

Cooperative Arrangement
between
the Ministry of Food and Drug Safety of the Republic of Korea
and
the Ministry for Primary Industries of New Zealand
on the Use of Electronic Certification for Trade in Agriculture,
Livestock products, Food, and Fisheries Products

The Ministry of Food and Drug Safety (MFDS) of the Republic of Korea, and the Ministry for Primary Industries (MPI) of New Zealand (hereinafter referred to as the "Participants");

Acknowledging the long-established cooperation and collaboration between the Participants;

Recognising the spirit of cooperation reflected in the Korea - New Zealand Free Trade Agreement (KNZFTA);

Desiring to increase the efficiency of the provision of government certification between the Participants and the associated border clearance process of traded commodities; and

Consistent with the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) electronic certificate (eCert) data standard for the digital exchange, or an equivalent as mutually decided.

Have reached the following understanding:

PARAGRAPH I

SCOPE

This Arrangement covers all certification for the traded commodities and certification types as mutually decided and documented by the Participants via an exchange of letters or another mutually decided mechanism.

PARAGRAPH II

PURPOSE

The purpose of this Arrangement is to:

- a. Establish the objectives and principles for the implementation of electronic certificate data exchanges between the Participants;
- b. Help ensure an orderly transition to paperless certification; and
- c. Provide a mechanism to facilitate exchanges of electronic certificate data to support efficient border clearance processes.

PARAGRAPH III

OBJECTIVES

The Participants intend to make a phased transition from paper certification to electronic exchanges of certificate data to:

- a. Further improve the Participants' confidence in certification and prevent the potential for fraud or misrepresentation;
- b. Maintain open communication directly between the Participants, particularly to help resolve any problems which may arise, in a timely manner;
- c. Reduce border clearance time to allow consignments to move quickly and smoothly into commerce;

- d. Facilitate the future transition to full paperless certification for all certifications required between the Participants; and
- e. Facilitate subsequent certification to third countries.

PARAGRAPH IV

PRINCIPLES

- a. The electronic certificate data exchange will follow relevant international standards, in particular taking into account the UN/CEFACT eCert data standard or an equivalent as mutually decided.
- b. Electronic certificate data will be exchanged directly between the Participants, or via other regulatory control agencies, or a third-party distribution hub where mutually decided, in the eXtensible Markup Language (XML) through the use of the Simple Object Access Protocol (SOAP), or another mechanism as mutually decided.
- c. Where a Participant requires multiple types of certificates or where other regulatory control agencies are involved in the release of a shipment to commerce, the Participants will endeavour to coordinate the processes and to consolidate the required information or certificates into a single exchange of data to the extent possible.
- d. The UN/CEFACT data recognition module will be used whenever possible to communicate and to assist in the resolution of problems detected in data from exchanged certificates or the associated shipments.
- e. In the event of a failure of the electronic exchange, alternative mechanisms for the exchange of certification information will be

adopted by the Participants and will be applied as a contingency measure for as long as the Participants determine it to be necessary.

- f. Access to electronic certificate and associated data will be subject to appropriate security and confidentiality measures in order to prevent access to and use of the information by unauthorised persons.
- g. The trust provided by the direct and interactive exchange of electronic certificate data will be used to review shipment release procedures with the intention of making them more efficient.
- h. The Arrangement is not intended to create any legally binding obligations between the Participants under national or international laws.
- i. The Participants will bear the expenses associated with their own participation in eCert exchange mechanisms unless it is considered appropriate to use alternative funding for specific activities.
- j. The Arrangement will operate within the framework of the relevant laws and regulations of the two countries and subject to the availability of appropriate funds and personnel.

PARAGRAPH V

IMPLEMENTATION

The Participants have mutually decided:

- a. To apply this Arrangement to the existing certification as mutually decided by the Participants and to review its application in the future;
- b. To consider a work programme under which there may be an extension of the range of products, certificates, and conditions, consistent with the objectives and principles of this Arrangement;

- c. Issues relating to the release of shipments (e.g. requests for replacement certificates or rejections) will be communicated directly between the Participants using the UN/CEFACT eCert recognition standard or another interim mechanism as mutually decided;
- d. In the event of a problem with the eCert exchange, shipments will continue to be processed on a provisional basis, using online platforms, or copies of paper versions sent by email directly between the Participants, as mutually decided; and
- e. For the purpose of facilitating onward certification to third countries, attestations may be added to electronic certificates, as mutually decided by the Participants.

PARAGRAPH VI

CONTACT POINTS

The Contact Points for the implementation of this Arrangement are established as follows:

- a. for the Korean Participant: the Imported Food Inspection Management Division of the Imported Food Safety Policy Bureau of the MFDS;
- b. for the New Zealand Participant: the Market Access Directorate, Policy & Trade branch of the MPI.

PARAGRAPH VII

COMMUNICATIONS

- a. The Participants intend to regularly communicate to facilitate the implementation and maintenance of this Arrangement. Meetings

may be in person or via electronic means. The contact points will be used as the primary points of contact for routine communications under this Arrangement.

- b. Any differences arising from the interpretation, application and/or implementation of this Arrangement will be resolved through consultation between the Participants.
- c. The Participants will promote technical exchanges, including but not limited to, system interoperability enhancement, pilot programs and data security.
- d. The Participants will exchange information on and discuss issues of mutual interest, including but not limited to, technological innovations such as Login credentials, Digital certificates and Blockchain technology for data security.

PARAGRAPH VIII

CONFIDENTIALITY

The Participants accept that, subject to their laws and regulations, any confidential information, data or documents that have been exchanged under this Arrangement may not be disclosed to third parties without the prior written consent of the Participant which provided them.

PARAGRAPH IX

FINAL PROVISIONS

- a. This Arrangement may be modified at any time, by mutual consent of the Participants, formalised in writing, specifying the date from which the modifications will be effective.

- b. This Arrangement will come into effect on the date of its signature by the Participants.
- c. This Arrangement will remain in effect until it is terminated.
- d. Either Participant may terminate this Arrangement by providing the other Participant a prior written notice. This Arrangement will cease to have effect three months after the date of notification.

SIGNED in duplicate at Seoul on May 10th 2023, in the English and Korean languages, both texts being equally valid. In case of any divergence of interpretation, the English text will prevail.

For the Ministry of Food and Drug
Safety of the Republic of Korea



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Ministry of Food and Drug Safety

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