



**RULES OF
PROCEDURE FOR
SACU INSTITUTIONS**





**THE RULES OF PROCEDURE OF THE
SOUTHERN AFRICAN CUSTOMS UNION (SACU)
COUNCIL OF MINISTERS**

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**RULES OF
PROCEDURE FOR
SACU INSTITUTIONS**

Rule 1 Citation

These rules may be cited as the Rules of Procedure of the Council of Ministers of the Southern African Customs Union (SACU).

Rule 2 Definitions

In these Rules, unless the context otherwise requires, the expression:

“**Advisor**” means a person who attends a meeting of the Council either at the request of the Council, a Member State or the Executive Secretary but who is not a representative or delegate of any Member State or any SACU institution;

“**Agreement**” means the Agreement establishing SACU including such annexes as Council may from time to time adopt;

“**Chair**” means the Chair of the Council held under Article 8(10) of the Agreement;

“**Commission**” means the Customs Union Commission established by Article 7(b) of the Agreement;

“**Consensus**” shall be construed to mean the absence of any objection expressed by a Member State;

“**Council**” means the Council of Ministers of SACU established by Article 7(a) of the Agreement;

“**Days**” means calendar Days;

“**Executive Secretary**” means the Executive Secretary of SACU appointed under Article 8(3) of the Agreement;

“Member” means a representative of the Member State delegated to Council;

“Member State” means a Member State of SACU;

“National Body” means a National Body established by Article 14 of the Agreement;

“SACU” means the Southern African Customs Union established by Article 3 of the Agreement;

“Secretariat” means the Secretariat of the Southern African Customs Union established by Article 7(c) of the Agreement;

“Tariff Board” means the SACU Tariff Board established by Article 7 (d) of the Agreement;

“Tribunal” Means an ad hoc Tribunal established by Article 7 (f) of the Agreement.

Rule 3 Composition

- (a) The Council shall consist of at least one Minister from each Member State in accordance with the Agreement.
- (b) Members of the Council or the Executive Secretary may be accompanied to meetings by Advisors who shall only attend the meeting to address specific issue/s and shall soon thereafter leave the meeting at the request of the Chair.
- (c) It shall be the responsibility of the Member States to ensure that Ministers who attend Council meetings have sufficient authority and mandate to discuss and decide on issues at hand.

Rule 4 Chair

- (a) Subject to paragraph (b), below, the Chair of the Council shall be held for a term of twelve (12) calendar months by the Minister from each Member State in alphabetical order of the Member States. The chair shall pass to a new Chair, at a date to be fixed by the Council based on a joint proposal by the incoming and outgoing Chair.
- (b) If, for whatever reason, the Member State which is entitled to take the Chair waives this right, the Chair shall not revert to that Member State at a subsequent term but shall pass on in the order mentioned in paragraph (a) above.
- (c) During a meeting the Chair may be replaced by another Minister from the chairing Member State.

Rule 5 Place of Meetings

- (a) The Council shall meet at a venue confirmed by the Executive Secretary based on a simple rotation of all the Member States as determined by the Council.
- (b) Ad hoc meetings of the Council shall be held at a venue confirmed by the Executive Secretary in consultation with the Chair of the Council.

Rule 6 Meetings

- (a) The Council shall meet as often as it is necessary for the effective discharge of its responsibilities.
- (b) If any of the Member States or the Executive Secretary so requests, the Council may decide to meet in a meeting at other times in accordance with the Agreement. If the

Council is not in meeting, the request shall be communicated by the Executive Secretary to the Member States, and a decision in favour of holding a meeting shall be regarded as taken by Consensus if the Executive Secretary is not informed of any objection to the holding of the meeting.

- (c) The Chair shall, after consultations with the relevant Ministers in the Member States, fix the exact date for the opening of each meeting, and the Executive Secretary shall notify the date to Member States.
- (d) When a meeting of the Council has been arranged in accordance with the provisions of paragraph (c) above, any request for postponement shall be made at least fifteen (15) days before the date fixed for the opening of the meeting; a decision in favour of postponing the meeting shall be regarded as taken by consensus if no Member State informs the Executive Secretary of its objection at least seven (7) days before the date originally fixed.

Rule 7 Agenda

The agenda shall be adopted by the Council at the beginning of the meeting.

- (a) The Executive Secretary, in consultation with the Chair, shall prepare a provisional agenda for each meeting, and shall cause such agenda to be transmitted to each Member State together with a notice of a meeting twenty-one (21) Days in advance of the meeting in question.
- (b) A Member State may place additional items on the provisional agenda for a meeting by giving notice thereof to the Executive Secretary at least fourteen (14) Days prior to the meeting in question. Member States shall be notified of such additional items through a supplementary list which

shall be communicated to them at least seven (7) Days prior to the commencement of the meeting.

- (c) The Executive Secretary may, under special circumstances, at any time, add items to the provisional agenda of the meeting provided that Member States shall be forthwith notified.

Rule 8 Quorum

- (a) The quorum for the meeting of the Council shall be by at least one Minister from each Member State.
- (b) Where the quorum for a meeting is not reached, but Ministers from at least four (4) Member States are present, the meeting shall be held. The decisions of the meeting shall, however, be submitted by the Executive Secretary to the Member State which failed to attend a meeting for approval. Where the Executive Secretary cannot get approval from that Member State, then such decisions shall be submitted to the subsequent Council meeting for approval.

Rule 9 Decision Making

- (a) Decisions of Council shall be made by Consensus in accordance with Article 17 of the Agreement;
- (b) The Chair shall summarise and announce decisions reached by Council and ensure that they are duly recorded.

Rule 10 Dispatch of Business

- (a) At the beginning of each meeting the Council shall adopt its agenda and work program and may determine which

- items of the agenda shall be closed to Advisors or delegates.
- (b) The Chair shall open and close the meetings, direct discussions, give speakers the floor in the order in which it is requested, submit matters under discussion for decision and announce the decisions and rulings on questions of procedure in accordance with these Rules.
 - (c) Proposals for consideration at a meeting shall be submitted in writing and circulated by the Executive Secretary at least seven (7) Days prior to the meeting to the Member States, provided that the Chair may, at a meeting if he/she deems it expedient or desirable, consider a proposal in respect of which no text has been circulated in advance of the meeting.
 - (d) Any proposal to amend a proposal may be submitted without notice provided a copy shall be submitted to the Executive Secretary prior to its introduction. A decision shall be made by the Chair thereupon whether to discuss or defer the matter to the next meeting.
 - (e) If there is more than one proposal for amendment of a proposal the Chair shall determine the order in which they shall be considered.
 - (f) A proposal may be withdrawn by a Member State that proposed it.
 - (g) During the consideration of any matter at a meeting, any Member State may raise a point of order and the Chair shall make a ruling immediately on the point of order raised. A Member State may appeal against the ruling of the Chair. An appeal on the ruling of the Chair shall be decided by the Council.
 - (h) During the consideration of any matter at a meeting, the Chair may read out a list of speakers and with the consent of the meeting, declare the list closed. The Chair may, however, grant any Member State the right to reply if a contribution made after the list of speakers is closed justifies it.

- (i) During the consideration of any matter at a meeting, any Member State may move that the meeting be adjourned whereupon the Council shall immediately take a decision on the motion.
- (j) When a matter has been adequately considered, any Member State may move that the consideration of the matter be closed whereupon the Council shall immediately take a decision on the motion.
- (k) During the consideration of any matter, a Member State may speak in support of the proposal and another against it whereupon the Council shall immediately take a decision on the motion.
- (l) Proposals as to procedure shall include requests to:
 - (i) refer the matter back;
 - (ii) defer consideration of a matter;
 - (iii) adjourn the meeting;
 - (iv) close discussions on a particular question; and
 - (v) request the opinion of the Chair, and the Executive Secretary.
- (m) The Executive Secretary may with the permission of the Chair, at any time, make oral or written statements or clarifications at meetings of the Council concerning questions under consideration.

Rule 11 **Restricted Session**

The following rules shall apply for occasions when an item is discussed in restricted session:

- (a) Any Minister or the Executive Secretary shall have the right to propose that an item be discussed in a restricted session. The proposal may be made in a written note to the

- Chair, who in that case shall announce it without identifying the person who requested a restricted session.
- (b) The meeting shall go into a restricted session immediately upon this announcement, following which the requesting individual shall be given an opportunity to justify his/her request.
 - (c) The level of participation in a restricted session shall be determined by the Council.
 - (d) At the discretion of Council, decisions of a restricted session shall be dealt with in accordance with Rule 9(b) above.

Rule 12
Time Allocation and Discipline

- (a) The Chair may allocate time to each speaker on any questions.
- (b) The Chair shall grant the use of the floor in the order in which it has been requested. The Chair can call to order when a statement is not relevant to the matter under discussion.

Rule 13
**Dispatch of Business at times when the
Council is not meeting**

- (a) The Council may make provisions for the dispatch of business at times when it is not meeting.
- (b) The provisions that the Council may make under paragraph (a) of this Rule may include arrangements under which the exercise of any function of the Council may be delegated, subject to such conditions as the Council may specify, to the Chair or a member of the Secretariat.
- (c) If at any time, the Council is requested to make a decision without physically meeting, the Executive Secretary shall

communicate full details and motivation of the issue to be discussed to each Member State, including justification for the request. Once all Member States give consent, then any decision so reached shall in accordance with Rule (9) above, be an ordinary Council decision.

- (d) The Executive Secretary shall within fourteen (14) days thereafter circulate such decision to the all Member States.

Rule 14 Secretarial Services

- (a) The secretarial services of the meeting of the Council shall be provided by the Executive Secretary who shall cause the minutes of the meeting to be kept and shall not later than fourteen (14) days transmit copies thereof to the Member States.
- (b) The Secretariat shall transmit Council decisions relating to the Tariff Board as per the Tariff Board Annex.

Rule 15 Language

The working language of the Council shall be English.

Rule 16 Appointment of the Heads of SACU Institutions

- (a) Submission of candidates:
 - (i) When a vacancy occurs in the post of the Executive Secretary, Tariff Board Member or Tribunal, Council shall fill such vacancies as provided for in the Agreement;
 - (ii) Member States shall send their proposals to the Executive Secretary, [Secretariat] who will forward such proposals to the Council.

(b) Criteria for determining the choice of candidates

The Council shall ensure when determining the choice of candidates:

- (i) recruitment of persons of the highest ability, integrity and suitability for the post to be filled;
- (ii) the desirability of ensuring an equitable geographical allocation of appointments among nationals of the Member States subject to the overriding interests of efficiency;

(c) Procedure in the Council

- (i) The proposed list of candidates shall be submitted to Council where there shall be a formal, recorded preliminary examination of candidates.
- (ii) Council may, at its discretion, summon candidates to an interview.
- (iii) The Council shall proceed to make the appointment by consensus.

(d) Term of office

- (i) The term of office shall be determined by Council at its discretion in accordance with the Agreement.
- (ii) Not less than six (6) months before the expiry of the term of any such official, the procedure laid down in the preceding clauses shall be set in motion.

Rule 17

Report of the Commission

- (a) The Chair of the Commission shall present a report of the Commission to the subsequent meeting of the Council and accordingly address questions, comments and requests for clarifications as the Council may deem necessary.
- (b) The Chair of the Commission may be accompanied by members of the Commission to the Council Meeting.

Rule 18
Report of the Tariff Board

- (a) The Chair of the SACU Tariff Board shall present a report of the Tariff Board to the subsequent meeting of the Council and accordingly address questions, comments and requests for clarifications as the Council may deem necessary.
- (b) The Chair of the Tariff Board may be accompanied by competent members of the Tariff Board to the Council meeting.

Rule 19
Referral of Matters to the Tribunal

The SACU Agreement provides that the Tribunal shall determine its own rules of procedure (Article 13(8)). The interaction procedure between Council and the Tribunal shall be finalized once the Tribunal is operational.

Rule 20
Decisions of the Tribunal

The SACU Agreement provides that the Tribunal shall determine its own rules of procedure. Details relating to the procedure for interaction between Council and the Tribunal shall be finalized once the Tribunal is operational and adopted its rules in accordance with Article 13(8) of the SACU Agreement.

Rule 21
**Procedure for Approval of Trade Agreements
with Third Parties**

Details relating to the procedure for negotiating and approving trade agreements with third parties shall be finalised once common negotiating mechanisms have been developed in accordance with Article 31 of the SACU Agreement.

Rule 22
Management of the Common Revenue Pool

Details of this rule shall be finalised once Council has taken a permanent decision on the Management of the Common Revenue Pool.

Rule 23
Consultations

General principles – The consultation process in SACU shall be guided by the following principles:

(a) Participation

The Council shall adopt an inclusive approach when developing and implementing SACU policies, which means consulting as widely as possible on major policy initiatives. This applies, in particular, in the context of legislative proposals.

(b) Openness and accountability

The Council shall adopt a consultative approach that is transparent, open and offers the highest standards of accountability and provides a fair chance for interested parties to contribute to the development of SACU decisions.

(c) Effectiveness

Consultations shall be conducted in an effective and timely manner taking into consideration the element of proportionality of consultations. The method and extent of the consultation performed must therefore always be proportionate to the impact of the proposal subject to consultation.

(d) Coherence and Consistency

Council shall adopt a coherent and consistent approach to consultations in order to promote an effective, transparent, open and accountable system.

(e) Time limits for participation

The Council shall provide sufficient time for planning and responses to invitations and written contributions.

**Rule 24
Admission of New Members to SACU**

This issue shall be dealt with once Council has decided on the criteria for admission of new members in accordance with Article 6 of the Agreement.

**Rule 25
Notice of Withdrawal**

- (i) Any member State wishing to withdraw from SACU shall notify the Executive Secretary of its intention to withdraw.
- (ii) The Executive Secretary shall transmit to the Council any notice of withdrawal from SACU membership received from a Member State.
- (iii) The Council shall discuss that notice of withdrawal at its next meeting and decide on its legal and financial consequences, which shall be notified to the Member State concerned by the Executive Secretary.

**Rule 26
Miscellaneous**

If there is any doubt as to the procedures to be followed in any particular case, or if no procedure is prescribed by or under these Rules, the procedure to be followed shall be determined by the Council.

**Rule 27
Amendments**

These Rules may be amended by the Council in accordance with Article 8(2) of the Agreement.

**Rule 28
Conflict of Provisions**

In the event of a conflict between these Rules and the provisions of the Agreement, the latter shall prevail.

**Rule 29
Entry into Force**

These Rules shall enter into force on the date they shall be adopted by Council.



**THE RULES OF PROCEDURE OF THE
SOUTHERN AFRICAN CUSTOMS UNION (SACU)
COMMISSION**

Rule 1 Citation

These rules may be cited as the Rules of Procedure of the Customs Union Commission of the Southern African Customs Union (SACU).

Rule 2 Definitions

In these Rules, unless the context otherwise requires, the expression:

“**Advisor**” means a person who attends a meeting of the Commission either at the request of the Commission, a Member State or the Executive Secretary but who is not a representative of any Member State or any SACU institution;

“**Agreement**” means the Agreement establishing SACU;

“**Chair**” means the Chair of the Commission;

“**Commission**” means the Customs Union Commission established by Article 7 (b) of the Agreement;

“**Consensus**” shall be construed to mean the absence of any objection expressed by a Member State;

“**Council**” means the Council of Ministers established by Article 7(a) of the Agreement;

“**Days**” means calendar Days;

“**Executive Secretary**” means the Executive Secretary of SACU appointed under Article 8(3) of the Agreement;

“**Member**” means a representative of the Member State delegated to the Commission;

“**Member State**” means a State that is Party to the Agreement;

“**National Body**” means a Body established by Article 14 of the Agreement.

“**SACU**” means the Southern African Customs Union established by Article 3 of the Agreement;

“**Secretariat**” means the Secretariat of SACU established by Article 7 (c) of the Agreement;

“**Tariff Board**” means the SACU Tariff Board established by Article 7(d) of the Agreement

“**Tribunal**” means an ad hoc Tribunal established by Article 7(f) of the Agreement.

Rule 3 Composition

- (a) The Commission shall consist of at least one senior official at the level of Permanent Secretary, Director – General, Principal Secretary or any official of equal rank, from each Member State in accordance with the Agreement.
- (b) Members of the Commission or the Executive Secretary may be accompanied to meetings by Advisors who shall only attend the meeting to address specific issue/s and shall soon thereafter leave the meeting upon the request of the Chair.
- (c) It shall be the responsibility of the Member States to ensure that Members of the Commission meetings have sufficient authority and mandate to discuss and decide on issues at hand.

Rule 4 Chair

- (a) Subject to paragraph (b), below, the Chair of the Commission shall be held for a term of twelve (12) calendar months by a Member from each Member State in alphabetical order of the Member States. The chair shall pass to a new Chair, at a date to be fixed by the Council of Ministers based on a joint proposal by the incoming and outgoing Chair of the Council of Ministers.
- (b) The Chair of the Commission shall at all times be held by the Member State which is also the Chair of Council.
- (c) During the meeting the Chair may be replaced by another Member from the chairing Member State.

Rule 5 Place of Meetings

- (a) The Commission shall meet at a venue confirmed by the Executive Secretary based on a simple rotation of all the Member States as determined by the Council.
- (b) Ad hoc meetings of the Commission shall be held at a venue confirmed by the Executive Secretary in consultation with the Chair of the Commission.

Rule 6 Meetings

- (a) The Commission shall meet as often as it is necessary for the effective discharge of its responsibilities.
- (b) If any of the Member States or the Executive Secretary so requests, the Commission may decide to meet in a

meeting at other times in accordance with the Agreement. If the Commission is not in meeting, the request shall be communicated by the Executive Secretary to the Member States, and a decision in favour of holding a meeting shall be regarded as taken by Consensus if the Executive Secretary is not informed of any objection to the holding of the meeting.

- (c) The Chair shall, after consultations with the Executive Secretary, fix the exact date for the opening of each meeting, and the Executive Secretary shall notify the date to Member States.
- (d) When a meeting of the Commission has been arranged in accordance with the provisions of paragraph (b) above, any request for postponement shall be made at least fifteen (15) Days before the date fixed for the opening of the meeting; a decision in favour of postponing the meeting shall be regarded as taken by Consensus if no Member State informs the Executive Secretary of its objection at least seven (7) Days before the date originally fixed.
- (e) Subject to paragraph (b) above, the Commission shall meet at least three (3) weeks before the meeting of Council. All business shall be finalized on the second day and the third day shall be reserved for report adoption.

Rule 7 Agenda

The agenda shall be adopted by the Commission at the beginning of the meeting.

- (a) The Executive Secretary, in consultation with the Chair, shall prepare a provisional agenda for each meeting, and shall cause such agenda to be transmitted to each Member State together with a notice of a meeting at least twenty one (21) Days prior to the meeting in question.

- (b) A Member State may place additional items on the provisional agenda for a meeting by giving notice thereof to the Executive Secretary at least fourteen (14) Days prior to the meeting in question. Member States shall be notified of such additional items through a supplementary list, which shall be communicated to them at least seven (7) Days prior to the commencement of the meeting.
- (c) The Executive Secretary may, under special circumstances, at any time, add items to the provisional agenda of the meeting provided that Member States shall be forthwith notified.

Rule 8 Quorum

- (a) The quorum for the meeting of the Commission shall be by at least one Member from each Member State.
- (b) Where the quorum for a meeting is not reached, but Members from at least four (4) Member States are present, the meeting shall be held. The decisions of the meeting shall, however, be submitted by the Executive Secretary to the Member State which failed to attend a meeting for consideration. Where the Executive Secretary cannot get acceptance of decisions from that Member State, then such decisions shall be submitted to the subsequent Council meeting for approval.

Rule 9 Decision Making

- (a) Decisions of the Commission shall be made by Consensus in accordance with Article 17 of the Agreement.
- (b) The Chair shall summarise and announce decisions reached by the Commission and ensure that they are duly recorded.

Rule 10

Dispatch of Business

- (a) At the beginning of each meeting the Commission shall adopt its agenda and work program and may determine which items of the agenda shall be closed to Advisors and/or delegates.
- (b) The Chair shall open and close the meetings, direct discussions, give speakers the floor in the order in which it is requested, submit matters under discussion for decision and announce the decisions and rulings on questions of procedure in accordance with these Rules.
- (c) Proposals for consideration at a meeting shall be submitted in writing and circulated by the Executive Secretary at least seven (7) Days prior to the meeting to the members, provided that the Chair may, at a meeting if he/she deems it expedient or desirable, consider a proposal in respect of which no text has been circulated in advance of the meeting.
- (d) Any proposal to amend a proposal may be submitted without notice provided a copy thereof shall be submitted to the Executive Secretary prior to its introduction. A decision shall be made by the Chair thereupon whether to discuss or defer the matter to the next meeting.
- (e) If there is more than one proposal for amendment of a proposal, the Chair shall determine the order in which those proposals shall be considered.
- (f) A proposal may be withdrawn by a Member who proposed it.
- (g) During consideration of any matter at a meeting, any Member may raise a point of order and the Chair shall make a ruling immediately on the point of order raised. A Member may appeal against the ruling of the Chair. An appeal from the ruling of the Chair shall be decided by the meeting.
- (h) During the consideration of any matter at a meeting, the Chair may read out a list of speakers and with the consent of the meeting, declare the list closed. The Chair may, however, grant any Member the right to reply if a contribution made after the list of speakers is closed justifies it.

- (i) During the consideration of any matter at a meeting, any Member may move that the meeting be adjourned whereupon the Commission shall immediately take a decision on the motion.
- (j) When a matter has been adequately considered, any Member may move that the consideration of the matter be closed whereupon the Commission shall immediately take a decision on the motion.
- (k) During the consideration of any matter, a Member may move that the consideration of the matter be postponed. One Member may speak in support of the proposal and another against it whereupon the Commission shall immediately take a decision on the motion.
- (l) Proposals as to procedure shall include requests to:
 - (i) refer the matter back;
 - (ii) defer consideration of a matter;
 - (iii) adjourn the meeting;
 - (iv) close discussions on a particular question; and
 - (v) request the opinion of the Chair, or the Executive Secretary.
- (m) The Executive Secretary may with the permission of the Chair, at any time, make oral or written statements or clarifications at meetings of the Commission concerning questions under consideration.

Rule 11 Restricted Session

The following rules shall apply for occasions when an item is discussed in a restricted session:

- (a) A Member or the Executive Secretary shall have the right to propose that an item be discussed in a restricted session. The proposal may be made in a written note to the Chair,

who in that case shall announce it without identifying the Member who requested a restricted session.

- (b) The meeting shall go into a restricted session immediately upon this announcement, following which the requesting individual shall be given an opportunity to justify his/her request.
- (c) The level of participation in a restricted session shall be determined by the Commission.
- (d) At the discretion of the Commission, decisions of a restricted session shall be dealt with in accordance with Rule 9(b) above.

Rule 12 Time Allocation and Discipline

- (a) The Chair may allocate time to each speaker on any questions.
- (b) No Member or delegate shall have the floor without the consent of the Chair. The Chair shall grant the use of the floor in the order in which it has been requested. The Chair can call to order any Member or delegate when a statement is not relevant to the matter under discussion.

Rule 13 Dispatch of Business at times when the Commission is not meeting

- (a) The Commission may make provisions for the dispatch of business at times when it is not meeting.
- (b) The provisions that the Commission may make under paragraph (a) of this Rule may include arrangements under which the exercise of any function of the Commission may be delegated, subject to such conditions as the commission may specify, to the Chair or a member of the Secretariat.
- (c) If at any time, the Commission is requested to make a decision without physically meeting, the Executive Secretary

shall communicate full details and motivation of the issue to be discussed to each Member State, including justification for the request. Once all Member States give consent, then any decision so reached shall in accordance with Rule (9) above, be an ordinary Commission decision.

- (d) The Executive Secretary shall within fourteen (14) days thereafter circulate such decision to the all Member States.

Rule 14 Secretarial Services

The secretarial services of the meeting of the Commission shall be provided by the Executive Secretary who shall cause the report of the meeting to be kept and shall as soon as possible transmit copies thereof to the Member States.

Rule 15 Language

The working language of the Commission shall be English.

Rule 16 Report of the Commission

- (a) The report of the Commission shall be adopted not later than the third (3rd) day of the Meeting of the Commission.
- (b) The Chair of the Commission shall present a report of the Commission to the subsequent meeting of the Council of Ministers and accordingly address questions, comments and requests for clarifications as the Council may deem necessary.
- (c) The Chair of the Commission may be accompanied by members of the Commission to the Council.

Rule 17
Miscellaneous

If there is any doubt as to the procedures to be followed in any particular case, or if no procedure is prescribed by or under these Rules, the procedure to be followed shall be determined by the Commission.

Rule 18
Amendments

These Rules may be amended by the Council in accordance with Article 8(2) of the Agreement.

Rule 19
Conflict of Provisions

In the event of a conflict between these Rules and the provisions of the Agreement, the latter shall prevail.

Rule 20
Entry into Force

These Rules shall enter into force on the date they shall be adopted by the Council.



**THE RULES OF PROCEDURE OF THE
SOUTHERN AFRICAN CUSTOMS UNION (SACU)
TECHNICAL LIAISON COMMITTEES**

Rule 1 Citation

These rules may be cited as the Rules of Procedure of the Technical Liaison Committees of the Southern African Customs Union (SACU).

Rule 2 Definitions

In these Rules, unless the context otherwise requires, the expression:

“**Advisor**” means a person who attends a meeting of the Committee either at the request of the committee, a Member State or the Secretariat but who is not a Member of any Member State or any SACU institution;

“**Agreement**” means the Agreement establishing SACU including such annexes as Council may from time to time adopt;

“**Consensus**” shall be construed to mean the absence of any objection expressed by a Member State;

“**Council**” means the Council of Ministers of SACU established by Article 7 (a) of the Agreement;

“**Commission**” means the Customs Union Commission established by Article 7(b) of the Agreement;

“**Committees**” means Technical Liaison Committees established by Article 7 of the Agreement;

“**Days**” means calendar days;

“**Member**” means a representative of the Member State delegated to the Committee;

“Member State” means a State that is a Party to the Agreement;

“SACU” means the Southern African Customs Union established by Article 3 of the Agreement;

“Secretariat” means the Secretariat of SACU established by Article 7 (c) of the Agreement.

Rule 3 Composition

- (1) The Committee shall consist of officials of the Member States of SACU.
- (2) Members of the Committee may be accompanied to meetings by Advisors who shall only attend the meeting to address specific issue/s and shall soon thereafter leave the meeting at the request of the Chair.
- (3) At the request of the Secretariat, all Member States shall nominate Members who shall attend meetings including the names of Members who shall be Chairpersons whenever a Member State hosts a meeting.
- (4) It shall be the responsibility of Member States to ensure that Members who attend the meetings have sufficient authority and mandate to discuss and decide on issues at hand.

Rule 4 Chairperson

The Member State hosting the meeting shall appoint a Member who shall be the Chairperson of the meeting.

Rule 5 Place of Meetings

The Committee shall meet as often as necessary for the effective discharge of its responsibilities at a venue confirmed by the Secretariat based on a simple rotation of all the Member States in alphabetical order at least every quarter of the year.

Rule 6 Meetings

- (1) The Committee may, at a meeting, decide the date of its next meeting provided that, where it is desirable, a meeting of the Committees may be held before or after the set date. Such a meeting may however, be held after consultation with the Secretariat.
- (2) Meetings shall be held at least twenty eight (28) days prior to the Commission meetings.
- (3) Meetings shall be convened on such dates as may be determined by the Secretariat in consultation with the host Member State provided that twenty one (21) days notice shall be given prior to the meeting in question.

Rule 7 Agenda

- (1) The Secretariat shall prepare a provisional agenda for each meeting, and shall cause such agenda to be transmitted to each Member State together with a notice of the meeting twenty one (21) days prior to the meeting in question.
- (2) Additional items may be placed on the provisional agenda for a meeting by a Member State giving notice thereof to the

Secretariat at least fourteen (14) days prior to the meeting in question. Member States shall be notified of such additional items through a supplementary list, which shall be communicated to them at least seven (7) days prior to the commencement of the meeting.

- (3) The Secretariat may, under special circumstances, at any time, add items to the provisional agenda of the meeting provided that Members shall be forthwith notified.

Rule 8 Quorum

- (1) The quorum for the meeting of the Committee shall be by at least one duly accredited and authorized Member from each Member State.
- (2) Where the quorum for a meeting is not reached, but at least four (4) Member States are present, the meeting shall be held and the decisions of the meeting shall be submitted to the subsequent Commission meeting for approval.

Rule 9 Decision Making

The decisions of the Committees shall be taken by Consensus, in accordance with Article 17 of the Agreement.

Rule 10 Dispatch of Business

- (1) At the beginning of each meeting the Technical Liaison Committees shall adopt its agenda and work programme. The Committee shall determine which items of the agenda shall be closed to Advisors.

- (2) The Chairperson shall open and close the meetings, direct discussions, give speakers the floor in the order in which it is requested, submit matters under discussion for decision and announce the decision and rule on questions of procedure in accordance with these Rules.
- (3) Proposals for consideration at a meeting shall be submitted in writing and circulated by the Secretariat at least seven (7) days prior to the meeting to the Member States, provided that the Committee may, at a meeting if it deems it expedient or desirable, consider a proposal in respect of which no text has been circulated in advance of the meeting.
- (4) Any proposal to amend a proposal may be submitted without notice provided a copy shall be submitted to the Secretariat prior to its introduction. A decision shall be made by the Committee thereupon whether to discuss or defer the matter to the next meeting.
- (5) If there is more than one proposal for amendment of a proposal the Chairperson shall determine the order in which they shall be considered.
- (6) A proposal may be withdrawn by the Member State that proposed it.
 - (a) During the consideration of any matter at a meeting, any Member may raise a point of order and the Chairperson shall make a ruling immediately on the point of order raised. A Member may appeal against the ruling of the Chairperson. An appeal from the ruling of the Chairperson shall be decided by the Committee.
 - (b) During the consideration of any matter at a meeting, the Chairperson may read out a list of speakers and with the

consent of the meeting, declare the list closed. The Chair person may, however, grant any Member the right to reply if a contribution made after the list of speakers is closed justifies it.

- (c) During the consideration of any matter at a meeting, any Member may move that the meeting be adjourned where upon the Committee shall immediately take a decision on the motion.
 - (d) When a matter has been adequately considered, any Member may move that the consideration of the matter be closed whereupon the Committee shall immediately take a decision on the motion.
 - (e) During the consideration of any matter, a Member may move that the consideration of the matter be postponed. One Member may speak in support of the proposal and another against it whereupon the Committee shall immediately take a decision on the motion.
- (7) Proposals as to procedure shall include the following:
- (a) refer the matter back;
 - (b) defer consideration of a matter;
 - (c) adjourn the meeting;
 - (d) close discussions on a particular question; and
 - (e) request the opinion of the Chairperson, and the Secretariat.
- (8) A Member may, during the course of a debate, move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one Member may speak in favour and one against the motion, after which the motion shall be decided upon by consensus.

- (9) The Secretariat may with the permission of the Chairperson, at any time, make oral or written statements or clarifications to the Committee concerning questions under consideration.

Rule 11
Time Allocation and Discipline

- (1) The Chairperson may allocate time to each speaker on any question.
- (2) On procedural questions, the Chairperson shall limit each intervention to a maximum of five (5) minutes. When debate is limited and a Member exceeds the allocated time, the Chairperson shall call the Member to order without delay.
- (3) No Member or delegate shall have the floor without the consent of the Chairperson. The Chairperson shall grant the use of the floor in the order in which it has been requested. The Chairperson can call to order any Member or delegate when a statement is not relevant to the matter under discussion.

Rule 12
**Dispatch of Business at times when the
Committee is not meeting**

The Committee may make provisions for the dispatch of business at times when it is not meeting subject to such conditions as the Committee may specify.

Rule 13
Secretarial Services

The secretarial services of the meetings of the Committees shall be provided by the Secretariat which shall cause the report and minutes of the meeting to be kept. The minutes shall be sent to the Members not later than forty two (42) days after the meeting.

Rule 14
Language

The working language of the Committee shall be English.

Rule 15
Report to the Commission

- (1) The Chairpersons of each respective Committee shall present a report of the Committee to the subsequent meeting of the Commission and accordingly address questions, comments and requests for clarifications as the Commission may deem necessary.
- (2) The Chairperson may be accompanied by competent Members to the Commission Meeting.

Rule 16
Miscellaneous

If there is any doubt as to the procedures to be followed in any particular case, or if no procedure is prescribed by or under these Rules, the procedure to be followed shall be determined by the Committee.

Rule 17
Amendments

These Rules may be amended by consensus of the Members, subject to approval by the Council in accordance with Article 8(2) of the Agreement.

Rule 18
Conflict of Provisions

In the event of a conflict between these Rules and the provisions of the Agreement, the latter shall prevail.

Rule 19
Entry into Force

These Rules shall enter into force on the date they shall be adopted by the Council.