

CHAPTER 26

ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

Article 26.1: Establishment of the Joint Commission

The Parties hereby establish a Joint Commission, composed of government representatives of each Party at the level of Ministers or senior officials. Each Party shall be responsible for the composition of its delegation.

Article 26.2: Functions of the Joint Commission

1. The Joint Commission shall:
 - (a) consider any matter relating to the implementation or operation of this Agreement;
 - (b) review, within three years of the date of entry into force of this Agreement and at least every five years thereafter, the economic relationship and partnership among the Parties;
 - (c) consider any proposal to amend or modify this Agreement;
 - (d) supervise the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
 - (e) consider ways to further enhance trade and investment between the Parties; and
 - (f) establish the Rules of Procedure referred to in Article 27.12 (Rules of Procedure for Panels), and, where appropriate, amend those Rules.
2. The Joint Commission may:
 - (a) establish, refer matters to, or consider matters raised by, any ad hoc or standing committee, working group or any other subsidiary body;
 - (b) merge or dissolve any committees, working groups or other subsidiary bodies established under this Agreement in order to improve the functioning of this Agreement;
 - (c) consider and adopt, subject to completion of any necessary legal procedures

by each Party, a modification to this Agreement of:

- (i) the Schedules to Annex 2-B (Tariff Commitments), by accelerating tariff elimination;
 - (ii) the rules of origin established in Annex 3-B (Product-Specific Rules of Origin); or
 - (iii) the lists of entities, covered goods and services, and thresholds contained in each Party's Annex to Chapter 14 (Government Procurement);
- (d) develop arrangements for implementing this Agreement;
 - (e) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
 - (f) issue interpretations of this Agreement;
 - (g) seek the advice of non-governmental persons or groups on any matter falling within the Joint Commission's functions; and
 - (h) take any other action as the Parties may agree.

3. Pursuant to paragraph 1(b), the Joint Commission shall review the operation of this Agreement with a view to updating and enhancing this Agreement, through negotiations, as appropriate, to ensure that the disciplines contained in this Agreement remain relevant to the trade and investment issues and challenges confronting the Parties.

4. In conducting a review pursuant to paragraph 3, the Joint Commission shall take into account:

- (a) the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
- (b) relevant developments in international fora; and
- (c) as appropriate, input from non-governmental persons or groups of the Parties.

Article 26.3: Decision-Making

The Joint Commission and all subsidiary bodies established under this Agreement shall take all decisions by consensus, except as otherwise provided in this Agreement, or

as otherwise decided by the Parties.¹

Article 26.4: Rules of Procedure of the Joint Commission

1. The Joint Commission shall meet within one year of the date of entry into force of this Agreement and thereafter as the Parties may decide, including as necessary to fulfil its functions under Article 26.2. Meetings of the Joint Commission shall be chaired successively by each Party.
2. The Party chairing a session of the Joint Commission shall provide any necessary administrative support for such session.
3. Except as otherwise provided in this Agreement, the Joint Commission and any subsidiary body established under this Agreement shall carry out its work through whatever means are appropriate, which may include electronic mail or videoconferencing.
4. The Joint Commission and any subsidiary body established under this Agreement may establish rules of procedures for the conduct of its work.

Article 26.5: Contact Points

1. Each Party shall designate an overall contact point to facilitate communications between the Parties on any matter covered by this Agreement, as well as other contact points as required by this Agreement.
2. Unless otherwise provided in this Agreement, each Party shall notify the other Party in writing of its designated contact points no later than 60 days after the date of entry into force of this Agreement.

¹ For greater certainty, any such decision on alternative decision-making by the Parties shall itself be taken by consensus.