

## **CHAPTER 17**

### **ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS**

#### **Section A: Joint Commission**

##### **Article 17.1: Establishment of the Joint Commission**

The Parties hereby establish the Hong Kong, China – Peru Joint Commission (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 17.2: Functions of the Joint Commission**

1. The Joint Commission shall:
  - (a) review and consider any matter relating to the application or implementation of this Agreement;
  - (b) recommend to the Parties, as appropriate, any proposal to amend this Agreement;
  - (c) consider issues referred to it by either Party or by any committee or working group established under this Agreement;
  - (d) supervise the work of any committee or working group established under this Agreement;
  - (e) consider any other matter that may affect the operation of this Agreement; and
  - (f) adopt the Rules of Procedure referred to in Article 18.12 (Rules of Procedure for Panels) of Chapter 18 (Dispute Settlement) and, where appropriate, amend those Rules.
2. The Joint Commission may:
  - (a) establish, merge or dissolve any committees and working groups, and refer matters for advice or assign tasks to any committee or working group;
  - (b) further the implementation of the objectives of this Agreement through implementing arrangements;
  - (c) consider and adopt, subject to completion of necessary internal legal

procedures by each Party, modifications to this Agreement concerning the rules of origin set out in Annex 3-B (Product-Specific Rules of Origin) of Chapter 3 (Rules of Origin and Origin Procedures), proposed by the Trade in Goods Committee pursuant to Article 17.5.3(c);

- (d) consider and adopt, subject to completion of necessary internal legal procedures by each Party, modifications to this Agreement concerning the acceleration of the reduction or elimination of a customs duty set out in their tariff schedules in Annex 2-B (Schedules of Tariff Commitments) of Chapter 2 (Trade in Goods), proposed by the Trade in Goods Committee pursuant to Article 17.5.3(d);
- (e) seek to resolve any difference or dispute that may arise regarding the interpretation, implementation or application of this Agreement;
- (f) seek the advice of non-governmental persons or groups on any matter falling within the Joint Commission's functions;
- (g) issue interpretations of this Agreement, which shall be binding on the panels referred to under Chapter 18 (Dispute Settlement);
- (h) consider ways to further enhance trade and investment between the Parties; and
- (i) carry out any other function, or take any other action, as the Parties may agree.

### **Article 17.3: Meetings of the Joint Commission**

1. Unless the Parties otherwise agree, the Joint Commission shall hold its first meeting within two years of the date of entry into force of this Agreement. Its subsequent meetings shall be held every two years thereafter, or as otherwise mutually determined by the Parties. A Party may request at any time, through a notice in writing to the other Party, that a special meeting of the Joint Commission be held. Such a special meeting shall take place within 60 days of the date of receipt of the request, unless the Parties otherwise agree.

2. The meetings of the Joint Commission shall be held alternately in the Area of each Party or as otherwise mutually determined by the Parties, and shall be chaired by the hosting Party. The meetings may be held by any technological means as mutually determined by the Parties. The Party chairing a meeting of the Joint Commission shall provide any necessary administrative support for the meeting, and shall record any decision taken by the Joint Commission and provide copies of any such decision to the other Party.

3. The Joint Commission shall take decisions on any matter within its functions by

agreement.

4. The Joint Commission may establish rules of procedures for the conduct of its work.

#### **Article 17.4: General Review**

The Joint Commission shall undertake a general review, including matters relating to the implementation or operation of this Agreement, within three years of the date of entry into force of this Agreement and every five years thereafter, or as otherwise mutually determined by the Parties.

### **Section B: Trade in Goods Committee**

#### **Article 17.5: Trade in Goods Committee**

1. The Parties hereby establish the Trade in Goods Committee (TIG Committee), comprising government representatives of each Party.

2. The TIG Committee shall meet on agreement of the Parties or on request of the Joint Commission to consider any matter arising under Chapter 2 (Trade in Goods), Chapter 3 (Rules of Origin and Origin Procedures) and Chapter 4 (Customs Procedures and Trade Facilitation).

3. The functions of the TIG Committee shall include:

- (a) reviewing the future amendments to the HS to ensure that the obligations of each Party under this Agreement are not altered, and consulting to resolve any conflicts between:
  - (i) subsequent amendments to HS nomenclature, amended as at January 1, 2022, and Annex 2-B (Schedules of Tariff Commitments) of Chapter 2 (Trade in Goods); or
  - (ii) Annex 2-B (Schedules of Tariff Commitments) of Chapter 2 (Trade in Goods) and the Party's HS nomenclatures;
- (b) consulting on and seeking to resolve any difference between the Parties on tariff classification and, if the TIG Committee fails to resolve such difference, referring the matter to the Joint Commission for consideration;
- (c) proposing modifications to Annex 3-B (Product-Specific Rules of Origin) of Chapter 3 (Rules of Origin and Origin Procedures), for consideration and adoption by the Joint Commission, on the basis of the World Customs

Organization's periodic transpositions of the HS; and

- (d) proposing modifications concerning the acceleration of the reduction or elimination of a customs duty set out in the tariff schedules of the Parties in Annex 2-B (Schedules of Tariff Commitments) of Chapter 2 (Trade in Goods), for consideration and adoption by the Joint Commission.

### **Section C: Contact Points**

#### **Article 17.6: Contact Points**

For the purpose of facilitating communication between the Parties on any matter covered by this Agreement, the following contact points are designated:

- (a) for Hong Kong, China: the Trade and Industry Department, or its successor; and
- (b) for Peru: the Ministry of Foreign Trade and Tourism (Ministerio de Comercio Exterior y Turismo - MINCETUR), or its successor.