

## **CHAPTER 12**

### **ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS**

#### **Article 12.1**

##### **Establishment of the Joint Committee**

The Parties hereby establish a Joint Committee, which shall be composed of government representatives of the Parties at the level of senior officials or, when agreed by the Parties, at the level of Ministers.

#### **Article 12.2**

##### **Meeting of the Joint Committee**

1. The Joint Committee shall meet within 1 year of entry into force of this Agreement. Thereafter, it shall meet every 2 years unless the Parties agree otherwise, to consider any matter relating to this Agreement.
2. Meetings conducted pursuant to paragraph 1 shall be held alternately in the territories of the Parties, unless the Parties agree otherwise. The Party hosting a session of the Joint Committee shall provide any necessary administrative support for such session.
3. Upon request by a Party, the Joint Committee and any subcommittee, subsidiary body or working group established under this Agreement may hold special sessions at a mutually convenient date without undue delay.
4. Each Party shall be responsible for the composition of its delegation.

#### **Article 12.3**

##### **Decision-making**

1. All decisions of the Joint Committee shall be made by mutual agreement of the Parties.
2. All decisions of the subcommittees, subsidiary bodies or working groups established under this Agreement shall be made by mutual agreement of the Parties.

#### **Article 12.4**

##### **Functions of the Joint Committee**

1. The Joint Committee shall:
  - (a) assess, review and monitor the implementation and operation of this Agreement;

- (b) consider any matter relating to the implementation or operation of this Agreement;
- (c) consider ways to further trade and investment between the Parties, including improving market access;
- (d) consider and recommend to the Parties any proposal to amend this Agreement;
- (e) supervise and coordinate the work of all subcommittees, subsidiary bodies and working groups established under this Agreement;
- (f) during its first meeting, adopt the Rules of Procedure and Code of Conduct referred to in Article 13.11 (Rules of Procedure and Code of Conduct – Dispute Settlement); and
- (g) consider any other matter that may affect the operation of this Agreement.

2. The Joint Committee may:

- (a) adopt decisions or make recommendations as envisaged by this Agreement;
- (b) seek to resolve differences or disputes that may arise regarding the implementation, interpretation or application of this Agreement without prejudice to the rights of the Parties under Chapter 13 (Dispute Settlement);
- (c) as appropriate, issue interpretations of this Agreement;<sup>1</sup>
- (d) establish, refer matters to, or assign tasks to, or delegate functions to, or consider matters raised by any subcommittee, subsidiary body, or working group;
- (e) restructure, reorganise or dissolve any subcommittee, subsidiary body or working group established under this Agreement, in order to improve the functioning of this Agreement;
- (f) unless otherwise provided in this Agreement, determine the functions of the subcommittees, subsidiary bodies, or working groups established under this Agreement;
- (g) as it considers appropriate, amend the Rules of Procedure and Code of Conduct referred to in Article 13.11 (Rules of Procedure and Code of Conduct – Dispute Settlement); and

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<sup>1</sup> For greater certainty, interpretations issued by the Joint Committee are binding for panels established under Chapter 13 (Dispute Settlement).

- (h) carry out any other such functions as may be agreed by the Parties.

#### **Article 12.5**

##### **Rules of Working Procedures**

1. The Joint Committee shall establish its own rules of working procedures at its first meeting. The Joint Committee, if necessary, may also establish its own financial arrangements.
2. Any subcommittee, subsidiary body or working group established under this Agreement may establish its own rules of working procedures for its work.
3. Unless otherwise provided in this Agreement, the Joint Committee and any subcommittee, subsidiary body or working group established under this Agreement shall carry out its work through whatever means as appropriate, which may include through electronic means.
4. The Joint Committee and any subcommittee, subsidiary body or working group established under this Agreement, shall be co-chaired by representatives from both the Parties.

#### **Article 12.6**

##### **Communications**

1. Each Party shall designate a contact point to receive and facilitate official communications between the Parties on any matter relating to this Agreement, except for matters for which this Agreement establishes a specific contact point.
2. All official communications in relation to this Agreement shall be in the English language.
3. Each Party shall promptly notify the other Party, in writing, of any changes to its overall contact point or any other contact point.