

## CHAPTER 15

### ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

#### **Article 179**                    **Establishment of the New Zealand – China Free Trade Area Joint Commission**

The Parties hereby establish the New Zealand – China Free Trade Area Joint Commission (“FTA Joint Commission”) which may meet at the level of senior officials, Vice Ministers or Ministers, in accordance with the provisions of this Agreement.

#### **Article 180**                    **Functions of the FTA Joint Commission**

1. The FTA Joint Commission shall:
  - (a) consider matters relating to the implementation of this Agreement;
  - (b) review within 2 years of entry into force of this Agreement and at least every 3 years thereafter the operation and implementation of this Agreement, consider any proposal to amend this Agreement or its Annexes and otherwise oversee the further elaboration of this Agreement;
  - (c) consider issues referred to it by the Committees and working groups established under this Agreement or by either Party;
  - (d) in accordance with the objectives of this Agreement, explore measures for the further expansion of trade and investment between the Parties; and
  - (e) consider any other matter that may affect the operation of this Agreement.
  
2. The FTA Joint Commission may:
  - (a) establish additional committees and *ad hoc* working groups as necessary and refer matters to any committee or working group for advice;
  - (b) further the implementation of this Agreement’s objectives by approving any modifications of, *inter alia*:
    - (i) the schedules contained in Annex 1, by accelerating the elimination of customs duties;
    - (ii) the rules of origin established in Annex 5; or

- (iii) the Schedules of Specific Commitments on services contained in Annex 8;
- (c) further the implementation of this Agreement through Implementing Arrangements;
- (d) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
- (e) seek the advice of interested parties on any matter falling within its responsibilities where this would assist the FTA Joint Commission in discharging its responsibilities; and
- (f) take such other action in the exercise of its functions as the Parties may agree.

3. The acceptance by a Party of any modification of this Agreement is subject to the completion of any necessary domestic legal procedures of that Party.

#### **Article 181 Rules of Procedure of the FTA Joint Commission**

1. The FTA Joint Commission shall take decisions on any matter within its functions as set out in Article 180 by mutual agreement.

2. The FTA Joint Commission shall convene in regular session once per year and at other times at the request of either Party. Regular sessions of the FTA Joint Commission shall be chaired successively by each Party. Other sessions of the FTA Joint Commission shall be chaired by the Party hosting the meeting.

3. The FTA Joint Commission shall ordinarily meet at the level of senior officials, unless there is a request by either Party to convene the meeting at the level of Vice Ministers or Ministers, in which case the FTA Joint Commission shall meet at the level of Vice Ministers or Ministers.

4. Subject to paragraph 3 above, each Party shall be responsible for the composition of its own delegation to the FTA Joint Commission.

5. The Party chairing a session of the FTA Joint Commission shall provide any necessary administrative support for such session, and shall record any decisions taken by the FTA Joint Commission, copies of which will be provided to the other Party.

**Article 182                      Joint Trade and Economic Commission and Joint Ministerial Commission**

1.     The Parties reaffirm the roles of the Joint Ministerial Commission as established under paragraph 4 of the *Trade and Economic Cooperation Framework between New Zealand and the People's Republic of China* and the Joint Trade and Economic Commission as referenced in paragraph 5 of that Framework.

2.     The Parties agree that the Joint Trade and Economic Commission and the Joint Ministerial Commission may each meet in special session to consider matters arising under this Agreement. In such cases the Joint Trade and Economic Commission and Joint Ministerial Commission shall exercise the functions and have the powers of the FTA Joint Commission meeting at Vice Ministerial level and Ministerial level respectively.