

CHAPTER 12

INSTITUTIONAL PROVISIONS

Article 1: PACER Plus Joint Committee

1. The Parties hereby establish a Joint Committee consisting of representatives of the Parties.
2. The functions of the Joint Committee shall be to:
 - (a) consider any matter relating to the implementation and operation of this Agreement and the associated Development and Economic Work Programme;
 - (b) consider and recommend to the Parties any amendments to this Agreement;
 - (c) supervise and coordinate the work of all subsidiary bodies established pursuant to this Agreement;
 - (d) adopt, where appropriate, decisions and recommendations of subsidiary bodies established pursuant to this Agreement;
 - (e) identify areas to be improved for promoting and facilitating trade in goods, services and investment among the Parties;
 - (f) adopt procedures for the transposition of the tariff schedules in Annex 2-A (Schedules of Commitments on Tariffs) and technical revisions to Annex 3-B (Schedule of Product Specific Rules);
 - (g) adopt recommendations on modifications of the rules of origin under Chapter 3 (Rules of Origin and Verification Procedures);
 - (h) as appropriate, decide on specific matters relating to the operation, application and implementation of this Agreement;
 - (i) consider any other matter that may affect the operation of this Agreement or that is entrusted to the Joint Committee by the Parties;
 - (j) carry out any other functions as the Parties may agree; and
 - (k) undertake a general review of this Agreement with a view to furthering its objectives in three years from the date of entry into force, and every five years thereafter, unless otherwise agreed by the Parties.
3. The Joint Committee shall establish its rules and procedures at its first meeting.

4. Unless the Parties agree otherwise, the Joint Committee shall convene its first meeting within one year after the date of entry into force of this Agreement. Its subsequent meetings shall be convened at such frequency as the Parties may mutually determine, and as necessary to discharge its functions under this Agreement. Special meetings of the Joint Committee may be convened, as mutually agreed by the Parties within 60 days of the request of a Party.

5. The Joint Committee shall report regularly to relevant Ministers of Parties to this Agreement.

Article 2: Subsidiary Bodies

1. (a) The Parties hereby establish:

- (i) a Committee on Trade in Goods, Rules of Origin and Customs Procedures to consider any matter arising under Chapter 2 (Trade in Goods), Chapter 3 (Rules of Origin and Verification Procedures) and Chapter 4 (Customs Procedures);
- (ii) a Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade to consider any matter arising under Chapter 5 (Sanitary and Phytosanitary Measures) and Chapter 6 (Technical Regulations, Standards and Conformity Assessment Procedures); and
- (iii) a Committee on Services, Movement of Natural Persons and Investment to consider any matter arising under Chapter 7 (Trade in Services), Chapter 8 (Movement of Natural Persons) and Chapter 9 (Investment);

that shall comprise representatives of the Parties including those who retain the technical skills relevant to the matters under discussion.

- (b) The terms of reference of each Committee shall be proposed by that Committee, in accordance with the Chapter(s) or Annexes of the Agreement within its mandate and be subject to the approval of and review by the Joint Committee.
- (c) The Joint Committee may delegate any of its functions outlined in Article 1.2 to any of the Committees established under paragraph 1(a). Such delegated functions shall be added to the relevant Committee's terms of reference.
- (d) Each Committee shall review the implementation by the Parties of the relevant Chapters or Annexes as that Committee considers appropriate and shall make recommendations to the Joint Committee to support the implementation of this Agreement through the Development and Economic Cooperation Work Programme.
- (e) Unless otherwise provided for in this Agreement, each Committee shall commence an initial review of the relevant Chapters and Annexes within two years of the date of entry into force of this Agreement and submit a final report to

the Joint Committee, including any recommendations, within three years of the date of entry into force of this Agreement.

2. In the fulfilment of its functions, the Joint Committee may establish additional subsidiary bodies, including ad hoc bodies, and assign them with tasks on specific matters, or delegate its responsibilities to any subsidiary body established pursuant to this Agreement.

3. Unless the Parties agree otherwise, each subsidiary body established under this Article shall meet within one year of the date of entry into force of this Agreement or the establishment of that body, and thereafter, as and when required, as determined by the Joint Committee or by mutual agreement of the Parties. Meetings shall, wherever possible, be held in the margins of other relevant regional meetings, or following the meetings of the Joint Committee. Meetings may be held by teleconference or through any other means as mutually determined by the Parties.

Article 3: Mutual Agreement

1. All decisions of the Joint Committee and any subsidiary bodies shall be taken by mutual agreement.

2. Except as otherwise provided in this Agreement, the Joint Committee or subsidiary body shall be deemed to have acted by mutual agreement if no Party present at any meeting when a decision is taken formally objects to the proposed decision.

Article 4: Support for Attendance at Meetings

Consistent with the commitment of the developed country Parties to support the implementation of this Agreement, appropriate funding will be made available under Chapter 10 (Development and Economic Cooperation) for the participation of officials from Forum Island Countries to attend meetings of the Joint Committee and other subsidiary bodies. In determining the number of officials to be funded from the Forum Island Countries, account shall be taken of the issues on the agenda to be considered by the Joint Committee or the subsidiary bodies.

Article 5: Communications

1. Each Party shall designate a contact point to facilitate communications among the Parties on any matter relating to this Agreement. All official communications in this regard shall be in the English language.

2. On the request of another Party, the contact point shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

ANNEX 12-A: SUBSIDIARY BODIES

Committee on Trade In Goods, Rules of Origin and Customs Procedures

The functions of the Committee on Trade in Goods, Rules of Origin and Customs Procedures may include:

- (a) reviewing the implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(i);
- (b) considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(i) or of interest to a Party;
- (c) identifying and recommending measures to promote and facilitate improved market access;
- (d) reviewing, where appropriate, the implementation of the Development and Economic Cooperation Work Programme for the Chapters listed in Article 2.1(a)(i);
- (e) adopting procedures for the technical revision of the tariff schedules in Annex 2-A (Schedules of Commitments on Tariffs) and technical revisions to Annex 3-B (Schedule of Product Specific Rules);
- (f) discussing any proposed modifications of the rules of origin under Chapter 3 (Rules of Origin and Verification Procedures);
- (g) consulting on issues relating to rules of origin, customs procedures and administrative cooperation; and
- (h) reporting outcomes of discussions to the Joint Committee within a reasonable time after the conclusion of each meeting.

Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade

The functions of the Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade may include:

- (a) reviewing the implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(ii);
- (b) considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(ii);
- (c) reviewing, where appropriate, the implementation of the Work Programme for the Chapters listed in Article 2.1(a)(ii); and

- (d) reporting outcomes of discussions to the Joint Committee within a reasonable time after the conclusion of each meeting.

Committee on Trade in Services, Movement of Natural Persons and Investment

The functions of the Committee on Trade in Services, Investment, and the Movement of Natural Persons may include:

- (a) reviewing the implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(iii);
- (b) considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(iii), or of interest to a Party;
- (c) identifying and recommending measures to promote further expansion of cross-border trade in services, investment, and the movement of natural persons among the Parties;
- (d) reviewing, where appropriate, the implementation of the Development and Economic Cooperation Work Programme for the Chapters listed in Article 2.1(a)(iii); and
- (e) reporting outcomes of discussions to the Joint Committee within a reasonable time after the conclusion of each meeting.