

Joint Crediting Mechanism
Rules of Procedures for the Joint Committee

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1. Objectives

1. The Rules of Procedures for the Joint Committee (hereinafter referred to as “Rules of Procedures”) delineates the membership, decision-making procedures, and activities of the Joint Committee of the Joint Crediting Mechanism (hereinafter referred to as “JCM”).

2. Scope

2. The Rules of Procedures apply to all activities of the Joint Committee, including, but not limited to those referred to in section C of the Guidance for the Implementation of the Joint Crediting Mechanism.

3. Definitions

3. Terms in the Rules of Procedures are defined in the JCM Glossary of Terms.

4. Members

4. The Joint Committee consists of representatives from the Japanese side and the Vietnamese side.
5. Each side designates members of the Joint Committee from the respective sides and notifies the other side of this designation in writing. Members of the Joint Committee designated by each side may not exceed 10. Members may be increased, decreased, or changed as long as they stay within the allowed number at any time with prior written notification of both sides.
6. Each member of the Joint Committee should have no personal or direct financial interest in any matter under consideration by the Joint Committee.
7. The Joint Committee has two Co-Chairs to be appointed by each side upon notification of each other with one of the Co-Chairs appointed by the Vietnamese side and the other appointed by the Japanese side, respectively. In case a Co-Chair resigns, the side which appointed the leaving Co-Chair, appoints his or her replacement.
8. Each Co-Chair may designate an alternate from members of the Joint Committee from each side to perform the function of the Co-Chair. Such designation is distributed electronically or otherwise, in written form.

5. Meetings

5.1. Schedule

9. The Joint Committee meets as necessary but no less than once a year.
10. The Co-Chairs give notice of the date of each meeting no less than two weeks prior to the date of the meeting.

11. The Co-Chairs provide the agenda of each meeting no less than two weeks prior to the date of the meeting, and final draft of documents for the meeting no less than five working days prior to the date of the meeting.

5.2. Decision in the meeting

12. Decision by the Joint Committee is adopted by consensus.
13. The Co-Chairs ascertain whether consensus has been reached. The Co-Chairs declare that a consensus does not exist if there is a stated objection to the proposed decision by a member of the Joint Committee.

5.3. Attendance

14. An alternate of each member of the Joint Committee from the respective side may attend the meetings of the Joint Committee to perform the function of the member of the Joint Committee. Such substitution is informed by electronic means or otherwise in written form prior to the concerned meeting.
15. Meetings of the Joint Committee may be open to observers approved by both sides, except where otherwise decided by the Joint Committee.

6. Decision by electronic means and conference call

16. The Joint Committee may adopt decisions by electronic means provided that all the following procedures are made:
 - (a) The proposed decisions are distributed by the Co-Chairs to all members of the Joint Committee by electronic means.
 - (b) The proposed decisions are deemed as adopted when,
 - (i) no member of the Joint Committee has provided negative assertion by electronic means within 20 calendar days after distribution of the proposed decisions and both Co-Chairs have made affirmative assertion by electronic means, or
 - (ii) all members of the Joint Committee have made affirmative assertion by electronic means.
17. If a negative assertion is made by one of the members of Joint Committee, the Co-Chairs take into account the opinion of the member and take appropriate actions.
18. The Joint Committee may hold conference calls to assist making decisions by electronic means.

7. Languages

19. The decisions of the Joint Committee are published in English.

20. Working language of the Joint Committee is English. Members of the Joint Committee wishing to speak or distribute materials in other languages provide for interpretation or translation in English.

8. Secretariat

21. The secretariat services the Joint Committee by performing the work for the implementation of the JCM.

9. External assistance

22. The Joint Committee may establish panels necessary to assist it in the performance of its functions. The rules and procedures of such panels are decided by the Joint Committee.
23. The Joint Committee may decide to appoint external experts to assist part of its work on a case-by-case basis.

10. Confidentiality

24. Members of the Joint Committee, the secretariat or any other bodies or persons that have been delegated the work to assist the Joint Committee respect the confidentiality of all confidential information acquired in his/her position and not make improper use of or disclose such confidential information to third parties.

11. Record of the meeting

25. The full text of all decisions of the Joint Committee is made publicly available immediately after the decisions are adopted.