other household articles and hygienic or toilet articles, of plastics.	CTH or RVC(40)
3925	Builders' ware of plastics, not elsewhere specified or included.	CTH or RVC(40)
3926	Other articles of plastics and articles of other materials of headings 39.01 to 39.14.	CTH or RVC(40)
Chapter 40	RUBBER AND ARTICLES THEREOF	
4001	Natural rubber, balata, gutta-percha, guayule, chicle and similar natural gums, in primary forms or in plates, sheets or strip.	CTH or RVC(40)
4002	Synthetic rubber and factice derived from oils, in primary forms or in plates, sheets or strip; mixtures of any product of heading 40.01 with any product of this heading, in primary forms or in plates, sheets or strip.	CTH or RVC(40)
4003	Reclaimed rubber in primary forms or in plates, sheets or strip.	CTH or RVC(40)
4004	Waste, parings and scrap of rubber (other than hard rubber) and powders and granules obtained therefrom.	CTH
4005	Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip.	CTH or RVC(40)
4006	Other forms (for example, rods, tubes and profile shapes) and articles (for example, discs and rings), of unvulcanised rubber.	CTH or RVC(40)
4007	Vulcanised rubber thread and cord.	CTH or RVC(40)
4008	Plates, sheets, strip, rods and profile shapes, of vulcanised rubber other than hard rubber.	CTH or RVC(40)
4009	Tubes, pipes and hoses, of vulcanised rubber other than hard rubber, with or without their fittings (for example, joints, elbows, flanges).	CTH or RVC(40)
4010	Conveyor or transmission belts or belting, of vulcanised rubber.	CTH or RVC(40)
4011	New pneumatic tyres, of rubber.	CTH or RVC(40)
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber.	CTH or RVC(40)

4013	Inner tubes, of rubber.	CTH or RVC(40)
4014	Hygienic or pharmaceutical articles (including teats), of vulcanised rubber other than hard rubber, with or without fittings of hard rubber.	CTH or RVC(40)
4015	Articles of apparel and clothing accessories (including gloves, mittens and mitts), for all purposes, of vulcanised rubber other than hard rubber.	CTH or RVC(40)
4016	Other articles of vulcanised rubber other than hard rubber.	CTH or RVC(40)
4017	Hard rubber (for example, ebonite) in all forms, including waste and scrap; articles of hard rubber.	CTH or RVC(40)
Chapter 41	RAW HIDES AND SKINS (OTHER THAN FURSKINS) AND LEATHER	
4101	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split.	CC or RVC(40)
4102	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment- dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 (c) to this Chapter.	CC or RVC(40)
4103	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by Note 1 (b) or 1 (c) to this Chapter.	CC or RVC(40)
4104	Tanned or crust hides and skins of bovine (including buffalo) or equine animals, without hair on, whether or not split, but not further prepared.	
4104.1	- In the wet state (including wet-blue) :	
4104.11	-- Full grains, unsplit; grain splits	CTH or RVC(40)
4104.19	-- Other	CTH or RVC(40)

4104.4	- In the dry state (crust) :	
4104.41	-- Full grains, unsplit; grain splits	CTH or RVC(40)
4104.49	-- Other	CTSH except from subheading 4104.41 or RVC(40)
4105	Tanned or crust skins of sheep or lambs, without wool on, whether or not split, but not further prepared.	
4105.10	- In the wet state (including wet-blue)	CTH or RVC(40)
4105.30	- In the dry state (crust)	CTSH or RVC(40)
4106	Tanned or crust hides and skins of other animals, without wool or hair on, whether or not split, but not further prepared.	
4106.2	- Of goats or kids :	
4106.21	-- In the wet state (including wet-blue)	CTH or RVC(40)
4106.22	-- In the dry state (crust)	CTSH or RVC(40)
4106.3	- Of swine :	
4106.31	-- In the wet state (including wet-blue)	CTH or RVC(40)
4106.32	-- In the dry state (crust)	CTSH or RVC(40)
4106.40	- Of reptiles	CTH or RVC(40) or no change in tariff classification is required provided that there is a change from the wet state to the dry state
4106.9	- Other :	
4106.91	-- In the wet state (including wet-blue)	CTH or RVC(40)
4106.92	-- In the dry state (crust)	CTSH or RVC(40)
4107	Leather further prepared after tanning or crusting, including parchment-dressed leather, of bovine (including buffalo) or equine animals, without hair on, whether or not split, other than leather of heading 41.14.	CTH or RVC(40)

4112	Leather further prepared after tanning or crusting, including parchment-dressed leather, of sheep or lamb, without wool on, whether or not split, other than leather of heading 41.14.	CTH or RVC(40)
4113	Leather further prepared after tanning or crusting, including parchment-dressed leather, of other animals, without wool or hair on, whether or not split, other than leather of heading 41.14.	CTH or RVC(40)
4114	Chamois (including combination chamois) leather; patent leather and patent laminated leather; metallised leather.	CTH or RVC(40)
4115	Composition leather with a basis of leather or leather fibre, in slabs, sheets or strip, whether or not in rolls; parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles; leather dust, powder and flour.	CTH or RVC(40)
Chapter 42	ARTICLES OF LEATHER; SADDLERY AND HARNESS; TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS; ARTICLES OF ANIMAL GUT (OTHER THAN SILKWORM GUT)	
4201	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle cloths, saddle bags, dog coats and the like), of any material.	CTH or RVC(40)
4202	Trunks, suit-cases, vanity-cases, executive-cases, brief-cases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; travelling-bags, insulated food or beverages bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewellery boxes, powder-boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanised fibre or of paperboard, or wholly or mainly covered with such materials or with paper.	
4202.1	-Trunks, suit-cases, vanity-cases, executive-cases, brief-cases, school satchels and similar containers :	

4202.11	-- With outer surface of leather or of composition leather	CC or RVC(40)
4202.12	-- With outer surface of plastics or of textile materials	CC or RVC(40)
4202.19	-- Other	CC or RVC(40)
4202.2	- Handbags, whether or not with shoulder strap, including those without handle :	
4202.21	-- With outer surface of leather or of composition leather	CC or RVC(40)
4202.22	-- With outer surface of plastic sheeting or of textile materials	CC
4202.29	-- Other	CC or RVC(40)
4202.3	- Articles of a kind normally carried in the pocket or in the handbag :	
4202.31	-- With outer surface of leather or of composition leather	CC or RVC(40)
4202.32	-- With outer surface of plastic sheeting or of textile materials	CC or RVC(40)
4202.39	-- Other	CC or RVC(40)
4202.9	- Other :	
4202.91	-- With outer surface of leather or of composition leather	CC or RVC(40)
4202.92	-- With outer surface of plastic sheeting or of textile materials	CC
4202.99	-- Other	CC
4203	Articles of apparel and clothing accessories, of leather or of composition leather.	
4203.10	- Articles of apparel	CTH
4203.2	- Gloves, mittens and mitts :	
4203.21	-- Specially designed for use in sports	CTH
4203.29	-- Other	CTH
4203.30	- Belts and bandoliers	CTH
4203.40	- Other clothing accessories	CTH or RVC(40) provided that the good is cut or knit to shape and assembled in one or more of the Parties

4205	Other articles of leather or of composition leather.	CC
4206	Articles of gut (other than silk-worm gut), of goldbeater's skin, of bladders or of tendons.	CTH or RVC(40)
Chapter 43	FURSKINS AND ARTIFICIAL FUR; MANUFACTURES THEREOF	
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of heading 41.01, 41.02 or 41.03.	CTH or RVC(40)
4302	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 43.03.	CTH or RVC(40)
4303	Articles of apparel, clothing accessories and other articles of furskin.	
4303.10	- Articles of apparel and clothing accessories	CTH
4303.90	- Other	CTH or RVC(40)
4304	Artificial fur and articles thereof.	CTH or RVC(40)
Chapter 44	WOOD AND ARTICLES OF WOOD; WOOD CHARCOAL	CTH or RVC(40)
Chapter 45	CORK AND ARTICLES OF CORK	CTH or RVC(40)
Chapter 46	MANUFACTURES OF STRAW, OF ESPARTO OR OF OTHER PLAITING MATERIALS; BASKETWARE AND WICKERWORK	CTH or RVC(40)
Chapter 47	PULP OF WOOD OR OF OTHER FIBROUS CELLULOSIC MATERIAL; RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD	
4701	Mechanical wood pulp.	CTH or RVC(40)
4702	Chemical wood pulp, dissolving grades.	CTH or RVC(40)
4703	Chemical wood pulp, soda or sulphate, other than dissolving grades.	
4703.1	- Unbleached :	
4703.11	-- Coniferous	CTH or RVC(40)

4703.19	-- Non-coniferous	CTH or RVC(40)
4703.2	- Semi-bleached or bleached :	
4703.21	-- Coniferous	CTSH or RVC(40)
4703.29	-- Non-coniferous	CTSH or RVC(40)
4704	Chemical wood pulp, sulphite, other than dissolving grades.	
4704.1	- Unbleached :	
4704.11	-- Coniferous	CTH or RVC(40)
4704.19	-- Non-coniferous	CTH or RVC(40)
4704.2	- Semi-bleached or bleached :	
4704.21	-- Coniferous	CTSH or RVC(40)
4704.29	-- Non-coniferous	CTSH or RVC(40)
4705	Wood pulp obtained by a combination of mechanical and chemical pulping processes.	CTH or RVC(40)
4706	Pulps of fibres derived from recovered (waste and scrap) paper or paperboard or of other fibrous cellulosic material.	CTH or RVC(40)
4707	Recovered (waste and scrap) paper or paperboard.	CTH or RVC(40)
Chapter 48	PAPER AND PAPERBOARD; ARTICLES OF PAPER PULP, OF PAPER OR OF PAPERBOARD	
4801	Newsprint, in rolls or sheets.	CTH
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and non perforated punch- cards and punch tape paper, in rolls or rectangular (including square) sheets, of any size, other than paper of heading 48.01 or 48.03; hand-made paper and paperboard.	CTH
4803	Toilet or facial tissue stock, towel or napkin stock and similar paper of a kind used for household or sanitary purposes, cellulose wadding and webs of cellulose fibres, whether or not creped, crinkled, embossed, perforated, surface-coloured, surface- decorated or printed, in rolls or sheets.	CTH

4804	Uncoated kraft paper and paperboard, in rolls or sheets, other than that of heading 48.02 or 48.03.	CTH
4805	Other uncoated paper and paperboard, in rolls or sheets, not further worked or processed than as specified in Note 3 to this Chapter.	CTH
4806	Vegetable parchment, greaseproof papers, tracing papers and glassine and other glazed transparent or translucent papers, in rolls or sheets.	CTH
4807	Composite paper and paperboard (made by sticking flat layers of paper or paperboard together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets.	CTH
4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than paper of the kind described in heading 48.03.	
4808.10	- Corrugated paper and paperboard, whether or not perforated	CTH
4808.40	- Kraft paper, creped or crinkled, whether or not embossed or perforated	CTH except from heading 4804
4808.90	- Other	CTH
4809	Carbon paper, self-copy paper and other copying or transfer papers (including coated or impregnated paper for duplicator stencils or offset plates), whether or not printed, in rolls or sheets.	CTH
4810	Paper and paperboard, coated on one or both sides with kaolin (China clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-coloured, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size.	CTH
4811	Paper, paperboard, cellulose wadding and webs of cellulose fibres, coated, impregnated, covered, surface-coloured, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size, other than goods of the kind described in heading 48.03, 48.09 or 48.10.	CTH

4812	Filter blocks, slabs and plates, of paper pulp.	CTH
4813	Cigarette paper, whether or not cut to size or in the form of booklets or tubes.	CTH
4814	Wallpaper and similar wall coverings; window transparencies of paper.	CTH
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading 48.09), duplicator stencils and offset plates, of paper, whether or not put up in boxes.	CTH except from heading 4809
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery.	CTH
4818	Toilet paper and similar paper, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 cm, or cut to size or shape; handkerchiefs, cleansing tissues, towels, tablecloths, serviettes, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs of cellulose fibres.	
4818.10	-Toilet paper	CTH or RVC(40)
4818.20	- Handkerchiefs, cleansing or facial tissues and towels	CTH
4818.30	-Tablecloths and serviettes	CTH or RVC(40)
4818.50	- Articles of apparel and clothing accessories	CTH or RVC(40)
4818.90	- Other	CTH or RVC(40)
4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres; box files, letter trays, and similar articles, of paper or paperboard of a kind used in offices, shops or the like.	CTH

4820	Registers, account books, note books, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting-pads, binders (loose-leaf or other), folders, file covers, manifold business forms, interleaved carbon sets and other articles of stationery, of paper or paperboard; albums for samples or for collections and book covers, of paper or paperboard.	CTH
4821	Paper or paperboard labels of all kinds, whether or not printed.	CTH
4822	Bobbins, spools, cops and similar supports of paper pulp, paper or paperboard (whether or not perforated or hardened).	CTH
4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres.	
4823.20	- Filter paper and paperboard	CTH except from subheading 4805.40
4823.40	- Rolls, sheets and dials, printed for self-recording apparatus	CTH
4823.6	-Trays, dishes, plates, cups and the like, of paper or paperboard :	
4823.61	-- Of bamboo	CTH
4823.69	-- Other	CTH
4823.70	-Moulded or pressed articles of paper pulp	CTH
4823.90	- Other	CTH
Chapter 49	PRINTED BOOKS, NEWSPAPERS, PICTURES AND OTHER PRODUCTS OF THE PRINTING INDUSTRY; MANUSCRIPTS, TYPESCRIPTS AND PLANS	CTH
Chapter 50	SILK	
5001	Silk-worm cocoons suitable for reeling.	CC
5002	Raw silk (not thrown).	CC
5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock).	CTH

5004	Silk yarn (other than yarn spun from silk waste) not put up for retail sale.	CTH
5005	Yarn spun from silk waste, not put up for retail sale.	CTH
5006	Silk yarn and yarn spun from silk waste, put up for retail sale; silk-worm gut.	CTH except from headings 5004 or 5005
5007	Woven fabrics of silk or of silk waste.	CTH
Chapter 51	WOOL, FINE OR COARSE ANIMAL HAIR; HORSEHAIR YARN AND WOVEN FABRIC	
5101	Wool, not carded or combed.	CC or RVC(40)
5102	Fine or coarse animal hair, not carded or combed.	CC or RVC(40)
5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock.	
5103.10	- Noils of wool or of fine animal hair	CC or RVC(40)
5103.20	- Other waste of wool or of fine animal hair	CC
5103.30	- Waste of coarse animal hair	CC
5104	Garnetted stock of wool or of fine or coarse animal hair.	CTH or RVC(40)
5105	Wool and fine or coarse animal hair, carded or combed (including combed wool in fragments).	CC or RVC(40)
5106	Yarn of carded wool, not put up for retail sale.	CTH
5107	Yarn of combed wool, not put up for retail sale.	CTH
5108	Yarn of fine animal hair (carded or combed), not put up for retail sale.	CTH
5109	Yarn of wool or of fine animal hair, put up for retail sale.	CTH
5110	Yarn of coarse animal hair or of horsehair (including gimped horsehair yarn), whether or not put up for retail sale.	CTH
5111	Woven fabrics of carded wool or of carded fine animal hair.	CTH
5112	Woven fabrics of combed wool or of combed fine animal hair.	CTH
5113	Woven fabrics of coarse animal hair or of horsehair.	CTH

Chapter 52	COTTON	
5201	Cotton, not carded or combed.	CC
5202	Cotton waste (including yarn waste and garnetted stock).	
5202.10	- Yarn waste (including thread waste)	CTH
5202.9	- Other :	
5202.91	-- Garnetted stock	CTH or RVC(40)
5202.99	-- Other	CTH
5203	Cotton, carded or combed.	CC or RVC(40)
5204	Cotton sewing thread, whether or not put up for retail sale.	CTH
5205	Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale.	CTH
5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale.	CTH
5207	Cotton yarn (other than sewing thread) put up for retail sale.	CTH
5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m2.	
5208.1	- Unbleached :	
5208.11	-- Plain weave, weighing not more than 100 g/m2	CTH or RVC(40)
5208.12	-- Plain weave, weighing more than 100 g/m2	CTH or RVC(40)
5208.13	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5208.19	-- Other fabrics	CTH or RVC(40)
5208.2	- Bleached :	
5208.21	-- Plain weave, weighing not more than 100 g/m2	CTH or RVC(40)
5208.22	-- Plain weave, weighing more than 100 g/m2	CTH or RVC(40)
5208.23	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5208.29	-- Other fabrics	CTH or RVC(40)

5208.3	- Dyed :	
5208.31	-- Plain weave, weighing not more than 100 g/m ²	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.32	-- Plain weave, weighing more than 100 g/m ²	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.33	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.39	-- Other fabrics	CTH or A change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.4	- Of yarns of different colours :	
5208.41	-- Plain weave, weighing not more than 100 g/m ²	CTH or RVC(40)
5208.42	-- Plain weave, weighing more than 100 g/m ²	CTH or RVC(40)

5208.43	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5208.49	-- Other fabrics	CTH or RVC(40)
5208.5	- Printed :	
5208.51	-- Plain weave, weighing not more than 100 g/m ²	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.52	-- Plain weave, weighing more than 100 g/m ²	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5208.59	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m².	
5209.1	- Unbleached :	
5209.11	-- Plain weave	CTH or RVC(40)
5209.12	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5209.19	-- Other fabrics	CTH or RVC(40)

5209.2	- Bleached :	
5209.21	-- Plain weave	CTH or RVC(40)
5209.22	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5209.29	-- Other fabrics	CTH or RVC(40)
5209.3	- Dyed :	
5209.31	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209.32	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209.39	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209.4	- Of yarns of different colours :	
5209.41	-- Plain weave	CTH or RVC(40)
5209.42	-- Denim	CTH or RVC(40)
5209.43	-- Other fabrics of 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)

5209.49	-- Other fabrics	CTH or RVC(40)
5209.5	- Printed :	
5209.51	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209.52	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5209.59	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m2.	
5210.1	- Unbleached :	
5210.11	-- Plain weave	CTH or RVC(40)
5210.19	-- Other fabrics	CTH or RVC(40)
5210.2	- Bleached :	
5210.21	-- Plain weave	CTH or RVC(40)

5210.29	-- Other fabrics	CTH or RVC(40)
5210.3	- Dyed :	
5210.31	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5210.32	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5210.39	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5210.4	- Of yarns of different colours :	
5210.41	-- Plain weave	CTH or RVC(40)
5210.49	-- Other fabrics	CTH or RVC(40)
5210.5	- Printed :	

5210.51	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5210.59	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m2.	
5211.1	- Unbleached :	
5211.11	-- Plain weave	CTH or RVC(40)
5211.12	-- 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5211.19	-- Other fabrics	CTH or RVC(40)
5211.20	- Bleached	CTH or RVC(40)
5211.3	- Dyed :	
5211.31	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5211.32	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5211.39	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5211.4	- Of yarns of different colours :	
5211.41	-- Plain weave	CTH or RVC(40)
5211.42	-- Denim	CTH or RVC(40)
5211.43	-- Other fabrics of 3-thread or 4-thread twill, including cross twill	CTH or RVC(40)
5211.49	-- Other fabrics	CTH or RVC(40)
5211.5	- Printed :	
5211.51	-- Plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5211.52	-- 3-thread or 4-thread twill, including cross twill	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5211.59	-- Other fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5212	Other woven fabrics of cotton.	
5212.1	- Weighing not more than 200 g/m ² :	
5212.11	-- Unbleached	CTH or RVC(40)
5212.12	-- Bleached	CTH or RVC(40)
5212.13	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5212.14	-- Of yarns of different colours	CTH or RVC(40)
5212.15	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5212.2	- Weighing more than 200 g/m2 :	
5212.21	-- Unbleached	CTH or RVC(40)
5212.22	-- Bleached	CTH or RVC(40)
5212.23	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5212.24	-- Of yarns of different colours	CTH or RVC(40)
5212.25	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
Chapter 53	OTHER VEGETABLE TEXTILE FIBRES; PAPER YARN AND WOVEN FABRICS OF PAPER YARN	
5301	Flax, raw or processed but not spun; flax tow and waste (including yarn waste and garnetted stock).	
5301.10	- Flax, raw or retted	CC or RVC(40)
5301.2	- Flax, broken, scutched, hackled or otherwise processed, but not spun :	
5301.21	-- Broken or scutched	CC or RVC(40)
5301.29	-- Other	CC or RVC(40)
5301.30	- Flax tow and waste	CTH
5302	True hemp (Cannabis sativa L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock).	

5302.10	- True hemp, raw or retted	CC or RVC(40)
5302.90	- Other	CTSH
5303	Jute and other textile bast fibres (excluding flax, true hemp and ramie), raw or processed but not spun; tow and waste of these fibres (including yarn waste and garnetted stock).	
5303.10	-Jute and other textile bast fibres, raw or retted	CC or RVC(40)
5303.90	- Other	CC
5305	Coconut, abaca (Manila hemp or Musa textilis Nee), ramie and other vegetable textile fibres, not elsewhere specified or included, raw or processed but not spun; tow, noils and waste of these fibres (including yarn waste and garnetted stock).	CC or RVC(40)
5306	Flax yarn.	CTH
5307	Yarn of jute or of other textile bast fibres of heading 53.03.	CTH
5308	Yarn of other vegetable textile fibres; paper yarn.	CTH
5309	Woven fabrics of flax.	
5309.1	- Containing 85 % or more by weight of flax :	
5309.11	-- Unbleached or bleached	CTH or RVC(40)
5309.19	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5309.2	- Containing less than 85 % by weight of flax :	
5309.21	-- Unbleached or bleached	CTH or RVC(40)

5309.29	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5310	Woven fabrics of jute or of other textile bast fibres of heading 53.03.	
5310.10	- Unbleached	CTH or RVC(40)
5310.90	- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn.	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
Chapter 54	MAN-MADE FILAMENTS; STRIP AND THE LIKE OF MAN-MADE TEXTILE MATERIALS	
5401	Sewing thread of man-made filaments, whether or not put up for retail sale.	CC
5402	Synthetic filament yarn (other than sewing thread), not put up for retail sale, including synthetic monofilament of less than 67 decitex.	CC
5403	Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex.	CC

5404	Synthetic monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm; strip and the like (for example, artificial straw) of synthetic textile materials of an apparent width not exceeding 5 mm.	CC
5405	Artificial monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm; strip and the like (for example, artificial straw) of artificial textile materials of an apparent width not exceeding 5 mm.	CC
5406	Man-made filament yarn (other than sewing thread), put up for retail sale.	CC
5407	Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of heading 54.04.	
5407.10	- Woven fabrics obtained from high tenacity yarn of nylon or other polyamides or of polyesters	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.20	- Woven fabrics obtained from strip or the like	CTH
5407.30	- Fabrics specified in Note 9 to Section XI	CTH
5407.4	- Other woven fabrics, containing 85 % or more by weight of filaments of nylon or other polyamides :	
5407.41	-- Unbleached or bleached	CTH or RVC(40)
5407.42	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.43	-- Of yarns of different colours	CTH or RVC(40)

5407.44	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.5	- Other woven fabrics, containing 85 % or more by weight of textured polyester filaments :	
5407.51	-- Unbleached or bleached	CTH or RVC(40)
5407.52	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.53	-- Of yarns of different colours	CTH or RVC(40)
5407.54	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.6	- Other woven fabrics, containing 85 % or more by weight of polyester filaments :	
5407.61	-- Containing 85 % or more by weight of non-textured polyester filaments	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5407.69	-- Other	CTH
5407.7	- Other woven fabrics, containing 85 % or more by weight of synthetic filaments :	
5407.71	-- Unbleached or bleached	CTH or RVC(40)
5407.72	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.73	-- Of yarns of different colours	CTH or RVC(40)
5407.74	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.8	- Other woven fabrics, containing less than 85 % by weight of synthetic filaments, mixed mainly or solely with cotton :	
5407.81	-- Unbleached or bleached	CTH or RVC(40)
5407.82	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.83	-- Of yarns of different colours	CTH or RVC(40)

5407.84	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.9	- Other woven fabrics :	
5407.91	-- Unbleached or bleached	CTH or RVC(40)
5407.92	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5407.93	-- Of yarns of different colours	CTH or RVC(40)
5407.94	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5408	Woven fabrics of artificial filament yarn, including woven fabrics obtained from materials of heading 54.05.	
5408.10	- Woven fabrics obtained from high tenacity yarn of viscose rayon	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5408.2	- Other woven fabrics, containing 85 % or more by weight of artificial filament or strip or the like :	
5408.21	-- Unbleached or bleached	CTH or RVC(40)
5408.22	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5408.23	-- Of yarns of different colours	CTH or RVC(40)
5408.24	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5408.3	- Other woven fabrics :	
5408.31	-- Unbleached or bleached	CTH or RVC(40)
5408.32	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5408.33	-- Of yarns of different colours	CTH or RVC(40)

5408.34	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
Chapter 55	MAN-MADE STAPLE FIBRES	
5501	Synthetic filament tow.	CC or RVC(40)
5502	Artificial filament tow.	CC or RVC(40)
5503	Synthetic staple fibres, not carded, combed or otherwise processed for spinning.	CC or RVC(40)
5504	Artificial staple fibres, not carded, combed or otherwise processed for spinning.	CC or RVC(40)
5505	Waste (including noils, yarn waste and garnetted stock) of man- made fibres.	CTH or RVC(40)
5506	Synthetic staple fibres, carded, combed or otherwise processed for spinning.	CC or RVC(40)
5507	Artificial staple fibres, carded, combed or otherwise processed for spinning.	CC or RVC(40)
5508	Sewing thread of man-made staple fibres, whether or not put up for retail sale.	CTH
5509	Yarn (other than sewing thread) of synthetic staple fibres, not put up for retail sale.	CTH
5510	Yarn (other than sewing thread) of artificial staple fibres, not put up for retail sale.	CTH
5511	Yarn (other than sewing thread) of man-made staple fibres, put up for retail sale.	CTH
5512	Woven fabrics of synthetic staple fibres, containing 85 % or more by weight of synthetic staple fibres.	
5512.1	- Containing 85 % or more by weight of polyester staple fibres :	
5512.11	-- Unbleached or bleached	CTH or RVC(40)

5512.19	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5512.2	- Containing 85 % or more by weight of acrylic or modacrylic staple fibres :	
5512.21	-- Unbleached or bleached	CTH or RVC(40)
5512.29	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5512.9	- Other :	
5512.91	-- Unbleached or bleached	CTH or RVC(40)
5512.99	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5513	Woven fabrics of synthetic staple fibres, containing less than 85 % by weight of such fibres, mixed mainly or solely with cotton, of a weight not exceeding 170 g/m².	
5513.1	- Unbleached or bleached :	
5513.11	-- Of polyester staple fibres, plain weave	CTH or RVC(40)

5513.12	-- 3-thread or 4-thread twill, including cross twill, of polyester staple fibres	CTH or RVC(40)
5513.13	-- Other woven fabrics of polyester staple fibres	CTH or RVC(40)
5513.19	-- Other woven fabrics	CTH or RVC(40)
5513.2	- Dyed :	
5513.21	-- Of polyester staple fibres, plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5513.23	-- Other woven fabrics of polyester staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5513.29	-- Other woven fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5513.3	- Of yarns of different colours :	
5513.31	-- Of polyester staple fibres, plain weave	CTH or RVC(40)
5513.39	-- Other woven fabrics	CTH or RVC(40)
5513.4	- Printed :	

5513.41	-- Of polyester staple fibres, plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5513.49	-- Other woven fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514	Woven fabrics of synthetic staple fibres, containing less than 85 % by weight of such fibres, mixed mainly or solely with cotton, of a weight exceeding 170 g/m².	
5514.1	- Unbleached or bleached :	
5514.11	-- Of polyester staple fibres, plain weave	CTH or RVC(40)
5514.12	-- 3-thread or 4-thread twill, including cross twill, of polyester staple fibres	CTH or RVC(40)
5514.19	-- Other woven fabrics	CTH or RVC(40)
5514.2	- Dyed :	
5514.21	-- Of polyester staple fibres, plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5514.22	-- 3-thread or 4-thread twill, including cross twill, of polyester staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514.23	-- Other woven fabrics of polyester staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514.29	-- Other woven fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514.30	- Of yarns of different colours	CTH or RVC(40)
5514.4	- Printed :	
5514.41	-- Of polyester staple fibres, plain weave	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5514.42	-- 3-thread or 4-thread twill, including cross twill, of polyester staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514.43	-- Other woven fabrics of polyester staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5514.49	-- Other woven fabrics	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515	Other woven fabrics of synthetic staple fibres.	
5515.1	- Of polyester staple fibres :	
5515.11	-- Mixed mainly or solely with viscose rayon staple fibres	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5515.12	-- Mixed mainly or solely with man-made filaments	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515.13	-- Mixed mainly or solely with wool or fine animal hair	CTH
5515.19	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515.2	- Of acrylic or modacrylic staple fibres :	
5515.21	-- Mixed mainly or solely with man-made filaments	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515.22	-- Mixed mainly or solely with wool or fine animal hair	CTH
5515.29	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515.9	- Other woven fabrics :	

5515.91	-- Mixed mainly or solely with man-made filaments	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5515.99	-- Other	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516	Woven fabrics of artificial staple fibres.	
5516.1	- Containing 85 % or more by weight of artificial staple fibres :	
5516.11	-- Unbleached or bleached	CTH or RVC(40)
5516.12	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.13	-- Of yarns of different colours	CTH or RVC(40)
5516.14	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5516.2	- Containing less than 85 % by weight of artificial staple fibres, mixed mainly or solely with man-made filaments :	
5516.21	-- Unbleached or bleached	CTH or RVC(40)
5516.22	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.23	-- Of yarns of different colours	CTH or RVC(40)
5516.24	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.3	- Containing less than 85 % by weight of artificial staple fibres, mixed mainly or solely with wool or fine animal hair :	
5516.31	-- Unbleached or bleached	CTH or RVC(40)
5516.32	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.33	-- Of yarns of different colours	CTH or RVC(40)

5516.34	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.4	- Containing less than 85 % by weight of artificial staple fibres, mixed mainly or solely with cotton :	
5516.41	-- Unbleached or bleached	CTH or RVC(40)
5516.42	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.43	-- Of yarns of different colours	CTH or RVC(40)
5516.44	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.9	- Other :	
5516.91	-- Unbleached or bleached	CTH or RVC(40)

5516.92	-- Dyed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5516.93	-- Of yarns of different colours	CTH or RVC(40)
5516.94	-- Printed	CTH or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
Chapter 56	WADDING, FELT AND NONWOVENS; SPECIAL YARNS; TWINE, CORDAGE, ROPES AND CABLES AND ARTICLES THEREOF	
5601	Wadding of textile materials and articles thereof; textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps.	CC
5602	Felt, whether or not impregnated, coated, covered or laminated.	CC
5603	Nonwovens, whether or not impregnated, coated, covered or laminated.	
5603.1	- Of man-made filaments :	
5603.11	-- Weighing not more than 25 g/m ²	CC
5603.12	-- Weighing more than 25 g/m ² but not more than 70 g/m ²	CC
5603.13	-- Weighing more than 70 g/m ² but not more than 150 g/m ²	CC
5603.14	-- Weighing more than 150 g/m ²	CC
5603.9	- Other :	
5603.91	-- Weighing not more than 25 g/m ²	CC

5603.92	-- Weighing more than 25 g/m ² but not more than 70 g/m ²	CTH
5603.93	-- Weighing more than 70 g/m ² but not more than 150 g/m ²	CC
5603.94	-- Weighing more than 150 g/m ²	CC
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 54.04 or 54.05, impregnated, coated, covered or sheathed with rubber or plastics.	CC or RVC(40)
5605	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading 54.04 or 54.05, combined with metal in the form of thread, strip or powder or covered with metal.	CC
5606	Gimped yarn, and strip and the like of heading 54.04 or 54.05, gimped (other than those of heading 56.05 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale- yarn.	CC
5607	Twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics.	
5607.2	- Of sisal or other textile fibres of the genus Agave :	
5607.21	-- Binder or baler twine	CC
5607.29	-- Other	CC
5607.4	- Of polyethylene or polypropylene :	
5607.41	-- Binder or baler twine	CC
5607.49	-- Other	CC or RVC(40)
5607.50	- Of other synthetic fibres	CC or RVC(40)
5607.90	- Other	CC or RVC(40)
5608	Knotted netting of twine, cordage or rope; made up fishing nets and other made up nets, of textile materials.	CTH or RVC(40)

5609	Articles of yarn, strip or the like of heading 54.04 or 54.05, twine, cordage, rope or cables, not elsewhere specified or included.	CTH or RVC(40)
Chapter 57	CARPETS AND OTHER TEXTILE FLOOR COVERINGS	
5701	Carpets and other textile floor coverings, knotted, whether or not made up.	CC
5702	Carpets and other textile floor coverings, woven, not tufted or flocked, whether or not made up, including “Kelem”, “Schumacks”, “Karamanie” and similar hand-woven rugs.	CC
5703	Carpets and other textile floor coverings, tufted, whether or not made up.	CC
5704	Carpets and other textile floor coverings, of felt, not tufted or flocked, whether or not made up.	CC except from heading 5602
5705	Other carpets and other textile floor coverings, whether or not made up.	CC
Chapter 58	SPECIAL WOVEN FABRICS; TUFTED TEXTILE FABRICS; LACE; TAPESTRIES; TRIMMINGS; EMBROIDERY	
5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading 58.02 or 58.06.	
5801.10	- Of wool or fine animal hair	CC
5801.2	- Of cotton :	
5801.21	-- Uncut weft pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5801.22	-- Cut corduroy	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.23	-- Other weft pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.26	-- Chenille fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.27	-- Warp pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.3	- Of man-made fibres :	

5801.31	-- Uncut weft pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.32	-- Cut corduroy	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.33	-- Other weft pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.36	-- Chenille fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable

5801.37	-- Warp pile fabrics	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5801.90	- Of other textile materials	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of heading 58.06; tufted textile fabrics, other than products of heading 57.03.	
5802.1	- Terry towelling and similar woven terry fabrics, of cotton :	
5802.11	-- Unbleached	CC
5802.19	-- Other	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5802.20	- Terry towelling and similar woven terry fabrics, of other textile materials	CC or a change from fabric that is constructed but not further prepared or finished provided that it is dyed or printed and undergoes at least two subsequent finishing processes in the territory of one or more of the Parties to render it directly usable
5802.30	- Tufted textile fabrics	CC

5803	Gauze, other than narrow fabrics of heading 58.06.	CC
5804	Tulles and other net fabrics, not including woven, knitted or crocheted fabrics; lace in the piece, in strips or in motifs, other than fabrics of headings 60.02 to 60.06.	CC
5805	Hand-woven tapestries of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up.	CC
5806	Narrow woven fabrics, other than goods of heading 58.07; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs).	CC
5807	Labels, badges and similar articles of textile materials, in the piece, in strips or cut to shape or size, not embroidered.	CC
5808	Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles.	CC
5809	Woven fabrics of metal thread and woven fabrics of metallised yarn of heading 56.05, of a kind used in apparel, as furnishing fabrics or for similar purposes, not elsewhere specified or included.	CC
5810	Embroidery in the piece, in strips or in motifs.	CTH
5811	Quilted textile products in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading 58.10.	CTH
Chapter 59	IMPREGNATED, COATED, COVERED OR LAMINATED TEXTILE FABRICS; TEXTILE ARTICLES OF A KIND SUITABLE FOR INDUSTRIAL USE	
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations.	CC
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon.	CC

5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 59.02.	
5903.10	- With poly(vinyl chloride)	CC
5903.20	- With polyurethane	CC
5903.90	- Other	CC or RVC(40)
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape.	CC
5905	Textile wall coverings.	CC
5906	Rubberised textile fabrics, other than those of heading 59.02.	CC
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like.	CC
5908	Textile wicks, woven, plaited or knitted , for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated.	CC
5909	Textile hosepiping and similar textile tubing, with or without lining, armour or accessories of other materials.	CC
5910	Transmission or conveyor belts or belting, of textile material, whether or not impregnated, coated, covered or laminated with plastics, or reinforced with metal or other material.	CC or RVC(40)
5911	Textile products and articles, for technical uses, specified in Note 7 to this Chapter.	
5911.10	- Textile fabrics, felt and felt-lined woven fabrics, coated, covered or laminated with rubber, leather or other material, of a kind used for card clothing, and similar fabrics of a kind used for other technical purposes, including narrow fabrics made of velvet impregnated with rubber, for covering weaving spindles (weaving beams)	CC
5911.20	- Bolting cloth, whether or not made up	CC

5911.3	- Textile fabrics and felts, endless or fitted with linking devices, of a kind used in paper-making or similar machines (for example, for pulp or asbestos-cement) :	
5911.31	-- Weighing less than 650 g/m ²	CC
5911.32	-- Weighing 650 g/m ² or more	CC
5911.40	- Straining cloth of a kind used in oil presses or the like, including that of human hair	CC
5911.90	- Other	CC or RVC(40)
Chapter 60	KNITTED OR CROCHETED FABRICS	CC
Chapter 61	ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, KNITTED OR CROCHETED	
6101	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 61.03.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6102	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind- jackets and similar articles, knitted or crocheted, other than those of heading 61.04.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted.	
6103.10	- Suits	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.2	- Ensembles :	
6103.22	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.23	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6103.29	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.3	-Jackets and blazers :	
6103.31	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.32	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.33	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.39	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.4	- Trousers, bib and brace overalls, breeches and shorts :	
6103.41	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6103.42	-- Of cotton	CC or RVC(40)
6103.43	-- Of synthetic fibres	CC or RVC(40)
6103.49	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted.	

6104.1	- Suits :	
6104.13	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.19	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.2	- Ensembles :	
6104.22	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.23	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.29	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.3	-Jackets and blazers :	
6104.31	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.32	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.33	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.39	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6104.4	- Dresses :	
6104.41	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.42	-- Of cotton	CC or RVC(40)
6104.43	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.44	-- Of artificial fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.49	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.5	- Skirts and divided skirts :	
6104.51	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.52	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.53	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.59	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.6	- Trousers, bib and brace overalls, breeches and shorts :	

6104.61	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6104.62	-- Of cotton	CC or RVC(40)
6104.63	-- Of synthetic fibres	CC or RVC(40)
6104.69	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6105	Men's or boys' shirts, knitted or crocheted.	
6105.10	- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6105.20	- Of man-made fibres	CC or RVC(40)
6105.90	- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted.	
6106.10	- Of cotton	CC or RVC(40)
6106.20	- Of man-made fibres	CC or RVC(40)
6106.90	- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6107	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6108	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6109	T-shirts, singlets and other vests, knitted or crocheted.	CC or RVC(40)

6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted.	
6110.1	- Of wool or fine animal hair :	
6110.11	-- Of wool	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6110.12	-- Of Kashmir (cashmere) goats	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6110.19	-- Other	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6110.20	- Of cotton	CC or RVC(40)
6110.30	- Of man-made fibres	CC or RVC(40)
6110.90	- Of other textile materials	CC or RVC(40)
6111	Babies' garments and clothing accessories, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6112	Track suits, ski suits and swimwear, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6113	Garments, made up of knitted or crocheted fabrics of heading 59.03, 59.06 or 59.07.	
6113.00	Garments, made up of knitted or crocheted fabrics of heading 59.03, 59.06 or 59.07.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6114	Other garments, knitted or crocheted.	
6114.20	- Of cotton	CC
6114.30	- Of man-made fibres	CC or RVC(40)

6114.90	- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6115	Panty hose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6116	Gloves, mittens and mitts, knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6117	Other made up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
Chapter 62	ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, NOT KNITTED OR CROCHETED	
6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 62.03.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6202	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 62.04.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear).	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear).	
6204.1	- Suits :	

6204.11	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.12	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.13	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.19	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.2	- Ensembles :	
6204.21	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.22	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.23	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.29	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.3	-Jackets and blazers :	
6204.31	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6204.32	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.33	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.39	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.4	- Dresses :	
6204.41	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.42	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.43	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.44	-- Of artificial fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.49	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.5	- Skirts and divided skirts :	
6204.51	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6204.52	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.53	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.59	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.6	- Trousers, bib and brace overalls, breeches and shorts :	
6204.61	-- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.62	-- Of cotton	CC or RVC(40)
6204.63	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6204.69	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6205	Men's or boys' shirts.	
6205.20	- Of cotton	CC or RVC(40)
6205.30	- Of man-made fibres	CC or RVC(40)
6205.90	- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6206	Women's or girls' blouses, shirts and shirt-blouses.	

6206.10	- Of silk or silk waste	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6206.20	- Of wool or fine animal hair	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6206.30	- Of cotton	CC or RVC(40)
6206.40	- Of man-made fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6206.90	- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6207	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6208	Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6209	Babies' garments and clothing accessories.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6210	Garments, made up of fabrics of heading 56.02, 56.03, 59.03, 59.06 or 59.07.	
6210.10	- Of fabrics of heading 56.02 or 56.03	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6210.20	- Other garments, of the type described in subheadings 6201.11 to 6201.19	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6210.30	- Other garments, of the type described in subheadings 6202.11 to 6202.19	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6210.40	- Other men's or boys' garments	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6210.50	- Other women's or girls' garments	CC or RVC(40)
6211	Track suits, ski suits and swimwear; other garments.	
6211.1	- Swimwear :	
6211.11	-- Men's or boys'	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.12	-- Women's or girls'	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.20	- Ski suits	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.3	- Other garments, men's or boys' :	
6211.32	-- Of cotton	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.33	-- Of man-made fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.39	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6211.4	- Other garments, women's or girls' :	
6211.42	-- Of cotton	CC or RVC(40)
6211.43	-- Of man-made fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6211.49	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6212	Brassieres, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6213	Handkerchiefs.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6214	Shawls, scarves, mufflers, mantillas, veils and the like.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6215	Ties, bow ties and cravats.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6216	Gloves, mittens and mitts.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 62.12.	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
Chapter 63	OTHER MADE-UP TEXTILE ARTICLES; SETS; WORN CLOTHING AND WORN TEXTILE ARTICLES; RAGS	

6301	Blankets and travelling rugs.	CC provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of one or more of the Parties
6302	Bed linen, table linen, toilet linen and kitchen linen.	CC provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of one or more of the Parties
6303	Curtains (including drapes) and interior blinds; curtain or bed valances.	CC provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of one or more of the Parties
6304	Other furnishing articles, excluding those of heading 94.04.	CC provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of one or more of the Parties
6305	Sacks and bags, of a kind used for the packing of goods.	CC provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of one or more of the Parties
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods.	
6306.1	- Tarpaulins, awnings and sunblinds :	
6306.12	-- Of synthetic fibres	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties
6306.19	-- Of other textile materials	CC or RVC(40) provided that the good is cut or knit to shape and assembled in the territory of one or more of the Parties

6306.2	- Tents :	
6306.22	-- Of synthetic fibres	CC
6306.29	-- Of other textile materials	CC
6306.30	- Sails	CC
6306.40	- Pneumatic mattresses	CC
6306.90	- Other	CC
6307	Other made up articles, including dress patterns.	
6307.10	- Floor-cloths, dish-cloths, dusters and similar cleaning cloths	CC except from headings 5007, 5111 to 5113, 5208 to 5212, 5309 to 5311, 5407, 5408, 5512 to 5516, 5603, 5801, 5802, 5806, 5903 or 6001 to 6006
6307.20	- Life-jackets and life-belts	CC or RVC(40) provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of a Party
6307.90	- Other	CC or RVC(40) provided that where the starting material is fabric, the fabric is raw or unbleached fabric and fully finished in the territory of a Party
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale.	CTH
6309	Worn clothing and other worn articles.	CTH
6310	Used or new rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables, of textile materials.	CTH
Chapter 64	FOOTWEAR, GAITERS AND THE LIKE; PARTS OF SUCH ARTICLES	

6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes.	CTH or RVC(40)
6402	Other footwear with outer soles and uppers of rubber or plastics.	CTH or RVC(40)
6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather.	CTH or RVC(40)
6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials.	CTH or RVC(40)
6405	Other footwear.	CTH or RVC(40)
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof.	CC or RVC(40)
Chapter 65	HEADGEAR AND PARTS THEREOF	
6501	Hat-forms, hat bodies and hoods of felt, neither blocked to shape nor with made brims; plateaux and manchons (including slit manchons), of felt.	CC or RVC(40)
6502	Hat-shapes, plaited or made by assembling strips of any material, neither blocked to shape, nor with made brims, nor lined, nor trimmed.	CC or RVC(40)
6504	Hats and other headgear, plaited or made by assembling strips of any material, whether or not lined or trimmed.	CTH or RVC(40)
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed.	CTH or RVC(40)
6506	Other headgear, whether or not lined or trimmed.	CTH or RVC(40)
6507	Head-bands, linings, covers, hat foundations, hat frames, peaks and chinstraps, for headgear.	CC or RVC(40)
Chapter 66	UMBRELLAS, SUN UMBRELLAS, WALKING STICKS, SEAT-STICKS, WHIPS, RIDING-CROPS AND PARTS THEREOF	

6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas).	CTH or RVC(40)
6602	Walking-sticks, seat-sticks, whips, riding-crops and the like.	CTH or RVC(40)
6603	Parts, trimmings and accessories of articles of heading 66.01 or 66.02.	CC or RVC(40)
Chapter 67	PREPARED FEATHERS AND DOWN AND ARTICLES MADE OF FEATHERS OR OF DOWN; ARTIFICIAL FLOWERS; ARTICLES OF HUMAN HAIR	
6701	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down and articles thereof (other than goods of heading 05.05 and worked quills and scapes).	CTH or RVC(40)
6702	Artificial flowers, foliage and fruit and parts thereof; articles made of artificial flowers, foliage or fruit.	CC or RVC(40)
6703	Human hair, dressed, thinned, bleached or otherwise worked; wool or other animal hair or other textile materials, prepared for use in making wigs or the like.	CC or RVC(40)
6704	Wigs, false beards, eyebrows and eyelashes, switches and the like, of human or animal hair or of textile materials; articles of human hair not elsewhere specified or included.	CTH or RVC(40)
Chapter 68	ARTICLES OF STONE, PLASTER, CEMENT, ASBESTOS, MICA OR SIMILAR MATERIALS	
6801	Setts, curbstones and flagstones, of natural stone (except slate).	CTH or RVC(40)
6802	Worked monumental or building stone (except slate) and articles thereof, other than goods of heading 68.01; mosaic cubes and the like, of natural stone (including slate), whether or not on a backing; artificially coloured granules, chippings and powder, of natural stone (including slate).	CTH or RVC(40)
6803	Worked slate and articles of slate or of agglomerated slate.	CTH or RVC(40)

6804	Millstones, grindstones, grinding wheels and the like, without frameworks, for grinding, sharpening, polishing, trueing or cutting, hand sharpening or polishing stones, and parts thereof, of natural stone, of agglomerated natural or artificial abrasives, or of ceramics, with or without parts of other materials.	CTH or RVC(40)
6805	Natural or artificial abrasive powder or grain, on a base of textile material, of paper, of paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up.	CTH or RVC(40)
6806	Slag wool, rock wool and similar mineral wools; exfoliated vermiculite, expanded clays, foamed slag and similar expanded mineral materials; mixtures and articles of heat-insulating, sound-insulating or sound-absorbing mineral materials, other than those of heading 68.11 or 68.12 or of Chapter 69.	CTH or RVC(40)
6807	Articles of asphalt or of similar material (for example, petroleum bitumen or coal tar pitch).	CTH or RVC(40)
6808	Panels, boards, tiles, blocks and similar articles of vegetable fibre, of straw or of shavings, chips, particles, sawdust or other waste, of wood, agglomerated with cement, plaster or other mineral binders.	CTH or RVC(40)
6809	Articles of plaster or of compositions based on plaster.	CTH or RVC(40)
6810	Articles of cement, of concrete or of artificial stone, whether or not reinforced.	CTH or RVC(40)
6811	Articles of asbestos-cement, of cellulose fibre-cement or the like.	CTH or RVC(40)
6812	Fabricated asbestos fibres; mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate; articles of such mixtures or of asbestos (for example, thread, woven fabric, clothing, headgear, footwear, gaskets), whether or not reinforced, other than goods of heading 68.11 or 68.13.	CTH or RVC(40)

6813	Friction material and articles thereof (for example, sheets, rolls, strips, segments, discs, washers, pads), not mounted, for brakes, for clutches or the like, with a basis of asbestos, of other mineral substances or of cellulose, whether or not combined with textile or other materials.	CTH or RVC(40)
6814	Worked mica and articles of mica, including agglomerated or reconstituted mica, whether or not on a support of paper, paperboard or other materials.	CTH or RVC(40)
6815	Articles of stone or of other mineral substances (including carbon fibres, articles of carbon fibres and articles of peat), not elsewhere specified or included.	
6815.10	- Non-electrical articles of graphite or other carbon	CTH
6815.20	- Articles of peat	CTH or RVC(40)
6815.9	- Other articles :	
6815.91	-- Containing magnesite, dolomite or chromite	CTH or RVC(40)
6815.99	-- Other	CTH or RVC(40)
Chapter 69	CERAMIC PRODUCTS	
6901	Bricks, blocks, tiles and other ceramic goods of siliceous fossil meals (for example, kieselguhr, tripolite or diatomite) or of similar siliceous earths.	CTH or RVC(40)
6902	Refractory bricks, blocks, tiles and similar refractory ceramic constructional goods, other than those of siliceous fossil meals or similar siliceous earths.	CTH or RVC(40)
6903	Other refractory ceramic goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than those of siliceous fossil meals or of similar siliceous earths.	CTH or RVC(40)
6904	Ceramic building bricks, flooring blocks, support or filler tiles and the like.	CTH or RVC(40)
6905	Roofing tiles, chimney-pots, cowls, chimney liners, architectural ornaments and other ceramic constructional goods.	CTH or RVC(40)

6906	Ceramic pipes, conduits, guttering and pipe fittings.	CTH or RVC(40)
6907	Unglazed ceramic flags and paving, hearth or wall tiles; unglazed ceramic mosaic cubes and the like, whether or not on a backing.	CTH or RVC(40)
6908	Glazed ceramic flags and paving, hearth or wall tiles; glazed ceramic mosaic cubes and the like, whether or not on a backing.	CC or RVC(40)
6909	Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods.	CTH or RVC(40)
6910	Ceramic sinks, wash basins, wash basin pedestals, baths, bidets, water closet pans, flushing cisterns, urinals and similar sanitary fixtures.	CTH or RVC(40)
6911	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china.	CTH or RVC(40)
6912	Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china.	CTH or RVC(40)
6913	Statuettes and other ornamental ceramic articles.	CTH or RVC(40)
6914	Other ceramic articles.	CTH or RVC(40)
Chapter 70	GLASS AND GLASSWARE	CTH or RVC(40)
Chapter 71	NATURAL OR CULTURED PEARLS, PRECIOUS OR SEMI-PRECIOUS STONES, PRECIOUS METALS, METALS CLAD WITH PRECIOUS METAL, AND ARTICLES THEREOF; IMITATION JEWELLERY; COIN	
7101	Pearls, natural or cultured, whether or not worked or graded but not strung, mounted or set; pearls, natural or cultured, temporarily strung for convenience of transport.	CC
7102	Diamonds, whether or not worked, but not mounted or set.	
7102.10	- Unsorted	CC or RVC(40)
7102.2	- Industrial :	

7102.21	-- Unworked or simply sawn, cleaved or bruted	CC or RVC(40)
7102.29	-- Other	CTSH or RVC(40)
7102.3	- Non-industrial :	
7102.31	-- Unworked or simply sawn, cleaved or bruted	CC or RVC(40)
7102.39	-- Other	CTSH or RVC(40)
7103	Precious stones (other than diamonds) and semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded precious stones (other than diamonds) and semi-precious stones, temporarily strung for convenience of transport.	
7103.10	- Unworked or simply sawn or roughly shaped	CC or RVC(40)
7103.9	- Otherwise worked :	
7103.91	-- Rubies, sapphires and emeralds	CTSH or RVC(40)
7103.99	-- Other	CTSH or RVC(40)
7104	Synthetic or reconstructed precious or semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded synthetic or reconstructed precious or semi-precious stones, temporarily strung for convenience of transport.	
7104.10	- Piezo-electric quartz	CTH or RVC(40)
7104.20	- Other, unworked or simply sawn or roughly shaped	CTH or RVC(40)
7104.90	- Other	CTSH or RVC(40)
7105	Dust and powder of natural or synthetic precious or semi- precious stones.	CTH or RVC(40)
7106	Silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form.	CC or RVC(40)
7107	Base metals clad with silver, not further worked than semi- manufactured.	CC or RVC(40)
7108	Gold (including gold plated with platinum) unwrought or in semi-manufactured forms, or in powder form.	

7108.1	- Non-monetary :	
7108.11	-- Powder	CC or RVC(40)
7108.12	-- Other unwrought forms	CC or RVC(40)
7108.13	-- Other semi-manufactured forms	CTSH or RVC(40)
7108.20	- Monetary	CC or RVC(40)
7109	Base metals or silver, clad with gold, not further worked than semi-manufactured.	CC or RVC(40)
7110	Platinum, unwrought or in semi-manufactured forms, or in powder form.	CC or RVC(40)
7111	Base metals, silver or gold, clad with platinum, not further worked than semi-manufactured.	CC or RVC(40)
7112	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal.	CTH
7113	Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal.	CTH or RVC(40)
7114	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal.	CTH or RVC(40)
7115	Other articles of precious metal or of metal clad with precious metal.	CTH or RVC(40)
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed).	CTH or RVC(40)
7117	Imitation jewellery.	CTH or RVC(40)
7118	Coin.	CTH or RVC(40)
Chapter 72	IRON AND STEEL	
7201	Pig iron and spiegeleisen in pigs, blocks or other primary forms.	CC or RVC(40)
7202	Ferro-alloys.	CTH or RVC(40)
7203	Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products, in lumps, pellets or similar forms; iron having a minimum purity by weight of 99.94 %, in lumps, pellets or similar forms.	CC or RVC(40)

7204	Ferrous waste and scrap; remelting scrap ingots of iron or steel.	CTH
7205	Granules and powders, of pig iron, spiegeleisen, iron or steel.	CTH or RVC(40)
7206	Iron and non-alloy steel in ingots or other primary forms (excluding iron of heading 72.03).	CTH or RVC(40)
7207	Semi-finished products of iron or non-alloy steel.	CTH except from heading 7206
7208	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated.	CC or RVC(40)
7209	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced), not clad, plated or coated.	CTH except from headings 7208 or 7211
7210	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated.	CTH except from headings 7208, 7209 or 7211
7211	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated.	CTH except from headings 7208 or 7209
7212	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, clad, plated or coated.	CTH except from headings 7208 to 7211 or RVC(40)
7213	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel.	CC or RVC(40)
7214	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling.	CTH except from heading 7213
7215	Other bars and rods of iron or non-alloy steel.	CTH except from headings 7213 or 7214
7216	Angles, shapes and sections of iron or non-alloy steel.	CTH except from headings 7208 to 7215
7217	Wire of iron or non-alloy steel.	
7217.10	- Not plated or coated, whether or not polished	CTH except from headings 7213 to 7215 or RVC(BD40)
7217.20	- Plated or coated with zinc	CTH except from headings 7213 to 7215 or RVC(40)
7217.30	- Plated or coated with other base metals	CTH except from headings 7213 to 7215 or RVC(40)
7217.90	- Other	CTH except from headings 7213 to 7215 or RVC(40)

7218	Stainless steel in ingots or other primary forms; semi-finished products of stainless steel.	CTH or RVC(40)
7219	Flat-rolled products of stainless steel, of a width of 600 mm or more.	
7219.1	- Not further worked than hot-rolled, in coils :	
7219.11	-- Of a thickness exceeding 10 mm	CTH or RVC(40)
7219.12	-- Of a thickness of 4.75 mm or more but not exceeding 10 mm	CTH or RVC(40)
7219.13	-- Of a thickness of 3 mm or more but less than 4.75 mm	CTH or RVC(40)
7219.14	-- Of a thickness of less than 3 mm	CTH or RVC(40)
7219.2	- Not further worked than hot-rolled, not in coils :	
7219.21	-- Of a thickness exceeding 10 mm	CTH or RVC(40)
7219.22	-- Of a thickness of 4.75 mm or more but not exceeding 10 mm	CTH or RVC(40)
7219.23	-- Of a thickness of 3 mm or more but less than 4.75 mm	CTH or RVC(40)
7219.24	-- Of a thickness of less than 3 mm	CTH or RVC(40)
7219.3	- Not further worked than cold-rolled (cold-reduced) :	
7219.31	-- Of a thickness of 4.75 mm or more	CTSH or RVC(40)
7219.32	-- Of a thickness of 3 mm or more but less than 4.75 mm	CTSH or RVC(40)
7219.33	-- Of a thickness exceeding 1 mm but less than 3 mm	CTSH or RVC(40)
7219.34	-- Of a thickness of 0.5 mm or more but not exceeding 1 mm	CTSH or RVC(40)
7219.35	-- Of a thickness of less than 0.5 mm	CTSH or RVC(40)
7219.90	- Other	CTSH or RVC(40)
7220	Flat-rolled products of stainless steel, of a width of less than 600 mm.	CTH except from heading 7219 or RVC(40)
7221	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel.	CTH
7222	Other bars and rods of stainless steel; angles, shapes and sections of stainless steel.	CTH except from heading 7221
7223	Wire of stainless steel.	CTH except from headings 7221 or 7222 or RVC(BD40)

7224	Other alloy steel in ingots or other primary forms; semi-finished products of other alloy steel.	CTH or RVC(40)
7225	Flat-rolled products of other alloy steel, of a width of 600 mm or more.	CTH except from heading 7226
7226	Flat-rolled products of other alloy steel, of a width of less than 600 mm.	CTH except from heading 7225
7227	Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel.	CTH except from heading 7228 or RVC(40)
7228	Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel.	CTH except from heading 7227 or RVC(40)
7229	Wire of other alloy steel.	CTH except from headings 7227 or 7228 or RVC(40)
Chapter 73	ARTICLES OF IRON OR STEEL	
7301	Sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements; welded angles, shapes and sections, of iron or steel.	CC except from headings 7207 to 7209 or 7211 or RVC(40)
7302	Railway or tramway track construction material of iron or steel, the following : rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails.	
7302.10	- Rails	CC except from headings 7207 to 7209 or RVC(40)
7302.30	- Switch blades, crossing frogs, point rods and other crossing pieces	CTH
7302.40	- Fish-plates and sole plates	CTH
7302.90	- Other	CTH
7303	Tubes, pipes and hollow profiles, of cast iron.	CTH
7304	Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel.	CTH
7305	Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406.4 mm, of iron or steel.	CTH

7306	Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel.	CTH except from headings 7208 to 7212 or RVC(40)
7307	Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel.	CC or RVC(40)
7308	Structures (excluding prefabricated buildings of heading 94.06) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel.	CTH except from headings 7208 to 7216 or 7225 to 7228 or RVC(40)
7309	Reservoirs, tanks, vats and similar containers for any material (other than compressed or liquefied gas), of iron or steel, of a capacity exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	CTH except from headings 7208 to 7216 or 7225 to 7228 or RVC(40)
7310	Tanks, casks, drums, cans, boxes and similar containers, for any material (other than compressed or liquefied gas), of iron or steel, of a capacity not exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	CC or RVC(40)
7311	Containers for compressed or liquefied gas, of iron or steel.	CC or RVC(40)
7312	Stranded wire, ropes, cables, plaited bands, slings and the like, of iron or steel, not electrically insulated.	
7312.10	- Stranded wire, ropes and cables	CC except from headings 7213 or 7217 or RVC(40)
7312.90	- Other	CC except from headings 7213, 7217, 7228 or 7229 or RVC(40)
7313	Barbed wire of iron or steel; twisted hoop or single flat wire, barbed or not, and loosely twisted double wire, of a kind used for fencing, of iron or steel.	CC or RVC(40)

7314	Cloth (including endless bands), grill, netting and fencing, of iron or steel wire; expanded metal of iron or steel.	CC or RVC(40)
7315	Chain and parts thereof, of iron or steel.	CTH or RVC(40)
7316	Anchors, grapnels and parts thereof, of iron or steel.	CTH or RVC(40)
7317	Nails, tacks, drawing pins, corrugated nails, staples (other than those of heading 83.05) and similar articles, of iron or steel, whether or not with heads of other material, but excluding such articles with heads of copper.	CTH or RVC(40)
7318	Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter-pins, washers (including spring washers) and similar articles, of iron or steel.	CC or RVC(40)
7319	Sewing needles, knitting needles, bodkins, crochet hooks, embroidery stiletos and similar articles, for use in the hand, of iron or steel; safety pins and other pins of iron or steel, not elsewhere specified or included.	CC or RVC(40)
7320	Springs and leaves for springs, of iron or steel.	CC except from headings 7208 to 7217 or RVC(40)
7321	Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating), barbecues, braziers, gas-rings, plate warmers and similar non-electric domestic appliances, and parts thereof, of iron or steel.	CTH or RVC(40)
7322	Radiators for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including distributors which can also distribute fresh or conditioned air), not electrically heated, incorporating a motor- driven fan or blower, and parts thereof, of iron or steel.	CTH or RVC(40)
7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel.	CTH or RVC(40)
7324	Sanitary ware and parts thereof, of iron or steel.	CC or RVC(40)
7325	Other cast articles of iron or steel.	CC or RVC(40)
7326	Other articles of iron or steel.	

7326.1	- Forged or stamped, but not further worked :	
7326.11	-- Grinding balls and similar articles for mills	CC or RVC(40)
7326.19	-- Other	CC or RVC(40)
7326.20	- Articles of iron or steel wire	CC or RVC(40)
7326.90	- Other	CTH or RVC(40)
Chapter 74	COPPER AND ARTICLES THEREOF	
7401	Copper mattes; cement copper (precipitated copper).	CC or RVC(40)
7402	Unrefined copper; copper anodes for electrolytic refining.	CTH or RVC(40)
7403	Refined copper and copper alloys, unwrought.	CTH or RVC(40)
7404	Copper waste and scrap.	CTH
7405	Master alloys of copper.	CTH or RVC(40)
7406	Copper powders and flakes.	CTH or RVC(40)
7407	Copper bars, rods and profiles.	CTH or RVC(40)
7408	Copper wire.	CTH except from heading 7407 or RVC(40)
7409	Copper plates, sheets and strip, of a thickness exceeding 0.15 mm.	CTH or RVC(40)
7410	Copper foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0.15 mm.	CTH or RVC(40)
7411	Copper tubes and pipes.	CTH or RVC(40)
7412	Copper tube or pipe fittings (for example, couplings, elbows, sleeves).	CTH or RVC(40)
7413	Stranded wire, cables, plaited bands and the like, of copper, not electrically insulated.	CTH or RVC(40)

7415	Nails, tacks, drawing pins, staples (other than those of heading 83.05) and similar articles, of copper or of iron or steel with heads of copper; screws, bolts, nuts, screw hooks, rivets, cotters, cotter-pins, washers (including spring washers) and similar articles, of copper.	CTH or RVC(40)
7418	Table, kitchen or other household articles and parts thereof, of copper; pot scourers and scouring or polishing pads, gloves and the like, of copper; sanitary ware and parts thereof, of copper.	CTH or RVC(40)
7419	Other articles of copper.	
7419.10	- Chain and parts thereof	CTH or RVC(40)
7419.9	- Other :	
7419.91	-- Cast, moulded, stamped or forged, but not further worked	CTH or RVC(40)
7419.99	-- Other	CTH or RVC(BU35/BD45)
Chapter 75	NICKEL AND ARTICLES THEREOF	
7501	Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy.	CTH or RVC(40)
7502	Unwrought nickel.	CTH or RVC(40)
7503	Nickel waste and scrap.	CTH
7504	Nickel powders and flakes.	CTH or RVC(40)
7505	Nickel bars, rods, profiles and wire.	CTH or RVC(40)
7506	Nickel plates, sheets, strip and foil.	CTH or RVC(40)
7507	Nickel tubes, pipes and tube or pipe fittings (for example, couplings, elbows, sleeves).	
7507.1	- Tubes and pipes :	
7507.11	-- Of nickel, not alloyed	CTH or RVC(40)
7507.12	-- Of nickel alloys	CTH or RVC(40)
7507.20	- Tube or pipe fittings	CTSH or RVC(40)
7508	Other articles of nickel.	CTH or RVC(40)
Chapter 76	ALUMINIUM AND ARTICLES THEREOF	

7601	Unwrought aluminium.	
7601.10	- Aluminium, not alloyed	CTH
7601.20	- Aluminium alloys	CC or RVC(40)
7602	Aluminium waste and scrap.	CTH
7603	Aluminium powders and flakes.	CTH or RVC(40)
7604	Aluminium bars, rods and profiles.	CTH or RVC(40)
7605	Aluminium wire.	CTH except from heading 7604 or RVC(40)
7606	Aluminium plates, sheets and strip, of a thickness exceeding 0.2 mm.	CTH or RVC(40)
7607	Aluminium foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0.2 mm.	CTH except from heading 7606 or RVC(40)
7608	Aluminium tubes and pipes.	CTH or RVC(40)
7609	Aluminium tube or pipe fittings (for example, couplings, elbows, sleeves).	CTH or RVC(40)
7610	Aluminium structures (excluding prefabricated buildings of heading 94.06) and parts of structures (for example, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, balustrades, pillars and columns); aluminium plates, rods, profiles, tubes and the like, prepared for use in structures.	CTH or RVC(40)
7611	Aluminium reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of a capacity exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	CTH or RVC(40)
7612	Aluminium casks, drums, cans, boxes and similar containers (including rigid or collapsible tubular containers), for any material (other than compressed or liquefied gas), of a capacity not exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	CTH or RVC(40)
7613	Aluminium containers for compressed or liquefied gas.	CTH or RVC(40)

7614	Stranded wire, cables, plaited bands and the like, of aluminium, not electrically insulated.	
7614.10	- With steel core	CTH except from headings 7604 to 7605 or RVC(40)
7614.90	- Other	CTH except from heading 7605 or RVC(BD40)
7615	Table, kitchen or other household articles and parts thereof, of aluminium; pot scourers and scouring or polishing pads, gloves and the like, of aluminium; sanitary ware and parts thereof, of aluminium.	CTH or RVC(40)
7616	Other articles of aluminium.	CTH or RVC(40)
Chapter 78	LEAD AND ARTICLES THEREOF	
7801	Unwrought lead.	
7801.10	- Refined lead	CTH
7801.9	- Other :	
7801.91	-- Containing by weight antimony as the principal other element	CTH
7801.99	-- Other	CC or RVC(40)
7802	Lead waste and scrap.	CTH
7804	Lead plates, sheets, strip and foil; lead powders and flakes.	CTH or RVC(40)
7806	Other articles of lead.	CTH or RVC(40)
Chapter 79	ZINC AND ARTICLES THEREOF	
7901	Unwrought zinc.	CTH or RVC(40)
7902	Zinc waste and scrap.	CTH
7903	Zinc dust, powders and flakes.	CTH or RVC(40)
7904	Zinc bars, rods, profiles and wire.	CTH or RVC(40)
7905	Zinc plates, sheets, strip and foil.	CTH or RVC(40)
7907	Other articles of zinc.	CTH or RVC(40)
Chapter 80	TIN AND ARTICLES THEREOF	

8001	Unwrought tin.	CTH or RVC(40)
8002	Tin waste and scrap.	CTH
8003	Tin bars, rods, profiles and wire.	CTH or RVC(40)
8007	Other articles of tin.	CTH or RVC(40)
Chapter 81	OTHER BASE METALS; CERMETS; ARTICLES THEREOF	
8101	Tungsten (wolfram) and articles thereof, including waste and scrap.	
8101.10	- Powders	CTSH
8101.9	- Other :	
8101.94	-- Unwrought tungsten, including bars and rods obtained simply by sintering	CTSH
8101.96	-- Wire	CTSH
8101.97	-- Waste and scrap	CTSH
8101.99	-- Other	CTSH or RVC(40)
8102	Molybdenum and articles thereof, including waste and scrap.	CTSH
8103	Tantalum and articles thereof, including waste and scrap.	CTSH
8104	Magnesium and articles thereof, including waste and scrap.	CTSH
8105	Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap.	CTSH
8106	Bismuth and articles thereof, including waste and scrap.	CTH or RVC(40)
8107	Cadmium and articles thereof, including waste and scrap.	CTSH
8108	Titanium and articles thereof, including waste and scrap.	CTSH
8109	Zirconium and articles thereof, including waste and scrap.	CTSH
8110	Antimony and articles thereof, including waste and scrap.	CTSH
8111	Manganese and articles thereof, including waste and scrap.	CC or RVC(40)

8112	Beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium and thallium, and articles of these metals, including waste and scrap.	
8112.1	- Beryllium :	
8112.12	-- Unwrought; powders	CTSH
8112.13	-- Waste and scrap	CTSH
8112.19	-- Other	CTSH
8112.2	- Chromium :	
8112.21	-- Unwrought; powders	CTSH
8112.22	-- Waste and scrap	CTSH
8112.29	-- Other	CTSH
8112.5	- Thallium :	
8112.51	-- Unwrought; powders	CTSH
8112.52	-- Waste and scrap	CTSH
8112.59	-- Other	CTSH
8112.9	- Other :	
8112.92	-- Unwrought; waste and scrap; powders	CTSH or RVC(40)
8112.99	-- Other	CTSH or RVC(40)
8113	Cermets and articles thereof, including waste and scrap.	CC or RVC(40)
Chapter 82	TOOLS, IMPLEMENTS, CUTLERY, SPOONS AND FORKS, OF BASE METAL; PARTS THEREOF OF BASE METAL	
8201	Hand tools, the following : spades, shovels, mattocks, picks, hoes, forks and rakes; axes, bill hooks and similar hewing tools; scateurs and pruners of any kind; scythes, sickles, hay knives, hedge shears, timber wedges and other tools of a kind used in agriculture, horticulture or forestry.	CC or RVC(40)

8202	Hand saws; blades for saws of all kinds (including slitting, slotting or toothless saw blades).	CC or RVC(40)
8203	Files, rasps, pliers (including cutting pliers), pincers, tweezers, metal cutting shears, pipe-cutters, bolt croppers, perforating punches and similar hand tools.	CC or RVC(40)
8204	Hand-operated spanners and wrenches (including torque meter wrenches but not including tap wrenches); interchangeable spanner sockets, with or without handles.	CC or RVC(40)
8205	Hand tools (including glaziers' diamonds), not elsewhere specified or included; blow lamps; vices, clamps and the like, other than accessories for and parts of, machine tools; anvils; portable forges; hand or pedal-operated grinding wheels with frameworks.	CC or RVC(40)
8206	Tools of two or more of the headings 82.02 to 82.05, put up in sets for retail sale.	CC or RVC(40)
8207	Interchangeable tools for hand tools, whether or not power- operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screw driving), including dies for drawing or extruding metal, and rock drilling or earth boring tools.	
8207.1	- Rock drilling or earth boring tools :	
8207.13	-- With working part of cermets	CTH or RVC(BD40)
8207.19	-- Other, including parts	CTH or RVC(BD40)
8207.20	- Dies for drawing or extruding metal	CC or RVC(40)
8207.30	- Tools for pressing, stamping or punching	CC or RVC(40)
8207.40	- Tools for tapping or threading	CC or RVC(40)
8207.50	- Tools for drilling, other than for rock drilling	CC or RVC(40)
8207.60	- Tools for boring or broaching	CC or RVC(40)
8207.70	- Tools for milling	CC or RVC(40)
8207.80	- Tools for turning	CC or RVC(40)

8207.90	- Other interchangeable tools	CC or RVC(40)
8208	Knives and cutting blades, for machines or for mechanical appliances.	CC or RVC(40)
8209	Plates, sticks, tips and the like for tools, unmounted, of cermets.	CC or RVC(40)
8210	Hand-operated mechanical appliances, weighing 10 kg or less, used in the preparation, conditioning or serving of food or drink.	CC or RVC(40)
8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 82.08, and blades therefor.	CC or RVC(40)
8212	Razors and razor blades (including razor blade blanks in strips).	CC or RVC(40)
8213	Scissors, tailors' shears and similar shears, and blades therefor.	CC or RVC(40)
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files).	CC or RVC(40)
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter- knives, sugar tongs and similar kitchen or tableware.	CC or RVC(40)
Chapter 83	MISCELLANEOUS ARTICLES OF BASE METAL	
8301	Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys for any of the foregoing articles, of base metal.	
8301.10	- Padlocks	CTSH or RVC(40)
8301.20	- Locks of a kind used for motor vehicles	CTSH or RVC(40)
8301.30	- Locks of a kind used for furniture	CTSH or RVC(40)
8301.40	- Other locks	CTSH or RVC(40)
8301.50	- Clasps and frames with clasps, incorporating locks	CTSH or RVC(40)
8301.60	- Parts	CC or RVC(40)
8301.70	- Keys presented separately	CC or RVC(40)

8302	Base metal mountings, fittings and similar articles suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets or the like; base metal hat-racks, hat-pegs, brackets and similar fixtures; castors with mountings of base metal; automatic door closers of base metal.	CTH
8303	Armoured or reinforced safes, strong-boxes and doors and safe deposit lockers for strong-rooms, cash or deed boxes and the like, of base metal.	CTH
8304	Filing cabinets, card-index cabinets, paper trays, paper rests, pen trays, office-stamp stands and similar office or desk equipment, of base metal, other than office furniture of heading 94.03.	CTH
8305	Fittings for loose-leaf binders or files, letter clips, letter corners, paper clips, indexing tags and similar office articles, of base metal; staples in strips (for example, for offices, upholstery, packaging), of base metal.	CTH or RVC(40)
8306	Bells, gongs and the like, non-electric, of base metal; statuettes and other ornaments, of base metal; photograph, picture or similar frames, of base metal; mirrors of base metal.	CTH or RVC(40)
8307	Flexible tubing of base metal, with or without fittings.	CTH or RVC(40)
8308	Clasps, frames with clasps, buckles, buckle-clasps, hooks, eyes, eyelets and the like, of base metal, of a kind used for clothing, footwear, awnings, handbags, travel goods or other made up articles; tubular or bifurcated rivets, of base metal; beads and spangles, of base metal.	CTH or RVC(40)
8309	Stoppers, caps and lids (including crown corks, screw caps and pouring stoppers), capsules for bottles, threaded bungs, bung covers, seals and other packing accessories, of base metal.	CTH or RVC(40)
8310	Sign-plates, name-plates, address-plates and similar plates, numbers, letters and other symbols, of base metal, excluding those of heading 94.05.	CTH or RVC(40)

8311	Wire, rods, tubes, plates, electrodes and similar products, of base metal or of metal carbides, coated or cored with flux material, of a kind used for soldering, brazing, welding or deposition of metal or of metal carbides; wire and rods, of agglomerated base metal powder, used for metal spraying.	CTH
Chapter 84	NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF	
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation.	
8401.10	- Nuclear reactors	CTSH or RVC(40)
8401.20	- Machinery and apparatus for isotopic separation, and parts thereof	CTSH or RVC(40)
8401.30	- Fuel elements (cartridges), non-irradiated	CTSH or RVC(40)
8401.40	- Parts of nuclear reactors	CTH or RVC(40)
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers.	
8402.1	- Steam or other vapour generating boilers :	
8402.11	-- Watertube boilers with a steam production exceeding 45 t per hour	CTSH except from subheading 8402.12 or RVC(40)
8402.12	-- Watertube boilers with a steam production not exceeding 45 t per hour	CTSH except from subheading 8402.11 or RVC(40)
8402.19	-- Other vapour generating boilers, including hybrid boilers	CTSH or RVC(40)
8402.20	- Super-heated water boilers	CTSH or RVC(40)
8402.90	- Parts	CTH or RVC(40)
8403	Central heating boilers other than those of heading 84.02.	
8403.10	- Boilers	CTSH or RVC(40)
8403.90	- Parts	CTH or RVC(40)

8404	Auxiliary plant for use with boilers of heading 84.02 or 84.03 (for example, economisers, super-heaters, soot removers, gas recoverers); condensers for steam or other vapour power units.	
8404.10	- Auxiliary plant for use with boilers of heading 84.02 or 84.03	CTSH or RVC(40)
8404.20	- Condensers for steam or other vapour power units	CTSH or RVC(40)
8404.90	- Parts	CTH or RVC(40)
8405	Producer gas or water gas generators, with or without their purifiers; acetylene gas generators and similar water process gas generators, with or without their purifiers.	
8405.10	- Producer gas or water gas generators, with or without their purifiers; acetylene gas generators and similar water process gas generators, with or without their purifiers	CTSH or RVC(40)
8405.90	- Parts	CTH or RVC(40)
8406	Steam turbines and other vapour turbines.	
8406.10	- Turbines for marine propulsion	CTSH or RVC(40)
8406.8	- Other turbines :	
8406.81	-- Of an output exceeding 40 MW	CTSH except from subheading 8406.82 or RVC(40)
8406.82	-- Of an output not exceeding 40 MW	CTSH except from subheading 8406.81 or RVC(40)
8406.90	- Parts	CTH or RVC(40)
8407	Spark-ignition reciprocating or rotary internal combustion piston engines.	CTH or RVC(40)
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines).	CTH or RVC(40)
8409	Parts suitable for use solely or principally with the engines of heading 84.07 or 84.08.	CTH or RVC(40)
8410	Hydraulic turbines, water wheels, and regulators therefor.	
8410.1	- Hydraulic turbines and water wheels :	
8410.11	-- Of a power not exceeding 1,000 kW	CTSH except from subheadings 8410.12 or 8410.13 or RVC(40)

8410.12	-- Of a power exceeding 1,000 kW but not exceeding 10,000 kW	CTSH except from subheadings 8410.11 or 8410.13 or RVC(40)
8410.13	-- Of a power exceeding 10,000 kW	CTSH except from subheadings 8410.11 or 8410.12 or RVC(40)
8410.90	- Parts, including regulators	CTH or RVC(40)
8411	Turbo-jets, turbo-propellers and other gas turbines.	
8411.1	- Turbo-jets :	
8411.11	-- Of a thrust not exceeding 25 kN	CTSH except from subheadings 8411.12 to 8411.82 or RVC(40)
8411.12	-- Of a thrust exceeding 25 kN	CTSH except from subheadings 8411.11 or 8411.21 to 8411.82 or RVC(40)
8411.2	- Turbo-propellers :	
8411.21	-- Of a power not exceeding 1,100 kW	CTSH except from subheadings 8411.11, 8411.12 or 8411.22 to 8411.82 or RVC(40)
8411.22	-- Of a power exceeding 1,100 kW	CTSH except from subheadings 8411.11 to 8411.21, 8411.81 or 8411.82 or RVC(40)
8411.8	- Other gas turbines :	
8411.81	-- Of a power not exceeding 5,000 kW	CTSH except from subheadings 8411.11 to 8411.22 or 8411.82 or RVC(40)
8411.82	-- Of a power exceeding 5,000 kW	CTSH except from subheadings 8411.11 to 8411.81 or RVC(40)
8411.9	- Parts :	
8411.91	-- Of turbo-jets or turbo-propellers	CTH or RVC(40)
8411.99	-- Other	CTH or RVC(40)
8412	Other engines and motors.	
8412.10	- Reaction engines other than turbo-jets	CTSH or RVC(40)

8412.2	- Hydraulic power engines and motors :	
8412.21	-- Linear acting (cylinders)	CTSH or RVC(40)
8412.29	-- Other	CTSH or RVC(40)
8412.3	- Pneumatic power engines and motors :	
8412.31	-- Linear acting (cylinders)	CTSH or RVC(40)
8412.39	-- Other	CTSH or RVC(40)
8412.80	- Other	CTSH or RVC(40)
8412.90	- Parts	CTH or RVC(40)
8413	Pumps for liquids, whether or not fitted with a measuring device; liquid elevators.	
8413.1	- Pumps fitted or designed to be fitted with a measuring device :	
8413.11	-- Pumps for dispensing fuel or lubricants, of the type used in filling-stations or in garages	CTSH or RVC(40)
8413.19	-- Other	CTSH or RVC(40)
8413.20	- Hand pumps, other than those of subheading 8413.11 or 8413.19	CTSH or RVC(40)
8413.30	- Fuel, lubricating or cooling medium pumps for internal combustion piston engines	CTSH or RVC(40)
8413.40	- Concrete pumps	CTSH or RVC(40)
8413.50	- Other reciprocating positive displacement pumps	CTSH or RVC(40)
8413.60	- Other rotary positive displacement pumps	CTSH or RVC(40)
8413.70	- Other centrifugal pumps	CTSH or RVC(40)
8413.8	- Other pumps; liquid elevators :	
8413.81	-- Pumps	CTSH or RVC(40)
8413.82	-- Liquid elevators	CTSH or RVC(40)
8413.9	- Parts :	
8413.91	-- Of pumps	CTH or RVC(40)
8413.92	-- Of liquid elevators	CTH or RVC(40)

8414	Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters.	
8414.10	- Vacuum pumps	CTSH
8414.20	- Hand- or foot-operated air pumps	CTSH or RVC(40)
8414.30	- Compressors of a kind used in refrigerating equipment	CTSH
8414.40	- Air compressors mounted on a wheeled chassis for towing	CTSH or RVC(40)
8414.5	- Fans :	
8414.51	-- Table, floor, wall, window, ceiling or roof fans, with a self- contained electric motor of an output not exceeding 125 W	CTSH
8414.59	-- Other	CTSH or RVC(40)
8414.60	- Hoods having a maximum horizontal side not exceeding 120 cm	CTSH or RVC(40)
8414.80	- Other	CTSH or RVC(40)
8414.90	- Parts	CTH or RVC(40)
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated.	
8415.10	- Window or wall types, self-contained or 'split-system'	CTSH or RVC(40)
8415.20	- Of a kind used for persons, in motor vehicles	CTSH or RVC(40)
8415.8	- Other :	
8415.81	-- Incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle (reversible heat pumps)	CTSH or RVC(40)
8415.82	-- Other, incorporating a refrigerating unit	CTSH or RVC(40)
8415.83	-- Not incorporating a refrigerating unit	CTSH or RVC(40)
8415.90	- Parts	CTH or RVC(BU30/BD40)
8416	Furnace burners for liquid fuel, for pulverised solid fuel or for gas; mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances.	

8416.10	- Furnace burners for liquid fuel	CTSH or RVC(40)
8416.20	- Other furnace burners, including combination burners	CTSH or RVC(40)
8416.30	- Mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances	CTSH or RVC(40)
8416.90	- Parts	CTH or RVC(40)
8417	Industrial or laboratory furnaces and ovens, including incinerators, non-electric.	
8417.10	- Furnaces and ovens for the roasting, melting or other heat-treatment of ores, pyrites or of metals	CTSH or RVC(40)
8417.20	- Bakery ovens, including biscuit ovens	CTSH or RVC(40)
8417.80	- Other	CTSH or RVC(40)
8417.90	- Parts	CTH or RVC(40)
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15.	
8418.10	- Combined refrigerator-freezers, fitted with separate external doors	CTSH or RVC(40)
8418.2	- Refrigerators, household type :	
8418.21	-- Compression-type	CTSH or RVC(40)
8418.29	-- Other	CTSH or RVC(40)
8418.30	- Freezers of the chest type, not exceeding 800 l capacity	CTSH or RVC(40)
8418.40	- Freezers of the upright type, not exceeding 900 l capacity	CTSH
8418.50	- Other furniture (chests, cabinets, display counters, show-cases and the like) for storage and display, incorporating refrigerating or freezing equipment	CTSH or RVC(40)
8418.6	- Other refrigerating or freezing equipment; heat pumps :	
8418.61	-- Heat pumps other than air conditioning machines of heading 84.15	CTSH or RVC(40)
8418.69	-- Other	CTSH
8418.9	- Parts :	

8418.91	-- Furniture designed to receive refrigerating or freezing equipment	CTH or RVC(40)
8418.99	-- Other	CTH or RVC(BU30/BD40)
8419	Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 85.14), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electric.	
8419.1	- Instantaneous or storage water heaters, non-electric :	
8419.11	-- Instantaneous gas water heaters	CTSH or RVC(40)
8419.19	-- Other	CTSH or RVC(40)
8419.20	- Medical, surgical or laboratory sterilisers	CTSH
8419.3	- Dryers :	
8419.31	-- For agricultural products	CTSH or RVC(40)
8419.32	-- For wood, paper pulp, paper or paperboard	CTSH or RVC(40)
8419.39	-- Other	CTSH or RVC(40)
8419.40	- Distilling or rectifying plant	CTSH
8419.50	- Heat exchange units	CTSH or RVC(40)
8419.60	- Machinery for liquefying air or other gases	CTSH or RVC(40)
8419.8	- Other machinery, plant and equipment :	
8419.81	-- For making hot drinks or for cooking or heating food	CTSH or RVC(40)
8419.89	-- Other	CTSH
8419.90	- Parts	CTH or RVC(BU30/BD40)
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor.	

8420.10	- Calendering or other rolling machines	CTSH or RVC(40)
8420.9	- Parts :	
8420.91	-- Cylinders	CTH or RVC(40)
8420.99	-- Other	CTH or RVC(40)
8421	Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases.	
8421.1	- Centrifuges, including centrifugal dryers :	
8421.11	-- Cream separators	CTSH or RVC(40)
8421.12	-- Clothes-dryers	CTSH or RVC(40)
8421.19	-- Other	CTSH or RVC(40)
8421.2	- Filtering or purifying machinery and apparatus for liquids :	
8421.21	-- For filtering or purifying water	CTSH or RVC(40)
8421.22	-- For filtering or purifying beverages other than water	CTSH or RVC(40)
8421.23	-- Oil or petrol-filters for internal combustion engines	CTSH or RVC(40)
8421.29	-- Other	CTSH or RVC(40)
8421.3	- Filtering or purifying machinery and apparatus for gases :	
8421.31	-- Intake air filters for internal combustion engines	CTSH or RVC(40)
8421.39	-- Other	CTSH or RVC(40)
8421.9	- Parts :	
8421.91	-- Of centrifuges, including centrifugal dryers	CTH or RVC(40)
8421.99	-- Other	CTH or RVC(40)
8422	Dish washing machines; machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; other packing or wrapping machinery (including heat-shrink wrapping machinery); machinery for aerating beverages.	

8422.1	- Dish washing machines :	
8422.11	-- Of the household type	CTSH or RVC(40)
8422.19	-- Other	CTSH or RVC(40)
8422.20	- Machinery for cleaning or drying bottles or other containers	CTSH or RVC(40)
8422.30	- Machinery for filling, closing, sealing, or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; machinery for aerating beverages	CTSH or RVC(40)
8422.40	- Other packing or wrapping machinery (including heat-shrink wrapping machinery)	CTSH or RVC(40)
8422.90	- Parts	CTH or RVC(40)
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds.	
8423.10	- Personal weighing machines, including baby scales; household scales	CTSH or RVC(40)
8423.20	- Scales for continuous weighing of goods on conveyors	CTSH or RVC(40)
8423.30	- Constant weight scales and scales for discharging a predetermined weight of material into a bag or container, including hopper scales	CTSH or RVC(40)
8423.8	- Other weighing machinery :	
8423.81	-- Having a maximum weighing capacity not exceeding 30 kg	CTSH or RVC(40)
8423.82	-- Having a maximum weighing capacity exceeding 30 kg but not exceeding 5,000 kg	CTSH or RVC(40)
8423.89	-- Other	CTSH or RVC(40)
8423.90	- Weighing machine weights of all kinds; parts of weighing machinery	CTH or RVC(40)
8424	Mechanical appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines.	
8424.10	- Fire extinguishers, whether or not charged	CTSH or RVC(40)
8424.20	- Spray guns and similar appliances	CTSH or RVC(40)

8424.30	- Steam or sand blasting machines and similar jet projecting machines	CTSH or RVC(40)
8424.8	- Other appliances :	
8424.81	-- Agricultural or horticultural	CTSH or RVC(40)
8424.89	-- Other	CTSH or RVC(40)
8424.90	- Parts	CTH or RVC(40)
8425	Pulley tackle and hoists other than skip hoists; winches and capstans; jacks.	CTH or RVC(40)
8426	Ships' derricks; cranes, including cable cranes; mobile lifting frames, straddle carriers and works trucks fitted with a crane.	CTH or RVC(40)
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment.	CTH or RVC(40)
8428	Other lifting, handling, loading or unloading machinery (for example, lifts, escalators, conveyors, teleferics).	CTH or RVC(40)
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers.	CTH or RVC(40)
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow- blowers.	CTH or RVC(40)
8431	Parts suitable for use solely or principally with the machinery of headings 84.25 to 84.30.	CTH or RVC(40)
8432	Agricultural, horticultural or forestry machinery for soil preparation or cultivation; lawn or sports-ground rollers.	
8432.10	- Ploughs	CTSH or RVC(40)
8432.2	- Harrows, scarifiers, cultivators, weeders and hoes :	
8432.21	-- Disc harrows	CTSH or RVC(40)
8432.29	-- Other	CTSH or RVC(40)
8432.30	- Seeders, planters and transplanters	CTSH or RVC(40)

8432.40	- Manure spreaders and fertiliser distributors	CTSH or RVC(40)
8432.80	- Other machinery	CTSH or RVC(40)
8432.90	- Parts	CTH or RVC(40)
8433	Harvesting or threshing machinery, including straw or fodder balers; grass or hay mowers; machines for cleaning, sorting or grading eggs, fruit or other agricultural produce, other than machinery of heading 84.37.	
8433.1	- Mowers for lawns, parks or sports-grounds :	
8433.11	-- Powered, with the cutting device rotating in a horizontal plane	CTSH or RVC(40)
8433.19	-- Other	CTSH or RVC(40)
8433.20	- Other mowers, including cutter bars for tractor mounting	CTSH or RVC(40)
8433.30	- Other haymaking machinery	CTSH or RVC(40)
8433.40	- Straw or fodder balers, including pick-up balers	CTSH or RVC(40)
8433.5	- Other harvesting machinery; threshing machinery :	
8433.51	-- Combine harvester-threshers	CTSH or RVC(40)
8433.52	-- Other threshing machinery	CTSH or RVC(40)
8433.53	-- Root or tuber harvesting machines	CTSH or RVC(40)
8433.59	-- Other	CTSH or RVC(40)
8433.60	- Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce	CTSH or RVC(40)
8433.90	- Parts	CTH or RVC(40)
8434	Milking machines and dairy machinery.	
8434.10	- Milking machines	CTSH or RVC(40)
8434.20	- Dairy machinery	CTSH or RVC(40)
8434.90	- Parts	CTH or RVC(40)
8435	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages.	

8435.10	- Machinery	CTSH or RVC(40)
8435.90	- Parts	CTH or RVC(40)
8436	Other agricultural, horticultural, forestry, poultry-keeping or bee-keeping machinery, including germination plant fitted with mechanical or thermal equipment; poultry incubators and brooders.	
8436.10	- Machinery for preparing animal feeding stuffs	CTSH or RVC(40)
8436.2	- Poultry-keeping machinery; poultry incubators and brooders :	
8436.21	-- Poultry incubators and brooders	CTSH or RVC(40)
8436.29	-- Other	CTSH or RVC(40)
8436.80	- Other machinery	CTSH or RVC(40)
8436.9	- Parts :	
8436.91	-- Of poultry-keeping machinery or poultry incubators and brooders	CTH or RVC(40)
8436.99	-- Other	CTH or RVC(40)
8437	Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables; machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm-type machinery.	
8437.10	- Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables	CTSH or RVC(40)
8437.80	- Other machinery	CTSH or RVC(40)
8437.90	- Parts	CTH or RVC(40)
8438	Machinery, not specified or included elsewhere in this Chapter, for the industrial preparation or manufacture of food or drink, other than machinery for the extraction or preparation of animal or fixed vegetable fats or oils.	
8438.10	- Bakery machinery and machinery for the manufacture of macaroni, spaghetti or similar products	CTSH or RVC(40)

8438.20	- Machinery for the manufacture of confectionery, cocoa or chocolate	CTSH or RVC(40)
8438.30	- Machinery for sugar manufacture	CTSH or RVC(40)
8438.40	- Brewery machinery	CTSH or RVC(40)
8438.50	- Machinery for the preparation of meat or poultry	CTSH or RVC(40)
8438.60	- Machinery for the preparation of fruits, nuts or vegetables	CTSH or RVC(40)
8438.80	- Other machinery	CTSH or RVC(40)
8438.90	- Parts	CTH or RVC(40)
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard.	
8439.10	- Machinery for making pulp of fibrous cellulosic material	CTSH or RVC(40)
8439.20	- Machinery for making paper or paperboard	CTSH or RVC(40)
8439.30	- Machinery for finishing paper or paperboard	CTSH or RVC(40)
8439.9	- Parts :	
8439.91	-- Of machinery for making pulp of fibrous cellulosic material	CTH or RVC(40)
8439.99	-- Other	CTH or RVC(40)
8440	Book-binding machinery, including book-sewing machines.	
8440.10	- Machinery	CTSH or RVC(40)
8440.90	- Parts	CTH or RVC(40)
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds.	
8441.10	- Cutting machines	CTSH or RVC(40)
8441.20	- Machines for making bags, sacks or envelopes	CTSH or RVC(40)
8441.30	- Machines for making cartons, boxes, cases, tubes, drums or similar containers, other than by moulding	CTSH or RVC(40)
8441.40	- Machines for moulding articles in paper pulp, paper or paperboard	CTSH or RVC(40)

8441.80	- Other machinery	CTSH or RVC(40)
8441.90	- Parts	CTH or RVC(40)
8442	Machinery, apparatus and equipment (other than the machine- tools of headings 84.56 to 84.65) for preparing or making plates, cylinders or other printing components; plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished).	
8442.30	-Machinery, apparatus and equipment	CTSH or RVC(40)
8442.40	- Parts of the foregoing machinery, apparatus or equipment	CTH or RVC(40)
8442.50	- Plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished)	CTH or RVC(40)
8443	Printing machinery used for printing by means of plates, cylinders and other printing components of heading 84.42; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof.	
8443.1	- Printing machinery used for printing by means of plates, cylinders and other printing components of heading 84.42 :	
8443.11	-- Offset printing machinery, reel-fed	CTSH or RVC(40)
8443.12	-- Offset printing machinery, sheet-fed, office type (using sheets with one side not exceeding 22 cm and the other side not exceeding 36 cm in the unfolded state)	CTSH or RVC(40)
8443.13	-- Other offset printing machinery	CTSH or RVC(40)
8443.14	-- Letterpress printing machinery, reel fed, excluding flexographic printing	CTSH or RVC(40)
8443.15	-- Letterpress printing machinery, other than reel fed, excluding flexographic printing	CTSH or RVC(40)
8443.16	-- Flexographic printing machinery	CTSH or RVC(40)
8443.17	-- Gravure printing machinery	CTSH or RVC(40)

8443.19	-- Other	CTSH or RVC(40)
8443.3	- Other printers, copying machines and facsimile machines, whether or not combined :	
8443.31	-- Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network	CTSH or RVC(40)
8443.32	-- Other, capable of connecting to an automatic data processing machine or to a network	CTSH or RVC(40)
8443.39	-- Other	CTSH or RVC(40)
8443.9	- Parts and accessories :	
8443.91	-- Parts and accessories of printing machinery used for printing by means of plates, cylinders and other printing components of heading 84.42	CTH or RVC(40)
8443.99	-- Other	CTH or RVC(40)
8444	Machines for extruding, drawing, texturing or cutting man- made textile materials.	CTH or RVC(40)
8445	Machines for preparing textile fibres; spinning, doubling or twisting machines and other machinery for producing textile yarns; textile reeling or winding (including weft-winding) machines and machines for preparing textile yarns for use on the machines of heading 84.46 or 84.47.	CTH or RVC(40)
8446	Weaving machines (looms).	CTH or RVC(40)
8447	Knitting machines, stitch-bonding machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net and machines for tufting.	CTH or RVC(40)
8448	Auxiliary machinery for use with machines of heading 84.44, 84.45, 84.46 or 84.47 (for example, dobbies, Jacquards, automatic stop motions, shuttle changing mechanisms); parts and accessories suitable for use solely or principally with the machines of this heading or of heading 84.44, 84.45, 84.46 or 84.47 (for example, spindles and spindle flyers, card clothing, combs, extruding nipples, shuttles, healds and heald-frames, hosiery needles).	
8448.1	- Auxiliary machinery for machines of heading 84.44, 84.45, 84.46 or 84.47 :	

8448.11	-- Dobbies and Jacquards; card reducing, copying, punching or assembling machines for use therewith	CTSH or RVC(40)
8448.19	-- Other	CTSH or RVC(40)
8448.20	- Parts and accessories of machines of heading 84.44 or of their auxiliary machinery	CTH or RVC(40)
8448.3	- Parts and accessories of machines of heading 84.45 or of their auxiliary machinery :	
8448.31	-- Card clothing	CTH or RVC(40)
8448.32	-- Of machines for preparing textile fibres, other than card clothing	CTH or RVC(40)
8448.33	-- Spindles, spindle flyers, spinning rings and ring travellers	CTH or RVC(40)
8448.39	-- Other	CTH or RVC(40)
8448.4	- Parts and accessories of weaving machines (looms) or of their auxiliary machinery :	
8448.42	-- Reeds for looms, healds and heald-frames	CTH or RVC(40)
8448.49	-- Other	CTH or RVC(40)
8448.5	- Parts and accessories of machines of heading 84.47 or of their auxiliary machinery :	
8448.51	-- Sinkers, needles and other articles used in forming stitches	CTH or RVC(40)
8448.59	-- Other	CTH or RVC(40)
8449	Machinery for the manufacture or finishing of felt or nonwovens in the piece or in shapes, including machinery for making felt hats; blocks for making hats.	CTH or RVC(40)
8450	Household or laundry-type washing machines, including machines which both wash and dry.	
8450.1	-Machines, each of a dry linen capacity not exceeding 10 kg :	
8450.11	-- Fully-automatic machines	CTSH or RVC(40)
8450.12	-- Other machines, with built-in centrifugal drier	CTSH or RVC(40)
8450.19	-- Other	CTSH or RVC(40)
8450.20	-Machines, each of a dry linen capacity exceeding 10 kg	CTSH or RVC(40)
8450.90	- Parts	CTH or RVC(40)

8451	Machinery (other than machines of heading 84.50) for washing, cleaning, wringing, drying, ironing, pressing (including fusing presses), bleaching, dyeing, dressing, finishing, coating or impregnating textile yarns, fabrics or made up textile articles and machines for applying the paste to the base fabric or other support used in the manufacture of floor coverings such as linoleum; machines for reeling, unreeling, folding, cutting or pinking textile fabrics.	
8451.10	- Dry-cleaning machines	CTSH or RVC(40)
8451.2	- Drying machines :	
8451.21	-- Each of a dry linen capacity not exceeding 10 kg	CTSH or RVC(40)
8451.29	-- Other	CTSH or RVC(40)
8451.30	- Ironing machines and presses (including fusing presses)	CTSH or RVC(40)
8451.40	-Washing, bleaching or dyeing machines	CTSH or RVC(40)
8451.50	-Machines for reeling, unreeling, folding, cutting or pinking textile fabrics	CTSH or RVC(40)
8451.80	- Other machinery	CTSH or RVC(40)
8451.90	- Parts	CTH or RVC(40)
8452	Sewing machines, other than book-sewing machines of heading 84.40; furniture, bases and covers specially designed for sewing machines; sewing machine needles.	
8452.10	- Sewing machines of the household type	CTSH or RVC(40)
8452.2	- Other sewing machines :	
8452.21	-- Automatic units	CTSH or RVC(40)
8452.29	-- Other	CTSH or RVC(40)
8452.30	- Sewing machine needles	CTH or RVC(40)
8452.90	- Furniture, bases and covers for sewing machines and parts thereof; other parts of sewing machines	CTH or RVC(40)

8453	Machinery for preparing, tanning or working hides, skins or leather or for making or repairing footwear or other articles of hides, skins or leather, other than sewing machines.	
8453.10	-Machinery for preparing, tanning or working hides, skins or leather	CTSH or RVC(40)
8453.20	-Machinery for making or repairing footwear	CTSH or RVC(40)
8453.80	- Other machinery	CTSH or RVC(40)
8453.90	- Parts	CTH or RVC(40)
8454	Converters, ladles, ingot moulds and casting machines, of a kind used in metallurgy or in metal foundries.	
8454.10	- Converters	CTSH or RVC(40)
8454.20	- Ingot moulds and ladles	CTSH or RVC(40)
8454.30	- Casting machines	CTSH or RVC(40)
8454.90	- Parts	CTH or RVC(40)
8455	Metal-rolling mills and rolls therefor.	
8455.10	-Tube mills	CTSH or RVC(40)
8455.2	- Other rolling mills :	
8455.21	-- Hot or combination hot and cold	CTSH or RVC(40)
8455.22	-- Cold	CTSH or RVC(40)
8455.30	- Rolls for rolling mills	CTSH or RVC(40)
8455.90	- Other parts	CTH or RVC(40)
8456	Machine-tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electro- discharge, electro-chemical, electron beam, ionic-beam or plasma arc processes; water-jet cutting machines.	CTH or RVC(40)
8457	Machining centres, unit construction machines (single station) and multi-station transfer machines, for working metal.	CTH or RVC(40)

8458	Lathes (including turning centres) for removing metal.	CTH or RVC(40)
8459	Machine-tools (including way-type unit head machines) for drilling, boring, milling, threading or tapping by removing metal, other than lathes (including turning centres) of heading 84.58.	CTH or RVC(40)
8460	Machine-tools for deburring, sharpening, grinding, honing, lapping, polishing or otherwise finishing metal or cermets by means of grinding stones, abrasives or polishing products, other than gear cutting, gear grinding or gear finishing machines of heading 84.61.	CTH or RVC(40)
8461	Machine-tools for planing, shaping, slotting, broaching, gear cutting, gear grinding or gear finishing, sawing, cutting-off and other machine-tools working by removing metal or cermets, not elsewhere specified or included.	CTH or RVC(40)
8462	Machine-tools (including presses) for working metal by forging, hammering or die-stamping; machine-tools (including presses) for working metal by bending, folding, straightening, flattening, shearing, punching or notching; presses for working metal or metal carbides, not specified above.	CTH or RVC(40)
8463	Other machine-tools for working metal or cermets, without removing material.	CTH or RVC(40)
8464	Machine-tools for working stone, ceramics, concrete, asbestos- cement or like mineral materials or for cold working glass.	CTH or RVC(40)
8465	Machine-tools (including machines for nailing, stapling, glueing or otherwise assembling) for working wood, cork, bone, hard rubber, hard plastics or similar hard materials.	CTH or RVC(40)
8466	Parts and accessories suitable for use solely or principally with the machines of headings 84.56 to 84.65, including work or tool holders, self-opening dieheads, dividing heads and other special attachments for machine-tools; tool holders for any type of tool for working in the hand.	CTH or RVC(40)
8467	Tools for working in the hand, pneumatic, hydraulic or with self-contained electric or non-electric motor.	

8467.1	- Pneumatic :	
8467.11	-- Rotary type (including combined rotary-percussion)	CTSH or RVC(40)
8467.19	-- Other	CTSH or RVC(40)
8467.2	-With self-contained electric motor :	
8467.21	-- Drills of all kinds	CTSH or RVC(40)
8467.22	-- Saws	CTSH or RVC(40)
8467.29	-- Other	CTSH or RVC(40)
8467.8	- Other tools :	
8467.81	-- Chain saws	CTSH or RVC(40)
8467.89	-- Other	CTSH or RVC(40)
8467.9	- Parts :	
8467.91	-- Of chain saws	CTH or RVC(40)
8467.92	-- Of pneumatic tools	CTH or RVC(40)
8467.99	-- Other	CTH or RVC(40)
8468	Machinery and apparatus for soldering, brazing or welding, whether or not capable of cutting, other than those of heading 85.15; gas-operated surface tempering machines and appliances.	
8468.10	- Hand-held blow pipes	CTSH or RVC(40)
8468.20	- Other gas-operated machinery and apparatus	CTSH or RVC(40)
8468.80	- Other machinery and apparatus	CTSH or RVC(40)
8468.90	- Parts	CTH or RVC(40)
8469	Typewriters other than printers of heading 84.43; word- processing machines.	CTH or RVC(40)
8470	Calculating machines and pocket-size data recording, reproducing and displaying machines with calculating functions; accounting machines, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device; cash registers.	CTH or RVC(40)

8471	Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included.	CTSH or RVC(40)
8472	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, automatic banknote dispensers, coin-sorting machines, coin-counting or wrapping machines, pencil-sharpening machines, perforating or stapling machines).	CTH or RVC(40)
8473	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 84.69 to 84.72.	CTH or RVC(40)
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; machinery for agglomerating, shaping or moulding solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand.	
8474.10	- Sorting, screening, separating or washing machines	CTSH or RVC(40)
8474.20	- Crushing or grinding machines	CTSH or RVC(40)
8474.3	-Mixing or kneading machines :	
8474.31	-- Concrete or mortar mixers	CTSH or RVC(40)
8474.32	-- Machines for mixing mineral substances with bitumen	CTSH or RVC(40)
8474.39	-- Other	CTSH or RVC(40)
8474.80	- Other machinery	CTSH or RVC(40)
8474.90	- Parts	CTH or RVC(BU30/BD40)
8475	Machines for assembling electric or electronic lamps, tubes or valves or flashbulbs, in glass envelopes; machines for manufacturing or hot working glass or glassware.	

8475.10	-Machines for assembling electric or electronic lamps, tubes or valves or flashbulbs, in glass envelopes	CTSH or RVC(40)
8475.2	-Machines for manufacturing or hot working glass or glassware :	
8475.21	-- Machines for making optical fibres and preforms thereof	CTSH or RVC(40)
8475.29	-- Other	CTSH or RVC(40)
8475.90	- Parts	CTH or RVC(40)
8476	Automatic goods-vending machines (for example, postage stamp, cigarette, food or beverage machines), including money- changing machines.	
8476.2	- Automatic beverage-vending machines :	
8476.21	-- Incorporating heating or refrigerating devices	CTSH except from subheadings 8476.29 to 8476.89 or RVC(40)
8476.29	-- Other	CTSH except from subheadings 8476.21 or 8476.81 to 8476.89 or RVC(40)
8476.8	- Other machines :	
8476.81	-- Incorporating heating or refrigerating devices	CTSH except from subheadings 8476.21 to 8476.29 or 8476.89 or RVC(40)
8476.89	-- Other	CTSH except from subheadings 8476.21 to 8476.81 or RVC(40)
8476.90	- Parts	CTH or RVC(40)
8477	Machinery for working rubber or plastics or for the manufacture of products from these materials, not specified or included elsewhere in this Chapter.	
8477.10	- Injection-moulding machines	CTSH
8477.20	- Extruders	CTSH or RVC(40)
8477.30	- Blow moulding machines	CTSH or RVC(40)

8477.40	-Vacuum moulding machines and other thermoforming machines	CTSH or RVC(40)
8477.5	- Other machinery for moulding or otherwise forming :	
8477.51	-- For moulding or retreading pneumatic tyres or for moulding or otherwise forming inner tubes	CTSH or RVC(40)
8477.59	-- Other	CTSH or RVC(40)
8477.80	- Other machinery	CTSH
8477.90	- Parts	CTH or RVC(40)
8478	Machinery for preparing or making up tobacco, not specified or included elsewhere in this Chapter.	
8478.10	-Machinery	CTSH or RVC(40)
8478.90	- Parts	CTH or RVC(40)
8479	Machines and mechanical appliances having individual functions, not specified or included elsewhere in this Chapter.	
8479.10	-Machinery for public works, building or the like	CTSH or RVC(40)
8479.20	-Machinery for the extraction or preparation of animal or fixed vegetable fats or oils	CTSH or RVC(40)
8479.30	- Presses for the manufacture of particle board or fibre building board of wood or other ligneous materials and other machinery for treating wood or cork	CTSH or RVC(40)
8479.40	- Rope or cable-making machines	CTSH or RVC(40)
8479.50	- Industrial robots, not elsewhere specified or included	CTSH or RVC(40)
8479.60	- Evaporative air coolers	CTSH or RVC(40)
8479.7	- Passenger boarding bridges :	
8479.71	-- Of a kind used in airports	CTSH or RVC(40)
8479.79	-- Other	CTSH or RVC(40)
8479.8	- Other machines and mechanical appliances :	

8479.81	-- For treating metal, including electric wire coil-winders	CTSH or RVC(40)
8479.82	-- Mixing, kneading, crushing, grinding, screening, sifting, homogenising, emulsifying or stirring machines	CTSH or RVC(40)
8479.89	-- Other	CTSH or RVC(40)
8479.90	- Parts	CTH or RVC(40)
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics.	CTH or RVC(40)
8481	Taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves.	
8481.10	- Pressure-reducing valves	CTH or RVC(BD40)
8481.20	-Valves for oleohydraulic or pneumatic transmissions	CTH or RVC(40)
8481.30	- Check (nonreturn) valves	CTH or RVC(BD40)
8481.40	- Safety or relief valves	CTH or RVC(BD40)
8481.80	- Other appliances	CTH or RVC(40)
8481.90	- Parts	CTH or RVC(40)
8482	Ball or roller bearings.	
8482.10	- Ball bearings	CTSH or RVC(40)
8482.20	-Tapered roller bearings, including cone and tapered roller assemblies	CTSH or RVC(40)
8482.30	- Spherical roller bearings	CTSH or RVC(40)
8482.40	- Needle roller bearings	CTSH or RVC(40)
8482.50	- Other cylindrical roller bearings	CTSH or RVC(40)
8482.80	- Other, including combined ball/roller bearings	CTSH or RVC(40)
8482.9	- Parts :	

8482.91	-- Balls, needles and rollers	CTH or RVC(40)
8482.99	-- Other	CTH or RVC(40)
8483	Transmission shafts (including cam shafts and crank shafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, including torque converters; flywheels and pulleys, including pulley blocks; clutches and shaft couplings (including universal joints).	
8483.10	-Transmission shafts (including cam shafts and crank shafts) and cranks	CTSH or RVC(40)
8483.20	- Bearing housings, incorporating ball or roller bearings	CTH or RVC(40)
8483.30	- Bearing housings, not incorporating ball or roller bearings; plain shaft bearings	CTH or RVC(40)
8483.40	- Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements presented separately; ball or roller screws; gear boxes and other speed changers, including torque converters	CTH or RVC(40)
8483.50	- Flywheels and pulleys, including pulley blocks	CTH or RVC(40)
8483.60	- Clutches and shaft couplings (including universal joints)	CTH or RVC(40)
8483.90	-Toothed wheels, chain sprockets and other transmission elements presented separately; parts	CTH or RVC(40)
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals.	CTSH
8486	Machines and apparatus of a kind used solely or principally for the manufacture of semiconductor boules or wafers, semiconductor devices, electronic integrated circuits or flat panel displays; machines and apparatus specified in Note 9 (C) to this Chapter; parts and accessories.	
8486.10	-Machines and apparatus for the manufacture of boules or wafers	CTSH or RVC(40)

8486.20	-Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	CTSH or RVC(40)
8486.30	-Machines and apparatus for the manufacture of flat panel displays	CTSH or RVC(40)
8486.40	-Machines and apparatus specified in Note 9 (C) to this Chapter	CTSH or RVC(40)
8486.90	- Parts and accessories	CTH or RVC(40)
8487	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter.	
8487.10	- Ships' or boats' propellers and blades therefor	CTSH
8487.90	- Other	CTH
Chapter 85	ELECTRICAL MACHINERY AND EQUIPMENT AND PARTS THEREOF; SOUND RECORDERS AND REPRODUCERS, TELEVISION IMAGE AND SOUND RECORDERS AND REPRODUCERS, AND PARTS AND ACCESSORIES OF SUCH ARTICLES	
8501	Electric motors and generators (excluding generating sets).	
8501.10	-Motors of an output not exceeding 37.5 W	CTH or RVC(BU30/BD40)
8501.20	- Universal AC/DC motors of an output exceeding 37.5 W	CTH or RVC(40)
8501.3	- Other DC motors; DC generators :	
8501.31	-- Of an output not exceeding 750 W	CTH or RVC(40)
8501.32	-- Of an output exceeding 750 W but not exceeding 75 kW	CTH or RVC(40)
8501.33	-- Of an output exceeding 75 kW but not exceeding 375 kW	CTH or RVC(40)
8501.34	-- Of an output exceeding 375 kW	CTH or RVC(40)
8501.40	- Other AC motors, single-phase	CTH or RVC(40)
8501.5	- Other AC motors, multi-phase :	

8501.51	-- Of an output not exceeding 750 W	CTH or RVC(40)
8501.52	-- Of an output exceeding 750 W but not exceeding 75 kW	CTH or RVC(40)
8501.53	-- Of an output exceeding 75 kW	CTH or RVC(40)
8501.6	- AC generators (alternators) :	
8501.61	-- Of an output not exceeding 75 kVA	CTH or RVC(40)
8501.62	-- Of an output exceeding 75 kVA but not exceeding 375 kVA	CTH or RVC(40)
8501.63	-- Of an output exceeding 375 kVA but not exceeding 750 kVA	CTH or RVC(40)
8501.64	-- Of an output exceeding 750 kVA	CTH or RVC(40)
8502	Electric generating sets and rotary converters.	CTH or RVC(40)
8503	Parts suitable for use solely or principally with the machines of heading 85.01 or 85.02.	CTH or RVC(40)
8504	Electrical transformers, static converters (for example, rectifiers) and inductors.	
8504.10	- Ballasts for discharge lamps or tubes	CTSH or RVC(40)
8504.2	- Liquid dielectric transformers :	
8504.21	-- Having a power handling capacity not exceeding 650 kVA	CTSH except from subheadings 8504.22 or 8504.23 or RVC(40)
8504.22	-- Having a power handling capacity exceeding 650 kVA but not exceeding 10,000 kVA	CTSH except from subheadings 8504.21 or 8504.23 or RVC(40)
8504.23	-- Having a power handling capacity exceeding 10,000 kVA	CTSH except from subheadings 8504.21 or 8504.22 or RVC(40)
8504.3	- Other transformers :	
8504.31	-- Having a power handling capacity not exceeding 1 kVA	CTSH except from subheadings 8504.32 to 8504.34 or RVC(BD40)
8504.32	-- Having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA	CTSH except from subheadings 8504.31 to 8504.34 or RVC(BD40)
8504.33	-- Having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA	CTSH except from subheadings 8504.31, 8504.32 or 8504.34 or RVC(40)

8504.34	-- Having a power handling capacity exceeding 500 kVA	CTSH except from subheadings 8504.31 to 8504.33 or RVC(BD40)
8504.40	- Static converters	CTSH or RVC(40)
8504.50	- Other inductors	CTSH or RVC(40)
8504.90	- Parts	CTH or RVC(40)
8505	Electro-magnets; permanent magnets and articles intended to become permanent magnets after magnetisation; electro- magnetic or permanent magnet chucks, clamps and similar holding devices; electro-magnetic couplings, clutches and brakes; electro-magnetic lifting heads.	
8505.1	- Permanent magnets and articles intended to become permanent magnets after magnetisation :	
8505.11	-- Of metal	CTSH or RVC(40)
8505.19	-- Other	CTSH or RVC(40)
8505.20	- Electro-magnetic couplings, clutches and brakes	CTSH or RVC(40)
8505.90	- Other, including parts	CTH or RVC(40)
8506	Primary cells and primary batteries.	
8506.10	-Manganese dioxide	CTSH or RVC(40)
8506.30	-Mercuric oxide	CTSH or RVC(40)
8506.40	- Silver oxide	CTH or RVC(40)
8506.50	- Lithium	CTH or RVC(40)
8506.60	- Air-zinc	CTH or RVC(40)
8506.80	- Other primary cells and primary batteries	CTSH
8506.90	- Parts	CTH or RVC(40)
8507	Electric accumulators, including separators therefor, whether or not rectangular (including square).	
8507.10	- Lead-acid, of a kind used for starting piston engines	CTSH or RVC(40)
8507.20	- Other lead-acid accumulators	CTSH or RVC(40)

8507.30	- Nickel-cadmium	CTSH or RVC(40)
8507.40	- Nickel-iron	CTSH or RVC(40)
8507.50	- Nickel-metal hydride	CTSH or RVC(40)
8507.60	- Lithium-ion	CTSH
8507.80	- Other accumulators	CTSH or RVC(40)
8507.90	- Parts	CTH or RVC(40)
8508	Vacuum cleaners.	
8508.1	-With self-contained electric motor :	
8508.11	-- Of a power not exceeding 1,500 W and having a dust bag or other receptacle capacity not exceeding 20 l	CTSH except from subheading 8508.19 or RVC(40)
8508.19	-- Other	CTSH except from subheading 8508.11 or RVC(40)
8508.60	- Other vacuum cleaners	CTSH or RVC(40)
8508.70	- Parts	CTH or RVC(40)
8509	Electro-mechanical domestic appliances, with self-contained electric motor, other than vacuum cleaners of heading 85.08.	
8509.40	- Food grinders and mixers; fruit or vegetable juice extractors	CTSH or RVC(40)
8509.80	- Other appliances	CTSH or RVC(40)
8509.90	- Parts	CTH or RVC(40)
8510	Shavers, hair clippers and hair-removing appliances, with self- contained electric motor.	
8510.10	- Shavers	CTSH or RVC(40)
8510.20	- Hair clippers	CTSH or RVC(40)
8510.30	- Hair-removing appliances	CTSH or RVC(40)
8510.90	- Parts	CTH or RVC(40)

8511	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines.	
8511.10	- Sparking plugs	CTSH or RVC(40)
8511.20	- Ignition magnetos; magneto-dynamos; magnetic flywheels	CTSH or RVC(40)
8511.30	- Distributors; ignition coils	CTSH or RVC(40)
8511.40	- Starter motors and dual purpose starter-generators	CTSH or RVC(40)
8511.50	- Other generators	CTSH or RVC(40)
8511.80	- Other equipment	CTSH or RVC(40)
8511.90	- Parts	CTH or RVC(40)
8512	Electrical lighting or signalling equipment (excluding articles of heading 85.39), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles.	
8512.10	- Lighting or visual signalling equipment of a kind used on bicycles	CTSH except from subheadings 8512.20 or 8512.30 or RVC(40)
8512.20	- Other lighting or visual signalling equipment	CTSH except from subheadings 8512.10 or 8512.30 or RVC(40)
8512.30	- Sound signalling equipment	CTSH except from subheadings 8512.10 or 8512.20 or RVC(40)
8512.40	-Windscreen wipers, defrosters and demisters	CTH or RVC(40)
8512.90	- Parts	CTH or RVC(40)
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 85.12.	CTH or RVC(40)

8514	Industrial or laboratory electric furnaces and ovens (including those functioning by induction or dielectric loss); other industrial or laboratory equipment for the heat treatment of materials by induction or dielectric loss.	
8514.10	- Resistance heated furnaces and ovens	CTSH or RVC(40)
8514.20	- Furnaces and ovens functioning by induction or dielectric loss	CTSH or RVC(40)
8514.30	- Other furnaces and ovens	CTSH or RVC(40)
8514.40	- Other equipment for the heat treatment of materials by induction or dielectric loss	CTSH or RVC(40)
8514.90	- Parts	CTH or RVC(40)
8515	Electric (including electrically heated gas), laser or other light or photon beam, ultrasonic, electron beam, magnetic pulse or plasma arc soldering, brazing or welding machines and apparatus, whether or not capable of cutting; electric machines and apparatus for hot spraying of metals or cermets.	
8515.1	- Brazing or soldering machines and apparatus :	
8515.11	-- Soldering irons and guns	CTSH or RVC(40)
8515.19	-- Other	CTSH or RVC(40)
8515.2	-Machines and apparatus for resistance welding of metal :	
8515.21	-- Fully or partly automatic	CTSH or RVC(40)
8515.29	-- Other	CTSH or RVC(40)
8515.3	-Machines and apparatus for arc (including plasma arc) welding of metals :	
8515.31	-- Fully or partly automatic	CTSH or RVC(40)
8515.39	-- Other	CTSH or RVC(40)
8515.80	- Other machines and apparatus	CTSH or RVC(40)
8515.90	- Parts	CTH or RVC(40)

8516	Electric instantaneous or storage water heaters and immersion heaters; electric space heating apparatus and soil heating apparatus; electro-thermic hair-dressing apparatus (for example, hair dryers, hair curlers, curling tong heaters) and hand dryers; electric smoothing irons; other electro-thermic appliances of a kind used for domestic purposes; electric heating resistors, other than those of heading 85.45.	
8516.10	- Electric instantaneous or storage water heaters and immersion heaters	CTSH or RVC(40)
8516.2	- Electric space heating apparatus and electric soil heating apparatus :	
8516.21	-- Storage heating radiators	CTSH or RVC(40)
8516.29	-- Other	CTSH or RVC(40)
8516.3	- Electro-thermic hair-dressing or hand-drying apparatus :	
8516.31	-- Hair dryers	CTSH or RVC(40)
8516.32	-- Other hair-dressing apparatus	CTSH or RVC(40)
8516.33	-- Hand-drying apparatus	CTSH or RVC(40)
8516.40	- Electric smoothing irons	CTSH or RVC(40)
8516.50	-Microwave ovens	CTSH or RVC(40)
8516.60	- Other ovens; cookers, cooking plates, boiling rings, grillers and roasters	CTSH or RVC(40)
8516.7	- Other electro-thermic appliances :	
8516.71	-- Coffee or tea makers	CTSH or RVC(40)
8516.72	-- Toasters	CTSH or RVC(40)
8516.79	-- Other	CTSH or RVC(40)
8516.80	- Electric heating resistors	CTSH or RVC(40)
8516.90	- Parts	CTH or RVC(40)

8517	Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network), other than transmission or reception apparatus of heading 84.43, 85.25, 85.27 or 85.28.	
8517.1	-Telephone sets, including telephones for cellular networks or for other wireless networks :	
8517.11	-- Line telephone sets with cordless handsets	CTSH or RVC(40)
8517.12	-- Telephones for cellular networks or for other wireless networks	CTSH or RVC(40)
8517.18	-- Other	CTSH or RVC(40)
8517.6	- Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network) :	
8517.61	-- Base stations	CTSH or RVC(40)
8517.62	-- Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	CTSH or RVC(40)
8517.69	-- Other	CTSH or RVC(40)
8517.70	- Parts	CTH or RVC(40)
8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers; audio- frequency electric amplifiers; electric sound amplifier sets.	CTH or RVC(40)
8519	Sound recording or reproducing apparatus.	CTH or RVC(40)
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner.	CTH or RVC(40)
8522	Parts and accessories suitable for use solely or principally with the apparatus of headings 85.19 or 85.21.	CTH or RVC(40)

8523	Discs, tapes, solid-state non-volatile storage devices, "smart cards" and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs, but excluding products of Chapter 37.	
8523.2	-Magnetic media :	
8523.21	-- Cards incorporating a magnetic stripe	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.21 shall confer origin whether or not there has been a change in tariff classification
8523.29	-- Other	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.29 shall confer origin whether or not there has been a change in tariff classification
8523.4	- Optical media :	
8523.41	-- Unrecorded	CTH or RVC(40)
8523.49	-- Other	CTSH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.49 shall confer origin whether or not there has been a change in tariff classification
8523.5	- Semiconductor media :	
8523.51	-- Solid-state non-volatile storage devices	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.51 shall confer origin whether or not there has been a change in tariff classification

8523.52	-- Smart cards	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.52 shall confer origin whether or not there has been a change in tariff classification
8523.59	-- Other	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.59 shall confer origin whether or not there has been a change in tariff classification
8523.80	- Other	CTH or RVC(40) or recording sound or other similarly recorded phenomena onto blank or unrecorded media of subheading 8523.80 shall confer origin whether or not there has been a change in tariff classification
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and video camera recorders.	CTH or RVC(40)
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus.	CTSH or RVC(40)
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock.	CTH or RVC(40)
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus.	CTH or RVC(40)
8529	Parts suitable for use solely or principally with the apparatus of headings 85.25 to 85.28.	CTH or RVC(40)

8530	Electrical signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields (other than those of heading 86.08).	
8530.10	- Equipment for railways or tramways	CTSH or RVC(40)
8530.80	- Other equipment	CTSH or RVC(40)
8530.90	- Parts	CTH or RVC(40)
8531	Electric sound or visual signalling apparatus (for example, bells, sirens, indicator panels, burglar or fire alarms), other than those of heading 85.12 or 85.30.	
8531.10	- Burglar or fire alarms and similar apparatus	CTSH or RVC(40)
8531.20	- Indicator panels incorporating liquid crystal devices (LCD) or light emitting diodes (LED)	CTSH or RVC(40)
8531.80	- Other apparatus	CTSH or RVC(40)
8531.90	- Parts	CTH or RVC(40)
8532	Electrical capacitors, fixed, variable or adjustable (pre-set).	
8532.10	- Fixed capacitors designed for use in 50/60 Hz circuits and having a reactive power handling capacity of not less than 0.5 kvar (power capacitors)	CTSH or RVC(40)
8532.2	- Other fixed capacitors :	
8532.21	-- Tantalum	CTSH or RVC(40)
8532.22	-- Aluminium electrolytic	CTSH or RVC(40)
8532.23	-- Ceramic dielectric, single layer	CTSH or RVC(40)
8532.24	-- Ceramic dielectric, multilayer	CTSH or RVC(40)
8532.25	-- Dielectric of paper or plastics	CTSH or RVC(40)
8532.29	-- Other	CTSH or RVC(40)
8532.30	-Variable or adjustable (pre-set) capacitors	CTSH or RVC(40)
8532.90	- Parts	CTH or RVC(40)

8533	Electrical resistors (including rheostats and potentiometers), other than heating resistors.	
8533.10	- Fixed carbon resistors, composition or film types	CTSH or RVC(40)
8533.2	- Other fixed resistors :	
8533.21	-- For a power handling capacity not exceeding 20 W	CTSH or RVC(40)
8533.29	-- Other	CTSH or RVC(40)
8533.3	-Wirewound variable resistors, including rheostats and potentiometers :	
8533.31	-- For a power handling capacity not exceeding 20 W	CTSH or RVC(40)
8533.39	-- Other	CTSH or RVC(40)
8533.40	- Other variable resistors, including rheostats and potentiometers	CTSH or RVC(40)
8533.90	- Parts	CTH or RVC(40)
8534	Printed circuits.	CTH or RVC(40)
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs and other connectors, junction boxes), for a voltage exceeding 1,000 volts.	CTSH or RVC(40)
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibres, optical fibre bundles or cables.	CTH or RVC(40)
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 85.35 or 85.36, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading 85.17.	CTH or RVC(40)

8538	Parts suitable for use solely or principally with the apparatus of heading 85.35, 85.36 or 85.37.	CTH or RVC(40)
8539	Electric filament or discharge lamps, including sealed beam lamp units and ultra-violet or infra-red lamps; arc-lamps.	
8539.10	- Sealed beam lamp units	CTSH or RVC(40)
8539.2	- Other filament lamps, excluding ultra-violet or infra-red lamps :	
8539.21	-- Tungsten halogen	CTSH or RVC(40)
8539.22	-- Other, of a power not exceeding 200 W and for a voltage exceeding 100 V	CTH or RVC(40)
8539.29	-- Other	CTH or RVC(40)
8539.3	- Discharge lamps, other than ultra-violet lamps :	
8539.31	-- Fluorescent, hot cathode	CTSH or RVC(40)
8539.32	-- Mercury or sodium vapour lamps; metal halide lamps	CTSH or RVC(40)
8539.39	-- Other	CTSH or RVC(40)
8539.4	- Ultra-violet or infra-red lamps; arc-lamps :	
8539.41	-- Arc-lamps	CTSH or RVC(40)
8539.49	-- Other	CTSH or RVC(40)
8539.90	- Parts	CTH or RVC(40)
8540	Thermionic, cold cathode or photo-cathode valves and tubes (for example, vacuum or vapour or gas filled valves and tubes, mercury arc rectifying valves and tubes, cathode-ray tubes, television camera tubes).	
8540.1	- Cathode-ray television picture tubes, including video monitor cathode-ray tubes :	
8540.11	-- Colour	CTSH or RVC(40)
8540.12	-- Monochrome	CTSH or RVC(40)
8540.20	-Television camera tubes; image converters and intensifiers; other photo-cathode tubes	CTSH or RVC(40)

8540.40	- Data/graphic display tubes, monochrome; data/graphic display tubes, colour, with a phosphor dot screen pitch smaller than 0.4 mm	CTSH or RVC(40)
8540.60	- Other cathode-ray tubes	CTSH or RVC(40)
8540.7	-Microwave tubes (for example, magnetrons, klystrons, travelling wave tubes, carcinotrons), excluding grid-controlled tubes :	
8540.71	-- Magnetrons	CTSH or RVC(40)
8540.79	-- Other	CTSH or RVC(40)
8540.8	- Other valves and tubes :	
8540.81	-- Receiver or amplifier valves and tubes	CTSH or RVC(40)
8540.89	-- Other	CTSH or RVC(40)
8540.9	- Parts :	
8540.91	-- Of cathode-ray tubes	CTH or RVC(40)
8540.99	-- Other	CTH or RVC(40)
8541	Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light emitting diodes; mounted piezo-electric crystals.	
8541.10	- Diodes, other than photosensitive or light emitting diodes	CTSH or RVC(40)
8541.2	-Transistors, other than photosensitive transistors :	
8541.21	-- With a dissipation rate of less than 1 W	CTSH or RVC(40)
8541.29	-- Other	CTSH or RVC(40)
8541.30	-Thyristors, diacs and triacs, other than photosensitive devices	CTSH or RVC(40)
8541.40	- Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light emitting diodes	CTSH or RVC(40)
8541.50	- Other semiconductor devices	CTSH or RVC(40)

8541.60	-Mounted piezo-electric crystals	CTSH or RVC(40)
8541.90	- Parts	CTH or RVC(40)
8542	Electronic integrated circuits.	
8542.3	- Electronic integrated circuits :	
8542.31	-- Processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits	CTSH or RVC(40)
8542.32	-- Memories	CTSH or RVC(40)
8542.33	-- Amplifiers	CTSH or RVC(40)
8542.39	-- Other	CTSH or RVC(40)
8542.90	- Parts	CTH or RVC(40)
8543	Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this Chapter.	
8543.10	- Particle accelerators	CTSH or RVC(40)
8543.20	- Signal generators	CTSH or RVC(40)
8543.30	-Machines and apparatus for electroplating, electrolysis or electrophoresis	CTSH or RVC(40)
8543.70	- Other machines and apparatus	CTSH or RVC(40)
8543.90	- Parts	CTH or RVC(40)
8544	Insulated (including enamelled or anodised) wire, cable (including co-axial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors.	CTH or RVC(40)
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes.	CTH or RVC(40)

8546	Electrical insulators of any material.	
8546.10	- Of glass	CTH or RVC(40)
8546.20	- Of ceramics	CTH or RVC(40)
8546.90	- Other	CTH
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 85.46; electrical conduit tubing and joints therefor, of base metal lined with insulating material.	CTH or RVC(40)
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter.	
8548.10	-Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators	CTH
8548.90	- Other	CTH or RVC(40)
Chapter 86	RAILWAY OR TRAMWAY LOCOMOTIVES, ROLLING STOCK AND PARTS THEREOF; RAILWAY OR TRAMWAY TRACK FIXTURES AND FITTINGS AND PARTS THEREOF; MECHANICAL (INCLUDING ELECTROMECHANICAL) TRAFFIC SIGNALLING EQUIPMENT OF ALL KINDS	CTH or RVC(40)
Chapter 87	VEHICLES OTHER THAN RAILWAY OR TRAMWAY ROLLING STOCK, AND PARTS AND ACCESSORIES THEREOF	
8701	Tractors (other than tractors of heading 87.09).	CTH or RVC(40)
8702	Motor vehicles for the transport of ten or more persons, including the driver.	CTH or RVC(40)

8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 87.02), including station wagons and racing cars.	CTH or RVC(40)
8704	Motor vehicles for the transport of goods.	CTH or RVC(40)
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete- mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units).	
8705.10	- Crane lorries	CTH or RVC(40)
8705.20	-Mobile drilling derricks	CTH or RVC(40)
8705.30	- Fire fighting vehicles	CTH or RVC(40)
8705.40	- Concrete-mixer lorries	CTH or RVC(40)
8705.90	- Other	CTH or RVC(BD40)
8706	Chassis fitted with engines, for the motor vehicles of headings 87.01 to 87.05.	CTH or RVC(40)
8707	Bodies (including cabs), for the motor vehicles of headings 87.01 to 87.05.	CTH or RVC(40)
8708	Parts and accessories of the motor vehicles of headings 87.01 to 87.05.	CTSH or RVC(40)
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles.	CTH or RVC(40)
8710	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles.	CTH or RVC(40)
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars.	
8711.10	-With reciprocating internal combustion piston engine of a cylinder capacity not exceeding 50 cc	CTH or RVC(40)

8711.20	-With reciprocating internal combustion piston engine of a cylinder capacity exceeding 50 cc but not exceeding 250 cc	CTH or RVC(40)
8711.30	-With reciprocating internal combustion piston engine of a cylinder capacity exceeding 250 cc but not exceeding 500 cc	CTH or RVC(40)
8711.40	-With reciprocating internal combustion piston engine of a cylinder capacity exceeding 500 cc but not exceeding 800 cc	CTH or RVC(40)
8711.50	-With reciprocating internal combustion piston engine of a cylinder capacity exceeding 800 cc	CTH or RVC(40)
8711.90	- Other	CTH except from heading 8714 or RVC(40)
8712	Bicycles and other cycles (including delivery tricycles), not motorised.	CTH or RVC(40)
8713	Carriages for disabled persons, whether or not motorised or otherwise mechanically propelled.	CTH or RVC(40)
8714	Parts and accessories of vehicles of headings 87.11 to 87.13.	CTH or RVC(40)
8715	Baby carriages and parts thereof.	CTH or RVC(40)
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof.	CTH or RVC(40)
Chapter 88	AIRCRAFT, SPACECRAFT, AND PARTS THEREOF	CTH or RVC(40)
Chapter 89	SHIPS, BOATS AND FLOATING STRUCTURES	
8901	Cruise ships, excursion boats, ferry-boats, cargo ships, barges and similar vessels for the transport of persons or goods.	CTH or RVC(40)
8902	Fishing vessels; factory ships and other vessels for processing or preserving fishery products.	CTH or RVC(40)
8903	Yachts and other vessels for pleasure or sports; rowing boats and canoes.	CTH or RVC(40)
8904	Tugs and pusher craft.	CTH or RVC(40)
8905	Light-vessels, fire-floats, dredgers, floating cranes and other vessels the navigability of which is subsidiary to their main function; floating docks; floating or submersible drilling or production platforms.	CTH or RVC(40)
8906	Other vessels, including warships and lifeboats other than rowing boats.	CTH or RVC(40)

8907	Other floating structures (for example, rafts, tanks, coffer-dams, landing-stages, buoys and beacons).	
8907.10	- Inflatable rafts	CTH or RVC(40)
8907.90	- Other	CTH or RVC(BU30/BD40)
8908	Vessels and other floating structures for breaking up.	CTH or RVC(40)
Chapter 90	OPTICAL, PHOTOGRAPHIC, CINEMATOGRAPHIC, MEASURING, CHECKING, PRECISION, MEDICAL OR SURGICAL INSTRUMENTS AND APPARATUS; PARTS AND ACCESSORIES THEREOF	
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading 85.44; sheets and plates of polarising material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked.	CTH or RVC(40)
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked.	
9002.1	- Objective lenses :	
9002.11	-- For cameras, projectors or photographic enlargers or reducers	CTH or RVC(40)
9002.19	-- Other	CTH or RVC(40)
9002.20	- Filters	CTH or RVC(40)
9002.90	- Other	CTH or RVC(40)
9003	Frames and mountings for spectacles, goggles or the like, and parts thereof.	CTH or RVC(40)
9004	Spectacles, goggles and the like, corrective, protective or other.	CTH or RVC(40)
9005	Binoculars, monoculars, other optical telescopes, and mountings therefor; other astronomical instruments and mountings therefor, but not including instruments for radio-astronomy.	

9005.10	- Binoculars	CTSH or RVC(40)
9005.80	- Other instruments	CTSH or RVC(40)
9005.90	- Parts and accessories (including mountings)	CTH or RVC(40)
9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than discharge lamps of heading 85.39.	
9006.10	- Cameras of a kind used for preparing printing plates or cylinders	CTSH or RVC(40)
9006.30	- Cameras specially designed for underwater use, for aerial survey or for medical or surgical examination of internal organs; comparison cameras for forensic or criminological purposes	CTSH or RVC(40)
9006.40	- Instant print cameras	CTSH or RVC(40)
9006.5	- Other cameras :	
9006.51	-- With a through-the-lens viewfinder (single lens reflex (SLR)), for roll film of a width not exceeding 35 mm	CTSH or RVC(40)
9006.52	-- Other, for roll film of a width less than 35 mm	CTSH or RVC(40)
9006.53	-- Other, for roll film of a width of 35 mm	CTSH or RVC(40)
9006.59	-- Other	CTSH or RVC(40)
9006.6	- Photographic flashlight apparatus and flashbulbs :	
9006.61	-- Discharge lamp (ielectronicî) flashlight apparatus	CTSH or RVC(40)
9006.69	-- Other	CTSH or RVC(40)
9006.9	- Parts and accessories :	
9006.91	-- For cameras	CTH or RVC(40)
9006.99	-- Other	CTH or RVC(40)
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus.	
9007.10	- Cameras	CTSH or RVC(40)

9007.20	- Projectors	CTSH or RVC(40)
9007.9	- Parts and accessories :	
9007.91	-- For cameras	CTH or RVC(40)
9007.92	-- For projectors	CTH or RVC(40)
9008	Image projectors, other than cinematographic; photographic (other than cinematographic) enlargers and reducers.	
9008.50	- Projectors, enlargers and reducers	CTSH or RVC(40)
9008.90	- Parts and accessories	CTH or RVC(40)
9010	Apparatus and equipment for photographic (including cinematographic) laboratories, not specified or included elsewhere in this Chapter; negatoscopes; projection screens.	
9010.10	- Apparatus and equipment for automatically developing photographic (including cinematographic) film or paper in rolls or for automatically exposing developed film to rolls of photographic paper	CTSH or RVC(40)
9010.50	- Other apparatus and equipment for photographic (including cinematographic) laboratories; negatoscopes	CTSH or RVC(40)
9010.60	- Projection screens	CTSH or RVC(40)
9010.90	- Parts and accessories	CTH or RVC(40)
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection.	
9011.10	- Stereoscopic microscopes	CTSH or RVC(40)
9011.20	- Other microscopes, for photomicrography, cinephoto-micrography or microprojection	CTSH or RVC(40)
9011.80	- Other microscopes	CTSH or RVC(40)
9011.90	- Parts and accessories	CTH or RVC(40)
9012	Microscopes other than optical microscopes; diffraction apparatus.	
9012.10	- Microscopes other than optical microscopes; diffraction apparatus	CTSH or RVC(40)
9012.90	- Parts and accessories	CTH or RVC(40)

9013	Liquid crystal devices not constituting articles provided for more specifically in other headings; lasers, other than laser diodes; other optical appliances and instruments, not specified or included elsewhere in this Chapter.	
9013.10	- Telescopic sights for fitting to arms; periscopes; telescopes designed to form parts of machines, appliances, instruments or apparatus of this Chapter or Section XVI	CTSH or RVC(40)
9013.20	- Lasers, other than laser diodes	CTSH or RVC(40)
9013.80	- Other devices, appliances and instruments	CTSH or RVC(40)
9013.90	- Parts and accessories	CTH or RVC(40)
9014	Direction finding compasses; other navigational instruments and appliances.	
9014.10	- Direction finding compasses	CTSH or RVC(40)
9014.20	- Instruments and appliances for aeronautical or space navigation (other than compasses)	CTSH or RVC(40)
9014.80	- Other instruments and appliances	CTSH or RVC(40)
9014.90	- Parts and accessories	CTH or RVC(40)
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders.	
9015.10	- Rangefinders	CTSH or RVC(40)
9015.20	- Theodolites and tachymeters (tacheometers)	CTSH or RVC(40)
9015.30	- Levels	CTSH or RVC(40)
9015.40	- Photogrammetrical surveying instruments and appliances	CTSH or RVC(40)
9015.80	- Other instruments and appliances	CTSH or RVC(40)
9015.90	- Parts and accessories	CTH or RVC(40)
9016	Balances of a sensitivity of 5 cg or better, with or without weights.	CTH or RVC(40)

9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this Chapter.	
9017.10	- Drafting tables and machines, whether or not automatic	CTSH or RVC(40)
9017.20	- Other drawing, marking-out or mathematical calculating instruments	CTSH or RVC(40)
9017.30	- Micrometers, callipers and gauges	CTH or RVC(40)
9017.80	- Other instruments	CTH or RVC(40)
9017.90	- Parts and accessories	CTH or RVC(40)
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments.	CTH or RVC(40)
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus.	CTH or RVC(40)
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters.	CTH or RVC(40)
9021	Orthopaedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability.	CTH or RVC(40)
9022	Apparatus based on the use of X-rays or of alpha, beta or gamma radiations, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus, X-ray tubes and other X-ray generators, high tension generators, control panels and desks, screens, examination or treatment tables, chairs and the like.	

9022.1	- Apparatus based on the use of X-rays, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus :	
9022.12	-- Computed tomography apparatus	CTSH or RVC(40)
9022.13	-- Other, for dental uses	CTSH or RVC(40)
9022.14	-- Other, for medical, surgical or veterinary uses	CTSH or RVC(40)
9022.19	-- For other uses	CTSH or RVC(40)
9022.2	- Apparatus based on the use of alpha, beta or gamma radiations, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus :	
9022.21	-- For medical, surgical, dental or veterinary uses	CTSH or RVC(40)
9022.29	-- For other uses	CTSH or RVC(40)
9022.30	- X-ray tubes	CTSH or RVC(40)
9022.90	- Other, including parts and accessories	CTH or RVC(40)
9023	Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses.	CTH or RVC(40)
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics).	
9024.10	-Machines and appliances for testing metals	CTSH or RVC(40)
9024.80	- Other machines and appliances	CTSH or RVC(40)
9024.90	- Parts and accessories	CTH or RVC(40)
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments.	
9025.1	- Thermometers and pyrometers, not combined with other instruments :	
9025.11	-- Liquid-filled, for direct reading	CTSH or RVC(40)
9025.19	-- Other	CTSH or RVC(40)
9025.80	- Other instruments	CTSH or RVC(40)

9025.90	- Parts and accessories	CTH or RVC(40)
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 90.14, 90.15, 90.28 or 90.32.	CTH or RVC(40)
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes.	
9027.10	- Gas or smoke analysis apparatus	CTSH or RVC(40)
9027.20	- Chromatographs and electrophoresis instruments	CTSH or RVC(40)
9027.30	- Spectrometers, spectrophotometers and spectrographs using optical radiations (UV, visible, IR)	CTSH or RVC(40)
9027.50	- Other instruments and apparatus using optical radiations (UV, visible, IR)	CTSH or RVC(40)
9027.80	- Other instruments and apparatus	CTSH or RVC(40)
9027.90	-Microtomes; parts and accessories	CTH or RVC(40)
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor.	
9028.10	- Gas meters	CTSH or RVC(40)
9028.20	- Liquid meters	CTSH or RVC(40)
9028.30	- Electricity meters	CTSH or RVC(40)
9028.90	- Parts and accessories	CTH or RVC(40)
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading 90.14 or 90.15; stroboscopes.	CTH or RVC(40)

9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 90.28; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionising radiations.	
9030.10	- Instruments and apparatus for measuring or detecting ionising radiations	CTSH or RVC(40)
9030.20	- Oscilloscopes and oscillographs	CTSH or RVC(40)
9030.3	- Other instruments and apparatus, for measuring or checking voltage, current, resistance or power :	
9030.31	-- Multimeters without a recording device	CTSH or RVC(40)
9030.32	-- Multimeters with a recording device	CTSH or RVC(40)
9030.33	-- Other, without a recording device	CTSH or RVC(40)
9030.39	-- Other, with a recording device	CTSH or RVC(40)
9030.40	- Other instruments and apparatus, specially designed for telecommunications (for example, cross-talk meters, gain measuring instruments, distortion factor meters, psophometers)	CTSH or RVC(40)
9030.8	- Other instruments and apparatus :	
9030.82	-- For measuring or checking semiconductor wafers or devices	CTSH or RVC(40)
9030.84	-- Other, with a recording device	CTSH or RVC(40)
9030.89	-- Other	CTSH or RVC(40)
9030.90	- Parts and accessories	CTH or RVC(40)
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors.	
9031.10	- Machines for balancing mechanical parts	CTSH or RVC(40)
9031.20	- Test benches	CTSH or RVC(40)
9031.4	- Other optical instruments and appliances :	
9031.41	-- For inspecting semiconductor wafers or devices or for inspecting photomasks or reticles used in manufacturing semiconductor devices	CTSH or RVC(40)

9031.49	-- Other	CTSH or RVC(40)
9031.80	- Other instruments, appliances and machines	CTSH or RVC(40)
9031.90	- Parts and accessories	CTH or RVC(40)
9032	Automatic regulating or controlling instruments and apparatus.	
9032.10	- Thermostats	CTSH or RVC(40)
9032.20	- Manostats	CTSH or RVC(40)
9032.8	- Other instruments and apparatus :	
9032.81	-- Hydraulic or pneumatic	CTSH or RVC(40)
9032.89	-- Other	CTSH or RVC(40)
9032.90	- Parts and accessories	CTH or RVC(40)
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90.	CTH or RVC(40)
Chapter 91	CLOCKS AND WATCHES AND PARTS THEREOF	
9101	Wrist-watches, pocket-watches and other watches, including stop-watches, with case of precious metal or of metal clad with precious metal.	CTH or RVC(40)
9102	Wrist-watches, pocket-watches and other watches, including stop-watches, other than those of heading 91.01.	CTH or RVC(40)
9103	Clocks with watch movements, excluding clocks of heading 91.04.	CTH or RVC(40)
9104	Instrument panel clocks and clocks of a similar type for vehicles, aircraft, spacecraft or vessels.	CTH or RVC(40)
9105	Other clocks.	CTH or RVC(40)
9106	Time of day recording apparatus and apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movement or with synchronous motor (for example, time-registers, time-recorders).	CTH or RVC(40)
9107	Time switches with clock or watch movement or with synchronous motor.	CTH or RVC(40)

9108	Watch movements, complete and assembled.	CTH or RVC(40)
9109	Clock movements, complete and assembled.	CTH or RVC(40)
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements.	CTH or RVC(40)
9111	Watch cases and parts thereof.	
9111.10	- Cases of precious metal or of metal clad with precious metal	CTSH or RVC(40)
9111.20	- Cases of base metal, whether or not gold- or silver-plated	CTSH or RVC(40)
9111.80	- Other cases	CTSH or RVC(40)
9111.90	- Parts	CTH or RVC(40)
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof.	CTH or RVC(40)
9113	Watch straps, watch bands and watch bracelets, and parts thereof.	CTH or RVC(40)
9114	Other clock or watch parts.	CTH or RVC(40)
Chapter 92	MUSICAL INSTRUMENTS; PARTS AND ACCESSORIES OF SUCH ARTICLES	CTH or RVC(40)
Chapter 93	ARMS AND AMMUNITION; PARTS AND ACCESSORIES THEREOF	CTH or RVC(40)
Chapter 94	FURNITURE; BEDDING, MATTRESSES, MATTRESS SUPPORTS, CUSHIONS AND SIMILAR STUFFED FURNISHINGS; LAMPS AND LIGHTING FITTINGS, NOT ELSEWHERE SPECIFIED OR INCLUDED; ILLUMINATED SIGNS, ILLUMINATED NAMEPLATES AND THE LIKE; PREFABRICATED BUILDINGS	
9401	Seats (other than those of heading 94.02), whether or not convertible into beds, and parts thereof.	CTH or RVC(40)

9402	Medical, surgical, dental or veterinary furniture (for example, operating tables, examination tables, hospital beds with mechanical fittings, dentists' chairs); barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements; parts of the foregoing articles.	CTH or RVC(40)
9403	Other furniture and parts thereof.	
9403.10	- Metal furniture of a kind used in offices	CTH or RVC(BU30/BD40)
9403.20	- Other metal furniture	CTH or RVC(BU30/BD40)
9403.30	- Wooden furniture of a kind used in offices	CTH or RVC(BU30/BD40)
9403.40	- Wooden furniture of a kind used in the kitchen	CTH or RVC(40)
9403.50	- Wooden furniture of a kind used in the bedroom	CTH or RVC(40)
9403.60	- Other wooden furniture	CTH or RVC(BU30/BD40)
9403.70	- Furniture of plastics	CTH or RVC(40)
9403.8	- Furniture of other materials, including cane, osier, bamboo or similar materials :	
9403.81	-- Of bamboo or rattan	CTH or RVC(40)
9403.89	-- Other	CTH or RVC(BU30/BD40)
9403.90	- Parts	CTH or RVC(BU30/BD40)
9404	Mattress supports; articles of bedding and similar furnishing (for example, mattresses, quilts, eiderdowns, cushions, pouffes and pillows) fitted with springs or stuffed or internally fitted with any material or of cellular rubber or plastics, whether or not covered.	CTH or RVC(40)
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included.	CTH or RVC(40)
9406	Prefabricated buildings.	CTH or RVC(40)
Chapter 95	TOYS, GAMES AND SPORTS REQUISITES; PARTS AND ACCESSORIES THEREOF	

9503	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls; other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds.	CTH or RVC(40)
9504	Video game consoles and machines, articles for funfair, table or parlour games, including pintables, billiards, special tables for casino games and automatic bowling alley equipment.	
9504.20	- Articles and accessories for billiards of all kinds	CTH or RVC(40)
9504.30	- Other games, operated by coins, banknotes, bank cards, tokens or by any other means of payment, other than automatic bowling alley equipment	CTH or RVC(40)
9504.40	- Playing cards	CTH or RVC(40)
9504.50	- Video game consoles and machines, other than those of subheading 9504.30	CTH or RVC(BU30/BD40)
9504.90	- Other	CTH or RVC(40)
9505	Festive, carnival or other entertainment articles, including conjuring tricks and novelty jokes.	CTH or RVC(40)
9506	Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in this Chapter; swimming pools and paddling pools.	
9506.1	- Snow-skis and other snow-ski equipment :	
9506.11	-- Skis	CTH or RVC(40)
9506.12	-- Ski-fastenings (ski-bindings)	CTH or RVC(40)
9506.19	-- Other	CTH or RVC(40)
9506.2	- Water-skis, surf-boards, sailboards and other water-sport equipment :	
9506.21	-- Sailboards	CTH or RVC(40)
9506.29	-- Other	CTH or RVC(40)
9506.3	- Golf clubs and other golf equipment :	
9506.31	-- Clubs, complete	CTH or RVC(40)
9506.32	-- Balls	CTH or RVC(40)

9506.39	-- Other	CTH or RVC(40)
9506.40	- Articles and equipment for table-tennis	CTH or RVC(40)
9506.5	- Tennis, badminton or similar rackets, whether or not strung :	
9506.51	-- Lawn-tennis rackets, whether or not strung	CTH or RVC(40)
9506.59	-- Other	CTH or RVC(40)
9506.6	- Balls, other than golf balls and table-tennis balls :	
9506.61	-- Lawn-tennis balls	CTH or RVC(40)
9506.62	-- Inflatable	CTH or RVC(40)
9506.69	-- Other	CTH or RVC(40)
9506.70	- Ice skates and roller skates, including skating boots with skates attached	CTH or RVC(40)
9506.9	- Other :	
9506.91	-- Articles and equipment for general physical exercise, gymnastics or athletics	CTH or RVC(BU30/BD40)
9506.99	-- Other	CTH or RVC(40)
9507	Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy “birds” (other than those of heading 92.08 or 97.05) and similar hunting or shooting requisites.	CTH or RVC(40)
9508	Roundabouts, swings, shooting galleries and other fairground amusements; travelling circuses and travelling menageries; travelling theatres.	CTH or RVC(40)
Chapter 96	MISCELLANEOUS MANUFACTURED ARTICLES	
9601	Worked ivory, bone, tortoise-shell, horn, antlers, coral, mother- of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).	CTH or RVC(40)

9602	Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatin of heading 35.03) and articles of unhardened gelatin.	CTH or RVC(40)
9603	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorised, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers; squeegees (other than roller squeegees).	CTH or RVC(40)
9604	Hand sieves and hand riddles.	CTH or RVC(40)
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning.	CTH or RVC(40)
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks.	CTH or RVC(40)
9607	Slide fasteners and parts thereof.	
9607.1	- Slide fasteners :	
9607.11	-- Fitted with chain scoops of base metal	CTSH or RVC(40)
9607.19	-- Other	CTSH or RVC(40)
9607.20	- Parts	CTH or RVC(40)
9608	Ball point pens; felt tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 96.09.	
9608.10	- Ball point pens	CTSH or RVC(40)
9608.20	- Felt tipped and other porous-tipped pens and markers	CTSH or RVC(40)

9608.30	- Fountain pens, stylograph pens and other pens	CTSH or RVC(40)
9608.40	- Propelling or sliding pencils	CTSH or RVC(40)
9608.50	- Sets of articles from two or more of the foregoing subheadings	CTH or RVC(40)
9608.60	- Refills for ball point pens, comprising the ball point and ink- reservoir	CTH or RVC(40)
9608.9	- Other :	
9608.91	-- Pen nibs and nib points	CTH or RVC(40)
9608.99	-- Other	CTH or RVC(40)
9609	Pencils (other than pencils of heading 96.08), crayons, pencil leads, pastels, drawing charcoals, writing or drawing chalks and tailors' chalks.	CTH or RVC(40)
9610	Slates and boards, with writing or drawing surfaces, whether or not framed.	CTH or RVC(40)
9611	Date, sealing or numbering stamps, and the like (including devices for printing or embossing labels), designed for operating in the hand; hand-operated composing sticks and hand printing sets incorporating such composing sticks.	CTH or RVC(40)
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes.	CTH or RVC(40)
9613	Cigarette lighters and other lighters, whether or not mechanical or electrical, and parts thereof other than flints and wicks.	
9613.10	- Pocket lighters, gas fuelled, non-refillable	CTSH or RVC(40)
9613.20	- Pocket lighters, gas fuelled, refillable	CTSH or RVC(40)
9613.80	- Other lighters	CTSH or RVC(40)
9613.90	- Parts	CTH or RVC(40)
9614	Smoking pipes (including pipe bowls) and cigar or cigarette holders, and parts thereof.	CTH or RVC(40)
9615	Combs, hair-slides and the like; hairpins, curling pins, curling grips, hair-curlers and the like, other than those of heading 85.16, and parts thereof.	CTH or RVC(40)

9616	Scent sprays and similar toilet sprays, and mounts and heads therefor; powder-puffs and pads for the application of cosmetics or toilet preparations.	CTH or RVC(40)
9617	Vacuum flasks and other vacuum vessels, complete with cases; parts thereof other than glass inners.	CTH or RVC(40)
9618	Tailors' dummies and other lay figures; automata and other animated displays used for shop window dressing.	CTH or RVC(40)
9619	Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any material.	CC or RVC(40)
Chapter 97	WORKS OF ART, COLLECTORS' PIECES AND ANTIQUES	CTH or RVC(40)

13. Replace Annex 3 (Government Procurement) with:

ANNEX 3A

SCHEDULE OF AUSTRALIA

SECTION A: Central Government Entities

Thresholds:

1. Chapter 6 (Government Procurement) shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 2 (Scope) of Chapter 6 (Government Procurement), to equal or exceed:

- (a) for procurement of goods and services, 130,000 SDRs; and
- (b) for procurement of construction services, 5,000,000 SDRs.

2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

List of Entities:

1. Administrative Appeals Tribunal
2. Attorney-General's Department
3. Australian Aged Care Quality Agency
4. Australian Bureau of Statistics
5. Australian Centre for International Agricultural Research
6. Australian Crime Commission (Australian Criminal Intelligence Commission)
7. Australian Electoral Commission
8. Australian Federal Police
9. Australian Institute of Criminology
10. Australian Law Reform Commission
11. Australian National Audit Office
12. Australian Office of Financial Management (AOFM)
13. Australian Public Service Commission
14. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
15. Australian Research Council
16. Australian Taxation Office
17. Australian Trade and Investment Commission (Austrade)
18. Australian Transaction Reports and Analysis Centre (AUSTRAC)
19. Australian Transport Safety Bureau
20. Bureau of Meteorology
21. Commonwealth Grants Commission
22. CrimTrac Agency
23. Department of Agriculture and Water Resources
24. Department of Communications and the Arts

25. Department of Defence
26. Department of Education and Training
27. Department of Employment
28. Department of Finance
29. Department of Foreign Affairs and Trade
30. Department of Health
31. Department of Human Services
32. Department of Immigration and Border Protection
33. Department of Industry, Innovation and Science
34. Department of Infrastructure and Regional Development
35. Department of Parliamentary Services
36. Department of Social Services
37. Department of the Environment and Energy
38. Department of the House of Representatives
39. Department of the Prime Minister and Cabinet
40. Department of the Senate
41. Department of the Treasury
42. Department of Veterans' Affairs
43. Fair Work Commission
44. Federal Court of Australia
45. Geoscience Australia
46. Inspector-General of Taxation
47. IP Australia
48. National Archives of Australia
49. National Blood Authority
50. National Capital Authority
51. National Competition Council
52. Office of Parliamentary Counsel
53. Office of the Australian Accounting Standards Board
54. Office of the Australian Information Commissioner
55. Office of the Commonwealth Ombudsman
56. Office of the Director of Public Prosecutions
57. Office of the Fair Work Ombudsman
58. Office of the Inspector-General of Intelligence and Security
59. Office of the Official Secretary to the Governor-General
60. Productivity Commission
61. Professional Services Review Scheme
62. Royal Australian Mint
63. Safe Work Australia
64. Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
65. Workplace Gender Equality Agency

Notes to Section A

1. Chapter 6 (Government Procurement) shall only cover those entities listed (including an office within a listed entity) in this Section.
2. Chapter 6 (Government Procurement) shall not cover the procurement of motor vehicles by any entity listed in this Section.

3. Chapter 6 (Government Procurement) shall not cover procurement relating to the functions of the Australian Government Solicitor.

4. Department of Defence

(a) Chapter 6 (Government Procurement) shall not cover Department of Defence procurement of the following goods due to Article 2 (Security Exceptions) of Chapter 17 (Final Provisions):

	Approximately equivalent to:
Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14
Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16
Aircraft Launching, Landing, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

Note: Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. *(For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see <http://www.fbo.gov>).*

(b) For Australia, Chapter 6 (Government Procurement) does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 2 (Security Exceptions) of Chapter 17 (Final Provisions) (For a

complete listing of Common Classification System, see: <http://www.sice.oas.org/trade/nafta/chap-105.asp>.)

- (i) Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J).
 - (ii) Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M).
 - (iii) Space services (AR, B4 & V3).
 - (iv) Services in support of military forces overseas.
- (c) Chapter 6 (Government Procurement) does not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Australian Signals Directorate, or the Australian Geospatial-Intelligence Organisation.
- (d) In respect of Article 4 (National Treatment and Non-Discrimination) of Chapter 6 (Government Procurement), the Australian Government reserves the right, pursuant to Article 2 (Security Exceptions) of Chapter 17 (Final Provisions), to maintain the Australian industry capability program and its successor programs and policies.

SECTION B: Sub-Central Government Entities

Thresholds:

1. Chapter 6 (Government Procurement) shall apply to sub-central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 2 (Scope) of Chapter 6 (Government Procurement), to equal or exceed:

(a) for procurement of goods and services, 355,000 SDR; and

(b) for procurement of construction services, 5,000,000 SDR.

2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

List of Entities:

Chapter 6 (Government Procurement) shall cover only those entities specifically listed in this Section.

Australian Capital Territory

1. ACT Gambling and Racing Commission
2. ACT Insurance Authority
3. ACTION
4. ACT Auditor-General
5. Capital Metro Authority
6. Chief Minister, Treasury and Economic Development Directorate
7. Community Services Directorate
8. Cultural Facilities Corporation
9. Education and Training Directorate
10. Environment and Planning Directorate
11. Health Directorate
12. Housing ACT
13. Independent Competition and Regulatory Commission
14. Justice and Community Safety Directorate
15. Legal Aid Commission
16. Ombudsman of the ACT
17. Territory and Municipal Services Directorate

Note:For the entities listed for the Australian Capital Territory, Chapter 6 (Government Procurement) shall not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

New South Wales

1. Advocate for Children and Young People
2. Board of Studies, Teaching and Educational Standards

3. Crown Solicitor's Office
4. Department of Education
5. Department of Family and Community Services
6. Department of Finance, Services and Innovation
7. Department of Industry, Skills and Regional Development
8. Department of Justice
9. Department of Planning and Environment
10. Department of Premier and Cabinet
11. Environment Protection Authority
12. Fire and Rescue NSW
13. Health Care Complaints Commission
14. Information and Privacy Commission (Note 3)
15. Legal Aid Commission
16. Ministry of Health
17. Multicultural NSW
18. New South Wales Crime Commission
19. New South Wales Electoral Commission
20. NSW Food Authority
21. New South Wales Ombudsman
22. NSW Rural Assistance Authority
23. New South Wales Rural Fire Service
24. Office of the Director of Public Prosecutions NSW
25. Office of Environment and Heritage
26. Office of Local Government
27. Parliamentary Counsel's Office
28. Police Integrity Commission
29. Public Service Commission
30. State Emergency Service
31. State Insurance Regulatory Authority
32. Sydney Harbour Foreshore Authority
33. Sydney Olympic Park Authority
34. The Audit Office of New South Wales
35. The Treasury
36. Transport for NSW (Note 4)

Note:

1. For the entities listed for New South Wales, Chapter 6 (Government Procurement) shall not cover the procurement of health and welfare services, education services or motor vehicles.
2. For the entities listed for New South Wales, Chapter 6 (Government Procurement) shall not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.
3. Chapter 6 (Government Procurement) shall not cover procurement related to the functions of the Privacy Commission by the Information and Privacy Commission.

4. Chapter 6 (Government Procurement) shall not cover procurement by Transport for NSW, related to the functions of the Transport Construction Authority, and the Country Rail Infrastructure Authority or its successor agencies.

Northern Territory

1. Aboriginal Areas Protection Authority
2. Auditor General's Office
3. Central Australian Hospital Network
4. Department of Arts and Museums
5. Department of Business
6. Department of Children and Families
7. Department of Correctional Services
8. Department of Health
9. Department of Housing
10. Department of Land Resource Management
11. Department of Lands, Planning and the Environment
12. Department of Local Government and Community Services
13. Department of Mines and Energy
14. Department of Primary Industry and Fisheries
15. Department of Sport and Recreation
16. Department of the Attorney-General and Justice
17. Department of the Chief Minister
18. Department of the Legislative Assembly
19. Department of Treasury and Finance
20. Health and Community Services Complaints Commission
21. Land Development Corporation
22. Board of the Museum and Art Gallery of the Northern Territory
23. Northern Territory Electoral Commission
24. Northern Territory Emergency Service
25. Northern Territory Employment and Training Authority
26. Northern Territory Fire and Rescue Service
27. Office of the Commissioner for Public Employment
28. Ombudsman's Office
29. Parks and Wildlife Commission of the Northern Territory
30. Police Force of the Northern Territory
31. Racing Commission
32. Remuneration Tribunal
33. Strehlow Research Centre Board
34. Top End Hospital Network
35. Tourism NT
36. Utilities Commission of the Northern Territory
37. Work Health Authority

Note: For the entities listed for the Northern Territory, Chapter 6 (Government Procurement) does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

Queensland

Entities declared to be departments pursuant to section 14 of the *Public Service Act 2008 (Qld)*

1. Motor Accident Insurance Commission
2. Nominal Defendant
3. Public Service Business Agency
4. Public Service Commission
5. Public Trust Office

Note:

1. For the entities listed for Queensland, Chapter 6 (Government Procurement) shall not apply to procurement:

- (a) by covered entities on behalf of non-covered entities;
- (b) undertaken by departments, or parts of departments, which deliver health, education, training or arts services; or
- (c) of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.

2. For entities listed for Queensland, Article 15.3(f) (Post Award Information) of Chapter 6 (Government Procurement) shall not apply for a period of three years from the date of entry into force of the Trans-Pacific Partnership Agreement for Australia and Singapore, so as to allow time for the entities listed for Queensland to make necessary modifications to electronic means to enable the publication of such information.

South Australia

1. Attorney-General's Department
2. Auditor-General's Department
3. Country Fire Service
4. Courts Administration Authority
5. Defence SA
6. Department for Communities and Social Inclusion
7. Department for Correctional Services
8. Department for Education and Child Development
9. Department for Health and Ageing
10. Department of Environment, Water and Natural Resources
11. Department of Planning, Transport and Infrastructure
12. Department of Primary Industries and Regions
13. Department of State Development
14. Department of the Premier and Cabinet
15. Department of Treasury and Finance
16. Electoral Commission of South Australia

17. Environment Protection Authority
18. Independent Gambling Authority
19. Parliament of South Australia
20. SA Tourism Commission
21. SAFECOM
22. South Australia Police
23. South Australian Metropolitan Fire Service
24. State Emergency Service
25. State Procurement Board
26. TAFE SA

Note: For the entities listed for South Australia, Chapter 6 (Government Procurement) shall not cover the procurement of health and welfare services, education services, advertising services or motor vehicles.

Tasmania

1. Department of Education
2. Department of Health and Human Services
3. Department of Justice
4. Department of Police and Emergency Management
5. Department of Premier and Cabinet
6. Department of Primary Industries, Parks, Water and Environment
7. Department of State Growth
8. Department of Treasury and Finance
9. House of Assembly
10. Legislative Council
11. Legislature-General
12. Office of the Governor
13. Tasmanian Audit Office
14. Tasmanian Health Service
15. Office of the Ombudsman
16. Office of the Director of Public Prosecutions
17. Tourism Tasmania

Note: For the entities listed for Tasmania, Chapter 6 (Government Procurement) shall not cover the procurement of health and welfare services, education services, or advertising services.

Victoria

1. Commission for Children and Young People
2. Department of Economic Development, Jobs, Transport and Resources
3. Department of Education and Training
4. Department of Environment, Land, Water and Planning
5. Department of Health and Human Services
6. Department of Justice and Regulation
7. Department of Premier and Cabinet
8. Department of Treasury and Finance
9. Essential Services Commission

10. Game Management Authority
11. Independent Broad-Based Anti-corruption Commission
12. Office of Public Prosecutions
13. Office of the Chief Commissioner of Police (Victoria Police)
14. Office of the Commissioner for Environmental Sustainability
15. Office of the Fire Services Levy Monitor
16. Office of the Freedom of Information Commissioner
17. Office of the Legal Services Commissioner
18. Office of the Ombudsman
19. Office of the Privacy Commissioner
20. Office of the Road Safety Camera Commissioner
21. Office of the Victorian Inspectorate
22. Taxi Services Commission
23. Victorian Auditor-General's Office
24. Victorian Commission for Gambling and Liquor Regulation
25. Victorian Electoral Commission
26. Victorian Equal Opportunity and Human Rights Commission
27. Victorian Public Sector Commission
28. Victorian Responsible Gambling Foundation

Note:

1. For the entities listed for Victoria, Chapter 6 (Government Procurement) shall not cover the procurement of motor vehicles.
2. For the entities listed for Victoria, Chapter 6 (Government Procurement) shall not apply to procurement by covered entities on behalf of non-covered entities.

Western Australia

1. Botanic Gardens and Parks Authority
2. Corruption and Crime Commission (Western Australia)
3. Country High Schools Hostels Authority
4. Department of Aboriginal Affairs
5. Department of Agriculture and Food
6. Department of Child Protection and Family Support
7. Department of Commerce
8. Department of Corrective Services
9. Department of Culture and the Arts
10. Department of Education
11. Department of Education Services
12. Department of Environment Regulation
13. Department of Fire and Emergency Services
14. Department of Finance
15. Department of Fisheries
16. Department of Health
17. Department of Lands
18. Department of Local Government and Communities
19. Department of Mines and Petroleum
20. Department of Parks and Wildlife

21. Department of Planning
22. Department of Racing, Gaming and Liquor
23. Department of Regional Development
24. Department of Sport and Recreation
25. Department of State Development
26. Department of Training and Workforce Development
27. Department of Treasury
28. Department of Water
29. Department of the Attorney General
30. Department of the Premier and Cabinet
31. Department of the Registrar Western Australia Industrial Relations Commission
32. Disability Services Commission
33. Equal Opportunity Commission
34. Gascoyne Development Commission
35. Goldfields Esperance Development Commission
36. Governor's Establishment
37. Great Southern Development Commission
38. Heritage Council of Western Australia
39. Housing Authority
40. Kimberley Development Commission
41. Law Reform Commission of Western Australia
42. Legislative Assembly
43. Legislative Council
44. Main Roads Western Australia
45. Mid West Development Commission
46. Minerals and Energy Research Institute of Western Australia
47. National Trust of Australia (WA)
48. Office of the Auditor General
49. Office of the Director of Public Prosecutions
50. Office of the Information Commissioner
51. Office of the Inspector of Custodial Services
52. Office of the Parliamentary Commissioner for Administrative Investigations
53. Parliamentary Services Department
54. Peel Development Commission
55. Pilbara Development Commission
56. Public Sector Commission
57. Public Transport Authority
58. Rottneest Island Authority
59. Rural Business Development Corporation
60. Salaries and Allowances Tribunal
61. School Curriculum and Standards Authority
62. Small Business Development Corporation
63. South West Development Commission
64. State Library of Western Australia
65. Swan River Trust
66. Western Australia Police
67. Western Australian Electoral Commission
68. Western Australian Land Information Authority (Landgate)
69. Western Australian Planning Commission

70. Western Australian Sports Centre Trust (trading as VenuesWest)
71. Western Australian Tourism Commission
72. Wheatbelt Development Commission
73. Zoological Parks Authority

Note: For greater certainty, consistent with Article 8.9 (Qualification of Suppliers) of Chapter 6 (Government Procurement), in relation to procurements from the Department of Finance, Building Management and Works' Prequalification Scheme; and Main Road's 'National Prequalification System for Civil (Road and Bridge) Construction Contracts' Scheme, requests for participation in a procurement from suppliers not already prequalified at the time of tender release will not be considered due to the time and complexity involved in assessing requests. This does not preclude suppliers from applying at any time to become prequalified. Prequalification ensures the financial security of building and construction contractors and does not discriminate between local suppliers and the suppliers of other Parties.

Notes to Section B

For entities listed in this Section:

1. In relation to multi-use lists:

- (a) a notice inviting suppliers to apply for inclusion on a multi-use list may be used as a notice of intended procurement, provided a statement is included that only suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list; and
- (b) where all or a limited number of qualified suppliers have been selected, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

SECTION C: Other Entities

Thresholds:

1. Chapter 6 (Government Procurement) shall apply to other covered entities listed in this Section where the value of the procurement is estimated, in accordance with Article 2 (Scope) of Chapter 6 (Government Procurement), to equal or exceed:

(a) for procurement of goods and services, 400,000 SDR

(b) for procurement of construction services, 5,000,000 SDR

2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

List of Entities:

1. Australian Communications and Media Authority
2. Australian Competition and Consumer Commission
3. Australian Financial Security Authority
4. Australian Fisheries Management Authority
5. Australian Human Rights Commission
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Maritime Safety Authority
9. Australian National Maritime Museum
10. Australian Nuclear Science and Technology Organisation
11. Australian Pesticides and Veterinary Medicines Authority
12. Australian Prudential Regulation Authority
13. Australian Securities and Investments Commission
14. Australian War Memorial (Note 3)
15. Comcare
16. Commonwealth Scientific and Industrial Research Organisation
17. Export Finance and Insurance Corporation
18. Grains Research and Development Corporation
19. Great Barrier Reef Marine Park Authority
20. National Gallery of Australia
21. National Museum of Australia
22. Old Parliament House
23. Reserve Bank of Australia
24. Sydney Harbour Federation Trust
25. The Director of National Parks
26. Tourism Australia

Notes to Section C

1. Chapter 6 (Government Procurement) shall cover only those entities listed in this Section.

2. For the entities listed in this Section, Chapter 6 (Government Procurement) shall not cover the procurement of motor vehicles.
3. Chapter 6 (Government Procurement) shall not cover procurement of telecommunications services by the Australian War Memorial.

SECTION D: Goods

1. Chapter 6 (Government Procurement) shall apply to all goods procured by the entities listed in Sections A, through C, unless otherwise specified in Chapter 6 (Government Procurement), including this Schedule.
2. Chapter 6 (Government Procurement) shall not cover the procurement of blood and blood-related products, including plasma derived products.

SECTION E: Services

Chapter 6 (Government Procurement) shall apply to all services procured by the entities listed in Sections A, B and C, unless otherwise specified in Chapter 6 (Government Procurement), including this Schedule.

Chapter 6 (Government Procurement) shall not cover the procurement of:

- (a) plasma fractionation services;
- (b) government advertising services;
- (c) health and welfare services; and
- (d) research and development services.

SECTION F: Construction Services

Chapter 6 (Government Procurement) shall apply to all construction services procured by the entities listed in Sections A, B and C, unless otherwise specified in Chapter 6 (Government Procurement), including in this Schedule.

SECTION G: General Notes

Unless otherwise specified herein, the following General Notes in Australia's Schedule shall apply without exception to Chapter 6 (Government Procurement), including to all Sections of this Schedule.

1. Chapter 6 (Government Procurement) shall not apply to:
 - (a) any form of preference to benefit small and medium enterprises;
 - (b) measures to protect national treasures of artistic, historic, or archaeological value;
 - (c) measures for the health and welfare of indigenous people; and
 - (d) measures for the economic and social advancement of indigenous people.
2. For greater certainty:
 - (a) Chapter 6 (Government Procurement) shall not apply to procurement funded by grants and sponsorship payments received from persons not listed in this Annex; and
 - (b) Chapter 6 (Government Procurement) shall not apply to procurement by a procuring entity from another government entity.

SECTION H: Threshold Adjustment Formula

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even numbered year after the date of entry into force of this Agreement for Australia.
2. Every two years, Australia shall calculate and publish the value of the thresholds under Chapter 6 (Government Procurement) expressed in Australian dollars. These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the Australian dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect, and rounded to the nearest thousand Australian dollars.
4. Australia shall notify Singapore of the current thresholds in its currency immediately after this Agreement enters into force, and the adjusted thresholds in its currency thereafter in a timely manner.
5. Australia shall consult if a major change in its national currency relative to the SDR or to the national currency of Singapore were to create a significant problem with regard to the application of Chapter 6 (Government Procurement).

SECTION I: Procurement Information

All information on government procurement is published on the following websites:

Legislation and Regulations: <http://www.comlaw.gov.au/>

Australian Government Tender System: <https://www.tenders.gov.au/>

SECTION J: Implementation Arrangements

1. The following Articles shall not apply for Australia until the Trans-Pacific Partnership Agreement has entered into force for both Australia and Singapore:

- (a) Articles 6.1 and 6.3(h) (Notices of Intended Procurement) of Chapter 6 (Government Procurement), with respect to Multi-Use Lists;
- (b) Article 8 (Qualification of Suppliers) of Chapter 6 (Government Procurement), with respect to Multi-Use Lists; and
- (b) Article 15.3 (f) (Post-Award Information) of Chapter 6 (Government Procurement).

2. Notwithstanding Article 18 (Domestic Review) of Chapter 6 (Government Procurement), Australia may delay application of its obligations under Article 18 until the Trans-Pacific Partnership Agreement has entered into force for both Australia and Singapore. Prior to the entry into force of the Trans-Pacific Partnership Agreement for both Australia and Singapore, Australia will allow suppliers of Singapore to make a complaint in accordance with the following procedures:

- (a) In the event of a complaint by a supplier that there has been a breach of measures implementing the obligations of this Chapter in the context of a covered procurement, each Party shall:
 - (i) encourage the supplier to seek resolution of its complaint in consultation with the procuring entity. In such instances the procuring entity shall accord impartial and timely consideration to any such complaint, in a manner that is not prejudicial to obtaining corrective measures; under the challenge system;
 - (ii) maintain at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review, in a non-discriminatory, timely, transparent and effective manner, complaints that suppliers submit, in accordance with the Party's laws, regulations and procedures, relating to a covered procurement; and
 - (iii) make information on complaint mechanisms generally available.

ANNEX 3B

SCHEDULE OF SINGAPORE

SECTION A: Central Government Entities

Thresholds:

Unless otherwise specified, Chapter 6 (Government Procurement) shall cover procurement by entities listed in this Section, subject to the following thresholds:

130,000 SDR	Goods (specified in Section D)
130,000 SDR	Services (specified in Section E)
5,000,000 SDR	Construction (specified in Section F)

List of Entities:

1. Auditor-General's Office
2. Attorney-General's Chambers
3. Cabinet Office
4. Istana
5. Judicature
6. Ministry of Communication and Information
7. Ministry of Culture, Community and Youth
8. Ministry of Education
9. Ministry of the Environment and Water Resources
10. Ministry of Finance
11. Ministry of Foreign Affairs
12. Ministry of Health
13. Ministry of Home Affairs
14. Ministry of Law
15. Ministry of Manpower
16. Ministry of National Development
17. Ministry of Social and Family Development
18. Ministry of Trade and Industry
19. Ministry of Transport
20. Parliament
21. Presidential Councils
22. Prime Minister's Office
23. Public Service Commission
24. Ministry of Defence

Note: Chapter 6 (Government Procurement) shall generally apply to purchases by the Singapore Ministry of Defence of the following Federal Supply Categories (FSC) of the United States of America (others being excluded).

FSC Description

22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
32	Woodworking Machinery and Equipment
34	Metalworking Machinery
35	Service and Trade Equipment
36	Special Industry Machinery
37	Agricultural Machinery and Equipment
38	Construction, Mining, Excavating and Highway Maintenance Equipment
39	Materials Handling Equipment
40	Rope, Cable, Chain and Fittings
41	Refrigeration, Air Conditioning and Air Circulating Equipment
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
51	Handtools
52	Measuring Tools
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
67	Photographic Equipment
68	Chemicals and Chemical Products
69	Training Aids and Devices
70	General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record Equipment

75	Office Supplies and Devices
76	Books, Maps and other Publications
77	Musical Instruments, Phonographs and Home-Type Radios
78	Recreational and Athletic Equipment
79	Cleaning Equipment and Supplies
80	Brushes, Paints, Sealers and Adhesives
81	Containers, Packaging and Packing Supplies
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

Notes to Section A

1. Chapter 6 (Government Procurement) shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.

2. Unless otherwise specified herein, Chapter 6 (Government Procurement) shall apply to all agencies subordinate to the entities listed in this Section that do not have a legal status that is separate from the listed entities under Singapore's law.

SECTION B: Sub-Central Government Entities

Not applicable for Singapore as Singapore does not have any sub-central government entities.

SECTION C: Other Entities

Thresholds:

Unless otherwise specified, Chapter 6 (Government Procurement) shall cover procurement by the entities listed in this Section, subject to the following thresholds:

400,000 SDR	Goods (specified in Section D)
400,000 SDR	Services (specified in Section E)
5,000,000 SDR	Construction (specified in Section F)

List of Entities:

1. Accounting And Corporate Regulatory Authority
2. Agency for Science, Technology and Research
3. Agri-food and Veterinary Authority
4. Board of Architects
5. Building and Construction Authority
6. Casino Regulatory Authority
7. Central Provident Fund Board
8. Civil Aviation Authority of Singapore
9. Civil Service College
10. Competition Commission of Singapore
11. Council for Estate Agencies
12. Council for Private Education
13. Economic Development Board
14. Energy Market Authority of Singapore
15. Health Promotion Board
16. Health Sciences Authority
17. Hotels Licensing Board
18. Housing and Development Board
19. Info-communications Development Authority of Singapore
20. Inland Revenue Authority of Singapore
21. International Enterprise Singapore
22. Institute of Technical Education
23. Institute of Southeast Asian Studies
24. Intellectual Property Office of Singapore
25. Land Transport Authority of Singapore
26. Jurong Town Corporation
27. Maritime and Port Authority of Singapore
28. Monetary Authority of Singapore
29. Media Development Authority of Singapore
30. Nanyang Polytechnic
31. National Environment Agency
32. National Arts Council
33. National Heritage Board

34. National Library Board
35. National Parks Board
36. National University of Singapore
37. Nanyang Technological University
38. Ngee Ann Polytechnic
39. Preservation of Monuments Board
40. Professional Engineers Board
41. Public Transport Council
42. Public Utilities Board
43. Republic Polytechnic
44. Science Centre Board
45. Sentosa Development Corporation
46. Singapore Corporation of Rehabilitative Enterprises
47. Singapore Examinations and Assessment Board
48. Singapore Land Authority
49. Singapore Nursing Board
50. Singapore Pharmacy Council
51. Singapore Polytechnic
52. Singapore Tourism Board
53. Singapore Totalisator Board
54. Singapore Workforce Development Agency
55. SPORT Singapore
56. Standards, Productivity and Innovation Board
57. Temasek Polytechnic
58. Traditional Chinese Medicine Practitioners Board
59. Urban Redevelopment Authority

Notes to Section C

1. This Agreement shall not apply to any procurement in respect of contracts made by the Singapore Examinations and Assessment Board relating to national examinations.
2. This Agreement shall not apply to any procurement of goods or services undertaken by the Public Utilities Board where such procurement is:
 - (a) for the purpose of the efficient, adequate, and reliable supply of water when Singapore's water supply or related infrastructure face unanticipated stress, such as prolonged periods of dry weather, the contamination of the water supply or related infrastructure, or disruptions to Singapore's imports of water; or
 - (b) related, in whole or in part, to the construction, expansion or repair of water infrastructure located outside the territory of Singapore but used or involved in the supply of water to Singapore.
3. In relation to Article 19.2(a) (Modifications and Rectifications of Annex) of Chapter 6 (Government Procurement), government control or influence over the covered procurement of entities listed in this Section is deemed to be effectively eliminated if the entity has been privatised.
4. Privatised means, an entity that has been reconstituted from a procuring entity or part thereof to be a legal person acting in accordance with commercial considerations in the procurement of goods and services and that is no longer entitled to exercise governmental authority, even though the government possesses holdings thereof or appoints members of the Board of Directors thereto.
5. For greater certainty, where the government possesses holdings thereof or appoints a government official to the Board of Directors of a privatised entity, the entity is deemed to act in accordance with commercial considerations in its purchase of goods and services, such as with regard to the availability, price and quality of the goods and services, if the government or the government official so appointed does not, directly or indirectly, influence or direct the decisions of the Board in the entity's procurement of goods and services.

SECTION D: Goods

Chapter 6 (Government Procurement) shall apply generally to all goods procured by the entities listed in Sections A and C, unless otherwise specified in this Chapter.

SECTION E: Services

The following services as contained in document MTN.GNS/W/120 are covered (others being excluded):

<i>CPC</i>	<i>Description</i>
61	Sale, maintenance and repair of motor vehicles and motorcycles
633	Repair Services of Personal and Household Goods
641-643	Hotels and Restaurants (incl. catering)
712	Other Land Transport Services
7471	Travel agency and tour operator services
7472	Tourist Guide Services
7512	Courier Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
81	Financial intermediation services and auxiliary services ^{1 2}
82	Real Estate Services ³
84	Computer Related Services
862	Accounting, Auditing and Book-keeping Services
864	Market research and public opinion polls
865	Management Consulting Services
866	Services related to management consulting
8671	Architectural Services
8672	Engineering Services
8673	Integrated Engineering Services
8675	Engineering Related Scientific and Technical Consulting Services
8676	Technical Testing and Analysis Services
86742	Landscape Architectural Services
871	Advertising Services
87201	Executive Search Services
87202	Placement services of office support personnel and other workers
87203	Supply Services of Office Support Personnel
874	Building-Cleaning Services
87905	Translation and Interpretation Services
88442	Publishing and Printing Services on a Fee or Contract Basis ⁴
924	Adult Education Services
932	Veterinary Services
94	Sewage and Refuse Disposal, Sanitation and Other Environmental Protection Services
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services

- 96121 Motion Picture Projection Services
- 96122 Video Tape Projection Services
- 9619 Other Entertainment Services
- 96311 Library Services
- 964 Sporting and other recreational services⁵
 - Biotechnology Services
 - Exhibition Services⁶
 - Commercial Market Research
 - Interior Design Services, Excluding Architecture
 - Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services
 - Telecommunications Services⁷
 - Basic Telecommunication Services⁸, including resale (facilities-based and services-based):
 - (a) Public Switched Services⁹ (local and international)
 - (b) Leased Circuit Services (local and international)
 - Mobile Services¹⁰, including resale (facilities-based and services-based):
 - (a) Public Mobile Data Service (PMDS)
 - (b) Public Trunked Radio Service (PTRS)
 - (c) Public Radio Paging Service (PRPS)
 - (d) Public Cellular Mobile Telephone Service (PCMTS)

Notes to Section E

1. The offer regarding services is subject to the limitations and conditions specified in Singapore's Reservations to Chapter 7 (Cross-Border Trade in Services) and Chapter 8 (Investment) in Annex 4-I(B) and Annex 4-II(B) of this Agreement.
2. The services covered under Section E are to be read together with the following footnotes:
 1. Except asset management and other financial services procured by the Ministry of Finance and the Monetary Authority of Singapore for the purpose of managing official foreign reserves and other foreign assets of the Government of Singapore.
 2. Except asset management and other financial services procured by the Central Provident Fund Board.
 3. Includes only real estate consultancy services, auction and valuation services.
 4. Except for the printing of Government legislation and gazette as well as question papers and other documents, specimens, materials or items relating to national examinations.
 5. Except gambling and betting services.
 6. Excluding Exhibition Services for museums and other facilities related to the functions of the National Heritage Board.
 7. Telecommunication services exclude broadcasting services, which is defined as the transmission of signs or signals via any technology for the reception and/or display of aural and/or visual programme signals by all or part of the domestic public.
 8. Basic Telecommunication Services may be provided using satellite technology.
 9. Includes voice, data and facsimile services.
 10. Mobile Services may be provided using satellite technology.

SECTION F: Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are covered (others being excluded):

List of construction services covered:

<i>CPC</i>	<i>Description</i>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to Section F

The offer regarding construction services is subject to the limitations and conditions specified in Singapore's Reservations to Chapter 7 (Cross-Border Trade in Services) and Chapter 8 (Investment) in Annex 4-I(B) and Annex 4-II(B) of this Agreement.

SECTION G: General Notes

Chapter 6 (Government Procurement) shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

SECTION H: Threshold Adjustment Formula

1. The thresholds for the procurement of goods and services by entities listed in Sections A and C, and the thresholds for procurement of construction services by entities listed in Sections A and C shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even-numbered year after the date of entry into force of this Agreement for Singapore.
2. The adjustments shall be based on the average of the daily conversion rates of the Singapore currency in terms of the Special Drawing Rights (SDR), published by the International Monetary Fund in its monthly International Financial Statistics over the two-year period preceding October 1 or November 1 of the year prior to the thresholds in Singapore currency becoming effective which will be from January 1.
3. Singapore shall consult if a major change in its national currency relative to the SDR or to the national currency of Australia were to create a significant problem with regard to the application of Chapter 6 (Government Procurement).

SECTION I: Procurement Information

All information on government procurement is published on <https://www.gebiz.gov.sg/>.

SECTION J: Implementation Arrangements

None.

14. Replace Annex 4 (Reservations to Chapter 7 (Trade in Services) and Chapter 8 (Investment)) with:

ANNEX 4-I

RESERVATIONS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Article 7 (Reservations) of Chapter 7 (Cross-Border Trade in Services) and Article 11 (Reservations) of Chapter 8 (Investment), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 7 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 4 (National Treatment) of Chapter 8 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment);
- (d) Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services);
- (e) Article 7 (Prohibition of Performance Requirements) of Chapter 8 (Investment); or
- (f) Article 8 (Senior Management and Boards of Directors) of Chapter 8 (Investment).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Sub-Sector**, where referenced, refers to the specific sector in which the reservation is made;
- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);

- (d) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 7.1 (Reservations) of Chapter 7 (Cross-Border Trade in Services) and Article 11.1 (Reservations) of Chapter 8 (Investment), do not apply to the listed measure(s) as indicated in the Description element of that entry;
- (e) **Level of Government** indicates the level of government maintaining the listed measures;
- (f) **Source of Measure** identifies the laws, regulations or other measures for which the entry is made. A measure cited in the Measures element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (g) **Description** sets out the non-conforming aspects of the measure to which the entry applies. However, in the interpretation of an entry, all elements of the entry shall be considered.

3. Articles 4 (National Treatment) and 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services) are separate disciplines and a measure that is only inconsistent with Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services) need not be reserved against Article 4 (National Treatment) of Chapter 7 (Cross-Border Trade in Services). For greater certainty, requirements that must be met in order to establish a particular form of enterprise, such as a corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation are not breaches of the local presence obligation unless they are imposed as a condition for the cross-border supply of a service.

4. Article 1 (Definitions) of Chapter 7 (Cross-Border Trade in Services) and Article 1 (Definitions) of Chapter 8 (Investment) shall apply to this Annex.

ANNEX 4-I(A)

AUSTRALIA'S RESERVATIONS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

INTRODUCTORY NOTES

1. Australia reserves the right to maintain and to add to this Schedule any non-conforming measure at the regional level of government that existed at 1 January 2005, but was not listed in this Schedule at the date of entry into force of this Agreement against the following obligations:

- (a) Article 4 (National Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 4(National Treatment) of Chapter 8 (Investment);
- (b) Article 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment);
- (c) Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services);
- (d) Article 7 (Prohibition of Performance Requirements) of Chapter 8 (Investment); or
- (e) Article 8 (Senior Management and Boards of Directors) of Chapter 8 (Investment).

1.

Sector:	All sectors
Obligations Concerned:	National Treatment (Investment) Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	Australia's foreign investment framework, which comprises Australia's Foreign Investment Policy, the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); <i>Foreign Acquisitions Fees Imposition Act 2015</i> (Cth); Foreign Acquisitions Fees Imposition Regulation 2015 (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements
Description:	<u>Investment</u>

1. The following investments¹ require notification and approval from the Australian Government:

- (a) proposed investments by foreign persons² in existing³ Australian businesses, or prescribed corporations,⁴ the value of

¹ *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA). "Investments" means activities covered by Part II of FATA or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

² For the purposes of this entry, a "foreign person" means:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;
- (d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- (e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

³ For the purposes of this entry, "existing" means in existence at the time the investment is proposed or made.

whose assets exceeds \$A252 million* in the following sectors:

- (i) the telecommunications sector;
- (ii) the transport sector, including airports, port facilities, rail infrastructure, international and domestic aviation and shipping services provided either within, or to and from, Australia;
- (iii) the supply of training or human resources, or the manufacture or supply of military goods,

⁴ For the purposes of this entry, “prescribed corporation” means:

- (a) a trading corporation;
- (b) a financial corporation;
- (c) a corporation incorporated in a Territory under the law in force in that Territory relating to companies;
- (d) a foreign corporation that, on its last accounting date, held assets the sum of the values of which exceeded \$A252 million (for item (a) of the entry) or \$A1,094 million (for item (b) of the entry), being assets consisting of all or any of the following:
 - (i) land situated in Australia (including legal and equitable interests in such land);
 - (ii) mineral rights;
 - (iii) shares in a corporation incorporated in Australia;
- (e) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of the Australian corporation or Australian corporations exceeded \$A252 million (for item (a) of the entry) or \$A1094 million (for item (b) of the entry);
- (f) a corporation that was, on its last accounting date, a holding corporation of a foreign corporation referred to in paragraph (d) or (e) of this footnote;
- (g) a foreign corporation that, on its last accounting date, held assets of a kind or kinds referred to in paragraph (d) of this footnote, where the sum of the values on that date of those assets was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation; or
- (h) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of that Australian corporation or those Australian corporations was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation.

* This is the figure as at 1 January 2015. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year.

- equipment or technology, to the Australian or other defence forces;
- (iv) the manufacture or supply of goods, equipment or technologies able to be used for a military purpose;
 - (v) the development, manufacture or supply of, or provision of services relating to, encryption and security technologies and communication systems; and
 - (vi) the extraction of (or rights to extract) uranium or plutonium, or the operation of nuclear facilities;
- (b) proposed investments by foreign persons in existing Australian businesses, or prescribed corporations, in all other sectors, excluding financial sector companies,⁵ the value of whose total assets exceeds \$A1,094 million*;
 - (c) proposed direct investments by foreign government investors, irrespective of size;
 - (d) proposed investments by foreign persons of five per cent or more in the media sector, regardless of the value of the investment;
 - (e) proposed acquisitions by foreign persons of developed non-residential commercial real estate where the property is valued at more than \$A1,094 million*.

Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with

⁵ A “financial sector company” means, as defined in section 3 of the *Financial Sector (Shareholdings) Act 1998* (Cth):

- (a) an authorised deposit-taking institution;
- (b) an authorised insurance company; or
- (c) a holding company of a company covered by paragraph (a) or (b) of this footnote.

certain conditions. Investments referred to above for which no notification is received may be subject to orders under the FATA.

Separate or additional requirements may apply to measures subject to other Annex I reservations and to sectors, sub-sectors or activities subject to Annex II.

2. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control⁶ of an existing financial sector company, may be refused, or be subject to certain conditions.⁷

⁶ “Unacceptable shareholding situation” and “practical control” as defined in the *Financial Sector (Shareholdings) Act 1998* (Cth).

⁷ Ministerial statements on foreign investment policy including the Treasurer’s Press Release No. 28 of 9 April 1997.

2.

Sector:	All
Obligations Concerned:	Local Presence
Level of Government:	Regional
Source of Measure:	<i>Consumer Affairs and Fair Trading Act</i> (NT) Consumer Affairs and Fair Trading (Trading Stamps) Regulations (NT)
Description:	<u>Cross-Border Trade in Services</u> A promoter of a third party trading scheme ⁸ must maintain an office in Australia.

⁸ “Third party trading scheme” means a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services.

3.

Sector: Professional Services

Obligations Concerned: Local Presence

Level of Government: Central

Source of Measure: *Patents Act 1990* (Cth)
Patent Regulations (Cth)

Description: Cross-Border Trade in Services

In order to register to practise in Australia, patent attorneys must be ordinarily resident in Australia.⁹

⁹ For the purposes of this entry, a person is taken to be “ordinarily resident” in Australia if: (a) the person has his or her home in Australia; or (b) Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. However, the person is taken not to be ordinarily resident in Australia if he or she resides in Australia for a special or temporary purpose only.

4.

Sector:	Professional Services
Obligations Concerned:	Local Presence
Level of Government:	Central and Regional
Source of Measure:	<i>Corporations Act 2001 (Cth)</i> <i>Co-operative Housing and Starr-Bowkett Societies Act 1998 (NSW)</i> <i>Estate Agents Act 1980 (Vic)</i>
Description:	<u>Cross-Border Trade in Services</u> <u>Commonwealth</u> A person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator. At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia. <u>New South Wales</u> A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations. <u>Victoria</u> A firm of auditors cannot audit an estate agent's accounts unless at least one member of the firm of auditors is an Australian resident.

5.

Sector: Professional Services

Obligations Concerned: Local Presence

Level of Government: Regional

Source of Measure: *Architects Act (NT)*

Description: Cross-Border Trade in Services

To qualify for registration as an architectural partnership or company, the partnership/company must have a place of business or be carrying on business within the Northern Territory.

6.

Sector:	Professional Services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
Level of Government:	Central
Source of Measure:	<i>Migration Act 1958 (Cth)</i>
Description:	<u>Cross-Border Trade in Services</u> To practise as a migration agent in Australia a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.

7.

Sector: Professional Services

Obligations Concerned: Local Presence

Level of Government: Central

Source of Measure: *Customs Act 1901* (Cth)

Description: Cross-Border Trade in Services

To act as a customs broker in Australia, service providers must provide the service in and from Australia.

8.

Sector:	Research and Development Services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment)
Level of Government:	Regional
Source of Measure:	<i>Biodiversity Act 2004 (Qld)</i>
Description:	<u>Cross-Border Trade in Services and Investment</u>

Benefit sharing agreements require sublicences for use of samples or derivatives to conduct biodiscovery research and commercialisation to be offered first to Queensland-based entities, then to Australian-based entities, and then to overseas-based entities. Any entity with a benefit sharing agreement must obtain consent before granting a sublicense to an overseas-based entity.

9.

Sector:	Real Estate and Distribution Services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Local Presence
Level of Government:	Regional
Source of Measure:	<i>Community Land Management Act 1989</i> (NSW) <i>Strata Schemes Management Act 1996</i> (NSW) <i>Property, Stock and Business Agents Act 2002</i> (NSW) <i>Agents Licensing Act</i> (NT) <i>Agents Act 2003</i> (ACT) <i>Property Agents and Motor Dealers Act 2000</i> (Qld) <i>Estate Agents Act 1980</i> (Vic) <i>Conveyancers Act 2006</i> (Vic) <i>Real Estate and Business Agents Act 1978</i> (WA) Real Estate and Business Agents (General) Regulations 1979 (WA) <i>Settlement Agents Act 1981</i> (WA) Settlement Agents Regulations 1982 (WA)
Description:	<u>Cross-Border Trade in Services and Investment</u> <u>New South Wales</u> A person cannot be appointed as an agent (for a proprietor of a development lot, neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner's corporation) if they are not an Australian resident. To be licensed as a property, stock, business, strata managing or community managing agent in NSW, licensees must have a registered office in New South Wales. <u>Northern Territory</u> A licensed agent ¹⁰ must maintain an office in Australia at or from which the conduct of business under the licence is to occur. <u>Australian Capital Territory</u> An estate agent must have their principal place of business in the Australian Capital Territory.

¹⁰ A "licensed agent" includes a real estate agent, business agent or conveyancing agent.

Queensland

In order to obtain a licence to operate in Queensland as a real estate agent, auctioneer, motor dealer or commercial agent, a person must have a business address in Queensland.

Victoria

A person cannot be licensed as an estate agent unless they have a registered office in Victoria and they must maintain a principal office in Victoria. An agent's representative must have a registered address in Victoria to which documents can be sent.

A person cannot be licensed as a conveyancer or carry on a conveyancing business in Victoria unless they maintain a principal place of business in Victoria.

Western Australia

A person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State. A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State. A licensed settlement agent must establish and maintain a registered office in the State.

10.

Sector:	Fishing and Pearling
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Local Presence Senior Management and Boards of Directors
Level of Government:	Central and Regional
Source of Measure:	<i>Fisheries Management Act 1991</i> (Cth) <i>Foreign Fishing Licences Levy Act 1991</i> (Cth) <i>Fisheries Management Act 1994</i> (NSW) <i>Fisheries Act 1995</i> (Vic) <i>Fish Resources Management Act 1994</i> (WA) <i>Pearling Act 1990</i> (WA) Ministerial Policy Guideline No 17 of August 2001 (WA)
Description:	<u>Cross-Border Trade in Services and Investment</u>

Commonwealth

Foreign fishing vessels¹¹ seeking to undertake fishing activity, including any activity in support of or in preparation for any fishing activity or the processing, carrying or transhipment of fish, in the Australian Fishing Zone must be authorised.

Where foreign fishing vessels are authorised they may be subject to a levy.¹²

New South Wales

A foreign person or a foreign-owned body is not permitted to hold shares in a share management fishery.

Victoria

In Victoria, a fishery access licence or aquaculture licence can only be issued to:

¹¹ For the purposes of this entry, a “foreign fishing vessel” is one that does not meet the definition of an Australian boat under the *Fisheries Management Act 1991* (Cth), that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

¹² The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991* (Cth) or any amendments thereto.

- (a) an individual who is an Australian resident;
- (b) a single corporation that has a registered office in Australia; or
- (c) a co-operative that has a registered office in a jurisdiction that administers the Co-operatives National Law (currently New South Wales, Victoria, South Australia, the Northern Territory and Tasmania).

Western Australia

Only an individual who is an Australian citizen or permanent resident may be a licensee within the Western Australian pearling industry.

In the case of corporations, partnerships or trusts holding licenses, these must be Australian owned and/or controlled (at least 51 per cent of the issued share capital, partnership interest or trust property must be owned by Australians; the chairman, majority of the board of directors and all the company officers must be Australians and must be nominated by, and represent, Australian interests).

11.

Sector:	Mining and Related Services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements
Level of Government:	Regional
Source of Measure:	<i>Mount Isa Mines Limited Agreement Act 1985 (Qld)</i>
Description:	<u>Cross-Border Trade in Services and Investment</u>

The operator of Mount Isa Mines shall, so far as is reasonably and economically practicable:

- (a) use the services of professional consultants resident and available within Queensland;
- (b) use labour available within Queensland;
- (c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and
- (d) give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.

12.

Sector: Other Business Services

Obligations Concerned: Local Presence

Level of Government: Regional

Source of Measure: *Prostitution Regulation Act (NT)*

Description: Cross-Border Trade in Services

To be eligible for the grant of an operator's licence or a manager's licence in respect of an escort agency business, an individual must be resident in the Northern Territory.

For a body corporate to be granted an operator's licence, its officers must also meet the residency requirement.

13.

Sector: Telecommunications

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Level of Government: Central

Source of Measure: *Telstra Corporation Act 1991* (Cth)

Description: Investment

Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than 5 per cent of shares.

The Chairperson and a majority of directors of Telstra must be Australian citizens and Telstra is required to maintain its head office, main base of operations and place of incorporation in Australia.

14.

Sector: Distribution Services

Obligations Concerned: Local Presence

Level of Government: Regional

Source of Measure: *Firearms Act* (NT)

Description: Cross-Border Trade in Services

Grant of a firearms licence¹³ requires residency in the Northern Territory. Licences and permits expire three months after the holder ceases to reside permanently in the Northern Territory.

¹³ Firearms licences include but are not limited to firearms dealer licence, armourer's licence, firearms museum licence, firearms collector's licence, firearms employee licence, and paintball operator's licence.

15.

Sector: Distribution Services

Obligations Concerned: Local Presence

Level of Government: Regional

Source of Measure: *Liquor Act* (NT) and policy and practice
Kava Management Act (NT)
Tobacco Control Act (NT) and policy and practice

Description: Cross-Border Trade in Services

The Northern Territory Licensing Commission may require a liquor licensee where the licensee is an individual, or at least one of the licensees where the licence is held by a partnership, or the licence nominee where the licence is held by a corporation, to ordinarily reside within the general locality of the premises to which the licence relates.

The holder of a tobacco retail licence may only sell tobacco products from the premises specified in the licence.

A tobacco retail licence in relation to liquor licensed premises may only be granted to the liquor licensee of those premises.

An applicant for a retail licence for kava must ordinarily reside or carry on business in the relevant licence area in the Northern Territory.

16.

Sector:	Distribution Services
Obligations Concerned:	Prohibition of Performance Requirements
Level of Government:	Regional
Source of Measure:	<i>Wine Industry Act 1994 (Qld)</i>
Description:	<u>Investment</u>

In order to obtain a wine merchant's licence to sell wine, the business conducted by a person under the licence must contribute to the Queensland wine industry in a substantial way. In order to obtain a wine producer's licence to sell wine, a person must be selling wine made from fruit grown by the person on the premises to which the licence relates, or selling wine made by the person on the premises to which the licence relates.

17.

Sector:	Health Services
Obligations Concerned:	National Treatment (Investment) Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	<i>Commonwealth Serum Laboratories Act 1961</i> (Cth)
Description:	<u>Investment</u>

The votes attached to significant foreign shareholdings¹⁴ may not be counted in respect of the appointment, replacement or removal of more than one-third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.

¹⁴ For the purposes of this entry, “significant foreign shareholding” means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least five per cent of the voting shares in CSL.

18.

Sector	Recreational, Cultural and Sporting Services
Obligations Concerned:	Local Presence
Level of Government:	Regional
Source of Measure:	<i>Nature Conservation Act 1992</i> (Qld) Nature Conservation (Wildlife Management) Regulation 2006 (Qld) Nature Conservation (Administration) Regulation 2006 (Qld)
Description:	<u>Cross-Border Trade in Services</u>

The Chief Executive of the Queensland Department of Environment and Heritage Protection may grant a wildlife authority,¹⁵ other than a wildlife movement permit, to a corporation only if the corporation has an office in the State.

The Chief Executive may approve a person to be an authorised cultivator or propagator for protected plants only if:

- (a) in the case of a natural person, the person is a resident of the State; or
- (b) if the person is a corporation, the corporation has premises in the State at which the plants are to be cultivated or propagated.

An individual or corporation is only taken to be a “person aggrieved” by a decision, failure to make a decision or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.

¹⁵ This term is defined in Schedule 7 of the Nature Conservation (Administration) Regulation 2006 (Qld).

19.

Sector:	Transport
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Local Presence
Level of Government:	Central
Source of Measure:	<i>Shipping Registration Act 1981</i> (Cth) Shipping Registration Regulations 1981 (Cth)
Description:	<u>Cross-Border Trade in Services and Investment</u>

For a ship to be registered on the Australian Shipping Register it must be majority Australian-owned or on demise charter to Australian-based operators. In the case of small craft, a ship must be wholly owned by or solely operated by Australian residents, Australian nationals or both.

For a trading ship to be registered on the International Shipping Register it must be wholly or majority Australian-owned, on demise charter to Australian-based operators or operated solely by Australian residents, Australian nationals or both. The master or chief mate, and chief engineer or first engineer of the ship must be an Australian national or Australian resident.

A ship on demise charter to an Australian-based operator is a ship on demise charter to:

- (a) an Australian national or Australian nationals; or
- (b) in circumstances where there are two or more persons who include an Australian national, where the Australian national is in a position to control the exercise of the rights and powers of the charterers under the charter party.

For the purposes of this entry, an Australian national is an Australian citizen who is ordinarily resident in Australia; or a body corporate that has its principal place of business in Australia.

20.

Sector:	Transport services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Local Presence
Level of Government:	Central
Source of Measure:	<i>Competition and Consumer Act 2010 (Cth)</i>
Description:	<u>Cross-Border Trade in Services and Investment</u>

Every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia.

Only a person¹⁶ affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of “reasonable” include Australia’s national interest and the interests of Australian shippers.

¹⁶ For the purposes of this entry, sections 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010* (Cth) list the categories of persons to whom this entry will apply.

21.

Sector: Transport

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Level of Government: Central

Source of Measure: *Air Navigation Act 1920 (Cth)*
Ministerial Statement

Description: Investment

Total foreign ownership of Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent.

Furthermore, it is required that:

- (a) at least two-thirds of the Board members must be Australian citizens;
- (b) the Chairperson of the Board must be an Australian citizen;
- (c) the airline's head office must be in Australia; and
- (d) the airline's operational base must be in Australia.

22.

Sector: Transport

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Level of Government: Central

Source of Measure: *Qantas Sale Act 1992* (Cth)

Description: Investment

Total foreign ownership of Qantas Airways Ltd is restricted to a maximum of 49 per cent. In addition:

- (a) the head office of Qantas must always be located in Australia;
- (b) the majority of Qantas' operational facilities must be located in Australia;
- (c) at all times, at least two thirds of the directors of Qantas must be Australian citizens;
- (d) at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and
- (e) Qantas is prohibited from taking any action to become incorporated outside Australia.

23.

Sector:	Transport Services
Obligations Concerned:	Local Presence National Treatment (Cross-Border Trade in Services and Investment)
Level of Government:	Regional
Source of Measure:	<i>Commercial Passenger (Road Transport) Act</i> (NT) Road Transport (Public passenger Services) Regulations 2002 (ACT) <i>Taxi Act 1994</i> (WA) <i>Transport Coordination Act 1996</i> (WA)
Description:	<u>Cross-Border Trade in Services and Investment</u> <u>Northern Territory</u> A taxi licence will be cancelled where the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a body corporate, has ceased for more than six months to have its principal place of business in the Northern Territory. <u>Australian Capital Territory</u> An application for accreditation to run a public transport services must be made by an Australian citizen or permanent resident of Australia. <u>Western Australia</u> To hold a Government Lease taxi plate, the plate holder must be an Australian citizen or a permanent resident.

ANNEX 4-I(B)

**SINGAPORE'S RESERVATIONS TO
CHAPTER 7 (CROSS-BORDER TRADE IN
SERVICES) AND CHAPTER 8
(INVESTMENT)**

1.

Sector: All

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Investment)

Level of Government: Central

Measures: This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of PSA Corporation.

Description: Investment

The aggregate of foreign shareholdings in PSA Corporation or its successor body is subject to a 49 per cent limit.

The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:

(a) any individual who is not a Singapore citizen;

(b) any corporation which is not more than 50 per cent owned by Singapore citizens or by the Singapore Government; or

(c) any other enterprise which is not owned or controlled by the Singapore Government.

2.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Investment)
Level of Government:	Central
Measures:	This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of the relevant enterprises below.
Description:	<u>Investment</u>

All individual investors, apart from the Singapore government, will be subject to the following equity ownership limits in the enterprises, or its successor bodies, as listed below:

- (a) Singapore Technologies Engineering – 15 per cent;
- (b) PSA Corporation – 5 per cent; and
- (c) Singapore Airlines – 5 per cent.

For the purposes of this entry, ownership of equity by an investor in these enterprises or its successor bodies includes both direct and indirect ownership of equity.

3.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	Local Presence
Level of Government:	Central
Measures:	<i>Business Registration Act, Cap. 32</i> Business Registration Regulations
Description:	<u>Cross-Border Trade in Services</u>

Where a person required to be registered under the *Business Registration Act, Cap. 32, 2001 Rev Ed*, is, or, in the case of any corporation, the directors are, or the secretary of the corporation is, not ordinarily resident in Singapore, a local manager¹ must be appointed.

¹ Persons who qualify to be appointed in such a capacity are primarily Singapore nationals and EntrePass holders (all with local addresses).

4.

Sector:	Business Services
Sub-Sector:	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Industry Classification:	CPC 83101, 83102, 83105 Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Obligations Concerned:	National Treatment (Cross-Border Trade in Services) Market Access
Level of Government:	Central
Measures:	<i>Road Traffic Act, Cap. 276, 2004 Rev Ed</i>
Description:	<u>Cross-Border Trade in Services</u> The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.

5.

Sector:	Business Services
Sub-Sector:	Patent agent services
Industry Classification:	-
Obligations Concerned:	Local Presence
Measures:	<i>Patents Act</i> , Cap. 221, 2005 Rev Ed
Description:	<u>Cross-Border Trade in Services</u>

Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) or its successor body and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore.

Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.

6.

Sector: Business Services

Sub-Sector: Placement and supply services of personnel

Industry Classification: -

Obligations Concerned: Local Presence

Level of Government: Central

Measures: *Employment Agencies Act, Cap. 92*

Description: Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.

7.

Sector:	Business Services
Sub-Sector:	Private investigation services Unarmed guard services
Industry Classification:	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Market Access Local Presence
Level of Government:	Central
Measures:	<i>Private Security Industry Act, Cap. 250A, 2008 Rev Ed</i>
Description:	<u>Investment and Cross-Border Trade in Services</u>

Foreigners are permitted to set up security agencies to provide unarmed guards for hire but must register a company with local participation. At least two of the directors must be a Singapore national.

Foreigners, except Malaysians, shall not be allowed to work as guards, but can be involved in the administration of the company.

The foreign directors shall produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a Singapore commissioner of oaths, to the effect that they have never been convicted in any court of law for any criminal offence.

8.

Sector:	Community, Personal and Social Services
Sub-Sector:	Services furnished by co-operative societies
Industry Classification:	CPC 959 Services furnished by membership organizations n.e.c (only applies to co-operative society services)
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Senior Management and Boards of Directors Local Presence
Level of Government:	Central
Existing Measures:	<i>Co-operative Societies Act</i> , Cap. 62, 2009 Rev Ed Co-operative Societies Rules 2009
Description:	<u>Investment and Cross-Border Trade in Services</u>

Only service suppliers with a local presence can be registered under the *Co-operative Societies Act*. Registration allows a co-operative society to be exempt from taxation measures applicable to other enterprises. Instead, co-operative societies are required to make a two-tier contribution of their surplus to the Central Co-operative Fund (CCF) and CCF/Singapore Labour Foundation respectively as the society may opt.

As a general rule, only Singapore citizens are allowed to hold office or be a member of the management committee of a co-operative society. Foreigners may be allowed to hold office or be a member of the management committee of a co-operative society, with the approval of the Registrar of Co-operative Societies.

A person who is not a Singapore citizen can form and join a co-operative society if he or she is resident in Singapore.

9.

Sector:	Education Services
Sub-Sector:	Higher education services in relation to the training of doctors
Industry Classification:	CPC 92390 Other Higher Education Services (Only applies to Higher Education Services in relation to the training of doctors)
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Medical Registration Act</i> , Part V, Specialist Accreditation Board, Sections 2, 3, 34 and 35 <i>Private Education Act</i> , Cap. 247A, 2011 Rev Ed
Description:	<u>Investment and Cross-Border Trade in Services</u>

Only local tertiary institutions which are established pursuant to an Act of Parliament, or as designated by the Ministry of Education shall be allowed to operate undergraduate or graduate programmes for the training of doctors in Singapore.

Currently, only the National University of Singapore and the Nanyang Technological University are allowed to operate undergraduate or graduate programmes for the training of doctors in Singapore.

10.

Sector:	Health and Social Services
Sub-Sector:	Medical services Pharmacy services Deliveries and related services, nursing services, physiotherapeutic and para-medical services and allied health services Optometrists and opticians
Industry Classification:	-
Obligations Concerned:	Local Presence
Level of Government:	Central
Measures:	<i>Medical Registration Act, Cap. 174</i> <i>Pharmacists Registration Act, Cap. 230</i> <i>Medicines Act, Cap. 176,</i> <i>Medicines (Registration of Pharmacies) Regulations, Cap. 176,</i> Regulation 4 <i>Nurses and Midwives Act, Cap. 209</i> <i>Allied Health Professions Act, Act 1 of 2011</i> <i>Optometrists and Opticians Act, Cap. 213A</i>
Description:	<u>Cross-Border Trade in Services</u> Only persons who are resident in Singapore are allowed to provide the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services and allied health services and optometry and opticianry services.

11.

Sector: Import, export and trading services

Sub-Sector: -

Industry Classification: -

Obligations Concerned: Local Presence

Level of Government: Central

Measures: *Regulation of Imports and Exports Act, Cap. 272A*
Regulation of Imports and Exports Regulations

Description: Cross-Border Trade in Services

Only services suppliers with local presence shall be allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

12.

Sector: Postal Services

Sub-Sector: -

Industry Classification: -

Obligations Concerned: Market Access
Local Presence

Level of Government: Central

Measures: *Postal Services Act, Cap. 237A*

Description: Cross-Border Trade in Services

For the provision of basic letter services, all service suppliers must be incorporated as companies under the *Companies Act, Cap. 50, 2006 Rev Ed.*

13.

Sector:	Telecommunications Services
Sub-Sector:	Telecommunications services
Industry Classification:	-
Obligations Concerned:	Market Access Local Presence
Level of Government:	Central
Measures:	<i>Info-communications Development Authority of Singapore Act, Cap. 137A</i> <i>Telecommunications Act, Cap. 323</i>
Description:	<u>Cross-Border Trade in Services</u>

1. Facilities-based operators and service-based operators must be locally incorporated under the *Companies Act, Cap. 50, 2006 Rev Ed.*

“Facilities-based operators” are operators who deploy any form of telecommunication networks, systems and facilities, outside of their own property boundaries, to offer telecommunication services to third parties, which may include other licensed telecommunication operators, business customers, or the general public.

“Services-based operators” are operators who lease telecommunication network elements (such as transmission capacity and switching services) from any Facilities-Based Operator (FBO) licensed by the IDA so as to provide their own telecommunication services, or to resell the telecommunication services of FBOs to third parties.

2. The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.

14.

Sector:	Telecommunications Services
Sub-Sector:	Telecommunications services Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)
Industry Classification:	-
Obligations concerned:	Market Access Local Presence
Level of Government:	Central
Measures:	<i>Info-communications Development Authority of Singapore Act, Cap. 137A</i> <i>Telecommunications Act, Cap. 323</i> The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.
Description:	<u>Cross-Border Trade in Services</u> A registrar must be a company incorporated or a foreign company registered under the <i>Companies Act, Cap. 50, 2006 Rev Ed.</i>

15.

Sector:	Power Supply
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	Market Access
Level of Government:	Central
Measures:	<i>Electricity Act</i> , Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)
Description:	<u>Cross-Border Trade in Services</u>

Power producers shall not be allowed to sell power directly to consumers and shall only sell power through the Singapore electricity wholesale market operators licensed by the Energy Market Authority.

The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.

16.

Sector:	Power Supply
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Electricity Act</i> , Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)
Description:	<u>Investment and Cross-Border Trade in Services</u> Only a Market Support Service Licensee shall be allowed to supply electricity to: (a) all household consumers of electricity; and (b) non-household consumers of electricity whose average monthly consumption is below 4,000 kWh.

17.

Sector:	Power Transmission and Distribution
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Electricity Act, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> Only a Transmission Licensee shall be the owner and operator of the electricity transmission and distribution network in Singapore.

18.

Sector:	Tourism and Travel Related Services
Sub-Sector:	Food or beverage serving services in eating facilities run by the government Food or beverage catering services
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Environmental Public Health Act, Cap. 95, 2002 Rev Ed</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> Only a Singapore national can apply for a licence to operate a stall in government-run markets or hawker centres, in their personal capacity. To supply food or beverage catering services in Singapore, a foreign service supplier must incorporate as a limited company in Singapore, and apply for the food establishment licence in the name of the limited company.

19.

Sector: Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

Sub-Sector: Waste management, including collection, disposal, and treatment of hazardous waste

Industry Classification: -

Obligations Concerned: Market Access
Local Presence

Level of Government: Central

Measures: *Environmental Public Health Act, Cap. 95*

Description: Cross-Border Trade in Services

Foreign service suppliers must be locally incorporated in Singapore.

The public waste collectors (PWCs) rendering services to domestic and trade premises are appointed by public competitive tender. The number of PWCs is limited by the number of geographical sectors in Singapore. For industrial and commercial waste, the market is opened to any licensed general waste collectors (GWCs).

20.

Sector:	Trade Services
Sub-Sector:	Distribution and Sale of Hazardous Substances
Industry Classification:	-
Obligations Concerned:	Local Presence
Level of Government:	Central
Measures:	<i>Environmental Protection and Management Act</i> , Cap. 94A, 2002 Rev Ed, Section 22
Description:	<u>Cross-Border Trade in Services</u>

Only service suppliers with a local presence shall be allowed to distribute and sell hazardous substances as defined in the *Environmental Protection and Management Act*.

Singapore reserves the right and flexibility to modify or increase the list of hazardous substances as defined or listed in the *Environmental Protection and Management Act*.

21.

Sector:	Trade Services
Sub-Sector:	Distribution services Retailing services Wholesale trade services
Industry Classification:	-
Obligations Concerned:	Local Presence
Level of Government:	Central
Measures:	<i>Medicines Act</i> , Cap. 176, 1985 Rev Ed <i>Health Products Act</i> , Cap. 122D, 2008 Rev Ed
Description:	<u>Cross-Border Trade in Services</u>

Only service suppliers with a local presence shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the *Medicines Act* and *Health Products Act*, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.

Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.

Singapore reserves the right and flexibility to modify or increase the list of medical and health-related products and materials as defined or listed in the *Medicines Act* and *Health Products Act*.

22.

Sector:	Transport Services
Sub-Sector:	Air Transport Services - Ground Handling Services (including but not limited to cargo handling services)
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Civil Aviation Authority of Singapore Act, Cap. 41, 1985 Rev Ed</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> Only Singapore Airport Terminal Services (SATS) and Changi International Airport Services (CIAS) and/or their respective successor bodies shall be allowed to provide ground handling services, including but not limited to cargo handling services at airports.

23.

Sector:	Transport Services
Sub-Sector:	Air transport services Passengers transportation by air Freight transportation by air
Industry Classification:	CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air
Obligations Concerned:	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Senior Management and Boards of Directors
Level of Government:	Central
Measures:	Air Navigation (Licensing of Air Services) Regulations, Cap. 6, Regulation 2
Description:	<u>Investment</u>

Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the “effective control” and/or “substantial ownership” requirements of Singapore’s bilateral and multilateral air services agreements.

Compliance with the requirements of these agreements may require these service suppliers to comply with conditions on effective control and limits on the foreign ownership as stipulated in Singapore’s bilateral and multilateral air services agreements.

24.

Sector:	Transport Services
Sub-Sector:	Maritime transport services Cargo handling services Pilotage Services Supply of desalinated water to ships berthed at Singapore ports or in Singapore territorial waters
Industry Classification:	CPC 741 Cargo Handling Services CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services) CPC 74590 Other Supporting Services for Water Transport
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 81</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> Only PSA Corporation Ltd and Jurong Port Pte Ltd or their respective successor bodies shall be allowed to provide cargo handling services. Only PSA Marine Pte Ltd or its successor body shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

25.

Sector:	Transport Services
Sub-Sector:	Maritime transport services
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access
Level of Government:	Central
Measures:	<i>Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 81</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals. Local service suppliers are either Singapore citizens or legal persons which are more than 50 per cent owned by Singapore citizens.

26.

Sector: Transportation and Distribution of Manufactured Gas and Natural Gas

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Market Access

Level of Government: Central

Measures: *Gas Act*, Cap. 116A, 2002 Rev Ed

Description: Investment and Cross-Border Trade in Services

Only the holder of a gas transporter licence shall be allowed to transport and distribute manufactured and natural gas.

Only one gas transport licence has been issued given the size of the Singapore market.

27.

Sector:	Manufacturing and Services Incidental to Manufacturing
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements
Level of Government:	Central
Measures:	<i>Control of Manufacture Act</i> , Cap. 57, 2004 Rev Ed
Description:	<u>Investment and Cross-Border Trade in Services</u> The manufacture of the following products, and services incidental to the manufacture of these products, in Singapore, may be subject to certain restrictions: (a) beer and stout; (b) cigars; (c) drawn steel products; (d) chewing gum, bubble gum, dental chewing gum or any like substance (not being a medicinal product within the meaning of the <i>Medicines Act</i> , Cap. 176, or a substance in respect of which an order under section 54 of the Act has been made); (e) cigarettes; and (f) matches.

28.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment)
Level of Government:	Central
Measures:	<i>Banking Act, Cap. 19, MAS Notice 757</i> <i>Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105</i> <i>Finance Companies Act, Cap. 108, MAS Notice 816</i> <i>Insurance Act, Cap. 142, MAS Notice 109</i> <i>Securities and Futures Act, Cap. 289, MAS Notice SFA 04-N04</i>

Description:

Investment and Cross-Border Trade in Services

A non-resident financial institution may in certain circumstances be unable to borrow in Singapore dollars more than S\$5 million from a resident financial institution owing to the following restrictions placed on financial institutions' lending of the Singapore dollar to non-resident financial institutions.

A financial institution shall not extend to any non-resident financial institution Singapore dollar credit facilities exceeding S\$5 million per non-resident financial institution:

(a) where the Singapore dollar proceeds are to be used outside of Singapore, unless:

(i) such proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad; or

(ii) such proceeds are for the purpose of preventing settlement failures where the financial institution extends a temporary Singapore dollar overdraft to any vostro account of any non-resident financial institution, and the financial institution takes reasonable efforts to ensure that the overdraft is covered within two business days; and

(b) where there is reason to believe that the Singapore dollar proceeds may be used for Singapore dollar currency speculation, regardless of whether the Singapore dollar

proceeds are to be used in Singapore or outside of Singapore.

A financial institution shall not arrange Singapore dollar equity or bond issues for any non-resident financial institution where the Singapore dollar proceeds are to be used outside Singapore, unless the proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad.

“Non-residents financial institution” means any financial institution which is not a resident as defined in the relevant notice.

29.

Sector: Business Services

Sub-Sector: Credit bureau services

Industry Classification: -

Obligations Concerned: Market Access
Local Presence

Level of Government: Central

Measures: Administrative measure pursuant to the *Monetary Authority of Singapore Act*, Cap. 186

Description: Cross-Border Trade in Services

Singapore reserves the right to limit the number of suppliers of credit bureau services where information provided by the supplier of credit bureau services is obtained from financial institutions in Singapore. The supplier must be established in Singapore.

30.

Sector	Business Services
Sub-Sector	Legal Services
Industry Classification	-
Obligations Concerned	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Market Access Local Presence
Level of Government:	Central
Measures:	<i>Legal Profession Act, Cap. 161</i>
Description:	<u>Investment and Cross Border Trade in Services</u>

Australian law practices shall apply for licensing as foreign law practices (as defined under Singapore law) for their practice of Australian law, international law and/or third country law with offices in Singapore, and upon obtaining such licence, they can employ:

- (i) qualified foreign lawyers (as defined under Singapore law) of any nationality to practise Australian law, international law and/or third country law;
- (ii) Singapore lawyers (as defined under Singapore law) to practise only Australian law, international law and/or third country law but not Singapore law; and
- (iii) non-legally trained local staff in their Singapore offices.

Australian lawyers shall apply for registration as foreign lawyers for their practice of Australian law, international law and/or third country law with physical presence in Singapore in order to work in foreign law practices (either from Australia or any other jurisdiction) in Singapore.

Australian lawyers who are registered as foreign lawyers for the practice of Australian law, international law and/or third country law with local presence in Singapore and are working in foreign law practices (either from Australia or any other jurisdiction) in Singapore shall be allowed to participate in international commercial arbitration proceedings in Singapore by:

- (i) representing any party in arbitration proceedings; and
- (ii) engaging in the giving of advice, preparation of documents or any other assistance in relation to or arising out of arbitration proceedings except for the right of audience in Singapore court proceedings.

Australian law practices may provide legal services in relation to Singapore law through a Joint Law Venture or Formal Law Alliance with a Singapore law practice, only to the extent allowed by the laws, rules, and regulations concerning Joint Law Ventures and Formal Law Alliances, and subject to the conditions and requirements relating to Joint Law Ventures and Formal Law Alliances. However, Singapore undertakes to waive and modify the following statutory conditions governing Joint Law Ventures and Formal Law Alliances for any Australian law practice which is licensed as a foreign law practice in Singapore:

In relation to Rule 51(2)(b) and Rule 54(1)(b) of the Legal Profession (Law Practice Entities) Rules 2015:

- (i) the minimum number of Australian lawyers resident in Singapore which the Australian law practice is required to maintain in a Joint Law Venture or a Formal Law Alliance shall be reduced from 5 to 3;
- (ii) the minimum relevant legal expertise and experience in the permitted areas of legal practice required of the 3 Australian lawyers referred to in subparagraph (i) shall be considered on an aggregate basis of 15 years for all 3 Australian lawyers, rather than on the basis of 5 years for each Australian lawyer; and

In relation to Rule 5(1)(g) of the Legal Profession (Regulated Individuals) Rules 2015:

- (iii) the minimum relevant legal expertise and experience in the permitted areas of legal practice required for Australian lawyers working in a Joint Law Venture who wish to apply to practise Singapore law under the Legal Profession Act shall be maintained at 3 years.

ANNEX 4-II

RESERVATIONS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Article 7 (Reservations) of Chapter 7 (Cross-Border Trade in Services) and Article 11 (Reservations) of Chapter 8 (Investment), the specific sectors, subsectors or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 7 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 4 (National Treatment) of Chapter 8 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 7 (Cross-Border Trade in Services) or Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Investment);
- (d) Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services);
- (e) Article 7 (Prohibition of Performance Requirements) of Chapter 8 (Investment); or
- (f) Article 8 (Senior Management and Boards of Directors) of Chapter 8 (Investment).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is taken;
- (b) **Sub-Sector**, where referenced, refers to the specific subsector for which the entry is made;
- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (d) **Obligations concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 7.2 (Reservations) of Chapter 7

(Cross-Border Trade in Services) and Article 11.2 (Reservations) of Chapter 8 (Investment), do not apply to the sectors, subsectors or activities listed in the entry;

- (e) **Description** sets out the scope or nature of the sectors, sub-sectors or activities covered by the entry to which the reservation applies; and
- (f) **Existing Measures**, where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, subsectors or activities covered by the entry.

3. In accordance with Article 7.2 (Reservations) of Chapter 7 (Cross-Border Trade in Services) and Article 11.2 (Reservations) of Chapter 8 (Investment), the articles of this Agreement specified in the **Obligations concerned** element of an entry do not apply to the sectors, subsectors and activities identified in the **Description** element of that entry.

4. Article 1 (Definitions) of Chapter 7 (Cross-Border Trade in Services) and Article 1 (Definitions) of Chapter 8 (Investment) shall apply to this Annex.

ANNEX 4-II(A)

AUSTRALIA'S RESERVATIONS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

INTRODUCTORY NOTES

1. For the avoidance of doubt, in relation to education services, nothing in Chapter 7 (Cross-Border Trade in Services) or Chapter 8 (Investment) shall interfere with:

- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
- (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
- (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
- (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

2. For greater certainty, where Australia has more than one entry in its Schedule to Annex II that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.

1.

Sector: All

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 11 (Movement of Business Persons), that is not inconsistent with Australia's obligations under Article XVI of GATS.

Existing Measures:

2.

Sector:	All
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Local Presence
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation. For the purpose of this reservation, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.
Existing Measures:	Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, and the <i>Native Title Act</i> (Cth).

3.

Sector: All

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia's obligations under Article XVI of GATS.

For the purposes of this entry, Australia's Schedule of Specific Commitments is modified as set out in Appendix A.

For the purposes of this entry, the reference to Australia's commitments under Article XVI of GATS includes commitments made under that Article after the date of entry into force of this Agreement.

Existing Measures:

4.

Sector: All

Obligations Concerned: National Treatment (Investment)
Prohibition of Performance Requirements

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to proposals by foreign persons¹ and foreign government investors to invest in Australian urban land² (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.

Existing Measures: Australia's foreign investment framework, which comprises Australia's Foreign Investment Policy, the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); *Foreign Acquisitions Fees Imposition Act 2015* (Cth); Foreign Acquisitions Fees Imposition Regulation 2015 (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth); and Ministerial Statements

¹ For the purposes of this entry, a "foreign person" means:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;
- (d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- (e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

² For the purposes of this entry, the term "Australian urban land" means land that is situated in Australia that is not land used wholly and exclusively for carrying on a business of primary production and, for greater certainty, a mining or production tenement is Australian urban land.

5.

Sector: All

Obligations Concerned: National Treatment (Investment)
Prohibition of Performance Requirements
Most-Favoured-Nation Treatment (Investment)
Senior Management and Board of Directors

Description: Investment

Australia reserves the right to adopt or maintain any measure to allow the screening of proposals, by foreign persons³, to invest 15 million⁴ Australian dollars or more in Australian agricultural land and 55 million⁵ Australian dollars or more in Australian agribusinesses.

Existing Measures: Australia's foreign investment framework, which comprises Australia's Foreign Investment Policy, the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); *Foreign Acquisitions Fees Imposition Act 2015* (Cth); Foreign Acquisitions Fees Imposition Regulation 2015 (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth); and Ministerial Statements

³ For the purposes of this entry, a "foreign person" means:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;
- (d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- (e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

⁴ For greater certainty, this refers to the total, cumulative value of agricultural land in Australia in which a foreign person has invested or intends to invest.

⁵ For greater certainty, this refers to the total, cumulative value of agribusinesses in Australia in which a foreign person has invested or intends to invest.

6.

Sector: All

Obligations Concerned: Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors

Description: Cross-Border Trade in Services and Investment

At the central level of government, Australia reserves the right to limit the initial transfer or disposal of government owned entities or assets, or a portion or percentage of the initial transfer, to Australian persons. For greater certainty, if Australia transfers or disposes of a government owned entity or asset in multiple phases, this right shall apply separately to each phase.

At the remaining levels of government, Australia reserves the right to adopt or maintain any measure with respect to:

- (a) the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of this Agreement; and
- (b) the privatisation of government owned entities or assets.

For the purposes of this entry, any measure adopted after the date of entry into force of this Agreement in relation to subparagraph (a) or (b) shall be deemed an existing non-conforming measure subject to Article 11.1 (Reservations) of Chapter 8 (Investment) and Article 7.1 (Reservations) of Chapter 7 (Cross-Border Trade in Services).

Existing Measures:

7.

Sector: All

Obligations Concerned: Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Local Presence
Senior Management and Boards of Directors
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure⁶ with respect to the provision of public law enforcement and correctional services, and the following services⁷ to the extent that they are social services established for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities⁸ and public transport.

Existing Measures:

⁶ For greater certainty, measures adopted or maintained with respect to the provision of services covered by this entry include measures for the protection of personal information relating to health and children.

⁷ This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

⁸ With respect to the central level of government, applies only with respect to Article 3 (Market Access) of Chapter 7 (Cross-Border Trade in Services).

8.

Sector: Recreational, Cultural and Sporting Services (other than audio-visual services)

Obligations Concerned: Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Local Presence
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Senior Management and Board of Directors

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to the creative arts,^{9, 10} Indigenous traditional cultural expressions and other cultural heritage.¹¹

Existing Measures:

⁹ For the purposes of this entry, “creative arts” means: the performing arts (including live theatre, dance and music); visual arts and craft; literature (other than literary works transmitted electronically); and hybrid art works, including those which use new technologies to transcend discrete art form divisions. For live performances of the “creative arts”, as defined, this entry does not extend beyond subsidies and grants for investment in Australian cultural activity.

¹⁰ Notwithstanding this, such measures shall be implemented in a manner that is consistent with Australia’s commitments under Article XVI and Article XVII of GATS, as applicable.

¹¹ For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

9.

Sector:	Broadcasting and Audio-visual Services Advertising Services Live Performance ¹²
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Local Presence ¹³ Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) ¹⁴
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure ¹⁵ with respect to: <ul style="list-style-type: none">(a) Transmission quotas for local content on free-to-air commercial television broadcasting services.(b) Non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services.(c) Transmission quotas for local content on free-to-air radio broadcasting services.(d) Other audio-visual services transmitted electronically, in order to make Australian audio-visual content reasonably available to Australian consumers.¹⁶

¹² Applies only in respect of subparagraph (f).

¹³ Applies only in respect of subparagraph (e) and in respect of the licensing of services covered by subparagraph (d).

¹⁴ Applies only to the treatment as local content of New Zealand programmes or productions.

¹⁵ For greater certainty, this includes the right to adopt or maintain measures under subparagraphs (a) through (f) with respect to the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.

¹⁶ Any such measure will be implemented in a manner that is consistent with Australia's commitments under Article XVI and Article XVII of GATS.

- (e) Spectrum management and licensing of broadcasting services.¹⁷
- (f) Subsidies or grants for investment in Australian cultural activity.

This entry does not apply to foreign investment restrictions in the broadcasting and audio-visual services sector.

Existing Measures:

Broadcasting Services Act 1992 (Cth)
Radiocommunications Act 1992 (Cth)
Income Tax Assessment Act 1936 (Cth)
Income Tax Assessment Act 1997 (Cth)
Screen Australia Act 2008 (Cth)
Broadcasting Services (Australian Content) Standard 2005
Children's Television Standards 2009
Television Program Standard 23 – Australian Content in Advertising
Commercial Radio Codes of Practice and Guidelines
Community Broadcasting Codes of Practice

¹⁷ In respect of subparagraph (e), Australia's reservation applies only in respect of Article 3 (Market Access) and Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services).

10.

Sector:	Broadcasting and Audio-visual Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition on Performance Requirements
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures:	International Co-production Program

11.

Sector: Distribution Services

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to wholesale and retail trade services of tobacco products, alcoholic beverages or firearms.

Existing Measures:

12.

Sector: Education services

Obligations Concerned: Cross-Border Trade in Services and Investment

Market Access

National Treatment (Cross-Border Trade in Services and Investment)

Prohibition of Performance Requirements

Local Presence

Senior Management and Boards of Directors

Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Australia reserves the right to adopt or maintain any measure with respect to primary education.

Existing Measures:

13.

Sector: Gambling and Betting

Obligations Concerned: Cross-Border Trade in Services and Investment

Market Access

National Treatment (Cross-Border Trade in Services and Investment)

Prohibition of Performance Requirements

Local Presence

Senior Management and Boards of Directors

Description: Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.

Existing Measures: Legislation and ministerial statements including the *Interactive Gambling Act 2001*(Cth).

14.

Sector: Maritime Transport

Obligations Concerned: Cross-Border Trade in Services and Investment

Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Local Presence
Senior Management and Boards of Directors

Description: Australia reserves the right to maintain or adopt any measure with respect to maritime cabotage services and offshore transport services.

For the purposes of this reservation, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.

Offshore transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

Existing Measures: *Customs Act 1901 (Cth)*
Fair Work Act 2009 (Cth)
Seafarers' Compensation and Rehabilitation Act 1992 (Cth)
Occupational Health and Safety (Maritime Industry) Act 1993 (Cth)
Income Tax Assessment Act 1936 (Cth)
Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth)
Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth)
Shipping Reform (Tax Incentives) Act 2012 (Cth)

15.

Sector: Transport

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Description: Investment

Australia reserves the right to maintain or adopt any measure with respect to investment in federal leased airports.

Existing Measures: *Airports Act 1996* (Cth)
Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)
Airports Regulations 1997 (Cth)

16.

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force on, or signed prior to, the date of entry into force of this Agreement.¹⁸

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

¹⁸ For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement. For the avoidance of doubt, this includes measures adopted or maintained under any existing or future protocol to the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) done at Canberra on March 28, 1983.

Appendix A

For the following sectors, Australia's commitments under Article XVI of GATS as set out in Australia's Schedule of Specific Commitments under the GATS (GATS/SC/6, GATS/SC/6/Suppl.1, GATS/SC/6/Suppl.1/Rev.1, GATS/SC/6/Suppl.2, GATS/SC/6/Suppl.3 and GATS/SC/6/Suppl.4) are improved as described below.

Sector/subsector	Market Access Improvement
BUSINESS SERVICES	
Professional Services	

Sector/subsector	Market Access Improvement
Legal services ¹⁹	
Legal advisory and representational services in domestic law (host-country law)	Replace existing commitments with no limitations for modes 1-3. Mode 4 is unbound

¹⁹ For the purposes of this entry:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal arbitration, conciliation and mediation services” – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation and mediation services refer to the same services when the dispute involves parties from two or more countries.

“domestic law (host country law)” – the law of Australia.

“foreign law” – the law of the territories of WTO Members and other countries other than the law of Australia.

“international law” – includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

“arbitration” is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

“mediation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

“conciliation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Sector/subsector	Market Access Improvement
	except as indicated in the horizontal section.
Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	<p>Replace existing commitments with no limitations for modes 1 and 2, mode 3 is limited as follows:</p> <p style="padding-left: 40px;">In South Australia, natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers.</p> <p>Mode 4 is unbound except as indicated in the horizontal section.</p>
Research and Development Services	
Research and Development (R&D) services on natural sciences and engineering (CPC 851)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Interdisciplinary research and development (R&D) services (CPC 853)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other Business Services	
Landscape architectural services (CPC 86742)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Technical testing and analysis services (CPC 8676)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Site preparation work for mining (CPC 5115)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Services incidental to manufacturing (CPC 884 and 885, except for 88442).	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Related scientific and technical consulting services (CPC 8675)	
- Geological, geophysical and other scientific prospecting services (CPC 86751)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Subsurface surveying services (CPC 86752)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section, for the whole sector.
- Map-making services (CPC 86754)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 and 8861-	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
8866).	
Packaging services (CPC 8760)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Specialty design services (CPC 87907)	Replace existing commitments on Interior Design with no limitations for modes 1-3, mode 4 is unbound as indicated in the horizontal section.
COMMUNICATION SERVICES	
<p>This covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**</p> <ul style="list-style-type: none"> (a) Voice telephone services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (d) Telex services (e) Telegraph services (f) Facsimile services (g) Private leased circuit services (o) Other: <ul style="list-style-type: none"> Digital cellular services Paging services Personal communications services Trunked radio system services Mobile data services Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector. 	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
CONSTRUCTION AND RELATED ENGINEERING SERVICES	
Other	
Other general construction work for civil engineering (CPC 511, 515 and 518)	Insert new commitments with no limitations for modes 2 and 3, mode 1 unbound*, mode 4

Sector/subsector	Market Access Improvement
	is unbound except as indicated in the horizontal section.
DISTRIBUTION SERVICES	
<p>Commission agents' services (CPC 62111, 62112**, 62113-62118)</p> <p>Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco, alcoholic beverages, and firearms.</p>	
<p>Wholesale trade services (CPC 6221**, 6222**, 6223 - 6228**)</p> <p>Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.</p>	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
<p>Retailing services (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 6113, 6121)</p> <p>Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing. Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products and firearms.</p>	Replace existing commitments with no limitations for modes 2 and 3, mode 1 unbound except for mail order, mode 4 is unbound except as indicated in the horizontal section.
ENVIRONMENTAL SERVICES ^{20, 21}	
<p>Wastewater management (CPC 9401)</p> <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.</p>	Replace existing commitments on "Sewage services" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
<p>Waste management (CPC 9402, 9403)</p> <p>This covers hazardous and non-hazardous</p>	Replace existing commitments on "Refuse disposal services" and "Sanitation and similar

²⁰ Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

²¹ The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper "GATS 2000: Environmental Services", S/CSS/W/38), but see especially footnote 22 above.

Sector/subsector	Market Access Improvement
waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services	services” with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Protection of ambient air and climate (CPC 9404) This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Remediation and clean-up of soil and water (CPC 9406**) ²² This covers cleaning-up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Noise and vibration abatement (CPC 9405) This covers monitoring programmes, and installation of noise reduction systems and screens.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Protection of biodiversity and landscape (CPC 9406**) ²³ This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other environmental and ancillary services (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TOURISM AND TRAVEL RELATED SERVICES	
Travel agencies and tour operators services (CPC 7471)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TRANSPORT SERVICES	
Air Transport services	
Aircraft repair and maintenance services during which an aircraft is withdrawn from	Replace existing commitment on “Maintenance and repair of aircraft” with no

²² This commitment and Australia’s commitment on protection of biodiversity and landscape combine to cover the entirety of CPC 9406 services.

²³ This commitment and Australia’s commitment on remediation and clean-up of soil and water combine to cover the entirety of CPC 9406 services.

Sector/subsector	Market Access Improvement
<p>service, excluding so-called line maintenance (CPC 8868**) This covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p>	<p>limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.</p>
<p>This commitment confirms, without extending, the application to air transport services of the following:</p> <ul style="list-style-type: none"> (a) Travel agencies and tour operator services (CPC 7471), (b) Market research and public opinion polling services (CPC 864), (c) Advertising services (CPC 87110, 87120**, 87190), Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising, media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema. (d) Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (as described in this Appendix); 	<p>Insert new commitments with no limitations on mode 1 except that Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**) are unbound except for mail order, no limitations on modes 2 and 3. Mode 4 is unbound except as indicated in the horizontal section.</p>

Sector/subsector	Market Access Improvement
and Franchising (CPC 8929). Excludes unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.	
Rail Transportation services	
Freight transportation (CPC 7112); Pushing and towing services (CPC 7113); and Supporting services for rail transport services (CPC 743).	<p>Insert new commitments with no limitations for modes 1 and 2. Mode 3 is limited as follows:</p> <p>(a) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.</p> <p>(b) Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.</p> <p>Mode 4 is unbound except as indicated in the horizontal section.</p>
Road transportation services	
Freight transportation (CPC 7123)	
- Transportation of frozen or refrigerated goods (CPC 71231)	Insert new commitments with no limitations for mode 1.
- Transportation of bulk liquids or gases (CPC 71232)	Insert new commitments with no limitations for mode 1.
- Transportation of containerized freight (CPC 71233)	Insert new commitments with no limitations for mode 1.
- Transportation of furniture (CPC 71234)	Insert new commitments with no limitations for mode 1.
- Mail transportation (CPC 71235)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Freight transportation by man- or animal-drawn vehicles (CPC 71236)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Transportation of other freight (CPC	Insert new commitments with no limitations

Sector/subsector	Market Access Improvement
71239)	for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Rental of commercial vehicles with operator (CPC 7124)	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section
Services auxiliary to all modes of transport	
Storage and warehouse services (CPC 742 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).	Replace existing commitments with no limitations for modes 2 and 3, mode 1 is unbound*, mode 4 is unbound except as indicated in the horizontal section.
Freight transport agency services (CPC 748 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime).	Replace existing commitments on "freight forwarding" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other supporting and auxiliary transport services (CPC 749 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).	Replace existing commitments on "pre-shipment inspections" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

* Unbound due to lack of technical feasibility.

** Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

ANNEX 4-II(B)

**SINGAPORE'S RESERVATIONS TO
CHAPTER 7 (CROSS-BORDER TRADE IN
SERVICES) AND CHAPTER 8
(INVESTMENT)**

1.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services) Market Access
Description:	<u>Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons.
Existing Measures:	-

2.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure in relation to the divestment of the administrator and operator of airports.
Existing Measures:	-

3.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access Local Presence
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to maintain or adopt any measure affecting the supply of the following services: (a) social services; (b) social security; (c) public training; (d) ambulance services; and (e) health services by government-owned or controlled healthcare institutions, such as hospitals and polyclinics, including investments in these institutions, hospitals and polyclinics.
Existing Measures:	-

4.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to maintain or adopt any measure affecting:

- (a) the full or partial devolvement to the private sector of services provided in the exercise of governmental authority;
- (b) the divestment of its equity interests in, and/or the assets of, an enterprise that is wholly owned by the Singapore government; and
- (c) the divestment of its equity interests in, and/or the assets of, an enterprise that is partially owned by the Singapore government.

However, the right referred to in the preceding paragraph shall, in respect of measures affecting:

- (i) subparagraph (a) (to the extent that the devolvement is accompanied by a divestment), and
- (ii) subparagraphs (b) and (c),

pertain only to the initial divestment and Singapore does not reserve this right with respect to subsequent divestments of such divested equity interests and/or assets.¹

¹ For greater certainty, any transfer of equity interests and/or assets to an enterprise that is wholly owned by the Singapore government, whether for consideration or not, shall not be considered to be a divestment.

Existing Measures: -

5.

Sector: Administration and Operation of National Electronic Systems

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure relating to or affecting the collection and administration of proprietary information by national electronic systems.

Existing Measures: -

6.

Sector: Arms and Explosives

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the arms and explosives sector.

Existing Measures: *Arms and Explosives Act*, Cap. 13, 2003 Rev Ed

7.

Sector: Broadcasting Services

Broadcasting is defined as the transmission of signs or signals via any technology for the reception and/or display of aural and/or visual programme signals by all or part of the domestic public.

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Board of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting broadcasting services receivable by Singapore's domestic audience or originating from Singapore, including but not limited to:

- (a) transmission quotas for content on television broadcasting services in Singapore;
- (b) non-discriminatory expenditure requirements for Singapore production on television broadcasting services;
- (c) transmission quotas for content on radio in Singapore;
- (d) spectrum management and licensing of broadcasting services; or
- (e) subsidies or grants for investment involving Singapore subjects, persons and services.

This entry does not apply to:

- (i) the sole activity of transmitting licensed broadcasting services to a final consumer;
- (ii) the production, distribution and public display of motion pictures, video recordings and sound recordings. Commitments

in the production, distribution and public display of motion pictures, video recordings and sound recordings shall not include all the broadcasting and audio-visual services and materials that are broadcasting-related. Examples of services that are reserved include: free-to-air broadcasting, cable and pay television; and

(iii) value-added network (VAN) services such as electronic-mail, voice-mail, online information and data-base retrieval, electronic data interchange, and online information and/or data processing.

Existing Measures: -

8.

Sector: Business Services

Sub-Sector: Patent agent services

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services)

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the recognition of educational and professional qualifications for purposes such as admission, registration and qualification for patent agents.

Existing Measures: *Patents Act, Cap. 221, 2005 Rev Ed*

9.

Sector:	All
Sub-Sector:	-
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access Local Presence
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting real estate. This includes, but is not limited to, measures affecting the ownership, sale, purchase, development and management of real estate. This entry does not apply to real estate consultancy services, real estate agency services, real estate auction services, real estate valuation services, and renting or leasing services involving owned or leased non-residential property.
Existing Measures:	<i>Residential Property Act</i> , Cap. 274, 2009 Rev Ed <i>State Lands Act</i> , Cap. 314, 1996 Rev Ed <i>Housing and Development Act</i> , Cap. 129, 2004 Rev Ed <i>Jurong Town Corporation Act</i> , Cap. 150, 1998 Rev Ed <i>Executive Condominium Housing Scheme Act</i> , Cap. 99A, 1997 Rev Ed <i>Planning Act</i> , Cap 232

10.

Sector: Business Services

Sub-Sector: Scientific and technical consulting services

Industry Classification: CPC 8675 Engineering related scientific and technical consulting services

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of the following services:

- (a) geological, geophysical and other scientific prospecting services (CPC 86751);
- (b) subsurface surveying services (CPC 86752);
- (c) surface surveying services (CPC 86753); and
- (d) map making services (CPC 86754).

Existing Measures: -

11.

Sector:	Business Services
Sub-Sector:	Armed escort services and armoured car services Armed guard services
Industry Classification:	CPC 87305 Guard Services
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access Local Presence
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the provision of armed escort, armoured car and armed guard services.
Existing Measures:	Part IX of the <i>Police Force Act</i> , Cap. 235, 2006 Rev Ed

12.

Sector: Business Services

Sub-Sector: Betting and gambling services

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of betting and gambling services.

Existing Measures: *Betting Act*, Cap. 21, 2011 Rev Ed
Common Gaming Houses Act, Cap. 49, 1985 Rev Ed
Private Lotteries Act, Cap. 250

13.

Sector	Business Services
Sub-Sector	Legal Services
Industry Classification	-
Obligations concerned	Market Access National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Local Presence
Description	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure in relation to the licensing of law practices and registration of representative offices, and the registration, admission and qualification of persons who are seeking to supply or are supplying legal services, including the recognition of educational and professional qualifications for the purposes of such registration, admission, and qualification subject to the specific commitments undertaken by Singapore in Singapore's entry for legal services in Singapore's Schedule to Annex 4-I ("NCM 30") and in Part 1 of sub-section (I) of Annex 4-III.
Existing Measures	<i>Legal Profession Act, Cap. 161</i>

14.

Sector: Community, Personal and Social Services

Sub-Sector: Services furnished by trade unions

Industry Classification: CPC 952 Services furnished by trade unions

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting services provided by trade unions.

Existing Measures: *Trade Unions Act*, Cap. 333, 2004 Rev Ed

15.

Sector: All

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Description: Investment

Singapore reserves the right to adopt or maintain any measure in relation to the retention of a controlling interest by the Singapore Government in Singapore Technologies Engineering (the Company) or its successor body, including but not limited to controls over the appointment and termination of members of the Board of Directors, divestment of equity and dissolution of the Company.

Existing Measures: -

16.

Sector: Distribution, Publishing and Printing of Newspapers

“Newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments, in relation to such news, intelligence, reports of occurrences, or to any other matter of public interest, printed in any language and published for sale or free distribution at regular intervals or otherwise, but does not include any publication published by or for the Government.

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the distribution, publishing and printing of newspapers, including but not limited to, shareholding limits and management control.

Existing Measures: *Newspaper and Printing Presses Act, Cap. 206, 2002 Rev Ed*

17.

Sector:	Trade Services
Sub-Sector:	Distribution services Commission agents' services Wholesale trade services Retailing services Franchising
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Market Access Local Presence
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of any products subject to import or export prohibition or non-automatic import or export licensing. Singapore reserves the right to modify or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import or export prohibition or non-automatic import or export licensing regime.
Existing Measures:	-

18.

Sector: Educational Services

Sub-Sector: Primary education services
Secondary education services

Industry Classification: CPC 921 Primary Education Services
CPC 92210 General Secondary Education Services
CPC 92220 Higher Secondary Education Services (only applies to Junior colleges and pre-university centres under the Singapore educational system)

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of primary, general secondary and higher secondary (only applies to junior colleges and pre-university centres under the Singapore educational system) education services for Singapore citizens, including Sports Education Services.

For greater certainty, this reservation does not apply to the supply of education services to non-Singapore citizens.

Existing Measures: *Education Act*, Cap. 87, 1985 Rev Ed
Administrative Guidelines
Private Education Act, Cap. 247A, 2011 Rev Ed

19.

Sector: Health and Social Services

Sub-Sector: Medical services
Pharmacy services
Deliveries and related services, nursing services, physiotherapeutic and para-medical services, and allied health services
Optometrists and opticians

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services)
Market Access

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any limit on the number of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services, and optometry and opticianry services.

Singapore reserves the right to adopt or maintain any measure with respect to the regulation of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services, and optometry and opticianry services.

Existing Measures: *Allied Health Professions Act 2011*

20.

Sector:	Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services
Sub-Sector:	Waste water management, including but not limited to collection, disposal and treatment of solid waste and waste water
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Market Access Local Presence
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting waste water management, including but not limited to the collection, treatment and disposal of waste water.
Existing Measures:	Code of Practice on Sewerage and Sanitary Works <i>Sewerage and Drainage Act</i> , Cap. 294, 2001 Rev Ed

21.

Sector: Postal Services

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services:

Singapore reserves the right to adopt or maintain any measure relating to a Public Postal Licensee.

Existing Measures: -

22.

Sector: Telecommunications Services

Sub-Sector: Telecommunications services

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure that accords treatment to persons of the other Party equivalent to any measure adopted or maintained by that other Party limiting ownership by persons of Singapore enterprises engaged in the provision of public mobile and wireless communications in the territory of that other Party, including:

- (a) Public Radiocommunication Services (Public Radiocommunication Services refer to Maritime and Aeronautical radiocommunication services);
- (b) Public Cellular Mobile Telephone Service (PCMTS);
- (c) Public Radio Paging Services (PRPS);
- (d) Public Trunked Radio Services (PTRS);
- (e) Public Mobile Data Services (PMDS);
- (f) Public Mobile Broadband Multimedia Services; and
- (g) Public Fixed-Wireless Broadband Multimedia Services.

Existing Measures: -

23.

Sector: Trade Services

Sub-Sector: Supply of potable water for human consumption

Industry Classification: CPC 18000 Natural Water
The sectors listed above apply only insofar as they relate to the supply of potable water

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of potable water.

For greater certainty, this entry does not affect the supply of bottled water.

Existing Measures: *Public Utilities Act*, Cap. 261, 2002 Rev Ed

24.

Sector:	Transport Services
Sub-Sector:	Air transport services
Industry Classification:	-
Obligations Concerned:	National Treatment (Cross-Border Trade in Services and Investment) Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Senior Management and Boards of Directors Market Access Local Presence Prohibition of Performance Requirements
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to maintain or adopt any measure affecting the investment in, and/or the supply of, air navigation services; air traffic control services; licensing of air traffic controllers; airspace management; air traffic flow information; air traffic and flight information; navigation services; aeronautical information, aerodrome rescue and fire fighting services; ground operations, terminal operations, flight information management, apron control services, security of aerodromes and commercial activities, and the real estate management of airports and heliports.
Existing Measures:	

25.

Sector: Transport Services

Sub-Sector: Air Transport Services

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Market Access
Prohibition of Performance Requirements

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting, including but not limited to, the building, ownership, operation and management of airports and heliports in Singapore.

Existing Measures: -

26.

Sector :	Transport Services
Sub-Sector:	<p>Land transport services – Passenger transport services, including but not limited to passenger transportation services by railway, urban and suburban regular transportation services, taxi services; bus and rail station services and ticketing services related to passenger transport services</p> <p>Passenger Transport Services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore or between Singapore and Malaysia.</p>
Industry Classification:	-
Obligations Concerned:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of passenger transport services.</p>
Existing Measures:	<p><i>Rapid Transit Systems Act, Cap. 263A</i></p> <p><i>Land Transport Authority of Singapore Act, Cap. 158A, 1996 Rev Ed</i></p> <p><i>Public Transport Council Act, Cap. 259B, 2012 Rev Ed</i></p> <p><i>Road Traffic Act, Cap. 276, 2004 Rev Ed</i></p>

27.

Sector: Transport Services

Sub-Sector: Land transport services – railway and road freight transportation
Supporting services for railway and road transport services

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of land transport services as set out above.

This reservation does not apply to:

- (a) maintenance and repair services of motor vehicles (CPC 61120);
- (b) maintenance and repair services of parts of motor vehicles (CPC 88**)²; and
- (c) parking services (CPC 74430).

This reservation does not apply to the supply of a service:

- (a) in the territory of the other Party to a person of Singapore;
and
- (b) in the territory of Singapore by a covered investment,

in the following sectors:

- (i) freight transportation of refrigerated goods (CPC 71231)
- (ii) freight transportation of liquids or gases (CPC 71232)
- (iii) freight transportation of containerised freight (CPC 71233)
- (iv) freight transportation of furniture (CPC 71234)

² In this Annex, “**” indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Existing Measures: -

28.

Sector: Transport Services

Sub-Sector: Maritime transport services – Towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.

Industry Classification: CPC 74510 Port and Waterway Operation Services
CPC 74520 Pilotage and Berthing Services
CPC 74530 Navigation Aid Services
CPC 74590 Other Supporting Services for Water Transport

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.

For greater certainty, no measures shall be applied which deny international maritime transport operators reasonable and non-discriminatory access to the above port services.

This entry does not apply to:

- (a) international transport (freight and passengers) excluding cabotage transport (CPC 7211**, 7212**);
- (b) international towage (CPC 7214**);
- (c) rental of vessels with crew (CPC 7213); and
- (d) other supporting and auxiliary services (including catering) (CPC 749**).

Existing Measures: *Maritime and Port Authority of Singapore Act, Cap. 170A, Section 41 (Part VIII)*

29.

Sector:	Transport Services
Sub-Sector:	Transportation services via pipeline
Industry Classification:	Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products
Obligations Concerned:	National Treatment (Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Cross-Border Trade in Services) Market Access Local Presence
Description:	<u>Cross-Border Trade in Services</u> Only service suppliers with a local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products. Singapore reserves the right and flexibility to modify or increase the list of the chemical and petroleum products, and other related products that are subject to this entry.
Existing Measures:	Administrative

30.

Sector: Trade Services

Sub-Sector: Wholesale trade services and retail trade services of alcoholic beverages and tobacco

Industry Classification: -

Obligations Concerned: Market Access
Local Presence

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of wholesale and retail trade services of tobacco products and alcoholic beverages.

Existing Measures: -

31.

Sector: Energy

Sub-Sector: -

Industry Classification: -

Obligations Concerned: National Treatment (Cross-Border Trade in Services and Investment)
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Senior Management and Boards of Directors
Market Access
Local Presence

Description: Investment and Cross Border Trade in Services

Singapore reserves the right to adopt or maintain any measure in order to prohibit, manage or control the generation, use, distribution and retail of nuclear energy, including setting conditions for natural persons or juridical persons to do so.

Existing Measures: -

32.

Sector: All

Sub-Sector: -

Industry Classification: -

Obligations Concerned: Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to ASEAN member states under any ASEAN agreement open to participation by any ASEAN member state, in force or signed after the date of entry into force of this Agreement.

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

(a) aviation matters;

(b) maritime matters and services auxiliary to maritime matters;

(c) port matters;

(d) land transport matters; and

(e) telecommunication matters.

Existing Measures: -

ANNEX 4-III

ADDITIONAL COMMITMENTS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

(I) RECOGNITION OF LAW DEGREES FOR ADMISSION AS QUALIFIED LAWYERS

Part 1: Singapore's Commitments

(A) Scope and coverage

1. This Part describes and sets out the conditions for Singapore's commitments for the supply of legal services in Singapore by Singapore citizens and permanent residents (as defined by Singapore laws and regulations) who completed their law degree courses at prescribed universities in Australia and who wish to seek admission as advocates and solicitors of the Supreme Court of Singapore.

(B) Description of Singapore's commitments

2. (a) Any Singapore citizen or permanent resident who has undergone an undergraduate or a graduate course in law at any one of the 10 Australian Universities listed or to be listed in the Schedules to the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and who is subsequently conferred the corresponding Bachelor of Laws ("LL.B.") degree or the Doctor of Jurisprudence ("J.D.") degree specified in the relevant Schedule for that university shall be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch who have been conferred the degree or degrees specified in that Schedule in respect of that university.
- (b) The 10 Australian Universities referred to in paragraph 2(a) above are the Australian National University, Flinders University, Monash University, University of Melbourne, the University of New South Wales, the University of Queensland, the University of Sydney, the University of Western Australia, Murdoch University and the University of Tasmania ("listed Australian universities").
- (c) For the purpose of subparagraph (a) above, all graduates in the same university who, in the same calendar year, commenced the final year of their course of study leading to the degree or degrees specified in the relevant Schedule for that university shall be regarded as belonging to the same batch. In the case of any one of the 10 listed Australian universities, in respect of which both LL.B. and LL.B. (Honours) degrees have been specified, all the persons graduating with the degree

of LL.B. and all the persons graduating with the degree of LL.B. (Honours) will be taken together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their respective degrees. In the case of any one of the 10 listed Australian universities, in respect of which the J.D. degree has been specified, all persons graduating with the J.D. degree will be taken together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their J.D. degrees.

- (d) The 10 listed Australian universities shall not include any offshore campuses established by these universities outside Australia and the recognition of each of the relevant degrees conferred by these universities shall be solely on the basis of attendance and completion of full-time residential degree courses of at least three academic years' duration at one of these listed Australian universities. All part-time or distance learning law courses conducted by any of these listed Australian universities shall not be accorded recognition.
- (e) Notwithstanding the above –
 - (i) any Singapore citizen or permanent resident who has been conferred by any of the 10 listed Australian universities a degree specified for that university in the relevant Schedule after completion of a full-time residential course of study of less than three academic years' duration that led to that degree or a dual degree course where the qualification in law is a component of such a dual degree course may, with the approval of the Board of Legal Education before 31 July 2009 or by the Minister for Law on or after that date, be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (c) above) who have been conferred the degree or degrees specified in that Schedule in respect of that university; and
 - (ii) any Singapore citizen or permanent resident who has been conferred by any of the 10 listed Australian universities a combined degree which includes a qualification in law may be eligible to be a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if the course leading to that combined degree is approved by the Board of Legal Education before 31 July 2009 or by the Minister for Law on or after that date, the person concerned satisfies such other requirements as the Board of Legal Education or the Minister for Law may specify and he or she

has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (c) above) who have been conferred the degree or degrees specified in that Schedule in respect of that university.

- (f) Any Singapore citizen or permanent resident who satisfies the requirements under subparagraphs (a) to (e) above and who wishes to be a qualified person must (i) receive relevant legal training and/or engage in relevant legal practice or work for the prescribed duration; and (ii) pass Part A of the Singapore Bar Examinations. In order to get called to the Singapore Bar, such a qualified person must (i) attend and satisfactorily complete the preparatory course leading to Part B of the Singapore Bar Examinations; and (ii) pass Part B of the Singapore Bar Examinations. Such a person must also comply with the provisions of Parts I & II of the Legal Profession Act (Cap. 161) as well as the following rules and regulations made thereunder, including: (i) the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and (ii) the Legal Profession (Admission) Rules 2011 (S 244/2011).
- (g) The list of Australian Universities in the Schedules to the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15) and the list of accepted LL.B. degrees and J.D. degrees conferred thereby may be amended by Singapore following consultations with Australia; provided that the list shall not at any time contain less than 10 Australian Universities and any such amendments shall not directly or indirectly nullify the recognition already accorded to Singapore citizens and permanent residents prior to such amendments.
- (h) The 10 listed Australian universities and the list of accepted LL.B. degrees and J.D. degrees conferred thereby may be reviewed by the Parties at the subsequent reviews of this Agreement as provided in Article 7 (Review) of Chapter 17 (Final Provisions), taking into account Singapore's prevailing or projected needs for legal services and legal professionals.

3. Any Australian national who has been conferred by the National University of Singapore, the Singapore Management University, or the SIM University an LL.B., LL.B. (Hons) or J.D. degree with at least second lower class honours or equivalent shall be eligible for admission as an advocate and solicitor of the Supreme Court of Singapore upon completion of the prescribed practice training period, attendance at such courses of instruction and passing of such examinations in accordance with Parts I & II of the Legal Profession Act (Cap. 161) as well as the following rules and regulations made thereunder, including: (i) the Legal Profession (Qualified Persons) Rules (Cap. 161, R 15); and (ii) the Legal Profession (Admission) Rules 2011 (S 244/2011).

Part 2: Australia's Commitments

1. Any Singapore citizen or permanent resident who has been conferred an accredited undergraduate law degree by any one of the Australian Universities, shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

2. Any Australian national or any Singapore citizen or permanent resident who graduated with a LL.B. (Hons) or J.D. from the National University of Singapore, the Singapore Management University, or the SIM University shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

(II) CONDITIONS FOR SINGAPORE'S COMMITMENTS FOR AUSTRALIAN LAW PRACTICES TO PROVIDE LEGAL SERVICES IN RELATION TO SINGAPORE LAW

1. Australian law practices may provide legal services in relation to Singapore law upon obtaining a Qualifying Foreign Law Practice (QFLP) licence, only to the extent allowed by the laws, rules, and regulations concerning QFLP, and subject to the conditions and requirements relating to QFLP.
2. Australian law practices may apply for QFLP licences, if and when the next round of QFLP licence applications are called by Singapore, subject to the Legal Profession Act (Cap. 161) and the terms and conditions stipulated for the particular round of QFLP applications. For the avoidance of doubt, Singapore is not obliged to call for applications for QFLP licences at any time or at all.
3. In relation to any particular round of QFLP applications, if any, Singapore reserves the right to:
 - (a) decide on the criteria and factors that will be used to evaluate and select the applicants; and
 - (b) award the QFLP licences, if any, based on Singapore's assessment of the merits of a particular application relative to the other applications.
4. All applicants for the same round of QFLP applications will be subject to the same evaluation and selection criteria and factors.
5. Any Australian law practice that has been awarded a QFLP licence may only supply legal services to the extent allowed by the Legal Profession Act (Cap. 161) and the relevant rules governing QFLPs.
6. Any renewal of a QFLP licence shall be subject to the terms and conditions stipulated for the application for the renewal of the licence.

(III) ESTABLISHMENT OF A SINGAPORE HELP DESK BY AUSTRALIA AND INVESTMENT APPLICATION TIMELINES FOR SINGAPORE INVESTORS

1. Australia shall establish a dedicated help desk to assist Singaporean investors with direct investment applications to acquire existing Australian businesses or establish new businesses, including purchases of property as an integral part of the business. The help desk shall:

- (a) assist investors to respond to further requests for information;
- (b) provide information on any national interest concerns arising from these applications; and
- (c) keep such investors up-to-date with the status of these applications.

2. Australia shall review these applications from Singaporean investors expeditiously in accordance with its laws, regulations and policies.

3. Unless an application to acquire an existing Australian business or establish a new business is denied, such application is deemed to be approved at the end of the statutory review period, or where notice of a statutory extension is given to the investor, at the end of the statutory period of extension.

(IV) NOTE TO SINGAPORE'S COMMITMENTS FOR FINANCIAL SERVICES

Singapore agrees, consistent with its recent policy of granting more wholesale bank licenses, that the access of Australian banks to the wholesale bank market in Singapore will not be limited by the number of licenses that are available 4 years after the date of entry into force of this Agreement. The granting of Wholesale Bank licences will be subject to admission criteria as stipulated by the Monetary Authority of Singapore.

15. Replace Annex 5 (Technical Regulations and Sanitary and Phytosanitary Measures) with:

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND
PHYTOSANITARY MEASURES**

SECTORAL ANNEX ON FOOD PRODUCTS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Food Products for the purpose of facilitating trade between the Parties.

Recognising the importance of improving market access opportunities and of minimising possible negative effects of sanitary measures and technical regulations on trade;

Recognising that the Parties operate different food inspection and certification systems;

Noting that the application of the principle of equivalence has mutual benefits for both exporting and importing countries;

Noting that equivalence of mandatory requirements does not require duplication or sameness of requirements, but the acceptance of alternative requirements that meet an importing country's appropriate level of sanitary protection, or regulatory objectives.

The Parties have agreed as follows:

1. Scope

1.1 This Sectoral Annex applies to:¹

(a) food standards relating to food products exported from one Party to the other Party; and

(b) assessments of manufacturers or manufacturing processes of food products exported from one Party to the other Party.

1.2 This Sectoral Annex shall not affect the Parties' existing rights and obligations to each other under the WTO Agreement on the Application of

¹ For the avoidance of doubt, this Sectoral Annex shall not apply to transhipped goods.

Sanitary and Phytosanitary Measures and the WTO Agreement on Technical Barriers to Trade.

2. Definitions

2.1 For the purpose of this Sectoral Annex:

2.1.1 “conformity assessment” means any activity undertaken by the exporting Party concerned with determining directly or indirectly that the relevant food standards of the exporting Party are fulfilled;

2.1.2 “food product” means any good defined as food in the Food Standards Australia New Zealand Act 1991 (Australia) and the Sale of Food Act (Singapore) or the respective successor Act; and

2.1.3 “food standard” means a mandatory requirement relating to food products that is made pursuant to the Food Standards Australia New Zealand Act 1991 (Australia) or the Sale of Food Act (Singapore) or the respective successor Act.

3. Obligations

3.1 Determination of Equivalence

3.1.1 A Party shall accept a food standard of the other Party as equivalent, even if that standard differs from its own, or from those used by other countries trading in the same food product, if the exporting Party objectively demonstrates to the importing Party that its food standard achieves the purposes of the importing Party’s food standard.

3.1.2 The Parties shall follow the procedures for determining equivalence of sanitary measures and technical regulations set down by the relevant WTO bodies and the Codex Alimentarius Commission, as amended from time to time.

3.1.3 The determination of equivalence of food standards may include consideration of conformity assessment procedures.

3.1.4 Compliance by a food product with a food standard that has been accepted as equivalent to a food standard of the importing Party shall not remove the need for that product to comply with any other relevant mandatory requirements of the importing Party.

3.1.5 The regulatory authorities designated by the Parties to determine and accept equivalence of food standards are listed in the Schedule to this Annex.

3.2 Conformity assessment

3.2.1 Regulatory authorities designated by the Parties shall enter into

conformity assessment arrangements for the purpose of ensuring that food products exported by a Party under this Agreement meet the food standards of the exporting Party that are accepted as equivalent by the importing Party.

- 3.2.2 Subject to compliance with relevant conformity assessment arrangements, the importing Party shall recognise the conformity assessment certificates, issued and/or endorsed by the exporting Party, that demonstrate compliance with food standards that are accepted as equivalent to food standards of the importing Party.
- 3.2.3 Where the importing Party identifies or suspects that food products, in respect of the manufacture of which a conformity assessment certificate has been issued and/or endorsed under 3.2.2, do not comply with its relevant mandatory requirements, the importing Party may implement measures to ensure its appropriate level of sanitary protection or regulatory objectives are achieved.
- 3.2.4 The regulatory authorities designated by the Parties to enter into arrangements on conformity assessment of food products are listed in the Schedule to this Annex.

4. Changes to Food Standards

- 4.1 In addition to the notification requirements in Article 8.1 of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), each Party shall notify the other Party of any proposed changes to its food standards at least 60 working days before the changes come into effect, unless considerations of public health and safety warrant more urgent action. For urgent action, such notification shall be provided to the exporting Party at least one working day before the changes enter into force.
- 4.2 If a food standard of one Party, which has been accepted by the other Party as equivalent, is changed, the first Party shall advise the second Party of this change and seek advice as to whether the acceptance of equivalence will need to be determined again.

5. Technical Cooperation and Information Exchange

- 5.1 The Parties shall exchange information on matters concerning relevant food products, food standards and conformity assessment procedures.
- 5.2 The Parties shall explore opportunities for joint technical cooperation programmes with a view to developing a joint work programme, consistent with the provisions of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures).
- 5.3 The Parties shall exchange information on emergency recalls of food

products and shall identify in the Schedule contact points for this information.

- 5.4 The Parties shall establish contact points for the exchange of information, as appropriate, and shall identify in the Schedule contact points for this information, in relation to the following:
- (a) development of new food standards;
 - (b) changes to existing food standards;
 - (c) food product safety information;
 - (d) risk assessments of food products; and
 - (e) any internal guidelines relevant to the determination of equivalence.
- 5.5 The Parties shall seek to improve communications between them in matters relevant to the development of domestic food standards and the development of international standards and guidelines through the Codex Alimentarius Commission, and the relevant WTO Committees.

6. Review of Annex and Change of Regulatory Authorities

- 6.1 The Parties agree to undertake a review of the operation of this Sectoral Annex 24 months after the coming into force of this Sectoral Annex.
- 6.2 Each Party shall inform the other Party in writing of any change in its regulatory authorities responsible for the implementation of this Sectoral Annex.

SCHEDULE: DESIGNATED REGULATORY AUTHORITIES AND CONTACT POINTS FOR DETERMINATION OF EQUIVALENCE OF FOOD STANDARDS, PURSUANT TO 3.1.5

For Singapore:

Agri-Food and Veterinary Authority of Singapore
JEM Office Tower, 52 Jurong Gateway Road #14-01 Singapore 608550
Fax: (65) 6334 1831
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Department of Agriculture and Water Resources
GPO Box 858
Canberra ACT 2601
Australia
Designated position:
First Assistant Secretary, Exports Division

FOR NEGOTIATION OF CONFORMITY ASSESSMENT ARRANGEMENTS IN RELATION TO FOOD STANDARDS, PURSUANT TO 3.2.4

For Singapore:

Agri-Food and Veterinary Authority of Singapore
JEM Office Tower, 52 Jurong Gateway Road #14-01 Singapore 608550
Fax: (65) 6334 1831
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Department of Agriculture and Water Resources
GPO Box 858
Canberra ACT 2601
Australia
Designated position:
First Assistant Secretary, Exports Division

FOR EMERGENCY FOOD RECALL INFORMATION, PURSUANT TO 5.3

For Singapore:

Agri-Food and Veterinary Authority of Singapore
JEM Office Tower, 52 Jurong Gateway Road #14-01Singapore 608550
Fax: (65) 6334 1831
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand
PO Box 5423
Kingston ACT 2604
Australia
Email: food.recalls@foodstandards.gov.au
Designated position:
Food Recall Officer

FOR EXCHANGE OF INFORMATION, PURSUANT TO 5.4

For Singapore:

Agri-Food and Veterinary Authority of Singapore
JEM Office Tower, 52 Jurong Gateway Road #14-01Singapore 608550
Fax: (65) 6334 1831
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand
PO Box 5423
Kingston ACT 2604
Australia
Email: standards.management@foodstandards.gov.au
Internet site: www.foodstandards.gov.au
Designated position:
Standards Management Officer

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND
PHYTOSANITARY MEASURES**

SECTORAL ANNEX ON HORTICULTURAL GOODS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Horticultural Goods for the purpose of facilitating trade between the Parties.

The Parties have agreed as follows:

Scope

- 1.1 This Sectoral Annex applies to the horticultural goods listed in the Schedule to this Sectoral Annex, where they are not intended for propagation, and where they are traded between the Parties (hereinafter referred to as “scheduled horticultural goods”).
- 1.2 The Parties shall review the Schedule from time to time or upon the written request of either Party. Horticultural goods may be added to, or removed from, the Schedule by mutual decision recorded in an exchange of letters between the regulatory authorities.
- 1.3 This Sectoral Annex shall not affect the Parties’ existing rights and obligations to each other under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

2 Definitions

2.1 For the purpose of this Sectoral Annex:

- (a) “accredited exporter” means an exporter of the scheduled horticultural goods who has demonstrated to its regulatory authority that it possesses the necessary technical capabilities, management competence, facilities, equipment and production systems required to meet the mandatory requirements of the importing Party;
- (b) “actionable pest” means a pest identified by the importing Party as requiring the application of phytosanitary measures;
- (c) “mandatory requirements” means all phytosanitary measures of the importing Party that affect the movement of horticultural goods into that importing Party and that may, directly or indirectly, affect trade in the

scheduled horticultural goods between the Parties;

- (d) “non-actionable pest” means a pest identified by the importing Party as not requiring the application of phytosanitary measures;
- (e) “other pest” means a pest for which the importing Party has not yet identified whether or not it requires the application of phytosanitary measures;
- (f) “pest”¹ means an actionable pest, a non-actionable pest or an other pest;
- (g) “phytosanitary measures” means any measure that a Party adopts, maintains or applies to:
 - (i) protect plant life or health within its territory from risks arising from the entry, establishment or spread of a pest; or
 - (ii) prevent or limit other damage within its territory arising from the entry, establishment or spread of a pest; and
- (h) “soil” means any loose surface material of the earth in which plants, trees and shrubs grow, in most cases consisting of disintegrated rock with an admixture of organic material.

3 General obligations

- 3.1 The regulatory authority of each Party shall maintain, in consultation with the regulatory authority of the other Party, a list of actionable pests and non-actionable pests relevant to its import of scheduled horticultural goods from the other Party.
- 3.2 An importing Party may apply such phytosanitary measures to other pests as it deems necessary. The regulatory authority of the importing Party, in consultation with the regulatory authority of the other Party, shall categorise such a pest as an actionable pest or a non-actionable pest as soon as practicable.
- 3.3 The importing Party shall accept and consider applications from the other Party to have additional species added to the list of permitted species referred to in the Schedule.

4 Obligations in respect of all exporters

- 4.1 The exporting Party shall issue and/or endorse phytosanitary certificates, treatment certificates and test reports in respect of scheduled horticultural

¹ For the avoidance of doubt, the term “pest” is as defined in the International Plant Protection Convention.

goods exported to the importing Party.

- 4.2 The exporting Party shall also issue and/or endorse relevant additional certificates and/or reports as required by the importing Party in respect of the scheduled horticultural goods listed in Category B of the Schedule to this Sectoral Annex that are exported to the importing Party.
- 4.3 Phytosanitary certificates shall be issued in accordance with IPPC-ISPM (International Plant Protection Convention-International Standards for Phytosanitary Measures) No. 7 on Export Certification System.
- 4.4 The importing Party shall recognise the phytosanitary certificates, treatment certificates, test reports and/or relevant additional certificates and/or reports required by the importing Party which are provided by the exporting Party that demonstrate compliance by the relevant exporter of the scheduled horticultural goods with the importing Party's mandatory requirements.
- 4.5 Where scheduled horticultural goods from an exporter of a Party are identified after inspection as not complying with the importing Party's mandatory requirements, the importing Party can implement phytosanitary measures to achieve its appropriate level of protection.

5 Obligations in respect of accredited exporters

- 5.1 The exporting Party shall ensure that its accredited exporters of the scheduled horticultural goods exported to the importing Party possess the necessary technical capabilities, management competence, facilities, equipment and production systems to meet the mandatory requirements of the importing Party.
- 5.2 The importing Party shall facilitate the import clearance of the scheduled horticultural goods from accredited exporters of the other Party (where those goods are accompanied by the required certificates and/or reports) by minimizing import control and the inspection and approval procedures.
- 5.3 The obligations set out above shall not prevent a Party from conducting reduced inspection on consignments of the scheduled horticultural goods being imported into its territory from the accredited exporters of the other Party.
- 5.4 Where scheduled horticultural goods from an accredited exporter of a Party are identified after inspection as not complying with the importing Party's mandatory requirements, the importing Party can implement phytosanitary measures to achieve its appropriate level of protection.
- 5.5 Should an inspection by a Party result in the detection of an actionable pest or an other pest in a consignment of scheduled horticultural goods being imported into its territory from an accredited exporter of the other Party:

- (a) any phytosanitary measures taken by the importing Party shall be confined to that consignment only;
- (b) the exporting Party shall be notified within one week by the importing Party if the latter denies entry or destroys any scheduled horticultural goods being imported from an accredited exporter of the other Party as a result of a phytosanitary measure taken under 5.5(a). The notification shall include information as to why the consignment is not in compliance with the mandatory requirements so that the exporting Party can take corrective action;
- (c) the exporting Party shall ensure that corrective actions are completed within 14 days from the date of receipt of a notification of the detection of an actionable pest or an other pest in an imported scheduled horticultural good; and
- (d) the corrective action shall be reported to the regulatory authority of the importing Party to ensure that its mandatory requirements are complied with.

6 Mandatory Requirements

- 6.1 Each Party shall adapt its phytosanitary measures to the phytosanitary characteristics of the area where the scheduled horticultural goods are produced, taking into account relevant conditions, including those relating to transportation and handling.
- 6.2 Each Party shall, in applying its phytosanitary measures to the scheduled horticultural goods, avoid unnecessary duplication of phytosanitary measures already taken by the other Party.
- 6.3 Each Party shall ensure that any agency or entity on which it relies in applying a phytosanitary measure acts in a manner consistent with this Sectoral Annex.
- 6.4 In addition to the notification requirements in Article 8.1 of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), each Party shall notify the other Party of any proposed changes to its mandatory requirements at least 60 working days before the changes come into effect, unless considerations of health, safety and the environment warrant more urgent action. For urgent action, such notification shall be provided to the exporting Party at least one working day before the changes enter into force.
- 6.5 Where an importing Party is able to achieve its appropriate level of protection through the phased application of a phytosanitary measure it may, at the request of the exporting Party, allow for such a phased application, or grant specified exemptions for limited periods from the phytosanitary measure, taking into account the requesting Party's export interest.

7 Information Exchange

- 7.1 The Parties shall exchange information on matters concerning the scheduled horticultural goods and their mandatory requirements.
- 7.2 The Parties shall put in place a system for the uniform and systematic exchange of information so as to provide assurance and engender confidence in each other's phytosanitary systems.
- 7.3 The Parties shall exchange quarterly reports on pests detected in the import of the scheduled horticultural goods.

8 Contact Points and Consultations

- 8.1 For the purpose of this Sectoral Annex, each Party shall establish a contact point, which shall be that Party's regulatory authority:
- (a) Australia Quarantine and Inspection Service (AQIS) for Australia; and
 - (b) Agri-Food & Veterinary Authority of Singapore (AVA) for Singapore.
- 8.2 Each Party shall inform the other Party in writing of any change in its regulatory authority responsible for the implementation of this Sectoral Annex.
- 8.3 For the avoidance of doubt, Article 2 of Chapter 16 shall apply for the purposes of consultations regarding the implementation, interpretation or application of this Sectoral Annex.

9 Technical Cooperation

- 9.1 The Parties shall facilitate the provision of technical advice, information and assistance, which may include training and joint research and development, to allow each Party to adjust to, and comply with, the other Party's mandatory requirements.

10 Review

- 10.1 The Parties shall engage in confidence-building activities with the view to making recommendations within 12 months of the entry into force of this Sectoral Annex on the options for moving towards determining the equivalence of mandatory requirements.
- 10.2 Such confidence building activities shall include a comparative review of

each Party's mandatory requirements and their equivalence; and control, inspection and certification procedures, risk assessment techniques, and appropriate levels of protection for scheduled horticultural goods.

- 10.3 In order to determine whether the mandatory requirements of the exporting Party can be accepted as equivalent to the mandatory requirements of the importing Party, the Parties shall follow the procedures set down by the WTO SPS Committee's decisions on equivalence of sanitary or phytosanitary measures.

SCHEDULE TO SECTORAL ANNEX ON HORTICULTURAL GOODS

Category A

1. Fresh cut flowers; and
2. cut foliage without roots

that are specified as permitted species for import by the importing Party and for which entry is permitted under specified conditions.

Category B

1. Aquarium plants without soil as growing medium;
2. Ornamental plants without soil as growing medium

that are specified as permitted species for import by the importing Party and for which entry is permitted under specified conditions.

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY
MEASURES**

SECTORAL ANNEX ON WINE AND DISTILLED SPIRITS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Wine and Distilled Spirits for the purpose of facilitating trade in wine and distilled spirits between the Parties.

The Parties have agreed as follows:

Scope

This Annex shall apply to wine and distilled spirits.

Definitions

2. For the purposes of this Annex:
 - (a) “container” means any bottle, barrel, cask or other closed receptacle, irrespective of size or of the material from which it is made, used for the retail sale of wine or distilled spirits;
 - (b) “distilled spirits” means a potable alcoholic distillate, including spirits of wine, whiskey, rum, brandy, gin, tequila, mezcal and all dilutions or mixtures of those spirits for consumption;
 - (c) “label” means any brand, mark, pictorial or other descriptive matter that is written, printed, stencilled, marked, embossed or impressed on, or firmly affixed to the primary container of wine or distilled spirits;
 - (d) “oenological practices” means winemaking materials, processes, treatments and techniques, but does not include labelling, bottling or packaging for final sale;
 - (e) “single field of vision” means any part of the surface of a primary container, excluding its base and cap, that can be seen without having to turn the container;
 - (f) “supplier” means a producer, importer, exporter, bottler or wholesaler;

- (g) “verify” means to take action to confirm the veracity of individual conformity assessment results, such as requesting information from the conformity assessment body or the body that accredited, approved, licensed or otherwise recognised the conformity assessment body, but does not include requirements that subject a product to conformity assessment in the territory of the importing Party that duplicate the conformity assessment procedures already conducted with respect to the product in the territory of the exporting Party or a third party, except on a random or infrequent basis for the purpose of surveillance, or in response to information indicating non-compliance; and
- (h) “wine” means a beverage that is produced by the complete or partial alcoholic fermentation exclusively of fresh grapes, grape must, or products derived from fresh grapes in accordance with oenological practices that the country in which the wine is produced authorises under its laws and regulations.

Obligations

Information and Labelling

3. Each Party shall make information about its laws and regulations concerning wine and distilled spirits publicly available.
4. A Party may require a supplier to ensure that any statement required by that Party to be placed on a wine or distilled spirits label is:
 - (a) clear, specific, truthful, accurate, and not misleading to the consumer; and
 - (b) legible to the consumer; and

that such labels be firmly affixed.

5. If a Party requires a supplier to indicate information on a distilled spirits label, the Party shall permit the supplier to indicate that information on a supplementary label that is affixed to the distilled spirits container. Each Party shall permit a supplier to affix the supplementary label on the container of the imported distilled spirits after importation but prior to offering the product for sale in the Party’s territory, and may require that the supplier affix the supplementary label prior to release from customs. For greater certainty, a Party may require that the information indicated on a supplementary label meet the requirements in paragraph 4.

6. Each Party shall permit the alcoholic content by volume indicated on a wine or distilled spirits label to be expressed by alcohol by volume (alc/vol), for example 12% alc/vol or alc12% vol, and to be indicated in percentage terms to a maximum of one decimal point, for example 12.1%.

7. Each Party shall permit suppliers to use the term “wine” as a product name. A Party may require a supplier to indicate additional information on a wine label concerning the type, category, class or classification of the wine.

8. With respect to wine labels, each Party shall permit the information set out in subparagraphs 10(a), (b), (c) and (d) to be presented in a single field of vision for a container of wine. If this information is presented in a single field of vision, then the Party’s requirements with respect to placement of this information are satisfied. A Party shall accept any of the information that appears outside a single field of vision if that information satisfies that Party’s laws, regulations and requirements.

9. Notwithstanding paragraph 8, a Party may require net contents to be displayed on the principal display panel for a subset of less commonly used container sizes if specifically required by that Party’s laws or regulations.

10. If a Party requires a wine label to indicate information other than:

- (a) the product name;
- (b) country of origin;
- (c) net contents; or
- (d) alcohol content,

it shall permit the supplier to indicate the information on a supplementary label affixed to the wine container. A Party shall permit the supplier to affix the supplementary label on the container of the imported wine after importation but prior to offering the product for sale in the Party’s territory, and may require that the supplier affix the supplementary label prior to release from customs. For greater certainty, a Party may require that information on a supplementary label meet the requirements set out in paragraph 4.

11. For the purposes of paragraphs 4, 5 and 10, if there is more than one label on a container of imported wine or distilled spirits, a Party may require that each label be visible and not obscure mandatory information on another label.

12. If a Party has more than one official language, it may require that information on a wine or distilled spirits label appear in equal prominence in each official language.

13. Each Party shall permit a supplier to place a lot identification code on a wine or distilled spirits container, if the code is clear, specific, truthful, accurate and not misleading, and shall permit the supplier to determine:

- (a) where to place the lot identification code on the container, provided that the code does not cover up essential information printed on the label; and

- (b) the specific font size, readable phrasing and formatting for the code provided that the lot identification code is legible by physical or electronic means.

14. A Party may impose penalties for the removal or deliberate defacement of any lot identification code provided by the supplier and placed on the container.

15. Neither Party shall require a supplier to indicate any of the following information on a wine or distilled spirits container, labels or packaging:

- (a) date of production or manufacture;
- (b) date of expiration;
- (c) date of minimum durability; or
- (d) sell by date,

except that a Party may require a supplier to indicate a date of minimum durability or expiration on products that could have a shorter date of minimum durability or expiration than would normally be expected by the consumer because of: their packaging or container, for example bag-in-box wines or individual serving size wines; or the addition of perishable ingredients.

16. Neither Party shall require a supplier to place a translation of a trademark or trade name on a wine or distilled spirits container, label or packaging.

17. Neither Party shall prevent imports of wine from the other Party solely on the basis that the wine label includes the following descriptors or adjectives describing the wine or relating to wine-making: chateau, classic, clos, cream, crusted/crusting, fine, late bottled vintage, noble, reserve, ruby, special reserve, solera, superior, sur lie, tawny, vintage or vintage character.

18. Neither Party shall require a supplier to disclose an oenological practice on a wine label or container except to meet a legitimate human health or safety objective with respect to that oenological practice.

Certification and Classification

19. Each Party shall endeavour to base its quality and identity requirements for any specific type, category, class or classification of distilled spirits solely on minimum ethyl alcohol content and the raw materials, added ingredients and production procedures used to produce that specific type, category, class or classification of distilled spirits.

20. Neither Party shall require imported wine or distilled spirits to be certified by an official certification body of the Party in whose territory the wine or distilled spirits were produced or by a certification body recognised by the Party in whose territory the wine or distilled spirits were produced regarding:

- (a) vintage, varietal, and regional claims for wine; or
- (b) raw materials and production processes for distilled spirits,

except that the Party may require that wine or distilled spirits be certified regarding subparagraphs (a) or (b) if the Party in whose territory the wine or distilled spirits were produced requires that certification, that wine be certified regarding subparagraph (a) if the Party has a reasonable and legitimate concern about a vintage, varietal or regional claim for wine, or that distilled spirits be certified regarding subparagraph (b) if certification is necessary to verify claims such as age, origin or standards of identity.

21. If a Party deems that certification of wine is necessary to protect human health or safety or to achieve other legitimate objectives, that Party shall consider the Codex Alimentarius Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL 38-2001), in particular the use of the generic model official certificate, as amended from time-to-time, concerning official and officially recognised certificates.

22. A Party shall normally permit a wine or distilled spirits supplier to submit any required certification, test result or sample only with the initial shipment of a particular brand, producer and lot. If a Party requires a supplier to submit a sample of the product for the Party's procedure to assess conformity with its technical regulation or standard, it shall not require a sample quantity larger than the minimum quantity necessary to complete the relevant conformity assessment procedure. Nothing in this provision precludes a Party from undertaking verification of test results or certification, for example, where the Party has information that a particular product may be non-compliant.

23. Unless problems of human health or safety arise or threaten to arise for a Party, a Party shall not normally apply any final technical regulation, standard or conformity assessment procedure to wine or distilled spirits that have been placed on the market in the Party's territory before the date on which the technical regulation, standard or conformity assessment procedure enters into force, provided that the products are sold within a period of time after the date the technical regulation, standard or conformity assessment procedure enters into force, stipulated by the authority responsible for that technical regulation, standard or conformity assessment procedure.

24. Each Party shall endeavour to assess the other Party's laws, regulations and requirements in respect of oenological practices, with the aim of reaching agreements that provide for the Parties' acceptance of each other's mechanisms for regulating oenological practices, if appropriate.

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY
MEASURES**

SECTORAL ANNEX ON COSMETIC PRODUCTS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Cosmetics Products for the purpose of facilitating trade in cosmetic products between the Parties.

The Parties have agreed as follows:

Scope

1. This Annex shall apply to the preparation, adoption and application of technical regulations, standards, conformity assessment procedures, marketing authorisation¹ and notification procedures of central government bodies that may affect trade in cosmetic products between the Parties. This Annex shall not apply to a technical specification prepared by a governmental entity for its production or consumption requirements or a sanitary or phytosanitary measure.
2. A Party's obligations under this Annex shall apply to any product that the Party defines as a cosmetic product pursuant to paragraph 3. For the purposes of this Annex, preparation of a technical regulation, standard, conformity assessment procedure or marketing authorisation includes, as appropriate, the evaluation of the risks involved, the need to adopt a measure to address those risks, the review of relevant scientific or technical information, and the consideration of the characteristics or design of alternative approaches.

Definitions

3. For the purposes of this Annex:
 - (a) "marketing authorisation" means the process or processes by which a Party approves or registers a product in order to authorise its marketing, distribution or sale in the Party's territory. The process or processes may be described in a Party's laws or regulations in various ways, including "marketing authorisation", "authorisation", "approval", "registration", "sanitary authorisation", "sanitary registration" and "sanitary approval" for a product. Marketing authorisation does not include notification procedures;

¹ The application of this Annex to marketing authorisations is without prejudice to whether a marketing authorisation meets the definition of a standard, technical regulation or conformity assessment procedure.

- (b) “measure” includes any law, regulation, procedure, requirement or practice; and
- (c) “post-market surveillance” means procedures taken by a Party after a product has been placed on its market to enable the Party to monitor or address compliance with the Party’s domestic requirements for products.

Obligations

4. Each Party shall define the scope of the products subject to its laws and regulations for cosmetic products in its territory and make such information publicly available.
5. Recognising that each Party is required to define the scope of products covered by this Annex pursuant to paragraph 3, for the purposes of this Annex, a cosmetic product may include a product that is intended to be rubbed, poured, sprinkled, sprayed on or otherwise applied to the human body including the mucous membrane of the oral cavity and teeth, to cleanse, beautify, protect, promote attractiveness or alter the appearance.
6. Each Party shall identify the agency or agencies that are authorised to regulate cosmetic products in its territory and make such information publicly available.
7. If more than one agency is authorised to regulate cosmetic products within the territory of a Party, that Party shall examine whether there is overlap or duplication in the scope of those authorities and eliminate unnecessary duplication of any regulatory requirements resulting for cosmetic products.
8. The Parties shall seek to collaborate through relevant international initiatives, such as those aimed at harmonisation, as well as regional initiatives that support of those international initiatives, as appropriate, to improve the alignment of their respective regulations and regulatory activities for cosmetic products.
9. When developing or implementing regulations for cosmetic products, each Party shall consider relevant scientific or technical guidance documents developed through international collaborative efforts. Each Party is encouraged to consider regionally-developed scientific or technical guidance documents that are aligned with international efforts.
10. Each Party shall observe the obligations set out in Articles 2.1 and 5.1.1 of the WTO Agreement on Technical Barriers to Trade with respect to a marketing authorisation, notification procedure or elements of either that the Party prepares, adopts or applies for cosmetic products and that do not fall within the definition of a technical regulation or conformity assessment procedure.
11. Each Party shall ensure that it applies a risk-based approach to the regulation of cosmetic products.

12. In applying a risk-based approach in regulating cosmetic products, each Party shall take into account that cosmetic products are generally expected to pose less potential risk to human health or safety than medical devices or pharmaceutical products.

13. Neither Party shall conduct separate marketing authorisation processes or subprocesses for cosmetic products that differ only with respect to shade extensions or fragrance variants, unless the Party identifies a significant human health or safety concern.

14. Each Party shall administer any marketing authorisation process that it maintains for cosmetics products in a timely, reasonable, objective, transparent and impartial manner, and identify and manage any conflicts of interest in order to mitigate any associated risks.

- (a) If a Party requires marketing authorisation for a cosmetic product, that Party shall provide an applicant with its determination within a reasonable period of time.
- (b) If a Party requires marketing authorisation for a cosmetic product and it determines that a marketing authorisation application for a cosmetic product under review in its jurisdiction has deficiencies that have led or will lead to a decision not to authorise its marketing, that Party shall inform the applicant that requests marketing authorisation and provide reasons why the application is deficient.
- (c) If a Party requires a marketing authorisation for a cosmetic product, the Party shall ensure that any marketing authorisation determination is subject to an appeal or review process that may be invoked at the request of the applicant. For greater certainty, the Party may maintain an appeal or review process that is either internal to the regulatory body responsible for the marketing authorisation determination, such as a dispute resolution or review process, or external to the regulatory body.
- (d) If a Party has granted marketing authorisation for a cosmetic product in its territory, the Party shall not subject the product to periodic re-assessment procedures as a condition of retaining its marketing authorisation.

15. If a Party maintains a marketing authorisation process for cosmetic products, that Party shall consider replacing this process with other mechanisms such as voluntary or mandatory notification and post-market surveillance.

16. When developing regulatory requirements for cosmetic products, each Party shall consider its available resources and technical capacity in order to minimise the implementation of requirements that could:

- (a) inhibit the effectiveness of procedures for ensuring the safety or manufacturing quality of cosmetic products; or
 - (b) lead to substantial delays in marketing authorisation regarding cosmetic products for sale on that Party's market.
17. Neither Party shall require the submission of marketing information, including with respect to prices or cost, as a condition for the product receiving marketing authorisation.
18. Neither Party shall require a cosmetic product to be labelled with a marketing authorisation or notification number.
19. Neither Party shall require that a cosmetic product receive marketing authorisation from a regulatory authority in the country of manufacture, as a condition for the product receiving marketing authorisation from that Party. For greater certainty, this provision does not prohibit a Party from accepting a prior marketing authorisation issued by another regulatory authority as evidence that a product may meet its own requirements.
20. Neither Party shall require that a cosmetic product be accompanied by a certificate of free sale as a condition of marketing, distribution or sale in the Party's territory.
21. If a Party requires a manufacturer or supplier of a cosmetic product to indicate information on the product's label, the Party shall permit the manufacturer or supplier to indicate the required information by relabelling the product or by using supplementary labelling of the product in accordance with the Party's domestic requirements after importation but prior to offering the product for sale or supply in the Party's territory.
22. Neither Party shall require that a cosmetic product be tested on animals to determine the safety of that cosmetic product, unless there is no validated alternative method available to assess safety. A Party may, however, consider the results of animal testing to determine the safety of a cosmetic product.
23. If a Party prepares or adopts good manufacturing practice guidelines for cosmetic products, it shall use relevant international standards for cosmetic products, or the relevant parts of them, as a basis for its guidelines unless those international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued.
24. Each Party shall endeavour to share, subject to its laws and regulations, information from post-market surveillance of cosmetic products.
25. Each Party shall endeavour to share information on its findings or the findings of its relevant institutions regarding cosmetic ingredients.

26. Each Party shall endeavour to avoid re-testing or re-evaluating cosmetic products that differ only with respect to shade extensions or fragrance variants, unless conducted for human health or safety purposes.

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY
MEASURES**

SECTORAL ANNEX ON MEDICAL DEVICES

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Medical Devices for the purpose of facilitating trade in medical devices between the Parties.

The Parties have agreed as follows:

Scope

1. This Annex shall apply to the preparation, adoption and application of technical regulations, standards, conformity assessment procedures, marketing authorisation¹ and notification procedures of central government bodies that may affect trade in medical devices between the Parties. This Annex shall not apply to a technical specification prepared by a governmental entity for its production or consumption requirements or a sanitary or phytosanitary measure.
2. A Party's obligations under this Annex shall apply to any product that the Party defines as a medical device pursuant to paragraph 3. For the purposes of this Annex, preparation of a technical regulation, standard, conformity assessment procedure or marketing authorisation includes, as appropriate the evaluation of the risks involved, the need to adopt a measure to address those risks, the review of relevant scientific or technical information, and the consideration of the characteristics or design of alternative approaches.

Definitions

3. For the purposes of this Annex:
 - (a) "marketing authorisation" means the process or processes by which a Party approves or registers a product in order to authorise its marketing, distribution or sale in the Party's territory. The process or processes may be described in a Party's laws or regulations in various ways, including "marketing authorisation", "authorisation", "approval", "registration", "sanitary authorisation", "sanitary registration" and "sanitary approval" for a product. Marketing authorisation does not include notification procedures; and

¹ The application of this Annex to marketing authorisations is without prejudice to whether a marketing authorisation meets the definition of a standard, technical regulation or conformity assessment procedure.

- (b) “measure” includes any law, regulation, procedure, requirement or practice.

Obligations

4. Each Party shall define the scope of the products subject to its laws and regulations for medical devices in its territory and make that information publicly available.

5. Recognising that each Party is required to define the scope of products covered by this Annex pursuant to paragraph 3, each Party should define the scope of products subject to its laws and regulations for medical devices in a manner that is consistent with the meaning assigned to the term “medical device” in the Definition of the Terms ‘Medical Device’ and ‘In Vitro Diagnostic (IVD) Medical Device’ endorsed by the Global Harmonization Task Force on May 16, 2012, as may be amended.

6. Each Party shall identify the agency or agencies that are authorised to regulate medical devices in its territory and make that information publicly available.

7. If more than one agency is authorised to regulate medical devices within the territory of a Party, that Party shall examine whether there is overlap or duplication in the scope of those authorities and to take reasonable measures to eliminate unnecessary duplication of any regulatory requirements resulting for medical devices.

8. The Parties shall seek to collaborate through relevant international initiatives, such as those aimed at harmonisation, as well as regional initiatives that support of those international initiatives, as appropriate, to improve the alignment of their respective regulations and regulatory activities for medical devices.

9. When developing or implementing regulations for marketing authorisation of medical devices, each Party shall consider relevant scientific or technical guidance documents developed through international collaborative efforts. Each Party is encouraged to consider regionally-developed scientific or technical guidance documents that are aligned with international efforts.

10. Each Party shall observe the obligations set out in Articles 2.1 and 5.1.1 of the WTO Agreement on Technical Barriers to Trade with respect to a marketing authorisation, notification procedure or elements of either that the Party prepares, adopts or applies for medical devices and that do not fall within the definition of a technical regulation or conformity assessment procedure.

11. Recognising that different medical devices pose different levels of risk, each Party shall classify medical devices based on risk, taking into account scientifically relevant factors. Each Party shall ensure that, when it regulates a medical device, it regulates the device consistent with the classification the Party has assigned to that device.

12. Each Party recognises that the applicant is responsible for providing sufficient information to a Party for it to make a regulatory determination on a medical device.

13. Each Party shall make a determination whether to grant marketing authorisation for a specific medical device on the basis of:

- (a) information, including, where appropriate, clinical data, on safety and efficacy;
- (b) information on performance, design and manufacturing quality of the medical device;
- (c) labelling information related to safety, efficacy, and use of the device; and
- (d) other matters that may directly affect the health or safety of the user of the device.

To this end, neither Party shall require sale data, pricing or related financial data concerning the marketing of the medical device.

14. Each Party shall administer any marketing authorisation process that it maintains for medical devices in a timely, reasonable, objective, transparent and impartial manner, and identify and manage any conflicts of interest in order to mitigate any associated risks.

- (a) Each Party shall provide an applicant that requests marketing authorisation for a medical device with its determination within a reasonable period of time. The Parties recognise that the reasonable period of time required to make a marketing authorisation determination may be affected by factors such as the novelty of a device or regulatory implications that may arise.
- (b) If a Party determines that a marketing authorisation application for a medical device under review in its jurisdiction has deficiencies that have led or will lead to a decision not to authorise its marketing, that Party shall inform the applicant that requests marketing authorisation and provide reasons why the application is deficient.
- (c) If a Party requires marketing authorisation for a medical device, the Party shall ensure that any marketing authorisation determination is subject to an appeal or review process that may be invoked at the request of the applicant. For greater certainty, the Party may maintain an appeal or review process that is either internal to the regulatory body responsible for the marketing authorisation determination, such as a dispute resolution or review process, or external to the regulatory body.
- (d) If a Party requires periodic re-authorisation for a medical device that has previously received marketing authorisation from the Party, the

Party shall allow the medical device to remain on its market under the conditions of the previous marketing authorisation pending a decision on the periodic re-authorisation, unless a Party identifies a significant health or safety concern.

15. When developing regulatory requirements for medical devices, a Party shall consider its available resources and technical capacity in order to minimise the implementation of requirements that could:

- (a) inhibit the effectiveness of procedures for ensuring the safety, efficacy or manufacturing quality of medical devices; or
- (a) lead to substantial delays in marketing authorisation regarding medical devices for sale on that Party's market.

16. Neither Party shall require that a medical device receive a marketing authorisation from a regulatory authority in the country of manufacture as a condition for the medical device to receive marketing authorisation from that Party.

17. For greater certainty, a Party may accept a prior marketing authorisation that is issued by another regulatory authority as evidence that a medical device may meet its own requirements. If there are regulatory resource limitations, a Party may require a marketing authorisation from one of a number of reference countries established and made public by that Party as a condition for the medical device's marketing authorisation from that Party.

18. If a Party requires a manufacturer or supplier of a medical device to indicate information on the product's label, the Party shall permit the manufacturer or supplier to indicate the required information by relabelling the product or by using supplementary labelling of the device in accordance with the Party's domestic requirements after importation but prior to offering the device for sale or supply in the Party's territory.

16. The following shall be Annex 6 (Reservations to Chapter 9 (Financial Services)):

ANNEX 6

RESERVATIONS TO CHAPTER 9 (FINANCIAL SERVICES)

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out:
 - (a) headnotes or introductory notes that limit or clarify the commitments of a Party with respect to the obligations described in paragraph 1(b) and paragraph 1(c);
 - (b) in Section A, pursuant to Article 10.1 (Non-Conforming Measures) of Chapter 9 (Financial Services), a Party's existing measures that are not subject to some or all of the obligations imposed by:
 - (i) Article 3 (National Treatment) of Chapter 9 (Financial Services);
 - (ii) Article 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services);
 - (iii) Article 5 (Market Access for Financial Institutions) of Chapter 9 (Financial Services);
 - (iv) Article 6 (Cross-Border Trade) of Chapter 9 (Financial Services); or
 - (v) Article 9 (Senior Management and Boards of Directors) of Chapter 9 (Financial Services); and
 - (c) in Section B, pursuant to Article 10.2 (Non-Conforming Measures) of Chapter 9 (Financial Services), the specific sectors, subsectors or activities for which a Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (i) Article 3 (National Treatment) of Chapter 9 (Financial Services);
 - (ii) Article 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services);
 - (iii) Article 5 (Market Access for Financial Institutions) of Chapter 9 (Financial Services);

- (iv) Article 6 (Cross-Border Trade) of Chapter 9 (Financial Services); or
 - (v) Article 9 (Senior Management and Boards of Directors) of Chapter 9 (Financial Services).
2. Each Schedule entry in Section A sets out the following elements:
- (a) **Sector** refers to the sector for which the entry is made;
 - (b) **Sub-Sector**, where referenced, refers to the specific subsector for which the entry is made;
 - (c) **Obligations Concerned** specifies the obligations referred to in paragraph 1(b) that, pursuant to Article 10.1(a) (Non-Conforming Measures) of Chapter 9 (Financial Services), do not apply to the listed measures as indicated in the headnote or introductory note for each Party's Schedule;
 - (d) **Level of Government** indicates the level of government maintaining the listed measures;
 - (e) **Measures** identifies the laws, regulations or other measures for which the entry is made. A measure cited in the **Measures** element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (f) **Description**, sets out the non-conforming measure for which the entry is made.
3. Each Schedule entry in Section B sets out the following elements:
- (a) **Sector** refers to the sector for which the entry is made;
 - (b) **Sub-Sector**, where referenced, refers to the specific subsector for which the entry is made;
 - (c) **Obligations Concerned** specifies the obligations referred to in paragraph 1(c) that, pursuant to Article 10.2 (Non-Conforming Measures) of Chapter 9 (Financial Services), do not apply to the sectors, subsectors or activities listed in the entry;
 - (d) **Level of Government** indicates the level of government maintaining the listed measures;

- (e) **Description** sets out the scope or nature of the sectors, subsectors or activities covered by the entry to which the reservation applies; and
- (f) **Existing Measures** identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, subsectors or activities covered by the entry.

4. Parties recognise that measures falling under exceptions applicable to this Chapter, such as those in Article 11 (Exceptions) of Chapter 9 (Financial Services), need not be scheduled. Nevertheless, some Parties have listed measures that may fall within applicable exceptions. For greater certainty, the listing of a measure in a Party's Schedule to Annex 6 is without prejudice to whether that measure or any other measure:

- (a) adopted or maintained by the Party; or
- (b) adopted or maintained by the other Party;

is covered by exceptions such as those in Article 11 (Exceptions) of Chapter 9 (Financial Services).

5. Article 1 (Definitions) of Chapter 9 (Financial Services) shall apply to this Annex.

ANNEX 6

AUSTRALIA'S RESERVATIONS TO CHAPTER 9 (FINANCIAL SERVICES)

HEADNOTES

1. Commitments under Chapter 9 (Financial Services) are undertaken subject to the limitations and conditions set forth in these headnotes and the Schedule below.
2. To clarify Australia's commitment with respect to Article 5 (Market Access for Financial Institutions) of Chapter 9 (Financial Services), juridical persons supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form.¹
3. Article 10.1(c) (Non-Conforming Measures) of Chapter 9 (Financial Services) shall not apply to non-conforming measures relating to Article 5(b) (Market Access for Financial Institutions) of Chapter 9 (Financial Services).

¹ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for authorised depository institutions in Australia. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

ANNEX 6

Section A

A-1

Sector:	Financial Services
Sub-Sector:	Banking and other financial services (excluding insurance)
Type of Reservation	National Treatment Market Access for Financial Institutions
Level of Government:	Central
Source of Measure:	<i>Banking Act 1959 (Cth)</i> <i>Payment Systems (Regulation) Act 1998 (Cth)</i>

Description of Reservation: A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000.

A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.

A-2

Sector: Financial Services

Sub-Sector: All

Type of Reservation: Senior Management and Boards of Directors

Level of Government: Central

Source of Measure: *Corporations Act 2001 (Cth)*
Corporations Regulations 2001 (Cth)

Description of Reservation: At least one director of a private company must be ordinarily resident in Australia.

At least two directors of a public company must be ordinarily resident in Australia.

A-3

Sector:	Financial Services
Sub-Sector:	Banking and other financial services (excluding insurance)
Type of Reservation:	National Treatment
Level of Government:	Central
Source of Measure:	<i>Commonwealth Banks Act 1959</i> (Cth)
Description of Reservation:	Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.

A-4

Sector: Financial Services

Sub-Sector: Life insurance services

Type of Reservation: National Treatment
Market Access for Financial Institutions

Level of Government: Central

Source of Measure: *Life Insurance Act 1995* (Cth)

Description of Reservation: Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.

A-5

Sector: Financial Services

Sub-Sector:

Type of Reservation: National Treatment

Level of Government: Regional

Source of Measure: *Second-hand Dealers and Pawnbrokers Act 2003 (Qld)*

Description of Reservation: A person operating as a second-hand dealer or as a pawnbroker must have a principal place of business in Queensland where a document can be served personally A post office box does not suffice.

A-6

Sector: Financial Services

Sub-Sector:

Type of Reservation: National Treatment

Level of Government: Regional

Source of Measure: *Credit (Administration) Act 1984 (WA)*
Credit (Administration) Regulations 1985 (WA)
Debt Collectors Licensing Act 1964 (WA)
Debt Collectors Licensing Regulations 1964 (WA)
Finance Brokers Control Act 1975 (WA)
Finance Brokers (General) Regulations 1977 (WA)

Description of Reservation: A natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia.

Any person (including an incorporated body) seeking to exercise or carry on the business or any functions of a debt collector in Western Australia, must have a principal place of business in the State.

A natural person seeking to carry on business as a finance broker in Western Australia must be ordinarily resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.

A-7

Sector: Financial Services

Sub-Sector: All

Type of Reservation: Market Access for Financial Institutions

Level of Government: Regional

Description of Reservation: Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia's obligations under Article XVI of GATS.

ANNEX 6

Section B

B-1

Sector: Financial Services

Sub-Sector: All

Type of Reservation: National Treatment

Level of Government: Central and regional

Description of Reservation: Australia reserves the right to adopt or maintain any measure with respect to the guarantee by government of government-owned entities whose operations include the provision of financial services, including guarantees related to the privatisation of such entities.

ANNEX 6

SINGAPORE'S RESERVATIONS TO CHAPTER 9 (FINANCIAL SERVICES)

HEADNOTES

1. Commitments under Chapter 9 (Financial Services) are undertaken subject to the limitations and conditions set forth in these headnotes and the schedule below.
2. To clarify Singapore's commitment with respect to Article 5(b) (Market Access for Financial Institutions) of Chapter 9 (Financial Services), juridical persons supplying financial services are subject to non-discriminatory limitations on juridical form.¹
3.
 - (a) Singapore reserves the right to require a foreign bank that is systemically important to incorporate within Singapore, provided that such a requirement is applied in a reasonable, objective, and impartial manner. Before imposing such a requirement, Singapore will take into account such factors as the quality of home country regulation and supervision over the bank, degree of protection accorded to depositors in the home country vis-à-vis depositors in Singapore, and the amount of assets held or situated in Singapore.
 - (b) Singapore shall not impose the requirement described in subparagraph (a) with respect to a foreign bank of another Party, unless it:
 - (i) notifies the bank and the other Party of its intent at least six months before imposing the requirement;
 - (ii) consults with the other Party concerning the requirement and gives due consideration to the views expressed by the other Party in this respect; and
 - (iii) allows the bank a reasonable time to comply with the requirement.
4. **Description** sets out the non-conforming measure for which the entry is made.
5. For entries in Section A, in accordance with Article 10.1(a) (Non-Conforming Measures) of Chapter 9 (Financial Services), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming measures identified in the **Description** element of that entry.
6. For entries in Section B, in accordance with Article 10.2 (Non-Conforming Measures) of Chapter 9 (Financial Services), the articles of this Agreement specified

¹ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in Singapore. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

in the **Obligations Concerned** element of an entry do not apply to the sectors, subsectors and activities identified in the **Description** element of that entry.

ANNEX 6

SECTION A

A-1

Sector: Financial Services

Sub-Sector: Banking

**Obligations
Concerned:** National Treatment
Market Access for Financial Institutions

**Level of
Government:** National

Measure: *Banking Act, Cap. 19*
Guidelines for Operation of Wholesale Banks
Guidelines for Operation of Offshore Banks

Reservation: No new full bank licenses will be granted to foreign banks.

No foreign bank can have more than one place of business, establish off-premise ATMs, establish ATM networking or provide debit services through an Electronic Funds Transfer at Point of Sale (EFTPOS) network.

Wholesale Banks

Wholesale banks are not permitted to:

- (a) accept Singapore dollar fixed deposits of less than S\$250,000;
- (b) offer savings accounts;
- (c) operate interest-bearing Singapore dollar current accounts for natural persons who are Singapore residents;
- (d) issue Singapore dollar bonds and negotiable certificates of deposit, unless the requirements pertaining to minimum maturity period, minimum denomination or class of investors contained in the Guidelines for Operation of Wholesale Banks issued by the Monetary Authority of Singapore and/or its successor body are complied with.

Offshore banks

Offshore banks are not permitted to:

- (a) provide credit facilities to non-bank residents of Singapore in

Singapore dollars exceeding a total of S\$500 million at any one time;

(b) offer savings account;

(c) accept any fixed or other interest-bearing deposits in Singapore dollars from non-bank residents of Singapore;

(d) operate current accounts for non-bank residents unless the accounts are offered:

(i) in connection with credit facilities granted to, or other business dealings with the customer; or

(ii) to customers of the bank's head office;

(e) operate interest-bearing Singapore dollar current accounts for natural persons who are Singapore residents;

(f) accept Singapore dollar fixed deposits of less than S\$250,000 from non-bank non-residents;

(g) issue Singapore dollar bonds and negotiable certificates of deposit, unless the requirements pertaining to minimum maturity period, minimum denomination or class of investors contained in the Guidelines for Operation of Offshore Banks issued by the Monetary Authority of Singapore and/or its successor body are complied with.

A-2

Sector: Financial Services

Sub-Sector: Banking

Obligations Concerned: Market Access for Financial Institutions

Level of Government: National

Measure: *Finance Companies Act*, Cap. 108

Reservation: No new finance company licenses will be granted.

Finance companies may only establish as Singapore-incorporated companies.

Finance companies are not permitted to establish off-premise ATMs, ATM networking, or allow their accounts to be debited through an Electronic Funds Transfer at Point of Sale (EFTPOS).

A-3

Sector: Financial Services

Sub-Sector: Banking

Obligations Concerned: Market Access for Financial Institutions

Level of Government: National

Measure: *Banking Act, Cap. 19*
Monetary Authority of Singapore Act, Cap. 186
Guidelines for Operation of Merchant Banks

Reservation: No merchant bank may establish more than one customer service location.

A-4

Sector: Financial Services

Sub-Sector: Banking

Obligations Concerned: National Treatment
Market Access for Financial Institutions

Level of Government: National

Measure: *Banking Act, Cap. 19*
Central Provident Fund Act, Cap. 36

Reservation: Only foreign banks with Qualifying Full Bank privileges and local banks may apply to provide Supplementary Retirement Scheme accounts and Central Provident Fund Investment Scheme accounts.

Only foreign banks with Qualifying Full Bank privileges and local banks may apply to accept fixed deposits under the Central Provident Fund Investment Scheme and Minimum Sum Scheme.

A-5

Sector: Financial Services

Sub-Sector: Banking

Obligations Concerned: National Treatment

Level of Government: National

Measure: *Banking Act, Cap. 19*
Monetary Authority of Singapore Act, Cap. 186

Reservation: No foreign person shall, acting alone or in concert with other persons, assume control of any Singapore-incorporated bank or its financial holding company which is regulated by MAS (other than a Singapore-incorporated bank or financial holding company that is controlled by a financial institution of another Party).

Approval from the Minister is required before a person, either alone or together with associated persons, is allowed to acquire indirect control over and shareholdings or voting control of or exceeding 5%, 12% or 20% in a Singapore-incorporated bank or a financial holding company, and before a Singapore-incorporated bank or a financial holding company is merged or taken over by any other body.

In approving applications to exceed the threshold limits, the Minister may impose conditions that are considered necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system.

A foreign person is a person that is:

- (a) in the case of a natural person, not a citizen of Singapore; and
- (b) in the case of a corporation, not controlled by citizens of Singapore.

A-6

Sector: Financial Services

Sub-Sector: Banking

Obligations Concerned: Senior Management and Board of Directors

Level of Government: National

Measure: *Banking Act*, Cap. 19, MAS Notice No. 622
Banking (Corporate Governance) Regulations

Reservation: A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.

A-7

Sector:	Financial Services
Sub-Sector:	Settlement and clearing services for financial assets
Obligations Concerned:	National Treatment Market Access for Financial Institutions
Level of Government:	National
Measure:	<i>Banking Act, Cap. 19</i>
Reservation:	Only the clearing house established under the Banking Act may provide clearing services for cheques and other credit instruments which are drawn on a bank in Singapore (whether payable in Singapore dollars or other currency), and services for interbank GIRO transfers.

A-8

Sector: Financial Services

Sub-Sector:

Obligations Concerned: Market Access for Financial Institutions

Level of Government: National

Measure: *Securities and Futures Act, Cap. 289*

Reservation: The establishment or operation of securities and futures markets as approved exchanges, recognized market operators or exempt market operators, is subject to the authorisation, including the imposition of conditions for authorisation, by the Monetary Authority of Singapore and/or its successor body. In authorising such markets or in imposing conditions on the operations of such markets, Singapore may take into account factors including (but not limited to) market structure, fragmentation of liquidity, range of products offered and the type of investors targeted.

A-9

Sector:	Financial Services
Sub-Sector:	Asset management
Obligations Concerned:	National Treatment
Level of Government:	National
Measure:	Admission Criteria, Guidelines and Application Forms for Fund Management and Insurance Companies included under CPFIS
Reservation:	<p>In considering the admission of Fund Management Companies (FMCs) under the Central Provident Fund Investment Scheme (CPFIS), the Central Provident Fund Board and/or its successor body takes into consideration the following factors:</p> <ul style="list-style-type: none">(a) whether the FMC has a minimum one-year track record as a capital markets services license holder under the Securities and Futures Act (Cap. 289) in the fund management industry in Singapore while the group as a whole has a minimum of 3 years track record in fund management;(b) whether the FMC manages at least S\$500 million worth of funds in Singapore;(c) whether the FMC has a minimum of 3 fund managers, one of whom must have at least 5 years of fund management experience. For the purpose of this reservation, the definition of “fund manager” shall include portfolio managers, research analysts and traders.

A-10

Sector:	Financial Services
Sub-Sector:	Participation in all kinds of securities, including underwriting and placement as agent and provision of service related to such issues
Obligations Concerned:	Market Access for Financial Institutions
Level of Government:	National
Measure:	<i>Banking Act, Cap. 19</i>
Reservation:	Banks' and merchant banks' membership on any securities exchange or futures exchange established in Singapore must be held through subsidiaries incorporated in Singapore.

A-11

Sector:	Financial Services
Sub-Sector:	Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services
Obligations Concerned:	National Treatment Market Access for Financial Institutions
Level of Government:	National
Measure:	<i>Companies Act, Cap. 50</i>
Reservation:	Only the Central Depository Pte Ltd and/or its successor body is authorised to provide custodial services for book-entry securities.

A-12

Sector: Financial Services

Sub-Sector: Payment and non-money transmission services

Obligations Concerned: National Treatment

Level of Government: National

Measure: *Money-Changing and Remittance Businesses Act, Cap. 187*

Reservation: Remittance shops and money-changing businesses, except where the remittance or money-changing business is conducted by banks, merchant banks and finance companies, must be majority-owned by Singapore citizens (i.e. ownership of more than 50% shareholding).

A-13

Sector:	Financial Services
Sub-Sector:	Insurance
Obligations Concerned:	National Treatment
Level of Government:	National
Measure:	Admission Criteria, Guidelines and Application Forms for Fund Management and Insurance Companies included under CPFIS
Reservation:	<p>In considering the admission of insurers under the Central Provident Fund Investment Scheme (CPFIS), the Board takes into consideration the following factors:</p> <ul style="list-style-type: none">(a) whether the insurer is registered under the Insurance Act to carry on life insurance business;(b) whether the insurer has a minimum one-year track record as a registered insurer in Singapore;(c) whether the insurer employs a minimum of three fund management staff, one of whom have at least five years of fund management experience. The other two may only have two years of fund management experience if he or she:<ul style="list-style-type: none">(i) is a fully qualified Chartered Financial Analyst (CFA), or(ii) is an Associate of the Society of Actuaries, or(iii) holds a Certificate in Finance and Investments from the Institute of Actuaries, or(iv) holds an equivalent qualification from any of the professional actuarial bodies recognised in Singapore.

Note: The above listed are the basic criteria for insurers to be included under CPFIS. The Board, in consultation with MAS, may consider an applicant for admission, on case by case basis, if the applicant does not meet a specific criterion but has other strengths. Insurers that pass the qualifying criteria stated above will be allowed to offer new investment-linked insurance products (ILPs) and manage ILP sub-funds.

A-14

Sector: Financial Services

Sub-Sector: Insurance

Obligations Concerned: Market Access for Financial Institutions

Level of Government: National

Measure: *Insurance Act*, Cap. 142

Reservation: All insurance brokers must be established as Singapore-incorporated companies.

A-15

Sector: Financial Services

Sub-Sector: Insurance

Obligations Concerned: Market Access for Financial Institutions

Level of Government: National

Measure: *Insurance Act*, Cap. 142

Reservation: Captive insurers may only establish as Singapore-incorporated companies.

A-16

Sector: Financial Services

Sub-Sector: Insurance

Obligations Concerned: Cross Border Trade

Level of Government: National

Measure: *Motor Vehicles (Third Party Risks and Compensation) Act, Cap. 189*
Work Injury Compensation Act, Cap. 354

Reservation: Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can only be purchased directly or through an intermediary from registered insurers in Singapore.

A-17

Sector: All

Sub-Sector: -

Obligations Concerned: Cross Border Trade

Level of Government: National

Measure: *Financial Advisers Act, Cap. 110*
Insurance Act, Cap. 142

Reservation: The placement of domestic risks outside Singapore by brokers is subject to approval by the Monetary Authority of Singapore, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of ship owners insured by a maritime mutual insurer, or marine, aviation and transit business insured with an approved MAT insurer.

A-18

Sector: All

Sub-Sector: -

Obligations Concerned: Cross Border Trade

Level of Government: National

Measure: *Banking Act, Cap. 19, MAS Notice 757*
Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105
Finance Companies Act, Cap. 108, MAS Notice 816
Insurance Act, Cap. 142, MAS Notice 109
Securities and Futures Act, Cap. 289, MAS Notice SFA 04-N04

Reservation: A non-resident financial institution may in certain circumstances be unable to borrow in Singapore dollars more than S\$5 million from a resident financial institution owing to the following restrictions placed on financial institutions' lending of the Singapore dollar to non-resident financial institutions.

A financial institution shall not extend to any non-resident financial institution Singapore dollar (S\$) credit facilities exceeding S\$5 million per non-resident financial institution:

(a) where the S\$ proceeds are to be used outside of Singapore, unless:

(i) such proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad; or

(ii) such proceeds are for the purpose of preventing settlement failures where the financial institution extends a temporary S\$ overdraft to any vostro account of any non-resident financial institution, and the financial institution takes reasonable efforts to ensure that the overdraft is covered within two business days; and

(b) where there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation, regardless of whether the S\$ proceeds are to be used in Singapore or outside of Singapore.

A financial institution shall not arrange S\$ equity or bond issues for any non-resident financial institution where the S\$ proceeds are to

be used outside Singapore, unless the proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad.

“Non-residents financial institution” means any financial institution which is not a resident as defined in the relevant notice.

A-19

Sector: All

Sub-Sector: -

Obligations Concerned: Senior Management and Board of Directors

Level of Government: National

Measure: *Companies Act, Cap. 50*

Reservation: Every Singapore-incorporated company shall have at least one director who is ordinarily resident in Singapore.

ANNEX 6

SECTION B

B-1

Sector: Financial Services

Sub-Sector: Banking

**Obligations
Concerned:** National Treatment
Market Access for Financial Institutions

**Level of
Government:** National

Measure: *Banking Act*, Cap. 19, MAS Notice 619

Reservation: Singapore reserves the right to adopt or maintain any measure affecting the supply of services by foreign banks with Qualifying Full Bank privileges, save that any such measures shall not decrease the Qualifying Full Bank Privileges in respect of the supply of services enjoyed by foreign banks with Qualifying Bank Privileges as of the date of entry into force of this Agreement.

B-2

Sector:	Financial Services
Sub-Sector:	Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments
Obligations Concerned:	Market Access for Financial Institutions
Level of Government:	National
Measure:	<i>Companies Act, Cap. 50</i> <i>Securities and Futures Act, Cap. 289</i>
Reservation:	Singapore reserves the right to adopt or maintain any measure affecting the supply of clearing and settlement services for exchange traded securities, financial futures and interbank transfers.

B-3

Sector: Financial Services

Sub-Sector: Social Services

Obligations Concerned: Market Access for Financial Institutions
Cross-Border Trade

Level of Government: National

Measure: -

Reservation: Singapore reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and the following services to the extent that they are social services established or maintain for a public purpose: income security and insurance, social security, social welfare, social development, poverty reduction, public education, public training, health, and childcare.

B-4

Sector: Financial Services

Sub-Sector: -

Obligations Concerned: National Treatment
Market Access for Financial Institutions

Level of Government: National

Measure: -

Reservation: Singapore reserves the right to adopt or maintain any measure in the form of subsidies or grants provided by Singapore that affects the supply of any financial service by any financial service supplier, which Singapore deems necessary:

(a) for the development of local small and medium enterprises;

(b) to facilitate or enable the supply of any service to Singapore enterprises that is not being supplied in Singapore or that is not being supplied efficiently.

B-5

Sector: Financial Services

Sub-Sector: -

Obligations Concerned: National Treatment
Market Access for Financial Institutions

Level of Government: National

Measure: -

Reservation: Singapore reserves the right to adopt or maintain any measure in the form of subsidies or grants provided by Singapore in connection with the supply of any financial service involving what Singapore deems as systemically important financial markets infrastructure, including:

- (a) Exchanges;
- (b) Central Depositories;
- (c) Repositories;
- (d) Clearing and Settlement facilities; and
- (e) Market operators

B-6

Sector: Financial Services

Sub-Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment

Level of Government: National

Measure: -

Reservation: 1. Subject to paragraph 2, the obligation under Article 4 (Most-Favoured-Nation Treatment) of Chapter 9 (Financial Services) shall only apply to differential treatment that is accorded to a country pursuant to a bilateral or multilateral international agreement that is signed and enters into force after the date of entry into force of this Agreement for Singapore and that is not pursuant or related to, or under any prior international agreements which Singapore has with that country.

2. Singapore reserves the right to adopt or maintain any measure that accords preferential treatment to the European Union pursuant to the European Union – Singapore Free Trade Agreement, initialled on 20 September 2013 including any subsequent amendments.

17. The following shall be Annex 7 (Code of Conduct for Arbitrators appointed under Chapter 8 (Investment) and Chapter 16 (Dispute Settlement)):

ANNEX 7

CODE OF CONDUCT FOR ARBITRATORS APPOINTED UNDER CHAPTER 8 (INVESTMENT) AND CHAPTER 16 (DISPUTE SETTLEMENT)

Definitions

For the purposes of this Annex, unless otherwise specified:

“arbitrator” means a member of a tribunal appointed under Article 27 (Selection of Arbitrators) of Chapter 8 (Investment) or Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement) .

“proceeding” means a tribunal proceeding under Chapter 8 (Investment) or Chapter 16 (Dispute Settlement).

Responsibilities to the Process

1. Every arbitrator shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process are preserved. Former arbitrators shall comply with the obligations established in paragraphs 17, 18, 19 and 20.

Disclosure Obligations

2. Prior to confirmation of his or her selection as an arbitrator under this Agreement, a candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.

3. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships and matters referred to in paragraph 2 and shall disclose them by communicating them in writing to the Parties for their consideration. The obligation to disclose is a continuing duty, which requires an arbitrator to disclose any such interests, relationships and matters that may arise during any stage of the proceeding.

Performance of Duties by Arbitrators

4. An arbitrator shall comply with the provisions of Chapter 8 (Investment) and Chapter 16 (Dispute Settlement) and the applicable rules of procedure.

5. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.
6. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.
7. An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.
8. An arbitrator shall take all appropriate steps to ensure that any staff he or she may appoint, with the approval of the Parties, are aware of, and comply with paragraphs 1, 2, 3, 18, 19 and 20.
9. An arbitrator shall not engage in *ex parte* contacts concerning the proceeding.
10. An arbitrator shall not communicate matters concerning actual or potential violations of this Annex unless the communication is to both Parties or is necessary to ascertain whether an arbitrator has violated or may violate this Annex.

Independence and Impartiality of Arbitrators

11. An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall avoid creating an appearance of impropriety or bias.
12. An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a disputing party or non-disputing Party, or fear of criticism.
13. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the arbitrator's duties.
14. An arbitrator shall not use his or her position on the tribunal to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such a position.
15. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator's conduct or judgment.
16. An arbitrator shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator's impartiality or that might reasonably create an appearance of impropriety or bias.

Duties in Certain Situations

17. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out the arbitrator's duties or would benefit from the decision or ruling of the tribunal.

Maintenance of Confidentiality

18. An arbitrator or former arbitrator shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others.

19. An arbitrator shall not disclose a tribunal ruling or parts thereof prior to its publication except in accordance with Chapter 8 (Investment) and Chapter 16 (Dispute Settlement).

20. An arbitrator or former arbitrator shall not at any time disclose the deliberations of a tribunal, or any arbitrator's view except as required by law.

Additional procedures relating to disputes under Chapter 16 (Dispute Settlement):

For the purposes of paragraphs 21, 22, 23 and 24;

“arbitrator” means a member of a tribunal appointed under Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement); and

“proceeding” means a tribunal proceeding under Chapter 16 (Dispute Settlement).

21. If a Party considers that an arbitrator has violated the Code of Conduct, it shall notify the other Party and seek to reach agreement as to whether or not there has been a violation no later than 10 days after the notification.

22. If the Parties agree that an arbitrator has violated this Code of Conduct, they may remove the arbitrator, waive the violation, or request the arbitrator to take steps within a specified time period to cease or ameliorate the violation. If the Parties agree to waive the violation or determine that, after taking steps, the violation has ceased, the arbitrator may continue to serve on the tribunal.

23. If a selected arbitrator is removed pursuant to paragraph 22, the Parties shall select a replacement as expeditiously as possible in accordance with the selection procedure that was followed to select that arbitrator pursuant to Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).

24. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorised to take steps to seek to cease or ameliorate a violation, or otherwise becomes unavailable, and ending on the date specified for taking steps to cease or ameliorate the violation, a replacement is selected, or the violation has ceased.

This Agreement to Amend the Singapore-Australia Free Trade Agreement shall enter into force on the date of the latest note of an exchange of notes confirming that each Party has completed its respective domestic requirements for entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their governments, have signed this amendment.

DONE, in duplicate, at Canberra on 13 October 2016.

FOR THE GOVERNMENT OF
AUSTRALIA:

FOR THE GOVERNMENT OF THE
REPUBLIC OF SINGAPORE:

.....
The Hon Steven Ciobo MP
Minister for Trade, Tourism and
Investment
Australia

.....
Mr Lim Hng Kiang
Minister for Trade and Industry (Trade)
Singapore