

**ASSOCIATION
BETWEEN
THE EUROPEAN UNION
AND THE REPUBLIC OF MOLDOVA**

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The Customs Sub-committee

**Brussels, 20 January 2015
(OR. en)**

UE-MD 1103/15

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

**Subject: DECISION OF THE EU-REPUBLIC OF MOLDOVA CUSTOMS
SUB-COMMITTEE adopting its Rules of Procedure**

DECISION No 1/2015
OF THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE

of ... 2015

adopting its Rules of Procedure

THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part¹ ("the Agreement"), and in particular Article 200 thereof,

¹ OJEU L 260, 30.8.2014, p.4.

Whereas:

- (1) In accordance with Article 464 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 200 of the Agreement, the Customs Sub-Committee is to monitor the implementation and administration of Chapter 5 (Customs and Trade Facilitation) of Title V (Trade and Trade-related Matters) of the Agreement.
- (3) Pursuant to Article 200(3)(e) of the Agreement, the Customs Sub-Committee is to adopt its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Customs Sub-Committee, as set out in the Annex, are hereby adopted.

Article 2

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

Done at ...,

For the Customs Sub-Committee
The Chair

ANNEX

Rules of Procedure of the EU-Republic of Moldova Customs Sub-Committee

Article 1

General provisions

1. The Customs Sub-Committee, established in accordance with Article 200(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ("the Agreement") shall perform its functions as provided for in Article 200(2) and (3) of the Agreement.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of the Republic of Moldova, responsible for customs and customs-related matters.
3. A representative of the European Commission or of the Republic of Moldova who is responsible for customs and customs-related matters shall act as Chair in accordance with Article 2.
4. The Parties in these Rules of Procedure shall be defined as provided for in Article 461 of the Agreement.

Article 2
Chairmanship

The Parties shall hold the chairmanship of the Customs Sub-Committee, alternately, for a period of 12 months. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

Article 3
Meetings

1. Save as otherwise agreed by the Parties, the Customs Sub-Committee shall meet once a year or at the request of either Party.
2. Each meeting of the Customs Sub-Committee shall be convened by its Chair at a place and on a date agreed by the Parties. The notice convening the meeting shall be issued by the Chair of the Customs Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means such as video or audio-conference.
4. The Customs Sub-Committee may address any issue out of session, by correspondence.

Article 4
Delegations

Before each meeting, the Parties shall be informed, by the Secretariat of the Customs Sub-Committee, of the intended composition of the delegation of each Party attending the meeting.

Article 5
Secretariat

1. An official of the European Commission and an official of the Republic of Moldova who are responsible for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement ("the Association Committee in Trade configuration"), shall be informed of any decisions, opinions, recommendations, reports and other agreed actions of the Customs Sub-Committee.

Article 6
Correspondence

1. Correspondence addressed to the Customs Sub-Committee shall be directed to the Secretary of either Party, who in turn will inform the other Secretary.

2. The Secretariat of the Customs Sub-Committee shall ensure that correspondence addressed to the Customs Sub-Committee is forwarded to the Chair of the Customs Sub-Committee and circulated, where appropriate, as documents referred to in Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat on behalf of the Chair. Such correspondence shall be circulated, where appropriate, as provided for in Article 7.

Article 7

Documents

1. Documents shall be circulated by the Secretaries of the Customs Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of the Republic of Moldova in such correspondence. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.
4. The Secretary of the Republic of Moldova shall circulate the documents to the relevant representatives of the Republic of Moldova and shall systematically copy the Secretary of the Union in such correspondence. The Secretary of the Republic of Moldova shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.

Article 8
Confidentiality

Unless otherwise decided by the Parties, the meetings of the Customs Sub-Committee shall not be public. When a Party submits information designated as confidential to the Customs Sub-Committee, the other Party shall treat that information as such.

Article 9
Agendas for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the date of the meeting.
2. The provisional agenda, together with the relevant documents, shall be circulated as provided for in Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Customs Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

4. The Chair of the Customs Sub-Committee may, upon agreement of the other Party, invite representatives of other bodies of the Parties or independent experts in a subject area on an *ad-hoc* basis to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.
5. The Chair of the Customs Sub-Committee may reduce the time-limits specified in paragraphs 1 and 2, in consultation with the Parties, in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes, including operational conclusions, of each meeting shall be drawn up by the Secretary of the Customs Sub-Committee of the Party holding the chairmanship of the Customs Sub-Committee.
2. The draft minutes, including the operational conclusions, shall be submitted to the Customs Sub-Committee for approval. The draft minutes shall be approved within 28 calendar days after each Customs Sub-Committee meeting. A copy shall be sent to each of the addressees referred to in Article 7.

Article 11

Decisions and recommendations

1. The Customs Sub-Committee shall have the power to adopt practical arrangements, measures, decisions and recommendations as provided for in Article 200 of the Agreement. Those practical arrangements, measures, decisions and recommendations shall be adopted by consensus between the Parties after completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, who shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by the Chair of the Customs Sub-Committee and authenticated by the Secretaries of the Customs Sub-Committee. Without prejudice to paragraph 3, the Chair shall sign those documents during the meeting in which the relevant decision or recommendation is adopted.
3. The Customs Sub-Committee may take decisions or make recommendations by written procedure, after completion of the respective internal procedures for their adoption, if the Parties so agree. The written procedure shall consist of an exchange of notes between the Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated pursuant to Article 7, with a time-limit of no less than 21 calendar days within which any reservations or amendments shall be made known. The Chair may reduce that time-limit, in consultation with the Parties, in order to take account of special circumstances. Once the text is agreed, the decision or the recommendation shall be signed by the Chair and authenticated by the Secretaries.

4. The acts of the Customs Sub-Committee shall be entitled 'Decision' or 'Recommendation' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions and recommendations shall be circulated to the Parties.
6. Each Party may decide on the publication of the decisions and recommendations of the Customs Sub-Committee in its respective official publication.

Article 12

Reports

The Customs Sub-Committee shall report to the Association Committee in Trade configuration at each regular annual meeting of the Association Committee in Trade configuration.

Article 13

Languages

1. The working languages of the Customs Sub-Committee shall be English and Romanian.
2. Unless otherwise decided, the Customs Sub-Committee shall base its deliberations on documentation prepared in those languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from English and Romanian as referred to in Article 13(1) shall be borne by the Party hosting the meeting.

Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the Customs Sub-Committee in accordance with Article 200(3)(e) of the Agreement.
