

## CHAPTER 30

### ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

#### Article 30.1: Establishment of the Free Trade Commission

The Parties hereby establish a Free Trade Commission (Commission), composed of government representatives of each Party at the level of Ministers or their designees.

#### Article 30.2: Functions of the Commission

1. The Commission shall:
  - (a) consider matters relating to the implementation or operation of this Agreement;
  - (b) consider proposals to amend or modify this Agreement;
  - (c) supervise the work of committees, working groups, and other subsidiary bodies established under this Agreement;
  - (d) consider ways to further enhance trade and investment between the Parties;
  - (e) adopt and update the Rules of Procedure and Code of Conduct applicable to dispute settlement proceedings; and
  - (f) review the roster established under Article 31.8 (Roster and Qualifications of Panelists) every three years and, when appropriate, constitute a new roster.
2. The Commission may:
  - (a) establish, refer matters to, or consider matters raised by, an *ad hoc* or standing committee, working group, or other subsidiary body;
  - (b) merge or dissolve a committee, working group, or other subsidiary body established under this Agreement in order to improve the functioning of this Agreement;
  - (c) consider and adopt, subject to completion of applicable legal procedures by each Party, a modification to this Agreement of:
    - (i) the Schedules to Annex 2-B (Tariff Commitments), by accelerating tariff elimination or improving market access conditions,

- (ii) the adjustments to the Tariff Preferential Levels established in Chapter 6 (Textile and Apparel Goods),
- (iii) the rules of origin established in Annex 4-B (Product-Specific Rules of Origin),
- (iv) the minimum data requirements for the certification of origin,
- (v) any provision as may be required to conform with any change to the Harmonized System, or
- (vi) the lists of entities, covered goods and services, and thresholds contained in the Schedules to Chapter 13 (Government Procurement);
- (d) develop arrangements for implementing this Agreement;
- (e) 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;<sup>1</sup>
- (g) seek the advice of non-governmental persons or groups;
- (h) modify any Uniform Regulations agreed jointly by the Parties under Article 5.16 (Uniform Regulations), subject to completion of applicable legal procedures by each Party; and
- (i) take any other action as the Parties may decide.

3. For the purposes of an action with respect to a provision that applies only as between two Parties, including the interpretation, amendment, or modification of that provision, the Commission shall be composed of, and decisions taken by, the Commission representatives of those Parties.

### **Article 30.3: Decision-Making**

The Commission and subsidiary bodies established under this Agreement shall take decisions by consensus, except as otherwise provided in this Agreement, as otherwise decided by the Parties, or as provided for in Article 30.2.3 (Functions of the Commission). Unless otherwise provided in this Agreement, the Commission or a subsidiary body shall be deemed to have taken

---

<sup>1</sup> For greater certainty, interpretations issued by the Commission are binding for tribunals and panels established under Chapter 14 (Investment) and Chapter 31 (Dispute Settlement).

a decision by consensus if all Parties are present at a meeting when a decision is taken and no Party present at the meeting when a decision is taken objects to the proposed decision.

#### **Article 30.4: Rules of Procedure of the Commission and Subsidiary Bodies**

1. The Commission shall meet within one year of the date of entry into force of this Agreement and thereafter as the Parties may decide, including as necessary to fulfil its functions under Article 30.2 (Functions of the Commission). Meetings of the Commission shall be chaired successively by each Party.
2. The Party chairing a meeting of the Commission shall provide any necessary administrative support for the meeting.
3. Unless otherwise provided in this Agreement, the Commission and a subsidiary body established under this Agreement shall carry out its work through whatever means are appropriate, which may include electronic mail or videoconferencing.
4. The Commission and a subsidiary body established under this Agreement may establish rules of procedures for the conduct of its work.

#### **Article 30.5: Agreement Coordinator and Contact Points**

1. Each Party shall designate an Agreement Coordinator to facilitate communications between the Parties on any matter covered by this Agreement, as well as other contact points as required by this Agreement.
2. Unless otherwise provided in this Agreement, each Party shall notify the other Parties in writing of its Agreement Coordinator and any other contact point provided for in this Agreement no later than 60 days after the date of entry into force of this Agreement.
3. Each Party shall promptly notify the other Parties, in writing, of any changes to its Agreement Coordinator or any other contact point.
4. On the request of another Party, the Agreement Coordinator shall identify the office or official responsible for a matter and assist, as necessary, in facilitating communication with the requesting Party.

#### **Article 30.6: The Secretariat**

1. The Commission shall establish and oversee a Secretariat comprising national Sections.

2. Each Party shall:
  - (a) establish and maintain a permanent office of its Section and be responsible for its operation and costs;
  - (b) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and
  - (c) notify the other Parties of the contact information for its Section's office.
3. The Secretariat shall:
  - (a) provide assistance to the Commission;
  - (b) provide administrative assistance to:
    - (i) panels and committees established under Section D of Chapter 10 (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), and
    - (ii) panels established under Chapter 31 (Dispute Settlement), including under Annex 31-A (United States-Mexico Facility-Specific Rapid Response Labor Mechanism) and Annex 31-B (Canada-Mexico Facility-Specific Rapid Response Labor Mechanism);
  - (c) be responsible for the payment of remuneration to and expenses of panels and committees established under Section D of Chapter 10 (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters) and panelists, assistants, and experts involved in dispute settlement proceedings under Chapter 31 (Dispute Settlement), including under Annex 31-A (Facility-Specific Rapid Response Labor Mechanism) and Annex 31-B (Canada-Mexico Facility-Specific Rapid Response Labor Mechanism); and
  - (d) as the Commission may direct:
    - (i) support the work of other committees and groups established under this Agreement, and
    - (ii) otherwise facilitate the operation of this Agreement.