

Disclaimer: the negotiations between EU and Japan on Economic Partnership Agreement are not concluded yet, therefore the published texts should be considered provisional and not final. In particular, the provisions which appear in brackets are still under negotiations. However, in view of the growing public interest in the negotiations, the texts are published at this stage of the negotiations. The texts are published for information purposes only and are without prejudice to the final outcome of the agreement between the EU and Japan. Any such texts become binding upon the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement, and after the final texts are submitted and approved by the legislators.

Small and Medium-Sized Enterprises (SMEs) Chapter

EU-Japan FTA

Article 1: General Provisions

The Parties recognise the importance of the provisions of this Chapter as well as other provisions in this Agreement that seek to enhance cooperation between the Parties on SME issues or that otherwise may be of particular benefit to SMEs.

Article 2: Information Sharing

1. Each Party shall establish or maintain its own publicly accessible website containing information regarding this Agreement, including:

- (a) the text of this Agreement, including all annexes, tariff schedules, and product-specific rules of origin;
- (b) a summary of this Agreement; and
- (c) information designed for SMEs that contains:
 - (i) a description of the provisions in this Agreement that the Party in question considers to be relevant to SMEs; and
 - (ii) any additional information that the Party considers would be useful for SMEs interested in benefitting from the opportunities provided by this Agreement.

2. Each Party shall include links from the website provided for in paragraph 1 to:

- (a) the equivalent website of the other Party;
- (b) the websites of its government authorities and other appropriate entities that the Party considers would provide useful information to persons interested in trading, investing, or doing business in that Party; and

- (c) the website of the EU-Japan Centre for Industrial Cooperation, a common venture between the European Commission and the Japanese Government, or the website of its successor organisation, as appropriate.

3. With respect to paragraph 2(b), each Party shall include information related to:

- (a) customs regulations and procedures as well as a description of the importation, exportation, and transit procedures informing of the practical steps needed to import and export, and for transit; and the forms, documents and other information required for importation into, exportation from, or transit through the customs territory of that Party;
- (b) regulations and procedures concerning intellectual property rights;
- (c) technical regulations, including, where necessary, mandatory conformity assessment procedures;
- (d) sanitary and phytosanitary measures relating to importation and exportation;
- (e) publication of notices for government procurement in accordance with paragraph 2 of Article 3 of Chapter [XX] (Government Procurement) of this Agreement as well as other relevant information;

(Note: to be confirmed after the completion of the Government Procurement Chapter)

- (f) business registration procedures;
- (g) information about taxes collected during the import procedure, if applicable; and
- (h) other information which the Party considers may be of assistance to SMEs.

4. Each Party shall include a link from the website provided for in paragraph 1 to a database that is electronically searchable by tariff nomenclature code and that includes, where the Party considers applicable, the following information with respect to access to its market:

- (a) rates of customs duty and quotas (including most-favoured nation (MFN), rates concerning non MFN countries and preferential rates and tariff rate quotas);
- (b) customs or other fees, including other product specific fees, imposed on or in connection with importation and exportation;
- (c) other tariff measures;
- (d) rules of origin;
- (e) duty drawback, deferral, or other types of relief that reduce, refund, or exempt customs duties;
- (f) criteria used to determine the customs value of the good, in accordance with the WTO Customs Valuation Agreement;

- (g) country of origin marking requirements, including placement and method of marking; and
- (h) other relevant measures or regulations.

5. Each Party shall regularly, or when requested by the other Party, review the information and links referred to in paragraphs 1 to 4 that it maintains on its website to ensure they are up-to-date and accurate.

6. Each Party shall work towards ensuring that information set out in this Article is presented in a manner that is easy to use for SMEs. Each Party shall endeavour to make the information available in English.

7. No fee shall apply for access to the information provided pursuant to paragraphs 1 to 4 for any person of either Party.

Article 3: SME Contact Points

1. The Parties hereby establish an SME Contact Point on each side.

2. The SME Contact Points shall:

- (a) ensure that SME needs are taken into account in the implementation of the Agreement and consider ways to increase trade and investment opportunities for SMEs by strengthening cooperation on SME issues between the Parties;
- (b) identify ways and exchange information for EU and Japanese SMEs to take advantage of new opportunities under the Agreement;
- (c) monitor the implementation of the provisions on information sharing of Article 2 to ensure that the information provided by the Parties is up-to-date and relevant for SMEs. The SME Contact Points may recommend to the Joint Committee additional information that the Parties may include in their websites to be maintained in accordance with Article 2;
- (d) submit a regular report of their activities and make appropriate recommendations to the Joint Committee for its consideration; and
- (e) consider any other matter arising under the Agreement pertaining to SMEs, as the Parties may agree.

3. The SME Contact Points shall endeavour to address any other matter of interest to SMEs in connection with the implementation of the Agreement, including:

- (a) exchanging information to assist the Parties in monitoring and implementing the Agreement as it relates to SMEs;
- (b) participating in the work of committees and working groups established by the Agreement, including provisions on regulatory cooperation and non-tariff issues, and presenting to these committees and working groups specific issues of particular interest to SMEs in their areas, while avoiding duplication of work programmes; and

(c) considering solutions that are mutually acceptable in order to improve the ability of SMEs to engage in trade and investment between the Parties.

4. SME Contact Points shall meet when necessary and shall carry out their work through the communication channels decided by the Parties, which may include electronic mail, videoconferencing, or other means.

5. SME Contact Points may seek to collaborate with SME experts and external organisations, as appropriate, in carrying out their activities.

Article 4: Non-Application of Dispute Settlement

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