



EUROPEAN COMMISSION

DIRECTORATE GENERAL
TAXATION AND CUSTOMS UNION
CUSTOMS POLICY

B1 General customs legislation and customs procedures with economic impact

Brussels, 5 December 2001

**TAXUD/741/2001 Final –
EN**

CUSTOMS CODE COMMITTEE

**Rules of procedure of the Customs Code Committee
adopted
by the Section for General Customs Rules
of the Customs Code Committee
on 5 December 2001.**

THE CUSTOMS CODE COMMITTEE,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code¹, as last amended by European Parliament and Council Regulation (EC) No 2700/2000², and in particular Article 247a(3) and Article 248a(3) thereof.

HAS DRAWN UP ITS RULES OF PROCEDURE ON 5 DECEMBER 2001 BASED ON THE STANDARD RULES OF PROCEDURE ADOPTED BY THE COMMISSION ON 31 JANUARY 2001³:

Article 1

Structure

1. The Committee shall comprise the following sections :
 - Section for General Customs Rules;
 - Origin Section;
 - Duty-Free Arrangements Section;
 - Customs Valuation Section;
 - Section for Customs Warehouses and Free Zones;
 - Section for Customs Procedures with Economic Impact;
 - Transit Section;
 - Single Administrative Document Section;
 - Repayment Section;
 - Tariff and Statistical Nomenclature Section;
 - Section on the Movement of Air or Sea Passengers' Baggage;
 - Economic Tariff Questions Section;
 - Counterfeit Goods Section;
 - Section for favourable treatment (end-use of goods).

2. For the purposes of these rules, references below to "the Committee" shall mean the section concerned.

¹ OJ L 302, 19.10.1992, p. 1.

² OJ L 311, 12.12.2000, p. 17.

³ OJ C 38, 06.02.2001, p. 3.

Article 2

Convening a meeting

1. A committee meeting is convened by the Chairman, either on his or her own initiative, or at the request of a simple majority of committee members.
2. Joint meetings of sections or with other committees set up in other areas may be convened to discuss issues coming within their respective areas of responsibility.

Article 3

Agenda

1. The Chairman shall draw up the agenda and submit it to the committee.
2. The agenda shall make a distinction between:
 - (a) proposed measures about which the committee is asked to give an opinion, in accordance with the regulatory procedure provided for in:
 - Article 247a of Regulation (EEC) No 2913/92,
 - (b) proposed measures about which the committee is asked to give an opinion, in accordance with the management procedure provided for in:
 - Article 248a of Regulation (EEC) No 2913/92,
 - Article 10 of Council Regulation (EEC) No 2658/87⁴,
 - Article 6(2) of Council Regulation (EC) No. 747/2001⁵ or similar provisions concerning tariff preferences,
 - Article 13(3) of Council Regulation (EC) No. 3295/94⁶,
 - Article 7(2) of Council Regulation (EC) No 2505/96⁷,
 - Article 3(2) of Council Regulation (EC) No 1255/96⁸;
 - Article 10 of Council Regulation (EC) No. 32/2000⁹;

⁴ OJ L 256, 7.9.1987, p. 1.

⁵ OJ L 109, 19.04.2001, p. 2.

⁶ OJ L 341, 30.12.1994, p. 8.

⁷ OJ L 345, 31.12.1996, p. 1.

⁸ OJ L 158, 29.06.1996, p. 1.

⁹ OJ L 5, 08.01.2000, p. 1.

- (c) other issues put to the committee either on the Chairman's initiative, or at the written request of a committee member, for examination in accordance with:
- Article 249 of Regulation (EEC) No 2913/92,
 - Article 8 of Regulation (EEC) No 2658/87,
 - Article 13(2) of Regulation (EC) No. 3295/94,
 - Article 7(3) of Regulation (EC) No 2505/96.

Article 4

Documentation to be sent to committee members

1. The Chairman shall send the invitation to the meeting, the agenda and proposed measures about which the committee's opinion is required and any other working documents to the Permanent Representations and committee members in accordance with Article 14(2), as a general rule, no later than 14 calendar days before the date of the meeting.
2. In urgent cases, and where the measures to be adopted must be applied immediately, the Chairman may, at the request of a committee member or on his or her own initiative, shorten the period laid down in the above paragraph to five calendar days before the date of the meeting.
3. In cases of extreme urgency, the Chairman may depart from the periods laid down in paragraphs 1 and 2 above. If the placing of another point onto the agenda is requested during the course of a meeting, the approval of a simple majority of committee members is required.

Article 5

Informing the European Parliament

1. The Commission shall send the agenda and the proposals submitted to the committees with regard to implementing measures for acts adopted in accordance with the procedure laid down in Article 251 of the Treaty to the European Parliament for information, within the same timeframe and under the same conditions as they are sent to the Permanent Representations.
2. The Commission shall send the overall result of voting, the attendance list referred to in Article 13 and the summary report of the meetings referred to in Article 12(2) to the European Parliament within 14 calendar days of each committee meeting.

Article 6

Opinion of the committee

1. Where the committee's opinion is required under the management or regulatory procedure, this is determined by means of a majority vote, as provided for in Article 205(2) of the Treaty.

2. The Chairman, on his or her own initiative or at the request of a committee member, may postpone the vote on a particular agenda point until the end of the meeting or a later meeting:

- if a substantive change is made to the proposal during the meeting,
- if the text of the proposal has been submitted to the committee during the meeting,
- if a new point has been added to the agenda, in accordance with Article 4(3).

If there are specific difficulties, the Chairman may extend the meeting until the following day.

3. If a committee member so requests, voting on an issue can be postponed if the documents relating to a specific agenda point have not been sent to the members within the timeframe laid down in Article 4(1) and (2).

However, at the proposal of the Chairman or the request of a committee member, the committee may decide by a simple majority of members to keep this point on the agenda because of the urgency of the matter.

4. If the committee has not issued an opinion within the timeframe laid down by the Chairman, the latter may extend this period, except in cases of urgency, no longer than the end of the next meeting. If necessary, the written procedure provided for in Article 10 of these rules of procedure may be applied.

Article 7

Representation and quorum

1. Each Member State delegation is considered to be one committee member. Repayment of expenses by the Commission shall be limited to one representative per Member State and per meeting. This representative may, at the expense of the Member State concerned, be accompanied by other officials from the administration or, with the Chairman's permission, other experts in accordance with Article 9(1).

2. A Member State delegation may, if necessary, represent a maximum of one other Member State. The Permanent Representation of the Member State that is being represented must inform the Chairman of this in writing.

3. The quorum required for the committee's deliberations about proposed measures, within the meaning of Article 3(2)(a) or (b), to be valid is that permitting a majority opinion to be issued.

Article 8

Working groups

1. The committee may create working groups, chaired by a representative of the Commission or of a Member State, to examine particular issues.

Article 7(1) and (2) shall apply.

2. The groups must report back to the committee. To this end, they may appoint a rapporteur.

Article 9

Admission of third parties

1. The Chairman may decide to invite experts to talk on particular matters, at the request of a member or on his or her own initiative.

2. The representatives of third countries or organisations shall be invited to attend the meetings of the committee, in accordance with the Council act, the agreement made by the Community, the Association Council decision or other basic instrument that provides for the presence of these observers.

3. Experts and representatives of third countries or organisations must withdraw when the committee starts confidential discussions or moves to a vote.

Article 10

Written procedure

1. If necessary and justified, the committee's opinion can be obtained by a written procedure. To this end, the Chairman shall send the committee members the proposed measures on which their opinion is sought, in accordance with Article 14(2). Any committee member who does not express his or her opposition or intention to abstain before the deadline laid down in the letter is considered to have given his or her tacit agreement to the proposal; the response period must not be less than 14 calendar days.

In cases of urgency or extreme urgency, the deadlines stated in Article 4(2) and (3) shall apply.

The Chairman shall inform the Committee of the results of the written procedure.

2. However, if a committee member requests that the proposed measures be examined at a committee meeting, the written procedure shall be terminated without result; the Chairman shall then call a committee meeting as soon as possible.

Article 11

Secretarial support

The Commission shall provide secretarial support for the committee and, if necessary, the working groups created in accordance with Article 8 above.

Article 12

Minutes and summary report of the meeting

1. The minutes of each meeting shall be drawn up under the auspices of the Chairman. These minutes shall contain, in particular, the opinions expressed on the proposed measures mentioned in Article 3(2)(a) or (b) above and, if necessary, the opinions expressed on issues mentioned in Article 3(2)(c). The text of the opinions shall be given in a separate annex. The minutes shall be sent to the members of the committee within 15 working days.

The committee members shall send any written comments they may have on the minutes to the Chairman. The committee shall be informed of this; if there are any disagreements, the proposed amendment shall be discussed by the committee. If the disagreement persists, the proposed amendment shall be annexed to the minutes.

2. A summary report for the European Parliament shall be drawn up under the auspices of the Chairman. This report shall briefly describe each agenda point and the result of the vote on the proposed measures submitted to the committee. It shall not mention the individual position of Member States in the committee's discussions.

Article 13

Attendance list

1. At each meeting, the Chairman shall draw up an attendance list specifying the authorities or bodies to which the persons appointed by the Member States to represent them belong.
2. At the beginning of every meeting, any committee member whose participation in the work of the committee would constitute a conflict of interest with regard to a particular agenda point must inform the Chairman of this situation.

Members of delegations who do not belong to a particular authority or organisation of a Member State must sign a declaration stating that their participation does not raise any conflict of interest.

In the event of such a conflict of interest, the member concerned must withdraw his or her participation whilst the relevant agenda points are being dealt with, at the request of the Chairman.

Article 14

Correspondence

1. Correspondence relating to the committee shall be addressed to the Commission, for the attention of the committee Chairman.
2. Correspondence for committee members shall be addressed to the Permanent Representations, if possible by e-mail; a copy shall be sent directly to the person designated for this purpose by each Member State.

Article 15

Transparency

1. The principles and conditions concerning public access to the committee's documents shall be the same as those defined in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001¹⁰. It is for the Commission to take a decision on requests for access to these documents. If the request is addressed to a Member State, that Member State shall apply Article 5 of the abovementioned Regulation.
2. The committee's discussions shall be kept confidential.

¹⁰ OJ L 145, 31.05.2001, p. 43.