

## **CHAPTER 10**

### **INSTITUTIONAL PROVISIONS**

#### **Article 10.1: Establishment of the Joint Commission**

The Parties hereby establish the Joint Commission comprising representatives of each Party at the level of ministers or senior officials. Each Party shall be responsible for the composition of its delegation.

#### **Article 10.2: Functions of the Joint Commission**

1. The Joint Commission shall:
  - (a) consider any matter related to the implementation and operation of this Agreement;
  - (b) consider and recommend to the Parties, as appropriate, any proposals to amend this Agreement;
  - (c) review this Agreement in accordance with Article 13.4 (Final Provisions - Review). If, as a result of this review, the Joint Commission draws up a proposal for amendment, it shall be submitted by the Joint Commission to the Parties, who may consider this in order to amend the Agreement in accordance with Article 13.2 (Final Provisions - Amendments). In conducting this review, the Joint Commission may take into account:
    - (i) the work of all committees and subsidiary bodies established under this Agreement;
    - (ii) relevant developments in international fora; and
    - (iii) input from experts, as appropriate;
  - (d) adopt its own rules of procedure at its first meeting, or otherwise agreed by the Parties;
  - (e) establish the Rules of Procedure for Panels and the Code of Conduct for Panelists at the first Joint Commission's meeting, and, where appropriate, amend those Rules;
  - (f) supervise and coordinate the work of all committees and subsidiary bodies established under this Agreement; and
  - (g) carry out any other function relating to the areas covered by this Agreement as the Parties may agree.

2. The Joint Commission may:
- (a) refer matters to, or consider matters referred to it by, committees and subsidiary bodies established under this Agreement;
  - (b) consider and adopt, subject to completion of any necessary legal procedures by each Party, a modification to this Agreement of:
    - (i) the Schedules to Annex 2-A (Schedules of Tariff Commitments) of Chapter 2 (National Treatment and Market Access for Goods), by accelerating tariff elimination; or
    - (ii) the rules of origin established in Annex 3-B (Product Specific Rules of Origin) of Chapter 3 (Rules of Origin);
  - (c) seek to resolve differences that may arise regarding the interpretation or application of this Agreement without prejudice to the dispute settlement mechanism in accordance with Chapter 11 (Dispute Settlement);
  - (d) issue interpretations of this Agreement, which shall be binding on the panels referred to under Article 11.12.3 (Dispute Settlement - Initial and Final Panel Report) and Article 11.18.2 (Dispute Settlement - Rules of Interpretation);
  - (e) seek expert advice on any matter falling within the functions of the Joint Commission;
  - (f) establish, merge or dissolve any committees, sub-committees, working groups or other subsidiary bodies in order to improve the functioning of this Agreement; and
  - (g) consider ways to further enhance trade between the Parties.

### **Article 10.3: Committees**

1. The following Committees are established under this Agreement:
- (a) Committee on National Treatment and Market Access for Goods, in accordance with Article 2.13 (National Treatment and Market Access for Goods - Committee on National Treatment and Market Access for Goods);
  - (b) Committee on Rules of Origin, in accordance with Article 3.27 (Rules of Origin - Committee on Rules of Origin);
  - (c) Committee on Technical Barriers to Trade, in accordance with Article 5.11 (Technical Barriers to Trade - Committee on Technical Barriers to Trade);
  - (d) Committee on Sanitary and Phytosanitary Measures, in accordance with Article 6.14

(Sanitary and Phytosanitary Measures - Committee on Sanitary and Phytosanitary Measures); and

- (e) Committee on Cooperation, in accordance with Article 8.8 (Cooperation - Committee on Cooperation).

2. Unless otherwise provided in this Agreement, any committee or subsidiary body shall:

- (a) be composed of representatives of the Parties;
- (b) be chaired jointly by the Parties;
- (c) by agreement of the Parties, take decisions on any matter within its functions; and
- (d) meet annually or as determined by the Parties. Meetings may be conducted in person or by any other means of communication as determined by the Parties.

3. The committees or subsidiary bodies shall inform the Joint Commission of their schedule and agenda sufficiently in advance of their meetings. They shall report to the Joint Commission on their activities at each regular meeting of the Joint Commission. The creation or existence of a committee or subsidiary bodies shall not prevent either Party from bringing any matter directly to the Joint Commission.

4. The Joint Commission may decide to change or undertake the task assigned to a committee or subsidiary bodies.

#### **Article 10.4: Procedures and Meetings of the Joint Commission**

1. The Joint Commission shall take decisions on any matter within its functions by mutual agreement. The decisions taken shall be binding upon the Parties, subject to their respective applicable legal requirements and procedures.

2. The Joint Commission shall meet within one year from the entry into force of this Agreement. Thereafter, the Joint Commission shall meet on an annual basis, alternately in Indonesia or Peru, unless otherwise agreed. The Party chairing a session of the Joint Commission shall provide any necessary administrative support for such session.

3. The Joint Commission may meet in person or by other appropriate means of communication, as agreed by the Parties.

4. Either Party may request at any time, special sessions to be held in the territory of the other Party or at such locations as the Parties may agree.

5. The Parties may invite, by agreement and according to their legislation regarding to confidentiality, representatives of other relevant entities, including from the private sector, with

necessary expertise relevant to the issues to be discussed, to attend meetings of the Joint Commission.

#### **Article 10.5: Contact Points**

1. Unless otherwise provided in any other Chapter, in order to facilitate communications between the Parties on any trade matter covered by this Agreement, the Parties hereby establish the following contact points:

- (a) for Indonesia, the Ministry of Trade; and
- (b) for Peru, the Ministry of Foreign Trade and Tourism (*Ministerio de Comercio Exterior y Turismo – MINCETUR*);

or their successors.

2. On request of either Party, the contact point of the other Party shall indicate the office or official responsible for any matter relating to the implementation of this Agreement, and provide the required support to facilitate communications with the requesting Party. Each Party shall notify the other Party of any change in its contact point in due time.