



HARMONIZED SYSTEM
COMMITTEE

-
29th Session

NC0526E1

O. Eng.

Brussels, 20 March 2002.

USE OF REFERENCES TO SPECIFIC ADMINISTRATIONS IN FUTURE
REPORTS OF THE HARMONIZED SYSTEM COMMITTEE

(Item III.2 on Agenda)

I. BACKGROUND

1. The Secretariat has noted that, at past sessions of the Committee, there have been inconsistent approaches to the mentioning of the names of delegations in the Committee's reports. The general rule has, for some time, been that no reference to specific delegations should be made in the Committee's reports unless absolutely necessary. However, there have been instances in the past where one delegation has requested that a reference to themselves be made in the report, while other delegations were not so referenced. There have also been instances where one delegation has insisted that a reference to another delegation be made in the report, while there was reluctance on the part of the other delegation to agree.
2. The Secretariat feels that the principles in this regard need to be clarified by the Committee in order to ensure consistency and equal treatment in the future. For that reason the Secretariat has taken the initiative to prepare this document for the consideration of the Committee.

II. SECRETARIAT COMMENTS

3. The Secretariat would like to emphasise that common sense needs to control our policy with regard to this matter. We also need to strike a balance with regard to this issue. On the one hand, there is a need to keep our reports concise and summary in nature. On the other, common sense dictates that delegations be named under certain circumstances. For those reasons, the Secretariat would propose the following policy with regard to the use of references to specific administrations in future reports of the Harmonized System Committee :

File No. 2921

- (1) As a general principle, no reference to specific administrations should be made in the Committee's reports unless absolutely necessary. This policy was accepted by the Committee and has been in practice for the past three years or so.
- (2) Exceptional cases where references to specific administrations are necessary include the following : (i) when an administration makes a proposal or enters a reservation regarding a classification issue; (ii) when a classification issue is the subject of a dispute between two or more Contracting Parties, in which case the parties in dispute need to be mentioned; and (iii) other specific cases where a reference to an administration is necessary in order for the record to make sense, e.g., when an administration offers to do certain things or makes a particular notification. Accordingly, except for these situations, requests for references to specific administrations in the reports should not be granted, unless approved by consensus in the Committee.
- (3) In those cases where a delegation does not wish to have its name mentioned in the report, that delegation should not be forced to agree.

III. CONCLUSION

4. The Committee is invited to express its views on this issue, taking into account the Secretariat comments above.
