Agreement ID : AUSTRALIA-US
Short Name : Australia-US FTA&EIA

Member Countries

Australia
United States

Total: 2 countries

Australia-United States Free Trade Agreement

Status : Signed in **2004**. In force since 2005
Scope : Bilateral
Type : FTA & EIA
WTO Notification : GATT Art XXIV, GATS Art V 2004
Agreement text :
http://www.dfat.gov.au/fta/ausfta/
Other links :
http://www.ustr.gov/trade-agreements/free-trade-agreements/australian-fta/final-text
WTO consideration process :
http://docsonline.wto.org/imrd/directdoc.asp?DDFDocuments/t/WT/REG/184-3.doc

GOODS

Tariffs
Negative list

Tariffs scaled back, according to category, in up to 10 years. See annex 2A

Agriculture is covered in export subsidies (Art3.3), safeguard measures (Art 3.4), TRQ (Art 3.5), and review of dairy market access in 20 years(annex 2-B).

Rules of Origin
Change in tariff classification (2 to 6-digit level)

Value added 35 to 50% on FOB value

No specific manufacturing process necessary

Contingency Measures
Anti - Dumping : Refers to members own law
Countervailing Duties : Refers to members own law
Safeguards : Allowed for up to 2 years

Standards : Calls for cooperation and recognition of the other party's regulations as long as they claim 'same goals'

Notes :
Chapter III addresses Agriculture. Article 3.1 mentiones the parties' cooperation in the WTO and other multilateral negotiation fora. Article 3.7 covers some important definitions with respect to agriculture.

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 22/12/2004
Consideration Process : Factual Presentation issued

Liberalization Approach : Negative Lists

Modes Covered

Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on

Financial services : **Yes**
Professional services : **Yes**

Specific Sectors Excluded

Air transport : **Yes**

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Binding

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Non-binding (NAFTA-like)

Subsidies covered by services disciplines : Not covered

Denial of benefits for commercial presence :

Notes :

Link to schedules :

INVESTMENT

Scheduling Approach : Negative Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding

National Treatment : Binding

NT provision applies to entry and establishment rights : **Yes**

Fair and Equitable Treatment : Binding

Clarifying text on FET : **Yes**

Expropriation : Binding

Clarifying text : **Yes**

Board of Directors and executive personnel : Binding

Invester - State arbitration : Yes

Denial of Benefits :

ARTICLE 11.12: DENIAL OF BENEFITS1. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of such other Party and to investments of that investor if persons of a non-Party own or control the enterprise and the denying Party:(a) does not maintain diplomatic relations with the non-Party; or (b) adopts or maintains measures with respect to the non-Party or a person of the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise or its investments.2. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of such other Party and to investments of that investor if the enterprise has no substantial business activities in the territory of the other Party and persons of a non-Party, or of the denying Party, own or control the enterprise.

Additional BIT exists between the parties : **No**

BIT list I :

Status:

BIT list II :

Status:

Notes :

Link to schedules :

TRADE FACILITATION

Customs procedures : **Yes** Article 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10 and 6.11 of the Agreement
Customs valuation : **No**
Trade regulations publication and administration : **Yes** Article 61 and 6.5 of the Agreement
Use of ICT : **No**
Mobility of business people : **No**
Freedom of transit : **No**
Transport and logistics : **No**
Trade finance : **No**

OTHER AREAS

Government Procurement : **Yes**
Investment : **Yes**
Competition Policy : **Yes**
Intellectual Property : **Yes** Substantive and procedural obligations. Very broad coverage. See more in Chapter 17 of the Agreement.
Dispute Settlement : **Yes**
Labor Mobility : **No**
Labor and Environmental Standards : **Yes** Chapter 18 on labor standards. Article 19 on Environmnet. Article 19.2 on enforcement of environme
Technical cooperation : **No**
Institutional mechanism : **No**

Notes :

RULES OF ORIGIN

Cumulation
Bilateral

Specific Process
Last manufacturing process
Heading Change
Heading Change at the 2,4 or 6-digit level
De Minimis
10%
Minimum Content

Drawback

HTTP Link

Notes :