

This document is the European Union's (EU) proposal for the EU-Australia FTA. It has been tabled for discussion with Australia. The actual text in the final agreement will be a result of negotiations between the EU and Australia.

DISCLAIMER: *The EU reserves the right to make subsequent modifications to this text and to complement its proposals at a later stage, by modifying, supplementing or withdrawing all, or any part, at any time.*

CHAPTER [XX]

SMALL AND MEDIUM-SIZED ENTERPRISES (SMES)

Article X.1

General provisions

The Parties recognise the importance of Small and Medium-sized Enterprises (hereinafter referred to as “SMEs”) in bilateral trade relations through this chapter as well as through other provisions in this Agreement that otherwise may be of particular benefit to SMEs.

Article X.2

Information sharing

1. Each Party shall establish or maintain a publicly accessible website containing information regarding this Agreement, including:
 - (a) the text of this Agreement, including all annexes, tariff schedules, and product-specific rules of origin;
 - (b) a summary of this Agreement; and
 - (c) information designed for SMEs that shall contain:
 - (i) a description of the provisions in this Agreement that each Party considers to be relevant to SMEs of both Parties; and
 - (ii) any additional information that each Party considers would be useful for SMEs interested in benefitting from the opportunities provided by this Agreement.
2. Each Party shall include in the website provided for in paragraph 1 an internet link to the:
 - (a) equivalent website of the other Party; and
 - (b) the websites of its own government authorities and other appropriate entities that

the Party considers would provide useful information to persons interested in trading and doing business in that Party.

3. With respect to paragraph 2.(b), each Party shall include information related to the following, covering both the central level and lower level than Central (Australia) or European Union (EU):
 - (a) customs regulations and procedures, as well as a description of the importation, exportation, and transit procedures informing of the practical steps needed to import and export, and for transit; and the forms, documents and other information required for importation into, exportation from, or transit through the customs territory of that Party;
 - (b) regulations and procedures concerning intellectual property rights, including geographical indications;
 - (c) technical regulations including, where necessary, obligatory conformity assessment procedures; and of the titles and references of standards selected for reference in or used in connection with technical regulations, or proposed for such use; links to lists of conformity assessment bodies, in cases where third party conformity assessment is obligatory;
 - (d) sanitary and phytosanitary measures relating to importation and exportation;
 - (e) rules on public procurement, a database containing public procurement notices and other relevant information concerning public procurement opportunities;
 - (f) business registration procedures; and
 - (g) other information which the Party considers may be of assistance to SMEs.
4. Each Party shall include a link from the website provided for in paragraph 1 to a database that is electronically searchable by tariff nomenclature code and that includes the following information with respect to access to its market, covering both the central level and lower level than central (Australia) or European Union (EU):

Tariff measures and tariff-related information

- (a) rates of customs duties and quotas, including most-favoured nation (MFN), rates concerning non MFN countries and preferential rates and tariff rate quotas;
- (b) excise duties;
- (c) taxes to be paid during the import procedure (value added tax / sales tax);
- (d) customs or other fees, including other product specific fees;
- (e) other tariff measures;

- (f) rules of origin;
- (g) duty drawback, deferral, or other types of relief that reduce, refund, or waive customs duties;
- (h) criteria used to determine the customs value of the good;
- (i) if applicable, country of origin marking requirements, including placement and method of marking;

Tariff nomenclature related non-tariff measures

- (j) information needed for import procedures; and
 - (k) information related to non-tariff measures or regulations.
5. Each Party shall regularly, or when requested by the other Party, update the information and links referred to in paragraphs 1 to 4 that it maintains in its website to ensure they are up-to-date and accurate.
 6. Each Party shall ensure that information set out in this Article is presented in an adequate manner to use for SMEs. Each Party shall endeavour to make the information available in English.
 7. No fee shall apply for access to the information provided pursuant to paragraphs 1 to 4 for any person of either Party.

Article X.3

SME Contact Points

1. Each Party shall, upon the entry into force of this Agreement, designate a contact point for the implementation of this Chapter (hereinafter referred to in this Chapter as "SME Contact Points") and notify the other Party of the contact details including information regarding the relevant officials. The Parties promptly notify each other of any change of those contact details.
2. The SME Contact Points shall:
 - (a) ensure that SMEs needs are taken into account in the implementation of this Agreement and consider ways to increase trade and investment opportunities for SMEs by strengthening cooperation on SMEs issues between the Parties;
 - (b) identify ways and exchange information for European Union and Australia's SMEs to take advantage of new opportunities under this Agreement;
 - (c) monitor the implementation of the provisions on information sharing of Article X.2 (Information Sharing) to ensure that the information provided by the Parties is

up-to-date and relevant for SMEs. Each SME Contact Point may recommend additional information that the other Party may include in its websites to be maintained in accordance with Article X.2 (Information Sharing);

- (d) raise any other matter of interest to SMEs in connection with the implementation of this Agreement, including:
 - (i) exchanging information to assist the Parties in monitoring and implementing this Agreement as it relates to SMEs;
 - (ii) participating, if appropriate, in the work of other Committees and Working Groups established by this Agreement, including the provisions on regulatory cooperation/regulatory coherence and non-tariff issues, and presenting to these Committees and Working Groups specific issues and recommendations of particular interest to SMEs in their areas, while avoiding duplication of work programmes; and
 - (iii) identifying and reaching possible solutions that are mutually acceptable in order to improve the ability of SMEs to engage in trade and investment among the Parties;

[Note: appropriate provisions for contacts with the SME Contact Points to be placed in the cooperation and institutional provisions in other areas of the FTA]

- (e) report regularly on their activities and make appropriate recommendations, jointly or individually, to the [Trade Committee defined by this Agreement] for its consideration;
 - (f) consider any other matter arising under this Agreement pertaining to SMEs as the Parties may agree.
3. SME Contact Points shall meet as necessary and shall carry out their work through the communication channels decided by the Parties, which may include electronic mail, videoconferencing, or other means.
 4. SME Contact Points may seek to cooperate with experts and external organisations, as appropriate, in carrying out their activities.