

## CHAPTER 22

## INSTITUTIONAL PROVISIONS

## ARTICLE 22.1

**Joint Committee**

1. The Parties hereby establish a Joint Committee comprising representatives of both Parties.
2. The Joint Committee shall hold its first meeting within three months of the date of entry into force of this Agreement. Thereafter, the Joint Committee shall, unless otherwise agreed by the representatives of the Parties, meet once a year, or in urgent cases on request of either Party. The Joint Committee may meet in person or by other means, as agreed by the representatives of the Parties.
3. The meetings of the Joint Committee shall take place in the European Union or Japan alternately, unless otherwise agreed by the representatives of the Parties. The Joint Committee shall be co-chaired by the Member of the European Commission and a representative of Japan at ministerial level responsible for matters under this Agreement, or their respective delegates.
4. In order to ensure that this Agreement operates properly and effectively, the Joint Committee shall:
  - (a) review and monitor the implementation and operation of this Agreement and, if necessary, make appropriate recommendations to the Parties;
  - (b) supervise and coordinate, as appropriate, the work of all specialised committees, working groups and other bodies established under this Agreement, and recommend to them any necessary action;
  - (c) without prejudice to Chapter 21, seek to solve problems that may arise under this Agreement or resolve disputes that may arise regarding the interpretation or application of this Agreement;
  - (d) consider any other matter of interest under this Agreement as the representatives of the Parties may agree;
  - (e) adopt at its first meeting its rules of procedure; and
  - (f) adopt at its first meeting the Rules of Procedure of a Panel and the Code of Conduct for Arbitrators as referred to in Article 21.30, as well as the Mediation Procedure as referred to in paragraph 2 of Article 21.6.
5. In order to ensure that this Agreement operates properly and effectively, the Joint Committee may:
  - (a) establish or dissolve specialised committees, working groups or other bodies, other than those referred to in Articles 22.3 and 22.4, and determine their composition, function and tasks;
  - (b) allocate responsibilities to specialised committees, working groups or other bodies;
  - (c) provide information on issues falling within the scope of this Agreement to the public;
  - (d) recommend to the Parties any amendments to this Agreement or adopt decisions to amend this Agreement in instances specifically provided for in paragraph 4 of Article 23.2;
  - (e) adopt interpretations of the provisions of this Agreement, which shall be binding on the Parties and all specialised committees, working groups and other bodies set up under this Agreement, including panels established under Chapter 21; and
  - (f) take any other action in the exercise of its functions as the Parties may agree.

## ARTICLE 22.2

**Decisions and recommendations of the Joint Committee**

1. The Joint Committee may take decisions where provided for in this Agreement. The decisions taken shall be binding on the Parties. Each Party shall take the measures necessary to implement the decisions taken.

2. The Joint Committee may make recommendations relevant for the implementation and operation of this Agreement.

3. All decisions and recommendations of the Joint Committee shall be taken by consensus and may be adopted either by meeting in person or in writing.

#### ARTICLE 22.3

##### **Specialised committees**

1. The following specialised committees are hereby established under the auspices of the Joint Committee:

- (a) the Committee on Trade in Goods;
- (b) the Committee on Rules of Origin and Customs-Related Matters;
- (c) the Committee on Sanitary and Phytosanitary Measures;
- (d) the Committee on Technical Barriers to Trade;
- (e) the Committee on Trade in Services, Investment Liberalisation and Electronic Commerce;
- (f) the Committee on Government Procurement;
- (g) the Committee on Intellectual Property;
- (h) the Committee on Trade and Sustainable Development;
- (i) the Committee on Regulatory Cooperation; and
- (j) the Committee on Cooperation in the Field of Agriculture.

2. The responsibilities and functions of the specialised committees referred to in paragraph 1 are defined, as appropriate, in the relevant Chapters of this Agreement and can be modified by a decision of the Joint Committee but their responsibilities shall remain within the scope of the Chapters for the implementation and operation of which they are responsible.

3. Unless otherwise provided for in this Agreement, the specialised committees shall:

- (a) meet once a year, unless otherwise agreed by the representatives of the Parties to the specialised committees, or on request of a Party or of the Joint Committee;
- (b) be composed of representatives of the Parties;
- (c) be co-chaired, at an appropriate level, by the representatives of the Parties;
- (d) hold their meetings in the European Union or Japan alternately, unless otherwise agreed by the representatives of the Parties to the specialised committees, or by any other appropriate means of communication;
- (e) agree on their meeting schedules and set their agenda by consensus; and
- (f) take all decisions and make recommendations by consensus either by meeting in person or in writing.

4. The specialised committees may adopt their rules of procedure. As long as they do not adopt their rules of procedure the rules of procedure for the Joint Committee apply *mutatis mutandis*.

5. The specialised committees may submit proposals for decisions to be adopted by the Joint Committee or take decisions in accordance with the relevant provisions of this Agreement.

6. On request of a Party or on referral from the relevant specialised committee, the Joint Committee may address matters that have not been resolved by the relevant specialised committee.

7. Each specialised committee shall inform the Joint Committee of the schedules and agenda of its meetings sufficiently in advance and shall report to the Joint Committee on results and conclusions from each of its meetings.

8. The existence of a specialised committee shall not prevent a Party from bringing any matter directly to the Joint Committee.

## ARTICLE 22.4

**Working groups**

1. The Working Group on Wine and the Working Group on Motor Vehicles and Parts are hereby established under the auspices of the Committee on Trade in Goods. The responsibilities and functions of these working groups are defined in Article 2.35 and Article 20 of Annex 2-C.
2. The following working groups may be established in accordance with relevant Chapters:
  - (a) *ad hoc* working groups under the auspices of the Committee on Sanitary and Phytosanitary Measures;
  - (b) *ad hoc* technical working groups under the auspices of the Committee on Technical Barriers to Trade;
  - (c) *ad hoc* working groups under the auspices of the Committee on Regulatory Cooperation; and
  - (d) an Animal Welfare Technical Working Group under the auspices of the Joint Committee.
3. Unless otherwise provided for in this Agreement or unless otherwise agreed by the representatives of the Parties to the working groups, the working groups shall:
  - (a) meet once a year, or on request of a Party or of the Joint Committee;
  - (b) be co-chaired, at an appropriate level, by representatives of the Parties;
  - (c) hold their meetings alternately in the European Union or Japan, or by any other appropriate means of communication as agreed between the representatives of the Parties to the working groups;
  - (d) agree on their meeting schedules and set their agenda by consensus; and
  - (e) take all decisions and make recommendations by consensus either by meeting in person or in writing.
4. The working groups may adopt their own rules of procedure. As long as they do not adopt such rules of procedure, the rules of procedure of the Joint Committee apply *mutatis mutandis*.
5. The working groups shall inform the relevant specialised committees or the Joint Committee, as appropriate, of their schedule and agenda sufficiently in advance of their meetings. They shall report on their activities at each meeting of the relevant specialised committees or the Joint Committee, as appropriate.
6. The existence of a working group shall not prevent a Party from bringing any matter directly to the Joint Committee or the relevant specialised committees.

## ARTICLE 22.5

**Work of specialised committees, working groups and other bodies**

In carrying out their functions, the specialised committees, working groups and other bodies established under this Agreement shall avoid duplication of their work.

## ARTICLE 22.6

**Contact points**

1. Each Party shall, upon the entry into force of this Agreement, designate a contact point for the implementation of this Agreement and notify the other Party of the contact details including information regarding the relevant officials. The Parties shall promptly notify each other of any change of those contact details.
2. The contact points shall:
  - (a) deliver and receive, unless otherwise provided for in this Agreement, all notifications and information to be provided between the Parties pursuant to this Agreement;

- (b) facilitate any other communications between the Parties on any matter relating to this Agreement; and
- (c) coordinate preparations for the meetings of the Joint Committee.

#### CHAPTER 23

#### FINAL PROVISIONS

##### ARTICLE 23.1

#### **General review**

Without prejudice to the provisions concerning review in other Chapters, the Parties shall undertake a general review of the implementation and operation of this Agreement in the 10th year following the date of entry into force of this Agreement, or at such times as may be agreed by the Parties.

##### ARTICLE 23.2

#### **Amendments**

1. This Agreement may be amended by agreement between the Parties.
2. Such amendments shall enter into force on the first day of the second month, or on such later date as may be agreed by the Parties, following the date on which the Parties notify each other that their respective applicable legal requirements and procedures for entry into force of such amendments have been completed. The Parties shall make such notification through an exchange of diplomatic notes between the European Union and the Government of Japan.
3. In accordance with the respective domestic legal procedures of the Parties, the Joint Committee may adopt decisions to amend this Agreement in the instances referred to in paragraph 4. Notwithstanding paragraph 2, such amendments shall be confirmed by and enter into force upon the exchange of diplomatic notes between the European Union and the Government of Japan, unless otherwise agreed by the Parties.
4. Paragraph 3 shall apply to:
  - (a) Annex 2-A, provided that the amendments are made in accordance with the amendment of the Harmonized System and include no change on the rates of customs duty to be applied by a Party to the originating goods of the other Party in accordance with Annex 2-A;
  - (b) Annex 2-C, Appendices 2-C-1 and 2-C-2;
  - (c) Annex 2-E;
  - (d) Chapter 3, Annexes 3-A to 3-F and Appendix 3-B-1;
  - (e) Annex 10;
  - (f) Annex 14-A;
  - (g) Annex 14-B; and
  - (h) provisions of this Agreement referring to provisions of international agreements or incorporating them into this Agreement, in case of amendments or successor agreements thereto.

##### ARTICLE 23.3

#### **Entry into force**

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify each other that their respective applicable legal requirements and procedures for entry into force of this Agreement have been completed, unless the Parties agree otherwise. The Parties shall make such notification through an exchange of diplomatic notes between the European Union and the Government of Japan.