11th Intersessional Meeting of PACER Plus Officials

**Apia, Samoa**

**4 to 7 August 2015**

### Draft Chapter on Institutional Provisions

**Outcomes of the 11thIntersessional Meeting**

**NOTE:**

This Document contains clean copy draft text incorporating outcomes of the 11th Intersessional Meeting of PACER Plus Officials.

Text that is not agreed is in square brackets and attributed as follows:

* “**AU:**” for text tabled by Australia;
* “**FIC:**” for text tabled by OCTA/FICs; and
* “**NZ:**” for text tabled by New Zealand.

Text that is not agreed is as follows:

* **blue** for text tabled by Australia;
* **red** for text tabled by OCTA/FICs; and
* **olive green** for text tabled by New Zealand.

**CHAPTER [...]**

**INSTITUTIONAL PROVISIONS**

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| Article 1 PACER Plus Joint Committee   1. The Parties hereby establish a Joint Committee consisting of representatives of the Parties. |
| 1. The functions of the Joint Committee shall be to: |
| 1. consider any matter relating to the implementation and operation of this Agreement and the associated Development and Economic Work Program; 2. consider and recommend to the Partiesany amendments to this Agreement; 3. supervise and co-ordinate the work of all subsidiary bodies established pursuant to this Agreement; 4. adopt, where appropriate, decisions and recommendations of subsidiary bodies established pursuant to this Agreement; 5. identify areas to be improved for promoting and facilitating trade in goods, services and investment between the Parties; 6. adopt procedures for the transposition of the tariff schedules in Annex X (Schedule of Tariff Commitments) and technical revisions to Annex X (Product Specific Rules Schedule); 7. adopt recommendations on modifications of the rules of origin under Chapter X (Rules of Origin); 8. as appropriate, decide on specific matters relating to the operation, application and implementation of this Agreement; 9. consider any other matter that may affect the operation of this Agreement or that is entrusted to the Joint Committee by the Parties; 10. carry out any other functions as the Parties may agree; and 11. undertake a general review of this Agreement with a view to furthering its objectives in three years from 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 this Agreement enters into force. 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 upon 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 Customs Procedures, Rules of Origin and Trade in Goods Committee to consider any matter arising under Chapter X (Trade in Goods), Chapter X (Rules of Origin) and Chapter X (Customs Procedures);  (ii) a Sanitary and Phytosanitary Measures and Technical Barriers to Trade Committee to consider any matter arising under Chapter X (Sanitary and Phytosanitary Measures) and Chapter X (Technical Barriers to Trade[[1]](#footnote-2)); and]  (iii) a Services, Movement of Natural Persons and Investment Committee to consider any matter arising under Chapter X (Trade in Services), Chapter X (Investment) and Chapter X (Movement of Natural Persons);  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) and/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 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 and/or Annexes as that Committee considers appropriate and shall make recommendations to the Joint Committee to support implementation of this Agreement through the Development and Economic Cooperation Work Programme. |
| (e) Each Committee shall commence an initial review of the relevant chapters and Annexes within two years after this Agreement enters into force and submit a final report to the Joint Committee, including any recommendations, within three years after this Agreement enters into force. |
| 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 [[2]](#footnote-3) after this Agreement enters into force or that body is established, 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 consecutively[[3]](#footnote-4) with the meetings of the Joint Committee. Meetings may be held by teleconference or through any other means as mutually determined by the Parties. |
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| **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. |
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| **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 X (Development and Economic Cooperation) for the participation of officials from Pacific Island Countries to attend meetings of the Joint Committee and other subsidiary bodies. In determining the number of officials to be funded from the Pacific Island Countries, account shall be taken of the issues on the agenda to be considered by the Joint Committee or the subsidiary bodies. |
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| **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 the other 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

**Committee on Trade in Goods, Rules of Origin and Customs**

1. The functions of the Committee on Trade in Goods, ROO and Customs may include:
2. reviewing implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(i);
3. considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(i) or of interest of a Party;
4. identifying and recommending measures to promote and facilitate improved market access;
5. reviewing, where appropriate, the implementation of the Development and Economic Cooperation Work Programme for the Chapters listed in Article 2.1(a)(i);
6. adopting procedures for the technical revision of the tariff schedules in Annex X (Schedule of Tariff Commitments) and technical revisions to Annex X (Product Specific Rules Schedule);
7. discussing any proposed modifications of the rules of origin under Chapter X (Rules of Origin);
8. consulting on issues relating to rules of origin, customs procedures and administrative cooperation; and
9. 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**

1. The functions of the Committee on Sanitary and Phytosanitary Measures and Technical Barriers to Trade may include:
2. reviewing implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(ii);
3. considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(ii);
4. reviewing, where appropriate, the implementation of the Work Programme for the Chapters listed in Article 2.1(a)(ii); and
5. 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**

1. The functions of the Committee on Trade in Services, Investment, and the Movement of Natural Persons may[[4]](#footnote-5) include:
   1. reviewing implementation of, and measures taken pursuant to, the Chapters referred to in Article 2.1(a)(iii);
   2. considering any matter related to the implementation of the Chapters referred to in Article 2.1(a)(iiii), or of interest of a Party;
   3. identifying and recommending measures to promote further expansion of cross-border trade in services, investment, and the movement of natural persons between the Parties;
   4. reviewing, where appropriate, the implementation of the Development and Economic Cooperation Work Programme for the Chapters listed in Article 2.1(a)(iii); and
   5. reporting outcomes of discussions to the Joint Committee within a reasonable time after the conclusion of each meeting.

1. The name of the Chapter to be confirmed [↑](#footnote-ref-2)
2. The word [respectively] has been removed on the basis that it is unnecessary. [↑](#footnote-ref-3)
3. Parties to confirm if the meetings should be [concurrently] or [consecutively]. [↑](#footnote-ref-4)
4. The Parties to review this later. [↑](#footnote-ref-5)