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WTO 261  
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### LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: Draft DECISION 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 as regards the adoption of the Rules of Procedure of the Trade Committee and of the Special Committees

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DRAFT

**DECISION No .../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 Trade Committee  
and of the Special Committees**

THE TRADE COMMITTEE,

Having regard to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part<sup>1</sup>, (hereinafter referred to as the ‘Agreement’), signed in London on 30 July 2009, which establishes a framework for an Economic Partnership Agreement, and in particular Article 68 thereof,

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<sup>1</sup> OJ L 272, 16.10.2009, p. 2.

Whereas:

- (1) Article 68 of the Agreement establishes a Trade Committee (hereinafter referred to as the 'EU-Pacific Trade Committee') and provides that the EU-Pacific Trade Committee is to 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 ADOPTED THIS DECISION:

*Sole Article*

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*

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## 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 Trade 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 the '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 the '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 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 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 and by a senior official of the Pacific State. The Pacific States shall exercise this function by rotating in 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. That senior official is deemed to have the authorisation to represent 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 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. That 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, listing 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 by the Secretary as documents of the EU-Pacific Trade Committee.

*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. The Secretary of the EU-Pacific Trade Committee shall draw up, within a reasonable period of time in advance of a meeting, but in any case not less than 60 days before the meeting, a provisional agenda for each meeting on the basis of a proposal made by the Party hosting the meeting with a deadline of at least 14 calendar days 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 these Rules of Procedure 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 requested 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 in 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 60 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 Party 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 shall give any decision or recommendation a progressive serial number, the date of adoption and a description of its 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 EU-Pacific Trade Committee take place. The joint conclusions and communiqués shall be made public following their approval in accordance with Article 10.
5. Publication of documents provided for in paragraphs 2 to 4 shall be made in compliance with each Party's applicable data protection rules.

*Article 13*  
*Languages*

1. The working language of the EU-Pacific Trade Committee shall be English.
2. The EU-Pacific Trade Committee shall adopt decisions or recommendations concerning the 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 by which these 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 expenditure in connection with staff, travel and subsistence and with regard to expenditure in connection with video or teleconferences, postal and telecommunications.

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 correspondence, 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. These 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.

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