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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by the Convention 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 a common transit procedure as regards amendments of Appendices I and III to that Convention

COUNCIL DECISION (EU) .../...

of ...

**on the position to be taken on behalf of the European Union
within the Joint Committee established by the Convention
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 a common transit procedure as regards amendments
of Appendices I and III to that Convention**

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) The Convention 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 a common transit procedure¹ ('the Convention') was concluded on 20 May 1987 and entered into force on 1 January 1988.
- (2) Pursuant to Article 15(3), point (a), of the Convention, the Joint Committee established by the Convention is to adopt, by decision, amendments to the Appendices to the Convention.
- (3) In early 2021, the Joint Committee is to adopt a decision on the amendments of Appendices I and III to the Convention.

¹ OJ L 226, 13.8.1987, p. 2.

- (4) Article 311 of Commission Implementing Regulation (EU) 2015/2447¹ (the ‘Implementing Regulation’), on the request to transfer the recovery of the customs debt, has been amended by Commission Implementing Regulation (EU) 2019/1394². Therefore, Article 50 of Appendix I to the Convention, which mirrors Article 311 of the Implementing Regulation, should be amended accordingly.
- (5) Annex 72-04 to the Implementing Regulation, on the business continuity procedure for Union transit, has been amended by Commission Implementing Regulation (EU) 2020/893³. The validity of the paper-based comprehensive guarantee certificates and guarantee waiver certificates was prolonged in order to allow for more flexibility in the business continuity procedure in transit and reduce the formalities and costs incurred by customs authorities. Therefore, Article 79 of Appendix I to the Convention and point 19.3, Chapter III, Annex II to Appendix I to the Convention, which mirror point 19.3, Chapter III, Part I, Annex 72-04 to the Implementing Regulation, should be amended accordingly.

¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

² Commission Implementing Regulation (EU) 2019/1394 of 10 September 2019 amending and correcting Implementing Regulation (EU) 2015/2447 as regards certain rules on surveillance for release for free circulation and exit from the customs territory of the Union (OJ L 234, 11.9.2019, p. 1).

³ Commission Implementing Regulation (EU) 2020/893 of 29 June 2020 amending Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 206, 30.6.2020, p. 8).

- (6) When the Union Customs Code ceases to apply to and in the United Kingdom, with the exception of Northern Ireland, the United Kingdom will accede to the Convention as a separate Contracting Party¹ and the Protocol on Ireland/Northern Ireland, which forms an integral part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community², will apply. The Convention contains references to the names of Member States of the European Union, common transit countries and the respective country codes. It is therefore necessary to amend Appendix III to the Convention in order to indicate that the United Kingdom is a common transit country and that the Union Customs Code, in particular as regards the provisions concerning guarantees, applies in Northern Ireland.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee, with regard to the amendments of Appendices I and III to the Convention, as those amendments will be binding on the Union.
- (8) The position of the Union within the Joint Committee should therefore be based on the draft Decision of the Joint Committee,

HAS ADOPTED THIS DECISION:

¹ Decision No 1/2018 of the EU-CTC Joint Committee of 4 December 2018 as regards an invitation to the United Kingdom to accede to the Convention on a common transit procedure [2018/1987] (OJ L 317, 14.12.2018, p. 47).

² OJ L 29, 31.1.2020, p. 7.

Article 1

The position to be taken on the Union's behalf within the Joint Committee either during its 33rd meeting or a subsequent meeting or by means of a written procedure, as regards the amendments to Appendices I and III to the Convention, shall be based on the draft Decision of the Joint Committee¹.

Minor technical changes to the draft decision of the Joint Committee may be agreed to by the representatives of the Union in the Joint Committee, without further decision of the Council.

Article 2

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

Done at ...,

For the Council

The President

¹ See document ST 6126/21 on <http://register.consilium.europa.eu>.