



HARMONIZED SYSTEM  
COMMITTEE

-  
25<sup>th</sup> Session

NC0183E1  
(+ Annex)  
O. Eng.

Brussels, 2 February 2000.

DRAFT AMENDMENT OF THE RULES OF PROCEDURE  
OF THE HARMONIZED SYSTEM COMMITTEE

(Item VII.1 on Agenda)

Reference documents :

NC0101E1 (HSC/24)  
NC0160E2 Annex C/4 (HSC/24 – Report)

I. BACKGROUND

1. The Secretariat had prepared Doc. NC0101E1 for the 24<sup>th</sup> Session of the Harmonized System Committee (October 1999), which contained a proposed amendment to the Rules of Procedures of the HSC. As stated in paragraphs 1 to 7 of that document, the proposed amendment was intended to incorporate into a new Rule 20 of the Rules of Procedures of the HSC both the fast-track procedure regarding reservations, which was approved as Decision No. 298 at the Council's 93<sup>rd</sup> and 94<sup>th</sup> Sessions, and the fact that reservations should only be entered after the end of the Committee's sessions and not during the Committee's sessions.
2. Also included in the proposed amendment was the deletion of the reference to paragraph 1 of Article 8 of the HS Convention from the existing text of Rule 20, so as to clarify the fact that Rule 20 was intended to set out the procedure for reservations with regard to paragraphs 2 and 3 of Article 8 only and was not designed to deal with the Article 16 Procedure reservations referred to in paragraph 1 of Article 8 (see paragraph 8 of Doc. NC0101E1).
3. At the suggestion of the Director, the Committee at its 24<sup>th</sup> Session agreed to amend the Rules of Procedure in principle and the Secretariat undertook to submit the text for amendment for finalisation to the next Working Party.

File No. 2669B

## II. SECRETARIAT PROPOSAL

4. In Doc. NC0101E1, the Secretariat drew the Committee's attention to the fact that, pursuant to Article 6.6 of the HS Convention, amendments to the Rules of Procedure must be approved by not less than two-thirds of the votes attributed to the Members of the Committee. Since the EC and its Member countries could exercise only one vote as laid down in Article 6 of the HS Convention, 56 votes would be required for approval. Therefore, the Secretariat proposed that a postal approval procedure would be necessary.

## III. CONCLUSION

5. The Committee is invited to examine the draft amendments to Rule 20 of its Rules of Procedure set out in the Annex to this document, once it has been finalized by the presessional Working Party.
6. The Committee is also invited to approve the procedure as proposed in paragraph 4 above.

\* \* \*

Annexe au Doc. NC0183B1  
Annex to

(CSH/25/mars 2000)  
(HSC/25/March 2000)

ANNEXE

-----

PROJET D'AMENDEMENT DU REGLEMENT INTERIEUR DU  
COMITE DU SYSTEME HARMONISE

(Point VII.1 de l'ordre du jour)

---

ANNEX

-----

DRAFT AMENDMENT OF THE RULES OF PROCEDURE OF  
THE HARMONIZED SYSTEM COMMITTEE

(Item VII.1 on Agenda)



AMENDEMENT DU REGLEMENT INTERIEUR  
DU COMITE DU SYSTEME HARMONISE

Article 20.

Nouvelle rédaction :

“Conformément à la Décision du Conseil n° 298, le Secrétaire général est autorisé, à la demande d’une Partie contractante, à renvoyer directement devant le Comité les questions couvertes par le paragraphe 2 de l’Article 8 de la Convention, pour autant que la demande ait été notifiée par écrit avant la fin du deuxième mois qui suit celui au cours duquel une session du Comité du système harmonisé a été close. Le Secrétaire général doit alors inscrire la question à l’ordre du jour de la session suivante du Comité pour un nouvel examen.

Lorsque différentes Parties contractantes demandent que la même question soit renvoyée devant le Conseil et devant le Comité, ou lorsqu’une Partie contractante ne précise pas si la question doit être soumise au Conseil ou directement au Comité, la question est soumise au Conseil. Le Secrétaire général informe toutes les Parties contractantes dès qu’il reçoit une demande de renvoi d’une question devant le Conseil ou devant le Comité.

Toute Partie contractante qui formule une demande de renvoi d’une question devant le Conseil ou devant le Comité a la faculté de la retirer à tout moment avant que la question soit examinée par le Conseil ou réexaminée par le Comité. Toutefois, lorsque le Conseil décide de renvoyer cette question devant le Comité, celui-ci l’examine. Lorsqu’une Partie contractante retire une demande, la décision initiale prise par le Comité est réputée approuvée, sauf si aucune décision n’a été prise au sujet d’une demande concernant la même question déposée par une autre Partie contractante. Le Secrétaire général notifie aux Parties contractantes tout retrait d’une demande.

Les demandes adressées au Secrétaire général en vue de renvoyer une question devant le Conseil ou devant le Comité pour nouvel examen conformément à l’Article 8.2 de la Convention sur le Système harmonisé et à la Décision du Conseil n° 298 ne doivent pas être introduites avant le jour qui suit celui de la clôture de la session du Comité mais peuvent être communiquées avant la fin du deuxième mois qui suit celui au cours duquel la session du Comité a été close.

Lorsque, conformément aux dispositions du paragraphe 3 de l’Article 8 de la Convention et à la Décision du Conseil n° 298, une question est renvoyée en totalité ou en partie devant le Comité pour un nouvel examen, la Partie contractante ayant demandé que cette question soit réexaminée soumet au Secrétaire général, 60 jours au moins avant la date d’ouverture de la prochaine session du Comité, une note exposant les motifs de sa demande, ainsi que ses propositions pour résoudre la question. Le Secrétaire général diffuse cette note aux autres Parties contractantes.”

---

AMENDMENTS TO THE RULES OF PROCEDURE OF  
THE HARMONIZED SYSTEM COMMITTEE

Rule 20.

Delete and substitute :

“Pursuant to Council Decision No. 298, the Secretary General may refer matters arising under paragraph 2 of Article 8 of the Convention directly back to the Committee upon the request of a Contracting Party, provided that the request is made in writing not later than the end of the second month following the month during which a session of the Committee was closed. The Secretary General shall then place the matter on the Agenda of the following session of the Committee for re-examination.

If requests relating to the same matter are received from different Contracting Parties for referral both to the Council and to the Committee, or if a Contracting Party does not specify whether the matter should be referred to the Council or directly to the Committee, the matter shall be referred to the Council. The Secretary General shall inform all Contracting Parties of the receipt of a request for referral of a matter to the Council or to the Committee.

A Contracting Party making a request for referral of a matter to the Council or to the Committee may withdraw its request at any time before the matter is examined by the Council or re-examined by the Committee. However, the Committee will examine a matter if it has been referred by the Council. In the event that a Contracting Party withdraws a request, the original decision of the Committee shall be deemed to be approved, unless a request from another Contracting Party dealing with the same matter is pending. The Secretary General shall notify Contracting Parties of any withdrawal.

Notifications to the Secretary General to refer any matter to the Council or Committee for re-examination pursuant to Article 8.2 of the Convention and Council Decision No. 298 shall not be submitted before the day following the close of the Committee's session, but may be submitted until the end of the second month following the month during which that session was closed.

When, pursuant to the provisions of paragraph 3 of Article 8 of the Convention and Council Decision No. 298, any matter is referred in whole or in part to the Committee for re-examination, the Contracting Party which has requested that the matter be re-examined shall submit to the Secretary General, not less than 60 days before the opening date of the next session of the Committee, a note setting out its reasons for requesting the re-examination, together with its proposals for resolving the matter. The Secretary General shall circulate this note to the other Contracting Parties.”

---