

## CHAPTER 22

### ADMINISTRATION OF THE AGREEMENT

#### **Article 22.1: Free Trade Commission**

All Parties to the Pacific Alliance and Singapore hereby establish the Free Trade Commission. The Free Trade Commission shall be composed of government representatives of each Party to the Pacific Alliance and Singapore at the level of Ministers or senior officials. The Free Trade Commission shall be chaired by each Party to the Pacific Alliance or Singapore for a period of one year, on a rotational basis.

#### **Article 22.2: Rules of Procedure of the Free Trade Commission**

1. The Free Trade Commission shall hold its first meeting within one year of the date of entry into force of this Agreement and thereafter as all Parties to the Pacific Alliance and Singapore may decide. The Free Trade Commission meetings may be held in person or through any technological means as mutually agreed by all Parties to the Pacific Alliance and Singapore. Such meetings shall be chaired by the Party chairing the Free Trade Commission.
2. The Free Trade Commission shall establish its own rules and procedures at its first meeting.
3. The Free Trade Commission shall adopt its decisions and recommendations by consensus.
4. The Free Trade Commission shall hold meetings with all Parties to the Pacific Alliance and Singapore present.
5. The Party chairing a meeting of the Free Trade Commission shall provide any necessary administrative support for such meeting.
6. The Free Trade Commission may hold meetings bilaterally or plurilaterally between Singapore and one or more Parties to the Pacific Alliance to discuss any matter exclusively relating to them,<sup>1</sup> provided that they give prior written notice to the other Parties to the Pacific Alliance. The written notice shall include a description of the matter exclusively relating to them.
7. If any other Party to the Pacific Alliance gives written notice to the Parties who hold meetings pursuant paragraph 6 expressing interest in the matter to be discussed at a meeting, together with the details of such interest, within five days of the date of receipt of the written notice mentioned in paragraph 6, that Party to the Pacific Alliance may attend the meeting as an observer and shall have no right of decision making in respect of the said matter.

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<sup>1</sup> For greater certainty, only government representatives from Singapore and one or more Parties to the Pacific Alliance to which the matter exclusively relates may attend the meetings mentioned in this paragraph, subject to paragraph 7 of this Article.

### **Article 22.3: Functions of the Free Trade Commission**

1. The Free Trade Commission shall:
  - (a) consider any matters relating to the implementation and operation of this Agreement;
  - (b) review the general functioning of this Agreement;
  - (c) consider ways to further enhance trade and investment between Singapore and each Party to the Pacific Alliance;
  - (d) establish the Rules of Procedure referred to in Article 23.15 (Rules of Procedure of the Panel), the Code of Conduct referred to in Article 8.24 (Selection of Arbitrators) and the Code of Conduct referred to in Article 23.12 (Requirements of the Panellist), and, when appropriate, amend them;
  - (e) supervise the work of the three Cross-Cutting Committees established under Article 22.5 and the work of any Cross-Cutting Committee established under Article 22.3.2(b);
  - (f) consider any other matter of interest relating to an area covered by this Agreement; and
  - (g) establish accession process referred in Article 25.7 (Accession).
  
2. The Free Trade Commission may<sup>2</sup>:
  - (a) consider and adopt, subject to completion of any necessary legal procedures by Singapore and each Party to the Pacific Alliance, a modification to this Agreement of:
    - (i) the Schedules to Annex 3-B (Elimination of Customs Duties), by accelerating tariff elimination;
    - (ii) the rules of origin established in Annex 4-A (Product Specific Rules of Origin);
    - (iii) the lists of entities, covered goods and services, and thresholds contained in each Party's Schedule to Annex 14-A to Chapter 14 (Government Procurement); or
    - (iv) the implementation annexes referred to in the Article 7.11 (Implementation Annexes);

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<sup>2</sup> Chile shall implement the decisions of the Free Trade Commission referred to in Article 22.3.2 through executive agreements in accordance with Chilean law.

- (b) establish, refer matters to, consider matters raised by, or allocate responsibilities or functions to a Cross-Cutting Committee;
- (c) merge or dissolve any Cross-Cutting Committees, working groups, or other subsidiary bodies established under this Agreement in order to improve the functioning of this Agreement;
- (d) develop arrangements for implementing this Agreement;
- (e) without prejudice to Chapter 23 (Dispute Settlement), seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
- (f) issue interpretations of the provisions of this Agreement, which shall be binding on the panels or arbitral tribunals referred to under Chapter 8 (Investment) and Chapter 23 (Dispute Settlement);
- (g) seek the advice of non-governmental persons or groups that the Free Trade Commission considers appropriate; and
- (h) take any other action as all Parties to the Pacific Alliance and Singapore may agree.

#### **Article 22.4: Contact Points**

1. A Party shall designate an overall contact point and notify each Party in writing, no later than 60 days after the entry into force of this Agreement for that Party, to facilitate communications between Singapore and all Parties to the Pacific Alliance on any matter covered by this Agreement, as well as other contact points as required by this Agreement.

2. On the request of Singapore or a Party to the Pacific Alliance, the contact point of Singapore or a Party to the Pacific Alliance, as the case may be, shall identify the office or the official responsible for a matter and assist, as necessary, in facilitating communication between the requesting Party and the identified office or official.

#### **Article 22.5: Establishment of Cross-Cutting Committees**

All Parties to the Pacific Alliance and Singapore hereby establish the following cross-cutting committees:

- (a) Trade in Goods Committee to consider any matter arising under Chapter 3 (National Treatment and Market Access for Goods), Chapter 4 (Rules of Origin and Origin Procedures), Chapter 5 (Customs Administration and Trade Facilitation), Chapter 6 (Sanitary and Phytosanitary Measures), and Chapter 7 (Technical Barriers to Trade);

- (b) Services, Investment and E-Commerce Committee to consider any matter arising under Chapter 8 (Investment), Chapter 9 (Cross-Border Trade in Services), Chapter 10 (International Maritime Transport Services), Chapter 11 (Temporary Entry for Business Persons), Chapter 12 (Telecommunications), and Chapter 13 (Electronic Commerce); and
- (c) Other Issues Committee to consider any matter arising under Chapter 14 (Government Procurement), Chapter 16 (State-Owned Enterprises), Chapter 17 (Trade and Gender), Chapter 18 (Economic and Trade Cooperation), and Chapter 19 (Small and Medium-Sized Enterprises).

### **Article 22.6 General Provisions of Cross-Cutting Committees**

1. Each Committee established under Article 22.5 shall meet within one year of the date of entry into force of this Agreement, and thereafter as agreed by all the Parties to the Pacific Alliance and Singapore or upon request of the Free Trade Commission. The Committees shall meet in person or through any technological means as agreed by them.
2. Each Committee shall be composed of government representatives of Singapore and each Party to the Pacific Alliance who have expertise relevant to the matters under discussion.
3. The functions of each Committee shall be to:
  - (a) monitor the implementation and administration of the Chapters listed for its consideration in Article 22.5;
  - (b) report on its activities and findings, and make recommendations, as required, to the Free Trade Commission;
  - (c) at Singapore or any Party to the Pacific Alliance's request, enquire about any matter arising under the Chapters referred to in Article 22.5;
  - (d) establish and review its work programmes; and
  - (e) consider any other matter as all Parties to the Pacific Alliance and Singapore may agree or as provided for in the relevant Chapters.
4. A Committee may hold meetings bilaterally or plurilaterally between Singapore and one or more Parties to the Pacific Alliance to discuss any matter exclusively relating to them,<sup>3</sup> provided that they give prior written notice to the other Parties to the Pacific Alliance. The written notice shall include a description of the matter exclusively relating to them.

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<sup>3</sup> For greater certainty, only government representatives from Singapore and one or more Parties to the Pacific Alliance to which the matter exclusively relates may attend the meetings mentioned in this paragraph, subject to paragraph 5 of this Article.

5. If any other Party to the Pacific Alliance gives written notice to the Parties who will hold meetings pursuant paragraph 4 expressing interest in the matter to be discussed at that meeting, together with the details of such interest, within five days of the date of receipt of the written notice mentioned in paragraph 4, that Party may attend the meeting as an observer and shall have no right of decision making in respect of the said matter.
6. Recommendations of a Committee shall be made by consensus.
7. Each Committee may work with, refer matters to, or consider matters raised by another Committee to achieve its objectives.