

COUNCIL DECISION (EU) 2022/568**of 4 April 2022**

on the position to be taken on behalf of the European Union within the Special Committee on Customs and Trade Facilitation established by the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the adoption of the rules of procedure of the Special Committee on Customs and Trade Facilitation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ⁽¹⁾ ('the Agreement') was signed by the Union and its Member States on 10 June 2016. It is provisionally applied between the Union and its Member States, of the one part, and Botswana, Lesotho, Namibia, Eswatini and South Africa, of the other part, from 10 October 2016, and between the Union and its Member States, of the one part, and Mozambique, of the other part, from 4 February 2018.
- (2) The Special Committee on Customs and Trade Facilitation was established by Article 50(1) of the Agreement.
- (3) Pursuant to Article 50(2), point (f), of the Agreement, the Special Committee on Customs and Trade Facilitation is to determine its own rules of procedure.
- (4) It is appropriate to establish the position to be taken on the Union's behalf within the Special Committee on Customs and Trade Facilitation, as the decision on the adoption of its rules of procedure will have legal effects on the Union.
- (5) The position of the Union within the Special Committee on Customs and Trade Facilitation as regards the adoption of its rules of procedure should be based on the draft Decision of that committee attached to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Special Committee on Customs and Trade Facilitation, established by Article 50 of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the adoption of its rules of procedure shall be based on the draft Decision of that committee attached to this Decision.

⁽¹⁾ OJ L 250, 16.9.2016, p. 3.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 4 April 2022.

For the Council
The President
R. BACHELOT-NARQUIN

Draft

DECISION No [...] OF THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION
of ...
regarding its Rules of Procedure

THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), signed in Kasane on 10 June 2016, and in particular Article 50(2)(f) thereof,

HAS ADOPTED THIS DECISION:

The Rules of Procedure of the Special Committee on Customs and Trade Facilitation are established as set out in the Annex.

This Decision shall enter into force on...

Done at ...

ANNEX

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON CUSTOMS AND TRADE FACILITATION

CHAPTER I

Organisation*Article 1***Composition and Chair**

1. The Special Committee on Customs and Trade Facilitation established in accordance with Article 50 of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement') shall perform its duties as provided for in Article 50 of the Agreement.
2. Reference to 'the Parties' in these Rules of Procedure shall be in accordance with the definition provided for in Article 104 of the Agreement.
3. As provided for in Article 50(1) of the Agreement, the Special Committee on Customs and Trade Facilitation shall be composed of the representatives of the Parties.
4. As provided for in Article 50(4) of the Agreement, the Special Committee on Customs and Trade Facilitation shall be chaired alternately by an official of the European Commission and by an official of the SADC EPA States. The first meeting of the Special Committee on Customs and Trade Facilitation shall be co-chaired by an official of the European Commission and by an official of the SADC EPA States.
5. The mandate corresponding to the first period shall begin on the date of the first meeting of the Special Committee on Customs and Trade Facilitation and end on 31 December of the same year.

*Article 2***Meetings**

1. The Special Committee on Customs and Trade Facilitation shall meet once a year or at the request of either Party. The meetings shall be held in Brussels or in the territory of one of the SADC EPA states alternately, unless the Parties agree otherwise.
2. Unless the Parties agree otherwise, meetings of the Special Committee on Customs and Trade Facilitation shall be convened by the Party holding the Chair, after consulting the other Party.

*Article 3***Observers**

The Special Committee on Customs and Trade Facilitation may decide to invite observers on an ad hoc basis and determine which agenda items will be open to those observers.

*Article 4***Secretariat**

1. The Party hosting the meeting of the Special Committee on Customs and Trade Facilitation shall act as the Secretariat.
2. When the meeting takes place via electronic means, the Party holding the Chair shall act as the Secretariat.

*CHAPTER II***Functioning***Article 5***Documents**

Where the deliberations of the Special Committee on Customs and Trade Facilitation are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat of the Special Committee on Customs and Trade Facilitation as documents of the Special Committee on Customs and Trade Facilitation.

*Article 6***Notification and agenda for the meetings**

1. The Secretariat shall notify the Parties of the convening of a meeting and request inputs for the agenda no later than 30 days before the meeting. In the event of an urgent matter and/or unforeseen circumstances to be considered, the meeting may be convened at short notice.
2. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Special Committee on Customs and Trade Facilitation. It shall be forwarded by the Secretariat to the Chair and members of the Special Committee on Customs and Trade Facilitation no later than 14 days before the beginning of the meeting.
3. The provisional agenda shall include items in respect of which the Secretariat of the Special Committee on Customs and Trade Facilitation has received a request for inclusion in the agenda by a Party.
4. The agenda shall be adopted by the Special Committee on Customs and Trade Facilitation at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
5. The Chair of the Special Committee on Customs and Trade Facilitation may, upon agreement by all Parties, invite experts to attend its meetings in order to provide information on specific subjects.

*Article 7***Report of meeting**

Unless the Parties agree otherwise, the report of each meeting shall be drawn up by the Secretariat of the Special Committee on Customs and Trade Facilitation and adopted at the end of each meeting.

*Article 8***Decisions and recommendations**

1. The Special Committee on Customs and Trade Facilitation shall adopt by consensus decisions or recommendations in the cases provided for in the Agreement or where such power has been delegated to it by the Joint Council or the Trade and Development Committee.
2. Where the Special Committee on Customs and Trade Facilitation is empowered under the Agreement to adopt decisions or recommendations, or where such power has been delegated to it by the Joint Council or the Trade and Development Committee, such acts shall be entitled 'Decision' or 'Recommendation' respectively in the report of the meetings. The Secretariat of the Special Committee on Customs and Trade Facilitation shall give any approved decision or recommendation a serial number, the date of adoption and a description of their subject matter. Each decision or recommendation shall provide for the date of its entry into force.

3. In the event that a SADC EPA State is not in attendance, the decisions and/or recommendations of the meeting shall be communicated to the member that was unable to attend the meeting by the Secretariat. That SADC EPA State shall provide a written response within 10 calendar days from dispatch of the decisions and/or recommendations, indicating those decisions and/or recommendations they are not in agreement with, including reasons therefor. In the absence of the abovementioned written response within 10 calendar days, the decisions and/or recommendations shall be deemed adopted. In the event that the SADC EPA State that did not attend the meeting disagrees with decisions and/or recommendations, the procedure in paragraph 4 shall apply.

4. In the period between meetings, the Special Committee on Customs and Trade Facilitation may adopt decisions and recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between representatives of the Parties.

5. Decisions and recommendations adopted by the Special Committee on Customs and Trade Facilitation shall be authenticated by making an authentic copy signed by a representative of the European Union and by a representative of the SADC EPA States.

Article 9

Public access

1. The meetings of the Special Committee on Customs and Trade Facilitation shall not be public, unless otherwise decided.
2. Each Party may decide to publish the decisions and recommendations of the Special Committee on Customs and Trade Facilitation.

CHAPTER III

Final provisions

Article 10

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Special Committee on Customs and Trade Facilitation, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings, the provision of interpretation services and reproduction of documents shall be borne by the Party hosting the meeting.

Article 11

Amendment of the Rules of Procedure

These Rules of Procedure may be amended in writing by a decision of Special Committee on Customs and Trade Facilitation in accordance with Article 8.
