

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 78 final

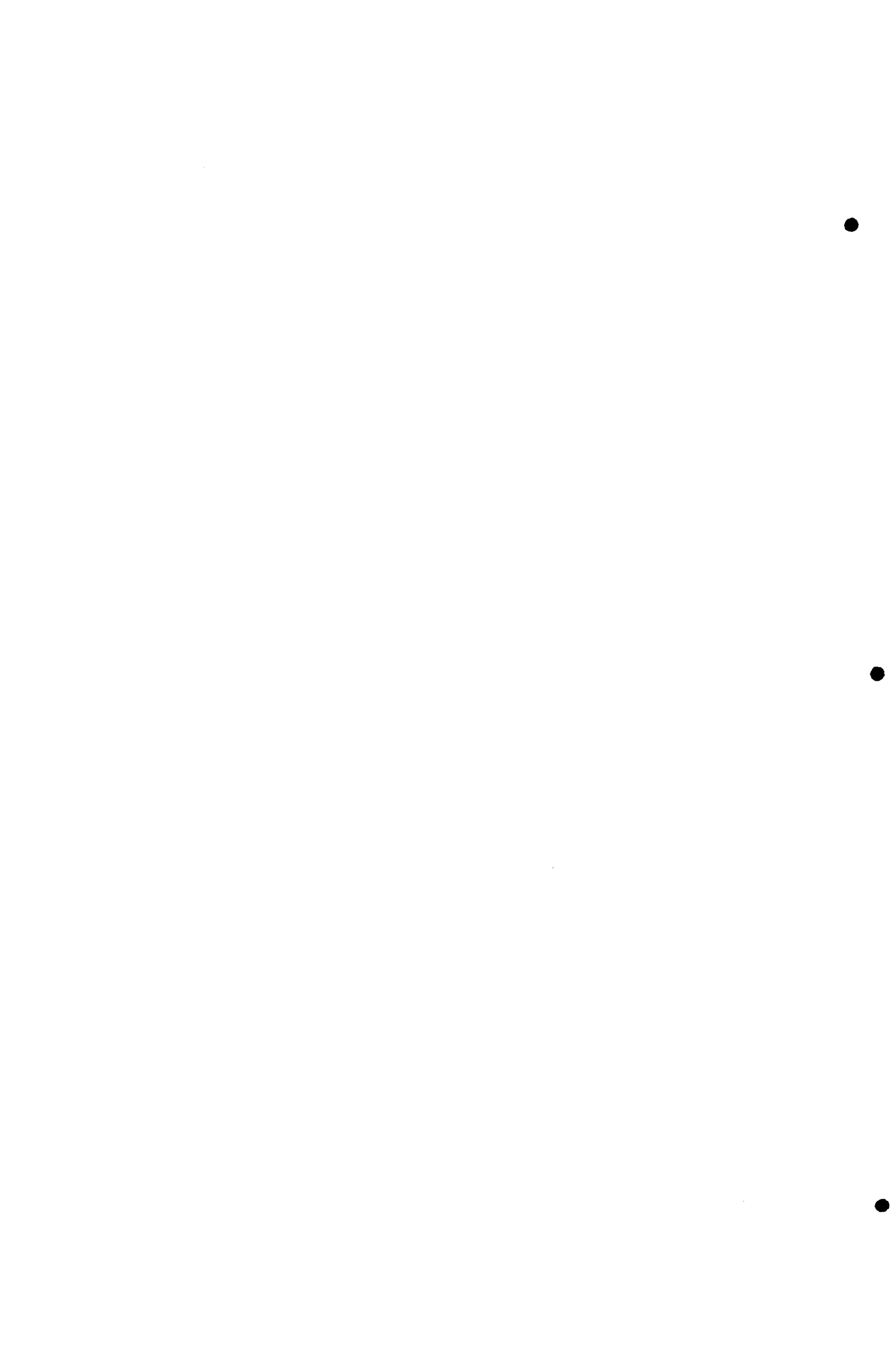
Brussels, 1 March 1982

Proposal for a
COUNCIL REGULATION (EEC)
on the application of Decision No 1/82 of the EEC-Austria/Switzerland
Joint Committee - Community transit - amending the Agreement between
the European Economic Community and Switzerland/Austria on the appli-
cation of the rules on Community transit

Draft decision No 1/82
of the EEC-Austria/Switzerland - Joint Committee
Community transit
of
amending the Agreement between the European Economic Community and
Switzerland/Austria on the application of the rules on Community
transit, and amending Appendix II to the Agreement

(submitted to the Council by the Commission)

COM(82) 78 final



EXPLANATORY MEMORANDUM

Application in the Community of Decision no 1/82 of the EEC-Switzerland and EEC-Austria Joint Committee - Community transit - amending the Agreements on transit.

1. Commission Regulation (EEC) No 223/77¹ on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure provides, among other things, for a simplified Community transit procedure for the carriage of goods by rail in large containers. Experience has shown that, for this procedure to be fully effective, particularly in the case of mixed consignments, certain technical modifications were required. The Regulation was therefore recently amended accordingly.
2. These changes in the Community rules make it necessary to amend the Agreements between the EEC and Switzerland and between the EEC and Austria on the application of the rules on Community transit².
3. Such is the purpose of the attached draft decision of the Joint Committees. It is proposed that the draft be adopted as representing the Community's agreed position within the EEC-Austria and EEC-Switzerland Joint Committees - Community transit.
4. Once it has been adopted by the Joint Committees, this decision will have to be brought into effect in the Community by way of a Council Regulation, the draft of which is also attached.

¹ OJ L 38, 09.02.1977, p. 20.

² OJ L 294, 29.12.1972, pp. 1 and 87.



Proposal for a
COUNCIL REGULATION (EEC)

on the application of Decision No 1/82 of the EEC-Austria/Switzerland
Joint Committee - Community transit - amending the Agreement between
the European Economic Community and Switzerland/Austria on the appli-
cation 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 Article 16 of the Agreement between the European Economic Community and
Switzerland/Austria on the application of the rules on Community transit¹ empowers
the Joint Committee set up under that Agreement to adopt Decisions making certain
amendments to the Agreement and to its Appendices;

Whereas the Joint Committee has decided to amend the Agreement, in particular in order
to make certain technical adjustments to the simplified Community transit procedure for
carriage in large containers so as to enable this procedure to be fully effective, in
particular for mixed consignments;

Whereas these amendments are the subject of decision No 1/82 of the Joint Committee;
whereas it is necessary to take the measures required to implement the above-mentioned
Decision,

HAS ADOPTED THIS REGULATION:

¹ OJ L 294 of 29.12.1972, p

Article 1

Decision N° 1/82 of the EEC-Austria/Switzerland² Joint Committee-
community transit- amending the Agreement between the European
Economic Community and Switzerland/Austria on the application of
the rules on Community transit shall apply in the Community.

The text of the Decision is annexed to this Regulation.

Article 2

This Regulation shall enter into force on the 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 the Member
States.

Done at

For the Council

The President

Draft decision No 1/82
of the EEC-Switzerland/Austria - Joint Committee
Community transit
of

amending the Agreement between the European Economic Community and Switzerland/
Austria on the application of the rules on Community transit, and amending Appendix
II to the Agreement

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and Switzerland/
Austria on the application of the rules on Community transit and in particular Article
16(3)(a) and (b) thereof,

Whereas the Regulation on provisions for the implementation of the Community transit
procedure and for certain simplifications of that procedure has been amended so that,
under certain conditions, a list of all the large containers making up a single consignment
can be attached to the Community Transit Transfer Note;

Whereas the said Regulation appears in Appendix II to the Agreement and whereas that
Appendix should be amended to take account of the changes thus made in the rules on
Community transit;

Whereas Article 501 (3) of Appendix II to the Agreement should be put in square
brackets;

Whereas certain changes to the Agreement itself are rendered necessary by these
amendments to Appendix II;

Whereas Decision No 1/81 of the Joint Committee amended Appendix II to the Agreement
in order to provide for certain improvements in the flat-rate guarantee system; whereas
this Decision applies until 30 June 1982;

Whereas it has proved necessary to extend the implementation of the provisions of the said
Decision beyond that date; whereas the period during which that Decision applies should
therefore be extended;

HAS DECIDED AS FOLLOWS:

Article 1

Switzerland/Austria

The Agreement between the European Economic Community and/ on the application of the rules on Community transit is hereby amended as follows:

1. The following paragraph 6 shall be added to Article 8:

"6. When the carriage operations referred to in paragraph 3a of Article 50i of the Regulation on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (Appendix II) begin in the serial number or numbers of the list or lists of the large containers containing the goods referred to in Article 1(3) of the Regulation on Community transit (Appendix I) must be entered by the office of departure in the box reserved for customs use on copy No 3A of the Community Transit Transfer Note opposite the symbol T2".

2. Article 13 (1) shall be replaced by the following:

"1. The provisions set out in square brackets in Appendices I and II and listed below shall not apply:

Appendix I: Article 1 (4); Article 2 (2), second subparagraph; Articles 3, 4 and 10; Article 12 (1), last sentence; Article 15; Article 22 (1), last sentence; Article 26 (2); Article 29; Article 30 (3); Article 32 (1), second subparagraph and (3); Article 39 (1), last sentence; Article 41; Article 44 (1) and (2); Article 45(2); Article 47; Article 48 (2); Articles 50 to 53 and 55 to 61;

Appendix II: Article 1 (3), (6), first sentence and (9); Article 2 (11); Article 4; Article 7 (3); Articles 10 to 14; Article 15 (2); Article 22; Article 24 (5), second subparagraph, last sentence; Articles 27 to 34; Article 35

(a); Article 42 (2) and (4); Article 50 (a), Article 50i (2) (3) (3a) second subparagraph, second sentence and (5); Article 51; Article 54, second paragraph; Article 68 (1); Articles 68a, 68b, 68c and 74.

However, the provisions of Articles 4, 15, 41, 44 (1) and (2), 47 and 50 to 53 of Appendix I and of Article 24 (5), second subparagraph, last sentence, Articles 27 to 34, 35 (a), 42 (2) and (4), 50 (a), 50i (2)(3)(3a), second subparagraph, second sentence and (5), Articles 51, 54, second paragraph, 68 (1), 68a, 68b, 68c and 74 of Appendix II shall continue to apply in Member States."

Article 2

Appendix II to the Agreement shall be amended as follows:

1. A new definition 4 is added to Article 50b:

"4. "List of large containers", hereinafter referred to as "list", means the document attached to a Community Transit Transfer Note, of which it forms an integral part, which is intended to cover the consignment of several large containers from the same station of departure to the same station of destination, at which stations the customs formalities are carried out.

The number of lists shall be shown in the box used for the description of the documents accompanying the Community Transit Transfer Note. Moreover, the serial number of the appropriate Community Transit Transfer Note shall be entered in the top right-hand corner of each list."

2. In Article 50i the following new paragraph 3a is inserted after paragraph 3:

"3a When in the case provided for in paragraph 3 lists of large containers are used, separate lists must be completed for containers containing goods referred to in

Article 1 (2) of Regulation (EEC) No 222/77 and for containers containing only goods referred to in Article 1 (3) of that Regulation.

These lists must bear a serial number so that they can be identified. [A reference to the serial number(s) of the list(s) of large containers containing the goods referred to in Article 1 (2) of Regulation (EEC) No 222/77 must be entered by the office of departure in the box reserved for customs use on copies Nos 2, 3A and 3B of the Community Transit Transfer Note opposite the symbol T1.]

3. Article 501 (3) shall be put in square brackets.

[Article 3

The period of application of Decision No 1/81 of the Joint Committee is hereby extended until 30 June 1984].

Article 4

This decision shall enter into force on 1 July 1982.

Done at Brussels,

For the Joint Committee