

CHAPTER 22
INSTITUTIONAL PROVISIONS

Article 1
Establishment of the Joint Commission

The Parties hereby establish a Joint Commission.

Article 2
Functions of the Joint Commission

1. The Joint Commission shall:
 - (a) consider any matters relating to the implementation of this Agreement;
 - (b) review the general functioning of this Agreement;
 - (c) consider any proposal to amend this Agreement or its Annexes;
 - (d) supervise the work of all committees and working groups established under this Agreement and supervise other activities conducted under this Agreement; and
 - (e) consider any other matter that may affect the operation of this Agreement.

2. The Joint Commission may:

- (a) establish additional committees and working groups, refer matters to any committee or working group for advice, and consider matters raised by any committee or working group established under this Agreement;
- (b) further the implementation of the Agreement's objectives through implementing arrangements, provided that the negotiation, modification or amendment of implementing arrangements shall be consistent with the rights and obligations of the Parties under this Agreement and shall not constitute amendments to this Agreement under Article 2 (Amendments) of Chapter 25 (Final Provisions);
- (c) further the implementation of the Agreement's objectives by approving any modifications of, *inter alia*, the lists of entities and thresholds in Annex 3 to Chapter 11 (Government Procurement);
- (d) explore measures for the further expansion of trade and investment among the Parties;
- (e) facilitate dialogue on Good Regulatory Practices between the Parties;
- (f) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
- (g) seek the expert advice of any persons or groups on any matter falling within its responsibilities where this would help the Joint Commission make an informed decision; and

(h) take such other action in the exercise of its functions as the Parties may agree.

Article 3

Transposition of Tariff Schedules and Technical Revisions to PSR Schedule

1. To accommodate periodic amendments to the Harmonised System, or changes to a Party's Tariff for any other technical reason, the Joint Commission shall adopt procedures for the transposition of the tariff schedules (including the TRQ Appendix) in Annex 1 (Schedule of Tariff Commitments) and technical revisions to Annex 2 (Product Specific Rules Schedule).
2. Transposition of tariff schedules (including the TRQ Appendix) in Annex 1 (Schedule of Tariff Commitments) or technical revisions to Annex 2 (Product Specific Rules Schedule) shall be carried out on a neutral basis, and market access conditions shall not be impaired by the process or outcomes.
3. Each Party shall notify the other of any proposed transposition of tariff schedules (including the TRQ Appendix) in Annex 1 (Schedule of Tariff Commitments) or technical revisions to Annex 2 (Product Specific Rules Schedule) that it considers are necessary as a consequence of an amendment to the Harmonised System or other change described in paragraph 1 at least 6 months before the new HS nomenclature is to be implemented.
4. In accordance with paragraph 3, each Party shall provide the other:

- (a) A draft Tariff Schedule (including TRQ Appendix) in the new HS nomenclature;
 - (b) Two way transpositions setting out in detail at the tariff line level:
 - (i) a concordance between the current Tariff Schedule and the proposed tariff schedule in the new HS nomenclature covering both changes arising from the new nomenclature and any additional national changes to the Tariff; and
 - (ii) a concordance between the proposed tariff schedule in the new HS nomenclature and the current Tariff Schedule covering both changes arising from the new nomenclature and any additional national changes to the Tariff;
 - (c) A list of proposed changes to the current Product Specific Rules Schedule.
5. The Joint Commission shall record the final outcomes of any transposition of schedules (including TRQ Appendix) in Annex 1 (Schedule of Tariff Concessions) or technical revisions to Annex 2 (Product Specific Rules Schedule) made in accordance with this Article. Such outcomes shall be considered technical modifications to those Annexes and shall not constitute an amendment to this Agreement.
6. The Joint Commission may delegate any of the functions in this Article to relevant committees as it sees fit.

Article 4
Meetings of the Joint Commission

1. The Joint Commission shall meet within one year of the date of entry into force of this Agreement and annually thereafter, or as otherwise mutually determined by the Parties.
2. Meetings of the Joint Commission shall be held alternately in each Party and shall be chaired successively by each Party. The Party chairing a meeting of the Joint Commission shall provide any necessary administrative support for such meeting.
3. Each Party shall be responsible for the composition of its delegation.
4. The Joint Commission shall take decisions on any matter within its functions by mutual agreement.

Article 5
General Reviews

1. The Parties shall undertake a general review of the Agreement, with a view to furthering its objectives, within two years of its entry into force and at least every three years thereafter, unless the Parties agree otherwise.
2. The conduct of general reviews shall normally coincide with regular meetings of the Joint Commission.