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CHAPTER 27

ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

Article 27.1: Establishment of the Trans-Pacific Partnership Commission

The Parties hereby establish a Trans-Pacific Partnership Commission (Commission) which shall meet at the level of Ministers or senior officials, as mutually determined by the Parties. Each Party shall be responsible for the composition of its delegation.

Article 27.2: Functions of the Commission

1. The Commission shall:
 - (a) consider any matter relating to the implementation or operation of this Agreement;
 - (b) review within 3 years of entry into force of this Agreement and at least every 5 years thereafter the economic relationship and partnership among the Parties;
 - (c) consider any proposal to amend or modify this Agreement;
 - (d) supervise the work of all committees and working groups established under this Agreement;
 - (e) establish the Model Rules of Procedure for Arbitral Tribunals referred to in Article 28.11.2 and Article 28.12, and, where appropriate, amend such Model Rules of Procedure for Arbitral Tribunals;
 - (f) consider ways to further enhance trade and investment between the Parties;
 - (g) review the roster of panel chairs established under Article 28.10 every 3 years, and when appropriate, constitute a new roster; and
 - (h) determine whether the Agreement may enter into force for an original signatory notifying pursuant to paragraph 4 of Article 30.5.1 (Entry into Force).
2. The Commission may:
 - (a) establish, refer matters to, or consider matters raised by, any *ad hoc* or standing committee or working group;

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- (b) merge or dissolve any subsidiary bodies established under this Agreement in order to improve the functioning of this Agreement;
- (c) consider and adopt, subject to completion of any necessary legal procedures by each Party, any modifications of¹:
 - (i) the Schedules contained in Annex 2-D (Tariff Elimination), by accelerating tariff elimination;
 - (ii) the rules of origin established in Annex 3-D (Specific Rules of Origin); or
 - (iii) the lists of entities and covered goods and services and thresholds contained in each Party's Annex to Chapter 15 (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 the Agreement;
- (g) seek the advice of non-governmental persons or groups on any matter falling within the Commission's functions; and
- (h) take such other action as the Parties may agree.

3. Pursuant to paragraph 1(b), the Commission shall review the operation of this Agreement with a view to updating and enhancing this Agreement, through negotiations, as appropriate, to ensure that the disciplines contained in the Agreement remain relevant to the trade and investment issues and challenges confronting the Parties.

4. In conducting a review pursuant to paragraph 3, the Commission shall take into account:

- (a) the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
- (b) relevant developments in international fora; and
- (c) as appropriate, input from non-governmental persons or groups of the Parties.

¹ Chile shall implement the actions of the Commission through *Acuerdos de Ejecución*, in accordance with article 54, numeral 1, fourth paragraph, of the *Constitución Política de la República de Chile*.

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Article 27.3: Decision-Making

1. The Commission and all subsidiary bodies established under this Agreement shall take all decisions by consensus, except as otherwise provided in this Agreement, or as the Parties decide otherwise.² Except as otherwise provided in this Agreement, the Commission or subsidiary body shall be deemed to have acted by consensus if no Party present at any meeting when a decision is taken objects to the proposed decision.

2. For the purposes of subparagraph (f) of Article 27.2.2 (Functions of the Commission), a decision of the Commission shall be taken by agreement of all Parties. A decision shall be deemed to be reached if a Party which does not indicate agreement when the Commission considers the issue does not object in writing to the interpretation considered by the Commission within 5 days of that consideration.

Article 27.4: Rules of Procedure of the Commission

1. The Commission shall meet within one year of entry into force of this Agreement and thereafter as the Parties may decide, including as necessary to fulfil its functions under Article 27.2. Meetings of the Commission shall be chaired successively by each Party.

2. The Party chairing a session of the Commission shall provide any necessary administrative support for such session, and shall notify the Parties of any decision of the Commission.

3. Except as otherwise provided for in this Agreement, the Commission and any subsidiary body established under this Agreement shall carry out its work through whatever means are appropriate, which may include electronic mail, videoconferencing or other means.

4. The Commission and any subsidiary body established under this Agreement may establish rules of procedures for the conduct of its work.

Article 27.5: Contact Points

1. Each Party shall designate an overall contact point 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. Each Party shall notify the other Parties in writing of its designated contact points no later than 60 days from the date of entry into force of this Agreement for that Party. Each Party shall notify its contact points to any Party for which this Agreement enters into force at a later date, no later than 30 days from the date on which the other Party has notified its contact points.

² For greater certainty, any such decision on alternative decision-making by Parties shall itself be taken by consensus.

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Article 27.6: Administration of Dispute Settlement Proceedings

1. Each Party shall:
 - (a) designate an office to provide administrative assistance to the arbitral tribunals established under Chapter 28 (Dispute Settlement) for proceedings in which it is a disputing Party and to perform such related functions as the Commission may direct; and
 - (b) notify the other Parties of the location of its designated office.
2. Each Party shall be responsible for the operation and costs of its designated office.

Article 27.7: Reporting on Progress Related to Transitional Measures

1. At each regular meeting of the Commission, any Party which has a Party specific transition period for any obligation under this Agreement shall report on its plans for and progress towards implementing the obligation.
2. In addition, any such Party shall provide a written report to the Commission on its plans for and progress towards implementing each such obligation as follows:
 - (a) for any transition period of three years or less, the Party shall provide a written report six months before the expiration of the transition period;
 - (b) for any transition period of more than three years, the Party shall provide a yearly written report on the anniversary date of entry into force of this Agreement for it, beginning on the third anniversary, and six months before the expiration of the transition period.
3. Any Party may request additional information regarding a Party's progress towards achieving implementation. The reporting Party shall promptly reply to such requests.
4. No later than the date on which a transition period expires, a Party with a specific transition period shall provide written notification to the other Parties of what measure it has taken to implement the obligation for which it has a transition period.
5. If a Party fails to provide such notification, the matter shall be automatically placed on the agenda for the next regular meeting of the Commission. In addition, any Party may request that the Commission meet promptly, by whatever appropriate means, to discuss the matter.