



Committee on Regional Trade Agreements

FACTUAL PRESENTATION

**PACIFIC AGREEMENT ON CLOSER ECONOMIC RELATIONS PLUS (PACER PLUS)
(GOODS AND SERVICES)**

Report by the Secretariat

This report, prepared for the consideration of the Pacific Agreement on Closer Economic Relations Plus (PACER Plus), has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The factual presentation reproduces as closely as possible the terminology used in the Agreement and in the comments provided and does not imply official endorsement or acceptance by the Secretariat of such terminology. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (WT/L/671) and thus does not imply any value judgement by the Secretariat regarding the contents of the Agreement.

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Key Facts	
Parties to the Agreement:	Australia, Cook Islands, Kiribati, Nauru, New Zealand, Niue, Samoa, Solomon Islands, Tuvalu, Tonga and Vanuatu.
Date of Signature:	14 June 2017 by Australia, Cook Islands, Kiribati, Nauru, New Zealand, Niue, Samoa, Solomon Islands, Tuvalu, Tonga, and 7 September 2017 by Vanuatu.
Date of Entry into Force:	13 December 2020 for Australia, New Zealand, Cook Islands, Kiribati, Niue, Samoa, Solomon Islands and Tonga. 3 April 2022 for Tuvalu. 11 October 2022 for Vanuatu. For the rest of the Signatories, entry into force would be in accordance with Article 8, Chapter 15 of PACER Plus.
Date of Notification:	12 April 2022
Full implementation:	2054

1 TRADE ENVIRONMENT

1.1. The negotiations on the Pacific Agreement for Closer Economic Relations Plus (hereinafter referred to as "PACER Plus" or "the Agreement") were concluded on 20 April 2017 and signed on 14 June 2017 and 7 September 2017 by its Parties (hereinafter referred to as "the PACER Plus Signatories"). The Cook Islands, Kiribati, Nauru, Niue, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu are part of the Forum Island Countries¹ (hereinafter referred to as "the FIC")².

1.2. PACER Plus was notified to the WTO by Australia, New Zealand, Samoa, the Solomon Islands and Tonga on 12 April 2022 under Article XXIV:7(a) of the GATT and Article V:7(a) of the GATS (WT/REG451/N/1 and S/C/N/1052, respectively). It entered into force for 10 signatories (the Parties) between 13 December 2020 and 11 October 2022. The remaining PACER Plus signatory (Nauru) is yet to ratify the Agreement and therefore it is not in force between Nauru and the Parties.

1.3. At the time of the Agreement's notification and entry into force, Australia, New Zealand, Samoa, the Solomon Islands, Tonga and Vanuatu were WTO Members.

1.4. The Parties' ranking in world trade of goods and services can be found in Table 1.1. Australia and New Zealand are the two largest economies in terms of GDP and trade in goods and services, while the smallest economy is Niue.

¹ Also includes Federated States of Micronesia, Fiji, Republic of the Marshall Islands, Republic of Palau, Papua New Guinea (Article 1, original PACER Agreement).

² For ease of reference, in this factual presentation "the FIC" means the Forum Island Counties that are Party to PACER Plus (i.e. excluding Federated States of Micronesia, Fiji, Republic of the Marshall Islands, Nauru, Republic of Palau, Papua New Guinea).

Table 1.1 Parties' rankings in world trade, 2021 (USD Billion)

Party	GDP	Goods						Services					
		Imports			Exports			Imports			Exports		
		Value	Share in world total (%)	Rank	Value	Share in world total (%)	Rank	Value	Share in world total (%)	Rank	Value	Share in world total (%)	Rank
Australia	1,552	261	1.2	19	345	1.5	16	38	0.7	20	45	0.7	17
New Zealand	249	50	0.2	39	45	0.2	38	13	0.2	34	9	0.2	35
Solomon Islands	1.6	0.6	0.0	162	0.4	0.0	144	0.1	0.0	159	0.0	0.0	160
Vanuatu	1.0	0.3	0.0	170	0.1	0.0	164	0.1	0.0	160	0.0	0.0	165
Samoa	0.8	0.4	0.0	168	0.0	0.0	171	0.1	0.0	166	0.1	0.0	156
Tonga	0.5	0.3	0.0	172	0.0	0.0	178	0.1	0.0	170	0.0	0.0	161
Kiribati	0.2	0.2	0.0	178	0.0	0.0	181	0.0	0.0	175	0.0	0.0	178
Tuvalu	0.1	0.0	0.0	188	0.0	0.0	189	0.0	0.0	176	0.0	0.0	175
Cook Islands	...	0.1	...	182	0.0	...	173	0.1	...	171	0.1	...	144
Niue	...	0.0	...	190	0.0	...	188	0.0	...	178	0.0	...	166

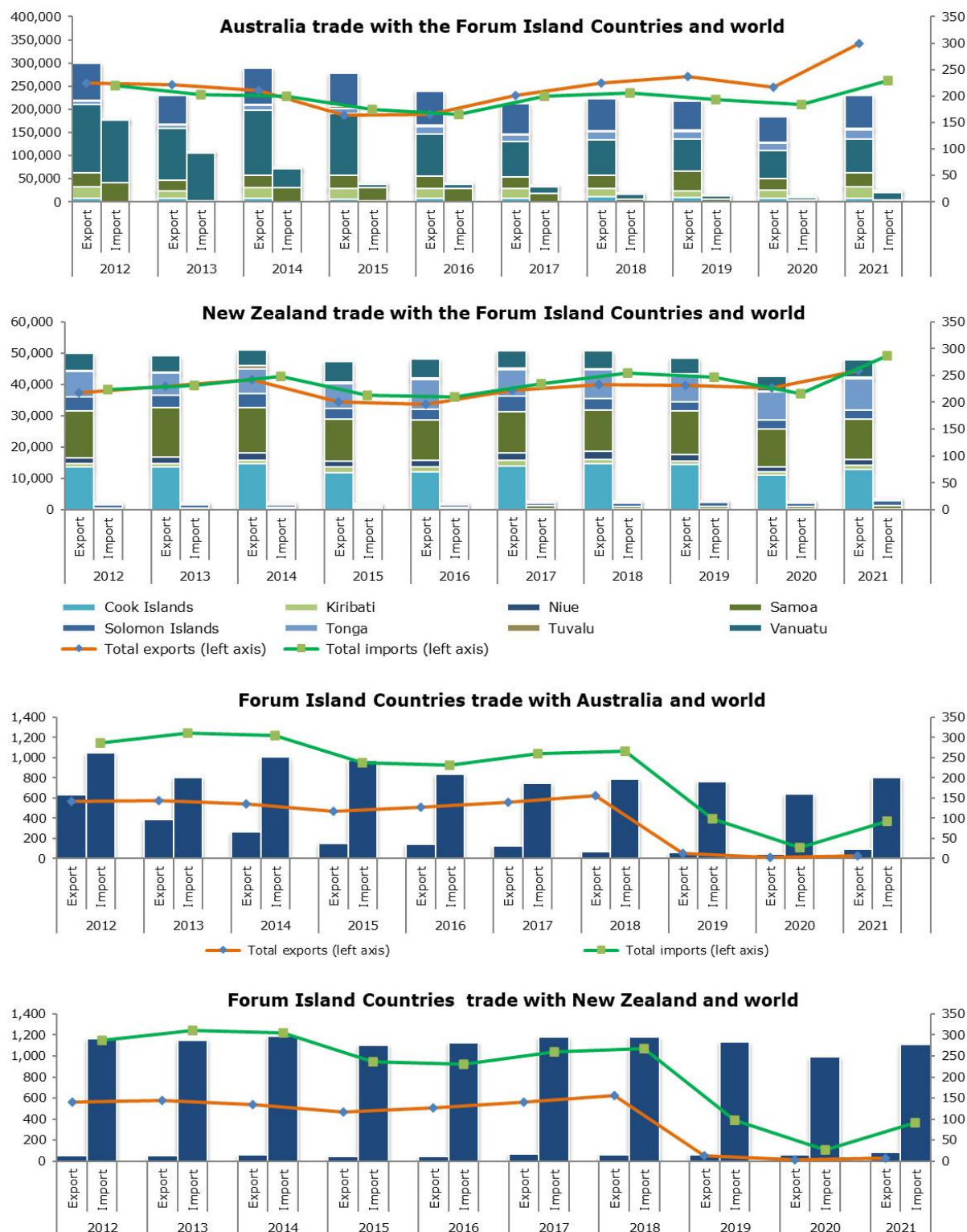
Note: Rank excludes intra-EU trade.

...: Data not available.

Source: WTO Statistics Database, Trade Profiles (2021).

1.1 Merchandise trade

1.5. Chart 1.1 presents the trends in global and intra-Party merchandise trade between 2012 and 2021. Over the period, Australia generally maintained a trade surplus both with the world and the FIC, while New Zealand registered a constant trade surplus with the FIC, but a global deficit for most of the period. The Forum Island Countries had trade deficits with Australia and New Zealand, as well as globally with a sharp decline in global imports in 2019, probably caused by the COVID-19 pandemic, while imports from Australia and New Zealand were not affected as much in the same period.

Chart 1.1 PACER Plus: Merchandise trade with the world and PACER Plus Parties, 2012-2021 (USD Million)

Note: Bilateral data for the FIC is mirror data from Australia and New Zealand. Global FIC imports and exports data available for Kiribati (2012-2018,2020), Samoa (2012-2019,2021), the Solomon Islands (2012-2018), Tonga (2012-2014).

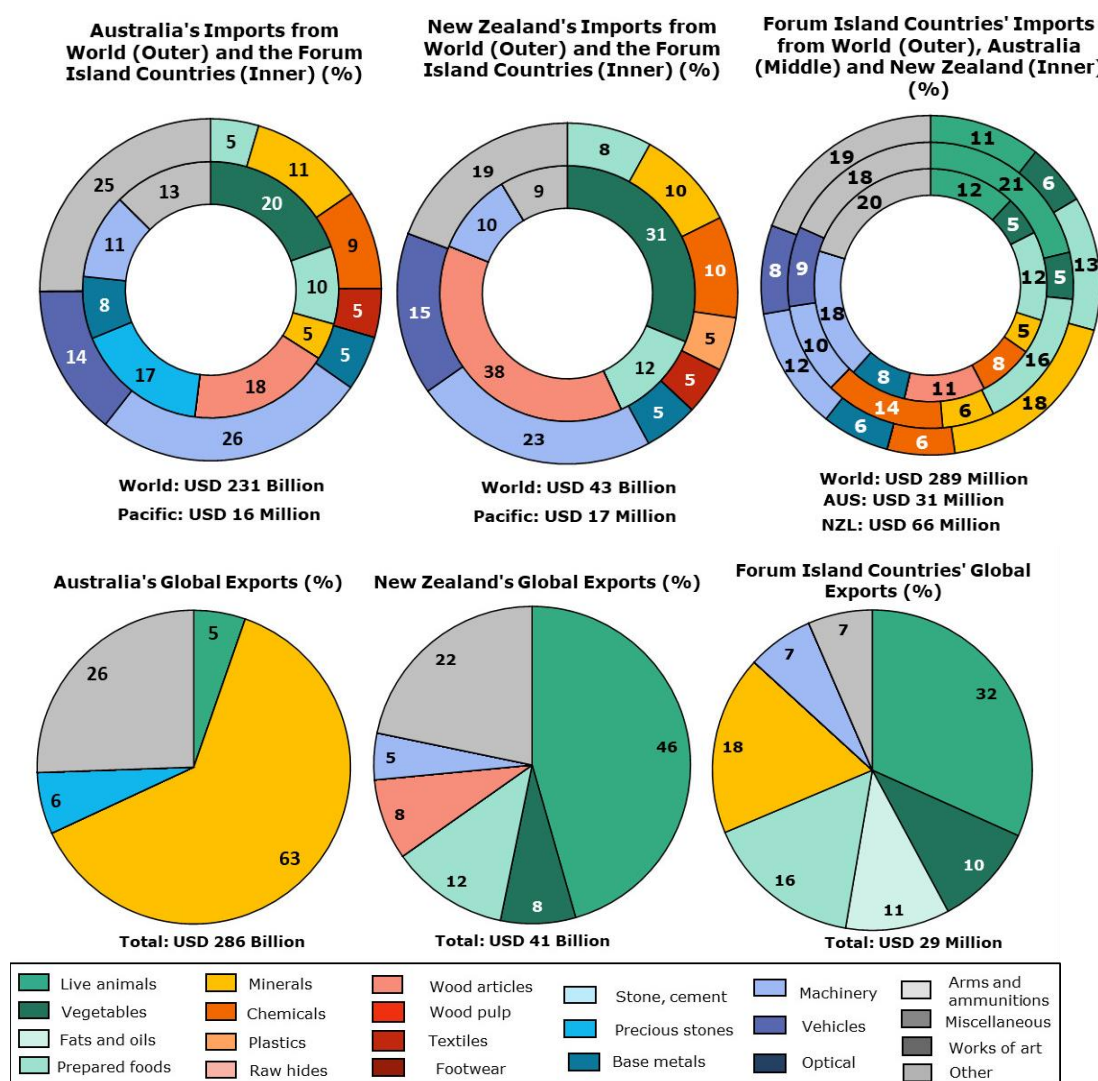
Source: UNSD, Comtrade API, March 2023.

1.6. Chart 1.2 shows the product composition of trade between the Parties, as well as of their global trade, in the period 2019-2021 on the basis of Harmonized System (HS) Sections.

1.7. While for both Australia and New Zealand, machinery, vehicles and other products represented their largest global imports (65% of Australia's global imports and 57% for New Zealand) Australia's largest imports from the FIC were vegetables (20%), wood articles (18%) and precious stones (17%). Similarly, New Zealand mainly imported vegetables (31%) and wood articles (38%) from the FIC. The largest global exports by Australia were minerals (63%) and other products (26%), while live animals and other products accounted for 46% and 22%, respectively, of New Zealand's exports to the world.

1.8. For the Forum Island Countries, the main global imports were minerals, machinery and live animals (18%, 12% and 11%, accordingly) and other products (19% of total global imports). Imports from Australia and New Zealand were similar in terms of product composition with live animals accounted for 21% and 12%, respectively; followed by prepared foods (16% and 12%), machinery (10% and 18%) and other products (18% and 20%). The largest exports to the world by the FIC were live animals, minerals and prepared foods (32%, 18% and 16%, respectively).

Chart 1.2 PACER Plus: Product composition of merchandise trade (by HS Section), annual average 2019-2021



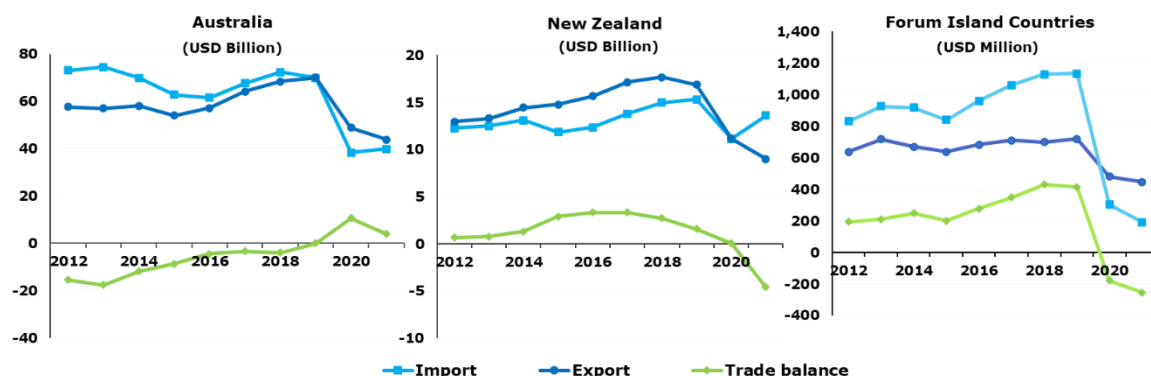
Note: Data for the Forum Island Countries only available for Kiribati (2020) and Samoa (2019-2021).

Source: UNSD, Comtrade API, March 2023.

1.2 Trade in services and investment

1.9. Chart 1.3 depicts the Parties' global trade in commercial services during 2012-2021. Among the Parties, only New Zealand was a net services exporter until 2019, when there was a sharp decline in trade most probably related to COVID-19 pandemic, since when Australia and the FIC became net services exporters according to the data.

Chart 1.3 PACER Plus: Global trade in commercial services, 2012-2021



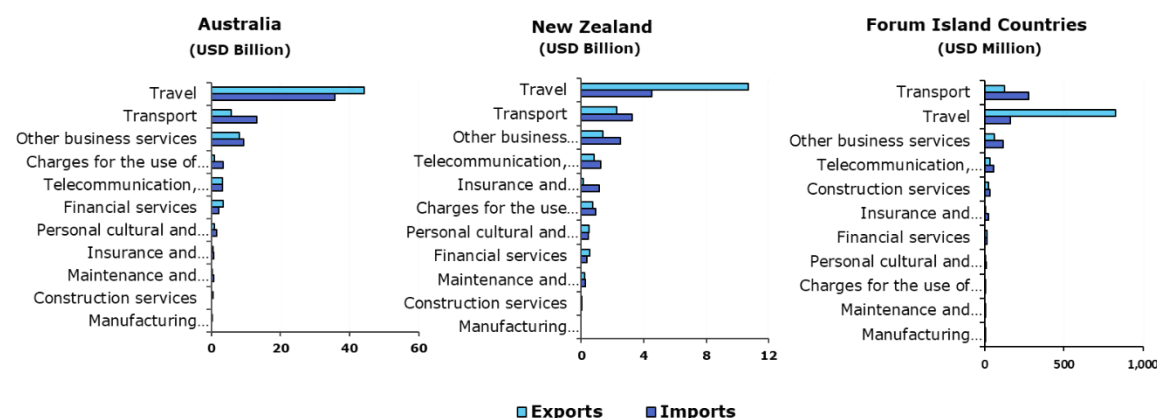
Note: Exchange rates used from AUD to USD: 1.30 (2017), 1.34 (2018), 1.44 (2019), 1.45 (2020), 1.33 (2021); NZD to USD: 1.41 (2017), 1.45 (2018), 1.52 (2019); TOP to USD: 7.89 (2017), 7.95, (2018), 8.17 (2019); TOP to USD: 2.21 (2017), 2.24, (2018), 2.29 (2019).

Australia negative debit in submission assumed to be in relation to credit.

Source: Australian and New Zealand authorities (2017-2021), WTO Stats (2012-2016) (services data); IMF (exchange rates). For the Forum Island Countries, WTO Stats data was used for the Cook Islands, Kiribati, Niue, Samoa, Tuvalu and Vanuatu (2012-2021) and the Solomon Island and Tonga (2012-2016, 2020-2021) and merged with data submissions from the Solomon Islands and Tonga (2017-2019).

1.10. Chart 1.4 presents the Parties' global services trade by sectors, in the period 2017- 2019. For all the Parties, exports were dominated by travel and transport services, while the main imports categories were travel, transport and other business services.

Chart 1.4 PACER Plus: Commercial services trade with world, by category (2017-2019)

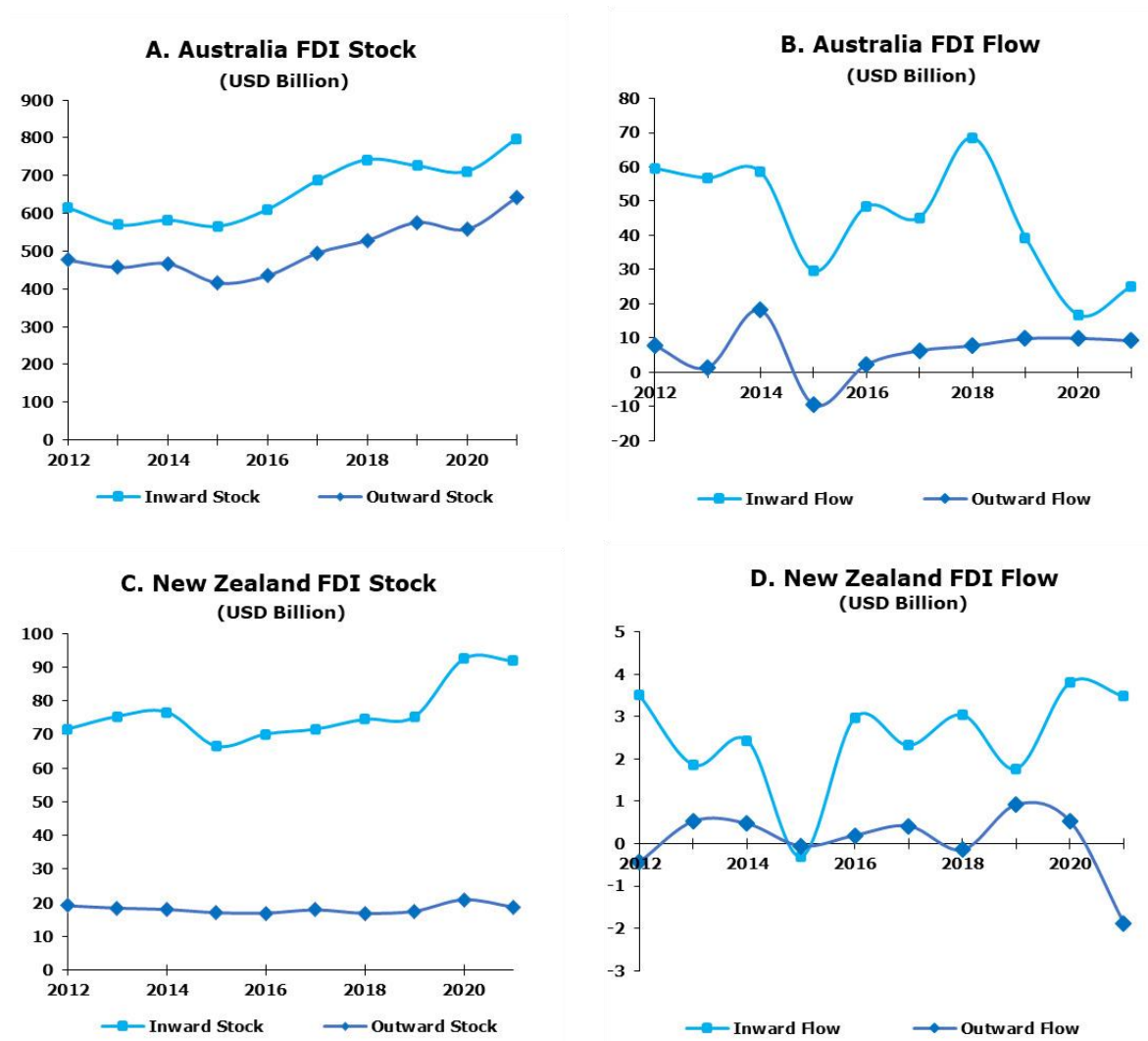


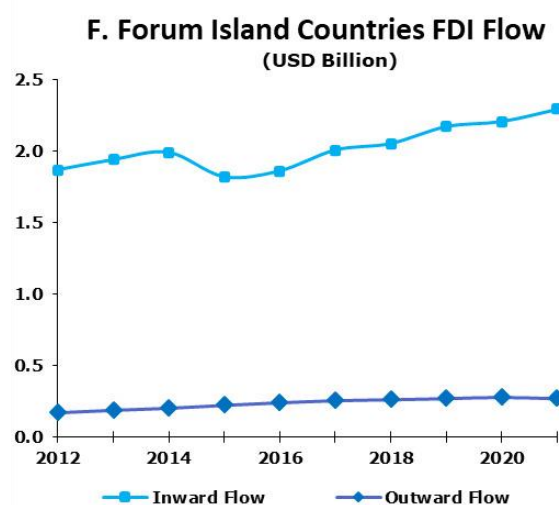
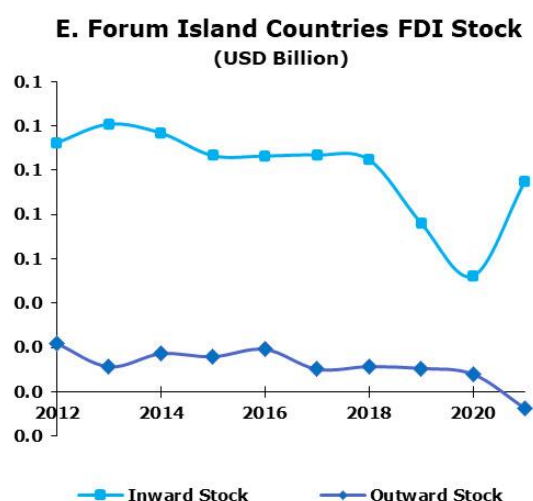
Note: Exchange rates used from AUD to USD: 1.30 (2017), 1.34 (2018), 1.44 (2019); NZD to USD: 1.41 (2017), 1.45 (2018), 1.52 (2019); SLB to USD: 7.89 (2017), 7.95, (2018), 8.17 (2019); TOP to USD: 2.21 (2017), 2.24, (2018), 2.29 (2019). Australia negative debit in submission assumed to be in relation to credit. The period 2017-2019 considered based on original entry into force year of 2020.

Source: Australian and for the Forum Island Countries, WTO Stats data was used for the Cook Islands, Kiribati, Samoa, Tuvalu and Vanuatu, and merged with national data submissions from the Solomon Islands and Tonga. No data for Niue available. New Zealand authorities (services data); IMF (exchange rates).

1.11. Chart 1.5 shows global foreign direct investment (FDI) of the Parties in terms of stocks and flows during 2012-2021. All the Parties were net recipients of FDI, except in 2015 when New Zealand had a net outflow of FDI. Between 2010-2021, the Forum Island Countries were also net recipients of FDI (both stock and flow). Data on bilateral FDI is not available.

Chart 1.5 Australia, New Zealand and Forum Island Countries: FDI with world, 2012-2021





Note: Exchange rates used from AUD to USD: 1.30 (2017), 1.34 (2018), 1.44 (2019), 1.45 (2020), 1.33 (2021); NZD to USD: 1.41 (2017), 1.45 (2018), 1.52 (2019); SLB to USD: 7.89 (2017), 7.95, (2018), 8.17 (2019). No data for Niue.

Source: Australian authorities (2017-2019) and UNCTAD Stat (2012-2016, 2020-2021); New Zealand authorities (2017-2019) and UNCTAD Stat (2010-2016, 2020-2021); Forum Island Countries: the Solomon Islands and Tonga authorities (2017-2019); UNCTAD Stat for Kiribati, Samoa, Tonga, Tuvalu and Vanuatu (2010-2021) and the Cook Islands (2015 - 2021) (FDI data); Tonga data submissions match UNCTAD Stat data. Exchange Rates: IMF.

2 CHARACTERISTIC ELEMENTS OF THE AGREEMENT

2.1 Background information

2.1. PACER Plus builds upon existing trade arrangements in the region, such as the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)³ and the original PACER Agreement. SPARTECA provides non-reciprocal duty-free, unrestricted or concessional access to the markets of Australia and New Zealand for a wide range of products imported from the South Pacific Forum countries, while the PACER Agreement establishes a framework for gradual trade and economic integration between the Forum Island Countries.

2.2. Trade in goods has been liberalized between the FIC by the Pacific Island Countries Trade Agreement (PICTA).⁴ Further to the provisions of Article 5 of PACER, the FIC and Australia and New Zealand entered negotiations, which led to the conclusion in 2017 of the PACER Plus Agreement.

2.3. The text of the Agreement is available, along with its Annexes, at the following websites:

Australia: [\(https://www.dfat.gov.au/trade/agreements/in-force/pacer/documents\(dfat.gov.au\)\)](https://www.dfat.gov.au/trade/agreements/in-force/pacer/documents(dfat.gov.au))

New Zealand: [\(https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/pacer-plus/\)](https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/pacer-plus/)

2.4. Table 2.1 lists RTAs in force and notified to the WTO that each Party has with one or more of the other Parties (hereinafter referred to as "overlapping RTAs") including the Agreement. The table also indicates whether the agreements cover trade in goods and services. The number of overlapping

³ SPARTECA entered into force in January 1981 and was notified by Australia and New Zealand in document L/5100 on 20 February 1981. The relationship between PACER Plus and SPARTECA is further explained in section 5.7 of this factual presentation.

⁴ It was notified to the WTO by Fiji, Papua New Guinea, Solomon Islands and Tonga on 28 August 2008 under paragraph 4(a) of the Enabling Clause (WT/COMTD/N/29). The Secretariat is awaiting data from the Parties for the preparation of the factual presentation.

RTAs varies between the Parties with the Solomon Islands having the largest proportion of overlapping RTAs.

Table 2.1 List of overlapping RTAs as of 28 April 2023

Agreement	Australia	New Zealand	Samoa	Solomon Islands	Tonga	Vanuatu	Cook Islands*	Kiribati*	Niue*	Tuvalu*
SPARTECA	X	X	X	X	X	X	X	X	X	X
ANZCERTA	X	X								
Melanesian Spearhead Group (MSG)				X		X				
PICTA			X	X	X	X	X	X	X	X
ASEAN - Australia - New Zealand	X	X								
EU - Pacific States			X	X						
CPTPP	X	X								
PACER Plus	X	X	X	X	X	X	X	X	X	X
UK – Pacific States			X	X						

Note: Only RTAs in force and notified to the WTO as of 28 April 2023. The coverage of RTAs is as notified by the parties.

* Non-WTO Members.

Source: WTO RTA database.

2.2 Structure of the Agreement

2.5. PACER Plus has 15 Chapters with a number of Annexes attached to specific Chapters of the Agreement, including the Parties' Schedules of tariff concessions, trade in services, movement of natural persons and investment. The Agreement is complemented by two related arrangements (on the PACER Plus implementation⁵ and labour mobility) and bilateral exchanges of letters between New Zealand and Australia. Table 2.2 below summarizes the structure of PACER Plus.

Table 2.2: Structure of the Agreement

<i>Titles, Chapters</i>	<i>Title/description</i>
Preamble	
Chapter 1	Initial Provisions and General Definitions
Chapter 2	Trade in Goods
	❖ Annex 2-A: Schedule of Commitments on Tariffs ⁶
	○ <i>Schedule of Commitments on Tariffs for the Cook Islands</i>
	○ <i>Schedule of Commitments on Tariffs for Kiribati</i>
	○ <i>Schedule of Commitments on Tariffs for Niue</i>
	○ <i>Schedule of Commitments on Tariffs for Samoa</i>
	○ <i>Schedule of Commitments on Tariffs for Solomon Islands</i>
	○ <i>Schedule of Commitments on Tariffs for Tonga</i>
	○ <i>Schedule of Commitments on Tariffs for Tuvalu</i>
	○ <i>Schedule of Commitments on Tariffs for Vanuatu</i>
	❖ Annex 2-B: <i>Administration of Exemptions from the Obligation under Article 3.2 in Respect of Regional Trade Agreements under Article 3.2(c)</i>
	❖ Annex 2-C: <i>Notification of Modified or New Import Licensing Procedures Pursuant to Articles 14.1(c) and 14.2(b)</i>
Chapter 3	Rules of Origin and Verification Procedures
	❖ Annex 3-A: <i>Declaration of Origin Requirements</i>
	❖ Annex 3-B: <i>Schedule of Product Specific Rules</i>
Chapter 4	Customs Procedures
Chapter 5	Sanitary and Phytosanitary Measures
Chapter 6	Technical Regulations, Standards and Conformity Assessment Procedures
Chapter 7	Trade in Services

⁵ The update concerns amendments to the 2017 text under the sub-heading "Establishment of a PACER Plus Implementation Unit"; "Management Structure"; "Annual Programmes".

⁶ Annex 2-A to PACER Plus also contains schedules of commitments on tariffs for Federated States of Micronesia, Nauru, Palau, and Republic of Marshall Islands.

Titles, Chapters	Title/description
	❖ Annex 7-A: <i>Schedules of Specific Services Commitments</i>
Chapter 8	Movement of Natural Persons
	❖ Annex 8-A: <i>Schedules of Commitments on Movement of Natural Persons</i>
Chapter 9	Investment
	❖ Annex 9-A: <i>Schedules of Commitments on Investment</i>
	❖ Annex 9-B: <i>Schedules of Commitments on Senior Management and Board of Directors Exemptions</i>
	❖ Annex 9-C: <i>Expropriation and Compensation</i>
	❖ Annex 9-D: <i>List of Measures not Compliant with TRIMS Agreement</i>
Chapter 10	Development and Economic Cooperation
Chapter 11	General Provisions
Chapter 12	Institutional Provisions
	❖ Annex 12-A: <i>Subsidiary Bodies</i>
Chapter 13	Transparency
Chapter 14	Consultations and Dispute Settlement
	❖ Annex 14-A: <i>Model Rules of Procedures</i>
Chapter 15	Final Provisions
Annex I	List of Most-Favoured-Nation Exemptions on Services and Investment
Side letters	
	from New Zealand to Australia
	from Australia to New Zealand
Related arrangements	
	Arrangement on Labour Mobility
	Implementing Arrangement for Development and Economic Cooperation under the Pacific Agreement on Closer Economic Relations Plus (updated by PACER Plus Joint Committee on 30 March 2021) ⁷

Source: WTO Secretariat based on the Agreement.

2.6. In Article 1 of Chapter 1, the Parties refer to consistency with Article XXIV of the GATT 1994 and Article V of the GATS in establishing a free trade area in accordance with the provisions of the Agreement.

2.7. If any international agreement, or a provision therein, referred to or incorporated into the Agreement, is amended, the Parties agree to hold consultations on necessary amendments to PACER Plus, unless provided otherwise in the text of the Agreement (Article 4 of Chapter 15).

2.8. Under bilateral side letters, Australia and New Zealand clarify that nothing in PACER Plus shall be construed to derogate from any rights or obligations under the following overlapping RTAs: the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)⁸, the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA)⁹ and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).¹⁰

2.9. Table 2.3 presents the provisions in which rights and obligations are created between Australia and New Zealand; the application of any other provision of the Agreement is subject to a mutual written agreement between them.

Table 2.3 Summary of the rights and obligations between Australia and New Zealand created by PACER Plus

PACER Plus provisions		Rights and Obligations between Australia and New Zealand	
Chapter 1	Initial Provisions and General Definitions		✓
Chapter 2	Trade in Goods		✓

⁷ The update concerns amendments to the 2017 text under the sub-heading "Establishment of a PACER Plus Implementation Unit"; "Management Structure"; "Annual Programmes"

⁸ Notified by New Zealand in document L/5475 (Goods) and by Australia and New Zealand in document S/C/N/7 (Services). The Agreement was considered on 4 and 19 June and 9 July 1984, and on 3 November 1997. Minutes of the meeting are in the documents L/5664 and WT/REG40/M/1.

⁹ For further details, please refer to WTO Document series WT/REG284.

¹⁰ For further details, please refer to WTO Document series WT/REG395.

PACER Plus provisions		Rights and Obligations between Australia and New Zealand	
	Article 4.2 (Goods re-entered after repair and alternation)	X	
Chapter 3	Rules of Origin and Verification Procedures		✓
Chapter 10	Development and Economic Cooperation	X	
Chapter 11	General Provisions and Exceptions		✓ *
Chapter 14	Consultations and Dispute Settlement	X	
<i>Annexes</i>			
2-A	Schedules of Commitments on Tariffs		✓
2-C	Notification of Modified or New Import Licensing Procedures Pursuant to Articles 14.1(c) and 14.2(b)		✓
3-A	Declaration of Origin Requirements		✓
3-B	Schedule of Product Specific Rules		✓

Note:

- X No rights and obligations between Australia and New Zealand.
✓ Rights and obligations are created between Australia and New Zealand.
* Rights and obligations between Australia and New Zealand only apply to the extent that PACER Plus creates rights and obligations between them, as modified by the Agreement.

Source: WTO Secretariat based on the side letters between Australia and New Zealand under the Agreement.

3 PROVISIONS ON TRADE IN GOODS

3.1. The objectives of Chapter 2 of the Agreement are to avoid unnecessary barriers to trade, facilitate and liberalize trade and thereby promote integration between the economies of the Parties. It applies to all goods traded between the Parties (Articles 1 and 2).

3.2. Numerous transparency disciplines are spelled out in Articles 13 and 14¹¹, which require the Parties, *inter alia*, to make available online and keep up to date their trade-related domestic laws and regulations, as well as to exchange information on their existing schedules of non-preferential and preferential applied rates of customs duty; fees and charges imposed in relation to importation or exportation; and new or modified import licensing procedures. The provisions of Article X of GATT 1994 relating to publication and administration of trade regulations are incorporated into and form part of the Agreement, *mutatis mutandis*.

3.3. The Parties establish contact points to facilitate the distribution of related requests and notifications. They may also arrange technical discussions on any proposed or actual measure affecting mutual trade in goods which do not constitute an intention to seek formal consultations under Chapter 14 (consultations and dispute settlement) and are without prejudice to the rights and obligations of the Parties under that Chapter, the WTO Agreement, or any other agreement to which participating Parties are party (Article 15).

3.4. The Joint Committee or a relevant subsidiary body, is the forum for the Parties to consult regularly on the implementation of their commitments under Chapter 2 of the Agreement (Article 16).

3.5. Chapter 2 is subject to review within three years of entry into force of the Agreement (i.e. by 2023) with a final report to be submitted to the Joint Committee by 2024. As reported by the Parties, the process of recruiting the review panel has started. The review is expected to be completed by end of 2023 and submitted to the Joint Committee at their meeting in early 2024.

¹¹ Article 14 of Chapter 2 does not apply to measures covered by the WTO SPS or TBT Agreements or to import licensing regimes governing the administration of WTO tariff rate quotas of the Parties that are WTO Members.

3.1 Import duties and charges, and quantitative restrictions

3.1.1 General provisions

3.6. The Parties agree not to apply on goods originating from other PACER Plus countries:

- i. ordinary customs duties that are either not specified, or higher than the tariff levels specified in Part I (Commitments on Ordinary Customs Duties) of the Parties' respective Schedules in Annex 2-A; or
- ii. duties or charges on imports (other than ordinary customs duties or internal taxes or other charges, anti-dumping or countervailing duties or fees or other charges for related services rendered) that are not specified in Part II (Commitments on Other Duties or Charges) of the Parties' respective Schedules in Annex 2-A.

3.7. Regarding other duties or charges, Kiribati and Tuvalu reserve the right to maintain an import levy on certain types of goods as stated in Part II of Annex 2-A.

3.8. Disciplines are also provided for the re-entry of goods after repair and alteration; and duty-free entry of commercial samples of negligible value and printed advertising material, except for tobacco products (Articles 4 and 5 of Chapter 3, respectively).

3.9. The Parties agree to grant tariff preferences to all like goods originating in the territories of all other PACER Plus countries in accordance with the most favoured nation obligation (MFN), except for¹²:

- i. tariff preferences in force under an RTA on the date of entry into force of the Agreement;
- ii. tariff preferences granted pursuant to the WTO Hong Kong Ministerial Declaration of 2005 on Measures in Favour of Least-Developed Countries (LDCs) and related WTO Decisions on duty-free and quota-free access for products from LDCs;
- iii. tariff preferences in force pursuant to an RTA exclusively involving Pacific Island countries and territories¹³;
- iv. tariff preferences in force pursuant to an RTA¹⁴ exclusively involving developing countries to which at least one Party is a party and other Parties are non-parties of PACER Plus, where (a) each non-party accounts for not more than 1% of world merchandise exports, and (b) all non-parties that are Party to the RTA together account for not more than 4% of world merchandise exports as of the date of entry into force of the RTA for each such Party and as of the date of accession of a new Party to it. Administration of the exception under Annex 2-B, is subject to a review two years from the date of initial application of Annex 2-B and thereafter every 10 years (Article 16.3, Chapter 2). As reported by the Parties, this provision has not been invoked.

3.10. In respect of internal taxes, other internal charges and laws, regulations and requirements affecting matters within the scope of Article III of GATT 1994, the Parties commit to accord to each other's goods MFN and national treatment in accordance with Articles I and III, including the Interpretative Notes to Article III, of GATT 1994, which are incorporated into and form part of the Agreement, *mutatis mutandis* (Article 6, Chapter 2).

¹² Article 3 of Chapter 2 provides for additional exceptions for the Federated States of Micronesia, the Republic of Marshall Islands or Palau.

¹³ The Pacific Island territories comprise American Samoa, French Polynesia, Guam, New Caledonia, Northern Mariana Islands, Pitcairn Islands, Tokelau, Wallis and Futuna, provided they are separate customs territories; Pacific Island countries that are Forum Island Countries and former Pacific Island territories (Article 3, Chapter 2).

¹⁴ Article 3 of Chapter 2 of the Agreement clarifies, that where a party to an RTA under subparagraph 3.2(c) is a customs union, all parties to it shall be treated as separate countries or customs territories for the purposes of determining whether the criteria under subparagraph 3.2(c) are met.

3.11. On import licensing, in addition to being consistent with certain provisions¹⁵ of the WTO Import Licensing Agreement, the Parties commit to notify, publish and keep up-to-date information related to import licensing procedures and supply it in the format set out in Annex 2-C of the Agreement (Article 11 of Chapter 2).

3.12. Under Article 12 of Chapter 2 the Parties shall not (i) adopt or maintain any prohibition or restriction on imports, except in accordance with Article XI of the GATT 1994 and its interpretative notes, or as otherwise provided for in the Agreement; (ii) apply to traffic in transit any measure prohibited or inconsistent with Article V of GATT 1994; and (iii) apply any measure prohibited under Article 4.2 of the WTO Agreement on Agriculture or Article 11.1(b) of the WTO Agreement on Safeguards.¹⁶ The Parties also commit not to require consular transactions, including related fees and charges, formalities and requirements, in connection with the importation of a good from another Party.

3.1.2 Liberalization of trade and tariff lines

3.13. The elimination of customs duties is to be implemented progressively over time on the basis of each Party's Annex 2-A schedules of tariff commitments (Article 3.1 of Chapter 2), which are based on the Harmonized System.¹⁷

3.14. Article 3 of Chapter 2 of the Agreement provides for modification or withdrawal of concessions, as well as for the acceleration or improvement of the Parties commitments unilaterally, bilaterally or collectively. While only developing country Parties¹⁸ may modify or withdraw concessions under specific provisions, any accelerated implementation or improved commitments by any PACER Plus Party(-ies) shall be extended to all PACER Plus Parties.

3.15. The base rates of customs duty reflect the MFN applied rate (for WTO Members) or the general non-preferential applied rate (for non-WTO Members) applied in fact or in effect, on a mutually agreed date prior to entry into force of the Agreement. Duty reductions take place on 1 January of each year (paragraphs 2 and 3, Annex 2-A). PACER Plus provides for a catch-up mechanism for "late-comers" – i.e. implementing the scheduled tariff reductions that would have been implemented had the Agreement entered into force for that Party on the same date as for the rest – and for LDC Parties¹⁹ (paragraph 4, Annex 2-A).

3.1.3 Liberalization schedule

3.1.3.1 Australia and New Zealand

3.16. Under the Agreement, Australia and New Zealand eliminated ordinary customs duties on originating goods from the other Parties from the date of entry into force of the Agreement.

3.17. Tables 3.1 and 3.2 show Australia's and New Zealand's tariff elimination commitments with respect to the other Parties under the Agreement, respectively. Australia's applied MFN tariff in 2020 consisted of 6,480 lines at the 8-digit level (HS 2017) with 99.9% of the rates being *ad valorem* while 9 lines had non-*ad valorem* tariffs²⁰. New Zealand's applied MFN tariff in 2020 consisted of

¹⁵ Articles 1 to 3 of the WTO Agreement on Import Licensing Procedures are incorporated into and made part of the Agreement, *mutatis mutandis*.

¹⁶ Relevant provisions of the GATT 1994 (including Interpretative Notes of GATT 1994), the Agreement on Import Licensing Procedures, Articles 4.2 and 12 of the Agreement on Agriculture and Article 11.1(b) of the Agreement on Safeguards are incorporated into and form part of the Agreement, *mutatis mutandis*.

¹⁷ Amendments to the Harmonized System are to be reflected in technical revisions to Annex 2-A (Article 10 of Chapter 2).

¹⁸ Developing country Party means a Party that designates itself as a developing country, and includes Least Developed Country Parties unless otherwise specified (Article 2 of Chapter 1).

¹⁹ At the time of drafting the factual presentation, this applies to the Solomon Islands and Tuvalu. Vanuatu graduated from LDC status in December 2020, while Kiribati eliminated all ordinary customs duties from the date of entry into force of the Agreement.

²⁰ 4 lines with mixed duties and 9 lines with specific duties.

7,926 lines at the 8-digit level (HS 2017) with 99.4% of the rates being *ad valorem* and 46 lines non-*ad valorem*²¹.

3.18. For Australia, in 2020, 49.4% of the MFN tariff, corresponding to between 22.1% and 98.5% of imports from Samoa and Kiribati, respectively, was duty free. At the entry into force of the Agreement, the remaining 50.6% of tariff lines corresponding to between 1.5% and 77.9% of imports respectively from Kiribati and Samoa became duty free.

Table 3.1 Australia: Tariff elimination commitments under the Agreement

Duty phase-out period	Tariff lines in Australia's tariff schedule		Australia's imports (2017-2019) (USD Millions)							
	Number	%	Value	%	Value	%	Value	%	Value	%
WTO Members			Samoa		Solomon Islands		Tonga		Vanuatu	
MFN duty free (2020)	3,201	49.4	1.7	22.1	6.1	71.5	0.8	48.8	0.9	77.1
2020	3,279	50.6	5.9	77.9	2.4	28.5	0.9	51.2	0.3	22.9
Remaining Dutiable	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	6,480	100.0	7.6	100.0	8.5	100.0	1.7	100.0	1.2	100.0
Non-WTO Members			Cook Islands		Kiribati		Niue		Tuvalu	
Applied	3,201	49.4	0.2	78.3	0.1	98.5	0.0	63.3	0.1	51.1
2020	3,279	50.6	0.0	21.7	0.0	1.5	0.0	36.7	0.1	48.9
Remaining Dutiable	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	6,480	100.0	0.2	100.0	0.1	100.0	0.0	100.0	0.1	100.0

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and the WTO-IDB.

3.19. For New Zealand, in 2020, 61.1% of the MFN tariff corresponding to between 14.1% and 95.1% of imports from Niue and Tonga, respectively, was duty free. At the entry into force of the Agreement, the remaining 38.9% of tariff lines corresponding to between 4.9% and 95.1% of imports respectively from Tonga and Niue became duty free.

Table 3.2 New Zealand: Tariff elimination commitments under the Agreement

Duty phase-out period	Tariff lines in New Zealand's tariff schedule		New Zealand's imports (2017-2019) (USD Millions)							
	Number	%	Value	%	Value	%	Value	%	Value	%
WTO Members			Samoa		Solomon Islands		Tonga		Vanuatu	
MFN duty free (2020)	4,841	61.1	4.4	82.2	5.7	91.9	2.2	95.1	0.3	60.6
2020	3,085	38.9	1.0	17.8	0.5	8.1	0.1	4.9	0.2	39.4
Remaining Dutiable	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	7,926	100.0	5.4	100.0	6.2	100.0	2.3	100.0	0.5	100.0
Non-WTO Members			Cook Islands		Kiribati		Niue		Tuvalu	
Applied	4,841	61.1	0.5	69.4	0.0	57.1	0.0	14.1	0.0	43.0
2020	3,085	38.9	0.2	30.6	0.0	42.9	0.2	85.9	0.0	57.0
Remaining Dutiable	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	7,926	100.0	0.7	100.0	0.0	100.0	0.3	100.0	0.0	100.0

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and the WTO-IDB.

²¹ 38 lines with aggregated duties (mix of specific and *ad valorem*; based on IDB nomenclature), 6 lines with specific duties; for 2 tariff lines duties were not available.

3.20. In 2020, before PACER Plus entered into force, under SPARTECA Australia and New Zealand eliminated all tariffs on imports from the FIC, except for two tariff lines that remained dutiable by New Zealand²².

3.21. Table 3.3 shows Australia's and New Zealand's tariff elimination by HS Section under PACER Plus. Before the entry into force of the Agreement, only 7 tariff lines in Section XXI (works of art) and 221 lines in Section X (wood pulp), only for New Zealand, were duty free for imports from the FIC. From the date of entry into force of PACER Plus, both Australia and New Zealand eliminated customs duties on the remaining 3,279 and 3,085 tariff lines, respectively.

Table 3.3 Tariff elimination by Australia and New Zealand under the Agreement, by HS Section

HS Section	Australia				New Zealand			
	MFN 2020			Duty free lines under the Agreement	MFN 2020			Duty free lines under the Agreement
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	Avg. Tariff (%)	Total lines	Duty-free lines	2020
I	0.0	374	367	7	0.7	409	354	55
II	0.7	321	275	46	1.0	341	273	68
III	1.8	49	31	18	1.1	61	48	13
IV	2.5	299	146	153	2.6	534	253	281
V	0.4	198	184	14	0.4	213	198	15
VI	1.3	964	705	259	0.6	1,022	892	130
VII	4.4	239	27	212	3.1	393	155	238
VIII	3.4	92	29	63	2.5	102	54	48
IX	3.2	179	65	114	2.3	250	133	117
X	3.7	285	73	212	0.0	221	221	-
XI	4.1	920	163	757	4.2	1,053	480	573
XII	2.5	60	30	30	5.7	105	38	67
XIII	3.4	167	53	114	2.5	232	120	112
XIV	1.0	53	42	11	1.2	68	52	16
XV	3.5	583	171	412	2.6	798	394	404
XVI	2.5	1,000	494	506	2.1	1,326	752	574
XVII	3.6	272	76	196	3.9	285	118	167
XVIII	0.8	240	201	39	0.4	240	218	22
XIX	1.6	19	13	6	2.0	32	18	14
XX	3.5	159	49	110	3.9	234	63	171
XXI	0.0	7	7	-	0.0	7	7	-
Total	2.5	6,480	3,201	3,279	2.2	7,926	4,841	3,085

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and WTO-IDB.

3.1.3.2 Forum Island Countries

3.22. In 2020, the composition of the applied MFN tariff for WTO Members of the Forum Island Country Parties, was as follows:

- Samoa's applied MFN tariff consisted of 5,481 lines at the 8-digit level (HS 2012), 99% of which had *ad valorem* rates and 57 lines had non-*ad valorem* tariffs²³.

²² The two lines remaining dutiable in 2020 are HS 21039000 and HS 70080000, both with 5% *ad valorem* rates under both MFN and SPARTECA (based on HS 2017 nomenclature, WTO estimates based on data provided by PACER Plus authorities and the WTO-IDB).

²³ 48 lines with mixed duties and 7 lines with specific duties; for 2 tariff lines duty rates were not provided.

- Solomon Islands' applied MFN tariff consisted of 5,505 lines at the 8-digit level (HS 2012) of which 98.7% had *ad valorem* rates and 74 lines had non-*ad valorem* tariffs²⁴.
- Tonga's applied MFN tariff consisted of 5,718 lines at the 8-digit level (HS 2017) all of which had *ad valorem* rates.
- Vanuatu's applied MFN tariff consisted of 5,305 lines at the 8-digit level (HS 2012) all of which had *ad valorem* rates.

3.23. In 2020, the composition of the non-preferential applied tariff (HS 2012) for non-WTO member Parties of the Forum Island Countries, was as follows:

- The Cook Islands' applied tariff consisted of 5,458 lines at the 8-digit level of which 97.5% had *ad valorem* rates and 134 lines had non-*ad valorem* tariffs²⁵.
- Kiribati's applied tariff consisted of 5,205 lines at the 6-digit level all of which had *ad valorem* rates.
- Niue's applied tariff consisted of 5,239 lines at the 8-digit level all of which had *ad valorem* rates.
- Tuvalu's applied tariff consisted of 5,246 lines at the 8-digit level of which 99.6% had *ad valorem* rates and 19 lines had non-*ad valorem* tariffs²⁶.

3.24. Table 3.4 shows the FIC's tariff elimination commitments, by country, towards Australia and New Zealand under PACER Plus compared to their tariffs on imports from other sources. In 2020 between 0.6% (for Solomon Islands) and 100% (for Kiribati) of the tariff was duty free from MFN sources; 19.6% and 0.3% of imports respectively from Australia and New Zealand entered during 2017-2019 under these tariff lines in the Solomon Islands, while for Kiribati the corresponding figures were 100%. Following ten years of implementation, between 34.9% (for Tonga) and 100% (for Kiribati) of tariffs will have been eliminated for imports from Australia and New Zealand. At the end of implementation in 2044 between zero (for Kiribati) and 18.4% (for Vanuatu) of the tariff will remain dutiable which corresponds for 5.8% and 3% of Tuvalu's imports - and 6.9% and 18.8% for Vanuatu's imports from Australia and New Zealand, respectively.

Table 3.4 Forum Island Countries: Tariff elimination commitments under the Agreement

Parties	Duty phase-out period	Tariff lines in schedule		Imports (2017-2019)			
		Number	%	AUS Imports (USD millions)	AUS %	NZL Imports (USD millions)	NZL %
WTO Members							
Samoa	MFN duty free (2020)	170	3.1	4.9	19.6	5.7	7.5
	2020	24	0.4	2.4	9.7	1.2	1.6
	2024	59	1.1	0.1	0.2	0.8	1.0
	2029	2,978	54.3	5.4	21.3	19.9	26.3
	2034	1,251	22.8	3.1	12.2	13.5	17.9
	2044	198	3.6	4.2	16.9	21.7	28.7
	Remaining Dutiable	801	14.6	5.0	20.0	12.8	17.0
	Total	5,481	100.0	25.1	100.0	75.5	100.0
Solomon Islands	MFN duty free (2020)	34	0.6	12.9	12.6	0.1	0.3
	2029	4,168	75.7	22.8	22.3	24.2	60.9
	2034	8	0.1	0.1	0.1	0.0	0.0
	2044	905	16.4	46.3	45.3	10.6	26.5
	Remaining Dutiable	390	7.1	20.1	19.7	4.8	12.2

²⁴ 74 lines with specific duties.

²⁵ 46 lines with mixed duties, 87 lines with specific duties; 1 tariff line with prohibited tariff.

²⁶ 19 lines with mixed duties.

Parties	Duty phase-out period	Tariff lines in schedule		Imports (2017-2019)			
		Number	%	AUS Imports (USD millions)	AUS %	NZL Imports (USD millions)	NZL %
WTO Members							
	Total	5,505	100.0	102.2	100.0	39.8	100.0
Tonga	MFN duty free (2020)	1,303	22.8	9.7	62.6	26.0	43.0
	2020	22	0.4	0.0	0.3	0.2	0.3
	2024	639	11.2	2.0	13.3	5.4	8.9
	2029	31	0.5	0.0	0.0	0.1	0.1
	2034	3,170	55.4	1.4	9.1	9.5	15.7
	2044	454	7.9	1.8	11.9	13.1	21.7
	Remaining Dutiable	99	1.7	0.4	2.8	6.2	10.3
	Total	5,718	100.0	15.4	100.0	60.5	100.0
Vanuatu	MFN duty free (2020)	1,397	26.3	13.4	34.2	6.6	25.6
	2020	6	0.1	0.0	0.0	0.0	0.0
	2029	1,925	36.3	7.0	18.0	3.8	14.6
	2034	819	15.4	7.3	18.7	4.6	18.0
	2044	180	3.4	8.7	22.2	5.9	23.1
	Remaining Dutiable	978	18.4	2.7	6.9	4.8	18.8
	Total	5,305	100.0	39.1	100.0	25.8	100.0
Non-WTO Members							
Cook Islands	Applied rates duty free (2020)	5,258	96.3	5.4	86.2	65.7	90.5
	2020	4	0.1	0.3	4.4	1.0	1.4
	2022	10	0.2	0.0	0.0	0.2	0.3
	Remaining Dutiable	186	3.4	0.6	9.4	5.7	7.8
	Total	5,458	100.0	6.3	100.0	72.6	100.0
Kiribati	Applied rates duty free (2020)	5,205	100.0	19.1	100.0	7.9	100.0
	Remaining Dutiable	0	0.0	0.0	0.0	0.0	0.0
	Total	5,205	100.0	19.1	100.0	7.9	100.0
Niue	Applied rates duty free (2020)	5,047	96.3	0.2	95.0	10.4	95.2
	2044	58	1.1	0.0	0.3	0.1	0.7
	Remaining Dutiable	134	2.6	0.0	4.7	0.5	4.1
	Total	5,239	100.0	0.2	100.0	11.0	100.0
Tuvalu	Applied rates duty free (2020)	2,860	54.5	0.9	47.0	1.4	72.5
	2029	344	6.6	0.0	0.2	0.0	1.1
	2034	1,662	31.7	0.2	9.4	0.2	9.0
	2044	289	5.5	0.7	37.7	0.3	14.4
	Remaining Dutiable	91	1.7	0.1	5.8	0.1	3.0
	Total	5,246	100.0	1.9	100.0	1.9	100.0

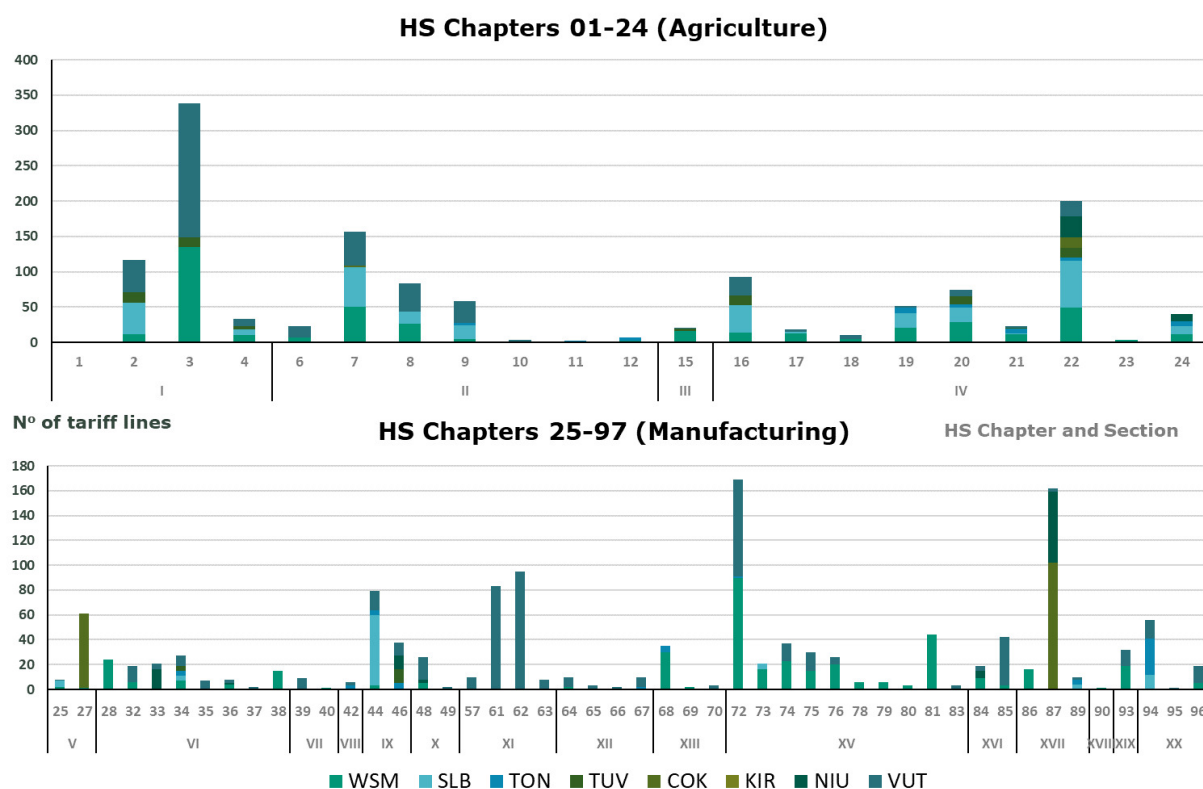
Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature. Exchange rates used: SBD to USD: 7.89 (2017), 7.95 (2018), 8.17 (2019); TOP to USD: 2.21 (2017), 2.24 (2018), 2.29 (2019).

Source: Cook Islands, Kiribati, Solomon Islands: WTO estimates based on the data provided by the parties (preferential tariffs), ITC Trade Map (imports), and ITC Market Access Map (applied tariffs).
Niue, Tonga: WTO estimates based on the data provided by the parties.
Samoa: WTO estimates based on the data provided by the parties and WTO-IDB.
Tuvalu and Vanuatu: WTO estimates based on the data from the Agreement (preferential tariffs), ITC Trade Map (imports), and ITC Market Access Map (applied tariffs).

3.25. **Error! Reference source not found.**1 illustrates the HS Sections and Chapters in which some of the Forum Island Countries will retain dutiable tariffs upon completion of their respective transition periods, except for Kiribati, whose imports from Australia and New Zealand were duty free from the date of entry into force of the Agreement.

3.26. The highest concentration of lines remaining dutiable is found in Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) for Vanuatu, Samoa and Tuvalu; Chapter 22 (beverages, spirits and vinegar) for all FICs, except Kiribati; Chapter 72 (iron and steel) for Samoa, Tonga and Vanuatu; Chapter 87 (vehicles other than railway or tramway rolling-stock, and parts and accessories thereof) for the Cook Islands, Niue and Vanuatu; and in Chapter 7 (edible vegetables and certain roots and tubers) for Samoa, Solomon Islands, the Cook Islands and Vanuatu.

Chart 3.1 Forum Island Countries: Number of dutiable lines remaining, by HS Chapter and Section



Note: Based on the HS 2012 Nomenclature, except for Tonga (HS 2017).

WSM = Samoa; SLB = Solomon Islands; TON = Tonga; VUT = Vanuatu; COK = Cook Islands; KIR = Kiribati; NIU = Niue; TUV = Tuvalu.

Source: WTO estimates based on data from the parties, WTO-IDB and ITC Trade Map.

3.27. Among the FIC Parties that are WTO Members, Samoa will retain tariffs across some HS Sections except HS Sections VIII (raw hides); XIV (precious stones); XI (textiles); and XXI (works of art) once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections I (animal products); IV (prepared foods) and XV (base metals). The average final tariff of the products remaining subject to duty ranges from 8% in HS Sections V, IX, X, XIII, XVI-XVIII to 22.3% in HS Section IV (Table 3.5a).

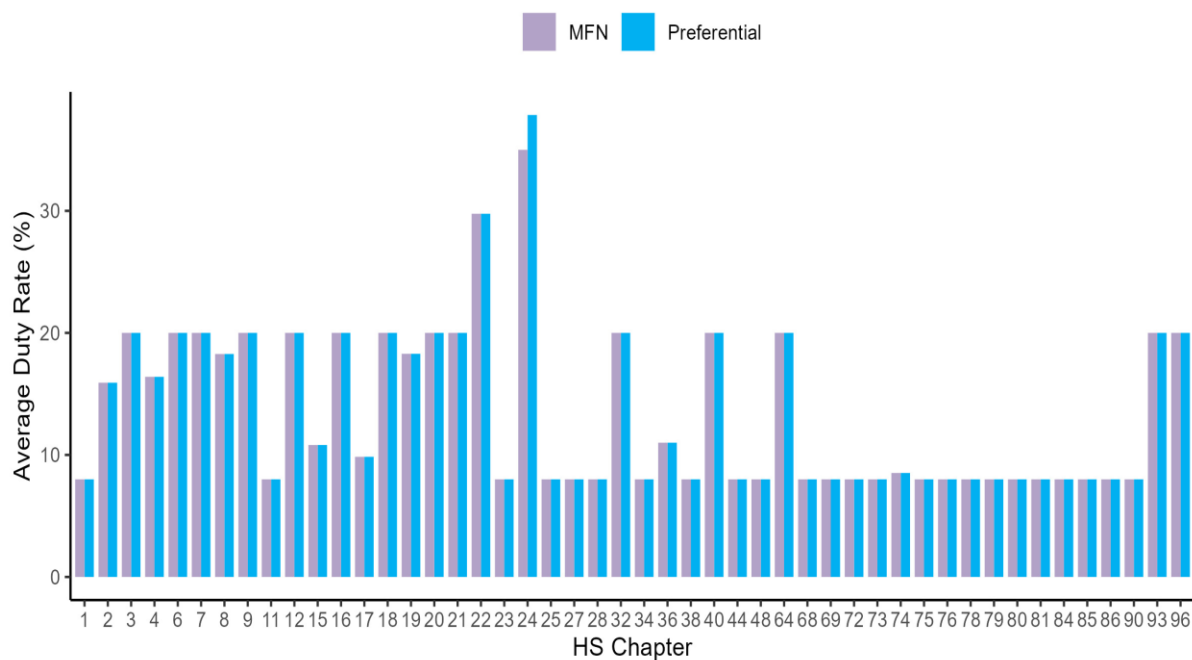
3.28. As depicted in Chart 3.2a, on HS Chapters in which duties will remain under the Agreement Samoa's preferential average tariff is the same as the average MFN duty rate for all Chapters, except for tobacco (Chapter 24), where the average applied MFN rate (35%) is lower than the corresponding preferential average (37.8%).

Table 3.5a Samoa: Tariff elimination under the Agreement, by HS Section

HS Section	MFN 2020			Duty free lines under the Agreement					Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2024	2029	2034	2044	Number of lines	Avg. final tariff (%)
I	15.4	372	26	14	17	46	100	11	158	19.4
II	14.7	321	11		16	92	94	17	91	19.4
III	12.2	57				20	10	11	16	10.8
IV	17.8	277	16		8	22	56	17	158	22.3
V	8.2	159	5			132		19	3	8.0
VI	8.5	800	55			607	67	15	56	9.5
VII	9.9	217				162	33	21	1	20.0
VIII	20.0	69					69			
IX	9.5	98				59	22	14	3	8.0
X	10.9	151	2			100	36	8	5	8.0
XI	11.5	802			6	558	238			
XII	19.5	50				2	46		2	20.0
XIII	9.1	147				100	14	1	32	8.0
XIV	18.9	54				4	50			
XV	8.2	577			6	297	32	19	223	8.1
XVI	10.4	788	1		1	552	186	36	12	8.0
XVII	8.7	183	54	10	1	55	44	3	16	8.0
XVIII	12.9	212				112	99		1	8.0
XIX	20.0	19							19	20.0
XX	13.0	121			4	58	48	6	5	20.0
XXI	20.0	7					7			
Total	11.3	5,481	170	24	59	2,978	1,251	198	801	14.8

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and WTO-IDB.

Chart 3.2a Samoa: Average of Dutiable Rates

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and WTO-IDB.

3.29. The Solomon Islands will retain tariffs across most HS Sections except III (fats and oils); VII (plastics); VIII (raw hides); X (wood pulp); XI (textiles); XIII (stone, cement); XIV (precious stones); XVIII (optical); XIX (arms and ammunition); and XXI (works of art) once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections I (animal products); II (vegetables); IV (prepared foods) and IX (articles of wood). The average final tariff of the products remaining subject to duty is generally 10%, except for HS Section IV (prepared foods) for which it is 10.4% (Table 3.5b).

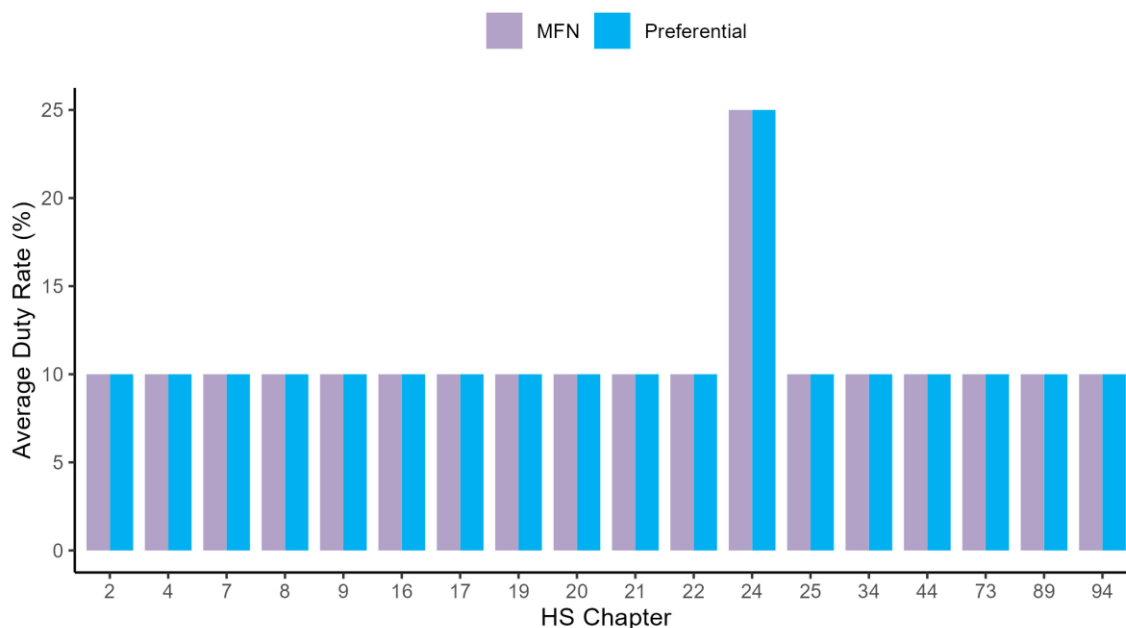
3.30. As depicted in Chart 3.2b, on remaining dutiable HS Chapters under the Agreement the Solomon Islands' preferential average tariff is the same as the MFN average, with the highest average duties remaining for tobacco products (25%).

Table 3.5b Solomon Islands: Tariff elimination under the Agreement, by HS Section

HS Section	MFN 2020			Duty free lines under the Agreement			Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2029	2034	2044	Number of lines	Avg. final tariff (%)
I	9.4	406		345		9	52	10.0
II	9.4	305	4	203		6	92	10.0
III	9.8	48		35		13		
IV	9.6	289		105	1	24	159	10.4
V	10.0	159		126		28	5	10.0
VI	7.5	792		719	6	63	4	10.0
VII	10.0	212		125		87		
VIII	10.0	71		59		12		
IX	10.0	181		124			57	10.0
X	9.5	142		114		28		
XI	9.9	798	1	759		38		
XII	9.7	47		31		16		
XIII	10.0	142		141		1		
XIV	10.0	53		53				
XV	7.9	564		424		135	5	10.0
XVI	9.4	781	6	461	1	313		
XVII	9.0	161	19	38		100	4	10.0
XVIII	9.6	211	4	207				
XIX	10.0	18		18				
XX	9.8	118		74		32	12	10.0
XXI	10.0	7		7				
Total	9.2	5,505	34	4,168	8	905	390	10.1

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and ITC Market Access Map.

Chart 3.2b Solomon Islands: Average of Dutiable Rates

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the parties and ITC Market Access Map.

3.31. Tonga will retain tariffs across most HS Sections except I (animal products); III (fats and oils); V (minerals); VII (plastics); X (wood pulp); XI (textiles); XIV (precious stones); XVI (machinery); XVIII (optical); XIX (arms and ammunition); and XXI (works of art) once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections IV (prepared foods) and XX (miscellaneous). The average final tariff of the products remaining subject to duty ranges between 15% for HS Sections II, IV, VI, IX, XII, XV, XVII, and 20% for HS Section XII (footwear) (Table 3.5c).

3.32. As depicted in Chart 3.2c, on remaining dutiable HS Chapters under the Agreement Tonga's preferential and MFN average tariffs are the same.

Table 3.5c Tonga: Tariff elimination under the Agreement, by HS Section

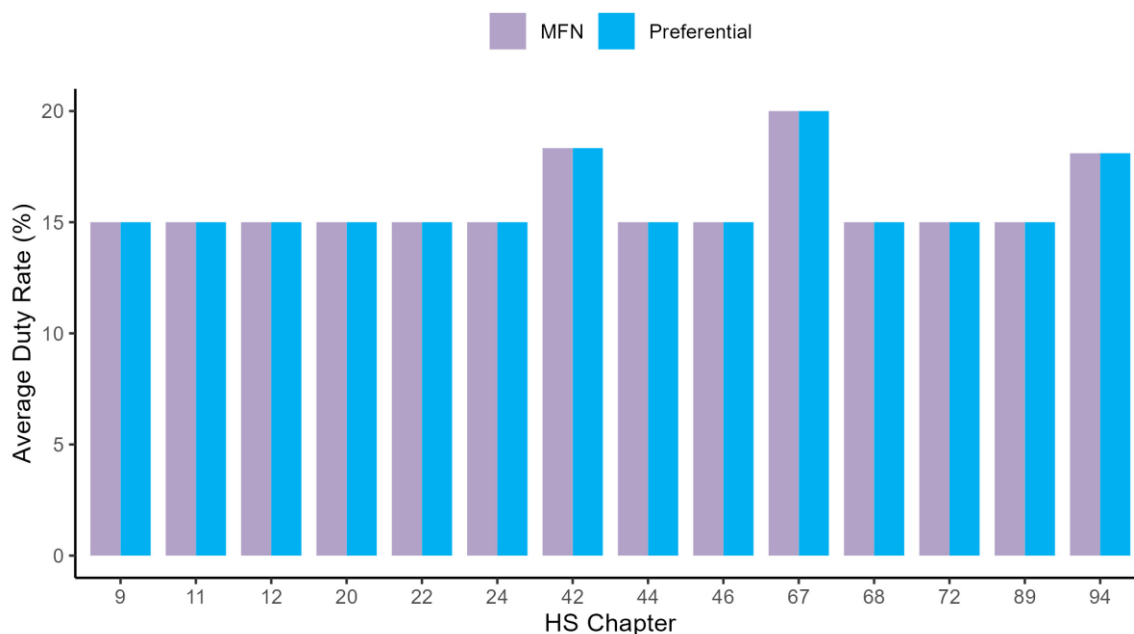
HS Section	MFN 2020			Duty free lines under the Agreement					Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2024	2029	2034	2044	Number of lines	Avg. final tariff (%)
I	1.9	408	357	1			35	15		
II	8.2	331	156				147	18	10	15.0
III	10.2	49	6			27	12	4		
IV	6.6	274	155	4			34	49	32	15.0
V	10.9	155	45				106	4		
VI	12.7	885	136	4		4	682	55	4	15.0
VII	14.2	220	18				159	43		
VIII	8.8	72	37				31	1	3	18.3
IX	10.1	125	41				63	12	9	15.0
X	12.7	147	23	1			93	30		
XI	14.7	807	14				756	37		
XII	19.3	47					39	6	2	20.0
XIII	14.2	153	10	1			120	17	5	15.0
XIV	19.2	53	2				51			
XV	12.9	594	61	2	23		427	80	1	15.0
XVI	5.6	802	74	1	522		162	43		

HS Section	MFN 2020			Duty free lines under the Agreement					Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2024	2029	2034	2044	Number of lines	Avg. final tariff (%)
XVII	5.6	234	97	6	46		47	34	4	15.0
XVIII	11.0	210	46		45		119			
XIX	20.0	18					18			
XX	14.9	127	18	2	3		69	6	29	18.1
XXI	0.0	7	7							
Total	10.4	5,718	1,303	22	639	31	3,170	454	99	16.1

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the Parties.

Chart 3.2c Tonga: Average of Dutiable Rates



Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the Parties.

3.33. Vanuatu will retain tariffs across all HS Sections except HS Sections XIV (precious stones); XVIII (optical); and XXI (works of art) once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections I (animal products); II (vegetables); and XI (textiles). The average final tariff of the products remaining subject to duty ranges between 10% for HS Sections III and XIII, and 27.3% for HS Sections II and IV (Table 3.5d). The average preferential and MFN rates as shown in Chart 3.2d are the same in the Chapters in which duties remain, with average rates ranging from 10% to 50%.

Table 3.5d Vanuatu: Tariff elimination under the Agreement, by HS Section

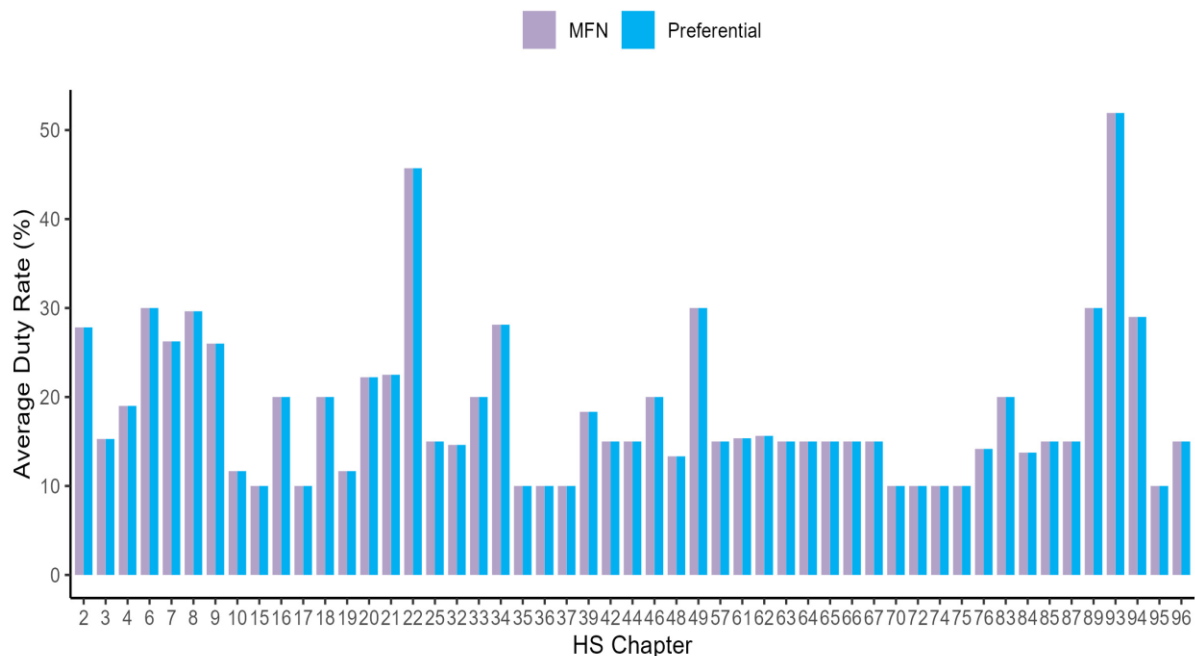
HS Section	MFN 2020			Duty free lines under the Agreement				Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2029	2034	2044	Number of lines	Avg. final tariff (%)
I	15.5	348	22	2	41	8	30	245	17.8
II	17.9	306	37	2	76	48	5	138	27.3
III	6.5	48	14		32		1	1	10.0

HS Section	MFN 2020			Duty free lines under the Agreement				Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2029	2034	2044	Number of lines	Avg. final tariff (%)
IV	21.2	223	4		52	64	33	70	27.3
V	2.9	158	75		63	1	18	1	15.0
VI	5.3	788	246	2	463	34	5	38	16.7
VII	8.1	217	74		65	69		9	18.3
VIII	4.1	69	50			16		3	15.0
IX	14.5	95	7			48	14	26	17.1
X	8.0	143	50		50	23		20	15.0
XI	9.6	802	1		506	99		196	15.5
XII	14.7	47	1			25		21	15.0
XIII	11.8	142	16		45	78		3	10.0
XIV	4.9	53	40			13			
XV	7.7	565	145		280	24		116	10.5
XVI	5.5	775	381		196	155		43	14.9
XVII	9.9	170	64		9	18	74	5	21.0
XVIII	4.5	211	141		21	49			
XIX	52.8	18				5		13	51.9
XX	13.5	120	22		26	42		30	21.8
XXI	0.0	7	7						
Total	9.3	5,305	1,397	6	1,925	819	180	978	18.7

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on data from the Agreement and ITC.

Chart 3.2d Vanuatu: Average of Dutiable Rates



Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data from the Agreement and ITC.

3.34. Among the FIC Parties that are non-WTO Members, the Cook Islands will retain tariffs in five HS Sections: II (vegetables), IV (prepared foods), V (minerals), XIV (precious stones) and XVII (vehicles), once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections V (minerals) and XVII (vehicles). The average final tariff of the

products remaining subject to duty ranges between 0.1-0.6%, except for 31.1% in HS Section XVII (Table 3.5e). These correspond to Chapters 7, 27, 71 and 87, with specific rates in Chapter 21. The average duties remaining which are the same as the corresponding MFN rates in all these Chapters are low except for 87 (motor vehicles) where average duties are 30%.

Table 3.5e Cook Islands: Tariff elimination under the Agreement, by HS Section

HS Section	Applied rates, 2020			Duty free lines under the Agreement		Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2020	2022	Number of lines	Avg. final tariff (%)
I	0.0	336	336				
II	0.0	312	309			3	0.1
III	0.0	48	48				
IV	0.0	211	182	4	10	15	-
V	0.0	205	145			60	0.2
VI	0.0	787	787				
VII	0.0	211	211				
VIII	0.0	69	69				
IX	0.0	94	94				
X	0.0	141	141				
XI	0.0	796	796				
XII	0.0	47	47				
XIII	0.0	142	142				
XIV	0.0	89	83			6	0.6
XV	0.0	563	563				
XVI	0.0	771	771				
XVII	11.2	282	180			102	31.1
XVIII	0.0	211	211				
XIX	0.0	18	18				
XX	0.0	118	118				
XXI	0.0	7	7				
Total	0.6	5,458	5,258	4	10	186	28.1

- Specific tariffs only.

Note: For the calculation of averages, specific rates are excluded, and the ad valorem parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties and ITC Market Access Map.

3.35. Niue will retain tariffs in six HS Sections: IV (prepared foods), VI (chemicals), IX (articles of wood), X (wood pulp), XVI (machinery) and XVII (vehicles), once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections IV and XVII. The average final tariff of the products remaining subject to duty ranges between 10% in HS Section IX and 300% in HS Section X (Table 3.5f).

3.36. As depicted in Chart 3.2e, for HS Chapters in which duties remain under the Agreement Niue's preferential average tariff is the same as the average applied rate, with the highest average rates for spirits and whiskey, tobacco products and cigarettes (HS Chapters 22, 24 and 48, accordingly).

Table 3.5f Niue: Tariff elimination under the Agreement, by HS Section

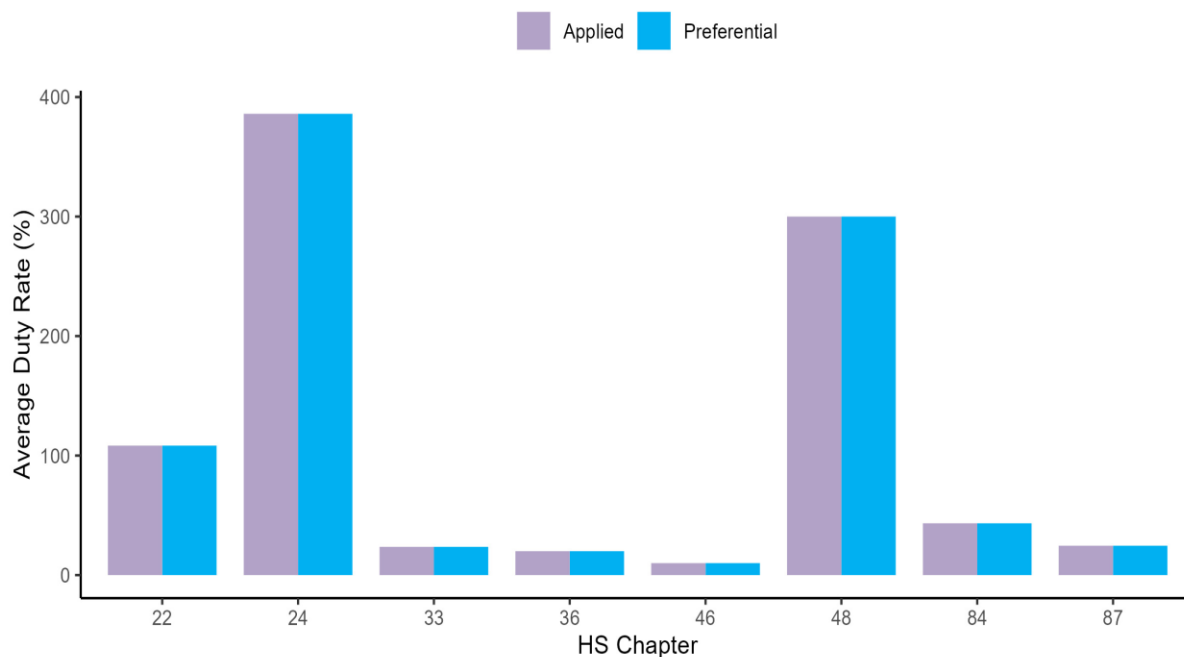
HS Section	Applied rates, 2020			Duty free lines under the Agreement	Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2044	Number of lines	Avg. final tariff (%)
I	0.0	336	336			
II	0.0	304	304			
III	0.0	48	48			
IV	32.2	221	179	2	40	177.8
V	0.0	148	148			
VI	0.6	788	758	13	17	23.4
VII	0.0	211	211			
VIII	0.0	69	69			
IX	1.2	94	83		11	10.0

HS Section	Applied rates, 2020			Duty free lines under the Agreement	Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2044	Number of lines	Avg. final tariff (%)
X	6.4	141	138		3	300.0
XI	0.0	796	796			
XII	0.0	47	47			
XIII	0.0	142	142			
XIV	2.6	53	39	14		
XV	0.0	563	562	1		
XVI	0.8	771	738	27	6	43.3
XVII	9.2	153	95	1	57	24.6
XVIII	0.0	211	211			
XIX	0.0	18	18			
XX	0.0	118	118			
XXI	0.0	7	7			
Total	2.1	5,239	5,047	58	134	76.0

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties.

Chart 3.2e Niue: Average of Dutiable Rates



Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data provided by the Parties.

3.37. Tuvalu will retain tariffs in five HS Sections: I (animal products), III (fats and oils), IV (prepared foods), VI (chemicals) and IX (articles of wood), once the Agreement is fully implemented. The largest number of lines remaining subject to duty are found in HS Sections I and IV. The average final tariff of the products remaining subject to duty ranges between 15% in HS Section III and 21.8% in HS Section I (Table 3.5g).

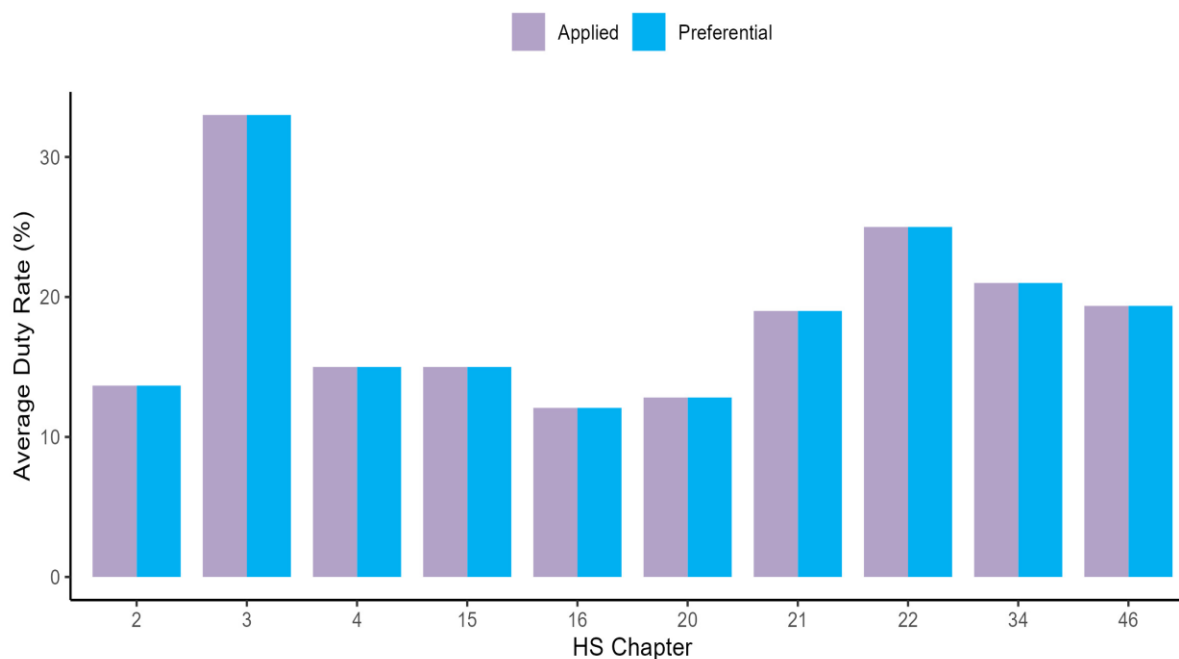
3.38. As depicted in Chart 3.2f, on remaining dutiable HS Chapters under the Agreement Tuvalu's preferential average tariff is the same as the average applied rate with rates ranging between 12% in Chapter 16 and 33% in Chapter 3.

Table 3.5f Tuvalu: Tariff elimination under the Agreement, by HS Section

HS Section	Applied rates, 2020			Duty free lines under the Agreement			Remaining Dutiable	
	Avg. Tariff (%)	Total lines	Duty-free lines	2029	2034	2044	Number of lines	Avg. final tariff (%)
I	9.2	336	49	213	10	30	34	21.8
II	4.0	304	244	3	47	10		
III	15.0	48			45		3	15.0
IV	16.4	217	29	3	30	116	39	17.1
V	0.6	158	149	1	5	3		
VI	3.5	787	639	2	136	6	4	21.0
VII	3.6	211	166		38	7		
VIII	14.3	69	5		64			
IX	5.8	94	62		21		11	19.4
X	11.4	141	35		106			
XI	17.7	796	96	6	691	3		
XII	20.0	47			47			
XIII	6.6	142	88		54			
XIV	19.9	53	14		39			
XV	1.9	563	502		61			
XVI	4.8	771	563	29	136	43		
XVII	8.6	155	70		24	61		
XVIII	3.7	211	124	87				
XIX	33.0	18			18			
XX	16.1	118	18		90	10		
XXI	0.0	7	7					
Total	8.0	5,246	2,860	344	1,662	289	91	19.2

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data from the Agreement and ITC.

Chart 3.2g Tuvalu: Average of Dutiable Rates

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 Nomenclature.

Source: WTO estimates based on the data from the Agreement and ITC.

3.1.4 Tariff rate quotas

3.39. There are no provisions related to tariff rate quotas under the Agreement.

3.2 Rules of origin

3.40. Rules of origin and verification procedures are set out in Chapter 3, which is complemented by Annexes 3-A and 3-B that establish the requirements for declaration of origin and schedule of product specific rules, respectively. As defined in Article 2, a good can be treated as originating, if it:

- a. is wholly obtained or produced in a PACER Plus country²⁷;
- b. is produced entirely in one or more of the PACER Plus countries, by one or more producers, exclusively from originating materials;
- c. satisfies all applicable requirements of the product specific rules (PSRs) of origin in Annex 3-B, as a result of processes performed entirely in the territory of one or more Party by one or more producers; or
- d. otherwise qualifies as an originating good under Chapter 3; and
- e. meets all other applicable requirements of Chapter 3.

3.41. Annex 3-B to Chapter 3 outlines the requirements that need to be met for goods that are not wholly obtained to qualify as originating. Most goods can obtain origin provided that they satisfy a change in tariff classification (CTC) either at the Chapter, subheading or heading level, and/or if their regional value content is not less than 40%.²⁸ Process rules may also be used as an alternative for certain products. The Chapter also includes a list of minimal operations that do not confer origin (Article 6). Where a range of PSRs are provided for a good, origin may be claimed on the basis that at least one of the PSRs is satisfied (paragraph 5, Annex 3-B). The Agreement also provides for consultations and review of PSRs as set out in Article 28. As reported by the Parties, the review of PSRs is currently under way and set to be completed by 13 December 2023.

3.42. Full cumulation of origin is applicable and governed by the provisions of Article 5. Production in the territory of one or more of the Parties by one or more producers may count as originating content regardless of whether that production was sufficient to confer originating status to the materials themselves.

3.43. A *de minimis* tolerance rule of 10% of the FOB²⁹ value of a good is applicable to non-originating materials used in the production of the good. For textiles and apparel products (HS Chapters 50-63) the weight of all non-originating materials used in the production that did not undergo the required CTC must not exceed 10% of the total weight of the good. In addition, all other applicable requirements of Chapter 3 must be met. The value of such non-originating materials shall, however, be included in the value of non-originating materials for any applicable regional value content requirement for the good (Article 7).

3.44. Under specified conditions, the absorption principle applies for accessories, spare parts, tools and instructional or other information materials; identical and interchangeable goods or materials; packing materials and containers; and indirect materials (Articles 8 to 11, respectively). Provisions on retention of records; transport through a third-party and goods in storage are set out in Articles 12 to 14.

²⁷ The list of goods considered to be wholly obtained or produced is in Article 3.

²⁸ Calculation of regional value content in Article 4 of Chapter 3 specifies, *inter alia*, that the value of a good is to be determined in accordance with the Agreement on Customs Valuation and certain expenses may be deducted from the value of non-originating materials.

²⁹ Free-on-board value of the good, inclusive of the cost of transport to the port or site of final shipment abroad (Article 1).

3.45. Section B of Chapter 3 establishes origin procedures, such as the submission and verification of the declaration of origin³⁰ and the decision to grant preferential treatment (Articles 15 to 25). In case of a reasonable doubt as to the origin of a good, the customs administration of an importing Party may verify the eligibility of a good for preferential treatment. Verification shall be completed within 130 days of the commencement of verification process or within 90 days of the conclusion of a verification visit, whichever is later, and a decision on origin shall be provided in writing within the following 21 days. Reasons for decisions to deny preferential treatment shall be presented to the importer in writing, on request. The Agreement also provides for the right of appeal in matters relating to the eligibility for preferential tariff treatment. The Declaration of Origin (Annex 3-A) is subject to review within four years of the date of entry into force of this Agreement (i.e. by 2024).

3.46. Under Section C of Chapter 3 the Committee on Trade in Goods, Rules of Origin and Customs Procedures is the forum for the Parties to consult regularly on any issues that arise concerning origin determination, classification of products, or other matters related to Chapter 3.

3.47. Chapter 3 is subject to review within three years of entry into force of the Agreement (i.e. by 2023) with a final report to be submitted to the Joint Committee by 2024.

3.3 Export duties and charges, and quantitative restrictions

3.48. There are no provisions on export duties in the Agreement except related to fees and charges on or in connection with importation or exportation which shall be limited in amount to the approximate cost of services rendered, not represent an indirect protection to domestic products or a taxation of imports or exports for fiscal purposes; and are otherwise in conformity with Articles I and VIII of the GATT 1994, which are incorporated into and form part of the Agreement, *mutatis mutandis*. With regard to quantitative restrictions, the Parties may not adopt or maintain any GATT Article XI type measure unless it is in conformity with the WTO Agreement or the Agreement (Article 12, Chapter 2).

3.4 Regulatory provisions on trade in goods

3.4.1 Standards

3.4.1.1 Sanitary and phytosanitary measures

3.49. Chapter 5 of the Agreement covers sanitary and phytosanitary measures (SPS) and applies to all SPS measures that may, directly or indirectly, affect trade between the Parties. PACER Plus Parties that are WTO Members reaffirm their rights and obligations with respect to each other under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter referred to as "the WTO SPS Agreement") and to a certain extent to the non-WTO member Parties.³¹ Non-WTO member Parties commit to prepare, adopt or apply SPS measures based on the WTO SPS Agreement to the extent of their capacity. The definitions of Annex A of the WTO SPS Agreement are incorporated into and made part of Chapter 5, *mutatis mutandis*.

3.50. In line with the objective of enhancing the practical implementation and promoting the application of the requirements of the WTO SPS Agreement, certain disciplines go beyond the WTO SPS Agreement.

3.51. Article 5 closely follows Article 2 of the WTO SPS Agreement on basic rights and obligations ensuring the application of SPS measures necessary to protect human, animal or plant life or health; based on scientific principles; not without sufficient scientific evidence, except for provisional SPS measures; not arbitrarily or unjustifiably discriminate between Parties where identical or similar conditions prevail. Regarding harmonization, like under Article 3 of the WTO SPS Agreement, SPS measures are to be based on international standards, guidelines or recommendations. An SPS

³⁰ Annex 3-A to Chapter 3 sets out detailed requirements for the composition of the declaration of origin under PACER Plus.

³¹ While reserving their rights under the WTO SPS Agreement, Parties countries that are WTO Members agree to apply the provisions of Article 1 to Article 8 of the SPS Agreement with respect to non-WTO member Parties, to the extent that such provisions are not already covered in Chapter 5 of the Agreement.

measure which result in a higher level of SPS protection may be introduced or maintained, provided there is a scientific justification (Article 5).

3.52. On equivalence, like Article 4 of the WTO SPS Agreement, an importing Party must accept the SPS measure of the exporting Party as equivalent if the exporting Party objectively demonstrates that its measure achieves the importing Party's appropriate level of SPS protection. For bilateral or regional recognition on equivalence, the Parties must hold negotiations, upon request, within a reasonable period of time (Article 6). Article 6 also provides for technical discussions in case of difficulty in demonstrating appropriate levels of SPS protection.

3.53. As regards recognition of pest- and disease-free areas, or areas of low pest and disease prevalence, Article 7 elaborates on the provisions of Article 6 of the WTO SPS Agreement by providing detailed procedural disciplines, on a best endeavour basis.

3.54. On transparency, building on the provisions of Article 7 and Annex B of the WTO SPS Agreement, the Parties agree to promptly publish SPS regulations and provide for not less than six months as a reasonable interval between the publication of such measure and its entry into force (Article 8). The Parties commit to provide timely and appropriate information directly to the contact points of all other Parties on (i) the preparation of any new, SPS measure or amendments that directly or indirectly have a significant effect on the trade; (ii) the consideration and application of a provisional SPS measure which is considered to be necessary to protect human, animal or plant life or health; or (iii) a change in animal or plant health status that may affect existing trade. In addition, they agree to notify the compliance of shipments with SPS measures. Notification procedures apply to proposed amendments and new SPS regulations and are similar to those under Annex B to the WTO SPS Agreement. The Parties agree to share, and keep up to date, the list of their respective competent authorities as well as contact points to facilitate distribution of requests and notifications under Chapter 5. As confirmed by the Parties, the PACER Plus Implementation Unit has a database of the Parties' contact points.

3.55. Beyond acknowledging and encouraging further cooperation among the Parties, Article 11 provides, *inter alia*, for developing country Parties to establish and maintain an updated list of prioritised products of significant export interest, which shall be considered by the developed country Parties in their import standards development work programmes with a view to facilitating the exports of the developing country Parties. As confirmed by the Parties, such lists were established.

3.56. Technical discussions may be held on any SPS measure affecting trade between the Parties or on SPS matters of mutual interest, including by inviting other Parties or a relevant international or regional organization, upon mutual agreement by the Parties concerned. Technical discussions under Article 12 do not constitute formal consultations under Chapter 14 (consultations and dispute settlement) and are without prejudice to the rights and obligations of the Parties under that Chapter, the WTO Agreement, or any other agreement to which participating Parties are party.

3.57. Special needs and interests of developing country Parties are to be taken into account in the preparation or application of SPS measures including through longer time frames for implementation of new SPS measures (Article 14).

3.58. The Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade, the Joint Committee or any other relevant body, are the forum for PACER Plus countries to consult as required on the implementation of their commitments under Chapter 5 of the Agreement.

3.59. Chapter 5 is subject to review within three years of entry into force of the Agreement (i.e. by 2023) with a final report to be submitted to the Joint Committee by 2024.

3.4.1.2 Technical barriers to trade

3.60. Chapter 6 of the Agreement covers technical regulations, standards and conformity assessment procedures. Definitions in Annex 1 of the WTO TBT Agreement are incorporated into and made part of Chapter 6, *mutatis mutandis* (Article 1). The Chapter builds upon and in some respects goes further than the WTO TBT Agreement.

3.61. Chapter 6 applies to all technical regulations, standards and conformity assessment procedures that are prepared, adopted or applied by the central government of a Party and that may directly or indirectly affect trade in goods between the Parties (Article 3). Local governments and non-governmental bodies within the Parties territories shall take such reasonable measures as may be available to ensure the implementation of the Chapter.

3.62. Article 4 clarifies, *inter alia*, that nothing in Chapter 6 shall prevent a Party from preparing, adopting or applying technical regulations, standards or conformity assessment procedures in accordance with its rights and obligations under Chapter 6 of the Agreement. WTO Member Parties reaffirm their rights and obligations under the WTO TBT Agreement with respect to each other and to a certain extent to the non-WTO member Parties³². Non-WTO member Parties commit to prepare, adopt or apply a technical regulation, standard or conformity assessment procedure based on the WTO TBT Agreement to the extent of their capacity.

3.63. The non-discrimination provisions on technical regulations and standards, and conformity assessment procedures are similar to those under the WTO TBT Agreement (Article 2.1, Annex 3(D) and Article 5.1.1, respectively).

3.64. The Parties agree to provide responses, and further clarifications, to written reasonable requests relating to their technical regulations, standards and conformity assessment procedures no later than 90 days after the receipt of such requests or as mutually agreed between the Parties (Article 6). Technical assistance may be requested if a Party has difficulty in complying with requirements such as accepting the equivalence of technical regulations, following international standards, or not accepting the results of a conformity assessment procedure.

3.65. WTO Member Parties commit to ensure that central government standardising bodies in their territories accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards as set out in Annex 3 to the WTO TBT Agreement; non-WTO Member Parties agree to observe to the extent of their capacity the substantive provisions of the Code. In respect of local government and non-governmental bodies, a best endeavour clause applies (Article 7).

3.66. Transparency provisions in Article 8, include detailed publication and notification requirements consistent with those of the WTO TBT Agreement. Contact points are established by Article 9. As reported by the Parties, information of the contact points was shared between the Parties.

3.67. Technical discussions under Article 11 do not constitute formal consultations under Chapter 14 (consultations and dispute settlement) and are without prejudice to the rights and obligations of the Parties under that Chapter, the WTO Agreement, or any other agreement to which participating Parties are party.

3.68. Consistent with Articles 12.3, 12.4 and 12.9 of the WTO TBT Agreement, special and differential treatment for developing country Parties is envisaged in Article 13, and cooperation provisions are set out in Article 10.

3.69. The Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade, the Joint Committee or any other relevant body, are the fora for the Parties to consult on the implementation of their commitments under Chapter 6.

3.70. Chapter 6 is subject to review within three years of entry into force of the Agreement (i.e. by 2023) with a final report to be submitted to the Joint Committee by 2024.

³² While reserving their rights under the WTO TBT Agreement, WTO Member Parties agree to apply the provisions of Articles 1 to 10 of the WTO TBT Agreement with respect to Parties that are not WTO Members, to the extent that such provisions are not already covered in Chapter 6 of the Agreement.

3.4.2 Safeguard mechanisms

3.4.2.1 Global safeguards

3.71. Under Article 7 of Chapter 2 the Parties that are the WTO Members retain their rights and obligations under Article XIX of the GATT 1994 and the WTO Agreements on Safeguards, while non-WTO Member Parties shall comply with these provisions.

3.72. The Parties commit to notify each other of any existing legislation on global safeguards, or an absence thereof. Any changes in existing laws or the adoption of new laws on global safeguards, including the application of provisional safeguard measures, must be notified to the other Parties through their contact points.

3.4.2.2 Bilateral safeguards

3.73. Under Article 8 of Chapter 2 developing country Parties may take safeguard measures during the transition period (i.e. up to 2044). They may only be applied for a period not exceeding 2 years, extendable by another 3 years or cumulatively 5 years on the same product. It may take the form of a suspension of the further reduction of customs duty for the good, or an increased rate of customs duty to a level not to exceed the lesser of the MFN applied tariff (or general applied tariff for non-WTO members) at the time the measure is applied or in effect on the day immediately preceding the date of entry into force of the Agreement for the Party. No Party can apply a tariff rate quota or a quantitative restriction as a form of transitional safeguard measure. Provisional measures may be taken for up to 200 days in urgent cases which will be counted as part of the period of the final measure. The measure may not be applied on the same good and at the same time as a safeguard measure under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

3.74. Article 8 also has provisions on notification requirements, and consultations upon request to review notifications. Mutually agreed trade liberalizing compensation shall be provided following consultations. If compensation cannot be agreed through consultations, discussion in the Joint Committee may be sought to determine the level of compensation.³³

3.75. The developed country Parties will consider exempting products from the developing country Parties from the application of a safeguard measure. No safeguard measures shall be applied on a product originating from a developing country Party, whether or not a WTO Member, if its share of imports of the product concerned does not exceed 3%, provided that the developing country Parties with less than 3% import share collectively account for not more than 9% of total imports of the product concerned (Article 7.16).

3.4.2.3 Other Safeguards

3.4.2.3.1 Industry development measures

3.76. The Forum Island Countries may use industry development measures, aimed at, *inter alia*, the establishment of a new industry or the substantial transformation of an existing industry.

3.77. Such measures, which must be approved by the Joint Committee, can be a delay in the scheduled tariff liberalization or an increase in customs duty for one or more products, but not exceeding the MFN, or non-preferential, applied tariff. The measures can be applied for 7 years, extendable by an additional 3 years. They may only be taken during the Party's scheduled tariff reduction period on the affected product and will be eligible if the tariff lines concerned as well as any other measures in force at the time together account for not more than 8% of the total exports of the affected Party to the requesting Party.³⁴ The measure may not be used at the same time as a transitional safeguard under Article 8 for the same good. Article 9 also specifies provisions on

³³ Under procedures in paragraphs 3.8 and 3.9.

³⁴ Measured as the value of the average annual percentage of the exporting Party's exports under those lines as a share of its total exports to the requesting Party in the three calendar years immediately preceding the year in which the measure is requested.

compensation for affected Parties due to the application of such measures. As reported by the Parties, none of the Parties applied any industry development measures.

3.4.3 Anti-dumping and countervailing measures

3.78. Article 7 of Chapter 2 regulates anti-dumping and countervailing measures. The WTO Member Parties retain their rights and obligations under Articles VI and XVI of the GATT 1994, the WTO Agreements on Antidumping and on Subsidies and Countervailing Measures, while non-WTO member Parties shall comply with these provisions.

3.79. The Parties commit to notify each other of any existing legislation containing anti-dumping or countervailing measure provisions, or an absence thereof. Any changes in existing laws or the adoption of new laws must be notified to the other Parties through contact points.

3.4.4 Subsidies and State-aid

3.80. There are no provisions on subsidies and State-aid related to trade in goods under the Agreement.

3.4.5 Customs-related procedures

3.81. In Chapter 4 the Parties agree, *inter alia*, to ensure predictability, consistency and transparency in the application of customs laws and regulations and to promote cooperation between their customs authorities. In addition, they agree to enhance the implementation of the requirements of Article VII of the GATT 1994, the Agreement on Customs Valuation and other WTO provisions relating to customs matters (Article 2).

3.82. The Parties are encouraged to conform their customs procedures to international standards and recommended practices, in particular those of the World Customs Organization, and to periodically review customs procedures with a view to their simplification and the facilitation of trade (Article 4).

3.83. Broad cooperation between the customs authorities of the Parties is established in Article 5, which includes, *inter alia*, capacity building and technical assistance programmes. As reported by the Parties, PACER Plus Implementation Unit delivered some capacity-building and technical assistance programmes since the entry into force of the Agreement.

3.84. Chapter 4 also includes numerous trade facilitation provisions, which go beyond those of the WTO Agreement on Trade Facilitation in some instances and include, *inter alia*:

- i. the use of automated systems on the basis of relevant international standards and best practices (Article 6);
- ii. the release of goods within 48 hours of arrival, without temporary transfer to warehouses or other locations (conditional to specified exceptions/flexibilities) (Article 8);
- iii. the expedited issuance of advance rulings (Article 10); and
- iv. an obligation to administer customs procedures for facilitating the clearance of low-risk goods and focus on high-risk goods (Article 11).

3.85. In determining the value for customs purposes of goods traded between the Parties, the application of Article VII of GATT 1994 and the Agreement on Customs Valuation, including the Interpretative Notes at Annex I to that Agreement, is reaffirmed (Article 9).

3.86. The provisions on transparency require that the information concerning procedures for making enquiries, all statutory, regulatory and any customs administrative procedures applied or enforced by customs administrations, not including law enforcement procedures and internal operational guidelines, shall be published online, or in print form (Article 13). Confidential information, as set out in Article 12, shall be maintained as such, unless it is disclosed upon the consent of the providing

customs administration, or if required by the laws and regulations. In the latter case, an advance notice shall, whenever possible, be given to the providing customs administration.

3.87. The provisions on the review and appeal in Article 14 give any person that is the recipient of a customs administrative decision access to both administrative and judicial reviews. The decision on appeal shall be given to the appellant, including the reasons for such decision, in writing.

3.88. The Parties are encouraged to address any significant customs issues affecting trade in goods between them through consultations (Article 15).

3.89. The Parties will designate enquiry points to address enquiries from interested persons concerning customs matters. As reported by the Parties, the PACER Plus Implementation Unit maintains and updates a list of enquiry/contact points from the Parties on customs matters.

3.90. Certain flexibilities are provided for a Party that is developing country and not a WTO Member in the application of the following provisions: customs valuation (Article 9.2); advance rulings (Article 10.1); and transparency (Article 13.3). The developing country Parties will also receive assistance in relation to Chapter 4 as provided under Chapter 10 (development and economic cooperation).

3.91. Chapter 4 is subject to review within three years of entry into force of the Agreement (i.e. by 2023), the final report shall be submitted to the Joint Implementation Committee by 2024. As reported by the Parties, the PACER Plus Implementation Unit is in the process of recruiting a panel of experts to undertake the General Review of the Agreement, with the aim of completing the review in early 2024.

4 PROVISIONS ON TRADE IN SERVICES AND INVESTMENT

4.1. Chapters 7, 8 and 9 deal respectively with trade in services, movement of natural persons, and investment. They are complemented by the Parties' schedules of commitments in Annexes I, 7-A, 8-A, and 9-A-B-C-D.

4.2. Like for trade in goods, the Agreement is not the first agreement between the Parties that covers services (section 5.7). Australia and New Zealand already have a bilateral agreement on trade in services.

4.1 Scope and definitions

4.3. Chapter 7 on trade in services applies to measures affecting trade in services adopted or maintained by a Party and covers GATS modes of supply 1, 2, 3 and 4 (Articles 1 and 2). It does not apply to: (a) services supplied in the exercise of Governmental authority³⁵; (b) Government procurement; (c) subsidies or grants by a Party, including Government-supported loans, guarantees and insurance; air services³⁶ with some exceptions; and measures affecting natural persons seeking access to the employment market or measures regarding citizenship, residence or employment on a permanent basis. The Parties recognize the right to regulate and introduce new regulations on the supply of services in order to meet their national policy objectives while ensuring that such regulations do not in themselves a restriction on the supply of the service (Article 2).

4.4. Chapter 8 on the movement of natural persons applies to measures affecting the temporary entry of natural persons of a Party into the territory of another Party. Further details on Chapter 8 are provided in section 4.3.4 of this factual presentation.

4.5. Chapter 9 covers investment and applies to measures adopted or maintained by a Party at the central, state, regional or local level of Government relating to (a) investors³⁷ of other Parties; (b)

³⁵ Nothing in Chapter 7 shall be construed as requiring the privatisation of public services supplied in the exercise of Governmental authority (Article 2).

³⁶ Compared to the GATS, Chapter 7 applies to aircraft repair and maintenance services; the selling and marketing of air transport services; computer reservation system services; and to specialty air services; ground handling services; and airport operation services (Article 2).

³⁷ An investor of a Party means a Party, or a natural person or an enterprise of a Party that has made or seeks to make an investment in the territory of another Party. For greater certainty, the Parties understand that,

covered investments³⁸; and (c), with respect to performance requirements, to all investments in the territory of that Party. It does not apply to procurement, subsidies or grants provided by a Party, except subsidies provided in connection with the measures prohibited under Article 11 on performance requirements (Article 3). It also does not apply to measures adopted or maintained by a Party affecting trade in services (Article 4). Further details on Chapter 8 are provided in section 4.6 of this factual presentation.

4.2 Denial of benefits

4.6. A Party can deny the benefits of Chapters 7 and 9 (trade in services and investment, respectively) if the service supplier or an investor of another Party is an enterprise owned or controlled by persons of a non-party or the denying Party, and has no substantial business activities in the territory of any Party (Articles 16 and 19, respectively).³⁹

4.3 General provisions on trade in services

4.3.1 Market access

4.7. Article 5 of Chapter 7 lists the limitations on market access that the Parties cannot adopt or maintain unless otherwise specified in their respective schedules of specific commitments as set out in Annex 7-A to the Agreement. They mirror those in Article XVI of the GATS.

4.3.2 National and MFN treatment

4.8. The Parties agree to grant:

- a) national treatment to all services and service providers of other Parties in sectors specified by each Party in Annex 7-A to the Agreement (Article 6 of Chapter 7);
- b) MFN treatment with respect to any measure covered by the Chapter 7 (trade in services), with the exception of any measure that falls within the scope of any exemptions listed in Annex I (Article 3 of Chapter 7); and
- c) national and MFN treatment to investors and covered investments of investors of any other Party with respect to the acquisition, establishment, expansion, management, conduct, operation, and sale or other disposition of investments in its territory (Articles 6 and 7 of Chapter 9).

4.9. Regarding investment, national treatment is granted only in sectors specified by each Party in Annex 9-A to the Agreement. Along with broad individual horizontal reservations, the sectors where all Parties undertook specific commitments⁴⁰ include agriculture, hunting and forestry; fishing; mining and quarrying; and manufacturing. In addition, Australia scheduled specific commitments on national treatment for electricity, gas and water supply.

4.10. The Parties' MFN exemptions are in Annex I to the Agreement and apply both to trade in services and investment. In respect of intellectual property rights, a Party may derogate from MFN and national treatment commitments in Chapter 9, provided it is consistent with the WTO TRIPS Agreement.

for the purposes of the definition of "investor" of a Party, an investor "seeks 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 obtained a permit or licence (Article 1).

³⁸ A covered investment means, with respect to a Party, an investment in its territory of an investor of another Party, in existence as of the date of entry into force of the Agreement, or established, acquired or expanded thereafter, which has been admitted by the host Party subject to its relevant laws, regulations and policies (Article 1).

³⁹ The Agreement does not contain a definition for "substantial business activities".

⁴⁰ The scope and coverage of the sector-specific commitments vary among the Parties.

4.3.3 Commercial presence

4.11. Article 1 of Chapter 7 has a similar definition of "commercial presence" to Article XXVIII(d) of the GATS, and means any type of business or professional establishment, including one operating through (a) the constitution, acquisition or maintenance of an enterprise⁴¹; or (b) the creation or maintenance of a branch or a representative office; within the territory of a Party for the purposes of supplying a service.

4.3.4 Performance requirements

4.12. Article 11 on the prohibition of performance requirements provides for the consistency of any measure taken by a Party with the WTO Agreement on Trade-Related Investment Measures (the WTO TRIMS Agreement), in connection to 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.

4.13. For the non-WTO member Parties, special provisions apply, including a possibility to list in Annex 9-D⁴² measures that do not comply with the WTO TRIMS Agreement within two years of the date of entry into force of the Agreement after which no new measures that are inconsistent with the WTO TRIMS Agreement may be introduced. As reported by the Parties, no Party has listed measures under Annex 9-D.

4.3.5 Senior Management and Boards of Directors

4.14. Under the Agreement, the Parties may not impose nationality requirements for senior management positions of a company that is a covered investment, nor require that a majority of its board of directors, or any committee thereof, be of a particular nationality, or resident in a Party, except for the exemptions specified by each Party in Annex 9-B to the Agreement (Article 10).

4.15. In Annex 9-B, along with individual horizontal exemptions, the Parties reserve the right to adopt or maintain any nationality or residency requirements for the board of directors, or any committee thereof, of an enterprise that is a covered investment, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment. Australia, the Cook Islands, and New Zealand scheduled sector-specific limitations, *inter alia*, in agriculture hunting and forestry, fishing, mining and quarrying.

4.3.6 Movement of natural persons

4.16. Chapter 8 applies to measures affecting the temporary entry of natural persons of a Party into the territory of any other Party. As under the GATS, Chapter 8 does not apply to measures affecting natural persons seeking access to the employment market of a Party, nor to measures regarding citizenship, residence or employment on a permanent basis (Article 3).

4.17. The Agreement defines a natural person of a Party as a national, citizen or permanent resident of that Party in accordance with its laws and regulations⁴³, which is broader than under the GATS (Article 2 of Chapter 1).

4.18. The Parties reserve the right to apply measures to regulate the entry or temporary stay of natural persons of any other Party in its territory, including measures necessary to protect territorial integrity and to ensure the orderly movement of natural persons across their borders, provided such measures are not applied in a manner so as to nullify or impair the benefits accruing to any other Party under the Agreement (Article 3 of Chapter 8).

⁴¹ "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, and a branch of an enterprise (Article 2 of Chapter 1).

⁴² Annex 9-D to Chapter 9 of the Agreement provides a template for listing measures not compliant with the WTO TRIMS Agreement.

⁴³ Specific provisions apply for the Cook Islands and for Niue (Article 2 of Chapter 1).

4.19. Commitments on the temporary entry of natural persons are in Annex 8-A, which are country specific. In each annex, the Party specifies the conditions and limitations⁴⁴ governing such commitments, including specific requirements and length of stay (Article 4 of Chapter 8) for all or some of the following categories: (a) business visitors, (b) intra-corporate transferees, (c) contractual services suppliers, (d) independent service suppliers, (e) installers or services, and (f) skilled or semi-skilled workers, or related categories of any of the above. Neither Australia, nor New Zealand have made any commitments for skilled or semi-skilled workers.

4.20. Table 4.1 below provides an overview of the Parties' commitments under the Agreement, and how they relate to their GATS commitments, if applicable. The comparison is based solely on the length of stay and categories committed of services providers. It does not take into account commitments made (if any) with respect to the entry of spouses (See Annex 2).

Table 4.1 Overview of commitments for Mode 4 under the Agreement and the GATS

Commitments	Australia	Cook Islands	Kiribati	New Zealand	Niue	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
A. Business visitors or related categories¹	+			=		=	+	+		≈
B. Intra-corporate transferees or related categories²	+			+		≈	+	<		≈
C. Contractual services suppliers	+			=		=	+	+		≈
D. Independent service suppliers or related categories³	=			+		=	+	≈		+
E. Installers and servicers	=			=		+	+	+		+
F. Skilled or semi-skilled workers	=			=		+	+	+		+



there are commitments under the Agreement.



no commitments under the GATS.

+ : commitments under the Agreement are broader than under the GATS.

= : commitments under the Agreement and the GATS are the same.

≈ : commitments under the Agreement and the GATS are similar.

< : commitments under the GATS are broader than under the Agreement.

General note:

1 Commitments in category A refer to (a) business visitors, (b) investors, or (c) services sellers.

2 Commitments in category B refer to (a) executives, (b) managers, (c) specialists, or (d) management trainees on professional development.

3 Commitments in category D refer to (a) independent executives, (b) personnel engaged in establishment, or (c) independent professionals.

Source: WTO Secretariat, based on Annex 8-A and the Parties' GATS Schedules of specific commitments. As WTO non-Members, the Cook Islands, Kiribati, Niue and Tuvalu have no GATS schedules.

4.21. Compared to the GATS, commitments in mode 4 are in general broader under the Agreement as most Parties provide for the temporary entry of additional categories of natural persons under the Agreement and/or have extended their lengths of stay. For example, Tonga allows business visitors to stay up to 6 months in one year under the Agreement, instead of 90 days under the GATS. All Parties that are WTO Members, have also made commitments for business visitors, independent professionals, contractual service suppliers, installers and servicers and/or skilled or semi-skilled workers, in sectors additional to their GATS commitments. Unlike under the GATS, foreign workers for whom work permits have been issued, as well as their employers, must provide training to citizens of Vanuatu. Training of local staff is also required by Samoa and Tuvalu. Moreover, only Australia has made specific commitments with respect to spouses of the following categories of

⁴⁴ "Conditions and limitations" include limitations on the total number of visas or the requirement of a labour market test.

temporary entrants: intra-corporate transferees, independent professionals and contractual services suppliers (for more details, please see Annex 2).

4.22. Requirements and procedures relating to the movement of natural persons are in Article 5 of Chapter 8. The Parties agree, *inter alia*, to expeditiously process complete applications and, on request and within a reasonable period of time, notify the applicant of the receipt, status and decision concerning the application, including the reasons for refusal and any avenues for review.

4.23. The Parties cannot have recourse to the dispute settlement mechanism under the Agreement in the case of a refusal to grant temporary entry unless it involves a pattern of practice and natural persons affected have exhausted all available domestic remedies regarding the matter (Article 8 of Chapter 8).

4.24. Contact points are designated by the Parties to facilitate communications on any matters covered by Chapter 8. As reported by the Parties, the PACER Plus Implementation Unit maintains and updates a list of enquiry/contact points from Parties on matters covered by Chapter 8.

4.25. In the three years following the entry into force of the Agreement, the Parties agree to review the commitments on the movement of natural persons with an aim of improving the overall undertaken commitments and progressively liberalize the movement of natural persons among them (Article 9 of Chapter 8). As reported by the Parties, the PACER Plus Implementation Unit is in the process of recruiting a panel of experts to undertake the General Review of the Agreement, with the aim of completing the review in early 2024.

4.4 Liberalization commitments

4.26. The Parties' schedules of specific commitments in Annex 7-A are modelled on the GATS schedules with respect to the sectoral classification⁴⁵ and the separation of sector specific and horizontal limitations, the latter applying to all sectors listed.⁴⁶ For modes 1, 2 and 3⁴⁷, the schedules include limitations and conditions on market access and national treatment, and additional commitments⁴⁸.

4.27. The provisions on modification or withdrawal of any commitments in the Parties' schedules follow those of Article XXI of the GATS (Article 9). Any modification of or withdrawal from the scheduled commitments must follow the procedures for the rectification or modification of schedules, established by the Joint Committee. As reported by the Parties, the procedures for the rectification or modification of schedules have not been established by the Joint Committee. None of the Parties have indicated any plans to modify or withdraw any commitments under the Agreement.

4.28. A review of the trade in services commitments is envisaged in the three years following the entry into force of the Agreement with certain flexibilities envisaged for the developing PACER Plus Parties (Article 18). As reported by the Parties, the PACER Plus Implementation Unit is in the process of recruiting a panel of experts to undertake the General Review of the Agreement, with the aim of completing the review in early 2024.

4.29. While each Party's liberalization is presented in Annex 2, this Section summarizes trade in services liberalization under Chapter 7, including Annex 7-A.

4.4.1 Overview

4.30. Under PACER Plus, the Parties make commitments – full or partial – in between 26 (Solomon Islands) and 42 (Tonga) sub-sectors out of the 56 in the WTO Services Sectoral Classification

⁴⁵ The WTO Services Sectoral Classification (MTN.GNS/W/120), which is based on the UN Provisional Central Product Classification (CPC) 1991.

⁴⁶ The provisions on scheduling of specific commitments are in Article 8 of Chapter 7 and are similar to those under Article XX of the GATS.

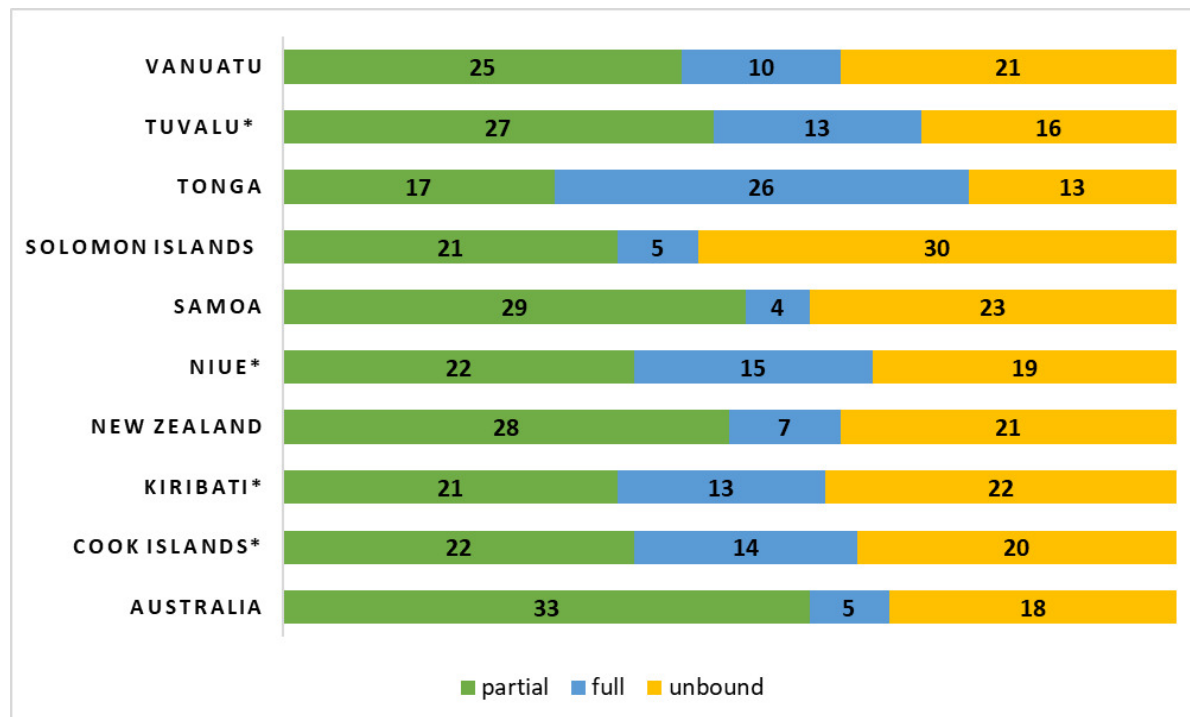
⁴⁷ The Parties' specific commitments on Mode 4 are in Annex 8-A to the Agreement.

⁴⁸ Where the Parties undertake commitments not subject to Articles 5 and 6 (market access and national treatment), such commitments are inscribed as additional commitments (Article 7 of Chapter 7).

(Chart 4.1).⁴⁹ No Party has commitments in the following sub-sectors: postal (only Tonga); other communication; other distribution; other financial; other health related and social; other recreational, cultural and sporting; internal waterways; space; rail and road (only Australia and New Zealand); and other transportation and other services not included elsewhere (only New Zealand) (Table 4.3).

4.31. The degree of liberalization by sector varies with some Parties like Tonga making full commitments in about half of the subsectors (26 subsectors), while others like Australia, New Zealand, Samoa and the Solomon Islands made full commitments in less than ten subsectors.⁵⁰ Most Parties made full commitments in computer and related services (except for Australia and Kiribati).

Chart 4.1 Number of subsectors by level of commitments under the Agreement



Source: WTO Secretariat based on Annex 7-A of the Agreement.

4.32. Some horizontal reservations are not unique to one Party and in some cases, they are replicated, with some differences, by other Parties. For instance, most of the Parties have broad reservations regarding investment and ownership of land, as well as any measure on (i) the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of the Agreement; (ii) sale or disposal of government owned entities or assets; and (iii) the provision of law enforcement and correctional services, and specific social services⁵¹ established or maintained for a public purpose.

4.33. The Parties also include a similar MFN exception for preferential treatment granted under all their existing bilateral or multilateral agreements at the time of the Agreement's entry into force, and all agreements in force or signed thereafter involving aviation, fisheries and maritime matters.

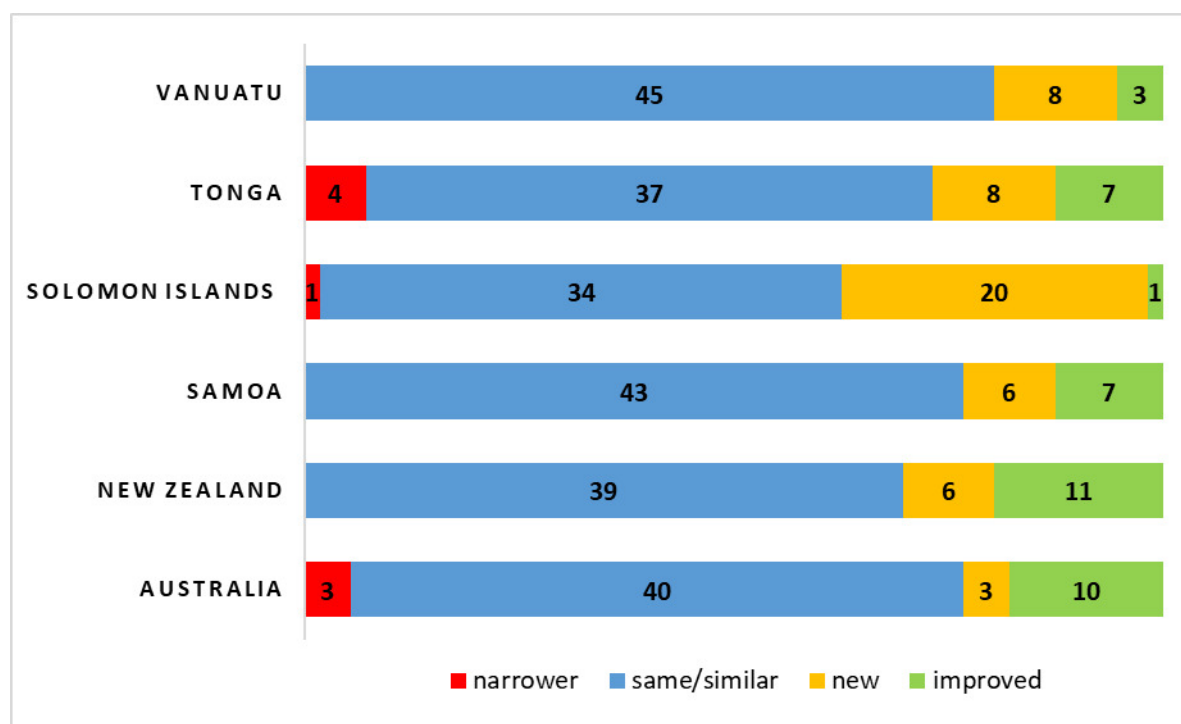
⁴⁹ The WTO Services Sectoral Classification list (WTO document MTN.GNS/W/120) comprises 12 sectors and 56 subsectors. The twelfth sector "Other services not included elsewhere", is counted as one sub-sector in this exercise.

⁵⁰ The assessment of the level of commitments is at the sectoral level and thus based on the Parties' sector-specific reservations only. Such commitments must therefore be read together with any MFN and horizontal reservations listed by the Parties under the Agreement to have the overall degree of liberalization in a given subsector.

⁵¹ Income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing (Schedule of specific commitments of Samoa, Annex 7-A to PACER Plus).

4.34. Sectoral commitments under the Agreement are in general more liberal for all the Parties compared to the GATS, with a few exceptions where commitments are the same or seem to be narrower. The number of new subsectors added by each Party under the Agreement varies from between 3 (Australia) and 20 (Solomon Islands). The Parties generally broadened their GATS commitments in between 11 (Vanuatu) and 21 (Solomon Islands) sectors, either by adding a new subsector or by expanding the scope of existing commitments in a subsector (Chart 4.2). For instance, the Solomon Islands added commitments in some sub-sectors in communication, distribution, education, environmental and transport services sectors, which are unbound in its GATS' schedule; Samoa and Vanuatu did the same for services auxiliary to all modes of transport, and New Zealand, the Solomon Islands and Vanuatu for research and development services. As under the GATS, recreational, cultural and sporting services remain unbound for New Zealand, the Solomon Islands and Vanuatu.

Chart 4.2 Number of sectors by level of commitments compared to the GATS



Source: WTO Secretariat based on Annex 7-A of the Agreement.

4.4.2 Sector-specific commitments


4.35. Table 4.3. summarizes the Parties' sector-specific commitments for modes 1-3. Commitments for mode 4 are described in Section 4.3.4. MFN and horizontal limitations are not taken into account in Table 4.3. A detailed description of each Parties' commitments under the Agreement is in the section by Party in Appendix I to this factual presentation.


Table 4.3 Parties' sectoral commitments in modes 1-3 under the Agreement


Sector-specific commitments under the Agreement	Australia	Cook Islands*	Kiribati*	New Zealand	Niue*	Samoa	Solomon Islands	Tonga	Tuvalu*	Vanuatu
1. Business services										
A. Professional Services	≈			+		+	+	+		+
B. Computer and Related Services	+			+		+	Δ	=		=

Sector-specific commitments under the Agreement	Australia	Cook Islands*	Kiribati*	New Zealand	Niue*	Samoa	Solomon Islands	Tonga	Tuvalu*	Vanuatu
C. Research and Development Services	+			=		=	Δ	=		Δ
D. Real Estate Services	<			=		=	=	Δ		=
E. Rental/Leasing Services without Operators	=			=		+	=	Δ		Δ
F. Other Business Services	+			+		+	Δ	+		+
2. Communication services										
A. Postal services	=			=		=	=	=		=
B. Courier services	=			=		=	Δ	=		=
C. Telecommunication services	≈			=		=	Δ	=		=
D. Audiovisual services	=			=		=	=	=		=
E. Other	=			=		=	=	=		=
3. Construction and related engineering services										
A. General construction work for buildings	=			+		=	=	=		=
B. General construction work for civil engineering	=			+		=	≈	=		=
C. Installation and assembly work	=			+		=	Δ	=		=
D. Building completion and finishing work	=			+		=	Δ	=		=
E. Other	Δ			+		=	=	=		=
4. Distribution services										
A. Commission agents' services	<			=		≈	Δ	<		≈
B. Wholesale trade services	≈			=		Δ	Δ	<		≈
C. Retailing services	≈			=		=	=	<		≈
D. Franchising	=			=		=	=	<		≈
E. Other	=			=		=	=	=	---	=
5. Educational services										
A. Primary education services	=			=		=	=	=		=
B. Secondary education services	=			=		=	Δ	=		=
C. Higher education services	=			=		=	Δ	=		=
D. Adult education	=			=		=	Δ	=		=
E. Other education services	+			Δ		=	Δ	=		=
6. Environmental services										
A. Sewage services	≈			Δ		=	Δ	=		=
B. Refuse disposal services	≈			Δ		=	Δ	=		=
C. Sanitation and similar services	≈			Δ		=	Δ	=		=
D. Other	Δ			Δ		=	=	=		Δ
7. Financial services										
A. All insurance and insurance-related services	+			+		+	=	+		=
B. Banking and other financial services	≈			=		=	=	=		=
C. Other	=			=	---	=	=	=		=
8. Health related and social services										
A. Hospital services	Δ			=		Δ	=	=		=
B. Other Human Health Services	=			=		=	=	Δ		=
C. Social Services	=			=		=	=	Δ		=
D. Other	=			=		=	=	=		=
9. Tourism and travel related services										
A. Hotels and restaurants (incl. catering)	=			=		=	<	=		=
B. Travel agencies and tour operators' services	+			=		=	Δ	Δ		=
C. Tourist guides services	=			=		=	=	Δ		=
D. Other	=			=		=	=	=		=
10. Recreational, cultural and sporting services										
A. Entertainment services	=			=		+	=	+		Δ
B. News agency services	=			=		Δ	=	=		Δ
C. Libraries, archives, museums and other cultural services	=			=		Δ	=	Δ		=
D. Sporting and other recreational services	<			=		Δ	=	Δ		Δ

Sector-specific commitments under the Agreement	Australia	Cook Islands*	Kiribati*	New Zealand	Niue*	Samoa	Solomon Islands	Tonga	Tuvalu*	Vanuatu
E. Other	=			=		=	=	=		=
11. Transport services										
A. Maritime Transport Services	+			=		+	Δ	+		Δ
B. Internal Waterways Transport services	=			=		=	=	=		=
C. Air Transport Services	+			+		=	Δ	+		+
D. Space Transport services	=			=		=	=	=		=
E. Rail Transport Services	Δ			=		=	=	=		=
F. Road Transport Services	+			=		=	=	=		=
G. Pipeline Transport services	=			=		=	=	=		=
H. Services auxiliary to all modes of transport	+			+		Δ	Δ	+		Δ
I. Other Transport Services	=			=		=	=	=		=
12. Other Services not Included Elsewhere										
	=			Δ		=	=	=		=

 No market access or national treatment limitations under the Agreement

 Some market access or national treatment limitations under the Agreement

 No commitments under the Agreement

+: commitments under the Agreement are broader than under the GATS.

=: commitments under the Agreement and the GATS are the same.

≈: commitments under the Agreement and the GATS are similar.

<: commitments under the GATS are broader than under the Agreement.

Δ: new sub-sector added under the Agreement as there no commitments under the GATS.

*: non-WTO Member.

Note: MFN and horizontal limitations, as well as Mode 4 commitments/limitations are not considered.

Source: Annex 7-A of the Agreement.

4.5 Regulatory provisions

4.5.1 Domestic regulation

4.36. Article 10 of Chapter 7 on domestic regulation builds upon the disciplines of Article VI of the GATS, ensuring that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

4.37. Following results of the WTO negotiations pursuant to Article VI:4 of the GATS (disciplines relating to qualification requirements and procedures, technical standards, licensing requirements and procedures), the Parties agree to review and amend, as appropriate, Article 10.

4.38. If authorization is required for the supply of the service in which the specific commitment is made, the Parties commit that their competent authority will:

- in case of an incomplete application, identify the missing information and provide the applicant with an opportunity to remedy deficiencies within a reasonable timeframe;
- inform the applicant of the decision concerning the application;
- provide information concerning the status of the application;
- inform and explain the reason for the rejection of the application, and the timeframe to appeal the decision. Within reasonable time limits, the application can be resubmitted.

4.39. Subject to the Parties' domestic laws and regulations, service suppliers are allowed to use the business names under which they ordinarily trade in other Parties.

4.40. Transparency in Article 17 includes publication requirements for all measures of general application relating to licensing and qualification requirements and procedures, and technical standards. International agreements pertaining to or affecting trade in services are also to be published promptly or otherwise made publicly available. The Parties agree to respond promptly to all requests by another Party for specific information on any measures of general application which pertain to or affect the operation of Chapter 7 or international agreements mentioned above.

4.41. Contact points are designated by the Parties to facilitate communications on any matters covered by Chapter 7. As reported by the Parties, the PACER Plus Implementation Unit maintains and updates a list of enquiry/contact points from Parties on matters covered by Chapter 7.

4.5.2 Recognition

4.42. Similar to Article VII of the GATS, a Party may, subject to specified requirements, recognise the education or experience obtained, requirements met, or licenses or certifications granted in a particular country for the authorisation, licensing or certification of service suppliers. Under the Agreement, when a Party recognizes, autonomously or by agreement, the education or experience obtained, requirements met, or licenses or certifications granted in the territory of a non-party, the Party is not obliged to accord such recognition to another Party. The Parties agree to actively encourage consultations between their relevant bodies to explore the possibilities for recognition of qualifications or professional recognition or registration (Article 11 of Chapter 7 (trade in services)).

4.43. The provisions of Article 11 of Chapter 7 also apply, *mutatis mutandis*, to authorisation, licensing or certification of natural persons as in Article 6 of Chapter 8 (movement of natural persons).

4.44. Under the Arrangement on Labour Mobility, the Parties acknowledge the importance of the recognition of qualifications throughout the region and agree to consider the opportunities offered by their accession to the Revised Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education 2011.

4.5.3 Subsidies

4.45. Subsidies or grants by a Party, including government-supported loans, guarantees and insurance, are excluded from the scope of Chapter 7 on trade in services (Article 2.2(c)); however, where subsidies of one Party affect trade in services of another Party, consultations are to be held with a view to reaching a mutually satisfactory solution (Article 15). Upon the conclusion of negotiations on trade distorting subsidies on trade in services under Article XV of the GATS, the Parties agree to review the operation of Article 15.

4.5.4 Safeguards

4.46. The Parties agree to discuss the appropriate amendments to Chapter 7 upon the conclusion of the multilateral negotiations pursuant to Article X of the GATS on emergency safeguard measures. In the meantime, in case the implementation of commitments under the Agreement causes substantial adverse impacts on a service sector of a Party, the affected Party may request consultations with the other Party or Parties. Any agreed solutions shall be notified to all other Parties as soon as practicable. As reported by the Parties, none of the Parties have applied any emergency measures.

4.5.5 Other provisions on investment

4.47. Chapter 9 covers investment and applies to (a) investors of other Parties; (b) covered investments; and (c), with respect to performance requirements, to all investments in the territory of that Party (Article 3). It is complemented by the Parties' schedules of commitments on investment; senior management and board of directors' exemptions; expropriation and compensation; and a list of measures not compliant the WTO TRIMS Agreement (Annexes 9-A-B-C-D, respectively).

4.48. Although Chapter 9 does not apply to measures adopted or maintained by a Party affecting trade in services, provisions on minimum standard of treatment; senior management and boards of directors; compensation for losses; expropriation and compensation; free transfer of funds; and subrogation apply, *mutatis mutandis*, to any measure affecting the supply of service by a service supplier of a Party through commercial presence in the territory of any other Party pursuant to Chapter 7 (trade in services), but only to the extent that any such measures relate to a covered investment and an obligation under this Chapter, regardless of whether such a service sector is scheduled in a Party's Schedules of Specific Commitments in Annex 7-A (Article 4).

4.49. In addition to the provisions on denial of benefits, MFN and national treatment, performance requirements and senior management and board of directors, as described in previous sections, Chapter 9 includes provisions dealing with corporate social responsibility (Article 5), minimum standards of treatment (Article 9), treatment in case of armed conflict or civil strife (Article 12), expropriation and compensation (Article 13), free transfer of funds (Article 14), special formalities and disclosure of information (Article 16), subrogation (Article 17), the need to ensure environment, health and other regulatory objectives (Article 19), and promotion and facilitation of investment (Article 20).

4.50. The Parties agree to accord to covered investments of investors of any other Party the customary international law minimum standard of treatment of aliens including fair and equitable treatment and full protection and security (Article 9).

4.51. No Party shall expropriate or nationalise a covered investment either directly or indirectly through measures equivalent to expropriation or nationalisation, except (a) for public purposes, (b) in a non-discriminatory manner, (c) in accordance with due process of law, and (d) upon payment of prompt, adequate and effective compensation. The decision to expropriate and of the valuation of investments might be subject to review by the request of an investor of a Party who is affected by the direct expropriation.⁵²

4.52. Nothing in Chapter 9 shall prevent a Party from adopting, maintaining or enforcing measures otherwise consistent with the Agreement to ensure that its investment activity is undertaken in a manner sensitive to environmental, health or other regulatory objectives (Article 19). The Parties also reaffirm the importance of encouraging enterprises to voluntarily incorporate internationally recognised standards, guidelines and principles of corporate social responsibility (Article 5).

4.53. Transparency provisions in Article 15 and an exchange of information on competent authorities and contact points provide for an information exchange between the Parties on measures that may have a material impact on any covered investment while consultations are foreseen under the provisions of Article 5 of Chapter 14 (consultations and dispute settlement) regarding any actual or proposed measure or any other matter that is considered to materially affect the operation of Chapter 9. As reported by the Parties, the PACER Plus Implementation Unit maintains and updates a list of enquiry/contact points from Parties on customs matters.

4.54. The Parties will review commitments on investment, within three years following the entry into force of the Agreement and periodically thereafter. The limited capacities of developing country Parties are recognised and will be considered in the review. As reported by the Parties, the PACER Plus Implementation Unit is in the process of recruiting a panel of experts to undertake the General Review of the Agreement, with the aim of completing the review in early 2024.

⁵² The provisions on expropriation do not apply to the issuance of compulsory licenses granted in accordance with (i) the WTO TRIPS Agreement for WTO Member Parties, or (ii) relevant international agreements on intellectual property rights for non-WTO member Parties (Article 13). Annex 9-C provides further clarifications on the application of expropriation and compensation provisions.

5 GENERAL PROVISIONS OF THE AGREEMENT

5.1 Transparency

5.1. In addition to transparency provisions in individual Chapters⁵³, Chapter 13 obliges the Parties, whenever possible, to publish or otherwise make publicly accessible laws, regulations, procedures, and administrative rulings of general application relating to any matter covered by the Agreement. Such measures, to the extent possible, are to be made available in electronic form or online. Any proposed measures⁵⁴ and opportunity to comment on them are also covered by Chapter 13.

5.2. To the extent possible, the Parties also commit to notify any proposed or actual measure that might affect any other Party or materially affect the operation of the Agreement and to provide information on such measures in case of the request (Chapter 13.3).

5.3. Provisions in Chapter 15 (final provisions) on disclosure of information and confidentiality ensure that information classified as confidential shall be used for specified purposes and not be otherwise disclosed without the specific permission of the Party providing the information, except to the extent that the Party receiving the information is required to provide the information under its domestic law (Articles 5 and 6, respectively).

5.2 Current payments and capital movements

5.4. Article 12 of Chapter 7 (trade in services) on payments and transfers to a large extent replicates the provisions of Article XI of the GATS, and, *inter alia*, forbids the Parties from applying restrictions on international transfers and payments for current transactions relating to their specific commitments, except for security exceptions and on measures to safeguard the balance of payments.

5.3 Exceptions

5.5. Chapter 11 provides for exceptions for general and security reasons, safeguards for the balance of payments, prudential⁵⁵ and taxation measures, and the Treaty of Waitangi.

5.6. PACER Plus also provides for the Parties to take measures for prudential reasons. If such measures do not conform with the provisions of the Agreement, they shall not be used as a means of avoiding the Party's commitments or obligations under the Agreement (Article 4 of Chapter 11).

5.3.1 General exceptions

5.7. Article XX of the GATT 1994 is incorporated into the Agreement, *mutatis mutandis*, and made applicable for most provisions of the Agreement, which govern trade in goods between the Parties while Article XIV of the GATS, including its footnotes, is incorporated into the Agreement, *mutatis mutandis* for services. In addition to the above, the Agreement includes, *inter alia*, environmental measures (i) necessary to protect human, animal or plant life or health, or (ii) relating to the conservation of living and non-living exhaustible natural resources (Article 1 of Chapter 11).

5.3.2 Security exceptions

5.8. Similar to Article XXI of the GATT 1994 and Article XIV bis of the GATS, Article 2 of Chapter 11 permits the Parties to take measures to protect their essential security interests, including any action

⁵³ Such as ones, trade in goods (Articles 13 and 14 of Chapter 2); measures and procedures related to trade remedies (Articles 7 and 8, Chapter 2); customs matters (Article 13 of Chapter 4); SPS and TBT measures (Articles 8 of Chapter 5 and 8 of Chapter 6, accordingly); trade in services (Article 17 of Chapter 7); and investment (Article 15 of Chapter 9).

⁵⁴ A proposed measure may include a policy discussion document, a summary of proposed regulations or the draft text of a law or regulation (Article 2).

⁵⁵ Prudential measures including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system.

to protect critical public infrastructures⁵⁶ (communications, power and water infrastructures) from deliberate attempts intended to disable or degrade such infrastructures.

5.9. The Parties agree that any action, taken under security exceptions, must be notified to the Joint Committee. As reported by the Parties, none of the Parties have taken any action under security exceptions, to date.

5.3.3 Taxation

5.10. Article 5 of Chapter 11 states that nothing in the Agreement shall apply to taxation measures⁵⁷ or oblige a Party to extend to any other Party the benefit of any treatment, preference or privilege arising from any tax convention by which the Party is bound.⁵⁸ Nothing in the Agreement shall affect the rights and obligations of any Party under any tax convention with the tax convention prevailing in the event of any inconsistency between itself and.⁵⁹

5.3.4 Safeguards for balance of payments reasons

5.11. Under Article 3 of Chapter 11 the Parties may take temporary safeguards to protect the balance of payments (BOP) as follows:

- i. For trade in goods, import restrictions are authorized in accordance with the GATT 1994, including Article XVIII:B, and the WTO Understanding on the Balance-of-Payments Provisions;
- ii. For trade in services, restrictions on trade in services may be taken or maintained for sectors where it has undertaken commitments, including payments or transfers for transactions related to such commitments;
- iii. For investment, a Party is authorized to adopt or maintain restrictions on payments or transfers related to covered investments⁶⁰.

5.12. Such restrictions shall be, *inter alia*, consistent with the Articles of the IMF; temporary and phased out progressively; and applied on a non-discriminatory basis. The Parties will notify the measures promptly to the other Parties. As reported by the Parties, the none of the Parties have applied BOP safeguard measures.

5.3.5 Treaty of Waitangi

5.13. Provided such measures are not used as a means of arbitrary or unjustified discrimination or as a disguised restriction on trade in goods and services, nothing in the Agreement precludes the adoption by New Zealand of measures it deems necessary to accord more favourable treatment to Māori for matters covered by the Agreement, including in fulfilment of its obligations under the Treaty of Waitangi. The interpretation of the Treaty of Waitangi, including the nature of the rights

⁵⁶ This includes critical public infrastructures whether publicly or privately owned (footnote 4 to Article 2.1 of Chapter 11 to the Agreement).

⁵⁷ For the purposes of Article 5 of Chapter 11, taxes and taxation measures include excise duties and charges equivalent to an internal tax imposed consistently with Article III:2 of GATT 1994, in respect of a like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part (Article 5.1 of Chapter 11 of the Agreement).

⁵⁸ The Agreement only applies to tax measures, where corresponding rights and obligations are granted under the WTO Agreement, or under the provisions on the prohibition of performance requirements (Article 11 of Chapter 9 (investment)). The provisions on expropriation and compensation, in Article 13 of Chapter 9, also apply to taxation measures.

⁵⁹ If an issue of inconsistency arises between the Agreement and a tax convention between two or more Parties, the Agreement foresees that the matter be first addressed by the competent authorities of the Parties with a view to determine the existence (or not) and extent of any alleged inconsistency. It is only at a later stage that the issue may be referred to the mechanism established under Chapter 14 to settle disputes or under relevant provisions of Chapter 9 (investment).

⁶⁰ Covered investment means with respect to a Party, an investment in its territory of an investor of another Party, in existence as of the date of entry into force of this Agreement, or established, acquired or expanded thereafter, which has been admitted by the host Party subject to its relevant laws, regulations and policies (Article 1 of Chapter 9 (investment) of the Agreement).

and obligations arising under it, shall not be subject to the dispute settlement provisions of the Agreement (Article 6 of Chapter 11).

5.4 Accession and withdrawal

5.14. Any State, separate customs territory or self-governing entity may accede to or associate with the Agreement, subject to the terms and conditions to be agreed with the Parties. An expedited accession process is established for Pacific Island Countries which had participated in the PACER Plus negotiations but were unable to sign by the time the Agreement entered into force⁶¹ (Article 9 of Chapter 15).

5.15. Article 11 of Chapter 15 provides for withdrawal to take effect six months after a Party submits an advance written notice of withdrawal to the other Parties. In case more than half of the Parties have notified their withdrawal from the Agreement, PACER Plus shall be terminated.

5.5 Institutional framework

5.16. Chapter 12, establishes a Joint Committee to, *inter alia*, consider any matter relating to the implementation and operation of the Agreement and the associated Development and Economic Work Programme, and supervise the work of subsidiary bodies.

5.17. Three subsidiary bodies are established under the Agreement with their functions specified in Annex 12-A:

- Committee on Trade in Goods, Rules of Origin and Customs Procedures;
- Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade; and
- Committee on Services, Movement of Natural Persons and Investment.

5.18. The Joint Committee may establish additional subsidiary bodies, including *ad hoc* bodies, and assign them with tasks on specific matters. As reported by the Parties, all the Committees referred to in paragraph 5.17 have been established including a Budget Committee and a Labour Mobility Working Group.

5.19. All decisions of the Joint Committee and any subsidiary bodies are taken by mutual acceptance.

5.20. Support for participation of officials from Pacific Island Countries in the meetings of the Joint Committee and other subsidiary bodies is set out in Article 4 of Chapter 12.

5.21. Contact points are designated by each Party to facilitate communication on any matters relating to the Agreement. As reported by the Parties, rules and procedures of the Joint Committee and terms of reference of each Committee were established. The Joint Committee and the subsidiary bodies have been meeting regularly online on an annual basis. The Joint Committee had its first face to face meeting in May 2023, which was held in Niue.

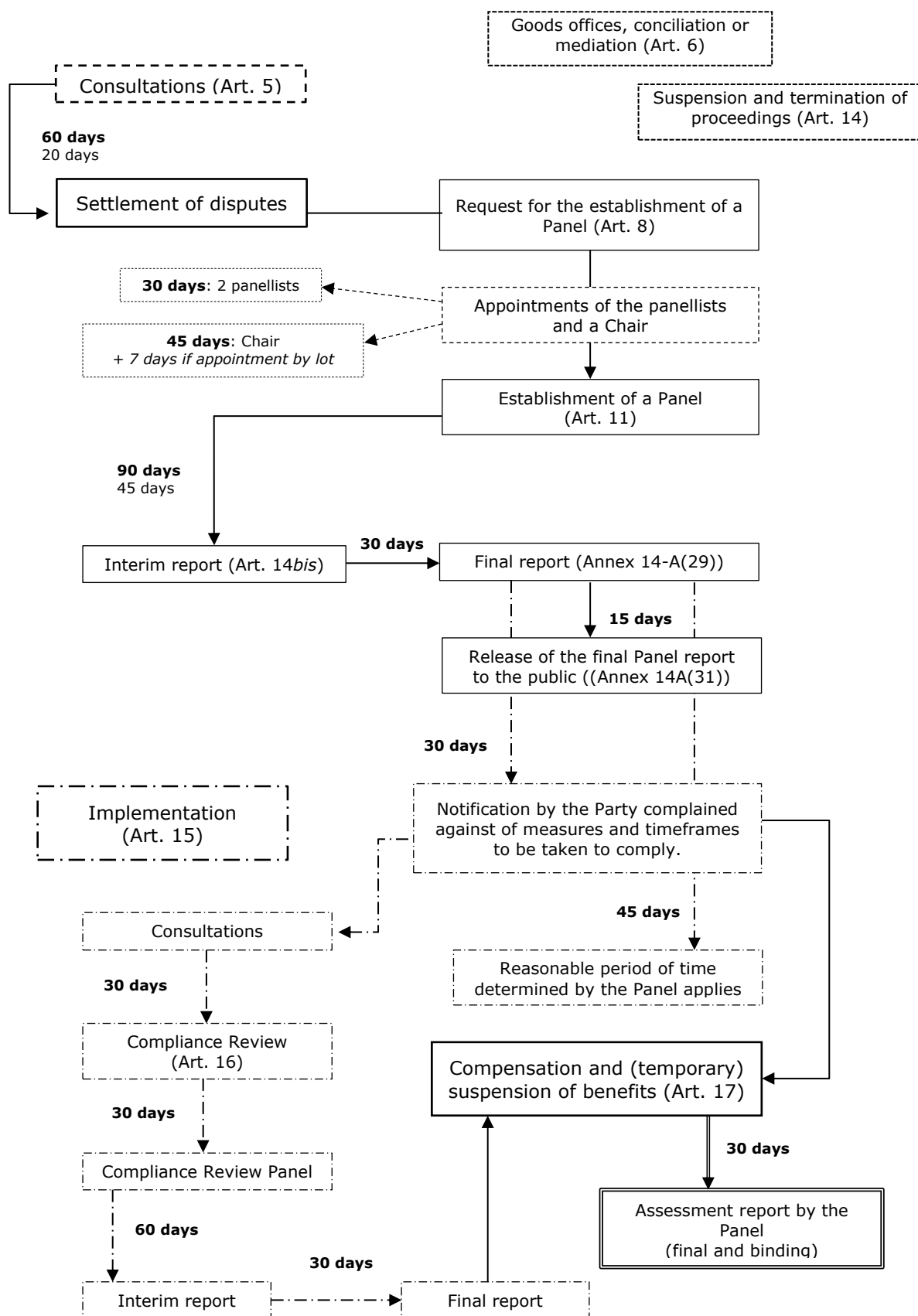
5.6 Dispute settlement

5.22. The goal of the dispute settlement system under Chapter 14, is to interpret the Agreement in accordance with the customary rules of treaty interpretation of public international law. The priority is to settle disputes through mutually agreed solutions if possible; otherwise, like the WTO, there are three stages to the dispute settlement process: consultations, establishment of a Panel and implementation of the findings of the Panel.

5.23. A forum selection clause permits the complaining Party to select the dispute settlement forum, including under another international agreement to which the Parties of the dispute are party, and use that forum to the exclusion of other possible fora in respect of the matter at issue (Article 7).

⁶¹ This refers to the Federated States of Micronesia, Palau and Republic of the Marshall Islands.

5.24. Articles 8 through 18 establish disciplines and procedural steps, mainly modelled on the WTO dispute settlement modalities, including for the establishment of panels; panel procedures; interim and final reports; and implementation, compliance review and compensation and suspension of benefits in case of non-compliance. Chart 5.1 below summarizes the main steps of the dispute settlement mechanism.

Chart 5.1 Consultations and Dispute Settlement Mechanism established by the Agreement, Chapter 14.

Source: WTO Secretariat based on the Agreement.

5.25. At any time, the Parties may agree to good offices, conciliation or mediation, which might be offered by the Secretary-General of the Pacific Islands Forum Secretariat or a nominee, acting in an *ex officio* capacity (Article 6 of Chapter 14).

5.26. The Agreement also provides for certain flexibilities in consultations and the settlement of disputes involving developing country Parties, and if the case is considered urgent (e.g. if perishable goods are involved).

5.27. The provisions of Chapter 10 (development and economic cooperation) are not subject to dispute settlement under Chapter 14 of the Agreement (Article 3 of Chapter 14).

5.7 Relationship with other agreements concluded by the Parties

5.28. In addition to the overlapping agreements of the Parties, under Article 3, Chapter 15, each Party reaffirms its rights and obligations under other agreements to which one or more other Parties are party, including under the WTO Agreement, in the case of a WTO Member. Nothing in the Agreement shall be construed to derogate from any right or obligation a Party has under existing agreements to which one or more other Parties are party, including under the WTO Agreement in the case of a WTO Member. In the event of any inconsistency between the Agreement and any other agreement to which two or more Parties are party, those Parties shall consult with a view to finding a mutually satisfactory solution, taking into account applicable principles of international law. The provisions of PACER Plus, upon entry into force, shall, as between its Parties, prevail to the extent of any inconsistency over the provisions of the SPARTECA.

5.29. Table 5.1 below shows the Parties' participation in all RTAs, notified and non-notified, other than the Agreement.

Table 5.1: PACER Plus Parties' participation in other RTAs (notified and non-notified in force), as of 2 October 2023

RTA Name	Date of entry into force ^a	Coverage	GATT/WTO Notification	
			Year	WTO Provisions
AUSTRALIA				
United Kingdom – Australia	31-May-23	Goods & Services	2023	GATT Art. XXIV & GATS Art. V
India – Australia	29-Dec-22	Goods & Services	2023	GATT Art. XXIV & GATS Art. V
Indonesia – Australia	05-Jul-20	Goods & Services	2021	GATT Art. XXIV & GATS Art. V
Peru – Australia	11-Feb-20	Goods & Services	2020	GATT Art. XXIV & GATS Art. V
Hong Kong, China - Australia	17-Jan-20	Goods & Services	2020	GATT Art. XXIV & GATS Art. V
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	30-Dec-18	Goods & Services	2018	GATT Art. XXIV & GATS Art. V
Australia – China	20-Dec-15	Goods & Services	2016	GATT Art. XXIV & GATS Art. V
Japan – Australia	15-Jan-15	Goods & Services	2015	GATT Art. XXIV & GATS Art. V
Republic of Korea - Australia	12-Dec-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
Malaysia – Australia	01-Jan-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
ASEAN - Australia - New Zealand	01-Jan-10	Goods & Services	2010	GATT Art. XXIV & GATS Art. V
Australia – Chile	06-Mar-09	Goods & Services	2009	GATT Art. XXIV & GATS Art. V
Thailand – Australia	01-Jan-05	Goods & Services	2004	GATT Art. XXIV & GATS Art. V
United States - Australia	01-Jan-05	Goods & Services	2004	GATT Art. XXIV & GATS Art. V
Singapore – Australia	28-Jul-03	Goods & Services	2003	GATT Art. XXIV & GATS Art. V

RTA Name	Date of entry into force ^a	Coverage	GATT/WTO Notification	
			Year	WTO Provisions
Australia - New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)	01-Jan-83 01-Jan-89	Goods Services	1983 1995	GATT Art. XXIV GATS Art. V
South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)	01-Jan-81	Goods	1981	Enabling Clause
Australia - Papua New Guinea (PATCRA)	01-Feb-77	Goods	1976	GATT Art. XXIV
Regional Comprehensive Economic Partnership (RCEP) Agreement	01-Jan-22	Goods & Services	Not notified	
NEW ZEALAND				
United Kingdom – New Zealand	31-May-23	Goods & Services	2023	GATT Art. XXIV & GATS Art. V
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	30-Dec-18	Goods & Services	2018	GATT Art. XXIV & GATS Art. V
Republic of Korea - New Zealand	20-Dec-15	Goods & Services	2015	GATT Art. XXIV & GATS Art. V
New Zealand - Chinese Taipei	01-Dec-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
Hong Kong, China - New Zealand	01-Jan-11	Goods & Services	2011	GATT Art. XXIV & GATS Art. V
New Zealand – Malaysia	01-Aug-10	Goods & Services	2012	GATT Art. XXIV & GATS Art. V
ASEAN - Australia - New Zealand	01-Jan-10	Goods & Services	2010	GATT Art. XXIV & GATS Art. V
China - New Zealand	01-Oct-08	Goods & Services	2009	GATT Art. XXIV & GATS Art. V
Trans-Pacific Strategic Economic Partnership	28-May-06	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
Thailand - New Zealand	01-Jul-05	Goods & Services	2005	GATT Art. XXIV & GATS Art. V
New Zealand - Singapore	01-Jan-01	Goods & Services	2001	GATT Art. XXIV & GATS Art. V
Australia - New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)	01-Jan-83 01-Jan-89	Goods Services	1983 1995	GATT Art. XXIV GATS Art. V
South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)	01-Jan-81	Goods	1981	Enabling Clause
Regional Comprehensive Economic Partnership (RCEP) Agreement	01-Jan-22	Goods & Services	Not notified	
Cook Islands*, Kiribati*, Niue*, Samoa, Solomon Islands, Tonga, Tuvalu* and Vanuatu				
United Kingdom - Pacific States ^b	01-Jan-21	Goods	2020	GATT Art. XXIV
• United Kingdom - Pacific States - Accession of Samoa	01-Jan-21	Goods	2020	GATT Art. XXIV
• United Kingdom - Pacific States - Accession of Solomon Islands	01-Jan-21	Goods	2020	GATT Art. XXIV
EU - Pacific States ^c	20-Dec-09	Goods	2011	GATT Art. XXIV
• EU - Pacific States - Accession of Solomon Islands	17-May-20	Goods	2020	GATT Art. XXIV
• EU - Pacific States - Accession of Samoa	31-Dec-18	Goods	2020	GATT Art. XXIV
Pacific Island Countries Trade Agreement (PICTA) ^d	13-Apr-03	Goods	2008	Enabling Clause
• PICTA - Accession of Palau	Not provided	Goods	Not notified	
• PICTA - Accession of the Marshall Islands	Not provided	Goods	Not notified	
Melanesian Spearhead Group (MSG) ^e	01-Jan-94	Goods	1999	Enabling Clause

RTA Name	Date of entry into force ^a	Coverage	GATT/WTO Notification	
			Year	WTO Provisions
South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA) ^f	01-Jan-81	Goods	1981	Enabling Clause

- a Dates of the first entry into force for at least one of the Parties.
- b Parties to the United Kingdom – Pacific States Agreement are Fiji; Papua New Guinea; United Kingdom; Samoa and Solomon Islands.
- c Parties to the European Union – Pacific States Agreement are the European Union; Fiji; Papua New Guinea; Samoa and Solomon Islands.
- d Parties to the PICTA are: Cook Islands; Fiji; Kiribati; Marshall Islands; Micronesia, Federated States of; Nauru; Niue; Palau; Papua New Guinea; Samoa; Solomon Islands; Tonga; Tuvalu and Vanuatu.
- e Parties to the MSG are Fiji; Vanuatu; Papua New Guinea and Solomon Islands.
- f Parties to the SPARTECA are Australia; Cook Islands; Fiji; Kiribati; Marshall Islands; Micronesia, Federated States of; Nauru; New Zealand; Niue; Papua New Guinea; Samoa; Solomon Islands; Tonga; Tuvalu and Vanuatu.
- * Non-WTO Members.

Source: WTO Secretariat. Further information on these Agreements and on specific dates of entry into force/provisional applications may be found in the WTO Database on RTAs: <http://rtais.wto.org>.

5.8 Government procurement

5.30. There are no provisions on Government procurement in the Agreement.

5.9 Intellectual property rights

5.31. There are no provisions on intellectual property rights in the Agreement.

5.10 Competition, monopolies and exclusive service suppliers

5.32. There are no provisions on competition in the Agreement.

5.33. Under Article 13 of Chapter 7 (trade in services), which is mostly built upon Article VIII of the GATS, the Parties agree, *inter alia*, to ensure that any monopoly supplier of a service does not, in the supply of the monopoly services in the relevant market, act in a manner inconsistent with that Party's obligations under Articles 3, 5, 6 and 7 (on MFN, market access, national treatment and additional conditions) of Chapter 7. Article 13 also applies to exclusive service suppliers.

5.11 Environment

5.34. The Agreement does not contain specific disciplines on environment. However, under Article 19 (Chapter 9, investment), while agreeing to respect each other's' rights to adopt or maintain any measure to ensure that investment activity in their territories is undertaken in a manner sensitive to its environmental, health, or other regulatory objectives, the Parties recognise that it is inappropriate to encourage investment by investors of another Party and of non-Parties by not enforcing their own environmental, health, labour, safety or other regulatory standards.

5.12 Labour

5.35. In addition to discouraging investment by lowering labour standards as above, the Agreement establishes an Arrangement on Labour Mobility, of a best-endeavour nature, which sets up a broad regional framework for labour mobility cooperation, including through a Pacific Labour Mobility Annual Meeting (PLMAM) as a mechanism to advance the areas of cooperation identified by the Parties (such as the enhancement of existing labour mobility schemes, support for institutions, tertiary education, qualifications recognition, etc.). As reported by the Parties, PLAMAM 2021 was held virtually and hosted by Samoa. PLAMAM 2022 (Face-to-face) were again hosted by Samoa on 10 November 2022. Vanuatu is to host next PLMAM in November 2023.

5.13 Electronic commerce

5.36. There are no provisions on electronic commerce in the Agreement.

5.14 Small and medium sized enterprises

5.37. There are no provisions on small and medium sized enterprises in the Agreement.

5.15 Other

5.15.1 Development and Economic Cooperation

5.38. Under Chapter 10 the Parties agree to improve and complement their existing development and economic cooperative partnerships in trade and investment related areas, taking into account the need identified by the developing country Parties; and mutually prioritized and determined by the participating Parties⁶².

5.39. To achieve these objectives, the Development and Economic Cooperation Work Programme (hereinafter referred to as the "Work programme") is established by the Implementing Arrangement for Development and Economic Cooperation under PACER Plus (hereinafter referred to as the "Implementing Arrangement")⁶³, which also covers broader trade and investment related assistance, including in areas such as trade policy and regulations; economic infrastructure; building productive capacity; and trade-related adjustments.

5.40. The Work Programme outlines assistance to be provided to the developing country Parties to implement the Agreement. It has six components linked to different aspects of the Agreement: rules of origin and other aspects of implementation of tariff commitments; customs; sanitary and phytosanitary measures; technical regulations, standards and conformity assessment procedures; trade in services; and investment. For each component the implementing Party(-ies) shall develop an implementation plan and provide periodic reports, including a final component completion report (Article 6). As reported by the Parties, the Parties have been developing implementation plans with the assistance of the PACER Plus Implementation Unit, including periodic and final reports.

5.41. The Parties agree to designate focal points for all matters relating to the implementation of the Work Programme. As reported by the Parties, the Ministries with the Trade Portfolio were designated as focal points.

5.42. The Work Programme is subject to review by the Joint Committee within three years of the commencement of its implementation, i.e. by 2023, and thereafter at regular intervals to assess its overall effectiveness in assisting the developing country Parties to implement their obligations. The Joint Committee shall, where appropriate, modify, renew or terminate the Work Programme (Article 7). As reported by the Parties, the PACER Plus Implementation Unit is in the process of recruiting a panel of experts to undertake the General Review of the Agreement, with the aim of completing the review in early 2024.

5.43. The Implementing Arrangement also sets up a PACER Plus Implementation Unit⁶⁴ under the Pacific Islands Forum Secretariat (PIFS), to assist the Joint Committee and the participants to implement the Agreement and a Budget subcommittee is to manage the expenditure of the Work Programme budget and resources. As reported by the Parties, the list of activities identified in Attachment B have been updated and some of the annual programmes has been completed and some are on-going. The terms and conditions of the Budget subcommittee has been established.

5.44. The Implementing Arrangement and accompanying Work Programme commenced on the date that PACER Plus entered into force, i.e. on 13 December 2020 and will operate for five years (i.e.

⁶² The Party(-ies) participating in each component of the Work Programme (Article 1 of Chapter 10).

⁶³ Articles 3 to 7 of Chapter 10 cover general provisions on the funding, composition, implementation and evaluation of the Work Programme, including designation of the focal points; the Work Programme itself is set out in Appendix A to the Implementing Arrangement, which is a side agreement to PACER Plus. Attachment A of the Implementing Arrangement has been updated at the PACER Plus Joint Committee meeting held 30 March 2021 to reflect decisions made in relation to the design of the PACER Plus Implementation Package.

⁶⁴ Official website: <https://pacerplus.org/>

until 2025), when they will be reviewed by the Joint Committee and may be renewed for a further five years (i.e. up to 2030). Any further renewal of the Arrangement and accompanying Work Programme is subject to the mutual consent of the Parties (paragraph 12 of the Implementing Arrangement).

5.45. The management and delivery of the Work Programme and broader trade and investment related assistance are funded by financial contributions provided by Australia and New Zealand.⁶⁵ As reported by the Parties, the financial contributions from Australia and New Zealand are on an annual basis on fiscal year July to June.

5.46. The provisions under Chapter 10 are not subject to dispute settlement under Chapter 14.

⁶⁵ Article 3 of Chapter 10 and paragraphs 2, 3, 8 and 9 of the Implementing Arrangement.

ANNEX 1

INDICATORS OF TRADE LIBERALIZATION UNDER PACER PLUS

1. Table A1.1 shows tariff liberalization by the Parties under PACER Plus by total, agricultural and industrial products.
2. Australia's average MFN tariff was 2.5% in 2020. The average was 1% for agricultural products and 2.8% on industrial products. Over 49% of its MFN tariff was duty free, 78.5% for agricultural products and 43.8% for industrial products. As a result of the Agreement entering into force, the overall average tariff fell to zero for imports from the Forum Island Countries that are Parties to PACER Plus.
3. New Zealand, like Australia, eliminated all of its applied customs duties for products imported from the FIC from the date of PACER Plus's entry into force. In 2020 New Zealand's average MFN tariff was 2.2% and 1.5% and 2.3% respectively for agricultural and industrial products. Over 60% of New Zealand's MFN tariff was duty free, 69% for agricultural products and 59.5% for industrial products.
4. Regarding the Forum Island Countries that are WTO Member Parties to PACER Plus, Samoa's average applied MFN tariff was 11.3% in 2020 and 15.6% and 10.4% respectively for agricultural and industrial products. Over 3% of its MFN tariff was duty free, 5.2% for agricultural products and 2.6% for industrial products. Samoa's liberalization under the Agreement is backloaded, with most liberalization taking place following ten years of implementation. When of the Agreement entered into force, the overall average tariff decreased to 10.5% for imports from Australia and New Zealand, increasing the share of duty-free tariff lines for agricultural and industrial products to 6.5% and 2.9%, respectively. By 2029, ten years following implementation, the share of duty-free lines is expected to be 58.9% and to increase to 85.4% by the end of implementation in 2044.
5. The Solomon Islands' average applied MFN tariff was 9.2% in 2020, and respectively 9.5% for agricultural products and 9.1% on industrial products. Around 0.6% of its MFN tariff was duty free, 0.4% for agricultural products and 0.7% for industrial products. As a result of the Agreement entering into force, the overall average tariff decreased to 7.8% for imports from Australia and New Zealand, with the share of duty-free tariff lines for agricultural and industrial products remaining at 0.4% and 0.7%, respectively. By 1 January of year ten of PACER Plus (in 2029), the share of duty-free lines is expected to be 76.3% and by the end of the implementation period in 2044, it is expected to increase to 92.9%, 71.1% for agricultural and 98% for industrial products.
6. Tonga's average applied MFN tariff was 10.4% in 2020 and respectively 5.5% for agricultural products and 11.6% on industrial products. Almost 30% of its MFN tariff was duty free, 63.5% for agricultural products and 13.5% for industrial products. As a result of the Agreement entering into force, the overall average tariff decreased to 9.7% for imports from Australia and New Zealand, increasing the share of duty-free tariff lines for agricultural and industrial products to 63.9% and 13.9%, respectively. Following ten years of implementation (in 2029), the share of duty-free lines is expected to be 34.9% and by the end of implementation in 2044, it is expected to increase to 98.3%, 96% for agricultural and 98.8% for industrial products.
7. Vanuatu's average applied MFN tariff was 9.3% in 2020 and respectively 17.2% and 7.6% for agricultural and industrial products. Over 26% of its MFN tariff was duty free, 8.3% for agricultural products and 30.1% for industrial products. As a result of the Agreement entering into force, the overall average tariff decreased to 8.6% for imports from Australia and New Zealand, increasing the share of duty-free tariff lines to 26.4% overall and for agricultural and industrial products to 8.8% and 30.2%, respectively. Following ten years of implementation (in 2029), the share of duty-free lines is expected to be 62.7% and by the end of the implementation period in 2044, it is expected to increase to 81.6%, 50.9% for agricultural and 88% for industrial products.
8. Regarding the Forum Island Countries that are non-WTO member Parties in 2020 Kiribati's applied tariff was zero for imports from all sources.

9. The Cook Islands' average applied tariff was 0.6% in 2020 and respectively zero and 0.7% for agricultural and industrial products. Over 96% of its applied tariff was duty free, 96.5% for agricultural products and 96.3% for industrial products. At the entry into force of the Agreement, the overall average remained at 0.6% for imports from Australia and New Zealand, with the share of duty-free tariff lines increasing for agricultural and products to 96.9% and remaining at 96.3% for industrial products. By 1 January 2022, the share of duty-free lines increased to 96.6%, 98% for agricultural and 96.3% for industrial products.

10. Niue's average applied tariff was 2.1% in 2020 and respectively 7.8% and 0.8% for agricultural and industrial products. Over 96% of its applied tariff was duty free, 95.4% for agricultural products and 96.5% for industrial products. Upon entry into force of the Agreement there were no changes to the average tariffs for imports from Australia and New Zealand. The tariff remains unchanged until the end of the implementation period in 2044, when the share of duty-free lines on all products is expected to increase to 97.4%, 95.6% for agricultural and 97.8% for industrial products.

11. Tuvalu's average applied tariff was 8% in 2020 and respectively 9.5% and 7.6% for agricultural and industrial products. Over 54% of its applied tariff was duty free, 35.6% for agricultural products and 58.5% for industrial products. As a result of the Agreement entering into force, the overall average tariff decreased to 6.4% for imports from Australia and New Zealand, with the share of duty-free tariff lines for agricultural and industrial products remaining at 35.6% and 58.5%, respectively. Following ten years of implementation (in 2029), the share of duty-free lines is expected to be 61.1% and by the end of the implementation period in 2044, it is expected to increase to 98.3%, 91.6% for agricultural and 99.7% for industrial products.

Table A1.1 Indicators of MFN, or applied, tariff rates and preferential rates for bilateral imports

Origin of goods	Year	ALL PRODUCTS			HS Chapters 01-24			HS Chapters 25-97		
		Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)
Australia										
MFN FIC	2020 2020	2.5 0.0	5.0 0.0	49.4 100.0	1.0 0.0	5.0 0.0	78.5 100.0	2.8 0.0	5.0 0.0	43.8 100.0
New Zealand										
MFN FIC	2020 2020	2.2 0.0	5.7 0.0	61.1 100.0	1.5 0.0	5.0 0.0	69.0 100.0	2.3 0.0	5.9 0.0	59.5 100.0
Forum Island Countries: WTO Members										
Samoa										
MFN	2020	11.3	11.7	3.1	15.6	16.5	5.2	10.4	10.6	2.6
Australia and New Zealand	2020	10.5	10.9	3.5	14.9	16.0	6.5	9.5	9.7	2.9
	2021	10.5	10.9	3.5	14.9	16.0	6.5	9.5	9.7	2.9
	2022	10.5	10.9	3.5	14.9	16.0	6.5	9.5	9.7	2.9
	2023	9.7	10.0	3.5	14.0	14.9	6.5	8.7	8.9	2.9
	2024	8.5	8.9	4.6	13.5	15.1	10.5	7.4	7.6	3.3
	2025	8.5	8.9	4.6	13.5	15.1	10.5	7.4	7.6	3.3
	2026	7.7	8.0	4.6	12.5	14.0	10.5	6.6	6.8	3.3
	2027	7.7	8.0	4.6	12.5	14.0	10.5	6.6	6.8	3.3
	2028	7.7	8.0	4.6	12.5	14.0	10.5	6.6	6.8	3.3
	2029	4.1	10.0	58.9	10.6	14.8	28.0	2.6	7.6	66.1
	2030	4.0	9.9	58.9	10.6	14.8	28.0	2.6	7.5	66.1
	2031	4.0	9.9	58.9	10.6	14.8	28.0	2.6	7.5	66.1
	2032	3.2	7.8	58.9	9.6	13.4	28.0	1.8	5.2	66.1
	2033	3.2	7.7	58.9	9.5	13.2	28.0	1.7	5.1	66.1
	2034	2.4	13.5	81.8	8.6	18.8	53.4	1.0	8.7	88.3
	2035	2.4	13.5	81.8	8.6	18.8	53.4	1.0	8.7	88.3
	2036	2.4	13.2	81.8	8.5	18.6	53.4	1.0	8.4	88.3
	2037	2.4	13.2	81.8	8.5	18.6	53.4	1.0	8.4	88.3
	2038	2.4	13.2	81.8	8.5	18.6	53.4	1.0	8.4	88.3
	2039	2.3	12.7	81.8	8.4	18.2	53.4	0.9	7.7	88.3
	2040	2.3	12.7	81.8	8.4	18.2	53.4	0.9	7.7	88.3
	2041	2.3	12.7	81.8	8.4	18.2	53.4	0.9	7.7	88.3
	2042	2.2	12.5	81.8	8.3	18.0	53.4	0.9	7.5	88.3
	2043	2.2	12.5	81.8	8.3	18.0	53.4	0.9	7.5	88.3
	2044	2.1	14.8	85.4	8.1	20.1	58.8	0.8	9.1	91.5

Origin of goods	Year	ALL PRODUCTS			HS Chapters 01-24			HS Chapters 25-97		
		Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)
Solomon Islands										
MFN	2020	9.2	9.2	0.6	9.5	9.5	0.4	9.1	9.2	0.7
Australia and New Zealand	2020	7.8	7.8	0.6	8.2	8.2	0.4	7.7	7.7	0.7
	2021	7.8	7.8	0.6	8.2	8.2	0.4	7.7	7.7	0.7
	2022	7.8	7.8	0.6	8.2	8.2	0.4	7.7	7.7	0.7
	2023	7.8	7.8	0.6	8.2	8.2	0.4	7.7	7.7	0.7
	2024	6.4	6.4	0.6	6.9	6.9	0.4	6.3	6.3	0.7
	2025	6.4	6.4	0.6	6.9	6.9	0.4	6.3	6.3	0.7
	2026	6.4	6.4	0.6	6.9	6.9	0.4	6.3	6.3	0.7
	2027	5.0	5.0	0.6	5.6	5.6	0.4	4.8	4.9	0.7
	2028	5.0	5.0	0.6	5.6	5.6	0.4	4.8	4.9	0.7
	2029	2.2	9.5	76.3	3.0	9.8	66.0	2.0	9.4	78.8
	2030	1.9	8.2	76.3	2.9	9.6	66.0	1.6	7.8	78.8
	2031	1.9	8.2	76.3	2.9	9.6	66.0	1.6	7.8	78.8
	2032	1.9	8.2	76.3	2.9	9.6	66.0	1.6	7.8	78.8
	2033	1.9	8.2	76.3	2.9	9.6	66.0	1.6	7.8	78.8
	2034	1.8	8.1	76.5	2.9	9.5	66.1	1.6	7.6	78.9
	2035	1.8	8.1	76.5	2.9	9.5	66.1	1.6	7.6	78.9
	2036	1.8	8.1	76.5	2.9	9.5	66.1	1.6	7.6	78.9
	2037	1.5	6.7	76.5	2.8	9.3	66.1	1.2	5.9	78.9
	2038	1.5	6.7	76.5	2.8	9.3	66.1	1.2	5.9	78.9
	2039	1.2	5.5	76.5	2.7	9.0	66.1	0.9	4.3	78.9
	2040	1.2	5.5	76.5	2.7	9.0	66.1	0.9	4.3	78.9
	2041	1.2	5.5	76.5	2.7	9.0	66.1	0.9	4.3	78.9
	2042	1.2	5.5	76.5	2.7	9.0	66.1	0.9	4.3	78.9
	2043	1.2	5.5	76.5	2.7	9.0	66.1	0.9	4.3	78.9
2044	0.6	10.1	92.9	2.5	10.2	71.1	0.2	10.0	98.0	
Tonga										
MFN	2020	10.4	13.5	22.8	5.5	15.0	63.5	11.6	13.4	13.5
Australia and New Zealand	2020	9.7	12.6	23.2	5.1	14.3	63.9	10.7	12.4	13.9
	2021	9.7	12.6	23.2	5.1	14.3	63.9	10.7	12.4	13.9
	2022	9.7	12.6	23.2	5.1	14.3	63.9	10.7	12.4	13.9
	2023	9.7	12.6	23.2	5.1	14.3	63.9	10.7	12.4	13.9
	2024	8.3	12.6	34.3	4.6	12.9	63.9	9.1	12.6	27.6
	2025	8.3	12.6	34.3	4.6	12.9	63.9	9.1	12.6	27.6
	2026	7.0	10.7	34.3	4.1	11.4	63.9	7.7	10.6	27.6
	2027	7.0	10.7	34.3	4.1	11.4	63.9	7.7	10.6	27.6
	2028	7.0	10.6	34.3	4.1	11.2	63.9	7.6	10.6	27.6
	2029	4.2	6.5	34.9	2.9	8.6	66.5	4.5	6.2	27.7
	2030	4.1	6.3	34.9	2.8	8.3	66.5	4.4	6.1	27.7
	2031	4.1	6.3	34.9	2.8	8.3	66.5	4.4	6.1	27.7
	2032	4.1	6.3	34.9	2.8	8.3	66.5	4.4	6.1	27.7
	2033	4.1	6.3	34.9	2.8	8.3	66.5	4.4	6.1	27.7
	2034	1.2	12.5	90.3	1.6	12.9	87.9	1.1	12.3	90.9
	2035	1.2	12.5	90.3	1.6	12.9	87.9	1.1	12.3	90.9
	2036	1.0	10.7	90.3	1.4	11.5	87.9	0.9	10.4	90.9
	2037	1.0	10.7	90.3	1.4	11.5	87.9	0.9	10.4	90.9
	2038	1.0	10.7	90.3	1.4	11.5	87.9	0.9	10.4	90.9
	2039	0.7	6.8	90.3	1.0	8.2	87.9	0.6	6.4	90.9
	2040	0.7	6.8	90.3	1.0	8.2	87.9	0.6	6.4	90.9
	2041	0.7	6.8	90.3	1.0	8.2	87.9	0.6	6.4	90.9
	2042	0.7	6.8	90.3	1.0	8.2	87.9	0.6	6.4	90.9
	2043	0.7	6.8	90.3	1.0	8.2	87.9	0.6	6.4	90.9
2044	0.3	16.1	98.3	0.6	15.0	96.0	0.2	16.9	98.8	
Vanuatu										
MFN	2020	9.3	12.6	26.3	17.2	18.7	8.3	7.6	10.9	30.1
Australia and New Zealand	2020	8.6	11.6	26.4	16.6	18.2	8.8	6.9	9.8	30.2
	2021	8.6	11.6	26.4	16.6	18.2	8.8	6.9	9.8	30.2
	2022	8.1	11.0	26.4	16.2	17.8	8.8	6.4	9.1	30.2
	2023	8.1	11.0	26.4	16.2	17.8	8.8	6.4	9.1	30.2
	2024	7.6	10.4	26.4	15.8	17.4	8.8	5.9	8.4	30.2
	2025	7.6	10.4	26.4	15.8	17.4	8.8	5.9	8.4	30.2
	2026	6.8	9.3	26.4	15.3	16.8	8.8	5.0	7.2	30.2
	2027	6.8	9.3	26.4	15.3	16.8	8.8	5.0	7.2	30.2
	2028	6.4	8.6	26.4	14.9	16.4	8.8	4.5	6.5	30.2
	2029	5.3	14.1	62.7	14.3	20.6	30.5	3.3	11.0	69.5
	2030	4.8	13.0	62.7	13.7	19.7	30.5	3.0	9.8	69.5
	2031	4.8	13.0	62.7	13.7	19.7	30.5	3.0	9.8	69.5
	2032	4.5	12.1	62.7	13.0	18.7	30.5	2.7	8.9	69.5
	2033	4.5	12.1	62.7	13.0	18.7	30.5	2.7	8.9	69.5
	2034	3.9	17.8	78.2	12.1	21.4	43.5	2.1	14.8	85.5
	2035	3.9	17.8	78.2	12.1	21.4	43.5	2.1	14.8	85.5
	2036	3.8	17.5	78.2	11.9	21.0	43.5	2.1	14.5	85.5
	2037	3.8	17.5	78.2	11.9	21.0	43.5	2.1	14.5	85.5
2038	3.7	17.2	78.2	11.7	20.6	43.5	2.1	14.3	85.5	

Origin of goods	Year	ALL PRODUCTS			HS Chapters 01-24			HS Chapters 25-97		
		Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)	Overall avg. applied tariff (%)	Dutiable avg. applied tariff (%)	Share of duty-free lines (%)
	2039	3.7	17.2	78.2	11.7	20.6	43.5	2.1	14.3	85.5
	2040	3.7	16.8	78.2	11.4	20.2	43.5	2.0	14.0	85.5
	2041	3.7	16.8	78.2	11.4	20.2	43.5	2.0	14.0	85.5
	2042	3.6	16.5	78.2	11.2	19.8	43.5	2.0	13.7	85.5
	2043	3.6	16.5	78.2	11.2	19.8	43.5	2.0	13.7	85.5
	2044	3.5	18.7	81.6	10.9	22.1	50.9	1.9	15.8	88.0
Forum Island Countries: Non-WTO Members										
Cook Islands										
Applied rates	2020	0.6	28.1	96.3	0.0	0.1	96.5	0.7	28.8	96.3
Australia and New Zealand	2020	0.6	28.1	96.4	0.0	0.1	96.9	0.7	28.8	96.3
	2021	0.6	28.1	96.4	0.0	0.1	96.9	0.7	28.8	96.3
	2022	0.6	28.1	96.6	0.0	0.1	98.0	0.7	28.8	96.3
Kiribati										
Applied rates	2020	0.0	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0
Australia and New Zealand	2020	0.0	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0
Niue										
Applied rates	2020	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
Australia and New Zealand	2020	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2021	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2022	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2023	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2024	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2025	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2026	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2027	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2028	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2029	2.1	56.1	96.3	7.8	169.4	95.4	0.8	24.3	96.5
	2030	2.0	55.4	96.3	7.8	169.4	95.4	0.8	23.5	96.5
	2031	2.0	55.4	96.3	7.8	169.4	95.4	0.8	23.5	96.5
	2032	2.0	55.4	96.3	7.8	169.4	95.4	0.8	23.5	96.5
	2033	2.0	55.4	96.3	7.8	169.4	95.4	0.8	23.5	96.5
	2034	2.0	54.7	96.3	7.8	169.4	95.4	0.8	22.6	96.5
	2035	2.0	54.7	96.3	7.8	169.4	95.4	0.8	22.6	96.5
	2036	2.0	54.7	96.3	7.8	169.4	95.4	0.8	22.6	96.5
	2037	2.0	54.7	96.3	7.8	169.4	95.4	0.8	22.6	96.5
	2038	2.0	54.7	96.3	7.8	169.4	95.4	0.8	22.6	96.5
	2039	2.0	54.5	96.3	7.8	169.4	95.4	0.8	22.3	96.5
	2040	2.0	54.5	96.3	7.8	169.4	95.4	0.8	22.3	96.5
	2041	2.0	54.5	96.3	7.8	169.4	95.4	0.8	22.3	96.5
	2042	2.0	54.5	96.3	7.8	169.4	95.4	0.8	22.3	96.5
	2043	2.0	54.5	96.3	7.8	169.4	95.4	0.8	22.3	96.5
	2044	1.9	76.0	97.4	7.8	177.8	95.6	0.7	32.6	97.8
Tuvalu										
Applied rates	2020	8.0	17.5	54.5	9.5	14.7	35.6	7.6	18.4	58.5
Australia and New Zealand	2020	6.4	14.0	54.5	8.2	12.7	35.6	6.0	14.5	58.5
	2021	6.4	14.0	54.5	8.2	12.7	35.6	6.0	14.5	58.5
	2022	6.4	14.0	54.5	8.2	12.7	35.6	6.0	14.5	58.5
	2023	6.4	14.0	54.5	8.2	12.7	35.6	6.0	14.5	58.5
	2024	4.8	10.5	54.5	7.0	10.9	35.6	4.3	10.4	58.5
	2025	4.8	10.5	54.5	7.0	10.9	35.6	4.3	10.4	58.5
	2026	4.8	10.5	54.5	7.0	10.9	35.6	4.3	10.4	58.5
	2027	4.8	10.5	54.5	7.0	10.9	35.6	4.3	10.4	58.5
	2028	4.8	10.5	54.5	7.0	10.9	35.6	4.3	10.4	58.5
	2029	3.3	8.4	61.1	5.5	13.7	59.8	2.8	7.2	61.3
	2030	3.0	7.8	61.1	4.8	11.9	59.8	2.7	6.9	61.3
	2031	3.0	7.8	61.1	4.8	11.9	59.8	2.7	6.9	61.3
	2032	3.0	7.8	61.1	4.8	11.9	59.8	2.7	6.9	61.3
	2033	3.0	7.8	61.1	4.8	11.9	59.8	2.7	6.9	61.3
	2034	0.8	11.4	92.8	3.2	12.4	74.4	0.3	9.8	96.6
	2035	0.8	11.4	92.8	3.2	12.4	74.4	0.3	9.8	96.6
	2036	0.8	11.4	92.8	3.2	12.4	74.4	0.3	9.8	96.6
	2037	0.8	11.4	92.8	3.2	12.4	74.4	0.3	9.8	96.6
	2038	0.8	11.4	92.8	3.2	12.4	74.4	0.3	9.8	96.6
	2039	0.6	8.9	92.8	2.6	10.3	74.4	0.2	6.9	96.6
	2040	0.6	8.9	92.8	2.6	10.3	74.4	0.2	6.9	96.6
	2041	0.6	8.9	92.8	2.6	10.3	74.4	0.2	6.9	96.6
	2042	0.6	8.9	92.8	2.6	10.3	74.4	0.2	6.9	96.6
	2043	0.6	8.9	92.8	2.6	10.3	74.4	0.2	6.9	96.6
	2044	0.3	19.2	98.3	1.6	19.1	91.6	0.1	19.8	99.7

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included.
 Australia, New Zealand, Tonga: Based on the HS 2017 Nomenclature.
 Samoa, Solomon Islands, Tonga, Vanuatu, Cook Islands, Kiribati, Niue, Tuvalu: Based on the HS 2012 Nomenclature.

Source: Australia, New Zealand, Samoa: WTO estimates based on the data provided by the Parties and WTO IDB. Solomon Islands, Cook Islands, Kiribati: WTO estimates based on the data provided by the Parties and ITC Market Access Map. Niue, Tonga: WTO estimates based on the data provided by the Parties. Tuvalu, Vanuatu: WTO estimates based on the data from the Agreement and ITC.

12. Tables A1.2 and A1.3 show the market access opportunities for PACER Plus Parties for their respective top 25 global exports at the HS six-digit level.

13. Tables A1.2a-h show market access for the Forum Islands Countries' top 25 global exports in Australian and New Zealand's markets. Among the FICs that are WTO Member Parties, Samoa's top 25 global exports in 2017-2019 accounted for 85.3% of its exports, which were covered by (i) 48 lines in Australia's tariff, 37 of which were already duty free on an MFN basis, and (ii) 82 lines in New Zealand's tariff, 47 of which were duty free on an MFN basis. At the entry into force of the Agreement, tariffs on all remaining lines (11 for Australia and 35 for New Zealand) were removed.

14. The Solomon Islands' top 25 global exports in 2016-2018 accounted for 94.8% of its exports, which were covered by (i) 36 lines in Australia's tariff, 20 of which were already duty free on an MFN basis, and (ii) 57 lines in New Zealand's tariff, 42 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (16 for Australia and 15 for New Zealand) were removed.

15. Tonga's top 25 global exports in 2012-2014 accounted for 80.7% of its exports, which were covered by (i) 48 lines in Australia's tariff, 40 of which were already duty free on an MFN basis, and (ii) 77 lines in New Zealand's tariff, 61 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (8 for Australia and 16 for New Zealand) were removed.

16. Vanuatu's top 25 global exports in 2017-2019 accounted for 95.8% of its exports, which were covered by (i) 32 lines in Australia's tariff, 26 of which were already duty free on an MFN basis, and (ii) 37 lines in New Zealand's tariff, 28 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (6 lines for Australia and 9 for New Zealand) were removed.

17. Among the FICs that are non-member Parties, the Cook Islands' top 25 global exports in 2017-2019 accounted for 93% of its exports, which were covered by (i) 31 lines in Australia's tariff, 21 of which were already duty free on an MFN basis, and (ii) 58 lines in New Zealand's tariff, 31 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (10 lines for Australia and 27 for New Zealand) were removed.

18. Kiribati's top 25 global exports in 2016-2018 accounted for 95.2% of its exports, which were covered by (i) 32 lines in Australia's tariff, 22 of which were already duty free on an MFN basis, and (ii) 51 lines in New Zealand's tariff, 31 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (10 lines for Australia and 20 for New Zealand) were removed.

19. Niue's top 25 global exports in 2017-2019 accounted for 99% of its exports, which were covered by (i) 44 lines in Australia's tariff, 22 of which were already duty free on an MFN basis, and (ii) 65 lines in New Zealand's tariff, 28 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (22 lines for Australia and 37 for New Zealand) were removed.

20. Tuvalu's top 25 global exports in 2017-2019 accounted for 96.6% of its exports, which were covered by (i) 38 lines in Australia's tariff, 24 of which were already duty free on an MFN basis, and (ii) 36 lines in New Zealand's tariff, 27 of which were duty free on an MFN basis. At the entry into force of the Agreement, all remaining tariffs (14 lines for Australia and 9 for New Zealand) were removed.

21. Tables A1.3a-b show market access opportunities for Australian and New Zealand products under the Agreement. Among the FICs, Kiribati's applied tariff was already zero before the date of entry into force, and remained unchanged under PACER Plus.

22. Australia's top 25 global exports in 2017-2019 accounted for 75.8% of its exports. These exports were covered by 31 lines in Samoa's tariff, 1 of which were duty free when the Agreement entered into force; 31 lines for the Solomon Islands of which none were duty free; 30 lines for Tonga of which 16 were duty free; 15 lines for Vanuatu of which 15 were duty free. Among the non-WTO member Parties, Australia's top 25 exports were covered by 61 lines in the Cook Islands of which 37 lines were duty free; 24 lines for Niue of which one was duty free; and 20 lines for Tuvalu of which 7 were duty free. By the end of implementation, only Tonga and Tuvalu will apply zero tariffs on all imports from Australia, while for the remaining FICs in total 50 lines will remain dutiable ranging from one for Niue to 36 for the Cook Islands.

23. New Zealand's top 25 global exports in 2017-2019 accounted for 58.4% of its exports. These exports were covered by 37 lines in Samoa's tariff, 4 of which were duty free when the Agreement entered into force; 31 lines for the Solomon Islands of which none were duty free; 31 lines for Tonga of which 21 were duty free; 25 lines for Vanuatu of which 4 were duty free. Among the non-WTO member Parties, New Zealand's exports were covered by 25 lines in the Cook Islands of which 23 lines were duty free; 25 lines for Niue of which 23 was duty free; and 25 lines for Tuvalu of which 8 were duty free. By the end of implementation, Tonga, the Cook Islands and Tuvalu will apply zero tariffs on all imports from New Zealand, while for the remaining FICs in total 22 lines will remain dutiable from between 2 for Niue and 11 for the Solomon Islands.

Table A1.2 Australia and New Zealand: Market access opportunities under PACER Plus for the Forum Island Countries' top 25 exports (by partner)

a. Samoa's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
271012	Light oils and preparations, of petroleum or bituminous minerals	26.0	0.0	5			1.5	12	5	5
030341	Frozen albacore or longfinned tunas	11.9	0.0	1			0.0	1		
030353	Frozen sardines, sardinella, brisling or sprats	6.7	0.0	1			0.0	1		
200981	Cranberry juice, unfermented	6.0	5.0		1	1	5.0		3	3
220300	Beer made from malt	4.6	0.0	12			0.0	5		
071440	Taro, fresh, chilled, frozen or dried	4.3	2.5	1	1	1	2.5	1	1	1
030499	Frozen fish meat n.e.s. (excl. fillets)	3.4	0.0	1			0.0	1		
854430	Ignition wiring sets and other wiring sets for vehicles, aircraft or ships	3.2	5.0		1	1	5.0	1	4	4
071490	Arrowroot, salep, artichokes, sweet potatoes	2.8	2.5	1	1	1	2.5	1	1	1
151311	Crude coconut oil	1.7	0.0	1			5.0		1	1
030319	Frozen salmonidae	1.6	0.0	1			0.0	1		
030349	Frozen tunas	1.5	0.0	1			0.0	1		
080119	Fresh coconuts,	1.4	0.0	1			0.0	1		
030890	Live, fresh, chilled, frozen, dried, salted or in brine, even smoked, aquatic invertebrates	1.2	0.0	1			1.2	3	1	1
392690	Articles of plastics	1.2	5.0		2	2	1.9	8	5	5
030449	Fresh or chilled fillets of fish, n.e.s.	1.2	0.0	1			0.0	1		
020713	Fresh or chilled cuts and edible offal of fowls	1.1	0.0	1			5.0		1	1
030389	Frozen fish, n.e.s.	1.0	0.0	1			0.0	3		
030342	Frozen yellowfin tunas	0.8	0.0	1			0.0	1		
854790	Insulating fittings for electrical purposes	0.8	5.0		1	1	-	1	1	1
030232	Fresh or chilled yellowfin tunas	0.8	0.0	1			0.0	1		
240220	Cigarettes, containing tobacco	0.7	0.0	2			5.0		2	2
200989	Juice of fruit or vegetables	0.6	5.0		1	1	5.0		5	5
200600	Vegetables, fruit, nuts, fruit-peel and other edible parts of plants, preserved by sugar	0.5	3.0	2	3	3	3.6	2	5	5
711299	Waste and scrap of silver	0.5	0.0	1			0.0	1		
Total		85.3		37	11	11		47	35	35

- Specific rates only.

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and UNSD Comtrade.

b. Solomon Islands' top export products (2016-2018)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN		Duty-free lines under PACER Plus (2020)		MFN		Duty-free lines under PACER Plus (2020)	
			Avg. Tariff (%)	Duty-free lines			Avg. Tariff (%)	Duty-free lines		
440349	Tropical wood in the rough, whether or not stripped of bark or sapwood, or roughly squared	66.9	0.0	1			0.0	1		
151110	Crude palm oil	5.0	0.0	1			0.0	1		
440420	Hoopwood; split poles; piles; wooden sticks; chipwood and the like	3.4	5.0		1	1	0.0	1		
160414	Prepared or preserved tunas	2.8	5.0		1	1	2.5	1	1	1
260600	Aluminium ores and concentrates	2.8	0.0	1			0.0	1		
120300	Copra	2.1	0.0	1			0.0	1		
180100	Cocoa beans	1.7	0.0	1			0.0	1		
030510	Flours, meals and pellets of fish	1.5	0.0	1			0.0	1		
030551	Dried cod	1.4	0.0	1			0.0	1		
151311	Crude coconut oil	1.3	0.0	1			5.0		1	1
151321	Crude palm kernel and babassu oil	0.9	0.0	1			0.0	1		
440729	Tropical wood, sawn or chipped	0.7	3.8	1	3	3	1.0	4	1	1
400922	Wood in the rough, treated with paint, stains, creosote or other preservatives, non-coniferous	0.6	5.0		2	2	0.0	1		
030341	Frozen albacore or longfinned tunas "	0.5	0.0	1			0.0	1		
440890	Sheets for veneering	0.4	4.2	1	5	5	2.5	3	3	3
710813	Gold, incl. gold plated with platinum, in semi-manufactured forms, for non-monetary purposes	0.4	0.0	1			0.0	1		
030355	Frozen jack and horse mackerel	0.4	0.0	1			0.0	1		
160411	Prepared or preserved salmon	0.4	0.0	1			0.0	1		
440410	Hoopwood; split poles; piles; wooden stick; chipwood and the like, of coniferous wood	0.3	5.0		1	1	0.0	1		
401035	Coniferous wood	0.3	5.0		1	1	1.5	9	4	4
440799	Wood	0.3	3.3	1	2	2	1.7	6	3	3
030342	Frozen yellowfin tunas	0.3	0.0	1			0.0	1		
710811	Gold, incl. gold plated with platinum, for non-monetary purposes	0.2	0.0	1			0.0	1		
230990	Preparations of a kind used in animal feeding	0.2	0.0	1			3.3	1	2	2
030719	Oysters, even in shell, smoked, dried, salted or in brine	0.1	0.0	1			0.0	1		
Total		94.8		20	16	16		42	15	15

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and UNSD Comtrade.

c. Tonga's top export products (2012-2014)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
071490	Arrowroot, salep, artichokes and similar roots and tubers	7.1	2.5	1	1	1	2.5	1	1	1
121299	Fruit stones and kernels and other vegetable products	6.4	0.0	1			0.0	1		
070999	Fresh or chilled vegetables n.e.s.	6.1	0.0	1			0.0	1		
030819	Smoked, dried, salted or in brine, sea cucumbers	6.0	0.0	1			2.5	1	1	1
271019	Medium oils and preparations	5.9	0.0	12			0.7	23	4	4
271012	Light oils and preparations	5.7	0.0	5			1.5	12	5	5
030799	Molluscs, even in shell, smoked, dried, salted or in brine	5.6	0.0	1			0.0	1		
030299	Fresh or chilled fish fins, heads, tails, maws and other edible fish offal	5.4	0.0	1			0.0	1		
030232	Fresh or chilled yellowfin tunas	5.3	0.0	1			0.0	1		
080119	Fresh coconuts	2.9	0.0	1			0.0	1		
071430	Yams, fresh, chilled, frozen or dried	2.4	2.5	1	1	1	2.5	1	1	1
121190	Plants, parts of plants, incl. seeds and fruits, used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes	2.3	1.7	2	1	1	0.0	1		
490700	Unused postage; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title	2.2	2.5	1	1	1	0.0	2		
071440	Taro, fresh, chilled, frozen or dried	2.1	2.5	1	1	1	2.5	1	1	1
070993	Fresh or chilled pumpkins, squash and gourds	2.1	0.0	1			0.0	1		
030319	Frozen salmonidae	1.8	0.0	1			0.0	1		
030239	Fresh or chilled tunas	1.7	0.0	1			0.0	1		
320810	Paints and varnishes, incl. enamels and lacquers	1.7	5.0		1	1	2.0	3	2	2
071410	Fresh, chilled, frozen or dried roots and tubers of manioc	1.6	2.5	1	1	1	2.5	1	1	1
121229	Seaweeds and other algae,	1.4	2.5	1	1	1	0.0	1		
080112	Fresh coconuts in the inner shell	1.1	0.0	1			0.0	1		
080711	Fresh watermelons	1.1	0.0	1			0.0	1		
720449	Waste and scrap of iron or steel	1.0	0.0	1			0.0	1		
050800	Coral and similar materials, shells of molluscs	1.0	0.0	1			0.0	1		
460199	Plaiting materials, plaits and similar products of non-vegetable plaiting materials,	1.0	0.0	1			0.0	1		
Total		80.7		40	8	8		61	16	16

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and UNSD, Comtrade.

d. Vanuatu's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
030344	Frozen bigeye tunas	18.7	0.0	1			0.0	1		
890400	Tugs and pusher craft	15.0	2.5	1	1	1	2.5	1	1	1
030341	Frozen albacore or longfinned tunas	9.4	0.0	1			0.0	1		
121190	Plants, parts of plants, incl. seeds and fruits, used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes	7.6	1.7	2	1	1	0.0	1		
030343	Frozen skipjack or stripe-bellied bonito	5.9	0.0	1			0.0	1		
030342	Frozen yellowfin tunas "Thunnus albacares"	5.8	0.0	1			0.0	1		
120300	Copra	4.6	0.0	1			0.0	1		
890800	Vessels and other floating structures for breaking up	4.4	0.0	1			0.0	1		
030357	Frozen swordfish	3.5	0.0	1			0.0	1		
030743	Cuttle fish and squid, frozen	3.5	0.0	1			0.0	1		
890590	Light-vessels, fire-floats, floating cranes and other vessels	3.2	2.5	1	1	1	2.5	1	1	1
030359	Frozen anchovies, mackerels, seerfishes, etc	2.6	0.0	1			0.0	1		
180100	Cocoa beans, whole or broken, raw or roasted	2.1	0.0	1			0.0	1		
890190	Vessels for the transport of goods and vessels for the transport of both persons and goods	1.6	2.5	1	1	1	3.3	2	4	4
030484	Frozen fillets of swordfish	1.2	0.0	1			0.0	1		
440349	Tropical wood	1.2	0.0	1			0.0	1		
030487	Frozen fillets of tuna ""	1.1	0.0	1			0.0	1		
151311	Crude coconut oil	1.0	0.0	1			5.0		1	1
030389	Frozen fish, n.e.s.	0.9	0.0	1			0.0	3		
030381	Frozen dogfish and other sharks	0.6	0.0	1			0.0	1		
901590	Parts and accessories for instruments and appliances used in geodesy, topography, photogrammetrical surveying, hydrography, oceanography, hydrology, meteorology or geophysics, and for rangefinders, n.e.s.	0.6	0.0	1			0.0	1		
490700	Unused postage; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title	0.5	2.5	1	1	1	0.0	2		
890690	Vessels, incl. lifeboats (excl. warships, rowing boats and other vessels)	0.4	2.5	1	1	1	3.3	1	2	2
121299	Fruit stones and kernels and other vegetable products	0.3	0.0	1			0.0	1		
020230	Frozen, boneless meat of bovine animals	0.2	0.0	1			0.0	1		
Total		95.8		26	6	6		28	9	9

Note: For the calculation of averages, specific rates are excluded, and the ad valorem parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and ITC Trade Map.

e. Cook Islands' top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
030389	Frozen fish, n.e.s.	31.5	0.0	1			0.0	3		
890392	Motor boats and motor yachts	16.3	2.5	1	1	1	5.0		1	1
030489	Frozen fish fillets, n.e.s.	14.3	0.0	1			0.0	1		
030341	Frozen albacore or longfinned tunas	4.6	0.0	1			0.0	1		
711810	Coin	3.1	0.0	1			0.0	1		
030342	Frozen yellowfin tunas	3.1	0.0	1			0.0	1		
890400	Tugs and pusher craft	3.1	2.5	1	1	1	2.5	1	1	1
030487	Frozen fillets of tuna	2.7	0.0	1			0.0	1		
890391	Sailboats and yachts, with or without auxiliary motor	2.5	2.5	1	1	1	5.0		1	1
200989	Juice of fruit or vegetables, unfermented	2.0	5.0		1	1	5.0		5	5
711291	Waste and scrap of gold	1.6	0.0	1			0.0	1		
841111	Turbojets of a thrust	1.4	0.0	1			0.0	1		
841191	Parts of turbojets or turbopropellers, n.e.s.	1.2	0.0	1			0.0	1		
030344	Frozen bigeye tunas	0.9	0.0	1			0.0	1		
890190	Vessels for the transport of goods and vessels for the transport of both persons and goods	0.9	2.5	1	1	1	3.3	2	4	4
890800	Vessels and other floating structures for breaking up	0.7	0.0	1			0.0	1		
890690	Vessels, incl. lifeboats	0.6	2.5	1	1	1	3.3	1	2	2
890399	Vessels for pleasure or sports; rowing boats	0.6	2.5	1	1	1	5.0		1	1
902790	Microtomes; parts and accessories of instruments and apparatus for physical or chemical analysis	0.4	0.0	1			0.0	1		
030611	Frozen rock lobster and other sea crawfish	0.3	0.0	1			0.0	1		
940540	Electric lamps and lighting fittings, n.e.s.	0.3	5.0		1	1	4.3	1	6	6
330499	Beauty or make-up preparations and preparations for the care of the skin	0.3	5.0		1	1	5.0		1	1
851762	Machines for the reception, conversion and transmission or regeneration of voice, images or other data	0.3	0.0	1			0.0	8		
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses	0.2	0.0	1			0.0	3		
200990	Mixtures of fruit juices	0.2	5.0		1	1	5.0		5	5
Total		93.0		21	10	10		31	27	27

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and ITC Trade Map.

f. Kiribati's top export products (2016-2018)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
151311	Crude coconut oil	29.4	0.0	1			5.0		1	1
120300	Copra	19.0	0.0	1			0.0	1		
030487	Frozen fillets of tuna	18.9	0.0	1			0.0	1		
271012	Light oils and preparations	9.4	0.0	5			1.5	12	5	5
890190	Vessels for the transport of goods and vessels for the transport of both persons and goods	2.5	2.5	1	1	1	3.3	2	4	4
030344	Frozen bigeye tunas	2.3	0.0	1			0.0	1		
030349	Frozen tunas	2.2	0.0	1			0.0	1		
030342	Frozen yellowfin tunas	2.1	0.0	1			0.0	1		
030239	Fresh or chilled tunas	1.9	0.0	1			0.0	1		
030219	Fresh or chilled salmonidae	0.9	0.0	1			0.0	1		
121221	Seaweeds and other algae, fresh, chilled, frozen or dried, whether or not ground, fit for human consumption	0.9	2.5	1	1	1	0.0	1		
870510	Crane lorries (excl. breakdown lorries)	0.8	5.0		1	1	5.0		1	1
842959	Self-propelled mechanical shovels, excavators and shovel loaders	0.6	2.5	1	1	1	5.0		1	1
030341	Frozen albacore or longfinned tunas	0.6	0.0	1			0.0	1		
842940	Self-propelled tamping machines and roadrollers	0.5	5.0		1	1	5.0		2	2
481039	Kraft paper and paperboard	0.5	5.0		1	1	0.0	1		
760200	Waste and scrap, of aluminium	0.4	0.0	1			0.0	1		
844859	Parts and accessories of machines	0.3	0.0	1			0.0	1		
160561	Sea cucumbers, prepared or preserved (excl. smoked)	0.3	0.0	1			1.7	2	1	1
842620	Tower cranes	0.3	5.0		1	1	5.0		1	1
731100	Containers of iron or steel, for compressed or liquefied gas	0.3	5.0		1	1	5.0		1	1
840710	Spark-ignition reciprocating or rotary internal combustion piston engine, for aircraft	0.3	0.0	1			0.0	1		
160415	Prepared or preserved mackerel, whole or in pieces	0.3	0.0	1			2.5	1	1	1
870540	Concrete-mixer lorries	0.3	5.0		1	1	5.0		1	1
870410	Dumpers for off-highway use	0.2	5.0		1	1	2.5	1	1	1
Total		95.2		22	10	10		31	20	20

Note: For the calculation of averages, specific rates are excluded, and the ad valorem parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and UNSD, Comtrade.

g. Niue's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN		Duty-free lines under PACER Plus (2020)		MFN		Duty-free lines under PACER Plus (2020)	
			Avg. Tariff (%)	Duty-free lines			Avg. Tariff (%)	Duty-free lines		
890120	Tankers	95.3	2.5	1	1	1	0.0	1		
890190	Vessels for the transport of goods and vessels for the transport of both persons and goods	1.2	2.5	1	1	1	3.3	2	4	4
711890	Coin of legal tender	0.7	0.0	1			0.0	1		
890110	Cruise ships, excursion boats and similar vessels principally designed for the transport of persons	0.4	2.5	1	1	1	3.8	1	3	3
903190	Parts and accessories for instruments, appliances and machines for measuring and checking, n.e.s.	0.2	0.0	1			0.0	4		
200989	Juice of fruit or vegetables, unfermented	0.2	5.0		1	1	5.0		5	5
560394	Nonwovens, whether or not impregnated	0.1	5.0		1	1	5.0		1	1
843149	Parts of machinery	0.1	2.5	1	1	1	2.5	2	4	4
711810	Coin	0.1	0.0	1			0.0	1		
903289	Regulating or controlling instruments and apparatus	0.1	1.7	2	1	1	5.0		1	1
970500	Collections and collector's pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest	0.1	0.0	1			0.0	1		
040900	Natural honey	0.1	0.0	1			5.0		1	1
853690	Electrical apparatus for switching electrical circuits	0.0	3.3	1	2	2	1.2	3	1	1
950590	Festival, carnival or other entertainment articles	0.0	5.0		1	1	5.0		1	1
846620	Work holders for machine tools	0.0	0.0	1			5.0		1	1
300439	Medicaments containing hormones or steroids used as hormones but not antibiotics, put up in measured doses	0.0	0.0	1			0.0	1		
392062	Plates, sheets, film, foil and strip, of non-cellular polyethylene terephthalate	0.0	5.0		1	1	5.0		3	3
851679	Electro-thermic appliances, for domestic use	0.0	5.0		1	1	1.7	2	1	1
901580	Instruments and appliances used in geodesy, topography, hydrography, oceanography, hydrology, meteorology or geophysics	0.0	0.0	1			0.0	1		
841370	Centrifugal pumps, power-driven	0.0	5.0		2	2	2.5	1	1	1
853331	Wirewound variable electrical resistors	0.0	0.0	1			0.0	2		
853890	Parts suitable for use solely or principally with the apparatus of heading 8535, 8536 or 8537, n.e.s.	0.0	3.8	2	6	6	3.6	3	8	8
284920	Carbides of silicon, whether or not chemically defined	0.0	0.0	1			0.0	1		
560393	Nonwovens, whether or not impregnated, coated, covered or laminated	0.0	5.0		1	1	5.0		1	1
847989	Machines and mechanical appliances, n.e.s.	0.0	1.2	3	1	1	2.5	1	1	1
Total		99.0		22	22	22		28	37	37

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and ITC Trade Map.

h. Tuvalu's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	Access conditions to Australia's import markets				Access conditions to New Zealand's import markets			
			MFN			Duty-free lines under PACER Plus (2020)	MFN			Duty-free lines under PACER Plus (2020)
			Avg. Tariff (%)	Duty-free lines	Dutiable lines		Avg. Tariff (%)	Duty-free lines	Dutiable lines	
030343	Frozen skipjack or stripe-bellied bonito	51.2	0.0	1			0.0	1		
030342	Frozen yellowfin tunas	19.6	0.0	1			0.0	1		
890120	Tankers	12.4	2.5	1	1	1	0.0	1		
030344	Frozen bigeye tunas	5.1	0.0	1			0.0	1		
030341	Frozen albacore or longfinned tunas	2.1	0.0	1			0.0	1		
170230	Glucose in solid form and glucose syrup	0.8	4.0		1	1	0.0	1		
854231	Electronic integrated circuits as processors and controllers	0.7	0.0	1			0.0	1		
711890	Coin of legal tender	0.6	0.0	1			0.0	1		
711810	Coin	0.6	0.0	1			0.0	1		
320990	Paints and varnishes	0.6	5.0		1	1	3.3	1	2	2
621133	Men's or boys' tracksuits and other garments, n.e.s. of man-made fibres	0.5	2.5	1	1	1	10.0		1	1
890800	Vessels and other floating structures for breaking up	0.3	0.0	1			0.0	1		
390799	Saturated polyesters in primary forms	0.3	3.3	1	2	2	1.7	2	1	1
382200	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents	0.3	2.5	4	4	4	3.8	1	3	3
482110	Paper or paperboard labels of all kinds, printed	0.3	5.0		1	1	0.0	1		
851829	Loudspeakers, without enclosure	0.2	2.5	1	1	1	0.0	2		
880320	Under-carriages and parts thereof, for aircraft, n.e.s.	0.1	0.0	1			0.0	1		
847160	Input or output units for automatic data-processing machines	0.1	0.0	1			0.0	1		
701690	Paving blocks, slabs, bricks, squares, tiles and other articles of pressed or moulded glass	0.1	0.0	1			0.0	2		
853810	Boards, panels, consoles, desks, cabinets	0.1	0.0	2			0.0	1		
841191	Parts of turbojets or turbopropellers, n.e.s.	0.1	0.0	1			0.0	1		
711419	Articles of goldsmiths' or silversmiths' wares or parts thereof, of precious metal other than silver	0.1	5.0		1	1	2.5	1	1	1
903089	Instruments and apparatus for measuring or checking electrical quantities, without recording device, n.e.s.	0.1	0.0	1			0.0	1		
970500	Collections and collector's pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest	0.1	0.0	1			0.0	1		
854790	Insulating fittings for electrical purposes, of materials other than ceramics or plastics	0.1	5.0		1	1	-	1	1	1
Total		96.6		24	14	14		27	9	9

- Specific rates only.

Note: For the calculation of averages, specific rates are excluded, and the *ad valorem* parts of alternate rates are included. Based on the HS 2017 Nomenclature.

Source: WTO estimates based on the data provided by the parties and ITC Trade Map.

Table A1.3 Forum Island Countries: Market access opportunities under PACER Plus for Australia and New Zealand's top 25 exports (by partner)

a. Australia's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	MFN (2020)														Dutiable lines							Year of Liberalization				Remaining Dutiable
			Average rate (%)							Duty-free lines																		
			WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	2020	2029	2034	2044	
260111	Non-agglomerated iron ores and concentrates	21.3	8	10	15	0	0	0	0				1	1	1	1	1	1	1					W,S	To			
270112	Bituminous coal	18.2	8	10	0	0	0	0	0			1	1	1	1	1	1	1	1					W,S			W,S	
271111	Natural gas, liquefied	11.3	8	-	0	0	0	0	0			1	1	1	1	1	1	1	1									
710813	Gold	5.7	20	10	20	0	0	0	0				1	1	1	1	1	1	1	1				S	W,To			
281820	Aluminium oxide	2.5	8	10	15	0	0	0	0				1	1	1	1	1	1	1					W,S	To			
270900	Petroleum oils and oils obtained from bituminous minerals, crude	2.2	8	-	20	0	0	0	7				1	1	1		1	1	1			1		W,Tu	To		S	
260300	Copper ores and concentrates	1.6	8	10	15	0	0	0	0				1	1	1	1	1	1	1					W,S	To			
020230	Frozen, boneless meat of bovine animals	1.5	8	10	0	30	0	0	9			1		1	1		1	1		1		1		Tu			W	S,V
100199	Wheat and meslin	1.3	8	5	15	0	0	0	0				1	1	1	1	1	1	1					W	To		S	
510111	Greasy shorn wool	1.0	8	10	15	5	0	0	0					1	1	1	1	1	1	1				W,S,V	To			
020130	Fresh or chilled bovine meat, boneless	1.0	8	10	0	30	0	0	9			1		1	1		1	1		1		1		Tu	W			S,V
740311	Copper, refined	1.0	8	10	15	10	0	0	0					1	1	1	1	1	1	1				S	To			W,V
760110	Aluminium	0.9	8	5	15	0	0	0	0				1	1	1	1	1	1	1					W,S	To			
260800	Zinc ores and concentrates	0.7	8	10	15	0	0	0	0				1	1	1	1	1	1	1					W,S	To			
220421	Wine of fresh grapes	0.6	30	10	0	40	-	9	25			1					2	4		1	1	1	1	C				W,S,N,C
271019	Medium oils and preparations	0.6	8	10	0	5	0	0	0			4		1	1	3	1	3		6	36							W,S,V
520100	Cotton	0.6	8	10	15	10	0	0	0					1	1	1	1	1	1	1				W,S,V	To			
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses	0.6	0	5	0	0	0	0	0	1		1	1	1	1	1		1						S				
880330	Parts of aeroplanes or helicopters	0.5	8	10	15	0	0	0	0				1	1	1	1	1	1	1					W,S			To	
100390	Barley (excl. seed for sowing)	0.5	8	5	15	0	0	0	15				1	1	1		1	1	1			1		W,S	To,Tu			
020442	Frozen cuts of sheep	0.5	20	10	0	30	0	0	9			3		1	1		1	1		1		1	W	S		V,Tu		

HS number and description of the product		Share in global exports (%)	MFN (2020)												Dutiable lines						Year of Liberalization				Remaining Dutiable			
			Average rate (%)							Duty-free lines																		
			WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	2020		2029	2034	2044
790111	Unwrought zinc	0.5	8	10	15	0	0	0	0				1	1	1	1	1	1	1					S	To		W	
210690	Food preparations, n.e.s.	0.4	17.5	10	15	15	0	0	15					1	1		6	1	1	1			1		W	W,S,To V,Tu		
261690	Precious-metal ores and concentrates	0.4	8	10	15	0	0	0	0				1	1	1	1	1	2	1					W,S	To			
253090	Arsenic sulfides, alunite, pozzuolana, earth colours and other mineral substances, n.e.s.	0.4	8	10	0	5	0	0	0			1		1	1	1	1	1		1				W,S, V				
Total		75.8								1	0	14	15	24	24	20	30	31	16	15	37	1	7					W:4; S:6 V:3; C:36 N:1

- Specific rates only.

Note: WSM/W = Samoa; SLB/S = Solomon Islands; TON/To = Tonga; VUT/V = Vanuatu; COK/C = Cook Islands; NIU/N = Niue; TUV/Tu = Tuvalu.
 All Kiribati tariffs are duty-free for MFN and preferential rates and have not been included in the table.
 For the calculation of averages, specific rates are excluded, and the ad valorem parts of alternate rates are included. Based on the HS 2012 Nomenclature.
 Tonga schedule nomenclature is in HS 2017 equivalents.

Source: Samoa: WTO estimates based on the data provided by the parties and WTO-IDB.
 Cook Islands, Kiribati, Solomon Islands: WTO estimates based on the data provided by the parties, ITC, and UNSD, Comtrade.
 Niue, Tonga: WTO estimates based on the data provided by the parties and UNSD, Comtrade.
 Tuvalu, Vanuatu: WTO estimates based on the data from the Agreement, ITC and UNSD, Comtrade.

b. New Zealand's top export products (2017-2019)

HS number and description of the product		Share in global exports (%)	MFN (2020)														Dutiable lines						Year of Liberalization					Remaining Dutiable		
			Average rate (%)							Duty-free lines																				
			WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	2020	2024	2029	2034		2044	
040221	Milk and cream in solid forms	11.2	5	5	7.5	15	0	0	9			1		1	1		3	1	1	1			1	W	W			S,To,V,Tu		
440320	Coniferous wood	5.0	8	10	0	15	0	0	0			1		1	1	1	1	1	1							S	W,V			
020230	Frozen, boneless meat of bovine animals	4.4	8	10	0	30	0	0	9			1		1	1		1	1		1						Tu		W	S	
020442	Frozen cuts of sheep	3.7	20	10	0	30	0	0	9			3		1	1		1	1		1			1	W		S		V,Tu	V	
081050	Fresh kiwifruit	3.6	10	10	0	30	0	0	0			1		1	1	1	1	1		1						S	W,V			
040510	Butter	3.4	8	5	0	15	0	0	9			1		1	1		1	1		1						S		W,Tu	V	
040590	Fats and oils derived from milk	2.7	8	5	0	15	0	0	9			1		1	1		1	1		1						S	W	,Tu	V	
220421	Wine of fresh grapes	2.4	30	10	0	40	0	9	25			1					2	4		1	1	1	C					V,Tu	W,S,N	
190110	Food preparations for infant use	2.4	0	10	0	10	0	0	15	1		1		1	1			1		1						S,V		Tu		
040210	Milk and cream in solid forms, of a fat content by weight of <= 1,5%	2.2	2.5	5	0	15	0	0	9	1		1		1	1		1	1		1				W				S,V,Tu		
040690	Cheese	1.9	8	10	15	15	0	0	9					1	1		1	1	1	1						W,S,Tu		To,V	S	
210690	Food preparations, n.e.s.	1.8	17.5	10	15	15	0	0	15					1	1		6	1	1	1			1					W	W,S,To,V,Tu	
440710	Coniferous wood sawn or chipped	1.5	8	10	0	15	0	0	0			1		1	1	1	1	1		1									W,V	S
080810	Fresh apples	1.3	0	10	0	15	0	0	0	1		1		1	1	1	1	1		1								V		S
760110	Aluminium, not alloyed, unwrought	1.2	8	5	15	0	0	0	0				1	1	1	1	1	1	1							W,S	To			
270900	Petroleum oils and oils	1.1	8	-	20	0	0	0	7				1	1	1		1	1	1			1				W,S	To	S		
020422	Fresh or chilled cuts of sheep,	1.0	20	10	0	30	0	0	9			3		1	1		1	1		1			1	W		S		V,Tu		
040490	Products consisting of natural milk	1.0	5	10	15	15	0	0	9					1	1		2	1	1	1			1		W	S,Tu		To	V	
710812	Gold	1.0	20	10	20	0	0	0	0				1	1	1	1	1	1	1							S	W,To			
350110	Casein	0.9	8	10	15	10	0	0	0					1	1	1	1	1	1	1						W,S	To			V
901920	Ozone, oxygen, aerosol therapy, artificial respiration	0.9	8	10	0	0	0	0	0			1	1	1	1	1	1	1								W,S				
040150	Milk and cream of a fat content by weight of > 10%	0.8	2.5	10	7.5	15	0	0	9	1		1		1	1		1	1	1	1			1	W			V	S,To,Tu		
020443	Frozen boneless cuts of sheep	0.8	20	10	0	30	0	0	9			1		1	1		1	1		1			1	W		S		V,Tu		
220429	Wine of fresh grapes, incl. fortified wines	0.7	30	10	0	40	0	9	25			1					2	4		1	1	1	C					V,Tu	W,S,N	
040610	Fresh cheese	0.7	8	10	15	15	0	0	9					1	1		1	1	1	1						W,S,Tu		To,V		

HS number and description of the product	Share in global exports (%)	MFN (2020)														Dutiable lines							Year of Liberalization					Remaining Dutiable
		Average rate (%)							Duty-free lines																			
		WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	WSM	SLB	TON	VUT	COK	NIU	TUV	2020	2024	2029	2034	2044	
Total	58.4							4	0	21	4	23	23	8	33	31	10	21	2	2	17						W:4; S:11; V:5; N:2	

- Specific rates only.

Note: WSM/W = Samoa; SLB/S = Solomon Islands; TON/To = Tonga; VUT/V = Vanuatu; COK/C = Cook Islands; NIU/N = Niue; TUV/Tu = Tuvalu.
All Kiribati tariffs are duty-free for MFN and preferential rates and have not been included in the table.
For the calculation of averages, specific rates are excluded, and the ad valorem parts of alternate rates are included. Based on the HS 2012 Nomenclature.
Tonga schedule nomenclature is in HS 2017 equivalents: 440321 vs 440320, 440711 vs 440710, and total percentage of global exports = 57.6% vs 58.4%.

Source: Samoa: WTO estimates based on the data provided by the parties and WTO-IDB.
Cook Islands, Kiribati, Solomon Islands: WTO estimates based on the data provided by the parties, ITC, and UNSD, Comtrade.
Niue, Tonga: WTO estimates based on the data provided by the parties and UNSD, Comtrade.
Tuvalu, Vanuatu: WTO estimates based on the data from the Agreement, ITC and UNSD, Comtrade.

ANNEX 2**COMPARISON OF CATEGORIES AND LENGTH OF STAY FOR TEMPORARY ENTRY OF NATURAL UNDER PACER PLUS AND THE GATS**

Category	Maximum length of stay	
	PACER Plus	GATS
Australia		
A. Business visitors ▪ service sellers	3 months; 6 to 12 months	No commitments 6 months
B. Intra-corporate transferees: ▪ executives and senior managers ▪ specialists	4 years, extendable 2 years, extendable	4 years 2 years, extendable to maximum 4 years
C. Contractual Service Suppliers	12 months, extendable	No commitments
D. Independent Executives	2 years	2 years
Cook Islands		
A. Business visitors	1 month; extendable for additional 2 months	---
B. Intra-corporate transferees ▪ executives ▪ managers ▪ specialists	1 year; renewable for additional 2 years, but subject to ENT	---
C. Contractual service suppliers	3 months within any 1-year period	---
D. Independent service suppliers	3 months within any 1-year period	---
E. Installers or servicers	3 months within any 1-year period	---
F. Skilled or semi-skilled workers	1 year; extendable for additional 2 years, but subject to ENT	---
Kiribati		
A. Business visitors	1 month; renewable to 4 months within a 12-month period.	---
B. Intra-corporate transferees ▪ executives ▪ managers ▪ specialists	1 year and renewable, but subject to ENT	---
C. Contractual service suppliers	6 months, renewable	---
D. Independent service suppliers	6 months, renewable	---
E. Installers and servicers	6 months	---
F. Skilled or semi-skilled workers	1 year; renewable to maximum total of 3 years, but subject to ENT	---
New Zealand		
A. Business visitors	3 months in any calendar year	3 months in any calendar year
B. Intra-corporate transferees ▪ executives ▪ managers ▪ specialists	3 years	3 years for executives and senior managers; 12 months for specialists and senior personnel; 3 years for specialist personnel subject to labour market tests.
C. Installers and servicers	3 months in any 12-month period	3 months in any 12-month period
D. Independent service suppliers ▪ independent professionals	12 months and subject to economic needs tests.	No commitments
Niue		
A. Business visitors	30 days; extendable for 30 days	---
B. Intra-corporate transferees ▪ executives ▪ managers ▪ specialists	2 years; extendable for 1 year, subject to ENT	---
C. Contractual service suppliers	1 year; extendable for 1 year, subject to ENT	---

Category	Maximum length of stay	
	PACER Plus	GATS
D. Independent service suppliers	2 years; extendable for 1 year, subject to ENT	---
E. Installers or servicers	30 days	---
F. Skilled or semi-skilled workers	2 years; extendable for 1 year, subject to ENT	---
Samoa		
A. Business visitors	60 days per year	60 days per year
B. Intra-corporate transferees <ul style="list-style-type: none"> executives managers specialists management trainee on professional development 	Subject to ENT: <ul style="list-style-type: none"> 3 years 3 years 3 years 2 years 	3 years, renewable
C. Independent service suppliers	1 year, subject to ENT	1 year, subject to ENT
D. Installers and servicers	60 days per year	No commitments
E. Skilled or semi-skilled workers	2 years and subject to ENT. Only for specified occupations.	No commitments
F. Personnel engaged in establishment	No commitments	1 year, renewable
Solomon Islands		
A. Business visitors	90 days within 1-year period	No commitments
B. Intra-corporate transferees <ul style="list-style-type: none"> executives managers and specialists 	2 years	<ul style="list-style-type: none"> no commitments; 2 years, subject to ENT
C. Contractual service suppliers	90 days within any 1-year period; or up to 2 years, subject to ENT	No commitments
D. Independent service suppliers	90 days within any 1-year period; or up to 2 years, subject to ENT	No commitments
E. Installers or servicers	90 days within any 1-year period; extendable subject to ENT	No commitments
F. Skilled or semi-skilled workers	2 years, subject to ENT	No commitments
Tonga		
A. Business visitors	6 months in 1 year	90 days
B. Intra-corporate transferees <ul style="list-style-type: none"> executives managers specialists 	2 years; extendable, but subject to ENT	2 years, renewable
C. Contractual service suppliers	12 months; extendable for 2 years, but subject to ENT	No commitments
D. Independent service suppliers	12 months; extendable for 2 years, but subject to ENT	No commitments
E. Installers or servicers	6 months	No commitments
F. Skilled or semi-skilled workers	12 months; extendable for 2 years, but subject to ENT	No commitments
G. Personnel engaged in establishment: <ul style="list-style-type: none"> independent executives 	No commitments	2 years, renewable
Tuvalu		
A. Business visitors	1 month; extendable for 3 months	---
B. Intra-corporate transferees <ul style="list-style-type: none"> executives managers specialists management trainee on professional development 	1 year; renewable for 1 year	---
C. Contractual service suppliers	4 months; extendable for 1 year, but subject to ENT	---
D. Independent service suppliers	4 months; extendable for 1 year, but subject to ENT	---
E. Installers or servicers	1 month; renewable for 3 months	---

Category	Maximum length of stay	
	PACER Plus	GATS
F. Skilled or semi-skilled workers	1 year, extendable for a period of 3 years within any 5-year period, but subject to ENT	---
Vanuatu		
A. Business visitors	90 days	1. Single Entry: 3 months 2. Multiple Entry: 10 Months
B. Intra-corporate transferees <ul style="list-style-type: none"> ▪ executives ▪ managers ▪ specialists 	1 year; extendable, but subject to ENT	1. Single Entry: 3 months 2. Multiple Entry: 10 Months
C. Contractual service suppliers	90 days within 10 consecutive months; longer period of stay is subject to ENT	1. Single Entry: 3 months 2. Multiple Entry: 10 Months
D. Independent service suppliers	90 days within 10 consecutive months; longer period of stay is subject to ENT	No commitments
E. Installers or servicers	90 days	No commitments
F. Skilled or semi-skilled workers	1 year, but subject to ENT	No commitments

General note:

ENT economic needs test

Source: Annex 18-A of the Agreement and the Parties' GATS schedules. As WTO non-Members, the Cook Islands, Kiribati, Niue and Tuvalu have no GATS schedules.