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European Union

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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Draft Council Decision on the position to be taken on behalf of the European Union in the EU-CTC Joint Committee established by the Convention of 20 May 1987 on the simplification of formalities in trade in goods and in the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure as regards an invitation to the United Kingdom to accede to those Conventions  
- Presidency Compromise Text

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Delegations will find in the Annex the Presidency Compromise text of the above draft Council Decision, as agreed at the Customs Union Working Party meeting on 11 September 2018.

The only difference with the Commission Proposal is the inclusion of a new Recital 11.

**Draft**

**COUNCIL DECISION**

**on the position to be taken on behalf of the European Union in the EU-CTC Joint Committee established by the Convention of 20 May 1987 on the simplification of formalities in trade in goods and in the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure as regards an invitation to the United Kingdom to accede to those Conventions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention of 20 May 1987 on the simplification of formalities in trade in goods<sup>4</sup> and the Convention of 20 May 1987 on a common transit procedure<sup>5</sup> ("the Conventions") were concluded 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 20 May 1987 and entered into force on 1 January 1988.

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<sup>4</sup> OJ L 134, 22.5.1987, p. 2

<sup>5</sup> OJ L 226, 13.8.1987, p. 2

- (2) The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") has expressed its wish to accede to the Conventions as a separate Contracting Party from the date the Conventions no longer applies to and in the United Kingdom.
- (3) Pursuant to Article 11(3) of the Convention on the simplification of formalities in trade in goods, the Joint Committee set up by that Convention may adopt, by decision, invitations to third countries to accede to that Convention.
- (4) Pursuant to Article 15(3) of the Convention on a common transit procedure, the Joint Committee set up by that Convention may adopt, by decision, invitations to third countries to accede to that Convention.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in those Joint Committees, as the Decisions to invite the United Kingdom to accede to the Conventions as a separate Contracting Party will be binding on the Union.
- (6) These Conventions ensure efficient border crossing procedures for trade between contracting parties.
- (7) While the United Kingdom will, not be a third country when the Joint Committees decide on the invitations, it is however in the interest of the Union to ensure that it accedes to the Conventions as a separate contracting party as from the date Union law (including these Conventions) no longer applies to and in the United Kingdom.
- (8) Both Conventions provide that a third country invited to become a contracting party shall do so by lodging an instrument of accession and that the accession shall become effective on the first day of the second month following the lodging of the instrument of accession.

- (9) Considering this timeline and in order for the United Kingdom to accede to these Conventions without delay once it becomes a third country, it is necessary to prepare the adoption by the Joint Committees of the invitations to accede to these Conventions.
- (10) The accession of the United Kingdom to the Conventions should be effective only from the date the United Kingdom is no longer covered by the Conventions as a Member State of the European Union or, should the European Union and the United Kingdom agree on transitional arrangements whereby the Conventions would apply to and in the United Kingdom, as from the date these transitional arrangements cease to apply.
- (11) Until its withdrawal from the Union, the United Kingdom remains a Member State enjoying all the rights and bound by all obligations stemming from the Treaties, including the compliance with the principle of sincere cooperation. In the guidelines of 29 April 2017, the European Council recognised the need, in the international context, to take into account the specificities of the United Kingdom as a withdrawing Member State, provided it respects its obligations and remains loyal to the Union's interests while still a Member State,**

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the EU-CTC Joint Committee set up by the Convention of 20 May 1987 on the simplification of formalities in trade in goods as regards an invitation to the United Kingdom to accede to that Convention shall be based on the draft act of that Joint Committee attached to this Decision.

*Article 2*

The position to be taken on the Union's behalf in the EU-CTC Joint Committee set up by the Convention of 20 May 1987 on a common transit procedure as regards an invitation to the United Kingdom to accede to the Convention shall be based on the draft act of that Joint Committee attached to this Decision.

*Article 3*

Once the technical conditions for accession to the Conventions have been fulfilled by the United Kingdom or once convincing assurance has been provided that these technical conditions will be fulfilled on time before the effective date of the application of the Convention to the United Kingdom as a Contracting Party, the Union representative in the Joint Committees referred to in Articles 1 and 2 respectively shall propose the Decisions to invite the United Kingdom 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-CTC Joint Committee on the simplification of formalities in trade in goods and the Decision of the EU-CTC Joint Committee on common transit shall be published in the Official Journal of the European Union.

*Article 5*

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council*

*The President*

**Proposal for a Decision No .../2018 of the Joint Committee set up by the Convention  
of 20 May 1987 on the simplification of formalities in trade in goods of ...2018  
as regards an invitation to the United Kingdom of Great Britain and Northern Ireland to  
accede to that Convention**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on the simplification of formalities in trade in goods<sup>1</sup> ("the Convention"), and in particular Article 11(3) thereof,

Whereas:

- (1) The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") has expressed its wish to accede to the Convention as a separate Contracting Party from the date the Convention no longer applies to and in the United Kingdom.
- (2) The exchange of goods with the United Kingdom would be facilitated by a simplification of formalities which affect the trade between the United Kingdom and the European Union, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation and the Republic of Turkey.
- (3) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention,
- (4) The accession of the United Kingdom to the Convention should be effective only from the date the United Kingdom is no longer covered by the Convention as a Member State of the European Union or, should the European Union and the United Kingdom agree on transitional arrangements whereby the Convention would apply to and in the United Kingdom, as from the date these transitional arrangements cease to apply.

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<sup>1</sup> OJ L 134, 22.5.1987, p. 2

HAS ADOPTED THIS DECISION:

*Article 1*

The United Kingdom shall be invited to accede to the Convention in accordance with Article 11a of the Convention as from the date when it is no longer a Member State of the European Union or from the date any transitional arrangement between the European Union and the United Kingdom whereby the Convention would apply to and in the United Kingdom cease to apply.

*Article 2*

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

Done at Brussels,

For the Joint Committee  
The President  
Philip Kermode



**Proposal for a Decision No .../2018 of the Joint Committee set up by the Convention of 20 May 1987 on a common transit procedure of ...2018 as regards an invitation to the United Kingdom of Great Britain and Northern Ireland to accede to that Convention**

THE JOINT COMMITTEE

Having regard to the Convention of 20 May 1987 on a common transit procedure<sup>2</sup> ("the Convention"), and in particular Article 15(3)(e) thereof,

Whereas:

- (1) The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") has expressed its wish to accede to the Convention as a separate Contracting Party from the date the Convention no longer applies to and in the United Kingdom.
- (2) The movement of goods with the United Kingdom would be facilitated by a common transit procedure for goods transported between the United Kingdom and the European Union, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation and the Republic of Turkey.
- (3) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention.
- (4) The accession of the United Kingdom to the Convention should be effective only from the date the United Kingdom is no longer covered by the Convention as a Member State of the European Union or, should the European Union and the United Kingdom agree on transitional arrangements whereby the Convention would apply to and in the United Kingdom, as from the date these transitional arrangements cease to apply.

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<sup>2</sup> OJ L 226, 13.8.1987, p. 2

HAS ADOPTED THIS DECISION:

*Article 1*

The United Kingdom shall be invited to accede to the Convention in accordance with Article 15a of the Convention as from the date when it is no longer a Member State of the European Union or from the date any transitional arrangement between the European Union and the United Kingdom whereby the Convention would apply to and in the United Kingdom cease to apply.

*Article 2*

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

Done at Brussels,

For the Joint Committee  
The President  
Philip Kermode

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