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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the EU-CTC Joint Committee established by the Convention of 20 May 1987 on the simplification of formalities in trade in goods and within 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

COUNCIL DECISION (EU) 2018/...

of ...

**on the position to be taken on behalf of the European Union
within the EU-CTC Joint Committee established by the Convention of 20 May 1987
on the simplification of formalities in trade in goods
and within 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 on the simplification of formalities in trade in goods¹ ("Convention I") was 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.
- (2) The Convention on a common transit procedure² ("Convention II") was 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.
- (3) The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") has expressed its wish to accede to Conventions I and II as a separate Contracting Party from the date on which Conventions I and II no longer apply to and in the United Kingdom.
- (4) Pursuant to Article 11(3) of Convention I, the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention.

¹ OJ L 134, 22.5.1987, p. 2.

² OJ L 226, 13.8.1987, p. 2.

- (5) Pursuant to point (e) of Article 15(3) of Convention II, the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention.
- (6) In accordance with Article 11a of Convention I and Article 15a of Convention II, a third country invited to become a Contracting Party is to do so by lodging an instrument of accession and the accession is to become effective on the first day of the second month following the lodging of that instrument.
- (7) At the time the Joint Committees decide on the invitations, the United Kingdom will not be a third country. However, since Conventions I and II ensure efficient border-crossing procedures for trade between Contracting Parties, it is in the interest of the Union to ensure that the United Kingdom accedes to Conventions I and II as a separate Contracting Party as from the date on which Union law, including those Conventions, no longer applies to and in the United Kingdom.
- (8) Considering the timeline for the accession of third countries provided for in Conventions I and II and in order for the United Kingdom to accede to those 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 those Conventions.

- (9) The accession of the United Kingdom to Conventions I and II should be effective only as from the date on which those Conventions no longer apply to and in the United Kingdom as a Member State of the Union or, should the Union and the United Kingdom agree on transitional arrangements whereby Conventions I and II would apply to and in the United Kingdom, as from the date on which such transitional arrangements cease to apply.
- (10) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committees established by Conventions I and II as regards an invitation to the United Kingdom to accede to those Conventions.
- (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 compliance with the principle of sincere cooperation. In its 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 that 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 within the EU-CTC Joint Committee established by the Convention of 20 May 1987 on the simplification of formalities in trade in goods ("Convention I"), as regards an invitation to the United Kingdom to accede to that Convention, shall be based on the draft decision of the EU-CTC Joint Committee attached to this Decision.

Article 2

The position to be taken on the Union's behalf within the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure ("Convention II"), as regards an invitation to the United Kingdom to accede to that Convention, shall be based on the draft decision of the EU-CTC Joint Committee attached to this Decision.

Article 3

Once the technical conditions for accession to Conventions I and II have been fulfilled by the United Kingdom or once convincing assurance has been provided that those technical conditions will be fulfilled on time before the effective date of the application of those Conventions to the United Kingdom as a Contracting Party, the Union representative in the EU-CTC Joint Committees referred to in Articles 1 and 2, respectively, shall propose the decisions to invite the United Kingdom to accede to those Conventions and shall vote on those decisions in accordance with Articles 1 and 2 of this Decision, respectively.

Article 4

After their adoption, the Decision of the EU-CTC Joint Committee as regards an invitation to the United Kingdom to accede to Convention I and the Decision of the EU-CTC Joint Committee as regards an invitation to the United Kingdom to accede to Convention II shall be published in the *Official Journal of the European Union*.

Done at ...,

For the Council

The President

DRAFT

DECISION .../2018 OF THE EU-CTC JOINT COMMITTEE

of ...

**as regards an invitation to the United Kingdom
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, and in particular Article 11(3) thereof,

Whereas:

- (1) Pursuant to Article 11(3) of Convention of 20 May 1987 on the simplification of formalities in trade in goods¹ ("the Convention") the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention.
- (2) 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.
- (3) 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.

¹ OJ EU L 134, 22.5.1987, p. 2.

- (4) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention.
- (5) The accession of the United Kingdom to the Convention should be effective only as from the date the Convention no longer applies to the United Kingdom 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,

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 as from the date any transitional arrangements 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*

DRAFT

DECISION .../2018 OF THE EU-CTC JOINT COMMITTEE

of ...

**as regards an invitation to the United Kingdom
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 procedure, and in particular point (e) of Article 15(3) thereof,

Whereas:

- (1) Pursuant to point (e) of Article 15(3) of Convention of 20 May 1987 on a common transit procedure¹ ("the Convention") the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention in accordance with Article 15a.
- (2) 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.
- (3) 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.

¹ OJ EU L 226, 13.8.1987, p. 2.

- (4) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention.
- (5) The accession of the United Kingdom to the Convention should be effective only as from the date the Convention no longer applies to the the United Kingdom 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,

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 as from the date any transitional arrangements 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*
