

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 628 final.

Brussels, 25 October 1982.

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 3286/80 on import arrangements in respect  
of state-trading countries

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(submitted to the Council ~~by~~ <sup>by</sup> the Commission)

COM(82) 628 final.



EXPLANATORY MEMORANDUM

1. Under Article 9(5) of Regulation No 3286/80 on import arrangements in respect of state-trading countries<sup>1</sup>, decisions to amend import arrangements taken by the Commission pursuant to the Regulation are to be communicated forthwith to all the Member States and to the Council.

In practice, it has been found that Member States not directly concerned by the Commission's decision do not need to be notified of it at the same time as the Member State to which it is addressed provided the new measure has not posed problems for the Commission or the Member States themselves (i.e. there have been no requests for consultations within the Committee on the State-Trading Countries or, where consultations have taken place, no objections have been raised - see Article 9(1) and (3) of the Regulation).

In such circumstances, therefore, only the Member State to which the decision is addressed need be notified immediately; the others will in any case learn of the decision when it is published in the Official Journal (which now happens very promptly - within two or three days).

Amending the Regulation along these lines would to some extent avoid the duplication of effort inherent in arranging for notification as well as publication. It provides an opportunity of streamlining our procedures and cutting down appreciably the work currently involved in the adoption of Commission decisions (which have at short notice to be translated into all languages, typed, and telexed to all Member States and to the Council).

2. However, the Council and all Member States would continue to receive immediate notification of any Commission decisions giving effect to measures called for by a Member State despite objections raised by another Member State during consultations (see Article 9(4)).

3. The Commission accordingly proposes that the Council adopt the Proposal Regulation at annex.

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<sup>1</sup>OJ No L 353, 29.12.1980, p.1.



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THE COUNCIL OF THE EUROPEAN COMMUNITIES;

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

Having regard to the proposal from the Commission,

Whereas Article 9(5) of Council Regulation (EEC) No 3286/80<sup>1</sup> provides that all Member States must be notified of all decisions adopted in the context of the said Regulation by the Commission;

Whereas that rule should be simplified to provide that only Commission decisions adopted under Article 9(4) have to be communicated to all Member States and to the Council;

Whereas provision should be made to enable the Commission to publish periodically an updated version of the annexes to Regulation (EEC) No 3286/80 incorporating amendments adopted by the Commission or the Council,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3286/80 is hereby amended as follows:

1. Article 9(5) is replaced by the following:

"5. Any decision taken by the Commission pursuant to paragraph 1 or 3 of this Article shall be communicated forthwith to the Member State concerned.

Any decision taken by the Commission pursuant to the first subparagraph of paragraph 4 shall be communicated forthwith to the Council and the Member States.

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<sup>1</sup>OJ No L 353, 29.12.1980, p. 1.

Commission decisions shall apply at once, subject to paragraph 8."

2. The following paragraph 10 is added to Article 9:

"10. The Commission shall periodically publish an updated version of the Annexes to this Regulation, incorporating amendments adopted by it or by the Council".

Article 2

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at .....

For the Council