

ANNEX III

Resolution 01/2009

Montevideo, 23rd day of November, 2009.

Rules of procedure of the Joint Administration Committee of the Preferential Trade Agreement between MERCOSUR and the Republic of India.

The Joint Administration Committee,

Considering Article 24 of the Preferential Trade Agreement between MERCOSUR and the Republic of India, signed in New Delhi on the 29th day of January, 2004;

RESOLVES:

To approve the following

RULES OF PROCEDURE OF THE JOINT ADMINISTRATION COMMITTEE OF THE PREFERENTIAL TRADE AGREEMENT BETWEEN MERCOSUR AND THE REPUBLIC OF INDIA

Article 1: The Joint Administration Committee, hereinafter referred to as "Committee", is the permanent body of coordination, negotiation and evaluation for the implementation of the Preferential Trade Agreement between MERCOSUR and the Republic of India, hereinafter referred to as "Agreement" and any additional Protocols.

Article 2: The "Committee" will be composed by India's Secretary of Commerce on one side, and, on the other, MERCOSUR's Common Market Group or its representatives, who will determine the composition of its Delegations for each meeting of the "Committee".

Article 3: The "Committee" shall meet ordinarily at least once every year, and extraordinarily, at any time, as per agreement by the Contracting Parties.

Article 4: The Joint Administration Committee shall meet ordinarily, at venues alternating between the Republic of India and the Members State of MERCOSUR in charge of the *Pro Tempore* Presidency.

Article 5: The Contracting Party whose country hosts the meeting will chair it.

Article 6: The agenda of the meetings of the "Committee" shall be determined by agreement between the Contracting Parties at least 20 calendar days in advance in the case of ordinary meetings or 10 calendar days in advance in the case of

extraordinary meetings. Delegations, referred to in article 2, must be informed prior to the meeting within a reasonable period in advance. Extraordinary meetings must limit consideration to those items on the agenda.

Article 7: The meetings of the "Committee" shall be kept in Minutes, which shall record the issues discussed under the approved agenda and the Resolutions adopted. Upon the meeting's conclusion, the Minutes shall be signed by representatives of the Contracting Parties.

The resolutions adopted during the meeting will be incorporated as an annex to the Minutes.

Article 8: The "Committee" shall adopt its decisions by consensus.

Article 9: The agreements reached in the Committee shall be formalized by resolutions that will have a sequential numerical order, specifying the year in which they are approved.

Article 10: Pursuant to the provisions of Article 26 of the "Agreement", the "Committee" shall have the following functions:

a) To ensure the proper functioning and implementation of the "Agreement", its Annexes and additional Protocols, and continuation of the dialogue between the Parties.

b) To consider and submit to the Parties any modifications and amendments to the "Agreement".

c) To evaluate the process of trade liberalisation established under the "Agreement", study the development of trade between the Parties and recommend further steps to create a Free Trade Area in accordance with Article 2 of the "Agreement".

d) To perform other functions that may arise from the provisions of the "Agreement", its Annexes and any additional Protocols.

e) To establish, between the Parties, mechanisms to encourage the active participation of the private sectors in areas covered by the "Agreement".

f) To exchange opinions and make suggestions on any issue of mutual interest relating to areas covered by the "Agreement", including future actions.

g) To create subsidiary bodies as may be necessary, inter alia on Customs, Trade Facilitation and Technical Barriers to Trade, and Sanitary and Phytosanitary Measures.

Article 11: To follow up all issues defined in the "Agreement" and those that are established by resolution of the "Committee", the Contracting Parties may, through direct communication between them, take operational measures regarding specific matters that arise.

Where necessary, the operational measures agreed to be taken by this method shall be applied provisionally until they are validated by a resolution at the following meeting of the "Committee".