EUROPEAN
COMMISSION

Brussels, 27.4.2022
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ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

on the position to be taken on behalf of the European Union in the World Customs Organization Council in relation to the adoption of a draft amendment to the Rules of Procedure of the Harmonized System (HS) Committee

ANNEX

Amendments to Rule of Procedure 19

Third paragraph	Decisions concerning amendments to the Convention shall be taken by a majority of not less than two-thirds of the votes cast by the Members of the Committee. However, if there are two or more options for the amendment, then the Committee shall firstly undertake a stepped voting procedure, as outlined below under the simple majority voting procedures, to reduce the options to one. Once there is a single option for the amendment, then a final vote on whether to accept or reject the amendment would be taken under the two-thirds majority rule.
Fourth paragraph	Other decisions shall be taken by a simple majority (more than 50 per cent) of the votes cast by the Members of the Committee. If there are more than two options and none of them has achieved more than 50 per cent of the votes cast by the Members of the Committee, a simple majority voting shall apply a stepped voting practice that reduces the number of options by dropping out the lowest voted option until the highest voted option achieves more than 50 per cent of the votes cast by the Members of the Committee.

Amendments to Rule of Procedure 20

Notifications to the Secretary General to refer any matter to the Council or Committee for re-examination pursuant to paragraph 2 of Article 8 of the Convention and Council Decision No. 298 may not be made before the day following the close of the Committee's session, but must be made by the end of the second month following the month during which that session was closed. A notification shall be considered made within the period if it was received by the Secretary General before 24:00 (Brussels time) of the last day of the period.

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 within the period specified in the preceding paragraph. 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.

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.