

CHAPTER 24

INSTITUTIONAL PROVISIONS

ARTICLE 24.1

Trade Committee

1. The Parties hereby establish a Trade Committee comprising representatives of both Parties to oversee the attainment of the objectives of this Agreement. Each Party may refer to the Trade Committee any issue relating to the implementation, application and interpretation of this Agreement.
2. The Trade Committee shall meet no later than six months after the date of entry into force of this Agreement. Thereafter, the Trade Committee shall meet on an annual basis, unless otherwise agreed by the representatives of the Parties, or without undue delay at the request of either Party.
3. The meetings of the Trade Committee shall take place in Brussels or Wellington alternately, unless otherwise agreed by the representatives of the Parties. The Trade Committee may meet in person or by other appropriate means of communication, as agreed by the representatives of the Parties.

4. The Trade Committee shall be co-chaired by the New Zealand Minister responsible for trade and the Member of the European Commission responsible for trade, or their respective designees.

ARTICLE 24.2

Functions of the Trade Committee

1. The Trade Committee shall:
 - (a) consider ways to further enhance trade and investment between the Parties;
 - (b) supervise and facilitate the implementation and application of this Agreement;
 - (c) supervise, guide and coordinate the work of specialised committees and other bodies established under this Agreement, and recommend to such specialised committees and other bodies any necessary action;
 - (d) consider any proposal to amend this Agreement;
 - (e) without prejudice to Chapter 26 (Dispute settlement) seek appropriate ways and methods of preventing or solving problems that may arise in areas covered by this Agreement, or of resolving disputes that may arise regarding the interpretation or application of this Agreement;

- (f) in the event of accession of a third country to the Union, examine any effects of such accession on this Agreement and consider any necessary adjustment or transition measures, sufficiently in advance of the date of accession; and
- (g) consider and discuss any matter of interest other than those set out in points (a) to (f) relating to an area covered by this Agreement.

2. The Trade Committee may:

- (a) decide to establish specialised committees or other bodies other than those established pursuant to Article 24.4 (Specialised committees), dissolve any such specialised committees or other bodies and determine or change their composition, function and tasks;
- (b) allocate responsibilities to specialised committees or other bodies established under this Agreement;
- (c) delegate certain of its powers or responsibilities to a specialised committee, except those powers and responsibilities referred to in point (a) or (d) of this paragraph;
- (d) recommend to the Parties any amendments to this Agreement;
- (e) adopt decisions to issue interpretations of the provisions of this Agreement;

- (f) except in relation to this Chapter, until the end of the fourth year following the entry into force of this Agreement, adopt decisions amending this Agreement, provided that such amendments are necessary to correct errors, or to address omissions or other deficiencies;
- (g) adopt decisions as envisaged in this Agreement or make recommendations in accordance with Article 24.5 (Decisions and recommendations);
- (h) communicate on matters related to this Agreement with all interested parties including private sector, social partners and civil society organisations;
- (i) adopt decisions to amend this Agreement in accordance with Article 27.1(3) (Amendments) in the instances set out in Article 24.3 (Amendment of this Agreement by the Trade Committee); and
- (j) take any other action in the exercise of its functions as the Parties may agree.

3. The Trade Committee shall regularly inform the Joint Committee established under Article 53(1) of the Partnership Agreement of its activities and those of its specialised committees or other bodies, as relevant, at the regular meetings of that Joint Committee.

ARTICLE 24.3

Amendment of this Agreement by the Trade Committee

The Trade Committee may adopt decisions to amend the following parts of this Agreement in accordance with, where applicable, the relevant provisions included in the Chapters, Annexes or Appendices set out below, as well as in accordance with Article 27.1(3) (Amendments)¹:

- (a) Annex 2-A (Tariff elimination schedules);
- (b) Chapter 3 (Rules of origin and origin procedures) and Annex 3-A (Introductory notes to product-specific rules of origin), Annex 3-B (Product-specific rules of origin), including its Appendix 3-B-1 (Origin quotas and alternatives to the product-specific rules of origin in Annex 3-B (Product-specific rules of origin)), Annex 3-C (Text of the statement on origin) and Annex 3-D (Supplier's declaration referred to in Article 3.3(4) (Cumulation of origin));
- (c) Annex 6-B (Regional conditions for plants and plant products), Annex 6-C (Equivalence recognition of SPS measures), Annex 6-D (Guidelines and procedures for an audit or verification), Annex 6-E (Certification) and Annex 6-F (Import checks and fees);

¹ For greater certainty, when in this Article reference is made to Annexes, the Trade Committee shall also have the power to amend Appendices to those Annexes even if such Appendices are not explicitly stated in this Article.

- (d) Annex 9-A (Acceptance of conformity assessment (documents)), Annex 9-B (Motor vehicles and equipment or parts thereof), Annex 9-C (Arrangement referred to in point (b) of Article 9.10(5) for the systematic exchange of information in relation to the safety of non-food products and related preventive, restrictive and corrective measures), Annex 9-D (Arrangement referred to in Article 9.10(6) for the regular exchange of information regarding measures taken on non-compliant non-food products, other than those covered by point (b) of Article 9.10(5)) and Annex 9-E (Wine and spirits);
- (e) the mutual recognition instrument referred to in Article 10.39(5) (Mutual recognition of professional qualifications) of Chapter 10 (Trade in services and investment)²;
- (f) Article 10.9(1) (Performance requirements) and Annex 10-A (Existing measures) and Annex 10-B (Future measures), in order to integrate disciplines on performance requirements with respect to the establishment or operation of a financial service supplier negotiated pursuant to Article 10.9(11) (Performance requirements) of Chapter 10 (Trade in services and investment);
- (g) Annex 13 (Lists of energy goods, hydrocarbons and raw materials);
- (h) Annex 14 (Public procurement market access commitments);

² For greater certainty, the Trade Committee shall have the power to adopt by decision such instrument as an Annex to this Agreement as well as to amend or revoke it after it has been adopted.

- (i) Annex 18-A (Product classes) and Annex 18-B (Lists of geographical indications);
- (j) Article 19.3(3) and (4) (Multilateral labour standards and agreements) of Chapter 19 (Trade and sustainable development);
- (k) Annex 24 (Rules of procedure of the Trade Committee);
- (l) Annex 26-A (Rules of procedure for dispute settlement) and Annex 26-B (Code of conduct for panellists and mediators); and
- (m) any other provision, Annex or Appendix, for which the possibility of such decision is explicitly foreseen in this Agreement.

ARTICLE 24.4

Specialised committees

1. The following specialised committees are hereby established:
 - (a) the Committee on Trade in Goods, which addresses matters covered by Chapter 2 (National treatment and market access for goods), Chapter 5 (Trade remedies) and Chapter 9 (Technical barriers to trade);

- (b) the Committee on Sanitary and Phytosanitary Measures, which addresses matters covered by Chapter 6 (Sanitary and phytosanitary measures) and Chapter 8 (Animal welfare);
- (c) the Committee on Sustainable Food Systems, which addresses matters covered by Chapter 7 (Sustainable food systems);
- (d) the Committee on Wine and Spirits, which addresses matters covered by Annex 9-E (Wine and spirits);
- (e) the Committee on Trade and Sustainable Development, which addresses matters covered by Chapter 19 (Trade and sustainable development); and
- (f) the Committee on Investment, Services, Digital Trade, Government Procurement and Intellectual Property, including Geographical Indications, which addresses matters covered in Chapter 10 (Trade in services and investment), Chapter 11 (Capital movements, payments and transfers), Chapter 12 (Digital trade), Chapter 14 (Public procurement) and Chapter 18 (Intellectual property).

2. The Joint Customs Cooperation Committee shall act under the auspices of the Trade Committee as a specialised committee, which addresses matters covered in Chapter 3 (Rules of origin and origin procedures), Chapter 4 (Customs and trade facilitation) and in the provisions on border enforcement and customs cooperation in Chapter 18 (Intellectual property) and any other customs-related provisions of this Agreement.

3. Unless otherwise provided in this Agreement or agreed by the representatives of the Parties, the specialised committees shall meet once a year, or without undue delay at the request of either Party or at the request of the Trade Committee. The meetings shall take place in the Union or in New Zealand alternately or by any other appropriate means of communication, as agreed by the representatives of the Parties. The specialised committees shall agree on their meeting schedule and set their agenda.

4. Specialised committees shall comprise representatives of each Party and they shall be co-chaired, at an appropriate level, by representatives of each Party.

5. Each specialised committee may decide on its own rules of procedure, in the absence of which the rules of procedure of the Trade Committee shall apply *mutatis mutandis*.

6. With respect to the issues related to their area of competence as listed in paragraph 1, the specialised committees shall have the power to:

- (a) monitor and review the implementation and operation of this Agreement;
- (b) consider and discuss technical issues arising from the implementation of this Agreement, without prejudice to Chapter 26 (Dispute settlement);
- (c) adopt decisions where this Agreement so provides or make recommendations;

- (d) conduct the preparatory work necessary to support the functions of the Trade Committee, including when Trade Committee has to adopt decisions or recommendations; and
- (e) provide a forum for the Parties to exchange information, discuss best practices and share implementation experiences.

7. With respect to the issues related to their area of competence as listed in paragraph 1, the specialised committees shall:

- (a) inform the Trade Committee of the schedule and agenda of their meetings sufficiently in advance;
- (b) report to the Trade Committee on the results and conclusions from each of their meetings; and
- (c) carry out any task assigned and any responsibility delegated to them by the Trade Committee.

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

9. Each Party shall ensure that when a specialised committee meets, all the authorities competent for each issue on the agenda are represented, as each Party deems appropriate, and that each issue can be discussed at the adequate level of expertise.

ARTICLE 24.5

Decisions and recommendations

1. The decisions adopted by the Trade Committee, or, as the case may be, by a specialised committee, shall be binding on the Parties and on all the bodies set up under this Agreement, including the panels referred to in Chapter 26 (Dispute settlement). The Parties shall take measures necessary to implement the decisions adopted by the Trade Committee. Recommendations shall have no binding force.
2. The Trade Committee or, as the case may be, a specialised committee, shall adopt its decisions and make its recommendations by consensus.

ARTICLE 24.6

Domestic advisory groups

1. Each Party shall designate a domestic advisory group within a year after the date of entry into force of this Agreement. The domestic advisory group shall advise the Party concerned on issues covered by this Agreement. It shall comprise a balanced representation of independent civil society organisations including non-governmental organisations, business and employers' organisations as well as trade unions active on economic, sustainable development, social, human rights, environmental and other matters. In the case of New Zealand, the domestic advisory group shall include Māori representatives. The domestic advisory group may be convened in different configurations to discuss the implementation of different provisions of this Agreement.

2. Each Party shall meet with its domestic advisory group at least once a year. Each Party shall consider views or recommendations submitted by its domestic advisory group on the implementation of this Agreement.

3. In order to promote public awareness of the domestic advisory groups, each Party may publish the list of organisations participating in its domestic advisory group and shall publish the contact point for that domestic advisory group.

4. The Parties shall promote interaction between their respective domestic advisory groups.

ARTICLE 24.7

Civil Society Forum

1. The Parties shall facilitate the organisation of a Civil Society Forum to conduct a dialogue on the implementation of this Agreement and shall agree at the first meeting of the Trade Committee on operational guidelines for the conduct of the Civil Society Forum.

2. The Civil Society Forum shall endeavour to meet in conjunction with the meeting of the Trade Committee. The Parties may also facilitate participation in the Civil Society Forum by virtual means.

3. The Civil Society Forum shall be open for the participation of independent civil society organisations established in the territories of the Parties, including members of the domestic advisory groups referred to in Article 24.6 (Domestic advisory groups). Each Party shall endeavour to promote a balanced representation, including non-governmental organisations, business and employers' organisations and trade unions active on economic, sustainable development, social, human rights, environmental and other matters. In the case of New Zealand, the Civil Society Forum shall include Māori representatives.

4. The representatives of the Parties participating in the Trade Committee shall, as appropriate, take part in a session of the meeting of the Civil Society Forum in order to present information on the implementation of this Agreement and to engage in a dialogue with the Civil Society Forum. Such session shall be co-chaired by the co-chairs of the Trade Committee or their designees, as appropriate. The Parties shall, jointly or individually, publish any formal statements made at the Civil Society Forum.

