Council of the European Union

Brussels, 4 October 2022
(OR. en)

12562/22
ADD 1

Interinstitutional File:
2022/0229(NLE)

ACP 102
WTO 175
COAFR 230
RELEX 1207
AGRI 449

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Draft DECISION OF THE SPECIAL COMMITTEE ON GEOGRAPHICAL INDICATIONS AND TRADE IN WINES AND SPIRITS regarding its Rules of Procedure

Draft

DECISION No [...] OF THE SPECIAL COMMITTEE
ON GEOGRAPHICAL INDICATIONS AND TRADE IN WINES AND SPIRITS

of …

regarding its Rules of Procedure

THE SPECIAL COMMITTEE ON GEOGRAPHICAL INDICATIONS AND TRADE IN WINES AND SPIRITS,

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 13(5) of Protocol 3 thereto,

HAS ADOPTED THIS DECISION:

The Rules of Procedure of the Special Committee on Geographical Indications and Trade in Wines and Spirits are established as set out in the Annex to this Decision.

This Decision shall enter into force on ...

Done at ...

ANNEX

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON GEOGRAPHICAL INDICATIONS AND TRADE IN WINES AND SPIRITS

Chapter I
Organisation

Article 1

Composition and Chair

1. The Special Committee on Geographical Indications and Trade in Wine and Spirits ('the Special Committee') established under Article 13 of Protocol 3 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 in accordance with Articles 1, 13 and 14 of that Protocol.

2. Reference to 'the Parties' in these rules of procedure shall be made in accordance with the definition provided for in Article 1 of the Protocol 3 of the Agreement.

3. The Special Committee shall be composed of representatives of the Parties.

4. The meetings of the Special Committee shall be chaired alternately by an official of the European Commission and by an official of the SADC EPA States adhering to Protocol 3. In case of South Africa it will be an officer of the Department of Trade, Industry and Competition.

5. The mandate referred to paragraph 4 that corresponds to the first period shall begin on the date of the first meeting of the Special Committee and end on 31 December of the same year.

Article 2

Meetings

1. The Special Committee shall meet at regular intervals, at least once a year, and at the request of either Party. The meetings shall be held alternately in Brussels or in the territory of one of the SADC EPA States adhering to Protocol 3 unless the Parties agree otherwise.

2. Unless the Parties agree otherwise, meetings of the Special Committee shall be convened by the Party holding the chair, after consulting the other Party or Parties, as the case may be.

3. The Parties may agree to alternative arrangements to accommodate exchange of documents by electronic means, whereas meetings may be convened by video or phone conference or any other means agreed by the Parties and suitable with the agenda of the meeting.

Article 3

Observers

The Special Committee may decide to invite observers to attend its meetings 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 shall act as the Secretariat of the Special Committee ('the Secretariat').

2. When the meeting takes place under paragraph (3) of Article 2, the Party holding the chair shall act as the Secretariat.

Chapter II
Functioning

Article 5

Documents

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

2. The Parties may agree to set up a secure electronic mode to exchange documents and, where signature of documents is required, the use of electronic signature subject to the laws of the respective Parties. Each Party shall inform each other about the domestic rules ensuring the validity of the electronic signature.

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 case of an urgent matter or unforeseen circumstances to be considered, the meeting may be convened at short notice.

2. A provisional agenda shall be drawn up by the Secretariat for each meeting. It shall be forwarded by the Secretariat to the Chair and to the members of the Special Committee no later than 14 days before the meeting.

3. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion by a Party.

4. The agenda shall be adopted by the Special Committee at the beginning of each meeting. Items other than those on the provisional agenda may be placed on the agenda if the Parties so agree.

5. The Parties may agree to invite experts to attend its meetings in order to provide information on specific subjects.

Article 7

Report of meeting

1. Unless the Parties agree otherwise, the report of each meeting shall be drawn up by the Secretariat at the end of each meeting.

2. The report of the meeting shall include, as a general rule, the final agenda, a summary of the discussions under each agenda point and where applicable the Decisions and Recommendations of the Special Committee.

3. The report shall be finalised and adopted by the Parties as soon as possible but no later than 60 days from the date of the meeting.

4. A copy of the report shall be forwarded to the Secretariat of the Trade and Development Committee, and the Parties shall inform orally the Trade and Development Committee about the result of the meeting when appropriate.

Article 8

Decisions and recommendations

1. In accordance with Article 13(3) of Protocol 3 of the Agreement, the Special Committee may make recommendations and adopt decisions by consensus in the cases provided for in the Protocol 3 of the Agreement.

2. Where the Special Committee is empowered to adopt decisions or recommendations, such acts shall be entitled ‘Decision’ or ‘Recommendation’ respectively in the report of the meetings referred to in Article 7. The Secretariat shall give any adopted decision or recommendation a serial number, the date of adoption and a description of its subject-matter. Each decision or recommendation shall provide for the date of its entry into force.

3. In the period between meetings, the Special Committee may adopt decisions or recommendations by written procedure or by electronic means if the Parties so agree. A written procedure shall consist of an exchange of notes between representatives of the Parties.

4. Decisions and recommendations adopted by the Special Committee shall be authenticated by two original copies signed by a representative of each Party.

Article 9

Working Language

Unless otherwise decided by the Parties, all the correspondence and communication between the Parties relating to the work of the Special Committee, as well as the preparation of and deliberations on decisions and recommendations will be carried out in English.

Article 10

Public Access

1. The meetings of the Special Committee shall not be public, unless otherwise decided by the Parties.

2. The Parties shall publish the decisions and recommendations of the Special Committee in any appropriate medium. Each Party may decide to publish the report of each meeting in any appropriate medium.

Chapter III
Final Provisions

Article 11

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Special Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.

2. Expenses in connection with the organisation of a meeting, the provision of interpretation services and the reproduction of documents shall be borne by the Party hosting the meeting.

Article 12

Amendment of the rules of procedure

These rules of procedure may be amended in writing by a decision of the Special Committee adopted in accordance with Article 8.