



Council of the  
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UD 170

## PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	3 September 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 417 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken by the European Union concerning the adoption of a Decision by the EU-EFTA Joint Committee on the simplification of formalities in trade in goods and a Decision by the EU-EFTA Joint Committee on common transit as regards invitations to the Republic of Serbia to accede to the Convention on the simplification of formalities in trade in goods and the Convention on a common transit procedure

Delegations will find attached document COM(2015) 417 final.

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Encl.: COM(2015) 417 final



EUROPEAN  
COMMISSION

Brussels, 3.9.2015  
COM(2015) 417 final

2015/0186 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the position to be taken by the European Union concerning the adoption of a Decision by the EU-EFTA Joint Committee on the simplification of formalities in trade in goods and a Decision by the EU-EFTA Joint Committee on common transit as regards invitations to the Republic of Serbia to accede to the Convention on the simplification of formalities in trade in goods and the Convention on a common transit procedure**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **Reasons for and objectives of the proposal**

The Convention on the simplification of formalities in trade in goods and the Convention on a common transit procedure were concluded on 20 May 1987 between the European Community and the EFTA countries.

The Communication of 2001 from the European Commission to the European Parliament and the Council on a Strategy to prepare the candidate countries for accession to the 1987 EC-EFTA Conventions on a common transit procedure and on the simplification of formalities in trade in goods, followed by the Communication of 2010 from the European Commission to the European Parliament and the Council on a Strategy to prepare certain neighbouring countries for the accession to both Conventions and by the Council Conclusions of 14 April 2011 confirming the approach adopted in the two Communications foresee support for a number of countries in their efforts to join the Conventions.

The purpose of this decision is to adopt the common EU position on the draft Decision No .../2015 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods and on the draft Decision No .../2015 of the EU-EFTA Joint Committee on common transit to invite the Republic of Serbia to accede to the Conventions.

#### **Consistency with existing policy provisions in the policy area**

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

#### **Consistency with other Union policies**

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

### **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

#### **Legal basis**

The Conventions establish measures facilitating the movement of goods between the European Union, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Swiss Confederation and the Republic of Turkey.

The Republic of Serbia wished to accede to the Conventions after having satisfied the legal, structural and information technology requirements, which are preconditions for accession.

In accordance with the provisions of Article 11(3) of the Convention on the simplifications of formalities in trade in goods and with the provisions of Article 15(3) of the Convention on a common transit procedure, the EU-EFTA Joint Committees shall by decision invite a third country within the meaning of, respectively, Article 1(2) and Article 3(1)(c), to accede to the Conventions in accordance with the procedure set out in, respectively, Article 11a and Article 15a.

The EU-EFTA Joint Committees launch such invitations where the country proves that it is in a position to conform to the detailed rules for the application of provisions of the Conventions.

Mandated by the EU-EFTA common transit and the simplification of formalities in trade in goods working group, an evaluation mission covering mainly the adaptation of the national customs legislation of the Republic of Serbia, 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 invitations were met.

### **Proportionality**

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.

### **Choice of the instrument**

Proposed instruments: Decision.

There is no other adequate instrument.

## **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

### **Stakeholder consultations**

Consultation with approval on the draft Decision No .../2015 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods and on the draft Decision No .../2015 of the EU-EFTA Joint Committee on common transit to invite the Republic of Serbia to accede to the Conventions were carried out with the Member States within the Customs Code Committee – Customs Status and Transit Section and with Contracting Parties to the Conventions within the EU-EFTA Working Groups on "Common Transit" and "the Simplification of Formalities in Trade in Goods".

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**

The accession to the Conventions is part of the pre-accession strategy of the Republic of Serbia 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 Republic of Serbia as an alternative

to the TIR procedure will bring further facilitation of transit, reduction of costs and a possible increase in trade.

#### **4. BUDGETARY IMPLICATIONS**

The proposal has no implication for the EU budget.

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## COUNCIL DECISION

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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 11(3) 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 in goods<sup>1</sup> (the "Convention on the simplification of formalities in trade in goods") empowers the EU-EFTA Joint Committee set up by that Convention to adopt, by decision, invitations to third countries within the meaning of Article 1(2) to accede to that Convention in accordance with Article 11a.
- (2) Article 15(3) 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 procedure<sup>2</sup> (the "Convention on a common transit procedure") empowers the EU-EFTA 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.
- (3) It is appropriate to establish the position to be taken by the Union within those Joint Committees as regards the decisions to invite the Republic of Serbia to accede to those Conventions.
- (4) The position of the Union within those Joint Committees should therefore be based on the attached draft Decisions,

<sup>1</sup> OJ No L 134, 22.5.1987, p. 2

<sup>2</sup> OJ No L 226, 13.8.1987, p. 2

HAS ADOPTED THIS DECISION:

*Article 1*

The position of the Union within the EU-EFTA Joint Committee on the simplification of formalities in trade in goods as regards an invitation to the Republic of Serbia to accede to the Convention on the simplification of formalities in trade in goods shall be based on the draft Decision of that Joint Committee attached to this Decision.

*Article 2*

The position of the Union within the EU-EFTA Joint Committee on common transit as regards an invitation to the Republic of Serbia to accede to the Convention on a common transit procedure shall be based on the draft Decision of that Joint Committee attached to this Decision.

*Article 3*

Once the technical conditions for accession have been fulfilled by the Republic of Serbia, the Union representative in the Joint Committees referred to in Articles 1 and 2 respectively shall propose the decisions to invite the Republic of Serbia to accede to the Conventions and vote on those decisions in line with Article 1 and 2 of this Decision.

*Article 4*

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

*Article 5*

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

Done at Brussels,

*For the Council  
The President*