

**RULES OF PROCEDURE
OF THE HARMONIZED SYSTEM COMMITTEE**

CHAPTER I - COMPOSITION AND FUNCTIONS

Rule 1

Pursuant to the provisions of paragraph 1 of Article 6 of the International Convention on the Harmonized Commodity Description and Coding System (hereinafter called "the Convention"), the Harmonized System Committee (hereinafter called "the Committee") consists of representatives from each of the Contracting Parties to the Convention. Each Contracting Party is a Member of the Committee.

Rule 2

The functions of the Committee are those assigned to it by Article 7 of the Convention.

CHAPTER II - REPRESENTATION

Rule 3

Each member of the Committee may nominate one delegate and one or more alternates to be its representatives on the Committee. Representatives of Members of the Committee may be assisted by advisers.

Rule 4

Members of the Council which are not Contracting Parties to the Convention may be represented at meetings of the Committee by one delegate and one or more alternates. Such representatives shall attend meetings of the Committee as observers with the right to take part in the discussions but not to vote. They may be assisted by advisers.

Rule 5

Nominations of delegates and alternates to the Committee shall be made to the Secretary General and may be made directly by the administrations concerned.

Delegates and alternates shall continue to hold that position until such time as the Secretary General is notified of the termination of their appointment.

The names of advisers assisting delegates shall be notified to the Secretary General.

Rule 6

The Secretary General may invite representatives of States which are not Members of the Council and, subject to the approval of the Chairperson of the Committee, representatives of intergovernmental or other international organizations, and any experts whose participation is considered desirable, to attend meetings of the Committee as observers.

CHAPTER III - COMMITTEE MEETINGS

Rule 7

Pursuant to the provisions of paragraph 2 of Article 6 of the Convention, the Committee shall normally hold at least two sessions a year. Unless already decided by the Council, the opening date and duration of each session shall be fixed by the Committee at its preceding session. In case of urgency, the opening date and duration of the session may be varied by the Secretary General with the concurrence of the Chairperson of the Committee.

Rule 8

Pursuant to the provisions of paragraph 3 of Article 6 of the Convention, the meetings of the Committee shall be convened by the Secretary General and, unless the Contracting Parties otherwise decide, shall be held at the Headquarters of the Council.

Rule 9

The Secretary General shall inform all Members of the Committee and other Members of the Council of the opening date and duration of each session of the Committee, at least 30 days in advance of the opening date of the session except that this 30 day period may be reduced in case of urgency. The Secretary General shall at the same time notify that date and duration to each delegate to the Committee.

CHAPTER IV - AGENDA

Rule 10

A provisional Agenda for each session shall be sent to each Member of the Committee, each Member of the Council other than a Member of the Committee, each delegate and each observer at the same time as the invitation to participate in the meeting.

This Agenda shall comprise all items whose inclusion has been approved by the Committee during its preceding session and all items whose inclusion has been requested by the Council, the Secretary General, the Chairperson of the Committee or any Member of the Committee.

Nevertheless, items submitted by Members of the Committee shall not be entered on the Agenda for a session unless they are received by the Secretariat at least eight weeks before that session opens. Items received after this closing date shall be entered on an additional list appended to the provisional Agenda.

In principle, all basic working documents should be dispatched to the Members of the Committee at least 30 days before the opening date of the session.

Rule 11

The Committee shall determine its Agenda at the opening of each session. It may, in particular, decide whether or not to include in it any of the items which appear in the additional list. During the session the Agenda may be altered at any time by the Committee.

CHAPTER V - OFFICERS AND CONDUCT OF BUSINESS

Rule 12

Pursuant to the provisions of paragraph 5 of Article 6 of the Convention, the Committee shall elect from among the delegates or alternates of its Members a Chairperson and one or more Vice-Chairperson. The Chairperson and Vice-Chairperson shall each hold office for a period of one year. The retiring Chairperson and Vice-Chairperson are eligible for re-election for one additional consecutive year, unless circumstances otherwise warrant. A Chairperson or Vice-Chairperson whose nomination to the Committee is terminated by the Member concerned automatically ceases to be Chairperson or Vice-Chairperson.

Rule 13

If the Chairperson is absent, a Vice-Chairperson shall preside and shall have the same powers and duties as the Chairperson.

Rule 14

The Chairperson shall participate in the proceedings as such and not as a representative of a Member of the Committee.

Rule 15

In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairperson shall declare the opening and closing of each session, accord the right to speak, direct the discussion, put questions to the vote, announce decisions, rule on points of order and, pursuant to these Rules, have control of the proceedings. The Chairperson may also call a speaker to order if the speaker's remarks are not relevant to the question at issue.

Rule 16

During discussion of any matter a delegation may raise a point of order. In this event the Chairperson shall immediately give a ruling. If this ruling is challenged, the Chairperson shall submit it to the Committee for decision and it shall stand unless overruled.

Rule 17

Pursuant to the provisions of paragraph 8 of Article 6 of the Convention, the Committee shall establish such Sub-Committees or Working Parties as it considers necessary, in particular to assist the Committee in preparing amendments to the Convention.

The Committee shall elect from among its Members a Chairperson for each of such Sub-Committees or Working Parties and, if appropriate, one or more Vice-Chairpersons. It shall also determine the membership, voting rights and Rules of Procedure for such Sub-Committees or Working Parties, and the questions to be considered by such Sub-Committees or Working Parties.

All the proposals of such Sub-Committees or Working Parties shall be submitted to the Committee for decision.

CHAPTER VI - QUORUM AND VOTING

Rule 18

Representatives of 40 % or 40 of the Members of the Committee, whichever is lower, shall constitute a quorum

Rule 19

Subject to the provisions of Article 17 of the Convention, the voting rights of Members shall be the same as provided for Contracting Parties in paragraph 4 of Article 6 of the Convention.

Decisions concerning amendments to the Rules of Procedure of the Committee shall be taken in accordance with the provisions of paragraph 6 of Article 6 of the Convention.

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.

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.

The fact that the appropriate majority has not been obtained on a particular question shall not preclude the Committee from reporting to the Council on that matter.

CHAPTER VII - RESERVATIONS

Rule 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.

CHAPTER VIII - SECRETARIAT

Rule 21

The Council Secretariat shall perform the secretarial work of meetings of the Committee. It shall circulate communications by Members of the Committee concerning items on the Agenda of such meetings, prepare the study documents and draw up the Reports of the meetings.

CHAPTER IX - LANGUAGES AND RECORDS

Rule 22

The official languages of the Committee shall be English and French. Speeches or statements made in either of these two languages shall be immediately translated into the other official language, unless all delegates of the Members of the Committee present agree to dispense with translation. Speeches or statements made in any other language shall be translated into English and French, subject to the same conditions, but in that event the delegation concerned shall provide the translation into English or French.

Only English and French shall be used for the official documents of the Committee. Memoranda and correspondence for consideration by the Committee shall be presented in one or other of these languages.

Rule 23

The Committee shall approve its Report at the close of each session.

CHAPTER X - RELATIONS WITH THE COUNCIL

Rule 24

The Chairperson shall report on the work of the Committee at each session of the Council.

CHAPTER XI - PRIVACY

Rule 25

Unless the Committee decides otherwise, its sessions shall be restricted to delegations from its Members and, subject to the provisions of Rules 4 and 6, to delegations from observers.

CHAPTER XII - REVISION

Rule 26

These Rules may be revised, in whole or in part, in accordance with the provisions of paragraph 6 of Article 6 of the Convention.

However, no proposal for amendment of these Rules shall be taken into consideration at a Committee session, unless the text of the proposed amendment was dispatched in writing to Members of the Committee at least 60 days before the beginning of the session.
