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CHAPTER 22

INSTITUTIONAL PROVISIONS

ARTICLE 22.1

Trade Committee

1. The Parties hereby establish a Trade Committee comprising representatives of both Parties.
2. Unless otherwise agreed by the representatives of the Parties, the Trade Committee shall meet annually for three years and thereafter every two years. The first meeting of the Trade Committee shall be held no later than six months after the date of entry into force of this Agreement. In addition, if a Party considers a matter particularly urgent, the Trade Committee shall meet without undue delay at the request of that Party in relation to that matter.
3. The meetings of the Trade Committee shall take place in the Union or Australia alternately, unless otherwise agreed by the representatives of the Parties. The Trade Committee may meet in person or by other appropriate means of communication, as agreed by the representatives of the Parties.
4. The Trade Committee shall be co-chaired by the Minister for Trade of Australia and the Member of the European Commission responsible for Trade, or their respective designees.
5. The Trade Committee shall undertake its work in accordance with Annex 21-A (Rules of procedure of the Trade Committee).

ARTICLE 22.2

Functions of the Trade Committee

1. The Trade Committee shall:
 - (a) supervise and facilitate the implementation and operation of this Agreement, and further its general aims;
 - (b) supervise, guide and coordinate the work of all specialised committees and other bodies established under or pursuant to this Agreement, and recommend any necessary action to those specialised committees and bodies;
 - (c) without prejudice to Chapter 24 (Dispute settlement), seek appropriate ways and methods of preventing or solving problems that may arise in areas covered by this Agreement, or of resolving differences that may arise regarding the interpretation or application of this Agreement;
 - (d) examine the effects of the accession of a third country to the Union on this Agreement;
 - (e) consider ways to further enhance trade and investment relations between the Parties; and
 - (f) consider any other matter of interest relating to this Agreement to ensure it operates properly and effectively.
2. The Trade Committee may:
 - (a) adopt decisions to establish or dissolve specialised committees, other than those established pursuant to Article 22.5 (Specialised committees), or other bodies, and determine their composition, functions and tasks;
 - (b) allocate responsibilities to specialised committees or other bodies established under or pursuant to this Agreement;

- (c) recommend any amendments to this Agreement to the Parties;
- (d) adopt decisions to amend this Agreement as provided for in Article 22.3 (Amendments by the Trade Committee);
- (e) adopt decisions to issue interpretations of the provisions of this Agreement;¹
- (f) adopt decisions as provided for in, or make recommendations in respect of all matters covered by, this Agreement in accordance with Article 22.4 (Decisions and recommendations);
- (g) communicate with interested parties, including the private sector, social partners and civil society organisations, on matters related to this Agreement; and
- (h) take any other action in the exercise of its functions as the representatives of the Parties may agree.

3. The Trade Committee shall, at the regular meetings of the Joint Committee established under the Framework Agreement, inform the Joint Committee of its activities and those of the specialised committees or other bodies, as appropriate.

ARTICLE 22.3

Amendments by the Trade Committee

- 1. The Trade Committee may adopt decisions to amend:
 - (a) Annex 2-A (Tariff elimination schedules);
 - (b) Chapter 3 (Rules of origin and origin procedures) and Annex 3-A (Introductory notes to product-specific rules of origin), Annex 3-B (Product-specific rules of origin), Annex 3-C

¹ For greater certainty, an interpretation issued by the Trade Committee shall be binding on the Parties, bodies established under this Agreement, and panels referred to in Chapter 25 (Dispute Settlement).

(Origin quotas and alternatives to the product-specific rules of origin in Annex 3-B), Annex 3-D (Text of the statement on origin), Annex 3-E (Joint declaration concerning the Principality of Andorra) and Annex 3-F (Joint declaration concerning the Republic of San Marino);

- (c) Annex 6-A (Competent authorities), Annex 6-B (Trade conditions and approval procedures), Annex 6-C (Recognition of sanitary and phytosanitary measures), Annex 6-D (Certification) and Annex 6-E (Import checks and fees);
- (d) Annex 8-A (Conformity Assessment);
- (e) Annex 13 (Government procurement);
- (f) Annex 17 (Intellectual property);
- (g) Annex 22 (Rules of Procedure of the Trade Committee);
- (h) Annex 24-A (Rules of procedure for dispute settlement) ; and
- (i) Annex 24-B (Code of conduct for panellists and mediators).

2. The Trade Committee may also adopt decisions to amend this Agreement:

- (a) in the case referred to in Article 25.10 (Future accessions to the Union); and
- (b) except this Chapter, within four years after the date of entry into force of this Agreement, provided that such amendments are necessary to correct errors or to address omissions or other deficiencies.

ARTICLE 22.4

Decisions and recommendations

1. Decisions adopted by the Trade Committee or by a specialised committee shall be binding on the Parties. The Parties shall take such measures as necessary to implement the decisions adopted

by the Trade Committee or a specialised committee.

2. Recommendations shall have no binding force.
3. The Trade Committee or a specialised committee shall adopt its decisions and make its recommendations by consensus.

ARTICLE 22.5

Specialised committees

1. The following specialised committees are hereby established:
 - (a) the Committee on Trade in Goods and Technical Barriers to Trade, which is responsible for all matters covered by Chapter 2 (Trade in goods), Chapter 5 (Trade remedies), Chapter 7 (Sustainable agriculture and food systems), Chapter 8 (Technical barriers to trade) and Chapter 12 (Energy and resources);
 - (b) the Committee on Customs, which is responsible for all matters covered by Chapter 3 (Rules of origin and origin procedures), Chapter 4 (Customs and trade facilitation), the Protocol concerning mutual administrative assistance in customs matters, the provisions on border enforcement and customs cooperation in Chapter 17 (Intellectual property) and any additional customs-related provisions of this Agreement;
 - (c) the Committee on Sanitary and Phytosanitary Measures, which is responsible for all matters covered by Chapter 6 (Sanitary and phytosanitary measures);
 - (d) the Committee on Investment, Services, Digital Trade, Government Procurement and Intellectual Property Rights, including Geographical Indications which is responsible for all matters covered by Chapter 9 (Investment liberalisation and trade in services), Chapter 10 (Capital movements, payments and transfers), Chapter 11 (Digital trade), Chapter 13 (Government procurement) and Chapter 17 (Intellectual property); and

- (e) the Committee on Trade and Sustainable Development, which is responsible for all matters covered by Chapter 18 (Trade and sustainable development).
2. The specialised committees shall comprise representatives of each Party and shall be co-chaired by such representatives at an appropriate level.
3. Unless otherwise provided in this Agreement or agreed by the representatives of the Parties, the specialised committees shall meet annually for the first three years after the date of entry into force of this Agreement, and thereafter every two years. In addition, if a Party or the Trade Committee considers a matter particularly urgent, the relevant specialised committee shall meet without undue delay at the request of that Party or the Trade Committee in relation to that matter.
4. The meetings of the specialised committees shall take place in the Union or Australia alternately, unless otherwise agreed by the Parties. The specialised committees may meet in person or by any other appropriate means of communication, as agreed by the Parties. The specialised committees shall agree on the schedule and set the agenda for their meetings, and shall inform the Trade Committee of the schedule and agenda sufficiently in advance. The specialised committees shall report to the Trade Committee on the results and conclusions from each of their meetings.
5. Each specialised committee may decide its own rules of procedures, in the absence of which Annex 22 (Rules of procedure of the Trade Committee) shall apply, *mutatis mutandis*.
6. The creation or existence of a specialised committee shall not prevent a Party from bringing any matter directly to the Trade Committee.
7. Each Party shall ensure that, when a specialised committee meets, all the competent authorities for each issue on the agenda are represented, as each Party deems appropriate, and that each issue can be discussed at the adequate level of expertise.

ARTICLE 22.6

Functions of the specialised committees

1. With respect to the matters for which they are responsible as referred to in Article 22.5(1) (Specialised committees), the specialised committees shall:
 - (a) monitor and review the implementation and operation of this Agreement;
 - (b) without prejudice to Chapter 24 (Dispute settlement), consider any issues arising from the implementation of this Agreement;
 - (c) conduct the preparatory work necessary to support the functions of the Trade Committee, including when the Trade Committee adopts decisions;
 - (d) carry out any task assigned or responsibility delegated to them by the Trade Committee; and
 - (e) provide a forum for the exchange of experiences, information and best practices on matters related to this Agreement.
2. The specialised committees may adopt such decisions as provided for in this Agreement and make recommendations in respect of all matters for which they are responsible.
3. The specialised committees shall also have such additional functions as provided for in this Agreement.

ARTICLE 22.7

Domestic advisory groups

1. Each Party shall create a new, or designate an existing, domestic advisory group within a year after the date of entry into force of this Agreement. The domestic advisory group shall comprise a balanced representation of independent civil society organisations established in the territory of that Party working on, *inter alia*, economic, social, human rights and environmental matters, and, for Australia, matters relating to Australian First Nations peoples. Each domestic advisory group may submit advice to its respective Party on issues covered by this Agreement. The domestic advisory group may be convened in such configurations it considers appropriate for the purposes of discussing the implementation of relevant provisions of this Agreement.

2. Each Party shall meet with its domestic advisory group at least annually. Each Party shall consider any views or recommendations on the implementation of this Agreement submitted by its domestic advisory group.
3. To promote public awareness of the domestic advisory groups, each Party shall publish the contact point for its domestic advisory group and may publish the list of organisations participating in that group.
4. The Parties shall encourage interaction between their respective domestic advisory groups.

ARTICLE 22.8

Civil Society Forum

1. The Parties shall facilitate the organisation of a Civil Society Forum to conduct a dialogue on the implementation of this Agreement and shall agree on operational guidelines for the conduct of the Civil Society Forum at the first meeting of the Trade Committee.
2. The Civil Society Forum shall endeavour to meet in conjunction with the meeting of the Trade Committee. The Civil Society Forum may meet in person or by other appropriate means of communication.
3. The Civil Society Forum shall comprise a balanced representation of civil society organisations established in the territory of a Party, including members of the domestic advisory groups referred to in Article 22.7 (Domestic advisory groups), working on, *inter alia*, economic, social, human rights and environmental matters, and, for Australia, matters relating to Australian First Nations peoples.
4. The representatives of the Parties comprising the Trade Committee shall, as appropriate, attend the meeting of the Civil Society Forum to present information on the implementation of this Agreement and to engage in a dialogue with the Civil Society Forum. Such meeting shall be chaired by the co-chairs of the Trade Committee or their designees, as appropriate. The Parties shall publish any formal statements made by their representatives at such meetings.