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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union concerning the adoption of a Decision by the EU-EFTA Joint Committee on common transit and a Decision by the EU-EFTA Joint Committee on simplification of formalities in trade in goods as regards invitations to the former Yugoslav Republic of Macedonia to accede to those Conventions

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Grounds for and objectives of the proposal

The Convention on a common transit procedure and the Convention on the simplification of formalities in trade in goods were concluded on 20 May 1987 between the European Community and the EFTA countries.

The Communication of 2001 from the European Commission to the European Parliament and the Council on a Strategy to prepare the candidate countries for accession to the 1987 EC-EFTA Conventions on a common transit procedure and the simplification of formalities in trade in goods, followed by the Communication of 2010 from the European Commission to the European Parliament and the Council on a Strategy to prepare certain neighbouring countries for the accession to both Conventions and by the Council Conclusions of 14 April 2011 confirming the approach adopted in two Communications foresee support for a number of countries in their efforts to join the Conventions.

The purpose is to adopt the common EU position on the draft Decision No 1/2015 of the EU-EFTA Joint Committee on common transit and on the draft Decision No 1/2015 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods to invite the former Yugoslav Republic of Macedonia to accede to the Conventions.

1.2. General context

The Conventions establish measures facilitating the movement of goods between the European Union, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Republic of Turkey.

The former Yugoslav Republic of Macedonia wished formally to be able to accede to the Conventions after having satisfied the legal, structural and information technology requirements, which are preconditions for accession.

In accordance with the provisions of Article 15(3) of the Convention on a common transit procedure and with the provisions of Article 11(3) of the Convention on the simplifications of formalities in trade in goods, the EU-EFTA Joint Committees shall by decision invite a third country within the meaning of, respectively, Article 3 (1)(c) and Article 1(2) , to accede to the Conventions in accordance with the procedure set out in, respectively, Article 15a and Article 11a.

The EU-EFTA Joint Committees launch such invitations where the country proves that it is in a position to conform to the detailed rules for the application of provisions of the Conventions.

Mandated by the EU-EFTA common transit and the simplification of formalities in trade in goods working group, an evaluation mission covering mainly the adaptation of the national customs legislation of the former Yugoslav Republic of Macedonia, the creation of the structures necessary to manage the procedure and the implementation of the New Computerised Transit system (NCTS) allowing for the application of the common transit procedure established that the conditions of invitations were met.

1.3. Existing provisions in the area of the proposal

There are no existing provisions in the area of the proposal.

1.4. Consistency with other policies and objectives of the Union

The proposal complies with the strategy to promote EU competitiveness and economic growth.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

2.1. Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with approval on the draft Decision No 1/2015 of the EU-EFTA Joint Committee on common transit and the draft Decision No 1/2015 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods to invite the former Yugoslav Republic of Macedonia to accede to the Conventions were carried out with the Member States within the Customs Code Committee – Customs Status and Transit Section and with Contracting Parties to the Conventions within the EU-EFTA Working Groups on "Common Transit" and "the Simplification of Formalities in Trade in Goods".

Summary of responses and how they have been taken into account

Favourable opinion

Collection and use of expertise

There was no need for external expertise.

2.2. Impact assessment

The accession to the Conventions can be seen within the framework of the pre-accession strategy of the former Yugoslav Republic of Macedonia, to the European Union. It will lead to an alignment to the "acquis communautaire" in the transit area. The introduction of common transit in the former Yugoslav Republic of Macedonia as an alternative to the TIR procedure will bring further facilitation of transit, reduction of costs and a possible increase in trade.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

The EU-EFTA Joint Committees wish to take decisions and to launch the invitations.

The draft Decision No 1/2015 of the EU-EFTA Joint Committee on common transit has the objective of inviting the former Yugoslav Republic of Macedonia to accede to the Convention of 20 May 1987 on a common transit procedure.

The draft Decision No 1/2015 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods has the objective of inviting the former Yugoslav Republic of Macedonia to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

These draft decisions were approved by the Customs Code Committee – Customs Status and Transit Section and by the EU/EFTA Working Groups on "Common Transit" and "the Simplification of Formalities in Trade in Goods".

The Commission is invited to approve the draft Decisions by the written procedure, in order to submit them to the Council to establish a common position for their final adoption by the EU-EFTA Joint Committees.

3.2. Legal basis

Article 15(a) of the Convention of 20 May 1987 on a common transit and Article 11a of the Convention of 20 May 1987 on the simplification of formalities in trade in goods.

3.3. Subsidiarity principle

The proposal falls under the exclusive competence of the European Union (common commercial policy) and therefore does not deserve an examination with regard to the principle of subsidiarity (Article 5(3) of the Treaty of the Functioning of the European Union). .

3.4. Proportionality principle

The proposal complies with the proportionality principle for the following reasons:

The form of proposed action is the only one possible.

The form of proposed action does not involve any financing cost.

3.5. Choice of instruments

Proposed instruments: Decision.

There is no other adequate instrument.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

5. OPTIONAL ELEMENTS Simplification

The proposal provides for simplification of administrative procedures for public authorities and simplification of administrative procedures for the private sector.

The proposal introduces one common transit procedure for all the Contracting Parties to the Convention.

The common transit procedure allows the authorisation of simplifications concerning private parties.

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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) Article 15(3) of 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 on a common transit procedure”) empowers the Joint Committee set up by that Convention to adopt by decision invitations to third countries within the meaning of Article 3(1)(c) to accede to that Convention in accordance with Article 15a.
- (2) Article 11(3) of 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 the simplification of formalities in trade in goods² (the “Convention on the simplification of formalities in trade in goods”) empowers the Joint Committee set up by that Convention to adopt by decision invitations to third countries within the meaning of Article 1(2) to accede to that Convention in accordance with Article 11a.
- (3) It is appropriate to establish the position to be taken by the Union within the said Joint Committees as regards decisions to invite the former Yugoslav Republic of Macedonia to accede to those Conventions.
- (4) The position of the Union within the Joint Committee should therefore be based on the attached draft Decisions.

HAS ADOPTED THIS DECISION:

Article 1

The position of the European Union within the EU-EFTA Joint Committee on common transit as regards an invitation to the former Yugoslav Republic of Macedonia to accede to the Convention on a common transit procedure shall be based on the draft Decision of that Joint Committee attached to this Decision.

¹ OJ L 226, 13.8.1987, p. 2.

² OJ L 134, 22.5.1987, p. 2.

Article 2

The position of the European Union within the EU-EFTA Joint Committee on simplification of formalities in trade in goods as regards an invitation to the former Yugoslav Republic of Macedonia to accede to the Convention on the simplification of formalities in trade in goods shall be based on the draft Decision of that Joint Committee attached to this Decision.

Article 3

Once the technical conditions for accession have been fulfilled by the former Yugoslav Republic of Macedonia, the Union representative in the Joint Committees referred to in Articles 1 and 2 respectively shall propose the decisions to invite the former Yugoslav Republic of Macedonia to accede to the Conventions and vote on those decisions in line with Articles 1 and 2 of this Decision.

Article 4

This Decision shall enter into force on 1 June 2015.

Done at Brussels,

For the Council
The President