

WPS 009

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ENFOCUSTOM 8

**NOTE**

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from : the Presidency

to : the Customs Cooperation working group

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No. prev. doc. : OJ C 316, 27.11.1995, p.33 ; 13620/97 ENFOCUSTOM 71

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Subject : **Convention on the Use of Information Technology for Customs Purposes (CIS Convention)**  
**- Rules of Procedure for the Management Committee**

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The Convention on the Use of Information Technology for Customs Purposes was agreed at the Cannes European Council in June 1995 and was signed by Ambassadors on 26 July 1995. On the 19 December 1997 the incoming UK Presidency produced a paper, ENFOCUSTOM 71, outlining its proposals for further action required in respect of the CIS Convention.

On the 22 January 1998 the Customs Cooperation Working Group (CCWG) discussed the Presidency proposals in ENFOCUSTOM 71. Paragraph 3 of the document proposed that rules of procedure for the Management Committee be agreed and submitted to Council for approval. Attached to this note is a draft set of rules for discussion and agreement by the CCWG.

In conformity with the Convention, Article 3 of the draft rules of procedure states that the Committee shall operate on a unanimous basis in relation to decisions concerning implementation or application of the Convention and will decide by a two-thirds majority on questions concerning technical and operational matters.

The Presidency suggests that the Management Committee will want to hold its first meeting shortly after the eighth Member State has ratified the CIS Convention. Since the Management Committee will make decisions which will affect all users, the Presidency believes

representation on it should not be restricted and that all 15 should be represented from the outset.

Similarly, chairmanship of the Committee should rotate in line with the EU Presidency regardless of whether the relevant Member State has yet ratified.

Article 22 of the Convention states that any costs in connection with the operation and use of the CIS by Member States on their territory will be borne by each of them. Other costs (except those which cannot be kept separate from the operation of the first pillar CIS database) will be met by Member States with each Member's share being determined according to the proportion of its gross national product to the sum total of gross national products of all Member States.

The Presidency believes that any costs in relation to the Management Committee will be met in the second of the two ways outlined above. However, it assumes that any costs will be kept to a minimum. This will affect the practical arrangements for the Management Committee. For example, it might be sensible if there was an overlap between the membership of the Management Committee for the Third Pillar database and that of the First Pillar database and if the meetings of the two committees therefore generally took place on the same day. Another possibility would be for the Third Pillar database Management Committee to meet on the same day as the CCWG if membership of those two committees substantially overlapped.

Article 19 of the Convention states that the Management Committee will audit 1% of all searches made in the database and it will be important to ensure that the database is designed in such a way as to facilitate meeting this requirement. At this point, however, the Presidency believes it is too early for any detailed discussion of how the Management Committee might carry out the audit.

Rules of procedure for the joint supervisory authority described in Article 18 of the Convention also need to be agreed. The Presidency has asked the EU Data Protection Commissioners to prepare a draft set of rules which will be submitted to the CCWG for discussion as soon as they are available.

The Presidency invites the CCWG to consider the content of this note and agree the draft rules of procedure for the Management Committee set out in the attached annex.

**DRAFT RULES OF PROCEDURE OF THE CIS CONVENTION MANAGEMENT COMMITTEE**

**The Management Committee**

HAVING REGARD to the Convention on the Use of Information Technology for Customs Purposes, and in particular Article 16 thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

**Article 1**

1. In accordance with Article 16 of the CIS Convention, the Management Committee shall consist of representatives of the Customs Administrations of the Member States.
2. The Commission shall be party to the Committee's proceedings.
3. The Management Committee shall be chaired by the Presidency in office of the Customs Cooperation Working Group.
4. Meetings of the Committee shall be convened by the Presidency acting on its own initiative or at the request of a representative of a Member State and shall meet at least every 6 months.

**Article 2**

5. The Presidency shall draw up the agenda and include therein all matters on which a discussion has been requested in writing by a representative of a Member State.

12. The Council Secretariat shall issue a report on the outcome of proceedings of the Management Committee.

#### **Article 5**

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

#### **Article 6**

14. The work of the Committee shall be treated as confidential.

#### **Article 7**

15. In accordance with the provisions of Article 16(3) of the CIS Convention and Title IV of the Treaty on European Union, the Committee shall report annually to the Council on the efficiency and effectiveness of the Customs Information System, making recommendations as necessary.

#### **Article 8**

16. These rules shall enter into force on the day following their approval by the Management Committee.

#### **Article 9**

17. These rules may only be revised by unanimous agreement of the Management Committee and with the approval of the Council.