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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	31 October 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2019) 556 final - Annex
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Joint Implementation Committee established pursuant to Article 18 of the Voluntary Partnership agreement between the European Union and the Socialist Republic of Vietnam on forest law enforcement, governance and trade as regards the adoption of the Rules of Procedure of the Joint Implementation Committee

Delegations will find attached document COM(2019) 556 final - Annex.

Encl.: COM(2019) 556 final - Annex

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ANNEX

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to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Joint Implementation Committee established pursuant to Article 18 of the Voluntary Partnership agreement between the European Union and the Socialist Republic of Vietnam on forest law enforcement, governance and trade as regards the adoption of the Rules of Procedure of the Joint Implementation Committee

ANNEX

RULES OF PROCEDURE OF THE JOINT IMPLEMENTATION COMMITTEE

under the Voluntary Partnership agreement on Forest Law Enforcement, Governance and Trade between the Socialist Republic of Vietnam and the European Union (‘the Agreement’)

Article 1

Composition and Chair

1. The Joint Implementation Committee ('JIC') is composed as provided for in Article 18 of the Agreement.

2. The JIC shall be jointly chaired by the Head of the Delegation of the European Union to the Socialist Republic of Vietnam on behalf of the European Union and by the Vice Minister of the Ministry of Agriculture and Rural Development on behalf of the Socialist Republic of Vietnam ('the Parties').

Article 2

Representation

Either Party shall inform the other of the intended composition of its Delegation in advance of all JIC meetings.

Article 3

Observers and Experts

The Chairs of the JIC, in agreement with the Parties, may invite experts and observers to attend its meetings in order to provide information on specific subjects and as useful to inform implementation of the Agreement.

Article 4

Working Groups and Subsidiary Bodies

The Parties to the JIC may by mutual agreement establish working groups or other subsidiary bodies, including:

(i) Joint Expert Meetings to support the work of the JIC on a technical level and explore technical issues as deemed necessary

(ii) Any other bodies as it may be deemed appropriate by the JIC.

Article 5

Secretariat

An Official of the Delegation of the European Union to the Socialist Republic of Vietnam and an Official of the Administration of Forestry under the Ministry of Agriculture and Rural Development of the Socialist Republic of Vietnam shall jointly act as Secretariat of the JIC to provide administrative support to the JIC and the bodies it decides to establish.

Article 6

Correspondence

1. The representatives of the Parties responsible for official communications concerning implementation of the Agreement shall be the Head of the Delegation of the European Union to the Socialist Republic of Vietnam and the Vice Minister of the Ministry of Agriculture and

Rural Development of the Socialist Republic of Vietnam as set out in Article 20 of the Agreement.

2. All correspondence addressed to the JIC shall be directed to the Secretariat of the JIC.

3. The Secretariat shall ensure that correspondence addressed to the JIC is forwarded to the two Chairs of the JIC and, where appropriate, circulated as documents referred to in Article 9 of these Rules of Procedure to all other members of the JIC.

4. Correspondence from either of the Chairs of the JIC shall be sent to the recipients by the Secretariat and, where appropriate, circulated as documents referred to in Article 9 of these Rules of Procedure to all other members of the JIC.

Article 7

Meetings

1. The JIC shall meet at least twice a year in the first two years and once per year in following years, on a date and with an agenda, which are agreed in advance by the Parties.

2. Either party may request additional meetings whenever circumstances so require, if the Parties so agree. Such additional meetings can be held in person or by video conference if mutually agreed by the Parties.

3. The meetings of the JIC shall be convened by the Secretariat of the JIC.

Article 8

Agenda for the meetings

1. A provisional agenda for each JIC meeting shall be drafted by the Secretariat of the JIC on the basis of proposals made by the Parties. It shall be forwarded to the Chairs and members of the JIC no later than fifteen (15) working days before the beginning of the meeting.

2. Additions or changes to the agenda must be received by the Secretariat no later than ten (10) working days before the beginning of the meeting, although such items will not be included in the provisional agenda unless the relevant supporting documents have been received by the Secretariat no later than ten (10) working days before the meeting.

3. The agenda shall be adopted by the JIC at the beginning of each meeting. Any item other than those appearing on the provisional agenda may be placed on the agenda if the Parties mutually agree.

4. With the agreement of the Parties, the Secretariat may abridge the time limits specified in paragraph 1 in order to take account of the circumstances of a particular case.

Article 9

Documents

Either Party shall send all relevant documents to the Secretariat at least ten (10) working days prior to the next JIC meeting. When documents will not necessarily affect the deliberations of the JIC, documents can be sent at any time before the next JIC meeting.

Article 10

Decisions and recommendations

1. Where empowered under the Agreement, the JIC shall adopt decisions and recommendations by mutual agreement.

2. In the period between meetings, the JIC may adopt decisions or recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between the Parties. The Co-Chairs shall have the power to exchange such notes and to confirm the agreement on any decision, as necessary.

3. Decisions and recommendations of the JIC shall be entitled 'Decision' and 'Recommendation' respectively, and followed by a serial number, the date of their adoption and a description of their subject. Each decision shall provide for the date of its entry into force.

4. Decisions and recommendations adopted by the JIC shall be authenticated by the representative of the European Union in the Socialist Republic of Vietnam and the Ministry of Agriculture and Rural Development on behalf of the Socialist Republic of Vietnam.

5. Decisions and recommendations shall be forwarded to each of the co-chairs as referred to in Article 20 of the Agreement.

Article 11

Minutes of meeting

1. Both parties shall jointly prepare Minutes of meeting at the conclusion of each JIC meeting. The Minutes of meeting shall be signed and made public.

2. The Minutes of meeting shall include any statement or decision that either Party has requested to include.

3. The Minutes of meeting shall be in English and Vietnamese.

Article 12

Field Missions

If either Party requests to conduct a joint field mission related to the Agreement, both Parties shall mutually agree on the Terms of Reference and timing of the mission.

Article 13

Languages

1. The working language of the JIC shall be English and Vietnamese.

2. The JIC shall base its deliberations and adopt decisions and recommendations on documentation and proposals prepared in English and Vietnamese.

Article 14

Expenses

Each Party shall meet any expenses it incurs as a result of participating in the meetings of the JIC, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.