CHAPTER IX

ADMINISTRATION OF THE AGREEMENT

ARTICLE 85

The Joint Committee

1. The Parties hereby establish the EFTA-Chile Joint Committee, comprising Ministers of each Party, or senior officials delegated by them for this purpose.

2. The Joint Committee shall:

(a) supervise the implementation of this Agreement and evaluate the results obtained in its application;

(b) oversee the further elaboration of this Agreement;

(c) endeavour to resolve disputes that may arise regarding the interpretation or application of this Agreement;

(d) supervise the work of the sub-committees and working groups established or created under this Agreement; and

(e) carry out any other function assigned to it under this Agreement.

3. The Joint Committee may decide to set up such sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks. The Joint Committee may seek the advice of non-governmental persons and groups.

4. The Joint Committee shall establish its rules of procedure.[11] It may take decisions as provided for in this Agreement. On other matters the Joint Committee may make recommendations. The Joint Committee shall take decisions and make recommendations by consensus.

5. Subject to the provisions set out in Annex XV, the Joint Committee may amend the Annexes and the Appendices to this Agreement.

6. The Joint Committee shall meet whenever necessary but normally every two years. The regular meetings of the Joint Committee shall alternate between Chile and an EFTA State.

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[11] Rules of procedure were adopted by Joint Committee Decision No. 1 of 2006 (31 Janury 2006).

7. Each Party may request at any time, through a notice in writing to the other Parties, that a special meeting of the Joint Committee be held. Such a meeting shall take place within 30 days of receipt of the request, unless the Parties agree otherwise.

ARTICLE 86

The Secretariat

1. The Parties hereby establish a Secretariat of this Agreement, comprising the competent organs referred to in Annex XVI.

2. All communications to or by a Party shall be sent through the respective competent organs unless otherwise provided for in this Agreement.

CHAPTER X

DISPUTE SETTLEMENT

ARTICLE 87

Scope

1. This Chapter shall apply with respect to the avoidance or the settlement of all disputes arising from this Agreement between one or several EFTA States and Chile.

2. The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through co-operation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

3. This Chapter shall not apply to Articles 14(2), 16(1), 17(1), 18(3), 20, 24(1) and 81(1) and (2).

ARTICLE 88

Choice of forum

1. Disputes on the same matter arising under both this Agreement and the WTO Agreement, or any agreement negotiated thereunder, to which the Parties are party, may be settled in either forum at the discretion of the complaining Party. The forum thus selected shall be used to the exclusion of the other.