

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 26th June 1980

AMENDING TO THE
PROPOSAL FOR A COUNCIL REGULATION (EEC)
AMENDING FOR THE SECOND TIME REGULATION
(EEC) No 222/77 ON COMMUNITY TRANSIT

(presented by the Commission to the Council pursuant
to the second paragraph of article 149 of the EEC Treaty)



EXPLANATORY MEMORANDUM

In the light of the opinion of the European Parliament (1) on the proposal from the Commission of the European Communities to the Council for a Regulation amending for the second time Regulation (EEC) No 222/77 on Community transit (2), the Commission considers it desirable to alter its original proposal in accordance with the second paragraph of Article 149 of the Treaty establishing the European Economic Community.

This alteration affects the texts proposed for Articles 26 and 27.

1. In the new paragraph 3 to be added to Article 26 it is proposed to delete the word "exceptional". It is possible, in fact, that the delay in producing the goods at the office of destination might be due to circumstances which are beyond the control of the carrier without however being exceptional: for example if sanitary or veterinary control requirements resulted in a long delay to the vehicle at the frontier.
2. In the new paragraph 5 to be added to Article 27, it seems desirable to specify that the provisions necessary for the application of paragraph 4 must specify objective criteria which must be fulfilled before the guarantee requirement is waived. This precision will meet the need to limit the waiver of the guarantee requirement to clearly determined cases so as to eliminate discrimination between users.

(1) OJ No C 59, 10.3.1980, p. 66.

(2) OJ No C 241, 26.9.1979, p. 6.

amending

the proposal for a Council Regulation amending
for the second time Regulation (EEC) No 222/77
on Community transit

(amendment under the provisions of the second
paragraph of Article 149 of the EEC Treaty)

The Commission amends its proposal as follows:

1. Article 1(g) is replaced by the following:

"(g) The following paragraph shall be added to Article 26:

"3. Where the goods are produced at the office of destination after the expiry of the time limit prescribed by the office of departure and where this failure to comply with the time limit is due to circumstances which are explained to the satisfaction of the office of destination and which are beyond the control of the carrier and the principal, the latter shall be deemed to have complied with the time limit prescribed."

2. In Article 1(h) the text of the paragraph 5 to be added to Article 27 is replaced by the following:

"5. The provisions necessary for the application of paragraph 4 and based on objective criteria shall be adopted in accordance with the procedure laid down in Article 57."