

ANNEX

RULES OF PROCEDURE OF THE FREE TRADE COMMISSION

**set up by the Free Trade Agreement between the Government of the Republic of Korea and
the Government of the Republic of Chile (“the Agreement”)
in accordance with Article 18.1 of the Agreement**

Article 1

Chair

The Free Trade Commission (hereinafter referred to as “The Commission”) shall be chaired alternately for periods of 12 months by the Minister for Trade of Korea and by the Minister of Foreign Affairs of Chile. The first period shall begin on the date of the first meeting and end on 31 December of the same year.

Article 2

Meetings

The Commission shall meet once a year or when circumstances so require, with the agreement of both Parties. If both Parties agree, meetings of the Commission may be held by video or teleconference.

Article 3

Documents

When the deliberations of the Commission are based on written supporting documents, such documents shall be numbered and circulated as documents of the Commission by the two Secretaries.

Article 4

Correspondence

1. All correspondence addressed to the Commission shall be forwarded to both Secretaries of the Commission.
2. The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Commission and, where appropriate, circulated as documents referred to in Article 3 of these rules of procedure to the members of the Commission.
3. Correspondence from the Chair of the Commission shall be sent to the recipients through the two Secretaries and, where appropriate, circulated as documents referred to in Article 3 of these rules of procedure to the members of the Commission.

Article 5

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Commission on the basis of suggestions by the Parties. It shall be forwarded by the Secretaries of Commission to the members of the Commission no later than 15 days before the beginning of the meeting.
2. The agenda shall be adopted by the Commission at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
3. With the agreement of the Parties, the time limits specified in paragraph 1 may be adjusted in order to take account of the requirements of a particular case.

Article 6

Minutes

1. Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.
 2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Commission,
 - (b) statements which a member of the Commission has asked to be entered,
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(c) the decisions taken, the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

3. The minutes shall also include a list of members of the Commission or their representatives who took part in the meeting.

4. The draft minutes shall be approved by both Parties in writing within 2 months after the date of the meeting. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and one original copy shall be filed by each Party. A copy of the minutes shall be forwarded to each of the members of the Commission.

Article 7

Representation and delegations

1. The Chair of the Commission may be represented if necessary.

2. Before each meeting, the Chair of the Commission shall be informed of the intended composition and the Head of Delegation of each Party. Each Party may include experts in private sectors in the delegation, if both Parties agree.

Article 8

Secretary

1. The Secretaries of both Parties referred in Article 18.2 of the Agreement shall act jointly as Secretaries of the Commission.

2. All correspondence with the Chair of the Commission provided for in these rules of procedure shall be forwarded to its Secretaries.

Article 9

Publicity

Unless otherwise decided, the meetings of the Commission shall not be public.

Article 10

Decisions and recommendations

1. The Commission shall adopt decisions and recommendations by mutual agreement between the Parties.
2. In the period between meetings, the Commission may adopt decisions or recommendations by written procedure if the Parties so agree. A written procedure shall consist of an exchange of notes between the Parties.
3. Decisions and recommendations of the Commission shall be entitled "Decision" and "Recommendation" respectively, and followed by a serial number, the date of their adoption and a description of their subject. Each decision shall specify the date of its entry into force.
4. Decisions and recommendations shall be forwarded by the Secretaries to the Chair and the other members of the Commission.

Article 11

Language

1. The official language of the Commission shall be the English language.
2. Unless otherwise decided, the Commission shall normally base its deliberations on documentation and proposals prepared in the language referred to in paragraph 1.

Article 12

Expenses

1. Each Party shall defray any expenses incurred as a result of its participation in the meetings of the Commission, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
 2. Expenditure in connection with the practical organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
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Article 13
Committees

1. The Commission shall be assisted in the performance of its duties by the Committees established in the Agreement. The rules of procedure of these Committees shall be the rules of procedure of a Committee as attached in the Appendix, insofar as they are not provided for by the Agreement and unless the Commission decides otherwise.

2. Without prejudice to Annex 18.1.2(c) of the Agreement, the Commission may decide to set up other Committees in accordance with Article 18.1.3(a) of the Agreement. The rules of procedure of these Committees shall be the rules of procedure of a Committee as attached in the Appendix unless the Commission decides otherwise.

APPENDIX

RULES OF PROCEDURE OF A COMMITTEE

Set up by the Free Trade Agreement between the Government of the Republic of Chile and the Government of the Republic of Korea

Article 1 **Chair**

Unless otherwise specified in the Agreement, the meetings of the Committee shall be chaired alternately by a representative of the Government of the Republic of Chile, and by a representative of the Government of the Republic of Korea.

Article 2 **Meetings**

Unless otherwise specified in the Agreement, the Committee shall meet upon request of either Party on a date and in a place agreed in advance between the Parties.

Article 3 **Delegations**

Before each meeting, the Chair of the Committee shall be informed of the intended composition and the Head of Delegation of each Party.

Article 4 **Secretary**

1. An official of the Government of the Republic of Korea, of the one part, and an official of the Government of the Republic of Chile, of the other part, shall act jointly as Secretaries of the Committee.
 2. All correspondence to and from the Chair of the Committee shall be forwarded to the Secretaries of the Committee and the members of the Committee and to the Secretaries and the Chair of the Commission and where appropriate, to the members of the Commission.
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Article 5
Documents

When the deliberations of the Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the Committee by the two Secretaries.

Article 6
Publicity

Unless otherwise decided, the meetings of the Committee shall not be public.

Article 7
Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Committee together with the supporting documentation as appropriate. The provisional agenda shall be forwarded to the Chair, Secretaries and the members of the Committee **no** later than 15 days before the beginning of the meeting. The agenda shall be adopted by the Committee at the beginning of each meeting. Items not on the provisional agenda may be added with the agreement of both Parties.
2. With the agreement of the Parties the time limits specified in paragraph 1 may be adjusted in order to take account of the requirements of a particular case.

Article 8
Minutes

1. Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.
 2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Committee,
 - (b) statements which a member of the Committee has asked to be entered,
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(c) the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

3. The minutes shall also include a list of members of the Committee or their representatives who took part in the meeting.

4. The draft minutes shall be approved by both Parties in writing within 2 months after the date of the meeting. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and one original copy shall be filed by each of the Parties. A copy of the minutes shall be forwarded to the Chair and the Secretaries of the Commission and to the members of the Committee.

Article 9

Language

1. The official language of the Committee shall be the English language.
2. Unless otherwise decided, the Committee shall normally base its deliberations on documentation and proposals prepared in the language referred to in paragraph 1.

Article 10

Recommendations

1. In those cases foreseen in the Agreement where the Committee is empowered to make recommendations, those acts shall be entitled "recommendation", followed by a serial number, by the date of their adoption and by description of their subject.
2. Where the Committee makes a recommendation, the provisions of Article 10 of rules of procedure of the Commission shall apply *mutatis mutandis*.
3. The recommendations of the Committee shall be forwarded to the Secretaries and the Chair of the Commission.

Article 11

Working groups

In those cases foreseen in the Agreement or when a Committee decide to set up a working group, the Committee shall organize and coordinate meetings and tasks on an informal basis.

Article 12

Expenses

1. Each Party shall defray the expenses it incurs by reason of its participation in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.
2. Expenditure in connection with the practical organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

Article 13

Reporting

The Committee shall report to the Commission.
