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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE EUROPEAN UNION-NEW ZEALAND JOINT
CUSTOMS COOPERATION COMMITTEE adopting its Rules of Procedure

DRAFT

DECISION No .../2020
OF THE EUROPEAN UNION-NEW ZEALAND JOINT CUSTOMS
COOPERATION COMMITTEE

of ...

adopting its Rules of Procedure

THE JOINT CUSTOMS COOPERATION COMMITTEE,

Having regard to the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters, concluded in Brussels on 3 July 2017, and in particular Article 20.2(d) thereof,

Whereas Article 20.2(e) of the Agreement provides that the Joint Customs Cooperation Committee shall adopt its internal rules of procedure,

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the European Union-New Zealand Joint Customs Cooperation Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

The Decision shall apply as of its date of adoption.

Article 3

The text of this Decision is drawn up in duplicate in the English language, each of those texts being equally authentic. Each Party may provide for translations into its other official languages.

Done at ..., on

*For the European Union-New Zealand
Joint Customs Cooperation Committee
The Co-Chairs*

ANNEX

RULES OF PROCEDURE OF THE EUROPEAN UNION-NEW ZEALAND JOINT CUSTOMS COOPERATION COMMITTEE

Article 1

Chairmanship

The European Union-New Zealand Joint Customs Cooperation Committee (hereinafter referred to as “the Joint Committee”) established in accordance with Article 20.1 of the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters, concluded in Brussels on 3 July 2017 (hereinafter referred to as “the Agreement”) shall be co-chaired by a representative of the European Union and a representative of New Zealand and will perform its duties under Article 20 of the Agreement.

Article 2

Representation

1. Each Contracting Party to the Agreement shall notify the other Contracting Party to the Agreement of the list of its members of the Joint Committee. The list shall be administered and kept current by the Secretariat of the Joint Committee.

2. A co-chair of the Joint Committee may be represented by a designee if he or she is unable to attend a meeting. The co-chair, or his or her designee, shall inform in writing the other co-chair and the Secretariat of the Joint Committee of the designation as far in advance of the meeting as possible.
3. The designee of the co-chair of the Joint Committee shall exercise the rights of that co-chair to the extent of the designation. For the purpose of these Rules of Procedure, subsequent references to members and co-chairs of the Joint Committee shall be understood to include the designee.

Article 3

Secretariat of the Joint Committee

An official of the European Union and an official of New Zealand shall act jointly as the Secretariat of the Joint Committee.

Article 4

Meetings

1. The Joint Committee shall meet at the request of either Contracting Party. The meetings shall be held in Brussels and Wellington alternately, unless the co-chairs agree otherwise.

2. The meetings of the Joint Committee may be held by videoconference or teleconference.
3. Each meeting of the Joint Committee shall be convened by the Secretariat of the Joint Committee at a date and place decided by the co-chairs.

Article 5

Delegation

The members of the Joint Committee may be accompanied by government officials of the respective Contracting Parties. Before each meeting, each co-chair of the Joint Committee shall inform the other co-chair of the intended composition of the delegation of each Contracting Party.

Article 6

Documents

When the deliberations of the Joint Committee are based on written supporting documents, those documents shall be numbered and circulated by the Secretariat of the Joint Committee as documents of the Joint Committee.

Article 7
Correspondence

1. Correspondence addressed to the co-chairs of the Joint Committee shall be forwarded to the Secretariat of the Joint Committee for circulation, when appropriate, to the members of the Joint Committee.
2. Correspondence from the co-chairs of the Joint Committee shall be sent to the recipients by the Secretariat of the Joint Committee and shall be numbered and circulated, where appropriate, to the other members of the Joint Committee.

Article 8
Agenda for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Joint Committee. It shall be forwarded, together with the relevant documents, to the members of the Joint Committee, including the co-chairs, no later than 15 calendar days before the beginning of the meeting.
2. The provisional agenda shall include items in respect of which the Secretariat of the Joint Committee has received a request for inclusion in the agenda by a Contracting Party, together with the relevant documents, no later than 21 calendar days before the beginning of the meeting.

3. The co-chairs of the Joint Committee shall make public a jointly approved version of the provisional agenda of the Joint Committee.
4. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the co-chairs so agree.
5. The co-chairs of the Joint Committee may by mutual consent invite observers, including representatives of other bodies of the Contracting Parties or independent experts, to attend its meetings in order to provide information on specific subjects.
6. The co-chairs of the Joint Committee may by mutual consent reduce or increase the time periods specified in paragraphs 1 and 2 in order to take account of the requirements of a particular case.

Article 9

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretariat of the Joint Committee, within 21 days from the end of the meeting, unless otherwise decided by mutual consent by the co-chairs.

2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) the documents submitted to the Joint Committee;
 - (b) any statement that a member of the Joint Committee requested to be entered in the minutes;
 - (c) the decisions adopted; and
 - (d) any measures, recommendations, joint statements and operational conclusions agreed on specific items.
3. The minutes shall include the final agenda and a list of the names, titles and affiliations of all individuals who attended the meeting in any capacity.
4. The minutes shall be approved in writing by the co-chairs within 60 days of the date of the meeting or by any other date decided by mutual consent.
5. The Secretariat of the Joint Committee shall also prepare a draft summary of the minutes. Once the co-chairs of the Joint Committee have approved the text of the summary, they shall make that summary public.

Article 10

Decisions

1. The Joint Committee shall adopt decisions pursuant to Article 20.2 of the Agreement by mutual consent. Decisions may be adopted, including in periods between meetings of the Joint Committee, by written procedure through an exchange of notes between the co-chairs of the Committee.
2. Each decision of the Joint Committee shall have a serial number, the date of adoption and a title referring to its subject matter. Each decision shall indicate a date when it comes into effect, and may be subject to the completion of any necessary requirements and procedures of each Contracting Party.
3. Each decision shall be established in duplicate and signed for the purpose of authentication by the co-chairs of the Joint Committee.
4. The Contracting Parties shall ensure that the decisions adopted by the Joint Committee are made public.

Article 11
Publicity and Confidentiality

1. The work of the Joint Committee shall be treated as confidential. Unless both Contracting Parties decide otherwise, the meetings of the Joint Committee shall not be open to the public.
2. When a Contracting Party submits to the Joint Committee information considered as confidential or protected from disclosure under its laws and regulations, the other Contracting Party shall treat that information as confidential in accordance with Article 17 of the Agreement.

Article 12
Working Language

Unless otherwise agreed by the Contracting Parties, all the correspondence and communication between the Contracting Parties relating to the work of the Joint Committee, as well as the preparation of and deliberations on decisions and recommendations, shall be in English.

Article 13

Expenses

1. Each Contracting Party to the Agreement shall meet any expenses it incurs as a result of participating in the meetings of the Joint Committee.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Contracting Party hosting the meeting.

Article 14

Working groups and other bodies

1. Pursuant to Article 20.3 of the Agreement, the Joint Committee shall set up the appropriate working mechanisms, including working groups, to support its work to implement the Agreement.
2. The Joint Committee shall supervise the work of all working groups and other bodies established under the Agreement.
3. The working groups and other bodies established under the Agreement shall report to the Joint Committee on results and conclusions from each of their meetings.
4. Unless otherwise decided, the present Rules of Procedure shall apply *mutatis mutandis* to the working groups and other bodies established under the Agreement.