

## CHAPTER 20

### INSTITUTIONAL PROVISIONS

#### **Article 20.1: FTA Joint Commission**

1. The Parties hereby establish the China-Nicaragua Free Trade Agreement Joint Commission (hereinafter referred to as the “FTA Joint Commission”) comprising representatives of each Party. The Parties shall be represented by senior officials designated by them for this purpose.
2. The FTA Joint Commission shall:
  - (a) consider matters relating to the implementation of this Agreement;
  - (b) consider issues referred to it by either Party, or by the committees or working groups established under this Agreement;
  - (c) in accordance with the objectives of this Agreement, explore possibilities for the further expansion of trade and promotion of investment between the Parties;
  - (d) consider any proposal to amend this Agreement and make recommendations to the Parties; and
  - (e) consider any other matter that may affect the operation of this Agreement.
3. The FTA Joint Commission may:
  - (a) establish additional committees or ad hoc working groups as necessary, and refer matters to any committee or working group for advice;
  - (b) further the implementation of this Agreement through implementing arrangements;
  - (c) further the implementation of the Agreement’s objectives by approving any modifications of:

- (i) Annex 2-A (Schedule of Tariff Commitments) with the purposes of adding one or more goods excluded in the Schedule of a Party or by accelerating the tariff reduction;
  - (ii) Annex 3-A (Product Specific Rules of Origin);
  - (iii) Annex 3-B (Certificate of Origin);
  - (iv) the Common Guidelines referred to in Chapter 3 (Rules of Origin and Implementation Procedures);
  - (v) issue interpretations of the provisions of this Agreement;
- (d) seek to resolve any differences or disputes that may arise regarding the interpretation or application of this Agreement;
- (e) seek the advice of non-governmental persons or groups on any matter falling within its responsibilities where this would assist it in discharging its responsibilities; and
- (f) take such other action in the exercise of its functions as the Parties may agree.

## **Article 20.2: Rules of Procedure of the FTA Joint Commission**

1. The FTA Joint Commission shall take decisions and make recommendations on any matter within its functions, as set out in Article 20.1, by mutual agreement. The decisions will be adopted in duplicate in the Chinese, Spanish and English languages and their enforcement of the decisions shall be subject to the fulfilment of domestic legal requirements in either of the Parties.
2. The FTA Joint Commission shall convene in regular session every year and at other times at the request of either Party. Regular sessions of the FTA Joint Commission shall be chaired successively by each Party. Other sessions of the FTA Joint Commission shall be chaired by the Party hosting the meeting.
3. The FTA Joint Commission shall ordinarily meet at the level of senior officials, unless there is a request by either Party to convene the meeting at Ministerial level.
4. Subject to paragraph 3, each Party shall be responsible for the composition of its delegation to the FTA Joint Commission.

5. The Party chairing a session of the FTA Joint Commission shall provide any necessary administrative support for such session, and shall record any decisions taken by the FTA Joint Commission, copies of which shall be provided to the other Party.

### **Article 20.3: Free Trade Agreement Coordinators**

1. Each Party shall appoint a Free Trade Agreement Coordinator (hereinafter referred to as the “Coordinators”).
2. The Coordinators shall work jointly to develop agendas and make other preparations for Commission meetings, and shall follow-up on Commission decisions, as appropriate.

### **Article 20.4: Contact Point**

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 (MOFCOM) or its successor; and
  - (b) for Nicaragua, the Ministry of Development, Industry and Trade (*Ministerio de Fomento, Industria y Comercio (MIFIC)*) or its successor.
2. Each Party shall notify the other Party in writing, through this Contact Point, of all contact points designated in this Agreement and the details of relevant officials, no later than 60 days after the date of its entry into force.
3. A Party shall promptly notify the other Party in writing, through this Contact Point, of any change in designated Contact Points.