

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 46 final

Brussels, 11 February 1982

Draft
~~RECOMMENDATION~~ RECOMMENDATION No 1/82
OF THE EEC-AUSTRIA AND EEC-SWITZERLAND JOINT COMMITTEES
Community transit

regarding the amendment of the Agreement between the European Economic Community and Austria and the European Economic Community and Switzerland on the application of the rules on Community transit

Proposal for a

COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and Austria and the European Economic Community and Switzerland on the application of the rules on Community transit

(submitted to the Council by the Commission)

COM(82) 46 final



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1.

EXPLANATORY MEMORANDUM

Subject: Application in the Community of Recommendation No 1/82 of the EEC-Austria and EEC-Switzerland Joint Committees on Community transit to amend the agreements on transit.

1. A draft amendment to the Agreements between the EEC and Switzerland and between the EEC and Austria ¹ is shortly to be submitted to the EEC-Switzerland and EEC-Austria Joint Committees on Community transit. The purpose of the amendment is to allow Community goods to move under cover of a TIR carnet in application of the Agreements under the same conditions as between Member States of the Community.
2. This is the subject of the attached draft Recommendation of the Joint Committees. It is proposed that the draft be adopted as the Community's common position within the EEC-Austria and EEC-Switzerland Joint Committees on Community transit.
3. Once this Recommendation has been adopted by the Joint Committees, a Council Regulation will be needed to make it applicable in the Community; the draft is attached hereto.

¹ OJ No L 294, 29.12.1972, pp. 1 and 86.

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Draft
RECOMMENDATION No 2/81
OF THE EEC -
JOINT COMMITTEE
Community transit

regarding the amendment of the Agreement between the
European Economic Community and on
the application of the rules on Community transit

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and
on the application of the rules on Community transit, and in
particular Article 16(?) (a) thereof;

Whereas Article 6(4) of the Agreement does not permit, in principle, the
issue of T2L documents for goods transported under the TIR procedure;

Whereas this provision prevents the issue of the abovementioned documents
in cases where Community goods are dispatched under the TIR procedure from
Austria/Switzerland, via a third country, to a Member State, or vice-versa;

Whereas, however, under the applicable Community rules, trade between two
Member States via a third country may be effected under the TIR
procedure and T2L documents may be issued;

Whereas, in the interests of equality of treatment, the issue of T2L
documents should be permitted in cases to which the Agreement applies; whereas
Article 6(4) of the Agreement should be amended accordingly;

RECOMMENDS that the Contracting Parties to the Agreement:

amended the said Agreement, with effect from 1 July 1983, as suggested in
the proposal attached to this Recommendation;

inform one another through an exchange of letters that they accept this
Recommendation.

Done at on

For the Joint Committee

The President

ANNEX

Proposal

concerning the amendment of the Agreement
between the European Economic Community and
on the application of the rules on
Community transit

Article 6 (4) of the Agreement between the European Economic Community and
on the application of the rules of Community transit shall be
replaced by the following:

"4. Customs offices may not issue T2L documents for goods carried under the
procedure for the international transport of goods under cover of TIR
carnets unless :

- goods to be unloaded in the territory of one of the Contracting Parties are carried together with goods to be unloaded in the territory of a State which is not a Contracting Party to the Agreement, or
- goods are carried from one Contracting Party to the other via the territory of a non-contracting Party to the Agreements concluded by the Community on the application of the rules on Community transit."

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PROPOSAL FOR A
Council Regulation (EEC)

concerning the conclusion of the Agreement in the form of an exchange
of letters on the amendment of the Agreement between the European Economic
Community and _____ on the application of the rules on
Community transit

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 the Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and _____ on the application of the rules on Community transit¹ should be approved; whereas the proposed amendment is the subject of Recommendation No 1/82 of the EEC/ _____ Joint Committee on Community transit;

Whereas the purpose of the amendment is to permit T2L documents to be issued where Community goods are dispatched, under cover of a TIR carnet, from Austria or Switzerland via the territory of a third country to a Member State or vice versa; whereas it is necessary to take the measures which the application in the Community of this provision requires,

HAS ADOPTED THIS REGULATION:

¹ OJ No L 294, 29.12.1972, p

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Article 1

The Agreement in the form of an exchange of letters on the amendment of the Agreement between the European Economic Community and _____ on the application of the rules on Community transit is hereby approved on behalf of the Community.

The text of the Agreement is given in the annex.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

This Regulation shall enter into force on the day following that of 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

ANNEX

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today, which reads as follows:

"The EEC- Joint Committee on Community transit has proposed, in its Recommendation No 1/82 of , an amendment to the Agreement between the European Economic Community and on the application of the rules on Community transit. The proposed amendment is annexed hereto. I have the honour to inform you that the Community agrees to this amendment and I would propose that it enter into force on 1 July 1983. I should be grateful if you would confirm the agreement of to the amendment and to the date proposed for its entry into force."

I have the honour to confirm the agreement of to the contents of your letter and to the date proposed for the entry into force of the amendment.

I have the honour to be, Sir,

Yours faithfully,

For

