

## CHAPTER 13

### REGULATORY COOPERATION

#### Article 13.1: Definitions

For the purposes of this Chapter:

**regulatory cooperation activities** means efforts between the Parties to enhance regulatory cooperation in order to further domestic policy objectives, improve the effectiveness of domestic regulation in the face of increased cross-border activity and promote international trade and investment, economic growth and employment; and

**domestic regulation** means a measure of general application adopted by regulatory agencies within the Parties and with which compliance is mandatory.

#### Article 13.2: General Provisions

1. The Parties affirm the importance of developing regulatory cooperation and capacity building between the Parties.
2. The Parties acknowledge:
  - (a) principles of good regulatory practice, while originally developed to improve the quality of domestic regulation, also result in regulation that facilitates trade;
  - (b) the adoption of international models, norms and rules should be considered in the development of domestic regulation;
  - (c) regulatory cooperation, both formal and informal, can improve the alignment of domestic regulation between key trading partners to remove potential barriers caused by regulatory difference and support trade;
  - (d) bodies who develop or implement regulation have a key role to play in regulatory cooperation and should consider the range of regulatory cooperation activities available to increase the alignment of domestic regulation internationally and between key trading partners;
  - (e) the differences in regulatory settings or regulatory implementation between countries that create problems for businesses participating in supply or value chains do not always fall neatly within the chapter structure of a free trade agreement;
  - (f) regulatory cooperation, both formal and informal, can improve the alignment, quality and design of future regulation.

3. The Parties therefore recognise the value in creating a mechanism to enable problems for business that span multiple Chapters of this Agreement or do not fit well within the scope of a particular Chapter of this Agreement and could be addressed by regulatory cooperation to be raised for consideration by the Parties.

### **Article 13.3: Contact Points**

1. Each Party shall establish a contact point which shall have responsibility to consult or coordinate with its respective regulatory departments and agencies, as appropriate, on matters arising under this Chapter.

2. The Parties shall provide each other with the name of the governmental organisation that shall be their contact point and the contact details of relevant officials in that organisation, including telephone, email and other relevant details.

3. The Parties are encouraged to make information beneficial for regulatory cooperation available online or otherwise made available through the contact points.

4. The Parties shall notify each other promptly of any change of their contact point or any amendments to the details of the relevant officials.

### **Article 13.4: Cooperation**

1. The Parties shall cooperate in order to facilitate the implementation of this Chapter and to maximise the benefits arising from it. Regulatory cooperation activities shall take into consideration each Party's needs, and may include:

- (a) bilateral information exchanges, dialogues or meetings between policy officials in agencies responsible for regulatory management of the Parties;
- (b) bilateral information exchanges, dialogues or meetings between policy officials in regulatory agencies or regulators of the Parties;
- (c) formal cooperation, such as mutual recognition, equivalence or harmonisation; and
- (d) other activities that the Parties may agree to.

2. The Parties may undertake regulatory cooperation activities on a voluntary basis. For greater certainty, a Party is not required to enter into any particular regulatory cooperation activity.

3. The Parties acknowledge the importance of regulators having a mandate and powers that enable them to cooperate with each other. The Parties, through the contact point, shall

encourage its regulators to consider cooperating with their counterparts in the other Party to reduce barriers to trade and investment.

4. The contact points shall ensure that work on regulatory cooperation under this Chapter offers value in addition to initiatives underway in other relevant fora or parts of this Agreement and avoids undermining or duplicating such efforts.

5. The Parties shall use the English language for regulatory cooperation activities under this Chapter to facilitate cooperation between relevant regulatory departments and agencies.

#### **Article 13.5: Relationship to Other Chapters**

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.

#### **Article 13.6: Dispute Settlement**

No Party shall have recourse to dispute settlement under Chapter 14 (Dispute Settlement) for any matter arising under this Chapter.