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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	13 August 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 374 final - ANNEX
Subject:	ANNEX to the Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Trade Committee established under the Interim Partnership Agreement between the European Community, on the one part, and the Pacific States, on the other part, as regard the establishment of the Rules of Procedure of the Trade Committee and the Rules of Procedure of the Special Committees

Delegations will find attached document COM(2020) 374 final - ANNEX.

Encl.: COM(2020) 374 final - ANNEX



EUROPEAN
COMMISSION

Brussels, 13.8.2020
COM(2020) 374 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be adopted, on behalf of the European Union, in the Trade Committee established under the Interim Partnership Agreement between the European Community, on the one part, and the Pacific States, on the other part, as regard the establishment of the Rules of Procedure of the Trade Committee and the Rules of Procedure of the Special Committees

DRAFT

**DECISION No XX/2020 OF THE TRADE COMMITTEE SET UP BY THE INTERIM
PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF
THE ONE PART, AND THE PACIFIC STATES, OF THE OTHER PART**

of ...

**as regards the adoption of the Rules of Procedure of the EU-Pacific Trade Committee
and of the Special Committees**

THE EU-PACIFIC TRADE COMMITTEE,

Having regard to the Interim Partnership Agreement, which establishes a framework for an Economic Partnership Agreement (hereinafter the 'Agreement') between the European Community, of the one part, and the Pacific States, of the other part¹, signed in London on 30 July 2009, and in particular Article 68 thereof,

Whereas:

- (1) Article 68 of the Agreement establishes EU-Pacific Trade Committee and provides that the EU-Pacific Trade Committee shall establish its rules of procedure.
- (2) Article 68 provides further that the EU-Pacific Trade Committee will delegate specific implementing decision-making powers to the Special Committees as provided for in the relevant provisions of the Agreement.

HAS DECIDED AS FOLLOWS:

The Rules of Procedure of the EU-Pacific Trade Committee and of the Special Committees are established as set out in the Annex.

Done at ...,

For the EU-Pacific Trade Committee

On behalf of the Union

On behalf of the Pacific States

¹ Council Decision 2009/729/EC of 13 July 2009 on the signature and provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 272, 16.10.2009, p. 1).

Annex

RULES OF PROCEDURE OF THE EU-PACIFIC TRADE COMMITTEE

established by Article 68 of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part

Article 1

Role and Name of the EU-Pacific Trade Committee

1. The Committee established pursuant to Article 68 of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, (hereafter referred to as “Agreement”) is responsible for all matters referred to in Article 68 of the Agreement.
2. The above Committee shall be referred to in documents of the Committee, including decisions and recommendations, as “EU-Pacific Trade Committee”.

Article 2

Composition and Chair

1. Pursuant to Article 68(1) of the Agreement, the EU-Pacific Trade Committee is composed of representatives of the the European Union and of the Pacific States.
2. Representation of the Parties shall normally be at senior official level, or exceptionally at ministerial level whenever the Parties agree that the circumstances so require.
3. The EU-Pacific Trade Committee at ministerial level shall be co-chaired by the Member of the European Commission in charge of trade and by the representative of one of the Pacific States at ministerial level or their respective designees. The Pacific States shall exercise this function by rotating in accordance with the alphabetical order every 12 months. The first rotation shall begin on the date of adoption of the rules of procedure of the EU-Pacific Trade Committee and end on 31 December of the following year.
4. The EU-Pacific Trade Committee at senior official level shall be co-chaired by a senior official of the European Commission representing the European Union and by a senior official of the Pacific State representing the Pacific States. The Pacific States shall exercise this function by rotating in accordance with the alphabetical order every 12 months. The first rotation shall begin on the date of adoption of the rules of procedure of the EU-Pacific Trade Committee and end on 31 December of the following year.
5. The co-chairs of each Party shall have the necessary powers to represent the European Union or the Pacific States, respectively.
6. Each Party shall notify to the other Party the name, position and contact details of the senior official who is in charge of co-chairing the EU-Pacific Trade Committee for that Party. This senior official is deemed to have the authorisation of representing the Party until the date the Party has notified to the other Party a new co-chair.

Article 3

Secretariat

1. An official of the European Commission and of the Pacific States shall act together as Secretary of the EU-Pacific Trade Committee. The Pacific States shall exercise this function by rotating in accordance with the alphabetical order every 12 months. The first rotation shall begin on the date of adoption of the rules of procedure of the EU-Pacific Trade Committee and end on 31 December of the following year.
2. Each Party shall notify to the other Party the name, position and contact details of the official who is the Secretary of the EU-Pacific Trade Committee for that Party. This official is deemed to continue acting as Secretary for the Party until the date the Party has notified to the other Party a new Secretary.

Article 4

Meetings

1. The EU-Pacific 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 one of the capitals of the Pacific States on a rotation basis, unless agreed otherwise by the co-chairs.
3. The meetings shall be convened by the presiding co-chair of the Party hosting the meeting.
4. A meeting may be held in person, by videoconference or teleconference.
5. Countries which have officially expressed their intention to accede to the Agreement may participate in the meetings as observers if the Parties agree.

Article 5

Delegations

30 days before the meeting, the Secretary of the EU-Pacific Trade Committee for each Party shall inform the Secretary for the other Party of the intended composition of the delegations of the European Union and of the Pacific States respectively. The list shall specify the name and function of each member of the delegation.

Article 6

Documents

Where the deliberations of the EU-Pacific Trade Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the EU-Pacific Trade Committee by the Secretary.

Article 7

Correspondence

1. All correspondence addressed to the EU-Pacific Trade Committee shall be directed to the Secretary.

2. Correspondence from the EU-Pacific Trade Committee shall be distributed to the Parties by the Secretary.

Article 8

Agenda for the meetings

1. A reasonable period of time in advance of a meeting, but not less than sixty days before, a provisional agenda for each meeting shall be drawn up by the Secretary of the EU-Pacific Trade Committee on the basis of a proposal made by the Party hosting the meeting with at least fourteen calendar days of deadline for each of the other Parties to provide comments.
2. The agenda shall be adopted by the EU-Pacific Trade Committee at the beginning of each meeting. Items not appearing on the provisional agenda may be placed on the agenda by consensus.

Article 9

Invitation of experts

The co-chairs of the EU-Pacific Trade Committee, by mutual agreement, may invite experts (i.e. non-government officials) to attend the meetings of the EU-Pacific 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 10

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretary of the Party hosting the meeting, within thirty calendar days from the end of the meeting, unless otherwise decided by the co-chairs. The draft minutes shall be transmitted for comments to the Secretary of the other Party.
2. Where the present rules apply to the meeting 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 EU-Pacific Trade Committee;
 - (b) any statement that a member of the delegations participating in the EU-Pacific Trade Committee meeting has asked 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 EU-Pacific Trade Committee taken by written procedure pursuant to Article 11(2) since the last meeting of the Committee.
5. An Annex to the minutes shall also include a list of participants to the meeting of the EU-Pacific 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 sixty 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 signed by the Secretary and the European Union and the Pacific States shall each receive one original of the minutes.

7. The Secretary of the EU-Pacific Trade Committee shall also prepare joint conclusions and communiqués to be approved by the Parties at the end of the meeting.

Article 11

Decisions and recommendations

1. The EU-Pacific Trade Committee may adopt decisions and recommendations in respect of all matters where the Agreement so provides. The EU-Pacific Trade Committee shall adopt decisions and recommendations by consensus.
2. In the period between meetings, the EU-Pacific Trade Committee may adopt decisions or recommendations by written procedure if the Co-Chairs so agree. For that purpose, the text of the proposed decision or recommendation shall be presented in writing by one of the Co-chairs to the other Co-chair. The latter shall have two months, or any longer period of time determined in the proposal of the Co-chair, to express its agreement to the proposed decision or recommendation. If the other Party does not express its agreement, the proposed decision or recommendation shall be discussed and can be adopted at the next meeting of the 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 next meeting of the Committee pursuant to Article 10(4).
3. Where the EU-Pacific 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 EU-Pacific Trade Committee will 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.
4. Decisions and recommendations adopted by the EU-Pacific Trade Committee shall be authenticated by the Co-chairs.
5. The European Union and the Pacific States shall receive an original and authentic version of each decision and recommendation.

Article 12

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 EU-Pacific Trade Committee in its respective official publication.
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 meetings of the Committee take place. The joint conclusions and communiqués shall be made public following their approval in accordance with Article 10.

5. Publication of documents mentioned under paragraphs 2 to 4 shall be made in compliance with each Party's applicable data protection rules.

Article 13

Languages

1. The working languages of the EU-Pacific Trade Committee shall be English.
2. The EU-Pacific Trade Committee shall adopt decisions or recommendations concerning amendment or interpretation of the Agreement in the languages of the authentic texts of the Agreement. All other decisions or recommendations of the EU-Pacific Trade Committee, including the one through which the present rules of procedure are adopted, shall be adopted in the working language referred to in paragraph 1.
3. Each Party shall be responsible for the translation of decisions, recommendations and other documents into its own official languages, if required pursuant to this Article, and it shall meet expenditures associated with such translations.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the EU-Pacific Trade Committee, in particular with regard to staff, travel and subsistence expenditure and with regard to video or teleconferences, postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services to and from the working language of the EU-Pacific Trade Committee at meetings shall be borne by the Party hosting the meeting.

Article 15

Special Committees or bodies

1. Special Committees or bodies shall be set up and overseen in accordance with Article 68(4)(a) of the Agreement for the purpose of dealing with all matters delegated to them by the EU-Pacific Trade Committee.
2. The EU-Pacific Trade Committee shall be informed in writing of the contact points designated by special committees or other bodies set up under the Agreement. All relevant correspondences, documents and communications between the contact points of each special committee regarding the implementation of the Agreement shall be forwarded to the Secretariat of the EU-Pacific Trade Committee simultaneously.
3. The special committees and bodies shall report to the EU-Pacific Trade Committee on results, decisions or recommendations and conclusions from each of their meetings.

4. The present Rules of Procedure shall apply *mutatis mutandis* to the special committees and other bodies set up under the Agreement, unless otherwise decided by each special committee or body pursuant to the provisions of the Agreement.

Article 16

Amendments of the Rules of Procedure

These Rules of Procedure may be amended in writing by a decision of the EU-Pacific Trade Committee in accordance with Article 11.