

## CHAPTER 27

### ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

\*This Chapter of CPTPP remain unchanged in comparison with that of TPP (according to WTO Center-VCCI)

#### **Article 27.1: Establishment of the Trans-Pacific Partnership Commission**

The Parties hereby establish a Trans-Pacific Partnership Commission (Commission), composed of government representatives of each Party at the level of Ministers or senior officials. Each Party shall be responsible for the composition of its delegation.

#### **Article 27.2: Functions of the Commission**

1. The Commission shall:
  - (a) consider any matter relating to the implementation or operation of this Agreement;
  - (b) review, within three years of the date of entry into force of this Agreement and at least every five years thereafter, the economic relationship and partnership among the Parties;
  - (c) consider any proposal to amend or modify this Agreement;
  - (d) supervise the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
  - (e) consider ways to further enhance trade and investment between the Parties;
  - (f) establish the Rules of Procedure referred to in Article 28.13 (Rules of Procedure for Panels), and, where appropriate, amend those Rules;
  - (g) review the roster of panel chairs established under Article 28.11 (Roster of Panel Chairs and Party Specific Lists) every three years and, when appropriate, constitute a new roster; and
  - (h) determine whether this Agreement may enter into force for an original signatory notifying pursuant to Article 30.5.4 (Entry into Force).

2. The Commission may:
- (a) establish, refer matters to, or consider matters raised by, any *ad hoc* or standing committee, working group or any other subsidiary body;
  - (b) merge or dissolve any committees, working groups or other subsidiary bodies established under this Agreement in order to improve the functioning of this Agreement;
  - (c) consider and adopt, subject to completion of any necessary legal procedures by each Party, a modification to this Agreement of <sup>1</sup>:
    - (i) the Schedules to Annex 2-D (Tariff Commitments), by accelerating tariff elimination;
    - (ii) the rules of origin established in Annex 3-D (Product-Specific Rules of Origin) and Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin); or
    - (iii) the lists of entities, covered goods and services, and thresholds contained in each Party's Annex to Chapter 15 (Government Procurement);
  - (d) develop arrangements for implementing this Agreement;
  - (e) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
  - (f) issue interpretations of the provisions of this Agreement;
  - (g) seek the advice of non-governmental persons or groups on any matter falling within the Commission's functions; and
  - (h) take any other action as the Parties may agree.

3. Pursuant to paragraph 1(b), the Commission shall review the operation of this Agreement with a view to updating and enhancing this Agreement, through negotiations, as appropriate, to ensure that the disciplines contained in this Agreement remain relevant to the trade and investment issues and challenges confronting the Parties.

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<sup>1</sup> Chile shall implement the actions of the Commission through *Acuerdos de Ejecución*, in accordance with Article 54, numeral 1, fourth paragraph of the Political Constitution of the Republic of Chile (*Constitución Política de la República de Chile*).

4. In conducting a review pursuant to paragraph 3, the Commission shall take into account:

- (a) the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
- (b) relevant developments in international fora; and
- (c) as appropriate, input from non-governmental persons or groups of the Parties.

### **Article 27.3: Decision-Making**

1. The Commission and all subsidiary bodies established under this Agreement shall take all decisions by consensus, except as otherwise provided in this Agreement, or as otherwise decided by the Parties.<sup>2</sup> Except as otherwise provided in this Agreement, the Commission or any subsidiary body shall be deemed to have taken a decision by consensus if no Party present at any meeting when a decision is taken objects to the proposed decision.

2. For the purposes of Article 27.2.2(f) (Functions of the Commission), a decision of the Commission shall be taken by agreement of all Parties. A decision shall be deemed to be reached if a Party which does not indicate agreement when the Commission considers the issue does not object in writing to the interpretation considered by the Commission within five days of that consideration.

### **Article 27.4: Rules of Procedure of the Commission**

1. The Commission shall meet within one year of the date of entry into force of this Agreement and thereafter as the Parties may decide, including as necessary to fulfil its functions under Article 27.2 (Functions of the Commission). Meetings of the Commission shall be chaired successively by each Party.

2. The Party chairing a session of the Commission shall provide any necessary administrative support for such session, and shall notify the other Parties of any decision of the Commission.

3. Except as otherwise provided in this Agreement, the Commission and any subsidiary body established under this Agreement shall carry out its work through

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<sup>2</sup> For greater certainty, any such decision on alternative decision-making by the Parties shall itself be taken by consensus.

whatever means are appropriate, which may include electronic mail or videoconferencing.

4. The Commission and any subsidiary body established under this Agreement may establish rules of procedures for the conduct of its work.

#### **Article 27.5: Contact Points**

1. Each Party shall designate an overall contact point to facilitate communications between the Parties on any matter covered by this Agreement, as well as other contact points as required by this Agreement.

2. Unless otherwise provided in this Agreement, each Party shall notify the other Parties in writing of its designated contact points no later than 60 days after the date of entry into force of this Agreement for that Party. A Party shall notify any Party for which this Agreement enters into force at a later date of its designated contact points, no later than 30 days after the date on which the other Party has notified its designated contact points.

#### **Article 27.6: Administration of Dispute Settlement Proceedings**

1. Each Party shall:

- (a) designate an office to provide administrative assistance to a panel established under Chapter 28 (Dispute Settlement) for a proceeding in which it is a disputing Party and to perform such other related functions as the Commission may direct; and
- (b) notify the other Parties of the location of its designated office.

2. Each Party shall be responsible for the operation and costs of its designated office.

#### **Article 27.7: Reporting in relation to Party-specific Transition Periods**

1. At each regular meeting of the Commission, any Party which has a Party-specific transition period for any obligation under this Agreement shall report on its plans for and progress towards implementing the obligation.

2. In addition, any such Party shall provide a written report to the Commission on its plans for and progress towards implementing each such obligation as follows:

- (a) for any transition period of three years or less, the Party shall provide a written report six months before the expiration of the transition period; and
- (b) for any transition period of more than three years, the Party shall provide a yearly written report on the anniversary date of entry into force of this Agreement for it, beginning on the third anniversary, and a written report six months before the expiration of the transition period.

3. Any Party may request additional information regarding another Party's progress towards implementing the obligation. The reporting Party shall promptly reply to those requests.

4. No later than the date on which a transition period expires, a Party with a Party-specific transition period shall provide written notification to the other Parties of what measures it has taken to implement the obligation for which it has a transition period.

5. If a Party fails to provide the notification referred to in paragraph 4, the matter shall be automatically placed on the agenda for the next regular meeting of the Commission. In addition, any Party may request that the Commission meet promptly to discuss that matter.