

European Communities

EUROPEAN PARLIAMENT

Working Documents

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Report

drawn up on behalf of the Legal Affairs Committee

on the proposal from the Commission of the European Communities to the Council (Doc. 1-1166/82 - COM(82) 792 final) for a regulation determining the persons liable for payment of a customs debt

Rapporteur: Mr F. D'ANGELOSANTE

PE 89.157/fin. *A*
Or. It.

By letter of 17 January 1983, the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Articles 43 and 235 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a regulation determining the persons liable for payment of a customs debt.

On 7 February 1983, the President of the European Parliament referred this proposal to the Legal Affairs Committee as the committee responsible and to the Committee on Budgets, the Committee on Economic and Monetary Affairs and the Committee on External Economic Relations for an opinion.

At its meeting of 23/24 February 1983, the Legal Affairs Committee appointed Mr D'Angelosante rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 1 and 2 March 1984 and 21 and 22 March 1984.

At the latter meeting, the committee decided unanimously to recommend to Parliament that it approve the Commission's proposal with the amendment shown on page 5.

The committee then adopted unanimously the motion for a resolution as a whole.

The following were present at the vote: Mrs Veil, chairman; Mr Luster and Mr Turner, vice-chairmen; Mr D'Angelosante, rapporteur; Mrs Baduel Glorioso, Mrs Cinciari Rodano, Mr Ferri, Mr Fischbach, Mr Geurtsen and Mr Tyrrell.

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The opinions of the Committee on Budgets and the Committee on Economic and Monetary Affairs are attached.

The Committee on External Economic Relations decided not to deliver an opinion.

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The report was tabled on 26 March 1984.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Legal Affairs Committee hereby submits to the European Parliament the following amendment to the Commission's proposal and motion for a resolution together with explanatory statement:

Proposal for a regulation determining the persons liable for payment of a customs debt

Text proposed by the Commission
of the European Communities¹

Amendment tabled by the Legal
Affairs Committee

Preamble and Article 1 unchanged

Article 2

1. Where a customs debt arises pursuant to Article 2 (a) or (f) of Directive 79/623/EEC, the person liable for payment of such debt shall be the person in whose name the declaration was made.

However,

(a) where, pursuant to the provisions in force, the person who made a declaration in his own name stated that he was acting on behalf of another person, the latter shall also be jointly and severally liable for payment of the customs debt;

Article 2

Unchanged

Unchanged

(a) where, pursuant to the provisions in force, the person who made a declaration in his own name stated that he was acting on behalf of another person, the latter shall also be jointly and severally liable for payment of the customs debt, provided that the person who made the declaration was authorized to do so;

Remainder of Article 2 and Articles 3 to 11 unchanged

¹OJ No. C 340, 28.12.1982, p. 5.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation determining the persons liable for payment of a customs debt

The European Parliament,

- having regard to the proposal from the Commission to the Council (1),
 - having been consulted by the Council pursuant to Articles 43 and 235 of the EEC Treaty (Doc. 1-1166/82),
 - having regard to the report of the Legal Affairs Committee and the opinions of the Committee on Budgets and the Committee on Economic and Monetary Affairs (Doc. 1-87/84),
 - having regard to the result of the vote on the Commission's proposal,
1. Recognizes the need for rules to be established at Community level which are uniform, binding and directly applicable in all the Member States and which would make it possible to determine clearly and simply the persons liable for payment of a customs debt;
 2. Approves the proposal for a regulation submitted by the Commission;
 3. Instructs its President to forward this resolution, as Parliament's opinion, to the Council and Commission.

(1) OJ No. C 340, 28.12.1982, p.5