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The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

ANNEX X to Chapter Y [Institutional provisions]

RULES OF PROCEDURE OF THE TRADE COMMITTEE

established by Article X.1 of the Trade Agreement between the European Union, of the one part, and New Zealand, of the other part

ARTICLE 1

Role of the Trade Committee

The Committee established pursuant to Article X.1 of the Trade Agreement between the European Union, of the one part, and New Zealand, of the other part, (hereafter referred to as “Agreement”) is responsible for all matters referred to in Article X.2 of the Agreement.

ARTICLE 2

Composition and Chair

1. Pursuant to Article X.1 of the Agreement, the Trade Committee is composed of representatives of the European Union and of New Zealand at ministerial level or their designees.
2. The Trade Committee at ministerial level shall be co-chaired by the Member of the European Commission in charge of trade and by the Minister responsible for trade of New Zealand.

ARTICLE 3

Secretariat

1. Officials from the department responsible for Trade for each Party shall act together as Secretariat of the Trade Committee.
2. Each Party shall notify to the other Party the name, position and contact details of the official who is the member of the Secretariat of the Trade Committee for that Party. This official is deemed to continue acting as a member of the Secretariat for the Party until the date the Party has notified to the other Party a new member.

ARTICLE 4

Meetings

1. The Trade Committee shall meet once a year, unless the co-chairs decide otherwise, or in urgent cases at the request of either Party.
2. The meetings shall be held at an agreed date and time alternately in Brussels and in Wellington, unless agreed otherwise by the Co-Chairs. The Trade Committee may meet in person or by other appropriate means of communication, as agreed by the co-chairs.
3. The meetings shall be convened by the Co-chair of the Party hosting the meeting.

ARTICLE 5

Delegations

A reasonable period of time in advance of a meeting, the official acting as Secretary of the Trade Committee for each Party shall inform the official acting as Secretary of the other Party of the intended composition of the delegations of the European Union and of New Zealand respectively. The lists shall specify the name and function of each member of the delegation.

ARTICLE 6

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretary of the Trade Committee on the basis of a proposal made by the Party hosting the meeting with a deadline for the other Party to provide comments. For meetings of the Trade Committee at ministerial level, the Secretary of the Trade Committee shall provide a provisional agenda to the other Party at least one month in advance of a meeting. For meetings of the Trade Committee at senior officials level, the Secretary of the Trade Committee shall provide a provisional agenda to the other Party at least 14 days in advance of a meeting.
2. The agenda shall be adopted by the Trade Committee at the beginning of each meeting. Items not appearing on the provisional agenda may be placed on the agenda by consensus.

ARTICLE 7

Invitation of experts

The Co-chairs of the Trade Committee may, by mutual agreement, invite experts (i.e. non-government officials) to attend the meetings of the Trade Committee in order to provide information on specific subjects and only for the parts of the meeting where such specific subjects are discussed.

ARTICLE 8

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretariat of the Party hosting the meeting, within 15 days from the end of the meeting, unless otherwise decided by the Co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party.
2. Where the present rules apply to the meetings of sub-committees, the minutes of the sub-committee's meeting shall be made available for any subsequent meetings of the Trade Committee.
3. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) all documents submitted to the Trade Committee;
 - (b) any statement that one of the Co-chairs of the Trade Committee requested to be entered in the minutes; and
 - (c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.
4. The minutes shall include a list of all decisions of the Trade Committee taken by written procedure pursuant to Article 10(2) since the last meeting of the Committee.
5. An annex to the minutes shall also include a list of the names, titles and capacity of all individuals who attended the meeting of the Trade Committee.
6. The Secretary shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the Parties within 30 days of the date of the meeting, or by any other date agreed by the Co-chairs. Once approved, two originals of the

minutes shall be established by the Secretariat and the Parties shall each receive one original of the minutes.

ARTICLE 9

Decisions and recommendations

1. The Trade Committee may adopt decisions and recommendations in respect of all matters where the Agreement so provides. The Trade Committee shall adopt decisions and recommendations by consensus, as provided for in Article X.3 of the Agreement.
2. In the period between meetings, the Trade Committee may adopt decisions or recommendations by written procedure.
3. The text of a draft decision or recommendation shall be presented in writing by a Co-chair to the other Co-chair in the working language of the Trade Committee. The other Party shall have one month, or any longer period of time specified by the proposing Party, to express its agreement to the draft decision or recommendation. If the other Party does not express its agreement, the proposed decision or recommendation shall be discussed and may be adopted at the next meeting of the Trade Committee. The draft decisions or recommendations shall be deemed to be adopted once the other Party expresses its agreement and shall be recorded in the minutes of the meeting of the Committee pursuant to Article 8.3.c.
4. Where the Trade Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled 'Decision' or 'Recommendation' respectively. The Secretariat of the Trade Committee shall give any decision or recommendation a progressive serial number, the date of adoption and a description of their subject-matter. Each decision and recommendation shall provide for the date of its entry into force.
5. The decisions and recommendations adopted by the Trade Committee shall be established in duplicate, authenticated by the Co-chairs and transmitted one to each Party.

ARTICLE 10

Transparency

1. The Parties may agree to meet in public.
2. Each Party may decide on the publication of the decisions and recommendations of the Trade Committee in its respective official publication or online .
3. All documents submitted by a Party should be considered as confidential, unless that Party decides otherwise.
4. Provisional agendas of the meetings shall be made public before the meeting of the Committee takes place. The minutes of the meetings shall be made public following their approval in accordance with Article 8.
5. Publication of documents mentioned under paragraphs 2 and 4 shall be made in compliance with each Party's applicable data protection rules.

ARTICLE 11

Languages

1. The working language of the Trade Committee shall be English.
2. The Trade Committee shall adopt decisions concerning the amendment or interpretation of the Agreement in the languages of the authentic texts of the Agreement. All other decisions of the Trade Committee shall be adopted in the working language referred to in paragraph 1.

3. Each Party shall be responsible for the translation of decisions and other documents into its own official language(s), if required pursuant to this Article, and it shall meet expenditures associated with such translations.

ARTICLE 12

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Trade Committee, in particular with regard to staff, travel and subsistence expenditure and with regard to video or teleconferences, postal and telecommunications expenditure.

2. Expenses in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

3. Expenses in connection with the provision of interpretation services to and from the working language of the Trade Committee at meetings shall be borne by the Party hosting the meeting.

ARTICLE 13

Specialised Committees

1. Pursuant to Article X.4 of the Agreement, the Trade Committee shall supervise the work of all specialised committees and other bodies established under the Agreement.

2. The Trade Committee shall be informed in writing of the contact points designated by specialised committees or other bodies established under the Agreement. All relevant correspondence, documents and communications between the contact points of each specialised committee regarding the implementation of the Agreement shall be forwarded to the Secretariat of the Trade Committee simultaneously.

3. Pursuant to Article X.4, the specialised committees shall report to the Trade Committee on the results, decisions and conclusions from each of their meetings.

4. Unless otherwise decided by each specialised committee pursuant to Article X.4 of the Agreement, the Rules of Procedure set out in this Annex shall apply mutatis mutandis to the specialised committees under the Agreement.

ARTICLE 14

Amendments of the Rules of Procedure

The Trade Committee shall have the power to adopt a decision to amend the Rules of Procedure/this Annex.