

CHAPTER 13

ECONOMIC AND TECHNICAL COOPERATION

Article 13.1: Replacement

This Chapter shall replace Article 7 of the Framework Agreement.

Article 13.2: Definition

Least Developed Country or **LDC** means any country designated as such by the United Nations and which has not obtained graduation from the least developed country category.

Article 13.3: Principles and Objectives

1. The Parties shall undertake economic and technical cooperation activities of mutual benefit to deepen trade and investment among the Parties with a view to promoting economic cooperation pursuant to this Agreement.
2. The Parties shall, subject to the availability of resources and in accordance with their respective laws and regulations, endeavour to facilitate economic and technical cooperation among the Parties. The Parties shall explore ways to expand economic and technical cooperation in areas of mutual interest, including recommendations to enhance existing economic and technical cooperation as well as to develop new initiatives.
3. The Parties shall implement capacity-building programmes and technical assistance, particularly projects that address the specific needs and requirements consistent with the priority areas of economic and technical cooperation under this Agreement. Special consideration shall be provided to Least Developed Country members of ASEAN with regard to their participation in these projects and their proposed projects.

Article 13.4: Scope of Economic and Technical Cooperation

1. Economic and technical cooperation under this Chapter shall support the inclusive, effective, and efficient implementation and

utilisation of this Agreement through economic and technical cooperation activities which are trade or investment related.

2. The Parties shall explore and undertake economic and technical cooperation activities, including capacity building and technical assistance that focus on the following:
 - (a) Trade in Goods;
 - (b) Rules of Origin;
 - (c) Customs Procedures and Trade Facilitations;
 - (d) Sanitary and Phytosanitary Measures;
 - (e) Standards, Technical Regulations and Conformity Assessment Procedures;
 - (f) Trade in Services;
 - (g) Investment;
 - (h) Digital Economy;
 - (i) Green Economy;
 - (j) Supply Chain Connectivity;
 - (k) Competition;
 - (l) Consumer Protection;
 - (m) Micro, Small, and Medium Enterprises;
 - (n) Intellectual Property Rights; and
 - (o) Other areas related to economic and technical cooperation as may be mutually agreed upon by the Parties.
3. The Parties shall focus on the economic and technical cooperation to support other committees under the CAFTA-JC for better utilisation of this Agreement.

Article 13.5: Resources for Economic and Technical Cooperation Activities

The Parties shall source the funding for economic and technical cooperation activities under this Chapter from existing appropriate China-ASEAN resources, or other resources that may become available in the future.

Article 13.6: LDC Parties

The Parties shall take into consideration specific constraints faced by an LDC Party. Appropriate capacity building and technical assistance, as agreed upon by China and the LDC Party seeking such assistance, shall be provided to help the LDC Party implement their obligations under, address their specific concerns relating to, and take advantage of the benefits of, this Agreement.

Article 13.7: Implementation of Economic and Technical Cooperation Activities

1. Economic and technical cooperation activities undertaken pursuant to this Chapter may include seminars, trainings, policy dialogues, studies, and other activities agreed upon by the Parties.
2. The Parties shall enhance economic and technical cooperation activities under this Chapter by expediting the appraisal and approval process, developing clear guidelines and facilitating enquiries on economic and technical cooperation projects with a view to helping prospective project proponents to better utilise the available resources.
3. Economic and technical cooperation activities shall involve China and at least two ASEAN Member States, provided that those activities are regional in nature and of mutual benefit to China and those ASEAN Member States .
4. The Parties shall undertake economic and technical cooperation activities at a mutually agreed time.

Article 13.8: Committee on Economic and Technical Cooperation

1. The Committee on Economic and Technical Cooperation (“Ecotech Committee”) shall be responsible for the effective implementation and operation of this Chapter. Each Party shall designate its representative to the Ecotech Committee and shall keep all other Parties updated on its focal point’s details.
2. The Ecotech Committee shall monitor the implementation and operation of this Chapter and the application and fulfilment of its objective. It shall report the implementation of new and existing economic and technical cooperation activities under this Chapter to the CAFTA-JC and make recommendations on the economic and technical cooperation activities to be undertaken in accordance with the priorities of the relevant Parties, where appropriate.
3. The Ecotech Committee shall be:
 - (a) composed of representatives of China and ASEAN Member States; and
 - (b) co-chaired by an official of the Government of China and an official of one of the Governments of ASEAN Member States.

Article 13.9: Non-Application of Dispute Settlement

1. The Agreement on Dispute Settlement Mechanism, as reaffirmed in Chapter 14 (Dispute Settlement), shall not apply to any matter arising under this Chapter.
2. Any dispute concerning the interpretation, implementation, or application of this Chapter shall be settled amicably by the Parties.

Article 13.10: Disclosure of Information

Nothing in this Chapter shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 13.11: Confidentiality

Where a Party provides information to another Party in accordance with this Chapter and designates the information as confidential, the other Party shall maintain the confidentiality of the information. Such information shall be used only for the purposes specified by the Party providing the information, and shall 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 under its domestic law to provide the information to judicial proceedings.

Article 13.12: General Exceptions

Article XX of GATT 1994 and Article XIV of GATS are incorporated into and made part of this Chapter, *mutatis mutandis*.^{1, 2}

Article 13.13: Security Exceptions

Nothing in this Chapter shall be construed:

- (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:
 - (i) action relating to fissionable materials or the materials from which they are derived;
 - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military

¹ The Parties understand that the measures referred to in subparagraph (b) of Article XX of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that subparagraph (g) of Article XX of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

² The Parties understand that the measures referred to in subparagraph (b) of Article XIV of GATS include environmental measures necessary to protect human, animal or plant life or health.

- establishment;
 - (iii) action taken so as to protect critical communications infrastructure from deliberate attempts intended to disable or degrade such infrastructure;
 - (iv) action taken in time of war or other emergency in domestic or international relations; or
- (c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.