

CHAPTER 12

ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

Article 138: Establishment of the China-Maldives Free Trade Area Joint Commission

1. The Parties hereby establish the China-Maldives Free Trade Area Joint Commission (“FTA Joint Commission”) comprising representatives of the Parties, which may meet in accordance with the provisions of this Agreement.
2. The Parties shall be represented by senior officials delegated for this purpose by:
 - (a) for China, the Ministry of Commerce; and
 - (b) for Maldives, the Ministry of Economic Development.
3. The FTA Joint Commission aims to ensure the effective operation and implementation of this Agreement and any other agreements or legal instruments concluded or to be concluded under this Agreement.

Article 139: Functions of the FTA Joint Commission

1. The FTA Joint Commission shall:
 - (a) consider matters relating to the implementation of this Agreement;
 - (b) review the operation and implementation of this Agreement, consider any proposal to amend this Agreement or its Annexes and oversee the further elaboration of this Agreement;
 - (c) consider issues referred to it by the committees and other bodies established under this Agreement or by a Party;
 - (d) in accordance with the objectives of this Agreement, explore measures for the further expansion of trade and investment between the Parties;
 - (e) facilitate avoidance and settlement of any disputes that may arise regarding the interpretation or application of this Agreement; and
 - (f) consider any other matter that may affect the operation of this Agreement.

2. The FTA Joint Commission may:
 - (a) establish additional ad hoc or standing committees and other bodies as necessary and refer matters to any committee or body for advice;
 - (b) seek to resolve differences or disputes that may arise regarding the interpretation or application of this Agreement;
 - (c) seek the advice of interested parties on any matter falling within its responsibilities where this would assist the FTA Joint Commission in discharging its responsibilities; and
 - (d) take such other action in the exercise of its functions as the Parties may agree.

Article 140: Rules of Procedure of the FTA Joint Commission

1. The FTA Joint Commission shall establish its rules of procedure and take decisions on any matter within its functions as set out in Article 139 by mutual agreement.
2. The FTA Joint Commission shall convene the first session within 1 year from the entry into force of this Agreement and following regular sessions every 2 years after that or at other times as the Parties may agree.
3. Regular sessions of the FTA Joint Commission shall be held alternately in the territory of each Party and chaired alternatively by the hosting Party. Other sessions of the FTA Joint Commission shall be held at such location as the Parties may agree. The sessions may be held by any technological means available to the Parties. Communications of the FTA Joint Commission shall be made in a common working language.
4. The Party chairing a session of the FTA Joint Commission shall provide necessary administrative support for such session, and shall record any decisions and discussions of the FTA Joint Commission, copies of which will be provided to the other Party.
5. The FTA Joint Commission shall ordinarily meet at the level of senior officials, unless there is a request by a Party to convene the meeting at ministerial level. Each Party shall be responsible for the composition of its own delegation to the FTA Joint Commission.

6. The FTA Joint Commission shall, in accordance with this Article consider proposals for any amendments to this Agreement submitted by a Party and recommend to the Parties amendments for adoption. The Parties may negotiate modifications to this Agreement and its Annexes. The acceptance by a Party of any modification is subject to the completion of any necessary domestic legal procedures of that Party.

7. All decisions of the FTA Joint Commission shall be taken by consensus.

8. Each Party shall treat any confidential information exchanged in relation to meetings of the FTA Joint Commission, committees and other bodies established under this Agreement on the same basis as the Party providing the information.

Article 141: Specialized Committees

1. The following committees and bodies are hereby established under the auspices of the FTA Joint Commission:

- (a) The Committee on Trade in Goods;
- (b) The Committee on Trade in Services;
- (c) The Committee on Investment;
- (d) The Committee on Economic and Technical Cooperation; and
- (e) The Committee on Customs.

2. The committees may decide to establish their own sub-committees or any other bodies for the performance of their tasks.

3. All decisions made by the committees and other bodies shall be subject to the endorsement of the FTA Joint Commission.

Article 142: Contact Points

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

- (a) for China, the Ministry of Commerce; and
- (b) for Maldives, the Ministry of Economic Development.

2. Upon request of a Party, the contact point of the other Party shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.