

**No. 54194\***

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**New Zealand  
and  
Republic of Korea**

**Free Trade Agreement between New Zealand and the Republic of Korea (with annexes).  
Seoul, 23 March 2015**

**Entry into force:** *20 December 2015 by notification, in accordance with article 21*

**Authentic texts:** *English and Korean*

**Registration with the Secretariat of the United Nations:** *New Zealand and Republic of Korea,  
25 January 2017*

*\*No UNTS volume number has yet been determined for this record. Only the authentic English and Korean texts of the Agreement with their translation into French are published herein. The technical annexes, appendices, tariff schedules containing the description of custom duties on originating goods and the product specific rules schedules are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.*

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**Nouvelle-Zélande  
et  
République de Corée**

**Accord de libre-échange entre la Nouvelle Zélande et la République de Corée (avec annexes).  
Séoul, 23 mars 2015**

**Entrée en vigueur :** *20 décembre 2015 par notification, conformément à l'article 21*

**Textes authentiques :** *anglais et coréen*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Nouvelle-Zélande et République de  
Corée, 25 janvier 2017*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Seuls les textes authentiques anglais et coréen de l'Accord et leur traduction en français sont publiés ici. Les annexes techniques, les appendices, les grilles de tarifs contenant la description des droits de douanes sur les produits d'origine et des règles propres aux produits ne sont pas publiés ici, conformément aux dispositions du paragraphe 2 de l'article 12, du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique du Secrétariat dans le domaine des publications.*

**FREE TRADE AGREEMENT BETWEEN  
NEW ZEALAND AND THE REPUBLIC OF KOREA**

## **PREAMBLE**

The Government of New Zealand (hereinafter referred to as “New Zealand”) and the Government of the Republic of Korea (hereinafter referred to as “Korea”) (hereinafter collectively referred to as “the Parties” and individually as “a Party”):

Reinforcing the longstanding ties of friendship and co-operation between them;

Envisaging that a free trade area will create an expanded and secure market for goods and services in their territories; and clear and transparent rules governing their trade; as well as a stable and predictable environment for business planning and investment, thus enhancing the competitiveness of their firms in global markets;

Encouraging a closer economic partnership that will bring economic and social benefits, create new employment opportunities, and improve living standards for their people;

Seeking to reduce or eliminate the barriers to trade and investment between them, and to avoid creating new barriers to trade or investment between their territories that could reduce the benefits of this Agreement;

Desiring to strengthen a mutually beneficial co-operative framework to foster creativity and innovation, protect intellectual property rights, and promote stronger linkage in and between dynamic sectors of their economies;

Recognising that expanding the economic relationship can assist in promoting sustainable development in its economic, social and environmental dimensions;

Recognising the desire to enhance their co-operation on labour and environmental matters of mutual interest;

Recognising their right to regulate, and to introduce new regulations on the supply of goods, services and investment in order to meet government policy objectives, and preserving their flexibility to safeguard the public welfare;

Building on their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and other multilateral, regional, and bilateral agreements and arrangements to which both Parties are party;

Committed to the Asia-Pacific Economic Cooperation (APEC) goals and principles, and to furthering the Parties’ economic leadership in the Asia Pacific region, in particular by seeking to reduce barriers to trade and investment in the region; and

Recognising the continued importance of working together to support the wider multilateral and regional economic liberalisation processes under way, and the contributions these processes can make to the Parties’ economic growth;

Have agreed as follows:

## **CHAPTER 1 INITIAL PROVISIONS AND DEFINITIONS**

### **Section A: Initial Provisions**

#### **Article 1.1 : Establishment of the Free Trade Area**

Consistent with Article XXIV of GATT 1994 and Article V of GATS, the Parties hereby establish a free trade area.

#### **Article 1.2 : Relation to Other Agreements**

1. Each Party affirms its existing rights and obligations with respect to each other under existing bilateral and multilateral agreements to which both Parties are party, including the WTO Agreement.
2. Unless otherwise provided in this Agreement, in the event of any inconsistency between this Agreement and other agreements to which both Parties are party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution in accordance with customary rules of public international law.<sup>1</sup>

#### **Article 1.3 : Extent of Obligations**

Each Party is fully responsible for the observance of all provisions in this Agreement and shall take such reasonable measures as may be available to it to ensure their observance by regional and local government and authorities.

#### **Article 1.4 : Audio-Visual Co-Production**

1. The Parties recognise that audio-visual co-productions, including films, animation and broadcasting programmes, can significantly contribute to the development of the audio-visual industry and to the intensification of cultural and economic exchanges between them.
2. The Parties hereby agree on the Agreement between the Republic of Korea and New Zealand concerning Audio-Visual Co-Production, which is annexed to this Agreement.

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<sup>1</sup> For the purposes of the application of this Agreement, the Parties agree that the fact that an agreement provides more favourable treatment of goods, services, investments, or persons than that provided for under this Agreement does not mean that there is an inconsistency within the meaning of this paragraph.

## Section B: General Definitions

### Article 1.5 : Definitions

For the purposes of this Agreement, unless otherwise specified:

**Agreement** means the Free Trade Agreement between the Republic of Korea and New Zealand;

**Agreement on Agriculture** means the *Agreement on Agriculture*, in Annex 1A to the WTO Agreement;

**Anti-dumping Agreement** means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;

**APEC** means the Asia-Pacific Economic Cooperation;

**covered investment** means, with respect to a Party, an investment, as defined in Chapter 10 (Investment), in its territory of an investor of the other Party that is in existence as of the date of entry into force of this Agreement or established, acquired, or expanded thereafter;

**customs administration** means:

- (a) for Korea, the Ministry of Strategy and Finance and the Korea Customs Service (KCS), or its respective successor; and
- (b) for New Zealand, the New Zealand Customs Service, or its successor;

**customs duty** includes any duty or charge of any kind imposed on, or in connection with, the importation of a good of the other Party, including any form of surtax or surcharge imposed on or in connection with such importation, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article III:2 of GATT 1994, or any equivalent provision of a successor agreement to which both Parties are party;
- (b) anti-dumping, countervailing or safeguard duties applied consistently with WTO obligations and the provisions of this Agreement; or
- (c) fee or other charge in connection with importation commensurate with the cost of the service rendered;

**Customs Valuation Agreement** means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;

**days** means calendar days;