

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(95) 4 final
Brussels, 13.01.1995

Proposal for a

COUNCIL REGULATION (EC)

LAYING DOWN TRANSITIONAL CUSTOMS MEASURES
FOLLOWING THE ACCESSION OF FINLAND AND SWEDEN

(presented by the Commission)

Explanatory memorandum

Certain customs cooperation agreements entered into by Norway with Finland and Sweden allow the Norwegian customs authorities, in certain circumstances, to apply customs regulations, import and export regulations and other customs provisions on behalf of the other contracting party.

From 1 January 1995 Swedish and Finnish regulations and other provisions are superseded by Community ones. In order to safeguard the interests of the European Community it is proposed that the Council should, in accordance with Article 169 of the Act of Accession, authorize temporary maintenance of these cooperation arrangements in the interest of the regions and operators concerned, provided that implementation of Community law is fully secured and that it is clear that Sweden and Finland will be wholly responsible for ensuring that Community regulations are properly implemented and financially liable for action taken by the Norwegian authorities under the Nordic customs cooperation arrangements.

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COUNCIL REGULATION (EC)

LAYING DOWN TRANSITIONAL CUSTOMS MEASURES
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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union,¹ and in particular Article 169 of the Act of Accession,

Having regard to Council Regulation (EEC) No 2913/92 establishing the Community Customs Code,²

Having regard to the proposal from the Commission of the European Communities,

Whereas customs cooperation agreements have been concluded between Norway and Finland (agreement of 10 December 1968) and Norway and Sweden (agreement of 28 October 1959);

Whereas these agreements provide that under certain conditions and for certain customs offices the customs officers of one of the parties to the agreement may apply, on behalf of the other party, import and export legislation and other provisions enforced by the customs authorities within the framework of activities covered by border customs cooperation;

Whereas in view of the accession to the Community of two of the parties to these agreements, the implementation of the agreements must be adapted to the requirements of the application of Community law at the Community's external frontier;

¹ OJ No C 241, 29.8.1994, p.9.

² OJ No L 302, 19.10.1992.

Whereas the adaptations cannot be made immediately; whereas in view of the limited volume of traffic involved and the small number of customs offices concerned, this form of cooperation between the parties to the agreements should be allowed to continue for a limited period, provided the proper application of Community law is secured;

Whereas in view of the difficulties of access to these regions and the transport costs, operators would be seriously affected by sudden termination of this cooperation;

Whereas the Community customs rules must therefore be adapted, notably in the context of Article 2(2) of Regulation (EEC) No 2913/92;

HAS ADOPTED THIS REGULATION:

Article 1

1. Further to Regulation (EEC) No 2913/92 establishing the Community Customs Code, the Republic of Finland and the Kingdom of Sweden are authorized, within the framework of Nordic customs cooperation agreements, to have the customs authorities of the Kingdom of Norway perform on their behalf all operations connected with the release for free circulation or exportation of goods, other than the payment of refunds or other amounts provided for under the common agricultural policy, in the customs offices stipulated by the agreements.
2. The Finnish and Swedish authorities, acting in conjunction with the Norwegian authorities, shall ensure that these operations are conducted in a regular manner and that Community law is properly and fully applied.
3. The Finnish and Swedish authorities shall inform the Commission of the measures they adopt to fulfil their obligations, including control measures, for purposes of applying Community rules.
4. Where necessary, measures to give effect to this article may be adopted by the procedure in Article 249 of Regulation No 2913/92.

Article 2

The Finnish and Swedish authorities shall assume full responsibility, including financial liability, for all action taken or to be taken on their behalf by the Norwegian customs authorities involving the application of Community rules.

Article 3

This Regulation shall enter into force on the day of its publication in the Official Journal. It shall apply for six months with effect from the date of entry into force of the Act of Accession.

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

Done at Brussels,

For the Council

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