

## CHAPTER 25

### SMALL AND MEDIUM-SIZED ENTERPRISES

#### Article 25.1: General Principles

1. The Parties, recognizing the fundamental role of SMEs in maintaining dynamism and enhancing competitiveness of their respective economies, shall foster close cooperation between SMEs of the Parties and cooperate in promoting jobs and growth in SMEs.
2. The Parties recognize the integral role of the private sector in the SME cooperation to be implemented under this Chapter.

#### Article 25.2: Cooperation to Increase Trade and Investment Opportunities for SMEs

With a view to more robust cooperation between the Parties to enhance commercial opportunities for SMEs, and among other efforts, in the context of Memoranda of Understanding that exist between Parties on SME cooperation, each Party shall seek to increase trade and investment opportunities, and in particular shall:

- (a) promote cooperation between the Parties' small business support infrastructure, including dedicated SME centers, incubators and accelerators, export assistance centers, and other centers as appropriate, to create an international network for sharing best practices, exchanging market research, and promoting SME participation in international trade, as well as business growth in local markets;
- (b) strengthen its collaboration with the other Parties on activities to promote SMEs owned by under-represented groups, including women, indigenous peoples, youth and minorities, as well as start-ups, agricultural and rural SMEs, and promote partnership among these SMEs and their participation in international trade;
- (c) enhance its cooperation with the other Parties to exchange information and best practices in areas including improving SME access to capital and credit, SME participation in covered government procurement opportunities, and helping SMEs adapt to changing market conditions; and
- (d) encourage participation in platforms, such as web-based, for business entrepreneurs and counselors to share information and best practices to help SMEs link with international suppliers, buyers, and other potential business partners.

### **Article 25.3: Information Sharing**

1. Each Party shall establish or maintain its own free, publicly accessible website containing information regarding this Agreement, including:
  - (a) the text of this Agreement;
  - (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 considers to be relevant to SMEs; and
    - (ii) any additional information that would be useful for SMEs interested in benefitting from the opportunities provided by this Agreement.
2. Each Party shall include in its website links or information through automated electronic transfer to:
  - (a) the equivalent websites of the other Parties; and
  - (b) the websites of its own government agencies and other appropriate entities that provide information the Party considers useful to any person interested in trading, investing, or doing business in that Party's territory.
3. The information described in paragraph 2(b) may include:
  - (a) customs regulations, procedures, or enquiry points;
  - (b) regulations or procedures concerning intellectual property rights;
  - (c) technical regulations, standards, or conformity assessment procedures;
  - (d) sanitary or phytosanitary measures relating to importation or exportation;
  - (e) foreign investment regulations;
  - (f) business registration procedures;
  - (g) trade promotion programs;
  - (h) competitiveness programs;

- (i) SME financing programs;
- (j) employment regulations;
- (k) taxation information;
- (l) information related to the temporary entry of business persons, as set out in Article 16.5 (Provision of Information); and
- (m) government procurement opportunities within the scope of Article 13.2 (Scope).

4. Each Party shall regularly review the information and links on the website referred to in paragraphs 1 and 2 to ensure the information and links are up-to-date and accurate.

5. To the extent possible, each Party shall make the information in this Article available in English. If this information is available in another authentic language of this Agreement, the Party shall endeavor to make this information available, as appropriate.

#### **Article 25.4: Committee on SME Issues**

1. The Parties hereby establish the Committee on SME Issues (SME Committee), comprising government representatives of each Party.

2. The SME Committee shall:

- (a) identify ways to assist SMEs in the Parties' territories to take advantage of the commercial opportunities resulting from this Agreement and to strengthen SME competitiveness;
- (b) identify and recommend ways for further cooperation between the Parties to develop and enhance partnerships between SMEs of the Parties;
- (c) exchange and discuss each Party's experiences and best practices in supporting and assisting SME exporters with respect to, among other things, training programs, trade education, trade finance, trade missions, trade facilitation, digital trade, identifying commercial partners in the territories of the Parties, and establishing good business credentials;
- (d) develop and promote seminars, workshops, webinars, or other activities to inform SMEs of the benefits available to them under this Agreement;
- (e) explore opportunities to facilitate each Party's work in developing and enhancing SME export counseling, assistance, and training programs;

- (f) recommend additional information that a Party may include on the website referred to in Article 25.3 (Information Sharing);
- (g) review and coordinate its work program with the work of other committees, working groups, and other subsidiary bodies established under this Agreement, as well as of other relevant international bodies, to avoid duplication of work programs and to identify appropriate opportunities for cooperation to improve the ability of SMEs to engage in trade and investment opportunities resulting from this Agreement;
- (h) collaborate with and encourage committees, working groups and other subsidiary bodies established under this Agreement to consider SME-related commitments and activities into their work;
- (i) review the implementation and operation of this Chapter and SME-related provisions within this Agreement and report findings and make recommendations to the Commission that can be included in future work and SME assistance programs as appropriate;
- (j) facilitate the development of programs to assist SMEs to participate and integrate effectively into the Parties' regional and global supply chains;
- (k) promote the participation of SMEs in digital trade in order to take advantage of the opportunities resulting from this Agreement and rapidly access new markets;
- (l) facilitate the exchange of information on entrepreneurship education programs for youth and under-represented groups to promote the entrepreneurial environment in the territories of the Parties;
- (m) submit on an annual basis, unless the Parties decide otherwise, a report of its activities and make appropriate recommendations to the Commission; and
- (n) consider any other matter pertaining to SMEs as the SME Committee may decide, including issues raised by SMEs regarding their ability to benefit from this Agreement.

3. The SME Committee shall convene within one year after the date of entry into force of this Agreement and thereafter meet annually, unless the Parties decide otherwise.

4. The SME Committee may seek to collaborate with appropriate experts and international donor organizations in carrying out its programs and activities.

### **Article 25.5: SME Dialogue**

1. The SME Committee shall convene a Trilateral SME Dialogue (the “SME Dialogue”). The SME Dialogue may include private sector, employees, non-government organizations, academic experts, SMEs owned by diverse and under-represented groups, and other stakeholders from each Party.
2. The SME Committee shall convene the SME Dialogue annually, unless it decides otherwise.
3. SME Dialogue participants may provide views to the Committee on any matter within the scope of this Agreement and on the implementation and further modernization of this Agreement.
4. SME Dialogue participants may provide relevant technical, scientific, or other information to the Committee.

### **Article 25.6: Obligations in the Agreement that Benefit SMEs**

The Parties recognize that in addition to the provisions in this Chapter, there are provisions in other Chapters of this Agreement that seek to enhance cooperation among the Parties on SME issues or that otherwise may be of particular benefit to SMEs. These include:

- (a) Origin Procedures: Article 5.18 (Committee on Rules of Origin and Origin Procedures);
- (b) Government Procurement: Article 13.17 (Ensuring Integrity in Procurement Practices); Article 13.20 (Facilitation of Participation by SMEs), and Article 13.21 (Committee on Government Procurement);
- (c) Cross-Border Trade in Services: Article 15.10 (Small and Medium-Sized Enterprises);
- (d) Digital Trade: Article 19.17 (Interactive Computer Services); Article 19.18 (Open Government Data);
- (e) Intellectual Property: Article 20.14 (Committee on Intellectual Property Rights);
- (f) Labor: Article 23.12 (Cooperation);
- (g) Environment: Article 24.17 (Marine Wild Capture Fisheries);
- (h) Competitiveness: Article 26.1 (North American Competitiveness Committee);

- (i) Anticorruption: Article 27.5 (Participation of Private Sector and Society); and
- (j) Good Regulatory Practices: Article 28.4 (Internal Consultation, Coordination, and Review), Article 28.11 (Regulatory Impact Assessment), and Article 28.13 (Retrospective Review).

**Article 25.7: Non-Application of Dispute Settlement**

No Party shall have recourse to dispute settlement under Chapter 31 (Dispute Settlement) for any matter arising under this Chapter.