



Council of the  
European Union

Brussels, 22 February 2021  
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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the EEA Joint Committee established by the Agreement on the European Economic Area as regards amendments to Chapter IIa of, and Annexes I and II to, Protocol 10 to that Agreement, on simplification of inspections and formalities in respect of carriage of goods

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**COUNCIL DECISION (EU) 2021/...**

**of ...**

**on the position to be taken on behalf of the European Union  
within the EEA Joint Committee  
established by the Agreement on the European Economic Area  
as regards amendments to Chapter IIa of,  
and Annexes I and II to, Protocol 10 to that Agreement,  
on simplification of inspections and formalities in respect of carriage of goods**

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) Protocol 10 to the Agreement on the European Economic Area<sup>1</sup> ('EEA Agreement') on simplification of inspections and formalities in respect of carriage of goods and on customs security measures (the 'Protocol') was amended by EEA Joint Committee Decision No 76/2009<sup>2</sup> and entered into force on 1 July 2009.
- (2) Pursuant to Article 98 of the EEA Agreement, the Joint Committee established by the EEA Agreement ('EEA Joint Committee') may adopt a decision amending Chapter IIa of, and the Annexes to, the Protocol during its next session or by an exchange of letters.
- (3) In accordance with Article 9h(3) of the Protocol, amendments to Chapter IIa of, and Annexes I and II to, the Protocol are necessary to take into account the development of Union legislation on matters covered by that Chapter and those Annexes. In addition, if a decision cannot be adopted for the simultaneous implementation of the amendments to the Protocol and the amendments to the Union legislation, the amendments provided for in the draft Decision submitted for the Contracting Parties' approval are to be applied provisionally where possible from 15 March 2021, with due respect for the internal procedures of the Contracting Parties. That choice of date coincides with the first release of the Import Control System 2, in which Norway has agreed to participate.

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<sup>1</sup> OJ L 1, 3.1.1994, p. 3.

<sup>2</sup> Decision of the EEA Joint Committee No 76/2009 of 30 June 2009 amending Protocol 10 on simplification of inspections and formalities in respect of carriage of goods and Protocol 37 containing the list provided for in Article 101 (OJ L 232, 3.9.2009, p. 40).

- (4) It is appropriate to establish the position to be taken on the Union's behalf within the EEA Joint Committee as regards the amendments to Chapter IIa of, and Annexes I and II to, the Protocol, as those amendments will be binding on the Union.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the draft decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the next meeting of the Joint Committee established by the Agreement on the European Economic Area, or by exchange of letters, as regards the amendments to Chapter IIa of, and Annexes I and II to, Protocol 10 to that Agreement shall be based on the draft decision of the EEA Joint Committee<sup>1</sup>.

*Article 2*

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

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> See document ST 5661/21 on <http://register.consilium.europa.eu>.