COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 466 final

Brussels, 11 November 1992

Proposal for a

COUNCIL REGULATION (EEC)

on checks for conformity with the rules on product safety in the case of products imported from third countries

---

(presented by the Commission)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. From 1 January 1993, there will no longer be any formalities or controls at the Community's internal frontiers. To differing degrees, however, all Member States currently use those controls to prevent products which, for health or safety reasons, are undesirable from entering their market. Since the principle of mutual recognition should, in theory, lead to the acceptance of any product which complies with the rules applicable in the Member State of origin and since a degree of harmonization has been reached which ensures that products on the Community market satisfy health and safety protection requirements in particular, such controls are no longer justified.

2. The Commission has already challenged most of the technical conformity checks on the grounds that they are disproportionate to the objectives being pursued since no Member State may accept an imported product which does not meet essential requirements. Market controls should be carried out under national systems, in accordance with the provisions of the directives.

3. This argument is not valid in the case of products from third countries, however; there is no guarantee that goods imported from such countries satisfy Community or national rules on product safety since, on the face of it, they will have been checked in accordance with the rules applicable in the country of origin, i.e. rules which, in the absence of a specific agreement, cannot be recognized in the Community. Moreover, the rules specifying the checks and penalties imposed on Community producers cannot be applied to producers in third countries. Accordingly, a common strategy needs to be pieced together with regard to conformity checks on products for which release for free circulation in the Community is being sought.

4. Since, in an area without internal frontiers, the customs authorities in a particular Member State will be acting on behalf of all the Member States, they must each follow a similar approach so as not to create any distortion in their mutual behaviour. Such distortion would be detrimental to health and safety protection in cases where those authorities had to deal with goods from third countries which, because of their characteristics, had to be checked for conformity with the rules on product safety.

   A legal instrument should therefore be adopted introducing an obligation to act in a particular way on the part of all the authorities responsible for administering the external frontiers. This would be in keeping both with the strengthening of the instruments available to the Community in the customs sphere and with what has been done in other fields, in particular with regard to veterinary and plant health control.

5. Such an approach must, however, ensure that the involvement of customs is limited to what is strictly necessary and that, at the same time, the following principles are complied with:

   - The proposal must be in keeping with the general approach followed in the case of technical rules for products, which was based in particular on market monitoring and allowed products that did not conform or that presented a risk to health or safety to be prohibited or withdrawn;

   - It must comply with the Community's international commitments, in particular the International Convention on the Harmonization of Frontier Controls of Goods, which was ratified by the Community by virtue of Council Regulation (EEC) No 1262/84 of 10 April 1984(1). Its application should, therefore, be limitedto very specific fields directly affecting consumer health and safety;

   - It must safeguard the normal margin of discretion and the respective roles of the competent authorities. Accordingly, it must not lead to the introduction of mandatory checks which those authorities would not be in a position to carry out. Verifying to what extent a product is dangerous or in conformity with Community or national laws on product safety need not, therefore, be carried out by the customs authorities themselves since such operations fall within the competence of the national authorities responsible for market monitoring. Generally speaking, these authorities are separate from the customs authorities and must, at all events, be in a position to intervene anywhere on the market of the Member State concerned.

   The Directive on general product safety (I) will, when it enters into force in the near future, supplement the Community framework of obligations in terms of product safety (II); this calls for appropriate measures at the external frontiers (III) and justifies the presentation of a proposal for a Regulation (IV).

I. THE OUTLOOK IN THE SHORT TERM: Directive on general product safety

6. Since consumer protection is one of the concerns which are common to the Member States, Council Directive 92/59/EEC on general product safety, which will apply from 29 June 1994, provides for the introduction of a coherent set of national and Community procedures designed to ensure that the general safety obligation, i.e. the obligation on producers to market only products which are safe, is complied with.

7. Since "producer", as defined in Article 2(d) of the Directive referred to above, explicitly covers importers of products, these will, whenever release for free circulation of consumables from third countries is sought, have to comply with the same obligation, i.e. to market only products which are safe.

8. This Directive will, in particular, allow emergency measures to beadopted as a last resort at Community level if the Member States disagree on the emergency measures which need to be taken and if the specific Community procedures applicable are not sufficient to deal with emergencies caused by dangerous products.

---

(1) OJ No L 126, 12.5.1984, p. 1.

9. Since Directive 92/59/EEC applies to products from third countries, it is the national authorities responsible for market monitoring that, with the help in particular of the customs authorities responsible for releasing products for free circulation, must ensure that those provisions are complied with.

II. THE SITUATION AT PRESENT - Obligation to achieve results

10. However, from 1 January 1993 until 29 June 1994, when the Directive on general product safety enters into force, Member States must establish appropriate arrangements for cooperation which will ensure a high degree of protection in terms of health and safety, not only for products of Community origin but also for products from third countries, as they are already required to do under the relevant Community legislation.

11. This is because:

- Community directives in various sectors of the internal market specify the safety requirements - essential or specific, as the case may be - which products placed on the Community market must satisfy. Accordingly, Member States are required to monitor the products which are marketed, whether they are products of Community origin or products from third countries released for free circulation in the Community. Moreover, some of those directives stipulate that specific conditions must be met before the products concerned can be released for free circulation;

- Council Decision 89/45/EEC of 21 December 1988 on a Community system for the rapid exchange of information on dangers arising from the use of consumer products(2), as last amended by Decision 90/352/EEC(3), provides for a procedure for the exchange of information under which other Member States can be warned of the serious and immediate risk presented by a product (or product batch) in respect of which a national decision has been taken pursuant to Article 36, so that appropriate decisions can be taken to ensure the protection of their nationals. The Commission will, by way of a recommendation, emphasize the need to involve the customs authorities in the operation of the information system introduced by Decision 89/45/EEC.

12. Since checks at the Community's internal frontiers are being discontinued, Member States must now take as much account of the interests of nationals of other Member States as they do of the interests of their own nationals.

13. This is a responsibility which is enhanced by the solidarity arising from the new arrangements for sharing administration of the common external frontier.

(2) OJ No L 17, 21.1.1989, p. 51.

(3) OJ No L 173, 6.7.1990, p. 49.

14. Accordingly, if they are effectively to "prevent," "restrict" or "attach particular conditions to the marketing or use" of products from third countries which present a "serious and immediate risk (...) for the health and safety of consumers" (the terms used in Decision 89/45/EEC), the customs authorities must be fully involved in, or closely associated with, monitoring operations, whether they are acting on behalf of other national authorities or in accordance with special powers assigned to them on a national basis.

15. The same must apply in the case of products from third countries which, while not presenting a serious and immediate risk, do not satisfy the Community or national safety requirements applicable in the country in which release for free circulation is being sought.

III. IMPLICATIONS AS REGARDS "SUITABLE MEANS" AT THE EXTERNAL FRONTIERS - Effectiveness of national measures

In the event of a serious and immediate risk:

16. From a practical point of view, checks at the external frontiers must be organized in such a way as to ensure effective verification that a product (or product batch) does not present a serious and immediate risk in cases where spot checks on imported products give rise to a serious and objective doubt in that respect.

17. Where, on the basis of objective factors, there is a serious doubt, there must be additional verification, including, if necessary, the taking of samples, until there is no longer any doubt regarding the presence or absence of a serious and immediate risk.

18. Once it is established, on the basis of objective factors, that there is a serious and immediate risk, the authorities in the Member State which intercepted the product (or product batch) will be in a position to take suitable measures to "prevent, restrict or attach particular conditions to the marketing or use" of the product (or product batch) concerned.

19. The procedure under the Community system for the rapid exchange ofinformation must be activated as soon as the requirements set out in Article 1 of Decision 89/45/EEC are satisfied.

In cases of non-conformity:

20. Similarly, if a product is found not to conform to the Community or national rules applicable and thus presents a risk to health or safety, the customs authorities must be suitably notified.

21. The Council will soon be called upon to decide on a Commission proposal introducing a notification procedure for the products in question. The proposed system, which will basically have the same structure as that provided for in Decision 89/45/EEC, should benefit the customs authorities in particular.

22. Conversely, if, while carrying out checks on goods declared for release for free circulation, the customs authorities find that a product is not accompanied by a document or not marked as required under the Community or national rules applicable, they must be in a position to activate the procedure required for verifying the conformity of those goods.

23. This means that, while the customs authorities do not necessarily have to be given all the powers needed to ensure that the Member State within whose jurisdiction they fall fully meets its obligations, they must be in a position to ensure that the national authorities responsible for monitoring the market act in good time, and so they must be provided with the information they need to perform that task.

IV. PROPOSAL

24. In its communication to the Council and to Parliament of 17 June 1992 on the abolition of frontier controls on goods, capital and services, the Commission outlined its approach to the question of controls at the Community's external frontiers.

25. That approach is designed to provide the customs authorities with all the information they require to carry out their duties with regard to checks on products which are regarded as dangerous.

26. Provision should, therefore, be made for a system which enables the customs authorities to be informed not only of the measures taken by a Member State with regard to products which present a serious and immediate risk to consumer health and safety, but also of the products which do not conform to the Community or national rules applicable and which present a risk which, without being serious or immediate, is nevertheless real.

27. Moreover, pending the implementation of Directive 92/59/EEC on general product safety, Member States should, as of now, establish the administrative infrastructure which will enable dangerous products to be identified not only on their territory but also at the Community's external frontiers.

28. It has emerged in discussions that all Member States can, and recognize the need to, take urgent steps to prevent, restrict or attach particular conditions to the marketing or use of a product (or a product batch) from a third country in cases where that product (or product batch) is found, at the Community's external frontier, to present a serious and immediate risk to consumer health and safety.

29. However, the need for effective protection of health and safety in an area without internal frontiers, together with the different arrangements at national level for taking the urgent measures referred to above, provides justification for the adoption of Community rules which will both ensure some measure of uniformity of checks carried out for that purpose at the common external frontier and constitute a Community legal basis for the activities of the customs authorities in this respect.

30. Accordingly, taking into account the fact that national control systems are organized differently, the proposed Community rules must specify in particular that, without prejudice to the specific provisions governing checks on certain products (foodstuffs, pharmaceuticals, etc.),

- the customs authorities must be in a position to demand all the documents and/or items which must physically accompany a product which is intended for consumers and for which release for free circulation has been sought with a view to marketing in the Community, in so far as release for free circulation is conditional on the presentation of those documents and/or items;

- those authorities must, in particular, be able to gain some idea of the danger, if any, that exists either from the documents which physically accompany the product or from markings, both of which are required under Community legislation on product safety;

- if they find that a product displays characteristics which give rise to a serious doubt as to the existence of a serious and immediate risk to health or safety, and/or that a product is not accompanied by a document or not marked as stipulated in the Community or national rules on product safety, the customs authorities must be able to suspend any decision to release the product for free circulation and must notify forthwith the national authorities responsible for monitoring the market;

- the national authorities responsible for monitoring the market must, when so requested by the customs authorities, act within a period which is sufficiently short to allow release for free circulation to be suspended in the circumstances described above;

- if the products in question are presented to the customs authorities of a Member State with a view to obtaining release for free circulation but are intended for other Member States, the customs authorities of the Member State of entry into the Community must act in the same way as if the products had been intended for their own domestic market;

- on the basis of the present situation with regard to checks at frontiers carried out by most Member States, the verification arrangements will be confined mainly to those products which can be regarded as being covered more specifically by the Community or national rules on product safety (toys, pharmaceuticals, foodstuffs, etc.);

- the customs authorities must have access, on the one hand, to the list of products or product categories to which more particular attention has to be paid and, on the other, to a specimen or the characteristics of the markings and documents accompanying the products, as required under Community or national rules on product safety. This will enable the customs authorities to perform this task in the normal context of the checks which they carry out for the purposes of release for free circulation.

31. In the light of the above, the Commission considers that a regulation is called for in order to guarantee effective and consistent application of the Community rules on product safety in the case of goods from third countries whose release for free circulation in the Community is being sought.

32. In order to limit such a regulation to what is needed to satisfy the requirements of the internal market and in order to comply with the allocation of powers within the Community, the proposal does no more than list the principles on which the work of the customs authorities should be based and describe how the work of the customs authorities should dovetail with that of the national authorities responsible for monitoring the market.

COMMENTS ON INDIVIDUAL ARTICLES

Article 1

This Article defines the key concepts used in the Regulation, namely "national authority responsible for monitoring the market", "accompanying document", "marking" and "customs authorities".

Article 2

This Article specifies the cases in which the customs authorities must suspend a decision to allow release and must notify the authority responsible for monitoring the market.

Article 3

In order to ensure effective implementation of Article 2, this Article is concerned with identifying, and circulating the particulars of, the national authority or authorities responsible for monitoring the market, specifying, where applicable, the field of competence of the said authority or authorities.

Article 4

Paragraph 1 lays down the obligation to achieve results which is incumbent on the authority responsible for monitoring the market and the need to reconcile the conditions of such action with the Community's international trade commitments.

Paragraph 2 stipulates that the constraints arising from the technical nature of certain checks should, as far as possible, be compatible with the preservation of the goods.

Article 5

Paragraph 1 specifies what the customs authorities should do in cases where the authority responsible for monitoring the market finds that there is no serious and immediate risk or no evidence of non-conformity that would provide justification for suspending for a prolonged period or prohibiting release for free circulation.

Paragraph 2 covers the case in which the customs authorities do not receive, within a specified period, instructions or information providing justification for suspending for a prolonged period or prohibiting release for free circulation.

In both cases, release for free circulation should take place normally.

Article 6

This Article specifies what the authorities responsible for monitoring the market should do in cases of serious and immediate risk and/or non-conformity, and how their actions should dovetail with those of the customs authorities.

Article 7

The purpose of this Article is to ensure that the specific detailed rules on checks applicable under specific Community provisions are not jeopardized by the Regulation.

Article 8

The purpose of this Article is to provide the customs authorities with a list of products which are felt, at Community level, to require special attention in the context of this Regulation. Adapting Taric will provide the customs authorities with appropriate back-up for the performance of their duties.

Article 9

The purpose of this Article is to ensure the necessary transparency between, on the one hand, the national authority responsible for monitoring the market and, on the other, the customs authorities, so that the latter's suspicions as to the non-conformity of products from third countries will be based on the same apparent characteristics of the products.

By promoting a spontaneous or concerted approximation of national practices, the exchange of information between Member States is designed to secure or maintain some degree of consistency as regards the checks carried out.

Article 10

The purpose of this Article is to reconcile the constraints arising from the technical nature of certain checks with the need to disrupt as little as possible the free circulation of, and international trade in, goods.

Article 11

This Article is designed to introduce transparency via the exchange of information between Member States, thereby securing or maintaining, by way of a spontaneous or concerted approximation of national practices, some degree of consistency between the checks carried out.

Article 12

Along the same lines as Article 11, this Article is designed to permit a general evaluation of the operation of the Regulation and, where appropriate, to provide for any changes which might be appropriate.

Article 13

The aim is that, following its adoption by the Council, the Regulation should enter into force on 1 January 1993. At all events, there must be an interval of one month between the date of adoption of the Regulation and its entry into force to allow the national authorities concerned to adopt the practical measures needed for its implementation.

Proposal for a

COUNCIL REGULATION (EEC)

on checks for conformity with the rules on product safety in the case of products imported from third countries

---

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission[1],

Whereas products may not be placed on the Community market unless they conform to the rules applicable and whereas, therefore, Member States are responsible for carrying out checks on their conformity;

Whereas, in view of the abolition of controls at the Community's internal frontiers in accordance with Article 8a of the Treaty, Member States should, when carrying out controls at external frontiers, act in accordance with comparable detailed rules in order to avoid any distortion which might adversely affect safety and health;

Whereas, with due regard for the powers of, and the means available to, the national administrations concerned, the customs authorities must, in the case of products from third countries, be closely involved in the market-monitoring operations and information systems provided for under Community and national rules;

Whereas, in particular, if the customs authorities find, when carrying out checks in connection with release for free circulation, that goods display certain characteristics which would give rise to a serious doubt as to the existence of a serious and immediate risk to health and safety, these authorities must be in a position to suspend the release of those goods and to inform the national authorities responsible for monitoring the market so that the latter may take suitable action;

---

(1) OJ No L

Whereas the same should apply when, in the same circumstances, the customs authorities find that a document which should accompany the products is missing and/or products not marked as specified in the Community or national rules on product safety in force in the Member State where release of the products for free circulation is sought;

Whereas, in the interests of effectiveness and coordination, Member States must designate the national authority or authorities responsible for monitoring the market which must be notified by the customs authorities in the cases referred to above;

Whereas, when thus notified, the authority responsible for monitoring the market must be in a position to verify that the products concerned comply with the Community or national rules on product safety;

Whereas, however, the authority responsible for monitoring the market must act within a sufficiently short period in the light of the serious doubt referred to above and the international commitments entered into by the Community, in particular with regard to checks on conformity with technical standards;

Whereas, therefore, unless the national authorities responsible for monitoring the market take action, including the adoption of interim protective measures, within that same period, the release of the products in question for free circulation must be authorized provided that all the other import formalities have been completed;

Whereas, however, this Regulation should, in the interests of consistency, apply only in so far as Community rules on health and safety do not contain specific provisions relating to the organization of border controls on specific products;

Whereas such controls should comply, on the one hand, with the principle of proportionality and thus be strictly in keeping with requirements and, on the other, with the obligations set out in the International Convention on the Harmonization of Frontier Controls of Goods, which was ratified by the Community by virtue of Council Regulation (EEC) No 1262/84[2];

---

(2) OJ No L 126, 12.5.1984, p. 1.

Whereas, in order to ensure a high level of safety in respect of import operations, the Commission and each Member State should ensure the transparence of the measures taken to implement this Regulation, while all the Member States should provide each other with the necessary assistance;

Whereas, in particular, the customs authorities must, in connection with their duties, be provided with suitable information regarding, on the one hand, the products or product categories which are more specifically concerned and, on the other, the marking of the products and the documents accompanying them;

Whereas the implementation of this Regulation must be monitored so that adjustments can, where necessary, be made in the interests of effectiveness;

Whereas this Regulation forms an integral part of the common commercial policy and whereas it is limited to what is required for the smooth operation of the checks carried out on products imported from third countries to ensure their conformity with the rules on product safety applicable on the Community market,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

"national authority responsible for monitoring the market" means the national authority or authorities designated by the Member States and required by them to check the conformity of products placed on the Community or national market with the Community or national legislation applicable;

"accompanying document" means any document which must physically accompany a product when it is placed on the market, in accordance with the Community or national legislation in force;

"marking" means any marking or labelling which products must bear in accordance with the Community or national legislation in force and which certifies that the product conforms with that legislation;

"customs authorities" means the authorities responsible, inter alia, for the application of customs legislation.

Article 2

When, in the context of checks which they carry out in respect of goods declared for release for free circulation, the customs authorities find:

- that a product or batch of products displays certain characteristics which would give rise to a serious doubt as to the existence of a serious and immediate risk to health or safety in the event of that product being used under normal and foreseeable conditions,

and/or

- that a product or batch of products is not accompanied by a document or not marked in accordance with the Community or national rules on product safety applicable in the Member State in which release for free circulation is being sought,

they shall suspend release of the product or batch of products concerned and notify forthwith the national authority responsible for monitoring the market.

Article 3

Each Member State shall inform the Commission of the national authority or authorities responsible for monitoring the market which it has designated as having to be informed whenever Article 2 is applied.

Article 4

1. The national authority responsible for monitoring the market shall be in a position to act in respect of any product whose release has been suspended by the customs authorities pursuant to Article 2. In the absence of such action the second paragraph of Article 5 shall apply.

2. In the case of perishable goods, the national authority responsible for monitoring the market and the customs authorities shall, as far as possible, ensure that any requirements they impose with regard to the storage of the goods or the parking of the vehicles used for transport are not incompatible with the preservation of those goods.

Article 5

In cases where, after intervening in accordance with Article 4, the national authorities responsible for monitoring the market consider that the product in question does not present a serious and immediate risk to health and safety or cannot be regarded as being in breach of Community or national laws on product safety, the product in question shall be released for free circulation provided that all the other requirements and formalities pertaining to such release have been met.

This shall also occur if, within two working days of release being suspended, the customs authorities, having applied Article 2, have not been notified of any action, including precautionary measures, taken or adopted by the national authorities responsible for monitoring the market.

Article 6

1. In cases where the national authorities responsible for monitoring the market find that the product in question presents a serious and immediate risk, they shall, in accordance with the Community or national rules applicable, adopt measures to prohibit the product from being placed on the market and ask the customs authorities to include one of the following endorsements on the commercial invoice accompanying the product:

- "Dangerous product - release for free circulation not authorized - Regulation (EEC) .../...";

- "Farligt produkt - overgang til fri omsætning ikke tilladt - Forordning (EØF) .../...";

- "Gefährliches Erzeugnis - Überführung in den zollrechtlich freien Verkehr nicht gestattet - Verordnung (EWG) .../... ";

- "Επικίνδυνο προϊόν - δεν επιτρέπεται η ελεύθερη κυκλοφορία - Κανονισμός (ΕΟΚ) .../...";

- "Producto peligroso - no se autoriza su despacho a libre práctica - Reglamento (CEE) .../...";

- "Produit dangereux - mise en libre pratique non-autorisée - Règlement (CEE) .../...";

- "Prodotto pericoloso - immissione in libera pratica non autorizzata - Regolamento (CEE) .../... ";

- "Gevaarlijk produkt - het in het vrije verkeer brengen ervan niet toegestaan - Verordening (EEG) .../...";

- "Produto perigoso - colocação em livre prática não permitida - Regulamento (CEE) .../... ".

2. In cases where the national authorities responsible for monitoring the market find that the product in question does not comply with the Community or national rules in force on product safety, they shall take appropriate action which may, if necessary, include prohibiting the product from being placed on the market in accordance with the said rules applicable and, in cases where placing on the market is prohibited, shall ask the customs authorities to include one of the following endorsements on the commercial invoice accompanying the product:

- "Product not in conformity - release for free circulation not authorized - Regulation (EEC) .../...";

- "Ikke overensstemmende produkt - overgang til fri omsætning ikke tilladt - Forordning (EØF) .../...";

- "Nichtkonformes Erzeugnis - Überführung in den freien Verkehr nicht gestattet - Verordnung (EWG) ../... ";

- "Ακατάλληλο προϊόν - δεν επιτρέπεται η ελεύθερη κυκλοφορία - Κανονισμός (ΕΟΚ) .../..."

- "Producto no conforme - no se autoriza despacho a libre práctica - Reglamento (CEE).../... ";

- "Produit non-conforme - mise en libre pratique non-autorisée - Règlement (CEE) .../... ";

- "Prodotto non conforme - immissione in libera pratica non autorizzata - Regolamento (CEE) .../...",

- "Niet-conform produkt - het in het vrije verkeer brengen ervan niet toegestaan - Verordening (EEG) .../...";

- "Produto não conforme - colocação em livre prática não permitida - Regulamento (CEE) .../...".

3. In cases where the product in question is subsequently declared for a customs destination other than release for free circulation, the endorsements listed in paragraphs 1 and 2 shall also be included, under the same conditions, on the document used in connection with that destination.

Article 7

This Regulation shall apply only in so far as Community rules do not contain specific provisions relating to the organization of border controls on specific products.

At all events, this Regulation shall not apply in the cases covered by Community rules relating to plant-health, veterinary and zootechnical controls and to animal protection.

Article 8

Within three months of the entry into force of this Regulation and for the purposes of its implementation, the Commission shall draw up a list of the products or product categories which, in the context of Community rules, are covered by the second indent of Article 2. The Commission shall revise that list, as and when necessary, in order to adapt it to the new situations resulting from the experience and development of the rules on product safety.

Article 9

Each Member State shall transmit to its customs authorities a specimen or the characteristics of markings and accompanying documents as referred to in Article 1 and required under Community rules or under its own rules. Such specimen and characteristics shall first be communicated within one month of the entry into force of this Regulation and be transmitted in the same way to the Commission. The latter shall forthwith forward to the other Member States the information it has received.

Article 10

1. If, for the purposes of applying this Regulation, a Member State decides that specialized customs clearance points need to be designated for checks on certain goods, it shall notify the Commission and the other Member States accordingly; the Commission shall keep up to date and publish a list of specialized customs clearance points.

2. The constraints resulting from the obligation under paragraph 1 to pass through a specialized customs clearance point shall not be disproportionate, as far as economic operators are concerned, to the objective in question, having due regard to the actual circumstances which may justify that obligation.

Article 11

Each Member State shall, within one month of the entry into force of this Regulation, notify the Commission of the administrative provisions it has adopted with a view to its implementation. The Commission shall communicate those provisions to the other Member States.

Article 12

Within two years of the entry into force of this Regulation, the Commission shall report to Parliament and to the Council on its application and shall propose any change which it feels is appropriate. Member States shall, for the purpose of drawing up that report, provide the Commission with all the information relating to the way in which they apply the Regulation, in particular as regards the effectiveness of the checks carried out and the corresponding statistics.

Article 13

This Regulation shall enter into force on the seventh day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ISSN 0254-1475

COM(92) 466 final

DOCUMENTS

EN **11 10**

Catalogue number : CB-CO-92-526-EN-C

ISBN 92-77-50052-2

Office for Official Publications of the European Communities
L-2985 Luxembourg