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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 23 April 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2019) 189 final, FV2

Subject: ANNEX to the Proposal for a 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 a common transit
procedure as regards amendments to that Convention

Delegations will find attached document COM(2019) 189 final, FV2 .

Encl.: COM(2019) 189 final, FV2



Brussels, 23.4.2019
COM(2019) 189 final

ANNEX

ANNEX

to the

Proposal for a 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 a common transit
procedure as regards amendments to that Convention**

DRAFT

DECISION No /2019 of the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure of2019 amending that Convention

THE EU-CTC JOINT COMMITTEE

Having regard to the Convention of 20 May 1987 on a common transit procedure, and in particular Article 15(3)(a) thereof,

Whereas:

- (1) Pursuant to letter (a) of Article 15(3) of the Convention of 20 May 1987 on a common transit procedure¹ (“the Convention”), the Joint Committee established by that Convention is to adopt, by decision, amendments to the Appendices to the Convention.
- (2) The provisions of the Convention concerning the transit simplification consisting in the use of the electronic transport document (ETD) as a transit declaration for air transport apply since 1 May 2018. The previous transit simplification for air was allowed to be used only until 1 May 2018. Therefore, all references to the previous transit simplification for air simplification have to be amended accordingly.
- (3) Regulation (EU) 2016/679 of the European Parliament and of the Council², which lays down a legal framework for the protection of personal data in the Union, entered into force on 24 May 2018. That Regulation repealed the previous legal act in this area, Directive 95/46/EC of the European Parliament and of the Council³. Consequently, the references to Directive 95/46/EC made in Appendix I to the Convention should be replaced by references to Regulation (EU) 2016/679.
- (4) Article 84 of Commission Delegated Regulation (EU) 2015/2446⁴, which lays down the conditions to be fulfilled by applicants in order to be authorised to use a comprehensive guarantee with a reduced amount or a guarantee waiver, has been amended⁵. As a result of the amendment, the requirement of sufficient financial resources was removed as a stand-alone condition because the practical experience

¹ OJ L 226, 13.8.1987, p. 2.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁴ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁵ Commission Delegated Regulation (EU) 2018/1118 of 7 June 2018 amending Delegated Regulation (EU) 2015/2446 as regards the conditions for a reduction of the level of the comprehensive guarantee and the guarantee waiver (OJ L 204, 13.8.2018, p. 11).

showed that that condition was interpreted too restrictively and focused only on the availability of cash. The assessment of the capacity of economic operators to pay the full amount of debt should therefore be integrated in the assessment of their financial standing. Article 75 of Appendix I to the Convention mirrors the provisions of Article 84 of Delegated Regulation (EU) 2015/2446 and should, therefore, be amended accordingly.

- (5) Currently, the conditions under which goods transported through the T2 corridor keep their customs status of Union goods are laid down in Article 2a of Title I of Appendix II to the Convention, the scope of which is limited to goods not placed under the export procedure. It was not the intention to establish such a restriction for Union goods moved through the T2 corridor. Therefore, Article 2a of Appendix II to the Convention should be deleted from Title I and a new Article should be introduced into a new Title Ia under which no such restriction would apply.
- (6) Following the notification by North Macedonia, to the UN and to the EU, of the entry into force of the Prespa Agreement as of 15 February 2019, the country previously denominated as “the former Yugoslav Republic of Macedonia” has changed its name to “the Republic of North Macedonia”. Appendices III and IIIa to the Convention should therefore be amended to reflect the change of denomination of that country and of the respective country code.

The Convention should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

1. Appendix I to the Convention is amended as set out in Annex A to this Decision.
2. Appendix II to the Convention is amended as set out in Annex B to this Decision.
3. Appendix III to the Convention is amended as set out in Annex C to this Decision.
4. Appendix IIIa to the Convention is amended as set out in Annex D to this Decision.

Article 2

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

Done at,

*For the Joint Committee
The President*

ANNEX A

Appendix I to the Convention is amended as follows:

- (1) in Article 7, paragraph 2 is replaced by the following:

"2. The Contracting Parties shall ensure that the processing of personal data exchanged in the application of the Convention is done in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶;
- (2) in Article 13(1), point (a) is replaced by the following:

"(a) goods carried by air where the transit procedure based on an electronic transport document as transit declaration for air transport is used;"
- (3) Article 55 is amended as follows:
 - (a) in paragraph 1, point (e) is replaced by the following:

"(e) the use of the paper-based common transit procedure for goods carried by air";
 - (b) in paragraph 3, the second subparagraph is deleted;
- (4) in Article 57(3), point (b) is deleted;
- (5) Article 75(2) is amended as follows:
 - (a) in point (a), sub-point (vi) is deleted;
 - (b) in point (b), sub-point (vii) is deleted;
 - (c) in point (c), sub-point (xii) is deleted;
- (6) in Article 75, the following paragraph 3 is added:

"3. When verifying if the applicant has sufficient financial standing for the purpose of granting of an authorisation to use a comprehensive guarantee with a reduced amount or a guarantee waiver as required by paragraphs 2(a)(v), 2(b)(vi) and 2(c)(xi), the customs authorities shall take into account the ability of the applicant to fulfil his obligations of paying his debts and other charges which may be incurred, not covered by that guarantee.

If justified, the customs authorities may take into account the risk of incurrence of those debts having regard to the type and volume of the customs related business activities of the applicant and to the type of goods for which the guarantee is required.";
- (7) the title of Chapter VII is replaced by the following:

"Paper based common transit procedure for goods carried by air and common transit procedure based on an electronic transport document as a transit declaration for air transport";
- (8) Article 111 is deleted.

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the protection of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1)

ANNEX B

Appendix II to the Convention is amended as follows:

(1) the title of Title I is replaced by the following:
"PROOF OF THE CUSTOMS STATUS OF UNION GOODS";

(2) Article 2a is deleted;

(3) the following Title Ia is inserted:

"TITLE Ia

PROVISIONS CONCERNING THE NON-ALTERATION OF THE CUSTOMS STATUS OF UNION GOODS FOR GOODS TRANSPORTED THROUGH A T2 CORRIDOR

Article 21a

Presumption of the customs status of Union goods

1. Goods having the customs status of Union goods which are carried by rail may move, without being subject to a customs procedure, from one point to another within the customs territory of the Union and be transported through the territory of a common transit country without alteration of their customs status, where:

— the transport of the goods is covered by a single transport document issued in a Member State of the European Union;

— the single transport document contains the following endorsement: 'T2-Corridor';

— the transit through a common transit country is being monitored by means of an electronic system in that common transit country;

— the railway undertaking concerned is authorised by the common transit country whose territory is transited to use the 'T2-Corridor' procedure.

2. The common transit country keeps the Joint Committee referred to in Article 14 of the Convention or a working group set up by that Committee on the basis of paragraph 5 of that Article informed about the modalities regarding the electronic monitoring system, and about the railway undertakings which are authorised to use the procedure mentioned in paragraph 1 of this Article."

ANNEX C

Appendix III to the Convention is amended as follows:

- (1) in Annex B1 the words “MK⁽¹⁾ The former Yugoslav Republic of Macedonia” is replaced by the words “MK North Macedonia” and footnote⁽¹⁾ is deleted;
- (2) in Annex B6, Title III, the code “MK⁽¹⁾” is replaced by the code “MK”;
- (3) in Annex C1, point 1, the words “the former Yugoslav Republic of Macedonia” are replaced by the words “the Republic of North Macedonia”;
- (4) in Annex C2, point 1, the words “the former Yugoslav Republic of Macedonia” are replaced by the words “the Republic of North Macedonia”;
- (5) in Annex C4, point 1, the words “the former Yugoslav Republic of Macedonia” are replaced by the words “the Republic of North Macedonia”;
- (6) in Annex C5, in row 7, the words “the former Yugoslav Republic of Macedonia” are replaced by the words “North Macedonia”;
- (7) in Annex C6, in row 6, the words “the former Yugoslav Republic of Macedonia” are replaced by the words “North Macedonia”.

ANNEX D

In Annex A1a, Title IV, in Appendix IIIa to the Convention, the code “MK⁽¹⁾” is replaced by the code “MK”.