

Plurilateral Arrangement Relating to Cooperation on Non-Tariff Barriers

The Participants to this Arrangement (referred hereinafter as “the Participants”):

DESIRING to develop and enhance their cooperation on addressing non-tariff barriers (“NTBs”);

RECOGNISING the significant and negative impact that NTBs have on the ability of businesses to access export markets, thus constraining trade;

ACKNOWLEDGING also that each NTB is different in scope and effect, and there is no one-size-fits-all approach to addressing them;

FURTHER RECOGNISING that gender-responsive policies and practices are important when addressing barriers to trade and advancing women’s economic empowerment;

RECALLING the Participants’ rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and its Annexes (“WTO Agreements”);

REAFFIRMING the Participants’ commitment to protecting and developing the rules-based multilateral trading system, which underpins fair and open trade;

FURTHER RECOGNISING that closer collaboration can support common benefits for the businesses and people of the Participants’ economies as part of a progressive and inclusive system of trade;

AIMING to enhance the existing level of cooperation where the Participants have common interests in addressing non-tariff barriers.

Have reached the following understanding:

PARAGRAPH 1 OBJECTIVES

1. The objectives of this Arrangement are to:

- a) establish a framework for cooperation among the Participants in addressing NTBs of shared concern affecting their exporters;
- b) establish a platform for constructive engagement and information sharing among the Participants;

- c) provide a platform for information and experience sharing among the Participants on the effectiveness of respective approaches to addressing NTBs, as well as engagement with businesses and other relevant stakeholders on NTBs; and
- d) communicate a shared commitment to the rules-based trading system, open trade, and the centrality of the World Trade Organization.

2. This Arrangement does not create legal rights or obligations under international law.

PARAGRAPH 2 SCOPE OF COOPERATION

1. For the purpose of this Arrangement, NTBs are:
 - a) a subset of non-tariff measures that Participants consider to block, restrict or distort trade in goods for protectionist reasons or in a manner that is discriminatory or that is inconsistent with the WTO Agreements; and
 - b) are limited to measures within the scope of the WTO Agreement on Technical Barriers to Trade or measures within the scope of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.
2. The Participants will foster enhanced cooperation to support the resolution of NTBs of mutual interest. Cooperation can be in the following areas:

Addressing non-tariff barriers

- a) Each Participant will identify and prepare a list of relevant NTBs imposed by WTO Members. The NTBs identified by the Participants will be collated into a consolidated list of identified NTBs ("Consolidated List") by the New Zealand Contact Point¹. The list provided by each Participant should contain no more than 30 NTBs.
- b) On an annual basis, or more frequently as necessary, the Participants will jointly consider the consolidated list and select those that are shared priorities to be addressed. These discussions may be held over virtual means.
- c) Where an NTB is identified as a priority for at least three (3) Participants, those Participants or subsequently interested Participants will cooperate to address that NTB.
- d) Notwithstanding sub-Paragraphs 2(2)(a)-2(2)(c), a Participant may raise an NTB of concern affecting its exporters for the consideration of other Participants

¹ The collation of the consolidated list may be conducted by other Participants, if jointly decided.

at any time, with a view to identifying possible synergies or cooperative approaches to address the NTB with other interested Participants.

Other areas of cooperation

3. The Participants may also share their experiences and knowledge, including in the following areas:
 - a) how their respective business communities are supported to identify and raise NTBs with their government;
 - b) the systems and approaches to identifying, tracking and resolving NTBs; and
 - c) the effectiveness of different mechanisms aimed at reducing NTBs.
4. The Participants may establish terms of reference for the exchange of information referred to in Paragraph 2(3).

**PARAGRAPH 3
FORMS OF COOPERATION**

1. The Participants that are cooperating to address an NTB will jointly decide on the appropriate approach to be undertaken for that NTB. The form of cooperation may include, but is not limited to:
 - a) joint informal dialogue with or representations to the government of the WTO Member that is imposing the NTB;
 - b) greater coordination between the Participants in the multilateral, plurilateral and regional trade architecture in targeting the NTB;
 - c) utilising relevant mechanisms within the WTO Agreements and relevant free trade agreements, to address the NTB; and
 - d) any other strategic approach as may be decided by the Participants.

**PARAGRAPH 4
REVIEW OF SCOPE OF COOPERATION**

1. The Participants will initiate a review of the scope of cooperation as set out in Paragraph 2, following two (2) years of the entry into effect of this Arrangement with a view to concluding the review within twelve (12) months. The review will include consideration of expansion of the scope of NTBs.

PARAGRAPH 5 IMPLEMENTATION

1. The Participants will carry out the cooperation provided for in this Arrangement in a manner consistent with the WTO Agreements, other relevant free trade agreements and their respective national laws, rules, regulations and policies.
2. The Participants anticipate there will be an initial period of confidence building, during which the Participants focus on the “Other areas of cooperation” described in Paragraph 2(3) before undertaking the actions set out in Paragraph 2(2). Participants will commence the actions outlined in Paragraph 2(2)(a) within twelve (12) months of entry into effect of this Arrangement.
3. The cooperative activities provided for in this Arrangement will be carried out subject to the Participants’ available resources.
4. The Participants may meet at agreed times to follow up on the progress of addressing the Consolidated List of NTBs and to provide updates on the forms of cooperation. Meetings may be held in person, via teleconference, videoconference, or any other means as agreed by the Participants.

PARAGRAPH 6 EFFECTIVE DATE

1. This Arrangement will enter into effect on the date on which the New Zealand Contact Point has received the written notification of at least eight WTO Members which have indicated their intention to participate in this Arrangement.

PARAGRAPH 7 TERMINATION OF PARTICIPATION

1. A Participant may terminate its participation from this Arrangement by providing written notice to the other Participants via their designated Contact Points.

PARAGRAPH 8 AMENDMENTS

1. This Arrangement may be amended by consensus decision by the Participants.

PARAGRAPH 9 NEW PARTICIPANTS

1. Application to join this Arrangement through an expression of interest will be open to any WTO Member interested in cooperation on addressing NTBs in line with the objectives of this Arrangement.

2. The WTO Member may then notify the New Zealand Contact Point, in writing, of its request to join this Arrangement.
3. Expressions of interest from any WTO Members to join this Arrangement will be considered by the Participants collectively via their designated Contact Points.
4. A decision to accept a WTO Member's request to join this Arrangement will be taken jointly between the Participants, and the WTO Member will be informed.
5. This Arrangement will enter into effect for that WTO Member on the date of written confirmation from the New Zealand Contact Point.

PARAGRAPH 10 CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

1. Nothing in this Arrangement will be construed as requiring a Participant to disclose, furnish, or provide access to confidential information, or any other information where such disclosure of that information is contrary to its public interest.
2. If a Participant provides information in relation to this Arrangement to another Participant and designates the information as confidential, any receiving Participant will maintain the confidentiality of the information, including in the event that it terminates its participation in this Arrangement.

PARAGRAPH 11 CONTACT POINTS

1. Each Participant will designate a contact point that will be responsible for coordination and facilitation of the cooperation activities under this Arrangement ("Contact Point").
2. A document providing contact details of the Contact Point for each Participant (List of Contact Points) will be maintained separately and will not form part of this Arrangement.