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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 April 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 153 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken by the European Union in the EU-EFTA Joint Committee on common transit as regards the adoption of a Decision amending the Convention on a common transit procedure

Delegations will find attached document COM(2015) 153 final.

Encl.: COM(2015) 153 final



EUROPEAN
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Brussels, 15.4.2015
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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union in the EU-EFTA Joint Committee on common transit as regards the adoption of a Decision amending the Convention on a common transit procedure

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Grounds for and objectives of the proposal

The Convention on a common transit procedure ("the Convention") was concluded on 20 May 1987 between the European Community and the EFTA countries.

The accession of the former Yugoslav Republic of Macedonia to the Convention involves the introduction of new linguistic references concerning this country into the text of the Convention. Furthermore, guarantee documents where Contracting Parties to the Convention are mentioned need to be changed accordingly.

The purpose is to adopt the common EU position on the draft Decision No 3/2015 of the EU-EFTA Joint Committee on common transit amending the Convention.

1.2. General context

The Convention establishes the measures facilitating the movement of goods between the European Union, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Republic of Turkey.

The former Yugoslav Republic of Macedonia wishes formally to accede to the Convention and has fulfilled the legal, structural and information technology requirements, which are preconditions for accession.

Once all preconditions have been met by the former Yugoslav Republic of Macedonia and the country has been invited to accede and deposited its instrument of accession, it is necessary to amend the Convention with new linguistic references in the Macedonian language and the appropriate adaptations of guarantee documents. These amendments are to be introduced and applied as of the first day the former Yugoslav Republic of Macedonia starts using the common transit system.

1.3. Existing provisions in the area of the proposal

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

1.4. Consistency with other policies and objectives of the Union

Not applicable.

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

2.1. Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with approval on the draft Decision No 3/2015 of the EU-EFTA Joint Committee on common transit amending the Convention were carried out with the Member

States within the Customs Code Committee – Customs Status and Transit Section and with Contracting Parties to the Convention within the EU-EFTA working group on "Common transit".

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.

2.2. Impact assessment

The accession to the Convention can be seen within the framework of the pre-accession strategy of the former Yugoslav Republic of Macedonia to the European Union. It will lead to an alignment to the 'acquis communautaire' in the transit area. The introduction of common transit in the former Yugoslav Republic of Macedonia as an alternative to the TIR procedure will bring further facilitation of transit, reduction in costs and a possible increase in trade.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

The accession of the former Yugoslav Republic of Macedonia involves the introduction of new linguistic references concerning this country, allowing the implementation of the common transit procedure between the Contracting Parties.

This draft decision was approved by the Customs Code Committee - Customs Status and Transit Section and by the EU/EFTA Working Group on Common transit.

The Commission is invited to approve this draft Decision by the written procedure, in order to submit it to the Council to establish a common position for its final adoption by the EU-EFTA Joint Committee on common transit.

3.2. Legal basis

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

3.3. Subsidiarity principle

The proposal falls under the exclusive competence of the European Union (common commercial policy) and therefore does not deserve an examination with regard to the principle of subsidiarity (Article 5(3) of the Treaty of the Functioning of the European Union).

3.4. Proportionality principle

The proposal complies with the proportionality principle for the following reasons:

The form of proposed action is the only one possible.

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

3.5. Choice of instruments

Proposed instruments: Decision.

There is no other adequate instrument.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

5. OPTIONAL ELEMENTS

Simplification

The proposal provides for simplification of administrative procedures for public authorities and simplification of administrative procedure for private parties.

The proposal introduces only one common transit procedure for all the Contracting Parties to the Convention.

The common transit procedure allows the authorisation of simplifications concerning 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 15a 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 procedure¹ (the "Convention") allows for a third country to become a Contracting Party to the Convention following a decision of the Joint Committee set up by the Convention to invite the country.
- (2) Article 15 of the Convention empowers the EU-EFTA Joint Committee to recommend and adopt, by decisions, amendments to the Convention and the Appendices thereto.
- (3) The former Yugoslav Republic of Macedonia formally expressed its wish to join the common transit system.
- (4) Having satisfied the essential legal, structural and information technology requirements which are preconditions for accession and following the formal procedure for accession, the former Yugoslav Republic of Macedonia may accede to the Convention.
- (5) The enlargement of the common transit system will require certain amendments to the Convention. These concern new linguistic references in Macedonian language and the appropriate adaptations to guarantee documents.
- (6) The proposed amendments were presented to and discussed within the EU-EFTA Working Group on "common transit" and "simplification of formalities in trade in goods" and the text received preliminary approval.
- (7) The position of the Union concerning the proposed amendments should therefore be based on the attached draft decision,

¹ OJ L 226, 13.8.1987, p. 2.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EU-EFTA Joint Committee on common transit shall be based on the draft Decision attached to this Decision.

Minor changes to the draft decision may be agreed upon by the representatives of the Union in the EU-EFTA Joint Committee.

Article 2

After its adoption, the Decision of the EU-EFTA Joint Committee on common transit shall be published in the *Official Journal of the European Union*.

Article 3

This Decision shall enter into force on 1 June 2015.

Done at Brussels,

For the Council
The President