

## ANNEX 2B

### IMPLEMENTATION AND REVIEW OF ECONOMIC COOPERATION ACTION PLANS AND RELATED TARIFF RATE QUOTAS

1. The Parties acknowledge and appreciate the collaborative efforts made by each other to enhance economic cooperation and foster a strong partnership between their economies.
2. The Parties take note of Chapter 14 (Economic Cooperation and Technical Assistance), particularly Article 14.9 (Action Plans) and the action plans therein agreed between the Parties, particularly for Apples (HS 08081000), Honey (HS 0409000) and Kiwifruit (HS 08105000) as listed in Annex 14A (Agricultural Cooperation and Technical Assistance Thematic Areas). These action plans are valid for a period of five years from the date of their commencement and thereafter may be extended for a specific period on terms mutually decided by the Parties in writing.
3. Further, Parties also note that India has agreed to provide tariff rate quotas (“TRQs”) and market access to New Zealand for goods listed in paragraph 2, as specified in Annex 2A (Schedules of Tariff Commitments). The TRQs and the market access offered are subject to New Zealand’s actions to fulfil its obligations under the respective action plans within the timelines set out in paragraph 2.
4. For the purposes of operation and implementation of the action plans listed in paragraph 2 and Annex 2A (Schedules of Tariff Commitments), and to realise the shared objectives and commitments therein, New Zealand shall, in accordance with Chapter 14 (Economic Cooperation and Technical Assistance), ensure that resources and support are made available to fulfil its commitments under those action plans. Such resources or support by New Zealand is excluded from investment by New Zealand in accordance with Chapter 9 (Investment Promotion and Cooperation).
5. The Parties shall, through the Joint Agriculture Productivity Council (“JAPC”) established pursuant to Article 14.5 (Joint Agriculture Productivity Council) meet at least once every six months after the date of entry into force of this Agreement to review the progress of the action plans listed in paragraph 2.
6. The JAPC shall:
  - (a) determine the deliverables of action plans;
  - (b) address issues relating to the administration or operation of this Annex;

- (c) modify or extend the action plans listed in paragraph 2, if mutually agreed; and
  - (d) undertake any other task recommended by the Joint Committee.
- 7. India may request consultations with New Zealand and agree to a mutually satisfactory solution, where New Zealand is unable to fulfil its obligations or commitments as set out in the action plans listed in paragraph 2. For the purposes of consultations, India shall set out the reasons for the request, including identification of the action plan at issue and an indication of a basis for the request, and any other issue of concern.
- 8. If no mutually agreed solution is reached within 30 days from the date of the request referred to in paragraph 7, either Party may refer the matter to the JAPC, and the JAPC shall meet to consider the matter. If the JAPC does not reach a mutually agreed solution within 60 days of the date of the referral to the JAPC, either Party may refer the matter to the Joint Commission.
- 9. If the Joint Commission does not reach a mutually agreed solution within 60 days of the referral, either Party may refer the matter for a Ministerial-level discussion for resolution. If no resolution is reached, India may notify New Zealand of its intention to rebalance the concessions offered by it and may suspend the market access referred to in paragraph 3 for the relevant product, as appropriate, in whole or in part. The relevant market access will be reinstated if New Zealand meets the relevant obligation or commitment identified in paragraph 7 or the Parties otherwise reach a mutually agreed solution.