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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union within the World Customs Organization Council with regard to a Recommendation under Article 16 of the HS Convention on amending the Harmonised System Nomenclature

COUNCIL DECISION (EU) 2019/…

of …

on the position to be taken on behalf of the European Union within the World Customs Organization Council with regard to a Recommendation under Article 16 of the HS Convention on amending the Harmonised System Nomenclature

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 and the first subparagraph of Article 207(4) thereof, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The International Convention on the Harmonized Commodity Description and Coding System ('the HS Convention'), concluded by the Union by Council Decision 87/369/EEC[1], entered into force on 1 January 1988.

(2) Pursuant to Article 7 of the HS Convention, the Harmonized System Committee may propose to the World Customs Organization (WCO) Council amendments to the Harmonised System Nomenclature ('the HS Nomenclature'). Under Article 16 of the HS Convention, the WCO Council may recommend amendments to the Contracting Parties.

(3) The WCO Council is expected to decide on a Recommendation to the Contracting Parties for an amendment to the HS Nomenclature at its June 2019 sessions. Such a Recommendation will be adopted on the basis of a proposal prepared by the Harmonized System Committee and finalised during its 63rd meeting on 19-29 March 2019. It will enter into force on 1 January 2022.

(4) It is of utmost importance that the HS Nomenclature is kept up-to-date and in line with the evolution of trade patterns and the development of new technologies, and that it reflects as closely as possible the needs of the users. The proposed Recommendation includes numerous sets of amendments that take into account the need to modernise or adapt the HS Nomenclature to its environment.

[1] Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

(5) Since that Recommendation for an amendment to the HS Nomenclature is to be adopted by the WCO Council, it is appropriate to establish the position to be taken on the Union's behalf as, once accepted under Article 16 of the HS Convention, the Recommendation will be binding on the Union and capable of decisively influencing the content of Union law, namely Annex I to Council Regulation (EEC) No 2658/87[1].

(6) A partial position to be taken on the Union's behalf within the WCO was already established before the 63rd meeting of the Harmonised System Committee.

(7) It is appropriate to support the draft amendment to the HS Nomenclature, and any minor changes that may be deemed necessary,

HAS ADOPTED THIS DECISION:

[1] Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 1

The position to be taken on the Union's behalf in the June 2019 sessions of the WCO Council shall be to support the draft Recommendation under Article 16 of the HS Convention concerning the amendment to the Harmonized System as set out in Annex R to Document NC2626B1b (Report HSC/63/March 2019).

Minor changes to that draft Recommendation may be agreed to by the representatives of the Union without further decision of the Council.

Article 2

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

Done at …,

For the Council
The President