



Council of the
European Union

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11466/22

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Customs Union
Subject:	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 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 invitations to the Ukraine to accede to those Conventions Presidency compromise text

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (08.12.2023)

Delegations will find in the Annex the Presidency compromise text regarding the above proposal, with a view to the meeting of the Working Party on Customs Union on 20 July 2022.

Changes to the Commission proposal (ST 11428/22 + ADD 1) are marked in **bold underlined** and ~~strikethrough~~.

Delegations are kindly requested to provide their written comments to the Presidency (**DELETED**) and the Secretariat (customs2B@consilium.europa.eu) by 19 July 2022, at 12:00.

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 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 invitations to the Ukraine 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(4), **first subparagraph**, 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 goods¹ and the Convention of 20 May 1987 on a common transit procedure² ('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.
- (2) Ukraine has expressed its wish to accede to the Conventions once it has complied with the requirements for its accession.
- (3) Pursuant to Article 11(3) of the Convention on the simplification of formalities in trade in goods, the EU-CTC 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 EU-CTC 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 the Joint Committees established by the Conventions, as the Decisions to invite Ukraine to accede to the Conventions will be binding on the Union.

¹ OJ L 134, 22.5.1987, p. 2.

² OJ L 226, 13.8.1987, p. 2.

- (6) The Conventions are part of the Union acquis and are part of the pre-accession strategy for Ukraine. The Conventions will ensure efficient border crossing procedures between Ukraine and the parties to the Conventions.
- (7) The invitations are in line with the Commission's opinion on the membership application of Ukraine to the European Union and the endorsement of that opinion by the European Council on 23 June 2022 that granted the status of candidate country to Ukraine.
- (8) The position of the Union within the Joint Committees established by the Conventions should therefore be favourable to an invitation to accede to those Conventions and be based on the draft Decisions reflecting that position,
- (9) In accordance with the Conventions a third country invited to become a contracting party is to do so by lodging an instrument of accession and that the accession is to become effective on the first day of the second month following the lodging of the instrument of accession.
- (10) In order to facilitate Ukraine's timely accession, it is necessary to adopt this decision without delay.

HAS ADOPTED THIS DECISION

Article 1

The position to be taken on the Union's behalf **at the next session or by means of written procedure, within the context of that meeting,** 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 Ukraine to accede to that Convention shall be based on the draft Decision of that Joint Committee set out in Annex I to this Decision.

Article 2

The position to be taken on the Union's behalf **at the next session or by means of written procedure, within the context of that meeting,** in the EU-CTC Joint Committee set up by the Convention of 20 May 1987 on a common transit as regards an invitation to Ukraine to accede to that Convention shall be based on the draft Decision of that Joint Committee set out in Annex II to this Decision.

Article 3

After ~~its~~**their** adoption, the Decisions of the Joint Committees referred to in Articles 1 and 2 shall be published in the *Official Journal of the European Union*.

Article 4

This decision ~~is addressed to the Commission~~ **shall enter into force on the day of its adoption.**

Done at Brussels,

*For the Council
The President*

ANNEXES 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 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 invitations to the Ukraine to accede to those Conventions

ANNEX I

Proposal for a Decision No 1/2022 of the EU-CTC Joint Committee established by the Convention of 20 May 1987 on the simplification of formalities in trade in goods

of....2022

as regards an invitation to Ukraine to accede to that Convention

THE EU-CTC JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on the simplification of formalities in trade in goods³, and in particular Article 11(3) thereof,

Whereas:

- (1) Ukraine has expressed its wish to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods ('the Convention') on [.....].
- (2) The exchange of goods with Ukraine would be facilitated by a simplification of formalities which affect the trade in goods between Ukraine and the European Union, Iceland, North Macedonia, Norway, Switzerland, Turkey, Serbia and the United Kingdom.
- (3) With a view to achieving such facilitation, it is appropriate to invite Ukraine to accede to the Convention,

³ OJ No L 134, 22.5.1987, p.2

HAS ADOPTED THIS DECISION:

Article 1

Ukraine shall be invited to accede to the Convention in accordance with Article 11a of the Convention, as from ...

Article 2

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

Done at, 2022,

For the EU-CTC Joint Committee

The President

Matthias PETSCHKE

ANNEX II

Proposal for Decision No 2/2022 of the EU-CTC Joint Committee established by the Convention of 20 May 1987 on common transit procedure

of.....2022

as regards an invitation to Ukraine to accede to that Convention

THE EU-CTC JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure⁴, and in particular Article 15(3), point (e), thereof,

Whereas:

- (1) Ukraine has expressed its wish to accede to the Convention of 20 May 1987 on a common transit procedure ('the Convention') on [...].
- (2) The movement of goods with Ukraine would be facilitated by a common transit procedure for goods transported between Ukraine and the European Union, Iceland, North Macedonia, Norway, Switzerland, Turkey, Serbia and the United Kingdom.
- (3) With a view to achieving such facilitation, it is appropriate to invite Ukraine to accede to the Convention,

⁴ OJ No L 226, 13.8.1987, p.2

HAS ADOPTED THIS DECISION:

Article 1

Ukraine shall be invited to accede to the Convention in accordance with Article 15a of the Convention as from ...

Article 2

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

Done at, 2022,

For the EU-CTC Joint Committee

The President

Matthias PETSCHKE
