COMMISSION

DECISION No 1/2002
of 6 June 2002
of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan on adopting its Rules of Procedure

(2002/618/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Japan, and in particular Article 8(2) thereof,

HAS DECIDED AS FOLLOWS:

1. The Rules of Procedure for the Joint Committee, as specified in the attachment to this decision, are hereby adopted.

2. This Decision, done in duplicate, shall be signed by the co-chairs. This Decision shall be effective from the date of the later of these signatures.

Tokyo, 21 May 2002 Brussels, 6 June 2002

On behalf of Japan
Jun SHIMMI

On behalf of the European Community
Philippe MEYER
ANNEX

RULES OF PROCEDURE

for the Joint Committee established under the Agreement on mutual recognition between the European Community and Japan

Article 1

Chairmanship

1. The Joint Committee shall be chaired jointly by a representative of Japan and a representative of the European Community.

2. The co-chairs shall be responsible for the communications between the Parties in respect to the procedures set out in these Rules of Procedure and the Agreement.

Article 2

Meetings

1. The Joint Committee shall meet at regular intervals, and at least once a year at a mutually agreeable time. If additional meetings are deemed necessary by a Party, the other Party shall accommodate the request for a meeting to the maximum extent possible. Teleconferencing or videoconferencing may be used with agreement of the Parties.

2. Meetings of the Joint Committee shall be convened by the co-chairs. The Parties shall take turns in hosting the meeting unless otherwise agreed.

3. The co-chairs shall establish a date for the meeting and exchange such documents as necessary in time to ensure adequate preparation, if possible, six weeks prior to the meeting.

4. The Party hosting a meeting shall arrange logistical matters. Meetings convened by videoconferencing or teleconferencing shall be arranged by the co-chair that requested the meeting.

Article 3

Delegations

The Parties shall notify, to the extent possible, each other at least one week before a meeting of the intended composition of their delegations.

Article 4

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the co-chairs, if possible, three weeks before the meeting. The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the co-chairs no later than 14 days before the meeting.

2. Either Party may add items to the provisional agenda at any time prior to the meeting if both Parties agree. Requests to add items to the provisional agenda shall be sent in writing if possible.

3. The final agenda shall be adopted by the Joint Committee 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 agree and shall be accommodated to the extent possible.

Article 5

Records of the meetings

1. A draft of the record shall be prepared as soon as possible by the co-chair hosting the meeting.

2. The record shall, as a general rule, indicate in respect of each item on the agenda:
   (a) the documentation submitted to the Joint Committee;
   (b) statements which a Party has requested to be entered; and
   (c) decisions taken and the conclusions adopted on a specific item.
3. The record shall also indicate the participants in the meeting.

4. The record shall be approved by the Joint Committee and signed by the co-chairs.

Article 6

Joint Committee decisions

1. The Joint Committee shall take decisions by consensus.

2. The Joint Committee may adopt a decision by written procedure at times other than formal Joint Committee meetings, if both Parties agree.

3. All Decisions of the Joint Committee shall be entitled ‘Decisions’ followed by a serial number, and by a description of their subject. The date the decision takes effect shall also be indicated. Decisions shall be signed by the co-chairs. Decisions shall be drawn up in duplicate, each version being equally authentic. A model Joint Committee decision is attached in Appendix I.

4. Decisions related to the registration of a conformity-assessment body shall, as a general rule, be adopted by a written procedure. For this purpose, pursuant to Article 9 of the Agreement, the following procedures shall apply.

(a) A Party shall forward its proposal, in the form of a draft Joint Committee decision to register a conformity-assessment body (a model of which is attached as Appendix II), to the other Party in writing. The proposal shall be accompanied by a proposal format and the necessary supporting documentation, the formats of which are to be agreed by the Parties. The receiving Party shall acknowledge in writing the date of its receipt of the proposal. The Party receiving the proposal shall indicate in writing its consent or opposition within 90 days from its receipt.

(b) If the Party receiving the proposal requires additional information, it shall indicate in writing the information requested and the reasons for this. A request for additional information suspends the 90 day period which starts running again once the additional information has been received.

(c) The Parties may consult with each other, where necessary, on matters related to the proposed registration.

(d) Upon consent of the proposal, the receiving Party will sign and date the Joint Committee decision and forward it to the proposing Party. The registration of the proposed conformity-assessment body is effective from the date indicated in the Joint Committee decision.

(e) If the Party receiving a proposal for registration fails to indicate its consent or opposition within the 90-day time limit, the matter shall be referred to the Joint Committee.

(f) If the Joint Committee cannot take a decision to register a proposed conformity-assessment body then Article 9(1)(c) of the Agreement shall apply.

Article 7

Notification and proposal procedures

1. The notification of the suspension or lifting of the suspension of the designation of a registered conformity-assessment body pursuant to Article 6 of the Agreement, and the proposal for terminating the registration of a conformity-assessment body pursuant Article 9(4) of the Agreement, shall be made in writing.

2. The Party receiving such notification or proposal shall immediately, and within three working days at the latest, acknowledge its receipt in writing and indicate the date of receipt. The suspension, lifting of suspension or termination of registration of the conformity-assessment body shall be effective from the date of receipt of the notification or the proposal by the co-chair of the receiving Party, unless, pursuant to Article 9(4) of the Agreement, otherwise determined by the Joint Committee.

Article 8

Subcommittees

The Joint Committee may establish subcommittees and delegate specific tasks to the subcommittees. Any subcommittee established by the Joint Committee shall keep the Joint Committee informed and provide reports in relation to implementation of the Sectoral Annexes.
Article 9

Exchange of information

Without prejudice to Article 1(2), the Parties shall establish and communicate to each other a contact point, or contact points as necessary, for the exchange of information foreseen by the Agreement. The contact points shall be responsible for transmitting and receiving information exchanged under the Agreement and in particular Article 5(5) and Article 8(8) of the Agreement.

Article 10

Publication

When publishing the lists of registered conformity-assessment bodies and confirmed facilities in accordance with the Agreement and relevant Joint Committee decisions, it shall be done according to the Parties’ respective domestic requirements. The Parties will make available on their respective Internet sites such updated lists, in a timely and regular manner.

Article 11

Consultation of experts

The Committee may consult experts on particular issues if both Parties agree.

Article 12

Expenses

1. Each Party shall be responsible for the expenses they incur by reason of their participation in the meetings of the Joint Committee, including staff, travel and subsistence expenditure and postal or telecommunications expenditure.

2. Other expenses arising from the organisation of the meetings shall generally be covered by the Party hosting the meeting.

Article 13

Administrative Procedures

1. Unless otherwise decided, the meetings of the Joint Committee shall not be open to the public.

2. Records and other documents of the Joint Committee shall be considered information exchanged under Article 13 of the Agreement for purposes of confidentiality.

3. Participants other than officials of the Parties may be invited by agreement of both co-chairs and shall be subject to the same confidentiality requirements in accordance with Article 13 of the Agreement.

4. The Parties may organise public briefings or otherwise inform interested members of the public of the results of the Joint Committee meetings, upon consultation with each other at the end of each meeting, on the results to be communicated.

Article 14

Languages

1. Written communication between the co-chairs, in particular as it relates to Articles 4, 5, 6 and 7, shall be in English.

2. The Party hosting a meeting of the Joint Committee shall provide interpretation between Japanese and English and bear the cost for this.

3. Decisions of the Joint Committee shall be drawn up in English. The Parties undertake to translate, as necessary, such decisions into their own respective official language or languages.
Appendix I to the Rules of Procedure of the Joint Committee

Model Joint Committee decision

Decision No .../... of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article (...) thereof,

HAS DECIDED AS FOLLOWS:

1.

2. This Decision, done in duplicate, shall be signed by the co-chairs. The Decision shall be effective from the date of the later of these signatures.

Tokyo, ...

Brussels, ...

On behalf of Japan

On behalf of the European Community
Appendix II to the Rules of Procedure of the Joint Committee

Model Joint Committee decision for the registration of a conformity-assessment body

Decision No .../... of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan related to the registration of a conformity-assessment body under the Sectoral Annex on [Telecommunications terminal equipment and radio equipment][Electrical products]

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article 8(3)(a) and 9(1)(b) thereof,

HAS DECIDED AS FOLLOWS:

1. The conformity-assessment body indicated below is registered under the Sectoral Annex on [Telecommunications terminal equipment and radio equipment][Electrical products] of the Agreement, for the products and conformity-assessment procedures as indicated below.

   Name, acronym and contact details of the conformity-assessment body

   Scope of registration in terms of products and conformity-assessment procedures

2. This Decision, done in duplicate, shall be signed by the co-chairs. The Decision shall be effective from the date of the later of these signatures.

   Tokyo, ...
   On behalf of Japan

   Brussels, ...
   On behalf of the European Community