

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 29 March 1983

Amendment to the Proposal for a COUNCIL REGULATION

simplifying customs facilities in trade within the Community

(Presented by the Commission to the Council pursuant to the
second paragraph of Article 149 of the EEC Treaty)

COM(83) 162 fir

EXPLANATORY MEMORANDUM

Following the opinion delivered by Parliament, at its sitting of 13 January 1983¹, on the proposal for a Council Regulation simplifying customs formalities in trade within the Community², the Commission has decided to alter its original proposal, acting under the second paragraph of Article 149 of the Treaty establishing the European Economic Community.

The purpose of the proposed amendments is, firstly, to associate Parliament with the finalization of the specimen declaration form to be used in trade within the Community and, secondly, to underline the point that the introduction of this form will not obstruct the use of computerized procedures.

The Commission has taken this opportunity to clarify certain points of the initial text of its proposal by specifying that the introduction of the single administrative document will have the effect of suppressing national administrative documents, except for those based on the Treaty or on Community acts.

This idea already figures in the preamble and the explanatory memorandum to the proposal but, it seems, did not stand out sufficiently clearly in the text of the Regulation

¹OJ , p.

²OJ C 203, 6.8.1982, p. 5.

Amendment to the Proposal for a
Council Regulation
simplifying customs formalities in trade within the Community
(alteration pursuant to the second paragraph of Article 149
of the EEC Treaty)

The Commission amends its proposal as follows:

1. The text of the first subparagraph of Article 4(1) is replaced by the following:

"1. Where Community goods are the subject of trade between two Member States, the formalities connected with such trade shall be completed using a single document, based on a declaration on a form, a specimen of which is to be established by the Council acting by a qualified majority on a proposal by the Commission and after consulting the European Parliament. This document or declaration shall serve, depending on the circumstances, as the dispatch document or declaration or as the document or declaration of internal Community transit or of entry for home use or of entry of the goods under any other procedure in the Member State of destination."

2. The following paragraph 2 is inserted after paragraph 1 of Article 4

"2. In intra-Community trade, Member States may not require an administrative document other than the document provided for in paragraph 1, except for those required pursuant to specific provisions of the Treaty or of Community acts."

3. The former paragraph 2 of Article 4 becomes paragraph 3.

4. The text of Article 10 is replaced by the following:

"1. Simplified procedures, whether or not based on the use of computers, may be implemented, particularly:

- in order to allow a consignor or a consignee not to have to present the goods in question at a customs office;

- in order to allow a consignor or a consignee not to have to present a declaration at a customs office or to allow a consignor or a consignee to draw up an incomplete declaration, to be completed subsequently in the form of a general periodic declaration;
- in cases where Community goods are addressed by more than one consignor to more than one consignee.

2. The provisions of this Regulation shall not preclude:

- the application of special provisions laid down with regard to consignments by letter or parcel post;
- exemption from the requirements to submit a written declaration in certain cases, notably as regards Community goods contained in travellers' personal luggage, for dispatch or entry for home use;
- agreements made or to be made between Belgium, Luxembourg and the Netherlands or between the United Kingdom and Ireland with a view to greater simplification of formalities in trade between those States;
- the establishment between Member States, by means of bilateral arrangements, of simplified procedures applicable to certain trade flows, the effect of which is to dispense with the production of any administrative document in the trade concerned, apart from those required pursuant to specific provisions of the Treaty or of Community acts;
- the drawing up of declarations by means of publicly or privately owned computers;
- the possibility of Member States providing that particulars given in the declaration may be entered by the person concerned in the automatic data-processing system for declarations."