

## CHAPTER 9: ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

### Article 9.1: Establishment of the Trade Commission

The Parties hereby establish a Trade Commission (Commission), comprising government representatives of each Party at the level of Ministers or their designees.

### Article 9.2: Functions of the Commission

1. The Commission shall:
  - (a) consider matters relating to the implementation or operation of this Agreement;
  - (b) consider proposals to amend or modify this Agreement;
  - (c) establish and supervise the work of any committees, working groups, or other subsidiary bodies to implement this Agreement;
  - (d) consider ways to further enhance economic relations between the Parties;
  - (e) adopt and update the Rules of Procedure and Code of Conduct applicable to dispute settlement proceedings; and
  - (f) review the roster established under Article 10.30 (Roster and Qualifications of Panelists) every three years and, when appropriate, constitute a new roster.
  
2. The Commission may:
  - (a) establish, refer matters to, or consider matters raised by, any committee, working group, or other subsidiary body established pursuant to paragraph 1(c);
  - (b) merge or dissolve a committee, working group, or other subsidiary body established pursuant to paragraph 1(c);
  - (c) consider and adopt, subject to completion of applicable legal procedures by each Party, a modification to this Agreement of:
    - (i) the Schedules to Annex 1 (Tariff Commitments), by accelerating tariff elimination or improving market access conditions;
    - (ii) the rules of origin established in Annex 2 (Product-Specific Rules of Origin); or
    - (iii) any provision as may be required to conform with any change to the Harmonized System;

- (d) develop arrangements for implementing this Agreement;
- (e) seek to resolve differences that may arise regarding the interpretation or application of this Agreement;
- (f) issue interpretations of the provisions of this Agreement;<sup>1</sup>
- (g) seek the advice of non-governmental persons or groups;
- (h) take any other action as the Parties may decide.

### **Article 9.3: Decision-Making**

The Commission and any subsidiary bodies established under this Agreement shall take decisions by consensus, except as otherwise provided in this Agreement, as otherwise decided by the Parties, or as provided for in Article 9.2 (Functions of the Commission). Unless otherwise provided in this Agreement, the Commission or a subsidiary body shall be deemed to have taken a decision by consensus if all Parties are present at a meeting when a decision is taken and no Party present at the meeting when a decision is taken objects to the proposed decision.

### **Article 9.4: Rules of Procedure of the Commission and Subsidiary Bodies**

1. The 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 9.2 (Functions of the Commission). Meetings of the Commission shall be chaired successively by each Party.
2. The Party chairing a meeting of the Commission shall provide any necessary administrative support for the meeting.
3. Unless otherwise provided in this Agreement, the Commission and any subsidiary body established under this Agreement shall carry out their work through whatever means are appropriate, which may include electronic mail or videoconferencing.
4. The Commission and any subsidiary body established under this Agreement may establish rules of procedures for the conduct of their work.

### **Article 9.5: Agreement Coordinator and Contact Points**

1. Each Party shall designate an Agreement Coordinator 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 Parties in writing of its Agreement Coordinator and any other contact point provided for in this Agreement no later than 60 days after the date of entry into force of this Agreement.

3. Each Party shall promptly notify the other Parties, in writing, of any changes to its Agreement Coordinator or any other contact point.
4. On the request of another Party, the Agreement Coordinator shall identify the office or official responsible for a matter and assist, as necessary, in facilitating communication with the requesting Party.

#### **Article 9.6: The Secretariat**

1. The Commission shall establish and oversee a Secretariat comprising national Sections.
2. Each Party shall:
  - (a) establish and maintain a permanent office of its Section and be responsible for its operation and costs;
  - (b) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and
  - (c) notify the other Parties of the contact information for its Section's office.
3. The Secretariat shall:
  - (a) provide assistance to the Commission;
  - (b) provide administrative assistance to panels established under Chapter 10 (Enforcement and Settlement of Differences);
  - (c) be responsible for the payment of remuneration to and expenses of panels established under Chapter 10 (Enforcement and Settlement of Differences); and
  - (d) as the Commission may direct:
    - (i) support the work of other committees and groups established under this Agreement, and
    - (ii) otherwise facilitate the operation of this Agreement.

#### **Article 9.7: Review and Term Extension**

1. The term of this Agreement shall be 10 years after the date of its entry into force. The Parties may renew the Agreement.
2. On the second anniversary of the entry into force of this Agreement, and every two years thereafter, the Commission shall meet to conduct a “joint review” of the operation of each

chapter of this Agreement, review any recommendations for action submitted by a Party, and decide on any appropriate actions.

3. In connection with the review provided for under paragraph 2, each Party shall solicit, through a public process, comments on the operation of the agreement.

4. Within 60 days of each joint review, the Parties shall publish a report. The report shall:

- (a) provide data on trade and investment flows among the Parties;
- (b) identify the issues discussed in connection with the joint review; and
- (c) identify any proposed modifications to the Agreement.