



EUROPEAN COMMISSION

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COM(2011) 640 final

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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union concerning the adoption of a Decision by the Joint Committee of the Convention of 20 May 1987 on a common transit procedure and a Decision by the Joint Committee of the Convention of 20 May 1987 on the simplification of formalities in trade of goods concerning an invitation to Croatia and Turkey to accede to these Conventions

EXPLANATORY MEMORANDUM

The 1987 EU-EFTA Conventions on a common transit procedure and the simplification of formalities in trade in goods (hereafter: the Conventions) currently have four Contracting Parties: the EU, Norway, Switzerland, and Iceland.

Croatia and Turkey are interested in being invited to accede to the Conventions.

The Commission has set out its strategy to prepare certain candidate countries for accession to the Conventions in its Communications to the European Parliament and the Council of 31.5.2001¹ and of 18.11.2010². The approach of the Commission is that any country applying for accession to the Conventions can only be invited to accede if it is able to implement the whole of the *acquis* on common transit and the simplification of formalities in force at the time, at the legislative, operational and computerisation levels. On the latter point, the only countries that can be invited to accede to the Conventions are those possessing a computerised transit system that meets the legal, technical and financial requirements of the New Computerised Transit System (NCTS) in force at the time of the invitation.

Assessment of a country's compliance with the standards set shall be done on an individual basis and will require an evaluation of its administrative capacity as well as conformance testing for the connection to NCTS. Both Croatia and Turkey should be in a position to join the Conventions as soon as they are connected to the CCN/CSI which will allow the exchange of NCTS messages between Contracting Parties.

The EU, as Contracting Party to the Conventions, would have to establish a common position to agree to the proposal to invite Croatia and Turkey to accede to the Conventions by means of a Decision of the Council on the basis of Article 207 in conjunction with Article 218, ninth paragraph thereof, of the Treaty on the Functioning of the European Union. In order to be able to have the legal basis for the use of the common transit procedure as quickly as possible after assessment has shown that the candidate country complies with the conditions set, the Council Decision should provide the basis of acceptance for these countries, leaving it to the Commission, which represents the EU in the Joint Committees, to launch the invitation procedure for the accession of new partner countries.

The legal assurance from the EU side that the countries' compliance with the accession criteria will immediately result in the possibility to accede to the Conventions, should for those countries be an incentive to continue their efforts.

Accession to the Conventions will create a larger area for common transit operations which will benefit European trade.

This Council decision should be the basis for the invitation for accession to Croatia and Turkey, which should be ready to comply with the conditions for accession as soon as the connection to CCN/CSI is established. The Commission will propose the decisions of the Joint Committees established by both Conventions to invite Croatia and Turkey, and launch

¹ COM(2001) 289 final

² COM(2010) 668 final

the procedure for the adoption of the invitations addressed to each country as soon as the Commission and the experts of Member States and Contracting Parties have confirmed that the country in question complies with the technical conditions for accession to the Conventions.

Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union concerning the adoption of a Decision by the Joint Committee of the Convention of 20 May 1987 on a common transit procedure and a Decision by the Joint Committee of the Convention of 20 May 1987 on the simplification of formalities in trade of goods concerning an invitation to Croatia and Turkey to accede to these Conventions

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 15 of the Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on a common transit procedure³ empowers the Joint Committee set up by that Convention to adopt by decision invitations to third countries within the meaning of Article 3(1)(c) to accede to that Convention in accordance with Article 15a.
- (2) Article 11 of the Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on the simplification of formalities in trade of goods⁴ empowers the Joint Committee set up by that Convention to adopt by decision invitations to third countries within the meaning of Article 3(1)(c) to accede to that Convention in accordance with Article 11a,

HAS ADOPTED THIS DECISION:

Article 1

The position of the European Union within the EU-EFTA Joint committee on common transit concerning an invitation to Croatia and Turkey to accede to the Convention on a common transit procedure shall be based on the draft Decisions of that EU-EFTA Joint Committee annexed hereto.

³ OJ No L 226, 13.8.1987, p. 2.

⁴ OJ No L 134, 22.5.1987, p. 2.

Article 2

The position of the European Union within the EU-EFTA Joint committee on the simplification of formalities in trade in goods concerning an invitation to Croatia and Turkey to accede to the Convention on the simplification of formalities in trade of goods shall be based on the draft Decisions of that EU-EFTA Joint Committee annexed hereto.

Article 3

After the technical conditions for accession have been fulfilled by Croatia and Turkey the EU representative in the Joint Committees shall propose the decisions to invite each of them to accede to the Conventions and vote on these decisions in line with Article 1 of this Decision.

Article 4

This decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

EXPLANATORY MEMORANDUM

Draft

DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT

Grounds for and objectives of the proposal

Invitation of the EU-EFTA Joint Committee on "Common transit" addressed to Croatia to accede to the Convention of 20 May 1987 on a common transit procedure in order to facilitate the movement of goods between Croatia, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

General context

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

In accordance with the provisions of Article 15(3) of the aforementioned Convention, the Joint Committee shall by decision invite a third country within the meaning of Article 3(1)c), to accede to the Convention in accordance with the procedure set out in Article 15a.

Croatia wished formally to accede to the Convention after having satisfied the legal, structural and information technology requirements, which are essential preconditions for accession.

The Joint Committee launches such an invitation where the country proves that it is in a position to conform to the detailed rules for the application of provisions of the Convention.

Mandated by the EU-EFTA working group on "common transit", an evaluation mission covering mainly the adaptation of Croatian national customs legislation, the creation of the structures necessary to manage the procedure and the implementation of the New Computerised Transit system (NCTS) allowing for the application of the common transit procedure in Croatia established that the conditions for an invitation were met.

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

The proposal complies with the strategy to promote EU competitiveness and economic growth.

CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with and 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

Only two options can be examined.

- The situation remains unchanged and all movements of goods between Croatia and the Community have, in the context of transit, to be carried out by using TIR carnets (average price: 50 €/per carnet) and a guarantee of 60 000 €/per carnet.

- Croatia accedes to the conventions in question and the TIR procedure can be replaced by the common transit procedure (estimated average price per operation: 25 €) and a guarantee set at the level of the potential customs debt. This reduces the cost for the operator without counting any possible increase in trade and the further facilitations available under the common transit procedure. Moreover, this represents an alignment to the 'acquis communautaire', in particular, the Community transit procedure.

LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The Joint Committee wishes to take a decision and to launch the invitation.

The draft Decision no. x/2011 has the objective of inviting Croatia to accede to the Convention of 20 May 1987 on a common transit procedure.

This draft decision is submitted to the Council in order to obtain a common position for its final adoption by the EU-EFTA Joint Committee on "Common Transit" at a forthcoming meeting.

Legal basis

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

Subsidiarity principle

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

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

The form of proposed action is the only one possible.

The form of proposed action does not involve any financing cost.

Choice of instruments

Proposed instruments: other.

Other means would not be adequate for the following reason(s).

There is no other adequate instrument.

BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

ADDITIONAL INFORMATION

Simplification

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

The proposition introduces one common transit procedure for all the contracting parties to the Convention.

The common transit procedure allows the procedures concerning the movements of goods to be simplified.

Proposal for a
DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON COMMON
TRANSIT

of

concerning the invitation to Croatia, to accede to 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 procedure⁵, and in particular Article 15(3)(e) thereof,

Whereas:

The promotion of trade with Croatia would be facilitated by a simplification of formalities to be carried out in the context of trade of goods between this country and the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

With a view to achieving such procedure it is appropriate to invite this country to accede to the Convention.

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 15a of the Convention, Croatia is invited, in the form of an exchange of letters between the Council of the European Union and Croatia in Annex to this decision, to accede to the Convention from [.....]

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Joint committee

The President

⁵ OJ L 226, 13.8.1987, p. 2.

ANNEX

Letter No 1

Communication of the Decision of the EU-EFTA Joint Committee to invite Croatia to accede to the Convention of 20 May 1987 on a common transit procedure

Sir,

I have the honour to inform you of the Decision of the EU-EFTA Joint Committee on common transit of (Decision No x/20xx) inviting Croatia to become a Contracting Party to the Convention of 20 May 1987 on a common transit procedure.

The accession of Croatia to the Convention may be effected by lodging its Instrument of Accession with the General Secretariat of the Council of the European Union together with a translation of the Convention in the official language of Croatia in accordance with Article 15a of the Convention.

Please accept, Sir, the assurance of my highest consideration.

General Secretary

General Secretariat of the Council of the European Union

Letter No 2

Instrument of Accession of Croatia to the Convention on a common transit procedure

Croatia,

Taking note of the Decision of the EU-EFTA Joint Committee on common transit of (Decision No x/20xx) to invite Croatia to accede to the Convention of 20 May 1987 on a common transit procedure ("the Convention"),

Desiring to become a Contracting Party to that Convention,

HEREBY

Accedes to the Convention;

Attaches to this Instrument a translation of the Convention in the official language of Croatia;

Declares that it accepts all the Recommendations and Decisions of the EU-EFTA Joint Committee on common transit adopted between the date of the Decision of and the date that the Accession of Croatia becomes effective in accordance with Article 15a of the Convention.

Done at.....

EXPLANATORY MEMORANDUM

Draft

DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON SIMPLIFICATION OF FORMALITIES IN TRADE IN GOODS

**concerning the invitation to Croatia to accede to the Convention of 20 May 1987 on the
simplification of formalities in trade in goods**

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

Invitation of accession to the Convention of 20 May 1987 on the simplification of formalities in trade in goods made by the EU-EFTA Joint Committee on simplification of formalities in trade in goods addressed to Croatia following its request, facilitating the movement of goods between this country, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation

General context

The convention of 20 May 1987 on the simplification of formalities in trade in goods envisages the measures facilitating the movement of goods between the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

In accordance with the provisions of Article 11(3) of the aforementioned convention, the Joint Committee adopts via decision the invitation to a third country within the meaning of Article 1 (2), to accede to the Convention according to the procedure fixed at Article 11a.

Croatia wished formally to be able to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods after having satisfied the essential, legal, structural and computer conditions, which are essential preconditions.

The Joint Committee decided to launch such an invitation provided that the country could show that it was in a position to conform to the detailed rules for the application of the arrangement.

Mandated by the EU-EFTA working group on simplification of formalities in trade in goods, an evaluation mission covering mainly the adaptation of the Croatian national customs legislation, the creation of the structures necessary to manage the procedure and the implementation of the New Computerised Transit system (NCTS) allowing for the application of the common transit procedure established that the conditions of an invitation were met.

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

The proposal complies with the strategy to promote EU competitiveness and economic growth.

CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation and approval of the EU-EFTA on simplification of formalities in trade in goods 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

Accession to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

Facilitation of the movement of goods between Croatia, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

Introduction of common provisions to the Convention on the simplification of formalities in trade in goods and to the EU legislation.

LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The Joint Committee wishes to take a decision and to launch the invitation.

The draft Decision no. x/20xx has the objective of inviting Croatia to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

This draft decision is submitted to the Council in order to obtain a common position for its final adoption by the EU-EFTA on simplification of formalities in trade in goods Joint Committee at its next meeting.

Legal basis

Article 11a of the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

Subsidiarity principle

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

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

The form of proposed action is the only one possible.

The form of proposed action does not involve any financing cost.

Choice of instruments

Proposed instruments: other.

Other means would not be adequate for the following reason(s).

There is no other adequate instrument.

BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

ADDITIONAL INFORMATION

Simplification

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

The proposition introduces a simplification of formalities in trade in goods for all the contracting parties to the Convention.

The simplification of the formalities in trade in goods allows simplifying the application of the common transit procedure.

Draft

**DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON
SIMPLIFICATION OF FORMALITIES IN TRADE IN GOODS**

**concerning the invitation to Croatia, to accede to the Convention of 20 May 1987 on the
simplification of formalities in trade in goods**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on the simplification of formalities in trade in goods,⁶ and in particular Article 11(3) thereof,

Whereas:

- (1) The exchange of goods with Croatia country would be facilitated by the simplification of formalities which affect the trade in goods between this country and the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.
- (2) With a view to achieving such facilitation it is appropriate to invite this country to accede to the Convention.

HAS DECIDED AS FOLLOWS:

Article 1

Croatia is invited, in the form of an exchange of letters between the Council of the European Union and Croatia, shown in the Annex to this Decision, to accede to the Convention in accordance with Article 11a of this Convention as from [.....]

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels

For the Joint committee

The President

⁶ OJ L 134, 22.05.1987, p. 2.

ANNEX

Letter No 1

Communication of the Decision of the EU-EFTA Joint Committee to invite Croatia to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods

Sir,

I have the honour to apprise you of the Decision of the EU-EFTA Joint Committee on simplification of formalities in trade in goods of (Decision No x/20xx) inviting Croatia to become a Contracting Party to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

The accession by Croatia to the Convention may be effected by lodging its Instrument of Accession with the General Secretariat of the Council of the European Union together with a translation of the Convention in the official language of Croatia in accordance with Article 11a of the Convention.

Please accept, Sir, the assurance of my highest consideration.

General Secretary

General Secretariat of the Council of the European Union

Letter No 2

Instrument of Accession of Croatia to the Convention on the simplification of formalities in trade in goods

Croatia,

Acknowledging the Decision of the EU-EFTA Joint Committee on simplification of formalities in trade in goods of (Decision No x/20xx) to invite Croatia to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods ("the Convention"),

Desiring to become a Contracting Party to that Convention,

HEREBY

Accedes to the Convention;

Attaches to this Instrument a translation of the Convention in the official language of Croatia;

Declares that it accepts all the Recommendations and Decisions of the EU-EFTA Joint Committee on simplification of formalities in trade in goods adopted between the date of the Decision of and the date that the Accession of Croatia becomes effective in accordance with Article 11a of the Convention.

Done at

EXPLANATORY MEMORANDUM

Draft

DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT

Grounds for and objectives of the proposal

Invitation of the EU-EFTA Joint Committee on "Common transit" addressed to Turkey to accede to the Convention of 20 May 1987 on a common transit procedure in order to facilitate the movement of goods between Turkey, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

General context

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

In accordance with the provisions of Article 15(3) of the aforementioned Convention, the Joint Committee shall by decision invite a third country within the meaning of Article 3(1)c), to accede to the Convention in accordance with the procedure set out in Article 15a.

Turkey wished formally to accede to the Convention after having satisfied the legal, structural and information technology requirements, which are essential preconditions for accession.

The Joint Committee launches such an invitation where the country proves that it is in a position to conform to the detailed rules for the application of provisions of the Convention.

Mandated by the EU-EFTA working group on "common transit", an evaluation mission covering mainly the adaptation of the Turkish national customs legislation, the creation of the structures necessary to manage the procedure and the implementation of the New Computerised Transit system (NCTS) allowing for the application of the common transit procedure in Turkey established that the conditions of an invitation were met.

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

The proposal complies with the strategy to promote EU competitiveness and economic growth.

CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with and 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

Only two options can be examined.

- The situation remains unchanged and all movements of goods between Turkey and the Community have, in the context of transit, to be carried out by using TIR carnets (average price: 50 €/per carnet) and a guarantee of 60 000 €/per carnet.

- Turkey accedes to the conventions in question and the TIR procedure can be replaced by the common transit procedure (estimated average price per operation: 25 €) and a guarantee set at the level of the potential customs debt. This reduces the cost for the operator without counting any possible increase in trade and the further facilitations available under the common transit procedure. Moreover, this represents an alignment to the 'acquis communautaire', in particular, the Community transit procedure.

LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The Joint Committee wishes to take a decision and to launch the invitation.

The drafts decision no. x/2011 has the objective of inviting Turkey to accede to the Convention of 20 May 1987 on a common transit procedure.

This draft decision is submitted to the Council in order to obtain a common position for its final adoption by the EU-EFTA Joint Committee on "Common Transit" at a forthcoming meeting.

Legal basis

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

Subsidiarity principle

The proposal falls under the exclusive competence of the Union. The subsidiarity

principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

The form of proposed action is the only one possible.

The form of proposed action does not involve any financing cost.

Choice of instruments

Proposed instruments: other.

Other means would not be adequate for the following reason(s).

There is no other adequate instrument.

BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

ADDITIONAL INFORMATION

Simplification

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

The proposition introduces one common transit procedure for all the contracting parties to the Convention.

The common transit procedure allows the procedures concerning the movements of goods to be simplified.

Proposal for a
DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON COMMON
TRANSIT

of

concerning the invitation to Turkey, to accede to 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 procedure⁷, and in particular Article 15(3)(e) thereof,

Whereas:

The promotion of trade with Turkey would be facilitated by a simplification of formalities to be carried out in the context of trade of goods between this country and the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

With a view to achieving such procedure it is appropriate to invite this country to accede to the Convention.

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 15a of the Convention, Turkey is invited, in the form of an exchange of letters between the Council of the European Union and Turkey in Annex to this decision, to accede to the Convention from [.....]

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Joint committee

The President

⁷ OJ L 226, 13.8.1987, p. 2.

ANNEX

Letter No 1

Communication of the Decision of the EU-EFTA Joint Committee to invite Turkey to accede to the Convention of 20 May 1987 on a common transit procedure

Sir,

I have the honour to inform you of the Decision of the EU-EFTA Joint Committee on common transit of (Decision No x/20xx) inviting Turkey to become a Contracting Party to the Convention of 20 May 1987 on a common transit procedure.

The accession of Turkey to the Convention may be effected by lodging its Instrument of Accession with the General Secretariat of the Council of the European Union together with a translation of the Convention in the official language of Turkey in accordance with Article 15a of the Convention.

Please accept, Sir, the assurance of my highest consideration.

General Secretary

General Secretariat of the Council of the European Union

Letter No 2

Instrument of Accession of Turkey to the Convention on a common transit procedure

Turkey,

Taking note of the Decision of the EU-EFTA Joint Committee on common transit of (Decision No x/20xx) to invite Turkey to accede to the Convention of 20 May 1987 on a common transit procedure ("the Convention"),

Desiring to become a Contracting Party to that Convention,

HEREBY

Accedes to the Convention;

Attaches to this Instrument a translation of the Convention in the official language of Turkey;

Declares that it accepts all the Recommendations and Decisions of the EU-EFTA Joint Committee on common transit adopted between the date of the Decision of and the date that the Accession of Turkey becomes effective in accordance with Article 15a of the Convention.

Done at.....

EXPLANATORY MEMORANDUM

Draft

DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON SIMPLIFICATION OF FORMALITIES IN TRADE IN GOODS

**concerning the invitation to Turkey to accede to the Convention of 20 May 1987 on the
simplification of formalities in trade in goods**

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

Invitation of accession to the Convention of 20 May 1987 on the simplification of formalities in trade in goods made by the EU-EFTA Joint Committee on simplification of formalities in trade in goods at the address of Turkey, following its request, facilitating the movement of goods between this country, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

General context

The convention of 20 May 1987 on the simplification of formalities in trade in goods envisages the measures facilitating the movement of goods between the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

In accordance with the provisions of Article 11(3) of the aforementioned convention, the Joint Committee adopts via decision the invitation to a third country within the meaning of Article 1 (2), to accede to the Convention according to the procedure fixed at Article 11a.

Turkey wished formally to be able to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods after having satisfied the essential, legal, structural and computer conditions, which are essential preconditions.

The Joint Committee decided to launch such an invitation provided that the country could show that it was in a position to conform to the detailed rules for the application of the arrangement.

Mandated by the EU-EFTA working group on simplification of formalities in trade in goods, an evaluation mission covering mainly the adaptation of the Turkish national customs legislation, the creation of the structures necessary to manage the procedure and the implementation of the New Computerised Transit system (NCTS) allowing for the application of the common transit procedure established that the conditions of an invitation were met.

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

The proposal complies with the strategy to promote EU competitiveness and economic growth.

CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation and approval of the EU-EFTA on simplification of formalities in trade in goods 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

Accession to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

Facilitation of the movement of goods between Turkey, the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

Introduction of common provisions to the Convention on the simplification of formalities in trade in goods and to the EU legislation.

LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The Joint Committee wishes to take a decision and to launch the invitation.

The draft Decision no. x/20xx has the objective of inviting Turkey to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

This draft decision is submitted to the Council in order to obtain a common position for its final adoption by the EU-EFTA on simplification of formalities in trade in goods Joint Committee at its next meeting.

Legal basis

Article 11a of the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

Subsidiarity principle

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

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

The form of proposed action is the only one possible.

The form of proposed action does not involve any financing cost.

Choice of instruments

Proposed instruments: other.

Other means would not be adequate for the following reason(s).

There is no other adequate instrument.

BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

ADDITIONAL INFORMATION

Simplification

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

The proposition introduces a simplification of formalities in trade in goods for all the contracting parties to the Convention.

The simplification of the formalities in trade in goods allows simplifying the application of the common transit procedure.

Draft

**DECISION No x/20xx OF THE EU-EFTA JOINT COMMITTEE ON
SIMPLIFICATION OF FORMALITIES IN TRADE IN GOODS**

**concerning the invitation to Turkey, to accede
to the Convention of 20 May 1987 on the simplification of formalities in trade in goods**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on the simplification of formalities in trade in goods,⁸ and in particular Article 11(3) thereof,

Whereas:

(1) In preparing the enlargement of the European Union to Turkey the exchange of goods with this country would be facilitated by the simplification of formalities which affect the trade in goods between this country and the European Union, the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

(2) With a view to achieving such facilitation it is appropriate to invite this country to accede to the Convention.

HAS DECIDED AS FOLLOWS:

Article 1

Turkey is invited, in the form of an exchange of letters between the Council of the European Union and Turkey, shown in the Annex to this Decision, to accede to the Convention in accordance with Article 11a of this Convention as from [.....]

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels

For the Joint committee

The President

⁸ OJ L 134, 22.05.1987, p. 2.

ANNEX

Letter No 1

Communication of the Decision of the EU-EFTA Joint Committee to invite Turkey to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods

Sir,

I have the honour to apprise you of the Decision of the EU-EFTA Joint Committee on simplification of formalities in trade in goods of (Decision No x/20xx) inviting Turkey to become a Contracting Party to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

The accession by Turkey to the Convention may be effected by lodging its Instrument of Accession with the General Secretariat of the Council of the European Union together with a translation of the Convention in the official language of Turkey in accordance with Article 11a of the Convention.

Please accept, Sir, the assurance of my highest consideration.

General Secretary

General Secretariat of the Council of the European Union

Letter No 2

Instrument of Accession of Turkey to the Convention on the simplification of formalities in trade in goods

Turkey,

Acknowledging the Decision of the EU-EFTA Joint Committee on simplification of formalities in trade in goods of (Decision No x/20xx) to invite Turkey to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods ("the Convention"),

Desiring to become a Contracting Party to that Convention,

HEREBY

Accedes to the Convention;

Attaches to this Instrument a translation of the Convention in the official language of Turkey;

Declares that it accepts all the Recommendations and Decisions of the EU-EFTA Joint Committee on simplification of formalities in trade in goods adopted between the date of the Decision of and the date that the Accession of Turkey becomes effective in accordance with Article 11a of the Convention.

Done at

LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS

Policy area(s): CUSTOMS

Activit(y/ies): --

Proposal has no financial implications (involves technical aspects regarding implementation of a measure)