

## **CHAPTER 15 INSTITUTIONAL PROVISIONS**

### **Article 15.1 Joint Committee**

1. A Joint Committee shall be established under this Agreement which may meet at the level of Ministers or senior officials, as mutually determined by the Parties. The Joint Committee shall be co-chaired by senior government officials of the Parties, unless the Parties agree to convene the meeting at ministerial level. Each Party shall be responsible for the composition of its delegation.
2. The functions of the Joint Committee shall be to:
  - (a) review the implementation and operation of this Agreement;
  - (b) consider any matters relating to the implementation of this Agreement;
  - (c) supervise and coordinate the work of all Sub-Committees established under this Agreement;
  - (d) adopt any decisions and recommendations of the Sub-Committees if necessary; and
  - (e) carry out any other functions as the Parties may agree.
3. The Joint Committee may:
  - (a) refer matters to a Sub-Committee for advice, and consider matters raised by any Sub-Committee established under this Agreement;
  - (b) establish *ad hoc* Working Groups to address specific issues where these are not more appropriately dealt with by an existing Sub-Committee;
  - (c) further the implementation of the Agreement's objectives through implementing arrangements;
  - (d) explore measures for the further expansion of trade and investment among the Parties and identify appropriate areas of commercial, industrial and technical cooperation between relevant enterprises and organisations of the Parties;
  - (e) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement including matters referred to it pursuant to Chapter 14 (Dispute Settlement Mechanism); and

- (f) consult third parties on any matter falling within the responsibilities of the Joint Committee where this would help the Joint Committee make an informed decision.

4. The Joint Committee may establish its rules and procedures and financial arrangements, if necessary.

5. The Joint Committee shall convene its inaugural meeting within one year after this Agreement enters into force. Its subsequent meetings shall be held at such frequency as the Parties may agree upon. Upon request by a Party, special meetings of the Joint Committee may be convened at a mutually convenient date. The Joint Committee shall convene alternately in Malaysia and India, unless the Parties agree otherwise.

### **Article 15.2 Sub-Committees**

1. The following Sub-Committees shall be established on the date of entry into force of this Agreement:

- (a) Sub-Committee on Trade in Goods;
- (b) Sub-Committee on Customs Cooperation;
- (c) Sub-Committee on Sanitary and Phytosanitary Measures;
- (d) Sub-Committee on Technical Barriers to Trade;
- (e) Sub-Committee on Trade in Services;
- (f) Sub-Committee on Investment; and
- (g) Sub-Committee on Economic Cooperation.

2. The Sub-Committee on Trade in Goods shall undertake the following functions:

- (a) review the implementation and operation of the Chapters 2 (Trade in Goods) and 3 (Rules of Origin);
- (b) submit a report to the Parties on the implementation and operation of the Chapters 2 (Trade in Goods) and 3 (Rules of Origin);
- (c) consider and recommend to the Parties any amendments to the Chapters 2 (Trade in Goods) and 3 (Rules of Origin);
- (d) supervise and coordinate the work of all Sub-Committees established under the Chapters 2 (Trade in Goods) and 3 (Rules of Origin); and
- (e) carry out other functions as may be agreed to by the Parties.

3. The Sub-Committee on Customs Cooperation shall:
  - (a) comprise representatives of customs and other competent authorities from each Party and shall draw up its own rules of procedure at its first meeting. The Sub-Committee may, by mutual consent of the Parties, invite representatives of relevant entities other than the Parties with the necessary expertise relevant to the issues to be discussed;
  - (b) undertake the following functions:
    - (i) the uniform interpretation, application and administration of Chapter 4 (Customs Cooperation);
    - (ii) reviewing the implementation and operation of Chapter 4 (Customs Cooperation);
    - (iii) identifying areas, relating to Chapter 4 (Customs Cooperation), to be improved for facilitating trade between the Parties;
    - (iv) reporting the findings of the customs authorities of both the Parties to the Joint Committee formed for coordination purposes in this Agreement; and
    - (v) considering any other customs matter referred to it by the customs authorities of both the Parties or by the Joint Committee formed for coordination purposes in this Agreement.
  - (c) hold its first meeting within a period of one year from the date of entry of the Agreement and shall meet thereafter once a year or as often as required, alternating between the Parties.
4. The Sub-Committee on Sanitary and Phytosanitary Measures shall undertake the following functions:
  - (a) review and monitor the implementation of Chapter 6 (Sanitary and Phytosanitary Measures) and consider any matter incidental thereto;
  - (b) design, implement and review technical and institutional cooperation programs to further the objectives of Chapter 6 (Sanitary and Phytosanitary Measures);
  - (c) enhance mutual understanding of each Party's SPS measures and the regulatory processes that relate to those measures;
  - (d) address bilateral SPS matters with a view to facilitate trade between the Parties;
  - (e) establish definitions for those terms that are not available in the SPS Agreement;

- (f) develop conditions and provisions for approval of establishments; and
- (g) carry out other functions as may be agreed to by the Parties.

5. The Sub-Committee on Technical Barriers to Trade shall undertake the following functions:

- (a) exchange information on and discuss issues related to Chapter 7 (Technical Barriers to Trade);
- (b) review and monitor the implementation and operation of Chapter 7 (Technical Barriers to Trade);
- (c) establish definitions for those terms that are not available in the TBT Agreement;
- (d) strengthen cooperation at relevant international and regional fora on standards, technical regulations and conformity assessment procedures;
- (e) encourage, promote and otherwise facilitate cooperation between the public and private organizations on standards, technical regulations and conformity assessment procedures;
- (f) report the findings and the outcome of discussions to the Joint Committee; and
- (g) carry out other functions as may be agreed to by the Parties.

6. The Sub-Committee on Trade in Services shall undertake the following functions:

- (a) review the implementation and operation of the Chapters 8 (Trade in Services) and 9 (Movement of Natural Persons);
- (b) submit a report to the Joint Committee on the implementation and operation of Chapters 8 (Trade in Services) and 9 (Movement of Natural Persons)
- (c) consider and recommend to the Joint Committee any amendments to the Chapters 8 (Trade in Services) and 9 (Movement of Natural Persons) and modification or review of the Schedules of Specific Commitments;
- (d) exchanging information on domestic laws and regulations; and
- (e) carry out other functions as may be agreed to by the Parties.

7. The Sub-Committee on Investment shall undertake the following functions:

- (a) exchange information on and discuss issues related to Chapter 10 (Investment);
- (b) review and monitor the implementation and operation of Chapter 10 (Investment);
- (c) oversee the negotiations referred to in Article 10.17 (Work Programme);
- (d) report the findings and the outcome of discussions to the Joint Committee; and
- (e) carry out other functions as may be agreed to by the Parties.

8. The Sub-Committee on Economic Cooperation shall undertake the following functions:

- (a) establish an agreed work programme of cooperative activities;
- (b) exchange information in the field of cooperation;
- (c) identify new areas of cooperation and new ways to further cooperation between the Parties;
- (d) serve as a channel for dialogue on matters of mutual interest;
- (e) oversee the implementation and coordination of the economic cooperation framework and activities as agreed by the Parties; and
- (f) report the findings and the outcome of discussions to the Joint Committee; and
- (g) carry out other functions as may be agreed to by the Parties.

9. The Sub-Committees shall be co-chaired by officials of the Governments of the Parties and shall have the necessary and relevant expertise related to the issues, and decisions shall be taken by consensus between the Parties. The Sub-Committees shall meet at such venues and times as may be agreed by the Parties.

10. To the extent possible, the work of the Sub-Committees shall be conducted using electronic means, including e-mail, teleconference and video-conference. Where a physical meeting is required, it shall, unless otherwise agreed by the Parties, take place contiguous to a meeting of the Joint Committee.

### **Article 15.3**

#### **Contact Points and Exchange of Information**

1. Each Party shall designate contact points to facilitate communication on work undertaken by the Sub-Committees.

2. Each Party shall provide to the other Party the names of the designated contact points, contact details of the contact points including telephone, facsimile, email and any other relevant details. Each Party shall notify the other Party promptly of any change of their contact points or any amendments to the contact details.

3. The contact points shall work with their respective government agencies, private sector representatives and educational and research institutions in the operation of this Agreement.

4. The contact points shall ensure communication and exchange of information to facilitate better implementation of this Agreement.

#### **Article 15.4 Nodal Points**

The overall coordination for this Agreement shall be undertaken by the following nodal points:

- (a) in the case of Malaysia, the Ministry of International Trade and Industry; and
- (b) in the case of India, the Ministry of Commerce and Industry.