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ANNEX 18-A

RULES OF PROCEDURE OF THE JOINT COMMITTEE

RULE 1

Role of the Joint Committee

The Joint Committee established pursuant to Article 18.1(1) (Joint Committee) is responsible for all matters referred to in Article 18.2 (Functions of the Joint Committee).

RULE 2

Composition and chair

1. The composition and chair of the Joint Committee is set out in Article 18.1(1) and (4) (Joint Committee).

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2. Each Party shall notify to the other Party, before the first meeting of the Joint Committee, the name, position and contact details of the designated official who shall act as the co-chair of the Joint Committee for that Party. Each Party shall promptly notify the other Party of any changes to those details.

RULE 3

Secretariat

1. Officials from the Directorate-General of Trade and Economic Security of the European Commission, or its successor, for the European Union, and from the Department of Commerce, Ministry of Commerce and Industry, or its successor, for India, shall act together as Secretariat of the Joint Committee (hereinafter referred to as "Secretariat").

2. Each Party shall notify to the other Party, before the first meeting of the Joint Committee, the name, position and contact details of the official who shall act as the member of the Secretariat for that Party. Each Party shall promptly notify the other Party of any changes to those details.

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RULE 4

Meetings

The meetings of the Joint Committee shall be convened by the co-chair of the Party hosting the meeting.

RULE 5

Delegations

No later than 14 days in advance of a meeting, the member of the Secretariat for each Party shall inform the member of the Secretariat of the other Party of the intended composition of the delegation of the European Union and of India, respectively, specifying the name and designation of each member of the delegation.

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RULE 6

Agenda for the meetings

1. No later than 28 days in advance of a meeting, the member of the Secretariat of the Party hosting the meeting shall send a proposal for a provisional agenda to the member of the Secretariat of the other Party with a deadline to provide comments which shall be at least seven days. The Secretariat shall, no later than 21 days in advance of the meeting, draw up the provisional agenda, taking into account any comments received.
2. The Joint Committee shall adopt the agenda at the beginning of the meeting. The Joint Committee shall consider only the items appearing on the adopted agenda. Items not appearing on the provisional agenda may be placed on the agenda by mutual agreement of the co-chairs.

RULE 7

Invitation of experts

The co-chairs of the Joint Committee may, by mutual agreement, invite experts who are not part of either Party's delegation, in particular persons other than government officials, to attend the meetings of the Joint Committee, on an ad hoc basis, in order to provide information on specific subjects. Those experts shall only attend the parts of the meeting where such specific subjects are discussed.

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RULE 8

Minutes

1. The member of the Secretariat of the Party hosting the meeting shall prepare draft minutes of each meeting no later than 15 days after the end of the meeting, unless otherwise decided by the co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) all documents submitted to the Joint Committee;
 - (b) any statement that one of the co-chairs of the Joint Committee requested to be entered in the minutes; and
 - (c) the decisions and recommendations adopted, statements agreed upon and conclusions adopted on specific items.

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3. The minutes shall include in an annex:

- (a) a list of all decisions of the Joint Committee adopted by written procedure pursuant to Rule 9(2) (Decisions and recommendations) since the last meeting of the Joint Committee; and
- (b) a list of the names and designation of all individuals who attended the meeting of the Joint Committee.

4. The Secretariat shall adjust the draft minutes on the basis of the comments received. The draft minutes, as revised, shall be approved by agreement of the co-chairs within 30 days after the date of the meeting, or by any other date agreed by the co-chairs. Once approved, two originals of the minutes shall be established by the Secretariat and each Party shall receive one original of the minutes.

5. Where the present rules apply to the meetings of specialised committees, the minutes of the meetings of specialised committees shall be made available for any subsequent meetings of the Joint Committee.

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RULE 9

Decisions and recommendations

1. The Joint Committee may adopt decisions and recommendations in respect of all matters where the Agreement so provides.
2. In the period between meetings, the Joint Committee may adopt decisions and recommendations by written procedure. In such cases, the co-chair of the Joint Committee shall send the proposed text of a draft decision or recommendation to the co-chair of the Joint Committee of the other Party in the working language of the Joint Committee, with a time period of at least one month to respond in writing. If the co-chair of the Joint Committee of the other Party does not agree or does not respond in writing, the draft decision or recommendation shall be discussed and may be adopted at the next meeting of the Joint Committee. The draft decision or recommendation shall be deemed to be adopted on the date on which the co-chair of the other Party agrees and shall be recorded in the minutes of the Joint Committee meeting pursuant to Rule 8(4) (Minutes).
3. Where the Joint Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled "Decision" or "Recommendation", respectively. The Secretariat shall provide any decision or recommendation with a sequential serial number and the date of adoption. Each decision shall provide for the date of its entry into force.

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4. The decisions and recommendations adopted by the Joint Committee shall be established in duplicate, authenticated by the co-chairs and each Party shall receive one original of those decisions or recommendations.

RULE 10

Transparency

1. The Joint Committee may meet in public, if the co-chairs mutually agree.
2. Each Party may decide to publish the decisions and recommendations of the Joint Committee in its respective official publication or online.
3. For the submission of documents to the Joint Committee or to specialised committees, Article 19.6(2) (Disclosure of information and treatment of confidential information) applies.
4. The Secretariat shall make public:
 - (a) the provisional agenda of a meeting of the Joint Committee before the meeting takes place;
and

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(b) the agreed minutes of a meeting of the Joint Committee following their approval in accordance with Rule 8 (Minutes).

5. Publication of any documents pursuant to paragraphs 2 to 4 of this Rule shall comply with each Party's applicable data protection rules.

RULE 11

Languages

1. The working language of the Joint Committee is English.

2. The Joint Committee shall adopt decisions concerning the amendment or interpretation of the Agreement pursuant to points (d) and (e) of Article 18.2(2) (Functions of the Joint Committee), in the languages of the authentic texts of the Agreement. All other decisions of the Joint Committee shall be adopted in the working language.

3. Each Party shall be responsible for the translation of decisions and other documents into its own official languages, where relevant, and shall bear any expenses associated with such translations.

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RULE 12

Expenses

1. Each Party shall bear any expenses it incurs as a result of participating in the meetings of the Joint Committee, in particular staff, travel and subsistence expenses and video, postal or telecommunications expenses.
2. The Party hosting the meeting shall bear any expenses in connection with the organisation of meetings, the reproduction of documents and the provision of interpretation services to and from the working language of the Joint Committee.

RULE 13

Specialised committees and other bodies

1. Pursuant to point (d) of Article 18.2(1) (Functions of the Joint Committee), the Joint Committee shall supervise and coordinate the work of all specialised committees and other bodies established under the Agreement.
2. The Joint Committee shall be informed in writing of any contact points designated by specialised committees or other bodies established under this Agreement. Any relevant correspondence, documents and communications between the contact points of each specialised committee regarding the implementation of this Agreement shall be forwarded to the Secretariat simultaneously.
