

5913/2/98

REV 2
LIMITE

ENFOCUSTOM 8

NOTE

from : Customs Cooperation working group

to : K.4 Committee

No. prev. doc. : OJ C 316, 27.11.1995, p.33 ; 13620/97 ENFOCUSTOM 71 ; 5913/1/98
ENFOCUSTOM 8 REV 1

Subject : Convention on the Use of Information Technology for Customs Purposes (CIS
Convention)

- Rules of Procedure for the Management Committee (Article 16 of the
Convention)
-

At its meeting on the 19 and 20 March 1998 the Customs Cooperation Working Group (CCWG) concluded its discussion on the attached draft rules of procedure for the Management Committee provided for in Article 16 of the Convention on the Use of Information Technology for Customs Purposes (CIS Convention). It is proposed that the Council be invited to agree that these rules shall be formally adopted by the Management Committee at its first meeting.

The Council is further invited to agree that during the period of provisional application of the Convention as provided for in the Provisional Application Agreement for the CIS Convention (OJ C 316, 27.11.1995, p.59) the CCWG shall act as a provisional Management Committee. The Management Committee will come into being when the CIS Convention has been ratified by all Member States.

During the period of provisional application when the CCWG will perform the functions laid to the Management Committee it will use the rules attached to this document as guidance when acting as a provisional Management Committee. All Member States and the Commission will be represented, but only those Member States which have ratified the CIS Convention will vote during these proceedings.

The K4 Committee is asked to confirm the agreement reached.

**Draft Rules of Procedure of the Committee
provided for in Article 16
of the CIS Convention**

The Committee,

Having regard to Article 16 of the Convention on the use of Information Technology for customs purposes, hereafter referred to as the "Convention",

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE :

Article 1

1. The Committee shall comprise representatives of the Customs Administrations of the Member States.
2. The Commission of the European Communities, hereafter referred to as the "Commission", shall take part in meetings of the Committee.
3. The Committee shall be chaired by a representative of the Customs Administration of the Member State holding the Presidency of the Council of the European Union.

Article 2

1. The Committee shall meet when convened by its Chairman acting on his own initiative or at the request of one of its members or the Commission.
2. The Committee shall meet at least once in the term of each Presidency.
3. Meetings of the Committee shall not be public.

Article 3

1. The Committee shall enjoy the administrative support necessary for it to carry out its duties. Such support shall be provided by the General Secretariat of the Council of the European Union.
2. The Committee shall meet in Brussels at the seat of the Council of the European Union.

In exceptional circumstances the Committee acting unanimously may decide to hold a meeting elsewhere.

Article 4

1. The Chairman shall draw up the provisional agenda for each meeting and include therein all items on which a discussion has been requested in writing by a member of the Committee or the Commission.
2. The agenda shall distinguish between:
 - (a) matters which relate to the implementation and/or correct application of the Convention,
 - and,
 - (b) questions relating to the proper functioning of the Customs Information System, in particular those of a technical or operational nature.
3. At the beginning of each meeting the Committee shall adopt the agenda by simple majority. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall be agreed by simple majority.

Article 5

1. The Chairman shall submit the notices of meetings, agendas, draft provisions and all other working documents to the Council Secretariat for issue to the members of the Committee and the Commission.
2. Except as otherwise decided unanimously by the Committee on the grounds of urgency, the Committee shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing the languages of the Council.
3. The Council Secretariat shall draw up and issue reports on the outcome of the meeting of the Committee.

Article 6

The Committee shall monitor interrogation of the system for the purpose of checking that searches made were admissible and were made by authorised users. To this end the Committee shall audit at least 1 % of all searches made.

Article 7

1. The Committee shall take its decisions unanimously where the provisions of Article 4(2)a of these rules of procedures are concerned and by a two-thirds majority where the provisions of Article 4(2)b are concerned.
2. The Committee shall vote on the initiative of its Chairman. The Commission shall not take part in any vote.
3. The Committee shall act on procedural matters by a majority of its members.

4. The presence of more than half of the members of the Committee shall be required to enable the Committee to vote.
5. If necessary, the representative of a Member State may represent one other Member State. The Chairman shall be notified thereof by the Permanent Representation of the Member State being represented.

Article 8

1. An urgent matter may be adopted by written vote where the Committee unanimously decides to use that procedure. In special circumstances the Chairman may also propose the use of that procedure. In such a case written votes may be used where all members of the Committee agree to that procedure.
2. The Council Secretariat shall establish that the written procedures have been completed.

Article 9

Correspondence on Committee matters shall be directed to the Council Secretariat, marked for the attention of the Chairman of the Committee.

Article 10

1. The deliberations of the Committee shall be covered by the obligation of professional secrecy, except in so far as the Committee decides otherwise.
2. The requirements for the confidentiality of information in the CIS system shall be respected by the Committee in its proceedings.

Article 11

The conditions under which the public has access to documents of the Council, disclosure of which is without serious or prejudicial consequences, shall be applied mutatis mutandis to documents of the Committee.

Article 12

The Committee shall report annually to the Council on the efficiency and effectiveness of the Customs Information System, making recommendations as necessary.

Article 13

These rules shall enter into force on the day following their adoption by the Committee.

Article 14

These rules may be revised by the Committee acting unanimously.