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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Joint Committee set up by the Convention of 20 May 1987 on the simplification of formalities in trade in goods as regard the proposals for amendments to that Convention

COUNCIL DECISION (EU) 2017/...

of ...

on the position to be adopted on behalf of the European Union

within the Joint Committee

set up by the Convention of 20 May 1987

on the simplification of formalities in trade in goods

as regard the proposals for amendments to that Convention

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on the simplification of formalities in trade in goods (the ‘Convention’) was concluded by the Union through a Council Decision¹ and entered into force on 1 January 1988.
- (2) Pursuant to Article 11(3) of the Convention, the EU-EFTA Joint Committee on the simplification of formalities in trade in goods set up by that Convention (the ‘Joint Committee’) may adopt by decision amendments to the Annexes to the Convention.
- (3) On 5 December 2017, during its 30th meeting, the Joint Committee is expected to adopt a Decision amending the Annexes to the Convention.
- (4) It is appropriate to establish the position to be adopted on behalf of the Union in the Joint Committee, as its Decision will be binding on the Union.
- (5) Regulation (EU) No 952/2013 of the European Parliament and of the Council² and the delegated and implementing acts adopted thereunder laid down common data requirements for customs declarations as well as the formats and codes for those common data requirements. Those provisions will be fully applicable once the relevant electronic systems have been upgraded or deployed as provided for in the Annex to Commission Implementing Decision (EU) 2016/578³.

¹ OJ L 134, 22.5.1987, p. 2.

² Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

³ Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

- (6) To ensure smooth and efficient trade between the Union and the Contracting Parties to the Convention, the provisions on the data requirements for customs declarations included in the Annexes to the Convention should be aligned to those included in the respective Union legislation.
- (7) All Member States of the Union expressed their positive opinion as regards the proposed amendments within the EU-EFTA Working Group on the simplification of formalities in trade in goods.
- (8) As the Decision of the Joint Committee will amend the Convention, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.
- (9) In the Joint Committee, the Union is to be represented by the Commission in accordance with Article 17(1) of the Treaty on European Union (TEU). The position of the Union concerning the proposed amendments should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union at the meeting of the Joint Committee concerning amendments to the Convention shall be based on the draft Decision of the Joint Committee attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the Joint Committee, without a further Decision of the Council.

Article 2

After its adoption, the Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President

DRAFT

**DECISION No 1/2017
OF THE EU-EFTA JOINT COMMITTEE
ON THE SIMPLIFICATION OF FORMALITIES IN TRADE IN GOODS**

of ...

**amending 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 goods¹, and in particular Article 11(3) thereof,

¹ OJ L 134, 22.5.1987, p. 2.

Whereas:

- (1) Article 11(3) of the Convention of 20 May 1987 on the simplification of formalities in trade in goods (the ‘Convention’) empowers the Joint Committee set up by that Convention (the ‘Joint Committee’) to adopt by decision amendments to the Annexes to the Convention.
- (2) Regulation (EU) No 952/2013 of the European Parliament and of the Council¹ (the ‘UCC’) and the delegated and implementing acts adopted thereunder introduced new data requirements in customs declarations, and amended the codes in relation to certain existing data elements. Those provisions will become fully applicable at a later point in time because they require the relevant electronic systems to be upgraded or deployed, which will take place as provided for in the Annex to Commission Implementing Decision (EU) 2016/578².
- (3) To ensure smooth and efficient trade between the Union and the Contracting Parties to the Convention in a harmonised legal framework, the provisions in the Annexes to the Convention concerning the completion of the single administrative document should be aligned with the respective provisions in the delegated and implementing acts adopted under the UCC that will only apply at the later stage. For that purpose, amendments to the Annexes to the Convention are indispensable.
- (4) Therefore, the Convention should be amended accordingly,

HAS ADOPTED THIS DECISION:

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

² Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

Article 1

1. The text of Annex II, Appendix 3 to the Convention of 20 May 1987 on the simplification of formalities in trade in goods ('the Convention') is amended as set out in Annex A to this Decision.
2. The text of Annex III to the Convention is amended as set out in Annex B to this Decision.

Article 2

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

Done at Oslo,

For the Joint Committee

The President

ANNEX A

Annex II, Appendix 3, Title II to the Convention of 20 May 1987 on the simplification of formalities in trade in goods is amended as follows:

- (1) In Part I. 'Formalities in the country of export', in the notes related to 'Box 44: Additional information, documents produced, certificates and authorizations', the first sentence is replaced by the following:

'Enter the details required by any specific regulations applicable in the country of export, together with the references of the documents produced in support of the declaration, or any additional reference deemed necessary in relation with the declaration or the goods covered by the declaration. (This may include No of export licence/permit; data concerning veterinary and phytosanitary regulations; bill of lading No or reference to parties, customs office or writing-off of licences etc.).'

- (2) In Part I. 'Formalities in the country of export', in the notes related to 'Box 50: Principal and authorized representative, place, date and signature', the first paragraph is replaced by the following:

'Enter the full name (person or company) and address of the holder of the transit procedure (principal), together with the identification number, if any, allocated by the competent authorities. Where appropriate, enter the full name (person or company) of the authorised representative signing on behalf of the holder of the transit procedure (principal).'

- (3) In Part III. 'Formalities in the country of destination', the notes related to 'Box 44: Additional information, documents produced, certificates and authorizations' are replaced by the following:

'Enter the details required by any specific regulations applicable in the country of destination, together with the references of the documents produced in support of the declaration, and any additional reference deemed necessary in relation to the declaration or the goods covered by the declaration. (This may include No of export licence/permit; data concerning veterinary and phytosanitary regulations; bill of lading No or reference to parties, customs office or writing-off of licences etc.). In case the provision of guarantee is required in relation with the customs procedure concerned, the details of the guarantee shall be entered in this box. The sub-division "Additional information (A. I.) code" must not be used.'

ANNEX B

Annex III. 'Codes to be used in the Single Document' to the Convention of 20 May 1987 on the simplification of formalities in trade in goods is amended as follows:

- (1) in the notes related to 'Box 1: Declaration type', the text related to the first sub-division of the box is replaced by the following:

'First sub-division:

The symbol EU may be used for:

- declaration for export to another Contracting Party,
- declaration for import from another Contracting Party.'

- (2) in the notes related to 'Box 25: Mode of transport at the border', the description of the codes '5' and '9' is replaced by the following:

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A	B	Denomination
...
5	50	Mail (Active mode of transport unknown)
...
9	90	Mode unknown (i.e. own propulsion)

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