

CHAPTER 6

INSTITUTIONAL PROVISIONS

Article 6.1

Establishment of the Joint Commission

The Parties hereby establish a Joint Commission consisting of government representatives of each Party. Each Party shall be responsible for the composition of its delegation.¹⁸

Article 6.2

Functions of the Joint Commission

1. The Joint Commission shall:
 - (a) monitor and review the implementation of this Agreement;
 - (b) oversee the general functioning and further development of this Agreement;
 - (c) undertake general reviews of this Agreement in accordance with Article 6.7 (General Review);
 - (d) consider ways of promoting accessions to the Agreement, and approve the terms of accession;
 - (e) consider any proposal by a Party or a subsidiary body to amend this Agreement;
 - (f) supervise the work of subsidiary bodies established under this Agreement; and
 - (g) consider any other matter that may affect the operation of this Agreement.

2. The Joint Commission may:
 - (a) in accordance with the Agreement's objectives, and subject to completion of any necessary legal requirements by each Party, adopt modifications to:
 - (i) Annexes I to V, and VII to XI, including their Appendices;¹⁹ and

¹⁸ In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

¹⁹ In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

- (ii) Annex VI.
- (b) adopt interpretations of the provisions of this Agreement;
- (c) submit to the Parties proposals to amend this Agreement;
- (d) consider ways to further actions in the trade policy area to support this Agreement's objectives;
- (e) seek to resolve differences or disagreements that may arise regarding the interpretation or application of this Agreement, including on proposed measures or measures not yet in force;
- (f) where appropriate, seek the advice of non-governmental persons or groups and international organisations on any matter falling within the Joint Commission's functions; and
- (g) take such other action in the exercise of its functions as the Parties may agree.

3. The Joint Commission may establish, merge or dissolve subsidiary bodies. It may refer matters to any subsidiary body for advice, consider matters raised and adopt decisions proposed by subsidiary bodies. Except where otherwise provided for in this Agreement, the subsidiary bodies shall work under a mandate established by the Joint Commission.

Article 6.3 **Meetings and Rules of Procedure of the Joint Commission**

1. The Joint Commission shall meet within 18 months of the date of entry into force of this Agreement and then normally every two years, or as otherwise agreed by the Parties. Meetings of the Joint Commission shall be chaired successively by each Party or as otherwise agreed by the Parties.

2. A Party may request at any time, through written notice to the other Parties, that a special meeting of the Joint Commission be held. That meeting shall take place within 60 days of receipt of the request, unless the Parties agree otherwise. Upon request of a Party, the meeting shall take place in a format allowing for virtual participation.

3. The Party chairing a meeting of the Joint Commission shall provide any necessary administrative support for the meeting, and shall circulate to the other Parties the outcomes of the meeting.

4. The Joint Commission shall carry out its work through whatever means it considers appropriate, which may include electronic mail or videoconferencing.

5. The Joint Commission shall establish the rules of procedure for the conduct of its work at its first meeting or as otherwise agreed by the Parties.

Article 6.4 Decision-making of the Joint Commission

1. The Joint Commission shall take decisions as provided for in this Agreement, and make recommendations on any matter within its functions, by consensus. The Joint Commission shall be deemed to have taken a decision by consensus if no Party represented at the meeting when a decision is taken objects to the proposed decision.

2. In case the Joint Commission considers that an issue affects exclusively some Parties, it may adopt decisions or recommendations relating to that issue by consensus among those affected Parties only. Those decisions or recommendations shall only take effect for those affected Parties.

3. If a Party has accepted a decision of the Joint Commission subject to the fulfilment of domestic legal requirements, the decision shall enter into force on the date the last Party notifies the Depository that its domestic legal requirements have been fulfilled, unless the decision itself specifies a later date. The Joint Commission may decide that the decision shall enter into force for those Parties that have fulfilled their domestic legal requirements.

4. If the domestic legislation of a Party so permits and if decided by the Joint Commission, that Party may apply a decision of the Joint Commission provisionally until that decision enters into force for that Party.

Article 6.5 Functioning of Subsidiary Bodies

1. Each subsidiary body shall act by consensus.

2. Meetings of each subsidiary body shall be chaired successively by a representative of each Party, unless the Parties agree otherwise.

3. Each subsidiary body shall report to the Joint Commission on the outcomes of each of its meetings.

4. Each subsidiary body shall organise and carry out its work as it sees fit and through whatever means it considers appropriate, including electronic mail or videoconferencing.

Article 6.6
Cooperation and Implementation of this Agreement

1. The Parties shall cooperate as appropriate and necessary in order to facilitate the implementation of this Agreement and to maximise the benefits arising from it, taking into consideration the Parties' respective needs and resources. The cooperative activities may include:

- (a) information exchanges, dialogues or meetings;
- (b) joint activities to promote this Agreement, including with the aim of increasing participation in this Agreement; and
- (c) other activities as Parties may agree to.

2. The Parties may set out the details of cooperative activities in non-binding arrangements.

3. In relation to their cooperative activities, the Parties may take into consideration the work undertaken by relevant international organisations and may, where appropriate, coordinate efforts with them.

4. Any cooperative activities envisaged or undertaken under this Agreement shall be subject to the availability of resources and to the respective laws, regulations and policies of the Parties. Costs of cooperative activities shall be borne in such manner as may be determined between the Parties.

5. Each Party shall endeavour, in accordance with its laws, regulations and practices, to inform and, where appropriate, consult, or otherwise engage with, relevant stakeholder or partner communities, on the implementation of this Agreement. That engagement shall include representatives of Indigenous Peoples or any other relevant stakeholders as required by a Party's domestic or international obligations.

Article 6.7
General Review

1. The Joint Commission shall undertake a general review of the Agreement, in order to assess its general functioning and to develop the Agreement, within five years of its entry into force and thereafter as agreed by the Parties, but normally every five years. The intervals between general reviews shall not exceed seven years.

2. The conduct of general reviews shall normally coincide with regular meetings of the Joint Commission.

3. In conducting a general review pursuant to paragraph 1, the Joint Commission shall take into account, in particular:

- (a) the work of all subsidiary bodies established under this Agreement;
- (b) the experiences of the Parties in implementing the Agreement;
- (c) progress achieved in expanding participation to this Agreement;
- (d) input sought from relevant non-governmental persons, groups or communities;
- (e) relevant developments in international *fora*; and
- (f) other relevant developments such as the application of trade remedies on environmental goods covered by this Agreement.

4. As part of general reviews, the Joint Commission shall consider ways to further the Agreement's objectives, including through the launch of negotiations among the Parties with a view to adding to this Agreement additional trade rules and mechanisms that contribute to addressing climate change and other serious environmental challenges. For example, such topics may include non-tariff measures related to sustainability objectives.

5. Upon completion of a general review, the Joint Commission may submit to the Parties proposals to amend this Agreement or modify the Annexes to this Agreement, including their Appendices, pursuant to Article 6.2 (Functions of the Joint Commission).

Article 6.8 Contact Points

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

2. Except as otherwise provided in this Agreement, each Party shall notify the other Parties in writing of its designated contact points within 60 days of the date of entry into force of this Agreement for that Party. A Party shall notify its designated contact points to another Party for which this Agreement enters into force at a later date within 30 days of the date of entry into force of this Agreement for that other Party.

3. Each Party shall promptly notify the other Parties of any change to its designated contact point.

Article 6.9
Annex

Annex XI (Party-Specific Institutional Arrangements) forms an integral part of this Chapter.