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EUROPEAN PARLIAMENT

# Working Documents

1981 - 1982

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10 June 1981

DOCUMENT 1-258/81

## Report

drawn up on behalf of the Committee on Economic and Monetary Affairs

**on the proposal from the Commission of the European Communities to the Council (Doc. 1-86/81) for a directive amending Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation**

**Rapporteur: Mrs BADUEL GLORIOSO**

1.2.1

By letter of 25 March 1981 the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation.

The President of the European Parliament referred this proposal to the Committee on Economic and Monetary Affairs, which on 15 April 1981 appointed Mrs Baduel Glorioso rapporteur.

The committee considered the proposal at its meeting of 22 May 1981 and unanimously adopted the proposal for a directive and the motion for a resolution;  
Present:

Mr de Ferranti, acting chairman; Mrs Baduel Glorioso, rapporteur;  
Mr Bonaccini, Mr Colla (deputizing for Mr Rogers), Miss Forster,  
Mr Herman, Mr Hopper, Mr Markozanis, Mr Leonardi, Mr Wagner and  
Mr Walter.

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The Committee on Economic and Monetary Affairs hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation

The European Parliament,

- having regard to the proposal from the Commission<sup>1</sup>,
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 1-86/81),
- having regard to its opinion of 27 June 1974 on the harmonization of procedures for the release of goods for free circulation<sup>2</sup> and of 8 May 1979 on the proposal for a regulation defining the conditions under which a person may be permitted to make a customs declaration<sup>3</sup>,
- whereas frontier formalities should be abolished as quickly as possible in order to promote the free movement of goods within the Community as provided for in the EEC Treaty,
- having regard to the report of the Committee on Economic and Monetary Affairs (Doc. 1-258/81),

1. Approves the Commission's proposal;
2. Emphasizes, however, the need to establish uniform conditions under which a person is permitted to make a customs entry; therefore strongly urges the Council to adopt the Commission's proposal for a regulation on this matter without delay.
3. Instructs its President to forward this resolution to the Commission and Council of the European Communities.

<sup>1</sup> OJ No. C 61, 20.3.1981

<sup>2</sup> OJ No. C 85, 18.7.1974

<sup>3</sup> OJ No. C 140, 5.6.1979

EXPLANATORY STATEMENT

1. The background to the Commission's proposal is as follows:

Article 27(1) of Council Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation (adopted on 24 June 1979) allows the Member States to make the implementation of the directive subject to the adoption of a separate regulation laying down the conditions under which a person is permitted to make a customs entry.

However, the Council has so far been unable to reach agreement on the contents of this separate regulation concerning the definition of a 'declarant', and consequently the Member States have not been obliged to implement the above directive on the release of goods for free circulation.

The Commission is therefore proposing to amend Article 27(1) of Directive 79/695/EEC so that the Member States are obliged to comply with that directive by 1 April 1982 at the latest.

2. The Committee on Economic and Monetary Affairs wishes to stress the importance of arriving at a common definition of the term 'declarant', since the appreciable differences in the national rules governing the drawing up of customs documents affect the costs incurred by traders in connection with trade across the internal frontiers of the Community; whilst in some Member States traders can leave the task of completing the necessary documents to their staff, in others they are obliged to use approved agents.

In its opinion of 8 May 1979<sup>1</sup>, the European Parliament endorsed the Commission's proposal to introduce such common rules and put forward no amendments.

3. On the other hand, the question obviously arises whether making implementation of the directive dependent on common rules for declarants is not putting a certain pressure on those Member States which are unwilling to accept such common rules; if the directive is allowed to enter into force without the adoption of a regulation on declarants, as the Commission is now proposing, it is hardly likely that any agreement will be reached on the rules on declarants within the foreseeable future.

4. While the Committee on Economic and Monetary Affairs obviously took account of these tactical considerations, it nevertheless reached the conclusion that the provisions contained in the directive on the release of goods for free circulation are of such importance that it is not necessary for a common definition of a declarant to be achieved prior to the implementation of the directive; the committee therefore agrees with the Commission's proposal.

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<sup>1</sup> OJ No. C 140, 5.6.1979