

REGULATION ON THE CUSTOMS COOPERATION COMMITTEE OF THE BRICS

1. General Provisions

1.1. In order to inherit and develop the BRICS Customs Administrator meeting cooperation mechanism developed at the first BRICS Customs Administrator Meeting in South Africa in 2013 and fulfil the cooperation outcomes of the meeting, the BRICS Member States establish the Customs Cooperation Committee of the BRICS.

1.2. The Customs Cooperation Committee of the BRICS (hereinafter –“Committee”) is a permanent cooperation body of the BRICS intended for ensuring cooperation of customs services of the BRICS Member States in the field of customs policy. All the customs matters among the BRICS Member States should be discussed and decided by the Committee.

1.3. In its activity the Committee is governed by the fundamental documents of the BRICS, the international agreements signed between the countries within the framework of the BRICS, and this Regulation.

2. Main Activities and Functions of the Committee

2.1. The main activities of the Committee are:

- Determination of the priority directions in customs matters of the BRICS Member States;
- Facilitation in the approximation of customs legislations of the BRICS Member States;
- Coordination of the practical cooperation of customs and other relevant national authorities of the BRICS Member States regarding the main aspects of the customs policy;
- Contribution to the implementation of the adopted interstate and intergovernmental decisions of the BRICS Member States in customs matters.

2.2. The Committee has the following basic functions:

- Study and preparation of decisions and recommendations on all issues concerning customs cooperation;
- Promote cooperation between intergovernmental organisations and integration associations on the issues within its competence.
- Consultations on customs cooperation, technical assistance, trade facilitation, and mutual administrative assistance in customs matters;
- Exchange of information and participation in consultations with a view to establishing, where possible, common positions in international organisations

in the field of customs such as the World Trade Organization, the World Customs Organization and others;

- Reviewing the course of implementation of the obligations undertaken by customs authorities of the BRICS Member States and implementation of recommendations according to the Committee decisions;
- Consideration of other issues within its competence.

3. Rights and Obligations of the Committee

3.1. The Committee has the right to:

- Submit proposals for consideration of customs authorities and cooperation among relevant bodies of the BRICS in accordance with the established procedure;
- Make decisions within its competence aimed at developing interaction among the customs authorities of the BRICS Member States;
- Establish permanent or temporary Working Groups, which may be necessary for the consideration of matters in the field of customs in accordance with the established procedure;
- Engage scientists and specialists for the implementation of some operations in accordance with the established procedure;
- Resolve other issues within its competence.

3.2. The member of the Committee shall have the right to:

- submit any issues for discussion within the competence of the Committee and receive necessary information about the matters under discussion and implementation of the decisions made by the Committee;
- make proposals regarding the place and time of the Committee meetings;
- receive necessary information about the activity of the Working Groups of the Committee.

3.3. The member of the Committee shall:

- inform the Committee on the policy of its state regarding the customs cooperation matters;
- inform the relevant bodies of the BRICS about the decisions undertaken by the Committee, and facilitate their implementation;
- exercise control over the full and timely implementation of the decisions.

4. Organisation of Activity of the Committee

4.1. Members of the Committee are the Heads of Customs Administrations of the BRICS Member States (the customs administrator/deputy customs administrator or the designated customs senior officer of the BRICS Member States). Each State shall have one vote in the Committee. Each Head of Customs Administration shall have the right to appoint the representative with the appropriate powers to make decisions at the Committee meetings.

4.2. The Committee shall be headed by the Chairperson who is the Head of Customs Administrations of the BRICS Member State in charge of the BRICS Forum presidency.

4.3. The Chairperson of the Committee shall:

- hold Committee meetings;
- sign and send documents to the Customs Administrations of the BRICS Member States on behalf of the Committee;
- represent the Committee in cooperation bodies of the BRICS in accordance with the established procedure;
- maintain and develop contacts with other organisations at the level of their working (executive) authorities and within his competence;
- promote the interaction between Customs Administrations of the BRICS Member States;
- perform other actions connected with a view to ensuring the activity of the Committee.

4.4. The Committee shall approve its Terms of Reference.

4.5. Committee meetings shall be held as required, but at least once in a year.

4.6. The Customs Administrations of the BRICS Member States shall prepare proposals for the Committee meeting.

- Proposals shall be submitted in the form of preliminary draft documents or their concepts.
- The final decision to include a specific issue in the agenda shall be taken by the Committee.

4.7. The Committee meetings shall be valid, if all the Committee Members are participating in them.

4.8. Decision making order.

- The Committee shall make decisions within its competence by following the principle of reaching consensus through consultations.

- Customs Administrations of the BRICS Member States within their competence shall adopt, if necessary, appropriate acts to provide implementation of the decisions made by the Committee.

4.9. According to the Committee decision, representatives of other cooperation bodies of the BRICS, involved states and international organisations may participate in the Committee meeting as observers. Specialists and experts of the involved cooperation bodies of the BRICS, authorities of the BRICS Member States and international organisations operating in the customs area may be invited to take part at the Committee meetings.

5. Administration of the Committee and its Functions

5.1. For the Administration of the Committee there shall be a Committee Secretariat. Functions of the Committee Secretariat shall be performed by the Customs Administration of the state which representative is the Chairperson of the Committee.

5.2. The Committee Secretariat shall:

- organise and hold the Committee meetings in the order provided by the Regulation;
- prepare the materials which are submitted for consideration at the Committee meetings;
- send the preliminary agenda and the draft documents submitted for consideration during forthcoming Committee meetings to the Customs Administrations of the BRICS Member States in accordance with the established procedure;
- timely send the decision made by the Committee to Customs Administrations of the BRICS Member States;
- according to the decisions of the Committee organise expert meetings in order to prepare draft documents for consideration during the Committee meetings;
- keep minutes of the Committee's meetings, of the Committee Working Groups' meetings, Committee Expert groups' meetings;
- remain custodian of the protocols, minutes, decisions, documents and other materials from the meetings of the Committee, Working and Expert Groups;
- cooperate with the Customs Administrations of the BRICS Member States regarding the timely determination of participants of the Committee meeting and discussion of the matters on the agenda during the experts meetings preceding the next Committee meeting;

- control the implementation of the Committee decisions made together with Customs Administrations of the BRICS Member States and inform the Chairperson and the members of the Committee on the results;
- cooperate within the competence with other cooperation bodies of the BRICS regarding the coordination and preparation of the draft documents discussed at the Committee meetings and submitted for consideration.

5.3. The Secretary of the Committee is assigned by the Chairperson of the Committee for a one year term.

Secretary of the Committee shall:

- manage the activities of the Secretariat of the Committee;
- organize the work of the Committee between the sessions.

6. Financing

Financial provision of the Committee meetings, permanent and temporary Working Groups on the directions of its activity is performed at the expense of Customs Administrations of the host BRICS Member State.

Expenses on business trips of members and experts of the Committee are covered by the Customs Administration of the sending country.

All types of work and joint programs performed according to the decisions made are financed at the expense of the interested Customs Administrations of the BRICS Member States.

7. Final provisions

The Committee shall cease its activity upon the consensual decision of the Heads of Customs Administrations of the BRICS Member States.

Changes can be made to this Regulation by a relevant decision of the Committee.

Signed at Goa on the 16th Day of October 2016, in five originals in the English language.