



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
COMMITTEE

-
27th Session
-

NC0432E1
(+Annexes I, II and III)
O. Eng.

Brussels, 3 May 2001.

RUSSIAN AND SPANISH AS WORKING LANGUAGES FOR HS MATTERS

(Item III.6 on Agenda)

Reference documents :

NC0361E1
NC0412 E1

I. BACKGROUND

1. On 5 April 2001, after the preparation of Doc. NC0361E1, the Secretariat received comments from The Secretary of the Multilateral Agreement on Co-operation and Mutual Assistance between Directors General of Customs of Latin America, Spain and Portugal concerning Spanish as a working language for HS matters. Furthermore, on 6 April 2001, the Secretariat also received comments from the EC concerning the same topic. These comments, and the relevant parts of the Minutes of the 95th/96th Sessions of the Council (SC0015E1), are reproduced in Annexes I, II and III to this document, respectively.

II. CONCLUSION

2. The Committee is invited to take these comments into account when discussing this agenda item.

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LETTER FROM THE SECRETARY OF THE MULTILATERAL AGREEMENT ON CO-OPERATION AND MUTUAL ASSISTANCE BETWEEN DIRECTORS GENERAL OF CUSTOMS OF LATIN AMERICA, SPAIN AND PORTUGAL

“Reference is made to the actions undertaken within the Multilateral Agreement on Co-operation and Mutual Assistance between Directors General of Customs of Latin America, Spain and Portugal, related to the Harmonized System activities.

As you might be aware, the Multilateral Agreement includes all 20 Latin American countries, Spain and Portugal. The Administration General of Customs of Mexico was honoured with the position of Secretary of this Agreement since its establishment in 1981.

During 2000, one of the main activities carried out in this forum was to update our single Spanish version of the Harmonized System, in accordance with the 3rd amendment to the HS, adopted by the Council at the 93rd and 94th Sessions in June 1999, with enough time in order to be able to apply it by January 1st, 2002, as proposed by the Council.

Therefore, we decided to conform a group of experts, which met in October in Montevideo, Uruguay, at the ALADI premises, to complete their work and conclude with the Spanish version of the Harmonized System updated with the Harmonized System (3rd Amendment).

This work was presented at the XXI Meeting of Directors General of Customs of Latin America, Spain and Portugal, held in Montevideo on November, 2000 and it was approved by all Directors General, as the only Spanish version of the Harmonized System to be applied by all customs administrations of the region and by the European Union (Combined Nomenclature).

In the XXI Meeting, we were mandated to provide you with a copy of this work. Notwithstanding, we have learned that Mr. Javier GOIZUETA, Director of the Customs Department and Special Taxes of Spain, has already sent you the above-mentioned version, requesting your acceptance.

Therefore, the Secretariat of the Multilateral Agreement kindly seconds Mr. Goizueta's idea and also requests you to consider the possibility of approving and recommending this version as the official version in Spanish language.”

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LETTER FROM THE EC

Subject : Spanish as a working language for HS matters.

Ref : Doc. NC0361E1. Agenda Item III. 6 of the HSC's 27th Session.

At the WCO Council's 95th/96th Sessions in July 2000, the Council reaffirmed its decision to use Spanish as a working language for Harmonized System matters.

This question has been placed on the Agenda for the 27th Session of the HS Committee, on the basis of Doc. NC0361E1.

In response to the issues raised in the above document, the EC points out that the official Spanish version of the Combined Nomenclature follows the "single Spanish version of the HS Nomenclature", prepared under the Multilateral Convention on the Co-operation and Mutual Assistance of National Customs Directorates of Latin America, Spain and Portugal.

In this respect, the EC has already followed the wishes of the HS Committee which, at its 15th Session, agreed to notify the Council that the Committee recognized the advantages of the single Spanish version and to ask the Council to encourage all Spanish-speaking users of the HS to apply this translation (Doc. 39.400, paragraph 67). This invitation was made by the Council.

In response to the request in your letter of 5 February 2001, the EC could also participate in the review of the Spanish version of the 2002 HS Nomenclature prepared by the Spanish Administration and by the Secretariat of the Multilateral Convention between Latin American countries. Such a version could serve as the basis for a Spanish version of this document to be published by the World Customs Organization."

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MINUTES OF THE 95th/96th SESSIONS OF THE CUSTOMS CO-OPERATION COUNCIL

(h) Use of Spanish for Harmonized System matters

69. The CHAIRMAN recalled that a proposal to introduce Spanish as a working language for Harmonized System matters had been discussed in detail in June 1999, on the basis of a Secretariat document which examined the benefits to be gained from using Spanish for HS matters, as well as the estimated costs. The Council had agreed in principle that Spanish should be introduced for HS matters, but had instructed the Finance Committee to study the cost and how it could be financed.
70. The Finance Committee had looked into these matters in April 2000, and the results of its discussions had been submitted to the Policy Commission in July 2000. The Finance Committee had concluded that given the Council's overall policy stance on expenditure - zero real growth in operating expenditure, no increase in Members' total contributions, expenditure of an ongoing nature not to be financed from the reserves - the only way of financing the expenditure from the WCO's budget would be to reduce other expenditure. The Finance Committee saw no way of achieving this, given the economies already being exercised and the high priority attached to all existing activities by the Members. Therefore, it had suggested to the Policy Commission that the best way forward would be to explore options involving financing by those interested in the use of Spanish for HS matters, coupled with any sponsorship which might be available.
71. The Policy Commission had sought a pragmatic solution which would prevent an already prolonged debate from continuing for another year. The Spanish-speaking Members had made a commitment to assist with the use of Spanish for HS matters by providing the Secretariat with two Technical Attachés, and it was suggested that this commitment could be honoured while the arrangements for implementing the Council's decision were still under discussion. This would enable preparatory work on official Spanish language versions of the WCO's HS material to begin promptly. No WCO funds would be committed pending possible further developments on budget issues.
75. The SECRETARY GENERAL recalled that the Council had already agreed in principle, at its June 1999 sessions, to the introduction of Spanish as a working language for Harmonized System matters. The practical and financial arrangements remained to be settled, but the decision itself had been taken.
76. Meanwhile a request for the introduction of Russian as a working language for Harmonized System matters had been received by the Finance Committee and the Policy Commission, but had not yet been discussed by the Council. Later in the sessions, the Council would see that, in addition to making recommendations in respect of these requests for the use of Spanish and Russian for HS matters, the Policy Commission was also proposing the establishment of criteria for assessing any future requests for the use of additional languages, exactly as the Delegates of the Libyan Arab Jamahiriya and Morocco were suggesting.
77. Returning to the specific question of how to finance the use of Spanish for HS matters, the Secretary General emphasized that the Policy Commission's proposals were based on the understanding that under the WCO's present budgetary rules there could be no question of using WCO resources for this purpose. In order to progress towards

implementation despite this limitation, the Commission was simply suggesting that a timetable for the very gradual introduction of Spanish as a working language for HS matters be prepared for examination in June 2001, bearing in mind that the Spanish-speaking Members had agreed to provide two Technical Attachés for this initiative and they could begin the preparatory work without the Organization having to incur costs. The timetable would reveal the point in time – perhaps five or more years hence – at which it would not be possible to proceed any further towards the introduction of Spanish for HS matters without WCO financing. The preparation of such a timetable in no way implied that the Council would be committed to providing the necessary financing when that point in time was reached. The decision would depend on whatever budgetary principles and rules might be in force at that time.

79. In conclusion, the Council :

- reaffirmed its decision to use Spanish for Harmonized System matters; and
- decided that the possibilities as regards application of this decision should be explored on the basis of the following parameters :
 - (a) that the use of Spanish for Harmonized System matters be introduced progressively, and in compliance with the budgetary principles in force in the WCO;
 - (b) that following discussions between the Secretariat and the Spanish-speaking Members, a timetable for the gradual introduction of Spanish for HS matters would be presented to the Policy Commission in June 2001. The timetable would indicate clearly the point at which WCO funding would be required;
 - (c) that the Spanish-speaking Members would then be invited to second two Technical Attachés to the Secretariat to begin work on the project.
