

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

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.

CHAPTER [XX]

INSTITUTIONAL PROVISIONS

ARTICLE X.1

Trade Committee

1. The Parties hereby establish a Trade Committee comprising representatives of both Parties.
2. The Trade Committee shall meet no later than 6 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 the European Union or New Zealand 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 X.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 all specialised committees and other bodies established under this Agreement, and recommend to those bodies any necessary action;
 - (d) consider any proposal to amend this Agreement;
 - (e) without prejudice to Chapters [XX (Trade and Sustainable Development), XX (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 EU, examine any effects of the accession on this Agreement and consider any necessary adjustment or transition measures, sufficiently in advance of the date of accession; and
 - (g) consider any other matter of interest relating to an area covered by this Agreement.
2. The Trade Committee may:
 - (a) decide to establish or dissolve specialised committees or other bodies other than those established pursuant to Article X.4 (Specialised Committees), and determine their composition, function and tasks;
 - (b) allocate responsibilities to specialised committees or other bodies under this Agreement;
 - (c) recommend to the Parties any amendments to this Agreement;

- (d) adopt decisions in accordance with Article X.1.3 of the Final Provisions (Amendments) to amend this Agreement in the following instances:
- (i) Annex XX (Elimination of Customs Duties);
 - (ii) Chapter X (Rules of Origin), together with Appendixes XX to Annex XX (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation);
 - (iii) Annex XX to Chapter X (Sanitary and Phytosanitary Measures);
 - (iv) Annex XX to Chapter X (TBT) on conformity assessment (Supplier's Declaration of Conformity) and Annex XX to Chapter X (TBT) on Motor Vehicles;
 - (v) Annex XX to Chapter X (Government Procurement);
 - (vi) Annex XX to Chapter X (Protected Geographical Indications);
 - (vii) the Rules of Procedure referred to in Chapter X (Dispute Settlement);
 - (viii) the Code of Conduct referred to in Chapter X (Dispute Settlement);
 - (ix) technical appendices to the Protocol/Annex on trade in wine and in spirits;
 - (x) the Rules of Procedure of the Trade Committee referred to in Annex XX of Chapter (Institutional Provisions);
 - (xi) Article X.3.3 of Chapter X (TSD) in accordance with Article X.3.4 of that Chapter

[NB: The list will need to be cross-checked during legal scrub and potentially amended if needed to include references that are part of individual chapters]

- (e) adopt interpretations of the provisions of this Agreement, which shall be binding on the Parties and all bodies established under this Agreement, including the panels referred to under Chapter XX (Dispute Settlement);
- (f) adopt any decisions as envisaged in this Agreement or make recommendations as provided for in Article X.3 (Decisions and recommendations of the Trade Committee);
- (g) communicate on matters related to this Agreement with all interested parties including private sector, social partners and civil society organisations; and
- (h) 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 the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part, of its activities and those of its specialised committees or other bodies, as relevant, at the regular meetings of the Joint Committee.

ARTICLE X.3

Decisions and recommendations of the Trade Committee

1. The Trade Committee shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions where provided for in this Agreement. The decisions taken shall be binding upon the Parties. The Parties shall take measures necessary to implement the decisions taken by the Trade Committee.

2. For the purposes of attaining the objectives of this Agreement, the Trade Committee may make appropriate recommendations in respect of all matters covered by this Agreement.
3. The Trade Committee shall take its decisions and make its recommendations by mutual agreement.

ARTICLE X.4

Specialised Committees

1. The following specialised committees are hereby established, or in the case of the Joint Customs Cooperation Committee referred to in subparagraph (b), is granted authority to act under the auspices of the Trade Committee:
 - (a) the Committee on Trade in Goods;
 - (b) the Joint Customs Cooperation Committee established under the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters, done at Brussels on 3 July 2017;
 - (c) the Committee on Sanitary and Phytosanitary Measures and Animal Welfare;
 - (d) the Committee on Wine and Spirits;
 - (e) the Committee on Trade and Sustainable Development; and
 - (f) [the Committee on Investment, Services, Digital Trade, Government Procurement, Intellectual Property Rights, including Geographical Indications].
2. The composition, function and tasks of the specialised committees shall be as defined in the relevant Chapters [and Protocols] of this Agreement or by the Trade Committee pursuant to subparagraph 2(a) and (b) of Article X.2 (Functions of the Trade Committee).

2bis. Where a mutual recognition instrument adopted pursuant to [Article 5.4] has become an Annex to this agreement, the Committee on Investment Liberalisation, Trade in Services, Digital Trade, Government Procurement, Intellectual Property Rights, including Geographical Indications may amend or revoke that Annex in accordance with the conditions specified therein. [Placement to be decided during legal scrub.]

[SPS: empowerment of the SPS committee to amend annexes. Placement to be decided during legal scrub.]

3. Unless otherwise provided in this Agreement or 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 of the Trade Committee. They shall be co-chaired, at an appropriate level, by representatives of the Parties. The meetings shall take place in the European Union or in New Zealand alternately or by any other appropriate means of communication, as agreed by the Parties. The specialised committees shall agree on their meeting schedule and set their agenda. Each specialised committee may decide its own rules of procedures, in the absence of which the rules of procedure of the Trade Committee shall apply *mutatis mutandis*.

4. The specialised committees may make recommendations or submit proposals for decisions to be adopted by the Trade Committee.

5. The specialised committees shall inform the Trade Committee of the schedule and agenda of their meetings sufficiently in advance and shall report to the Trade Committee on the results and conclusions from each of their meetings.

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

7. Each Party shall ensure that when a specialised committee meets, all the competent authorities 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 X.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 Chapters and 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 group.
4. The Parties shall promote the interaction between their respective domestic advisory groups.

ARTICLE X.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 Forum.

2. The Civil Society Forum shall endeavor 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 X.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 the Agreement and to engage in a dialogue with the Forum. This session shall be chaired by the co-chairs of the Trade Committee or their representative, as appropriate. The Parties shall, jointly or individually, publish any formal statements made at the Forum.