

CHAPTER 17

ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

Article 17.1

Establishment of the Joint Commission

The Parties hereby establish a Joint Commission, which shall be composed of government representatives of the Parties at the level of senior officials or, when agreed by the Parties, at the level of Ministers.

Article 17.2

Functions of the Joint Commission

1. The Joint Commission shall:
 - (a) assess, review and monitor the implementation and operation of this Agreement;
 - (b) consider any matter relating to the implementation or operation of this Agreement;
 - (c) consider ways to further trade and investment between the Parties, including improving market access;
 - (d) consider any proposal to amend or modify this Agreement, and if appropriate, make recommendations to the Parties;
 - (e) supervise and coordinate the work of committees, subsidiary bodies and working groups established under this Agreement;
 - (f) conduct a general review, in accordance with Article 20.4 (General Review); and
 - (g) consider any other matter that may affect the operation of this Agreement.

2. The Joint Commission may:
 - (a) adopt decisions or make recommendations as envisaged by this Agreement;
 - (b) seek to resolve differences or disputes that may arise under this Agreement without prejudice to the rights of the Parties under Chapter 19 (Dispute Settlement);

- (c) as appropriate, issue interpretations of this Agreement;¹
- (d) establish, assign tasks to, delegate functions to, or consider matters raised by any committee, subsidiary body or working group;
- (e) restructure, reorganise or dissolve any committee, subsidiary body or working group established under this Agreement;
- (f) unless otherwise provided in this Agreement, determine the functions of the committees, subsidiary bodies or working groups established under this Agreement;
- (g) consider and adopt, subject to the completion of any necessary legal procedures by each Party, modifications to the following parts of the Agreement:
 - (i) Annex 2A (Schedules of Tariff Commitments);
 - (ii) Annex 3A (Product Specific Rules of Origin);
 - (iii) Annex 19A (Rules of Procedure for Dispute Settlement); and
 - (iv) Annex 19B (Code of Conduct for Dispute Settlement); and
- (h) carry out any other such functions as may be agreed by the Parties.

Article 17.3
Meetings of the Joint Commission

1. The Joint Commission shall meet within one year of entry into force of this Agreement. Thereafter, it shall meet every two years, unless the Parties agree otherwise, to consider any matter relating to this Agreement.
2. Meetings conducted pursuant to paragraph 1 shall be held alternately in the territories of the Parties, unless the Parties agree otherwise. The Party hosting a session of the Joint Commission shall provide any necessary administrative support for such session.
3. Upon request by a Party, the Joint Commission and any committee, subsidiary body or working group established under this Agreement

¹ Interpretations issued by the Joint Commission are binding for panels established under Chapter 19 (Dispute Settlement).

may, if agreed by the Parties, hold special sessions at a mutually convenient date without undue delay.

4. Each Party shall be responsible for the composition of its delegation.

Article 17.4 Rules of Procedure

1. The Joint Commission shall establish its own rules of procedure at its first meeting. The Joint Commission if necessary, may also establish its own financial arrangements.
2. Unless otherwise provided in this Agreement, the Joint Commission and any committee, subsidiary body or working group established under this Agreement shall carry out its work through whatever means as appropriate, which may include through electronic means.
3. The Joint Commission and any committee, subsidiary body or working group established under this Agreement, shall be co-chaired by representatives from both the Parties.

Article 17.5 Committees and Subsidiary Bodies

1. The following committees are hereby established:
 - (a) Committee on Trade in Goods;
 - (b) Committee on Rules of Origin;
 - (c) Committee on Trade Facilitation;
 - (d) Committee on Sanitary and Phytosanitary Measures;
 - (e) Committee on Technical Barriers to Trade;
 - (f) Committee on Trade in Services;
 - (g) Committee on Trade and Sustainable Development;
 - (h) Joint Agriculture Productivity Council;
 - (i) Committee on Economic Cooperation and Technical Assistance; and
 - (j) Committee on Biosecurity, Food and Primary Products.
2. A Committee on Investment Promotion and Cooperation is also hereby established.

3. The following subsidiary bodies are hereby established:
 - (a) Working Group on Health-Related Services and Traditional Medicine Services;
 - (b) Working Group on Professional Services;
 - (c) Working Group on the Temporary Movement of Natural Persons; and
 - (d) Working Group on Wine, Whisky and Other Distilled Spirits.
4. The committees and subsidiary bodies referred to in this Article shall meet once a year, or as otherwise agreed. The meetings shall take place in India or in New Zealand alternately or by any other appropriate means of communication, as agreed by the representatives of the Parties. The committees and subsidiary bodies shall agree on their meeting schedule and set their agenda.
5. The committees and subsidiary bodies shall comprise representatives of each Party and they shall be co-chaired, at an appropriate level, by representatives of each Party.

Article 17.6

Committee on Biosecurity, Food and Primary Products

1. The Committee on Biosecurity, Food and Primary Products, established under Article 17.5 (Committees and Subsidiary Bodies), may, as agreed by the Parties, consider any technical measure that is not being addressed by another Committee under this Agreement, that falls under the jurisdiction of the respective competent authorities responsible for regulation of agricultural, food, forestry and fisheries products ("Food and Primary Products"). Such consideration shall be complementary to and not be a substitute for the functions of committees established under the specific chapters of this Agreement.
2. The Committee shall comprise representatives of those competent authorities of the Parties that have regulatory authority for the matters under consideration, and shall meet as mutually determined by the Parties in accordance with the agreed agenda. All decisions of the Committee shall be made by consensus. Meetings of the Committee may be in person, or by any other means as mutually determined by the Parties.
3. The purpose of the Committee is to:
 - (a) facilitate appropriate coordination on the resolution of technical measures related to the implementation of Chapter 2 (Trade in Goods), Chapter 6 (Sanitary and Phytosanitary Measures),

and Chapter 7 (Technical Barriers to Trade), where such matters may affect the trade in Food and Primary Products;

- (b) provide a forum for technical measures referred to in subparagraph (a), for improved communication, cooperation, and consultation between the Parties to facilitate trade between the Parties, including addressing unjustified barriers to trade; and
 - (c) promote mutual understanding of each Party's regulatory approaches and procedures relating to Biosecurity, Food and Primary Products.
4. In order to give effect to paragraph 3, the Committee may:
- (a) establish, monitor and review work plans; and
 - (b) initiate, develop, adopt, review, and modify implementing arrangements in relation to such technical measures.

Article 17.7 Decision-making

1. All decisions of the Joint Commission shall be made by mutual agreement of the Parties.
2. All decisions of the committees, subsidiary bodies or working groups established under this Agreement shall be made by mutual agreement of the Parties.

Article 17.8 Contact Points and Communications

1. Each Party shall designate a contact point to receive and facilitate official communications between the Parties on any matter covered by this Agreement, except for matters for which this Agreement establishes a specific contact point.
2. Unless otherwise provided in this Agreement, each Party shall notify the other Party in writing of its designated contact points no later than 60 days after the date of entry into force of this Agreement.
3. All official communications in relation to this Agreement shall be in the English language.
4. Each Party shall promptly notify the other Party, in writing, of any changes to its overall contact point or any other contact point.