



Brussels, 27.6.2013
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2013/0219 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EU-EFTA Joint Committee concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure (adaptations resulting from the accession of Croatia to the Union)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

The Convention of 20 May 1987 on a common transit procedure ("Convention") establishes the measures facilitating the movement of goods between the European Union and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Republic of Croatia and the Republic of Turkey.

The forthcoming accession of Croatia to the European Union on 1 July 2013 involves necessary technical adaptations to Appendix III of the Convention, reflecting its new position as a Member State of the European Union.

General context

This proposal aims at reorganising the linguistic references to Croatia in the relevant Annexes of Appendix III of the Convention and in particular by moving them from the EFTA countries part to the European Union part.

In addition, in order to allow the use of the guarantee forms printed in accordance with the criteria in force prior to the date of accession of Croatia to the European Union, a transitional period should be established during which the printed forms, with the corresponding geographical adaptations, could continue to be used.

Existing provisions in the area of the proposal

There are no existing provisions in the area of the proposal.

Consistency with other policies and objectives of the Union

Not applicable.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with approval by the EU-EFTA "Common transit" working group, representing the Contracting Parties to the Convention.

Summary of responses and how they have been taken into account

Favourable opinion.

Collection and use of expertise

There was no need for external expertise.

Impact assessment

There was no need for an impact assessment as the fundamental rules of the Convention continue to apply.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The Croatian language versions of the references used in the Convention should be reorganised and placed in the appropriate order. The guarantee forms should be adapted by moving Croatia into the respective order among the European Union Member States.

Consequently, the provisions of the Convention on a common transit procedure have to be subject to the necessary adaptations.

This draft decision was communicated to the EU-EFTA Working Group on common transit.

The Council is invited to establish the EU position regarding the annexed decision to be adopted by the EU-EFTA Joint Committee on Common Transit.

Legal basis

Article 15 of the Convention of 20 May 1987 on a common transit procedure.

Subsidiarity principle

The proposal falls under the exclusive competence of the European Union. The subsidiarity principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle for the following reason.

Not applicable.

Choice of instruments

Proposed instrument: Decision of the EU-EFTA Joint Committee.

Other means would not be adequate for the following reason:

There is no other adequate instrument.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

5. OPTIONAL ELEMENTS

Simplification

The common transit procedure provides for simplification of administrative procedures for public authorities (EU or national) and for private parties.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 1 of the Convention on a common transit procedure¹ (hereinafter "the Convention") stipulates that the Convention lays down measures for the carriage of goods in transit between the Community and the EFTA countries, as well as between the EFTA countries themselves, by introducing a common transit procedure regardless of the kind and origin of the goods.
- (2) Article 15 of the Convention empowers the Joint Committee set up by the Convention to recommend and adopt, by decisions, amendments to the Convention and its Appendices.
- (3) Croatia accedes to the Union on 1 July 2013.
- (4) Accordingly, the Croatian language versions of the references used in the Convention should be moved from the EFTA countries part and inserted in their respective order in the Union Member States part.
- (5) Technical amendments to the Convention need also to be introduced as regards the guarantee forms listed in Appendix III, resulting from Croatia's accession to the Union.
- (6) The application of this Decision is linked to the date of accession of Croatia to the Union.
- (7) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date of accession of Croatia to the Union, a transitional period should be established during which the printed forms, with some adaptations, could continue to be used.
- (8) The Convention should be amended accordingly.

¹ OJ L 226, 13.8.1987, p. 2.

(9) Therefore, the position of the Union concerning the proposed amendment should be determined,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EU-EFTA Joint Committee on common transit concerning the adoption of Decision No XXX by the EU-EFTA Joint Committee amending the Convention of 20 May 1987 on a common transit procedure shall be based on the draft Decision attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the EU-EFTA Joint Committee. The Council is to be duly informed about any such changes.

Article 2

The Commission shall publish the Decision of the EU-EFTA Joint Committee on common transit, once adopted, in the *Official Journal of the European Union*.

Article 3

This Decision shall enter into force on the day following that of its adoption.

Done at Brussels,

For the Council
The President

ANNEX

Proposal for a

DECISION No XXX OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT

amending the Convention of 20 May 1987 on a common transit procedure

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure² and in particular Article 15(3)(a) thereof,

Whereas:

- (1) Croatia accedes to the Union on 1 July 2013.
- (2) Accordingly, the Croatian language versions of the references used in the Convention should be moved from the EFTA countries part and inserted in their respective order in the Union Member States part.
- (3) Technical amendments to the Convention need also to be introduced as regards the guarantee forms listed in Appendix III, resulting from Croatia's accession to the Union.
- (4) The application of this Decision should be linked to the date of accession of Croatia to the Union.
- (5) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date of accession of Croatia to the Union, a transitional period should be established during which the printed forms, with some adaptations, could continue to be used.
- (6) The Convention should therefore be amended accordingly,

HAS ADOPTED THIS DECISION,

Article 1

Appendix III to the Convention on a common transit procedure is amended as set out in the Annex to this Decision.

Article 2

The forms based on the specimen forms in Annexes C1, C2, C3, C4, C5, C6 to Appendix III may continue to be used, subject to the necessary geographical adaptations, until the end of the twelfth month following the date of application of this Decision, at the latest.

Article 3

This Decision shall enter into force on 1 July 2013, subject to the entry into force of the Treaty of Accession of Croatia.

Done at Brussels,

For the Joint Committee

The President

² OJ L 226, 13.8.1987, p. 2.

ANNEX

(1) In Annex B1 to Appendix III, the text for box 51 is replaced as follows:

"Box 51: Intended transit offices

Country Codes

This country code is the ISO alpha-2 code (ISO 3166) with the exception of Greece and the United Kingdom.

The applicable codes are:

AT	Austria
BE	Belgium
BG	Bulgaria
CH	Switzerland
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IS	Iceland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
NO	Norway
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
TR	Turkey
UK	United Kingdom".

(2) In Annex B6 to Appendix III, Title III is amended as follows:

(a) In the table of linguistic references to "Limited validity - 99200", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Valjanost ograničena";

(b) In the table of linguistic references to "Waiver - 99201", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Oslobodeno";

(c) In the table of linguistic references to "Alternative proof - 99202", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Alternativni dokaz";

(d) In the table of linguistic references to "Differences: office where goods were presented... (name and country) – 99203", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Razlike:Carinarnica kojoj je roba podnesena(naziv i zemlja)";

(e) In the table of linguistic references to "Exit from... subject to restrictions or charges under Regulation/Directive/Decision No... – 99204", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Izlaz iz..... podliježe ograničenjima ili pristojbama temeljem Uredbe/Direktive/Odluke br...";

(f) In the table of linguistic references to "Prescribed itinerary waived – 99205", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Oslobodeno od propisanog plana puta";

(g) In the table of linguistic references to "Authorised consignor – 99206", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Ovlašteni pošiljatelj";

(h) In the table of linguistic references to "Signature waived – 99207", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Oslobodeno potpisa";

(i) In the table of linguistic references to "Comprehensive guarantee prohibited – 99208", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Zabranjeno zajedničko jamstvo";

(j) In the table of linguistic references to "Unrestricted use- 99209", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Neograničena uporaba";

(k) In the table of linguistic references to "Issued retroactively - 99210, the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Izdano naknadno";

(l) In the table of linguistic references to "Various – 99211", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Razni";

(m) In the table of linguistic references to "Bulk – 99212", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Rasuto";

(n) In the table of linguistic references to "Consignor – 99213", the following indent is inserted between the linguistic references of FR and IT and deleted from its current position:

"- HR Pošiljatelj".

(3) In paragraph 1 of point I of Annex C1 to Appendix III, the term "Ireland" between the terms "the French Republic" and "the Italian Republic" is deleted. The term "the Republic of Croatia," is inserted between the terms "the French Republic," and "the Italian Republic". The term "Ireland" is inserted between the terms "the Republic of Estonia" and "the Hellenic Republic". The term "the Republic of Croatia," between the word "and" and the term "the Republic of Iceland" is deleted.

(4) In paragraph 1 of point I of Annex C2 to Appendix III, the term "Ireland" between the terms "the French Republic" and "the Italian Republic" is deleted. The term "the Republic of Croatia," is inserted between the terms "the French Republic," and "the Italian Republic". The term "Ireland" is inserted between the terms "the Republic of Estonia" and "the Hellenic Republic". The term "the Republic of Croatia," between the word "and" and the term "the Republic of Iceland" is deleted.

(5) In paragraph 1 of point I of Annex C4 to Appendix III, the term "Ireland" between the terms "the French Republic" and "the Italian Republic" is deleted. The term "the Republic of Croatia," is inserted between the terms "the French Republic," and "the Italian Republic". The term "Ireland" is inserted between the terms "the Republic of Estonia" and "the Hellenic Republic". The term "the Republic of Croatia," between the word "and" and the term "the Republic of Iceland" is deleted.

(6) In box 7 of Annex C5 to Appendix III, the term "Croatia," between the words "European Community," and "Iceland" is deleted.

(7) In box 6 of Annex C6 to Appendix III, the term "Croatia," between the words "European Community," and "Iceland" is deleted.