



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.05.1995
COM(95)152 final

95/ 0097(ACC)

Amended proposal for a

COUNCIL REGULATION (EC)

LAYING DOWN TRANSITIONAL CUSTOMS MEASURES

FOLLOWING THE ACCESSION OF FINLAND AND SWEDEN

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

Taking into account the examination of the proposal at Council, the Commission is modifying its proposal COM(95) 4 final of 13 January 1995 by substituting Article 113 of the Treaty as the legal basis in place of Article 169 of the Act of Accession.

It has become apparent that the time limit for the transitional measures is not sufficient for the problem to be resolved satisfactorily. It is therefore proposed that the regulation should expire on 31 December 1995, with the possibility of an extension to be proposed by the Commission on the occasion of a report to be drawn up 3 months before the regulation expires.

Amended Proposal for a
COUNCIL REGULATION (EC)
LAYING DOWN TRANSITIONAL CUSTOMS MEASURES
FOLLOWING THE ACCESSION OF FINLAND AND SWEDEN

THE COUNCIL OF THE EUROPEAN UNION,

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

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, and more particularly to the requirements of Regulation (EEC) No 2913/92¹;

¹ 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;

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, in collaboration with the Commission, 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 and it shall expire on 31 December 1995.

The Commission shall draw up a report on the application of this Regulation three months before it expires. If necessary, this report shall be accompanied by a proposal for an extension.

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

Done at Brussels,

For the Council

COM(95) 152 final

DOCUMENTS

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