

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 657 final

Brussels, 13 November 1981

Proposal for a

COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and Switzerland/Austria on the application of the rules on Community transit

(submitted to the Council by the Commission)

COM(81) 657 final

EXPLANATORY MEMORANDUM

Subject: Application in the Community of Recommendation 1/81 of the EEC-Austria and EEC-Switzerland Joint Committees
- Community transit- to amend the Agreements on transit.

1. The EEC-Switzerland and EEC-Austria Joint Committees - Community transit- have recently adopted Recommendation 1/81 on the amendment of the Agreements between the EEC and Switzerland and between the EEC and Austria on the application of the rules of Community transit¹.

The Recommendation aims to:

- extend mutual assistance between the customs authorities of Contracting Parties;
 - permit changes in offices of destination where the new office is situated in another Contracting Party;
 - replace the European unit of account by the ECU.
2. The draft Recommendation has been examined already by the Council with a view to the formulation of a common Community position (see Doc. 7183/81 AELE A 25 and Doc. 7184/81 AELE CH 15).

No substantial alteration to the text submitted to the Council has been made in the intervening period.

3. The object of the Regulation, whose adoption is proposed to the Council, is to bring into force in the Community the amendment of the Agreements provided for in the above mentioned act of the Joint Committees.

¹OJ NO L 294, 29.12.1972, pp. 1 and 86

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and Switzerland/Austria on the application of the rules on Community transit¹ should be approved; whereas the proposed amendment is the subject of Recommendation 1/81 of the EEC/ Joint Committee - Community transit;

Whereas that Recommendation provides for the extension of mutual assistance between the customs authorities of Contracting Parties, permits changes in offices of destination in another Contracting Party and replaces the European unit of account by the ECU; whereas the Recommendation also provides that rights and obligations arising before 1 January 1983 and expressed in European units of account shall continue to be administered on the basis of the definition of the European unit of account as applied before that date; whereas it is necessary to take the measures which the application in the Community of this provision requires,

HAS ADOPTED THIS REGULATION:

¹OJ No L 294, 29.12.1972, p.

Article 1

The Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and on the application of the rules on Community transit is hereby approved on behalf of the Community.

The text of the Agreement is given in the annex.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

Rights and obligations arising before 1 January 1983 and expressed in European units of account shall continue to be administered on the basis of the definition of the European unit of account as applied before that date.

Article 4

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows :

" The EEC - Joint Committee -Community transit- has proposed, in its Recommendation 1/81 of , certain amendments to the Agreement between the European Economic Community and on the application of the rules on Community transit. The proposed amendments are annexed hereto. I have the honour to inform you that the Community is in agreement with these amendments and I would propose that they enter into force on 1 January 1983. I should be grateful if you would confirm the agreement of to these amendments and to the date proposed for their entry into force."

I have the honour to confirm the agreement of to the contents of your letter and to the date proposed for the entry into force of the amendments.

Please accept, Sir, the assurance of my highest consideration.

ANNEX

AGREEMENT

in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and on the application of the rules on Community transit

Brussels,

Your Excellency,

The EEC - Joint Committee - Community transit - has proposed, in its Recommendation 1/81 of , certain amendments to the Agreement between the European Economic Community and on the application of the rules on Community transit. The proposed amendments are annexed hereto. I have the honour to inform you that the Community is in agreement with these amendments and I would propose that they enter into force on 1 January 1983. I should be grateful if you would confirm the agreement of to these amendments, and to the date proposed for their entry into force.

Please accept, Your Excellency, the assurance of my highest consideration.

For the Council of the European Communities

(a) the conditions under which those goods arrived or were forwarded:

- whatever the way in which they arrived, where they were forwarded under cover of a T1, T2 or T2L document from the Contracting Party to which the request was addressed, or
- whatever the way in which they were forwarded, where they arrived under cover of a T1, T2 or T2L document in the Contracting Party to which the request was addressed;

(b) the conditions of customs warehousing of those goods where they arrived in the Contracting Party to whom the request was addressed under cover of a T2 or T2L document or where they were forwarded from that Contracting Party under cover of a T2 or T2L document.",

C. The following subparagraphs shall be added to Article 6(3):

"If exceptionally, it should prove necessary to produce the goods with the intention of terminating their transport, at an office other than that specified in the T1 or T2 document and the two offices belong to different Contracting Parties, the customs authorities at the office where the goods are produced may authorize the change in office of destination provided that the Community transit document does not bear one of the following statements:

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- "Sortie de la communauté soumise à des restrictions"
"Udførsel fra Fællesskabet undergivet restriktioner"
"Ausgang aus der Gemeinschaft Beschränkungen unterworfen"
"Export from the Community subject to restrictions"
"Uscita dalla Comunità assoggettata a restrizioni"
"Verlaten van de Gemeenschap aan beperkingen onderworpen"
"Εξοδος από την Κοινότητα υποκειμένη σε περιορισμούς"

- "Sortie de la Communauté soumise à imposition"
"Udførsel fra Fællesskabet betinget af afgiftsbetaling"
"Ausgang aus der Gemeinschaft Abgabenerhebung unterworfen"
"Export from the Community subject to duty"
"Uscita dalla Comunità assoggettata a tassazione"
"Verlaten van de Gemeenschap aan belastingheffing onderworpen"
"Εξοδος από την Κοινότητα υποκειμένη σε επιβάρυνση"

The new office of destination shall enter in the control by office of destination box of the return copy of the T1 or T2 document in addition to the usual statements which it is obliged to enter one of the following statements:

- "Différences: marchandises présentées au bureau
(nom et pays)"
- "Forskelle: det toldsted, hvor varerne blev frembudt
(navn og land)"
- "Unstimmigkeiten: Zollstelle der Gestellung
(Name und Land)"
- "Differences: office where goods were presented
(name and country)"

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.../...

"Differenze: ufficio al quale sono state presentate
le merci (nome e paese)

"Verschillen: Kantoor waar de goederen zijn aangebracht ...
(naam en land)"

"Διαφορές: Εμπορεύματα παρουσιασθέντα στο τελωνείο
(όνομα και χώρα)"

The office of departure shall not discharge the T1 or T2 document until all the obligations arising from the change in office of destination have been complied with. Where appropriate, it shall inform the guarantor of the non-discharge."

D. Article 10 is hereby repealed.

E. Article 12(4) is hereby repealed.

F. In the Agreement and its Appendices, the expression "European unit of account (EUA)" shall be replaced by "ECU".