



Council of the
European Union

Brussels, 19 October 2016
(OR. en)

11769/4/16
REV 4

LIMITE

UD 177

NOTE

From: General Secretariat of the Council
On: 19 October 2016
To: Working Party on Customs Union

Subject: Informal Agreement between the Member States of the European Union on
Establishing a Procedure for the Nomination of a Single EU Candidate for
WCO Positions

Delegations will find in the Annex the above Informal Agreement, as agreed by the Working Party at its meeting on 19 October 2016.

**Informal Agreement on Establishing a Procedure for the Nomination of a single EU
Candidate for WCO Positions**

Objective

The present Informal Agreement aims at setting up a cooperative process amongst EU Member States and the European Commission in view of nominating one single EU candidate for the elections of senior WCO management positions. In principle, this agreement would be most effective if Member States do not propose or support other candidates following the voting result, except in the case of withdrawal of a candidate. However this process cannot encroach on the competence of EU Member States to nominate candidates and to vote in WCO elections.

Temporal Scope

This Informal Agreement shall apply for the purpose of the election of the WCO Secretary General in 2018. Any further application of this Informal Agreement shall be subject to the agreement of the Member States.

Call for Candidates

Two years¹ before a senior management position in the WCO will become vacant, or immediately after an unforeseen sudden vacancy, the incumbent Council Presidency, in cooperation with the other two members of the Trio, shall inform the Member States of the vacancy and forward a standard application form to the Customs Attachés, in accordance with the latest corresponding WCO model.

The Member States will be requested to present their written application to the incumbent Presidency no later than two months after the call for candidates had been sent out.

¹ In case of the WCO Secretary General election in 2018 the call for candidates will be sent by the Presidency by 30 November 2016 at the latest.

The Presidency may prolong this time limit on the request of a Member State. In that case, the Presidency shall inform the Member States accordingly.

Nomination

The Member States will submit a nomination letter, laying down the name of their candidate and the national support. In the application form attached to the letter the candidate shall explain the reasons for their candidacy, the objectives during their term in office, as well as their vision on the future of Customs and the role of WCO and its Secretariat.

Pre-selection Process

If two or more nominations had been submitted, the Presidency shall initiate the pre-selection process. In agreement with the other two members of the Trio, the Presidency shall set out a deadline by which all the Member States will discuss the candidacies with the aim of agreeing on a single EU candidate.

The Member States concerned may invite a representative of the Commission services to participate impartially in the discussions, provided the Commission does not present a candidate of its own.

By the deadline, the participating Member States shall either communicate the name of the EU candidate to the Presidency or inform the Presidency that the pre-selection process has failed.

During this period, any participating Member State may at any time inform the Presidency that no agreement can be reached, in which case the pre-selection process will be considered as having failed.

If the discussion would result in having one candidate, then this candidate shall be presented at the selection.

If there is only one nomination, the pre-selection process shall not apply, and the nominee shall be the candidate to be presented at the selection.

Selection

Preparation

The selection shall be organised by the incumbent Presidency. The voting and the counting of votes shall be monitored by the two other Trio Members.

The incumbent Presidency shall circulate the outstanding applications to the Member States, and set out date, time and venue of the selection.

In view of hearing all the candidates, the Presidency shall invite the Member States and the Commission to send their questions to the candidates within a set deadline, and shall provide the candidates with these questions no later than two weeks before the hearing.

Hearing

The hearing of each candidate shall cover the following subjects:

- a) Presentation of the candidate;
- b) Strategy of the candidate in view of being considered as the best candidate by the worldwide WCO community at the time of the actual election and of ensuring their global electability;
- c) Answers to the Member States' and the Commission's questions.

The hearing aims at setting up a level playing field, granting equal opportunities to each candidate and providing the Member States and the Commission with all the information needed to assess all the candidates. This includes information about the support from non-EU members of the WCO Europe Region or other Regions.

Voting

Each Member State shall have one vote in a secret ballot.

The successful candidate shall become the one who received more than 50% of the cast votes.

In case of more than one candidate, the voting shall be a two-round system. If no candidate at the first round received more than 50% of the cast votes, the two candidates with the highest number of votes shall participate in a second and final round.

Voting Results

The Presidency shall immediately announce the outcome of the vote and the details of the ballot.

In case a second round needs to be held, the Presidency shall communicate the details of the first round.

Provided that the nominations of unsuccessful candidates had been withdrawn, the successful candidate shall be announced by the Presidency at the forthcoming WCO Europe Region meeting, with the purpose to gain support from the non-EU members of the Region.

With the aim of improving the global electability of the EU candidate, the nominating Member State shall endeavour to gain support within the WCO Europe Region and possibly within all other WCO regions, and shall strive to comply with the WCO nomination and election requirements.

Withdrawal

The Member States may withdraw their nominee at any time, and shall immediately inform the Presidency.

Role of the Presidency and the Trio

The incumbent Presidency assisted by the Trio members shall take the leading role in the procedure. The launch of the procedure and any related discussion shall take place in the framework of the CUWP meetings with the support of the Council Secretariat. The Directors General of Customs will be invited to the hearings and voting meetings.

Role of the European Commission

Provided that the nominations of unsuccessful candidates had been withdrawn, the Commission, autonomously and/or in cooperation with the nominating Member State shall promote the successful EU candidate at every occasion, at WCO and at other international fora.

Possible conflict of Interests

If the Member State holding the Council Presidency has the intention to nominate a candidate, it shall hand over the responsibility for the whole pre-selection and selection process to the next Presidency. Similarly, when members of the Trio present a candidate, their role shall be taken over by the first Member State from the following Trio.

Funding

This Agreement shall not involve commitment to funding.

Final provision

The Member States recognise that the nomination of one single EU candidate can be achieved only if all Member States commit to respect the above procedure.
