

## EUROPEAN PARLIAMENT

# Working Documents

1982-1983

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15 December 1982

DOCUMENT 1-960/82

## Report

drawn up on behalf of the Committee on Economic and Monetary Affairs

on the proposals from the Commission of the European Communities to the Council for

- I. a directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States (Doc. 1-226/82- COM(82) 189 final)
  
- II. - a regulation simplifying customs formalities in trade within the Community
  - a regulation amending Council Regulation (EEC) No. 2102/77 introducing a Community export declaration form
  - a regulation amending for the fifth time Regulation (EEC) No. 222/77 on Community transit (Doc. 1-550/82/part b - COM(82) 401 final)

Rapporteur : Mr K. von WOGAU



By letter of 6 May 1982, the Council requested the European Parliament to deliver an opinion on the proposal from the Commission to the Council for a directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States (Doc. 1-226/82).

The European Parliament referred this proposal to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on Transport for an opinion.

By letter of 27 July 1982, the Council requested the European Parliament to deliver an opinion on various proposals concerning the strengthening of the internal market (Doc. 1-550/82).

The European Parliament referred the proposals contained in part b of this document to the Committee on Economic and Monetary Affairs as the committee responsible, and to the Committee on Transport and the Committee on External Economic Relations for opinions.

At its meeting of 23 September 1982, the Committee on Economic and Monetary Affairs appointed Mr von WOGAU rapporteur.

The committee considered the Commission's proposals and the draft report at its meeting of 1 December 1982 and unanimously approved the proposal for a directive, the three proposals for regulations and the motion for a resolution.

The following took part in the vote: Mr Moreau, chairman; Mr Deleau, vice-chairman; Mr von Wogau, rapporteur; Mr von Bismarck, Mr Bonaccini, Mr Caborn, Mrs Desouches, Mr I. Friedrich, Mr Giavazzi, Mr De Gucht, Mr Herman, Mr Leonardi, Mr Moreland (deputizing for Miss Forster), Mr Purvis (deputizing for Mr Beazley), Mr Rogalla (deputizing for Mr Wagner), Sir Brandon Rhys Williams, Mr Schinzel, Mr Van Rompuy and Mr Welsh.

The opinions of the Committee on Transport and the Committee on External Economic Relations are attached.

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The Committee on Economic and Monetary Affairs hereby submits to the European Parliament the following amendments to the Commission's proposals and motion for a resolution together with explanatory statement :

Amendments tabled by the Committee on Economic and Monetary Affairs

Text proposed by the Commission

I. Proposal from the Commission of the European Communities to the Council for a directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States

Preamble, recitals and Articles 1, 2 and 3 unchanged

Amendment No. 1

Article 4 to read :

For the purposes of this Directive Member States shall mutually recognize the facts established when certificates are drawn up in accordance with national provisions. To this end, each Member State shall send a list and specimens of national inspection documents, with details of their purpose if this is not explicitly stated thereon, to the Commission.

The Commission shall send official translations of all such documents to each Member State in its official Community language(s). Member States shall ensure that officials at frontier posts are familiar with all authentic national inspection documents.

For the purposes of this Directive Member States shall mutually recognize the facts established when certificates are drawn up in accordance with national provisions. To this end, each Member State shall send a list and specimens of national inspection documents, with details of their purpose if this is not explicitly stated thereon, to the Commission, which shall inform the other Member States thereof.

Amendment No. 2

Article 5, paragraph 1, to read :

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| <p>1. Each Member State shall establish appropriate cooperation between the various national departments responsible for carrying out inspections <u>in connection with or during transport operations.</u></p> | <p>1. Each Member State shall establish appropriate cooperation between the various national departments responsible for carrying out inspections during transport operations.</p> |
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Amendment No. 3

Article 5, paragraph 2, to read :

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| <p>2. Bilateral contacts shall be established between Member States in order to seek appropriate cooperation between the various inspection departments on either side of common frontiers between Member States; <u>where such contacts already exist, they shall be strengthened.</u></p> | <p>2. Bilateral contacts shall be established between Member States in order to seek appropriate cooperation between the various inspection departments on either side of common frontiers between Member States.</p> |
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Amendment No. 4

Article 5, paragraph 3, to read :

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| <p>3. The cooperation referred to in paragraphs 1 and 2 shall cover inter alia :</p> <ul style="list-style-type: none"><li>- the harmonization of the business hours of the various departments concerned;</li><li>- the arrangement of frontier crossing-points;</li><li>- the conversion of frontier offices into juxtaposed or combined inspection offices, if technically possible.</li></ul> | <p>3. The cooperation referred to in paragraphs 1 and 2 shall cover inter alia :</p> <ul style="list-style-type: none"><li>- the harmonization of the business hours of the various departments concerned;</li><li>- the arrangement of frontier crossing-points;</li><li>- the conversion of frontier offices into juxtaposed inspection offices, if technically possible.</li></ul> |
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Article 6 unchanged

Amendment No. 5

Insert a new Article 6a :

1. Member States shall set up a computerized Community data bank at internal offices and frontier posts where transport operators and others may obtain information free of charge

on opening times, special control measures, etc. at the various check-points in the Member States before beginning - or if necessary during - a transport operation.

2. Member States shall ensure that any fees charged in connection with passage across an internal Community frontier may be paid by Eurocheque or in the currency of any Member State where no exchange facilities are available at the frontier crossing-point concerned.

Article 7 unchanged

Amendment No. 6

Insert a new Article 7a :

No statistical or market surveys shall be conducted at frontier posts which involve any delay to transport operations.

Article 8 unchanged

Amendment No. 7

Article 9 to read:

A Member State may request another Member State to enter into negotiations in order to seek solutions to problems arising at frontier crossing points. If the two Member States cannot agree on a solution to the problems, one Member State may ask the Commission to draw up such recommendations as it considers necessary to solve the problem.

Article 9

1. Member States shall provide for the appointment of
  - bilateral joint committees at local level, where appropriate, to meet periodically and when necessary;
  - bilateral joint committees at national level to meet at least once a yearin order to seek solutions to problems arising at common frontiers.
2. In the case of inspection offices within a Member State, Member States shall provide for the appointment of joint committees at local and/or national level, where appropriate, to meet periodically and when necessary.
3. The committees referred to in paragraphs 1 and 2 shall consist of representatives of the various inspection departments involved and representatives of carriers, customs agents, forwarding agents and transport users.
4. Commission representatives may, on request or on their own initiative, attend meetings of the national joint committees.

5. The outcome of the meetings of the national joint committees shall be communicated by each Member State to the Commission, which shall inform the other Member States thereof.

Article 10 unchanged

Amendment No. 8

Article 11 to read :

Member States shall forward to the Commission, one year after the implementation of this Directive and thereafter every two years, particulars concerning the provisions introduced and the practical measures taken in the course of the two years with a view to ensuring more efficient organization of the formalities and inspections in question.

On the basis of these particulars, the Commission shall report to the Council and the European Parliament one year after the implementation of this Directive and every two years thereafter.

Member States shall forward to the Commission, by 1 July each year, particulars concerning the provisions introduced and the practical measures taken in the course of the preceding year with a view to ensuring more efficient organization of the formalities and inspections in question.

On the basis of these particulars, the Commission shall report to the Council and the European Parliament every two years on the implementation of this Directive.

Articles 12 and 13 unchanged



II. Proposal from the Commission of the European Communities to the Council for a regulation simplifying customs formalities in trade within the Community

Preamble, recitals and Articles 1-3 unchanged

Amendment No. 1

Article 4, paragraph 1, to read :

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| <p>1. Where Community goods are the subject of trade between two Member States, the formalities connected with such trade shall be completed using a single document, based on a declaration on a form, a specimen of which is to be established by the Council acting by a qualified majority on a proposal by the Commission <u>and after consulting the European Parliament</u>. This document or declaration shall serve, depending on the circumstances, as the dispatch document or declaration or as the document or declaration of internal Community transit or of entry for home use or of entry of the goods under any other procedure in the Member State of destination.</p> | <p>1. Where Community goods are the subject of trade between two Member States, the formalities connected with such trade shall be completed using a single document, based on a declaration on a form, a specimen of which is to be established by the Council acting by a qualified majority on a proposal by the Commission. This document or declaration shall serve, depending on the circumstances, as the dispatch document or declaration or as the document or declaration of internal Community transit or of entry for home use or of entry of the goods under any other procedure in the Member State of destination.</p> |
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The specimen of the form provided for in the previous subparagraph may be modified, where necessary, in accordance with the procedure laid down in Article 14, particularly with a view to its adaptation to the technical requirements arising from automatic data-processing systems.

The specimen of the form provided for in the previous subparagraph may be modified, where necessary, in accordance with the procedure laid down in Article 15, particularly with a view to its adaptation to the technical requirements arising from automatic data-processing systems.

Amendment No. 2

Article 4, paragraph 2, to read :

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|---|---|
| <p>2. The declaration shall be drawn up in one of the official languages of the Community which is acceptable to the competent authorities of the Member State in which the dispatch formalities are completed. The competent authorities of any other Member State concerned with the operation in question may, where necessary, require a translation of the declaration into the official language or one of the official languages of that Member State, <u>unless the declaration is drawn up in a language normally used in international trade.</u></p> | <p>2. The declaration shall be drawn up in one of the official languages of the Community which is acceptable to the competent authorities of the Member State in which the dispatch formalities are completed. The competent authorities of any other Member State concerned with the operation in question may, where necessary, require a translation of the declaration into the official language or one of the official languages of that Member State.</p> |
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Articles 5-8 unchanged

Amendment No. 3

Insert a new Article 8a :

Where a consignment is urgent and the information required for customs clearance in accordance with the single document is sent to the customs office by telex, the goods in question shall be given clearance subject to the duly completed form being received by the customs office within 7 days, unless there is good reason to suspect an unlawful act.

Article 9 unchanged

Amendment No. 4

Article 10 to read :

1. The provisions of this Regulation shall not preclude :

- unchanged

- the application of simplified procedures based on the use of electronic data-processing;

- unchanged

- unchanged

- unchanged

1. The provisions of this Regulation shall not preclude :

- the maintenance of simplified procedures enabling in particular a consignor or a consignee not to be obliged to produce at a Customs office either the Community goods or the declaration relating to them;

- the use of special procedures which have the effect, subject to observance of certain requirements, of combining in a single declaration Community goods forwarded by one or more consignors to one or more consignees;

- the application of special provisions laid down with regard to postal consignments, letters or parcel post consignments;

- the authorities from waiving the requirement to submit a written declaration in certain cases, notably as regards Community goods contained in travellers' personal luggage, for dispatch or entry for home use.

2. unchanged

2. The provisions of this regulation shall not prevent application of agreements made or to be made between Belgium, Luxembourg and the Netherlands with a view to the simplification of formalities in trade within their regional union.

Articles 11 - 13 unchanged

Article 14, paragraphs 1 and 2 unchanged

Amendment No. 5

Article 14, paragraph 3, to read :

3. The Commission shall adopt the provisions proposed where they are in accordance with the opinion of the Committee.

If the said provisions are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal concerning the provisions to be adopted. The Council shall act by a qualified majority after consulting the European Parliament.

If, within three months of the matter being referred to it, the European Parliament has not delivered an opinion, the Council may then act.

If, within three months of the proposal being submitted to it, the Council has not acted, the proposed provisions shall be adopted by the Commission.

3. The Commission shall adopt the provisions proposed where they are in accordance with the opinion of the Committee.

If the said provisions are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay submit to the Council a proposal concerning the provisions to be adopted. The Council shall act by a qualified majority.

If within three months of the proposal being submitted to it, the Council has not acted, the proposed provisions shall be adopted by the Commission.

Articles 15 and 16 unchanged

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I. a directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States
- II. - a regulation simplifying customs formalities in trade within the Community
  - a regulation amending Council Regulation (EEC) No. 2102/77 introducing a Community export declaration form
  - a regulation amending for the fifth time Regulation (EEC) No. 222/77 on Community transit

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council<sup>1</sup>,
- having been consulted by the Council pursuant to Articles 100 and 235 of the EEC Treaty (Docs. 1-226/82 and 1-550/82),
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Transport and the Committee on External Economic Relations (Doc.1-960/82),
- having regard to the result of the votes on the Commission's proposals,
  - (a) noting once more with regret that there is still no substantial difference between the controls and procedures applied at the Community's external frontiers and those applied at the internal frontiers of the Community,
  - (b) aware that the lack of harmonization of the laws of the Member States, for example on duties, renders certain controls necessary, but noting that regardless of these differences there are many possible ways of simplifying the procedures involved in crossing the Community's internal frontiers,

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<sup>1</sup> OJ No. C 127 of 18.5.1982, p. 6, and OJ No. C 203 of 6.8.1982, pp. 5-11.

- (c) emphasizing that the attainment of the common internal market must be regarded as one of the most important aspects of the Community's industrial and employment policy,
- (d) having regard to the judgment of the Court of Justice in the 'Cassis de Dijon' case, whereby a product which is lawfully placed on the market in one Member State may be freely placed on the market in other Member States,

With regard to the Council

1. Regrets that the Council has not hitherto treated the attainment of the common internal market and the elimination of checks at internal frontiers as a priority objective;
2. Believes that the Council's cautious attitude in this respect has helped to set the stage for some Member States to protect their domestic sub-market by means of national measures;
3. Calls on the Council, therefore, to expedite consideration of the long series of proposals directed towards attainment of the common internal market and the elimination of checks within the Community which have lain before it for a number of years;
4. Calls on future Presidencies to regard attainment of the common internal market as one of their foremost objectives and to submit at the end of their periods in office a detailed account of what progress has been achieved;

With regard to the proposal for a directive on the carriage of goods

5. Welcomes the Commission's proposal as a realistic step towards reducing the waiting times at frontiers, and refers particularly in this context to the opinion of the Committee on Transport;
6. Emphasizes that unless there is good reason to suspect fraud, the Member States should in principle accept the certificates and forms validated by the authorities of other Member States; draws particular attention in this context to the risk of allowing any minor differences in such fields as public health, plant health and veterinary controls to stand in the way of the considerable advantages for transport operators and traders that would result from a reduction in frontier formalities;

7. Requests the Commission to submit proposals for a computerized data bank containing information on all the factors which are of importance in connection with frontier posts (opening times, etc.), so that all transport operators may use this central information service before beginning a transport operation;
8. Advocates the inclusion in the directive of a provision prohibiting statistical studies and market surveys which delay passage across frontiers;
9. Considers that the aims of this proposal can be more easily achieved if the Council at the same time adopts the proposal for a regulation on customs forwarding agents;

With regard to the three proposals for regulations concerning a single administrative document

10. Supports the Commission's objectives but draws attention to the technical difficulties which still exist concerning the actual format of the document; considers that the European Parliament should be consulted on the matter;
11. Points out that when this single administrative document is introduced, every effort must be made to simplify the requirements for statistical information so that matters are actually facilitated in practice;
12. Stresses that the introduction of this new administrative document must not preclude even simpler schemes from being applied/retained;
13. Points out in this connection that work should continue on existing and future possibilities for electronic data transmission and that this regulation should not stand in the way of such developments;
14. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposals as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENTI. Introduction

1. The European Parliament has in recent years laid increasing weight on bringing about substantial improvements in the functioning of the customs union and the internal market; this is largely due to the costs associated with crossing the Community's frontiers. With regard to passage across the internal frontiers of the Community, it has been calculated that the waiting times for goods vehicles alone represent a cost of 1,000 million ECU, and that the total cost to industry (in administration and delays) in connection with internal Community trade amounts to 5% of turnover, i.e. 12,000 million ECU. This sum is of the same order as the Community's spending under the common agricultural policy.

The Committee on Economic and Monetary Affairs has also stressed on many occasions that the creation of a large common domestic market is one of the most important conditions for ensuring the international competitiveness of European industry.

2. The committee can only note with regret that in some Member States there is a clear tendency towards protecting the domestic sub-market, which is creating administrative and technical difficulties for producers and transport operators from other Member States; on the other hand, the committee welcomes the fact that the Commission, particularly during the past year, has put forward a number of specific proposals which, if adopted, will make the movement of goods and persons between Member States considerably easier.

3. Whilst it is evidently not possible at present to secure the coordination of the laws of the Member States which is needed to eliminate all the controls at frontiers, the present proposals show that quite significant results can be achieved, if the political will exists in the Member States, by taking one positive step after another.

4. Even in relation to these small steps, however, the Community is encountering considerable opposition in the Member States; this is due, amongst other things, to the fears of the authorities that the relaxation of checks will lead to increases in fraud. The committee is very much aware of this problem: however, it would point out that the bulk of trade between Member States is carried out by reputable undertakings which in most cases possess computerized accounting systems. In view of this fact, and given the agreements between Member States on mutual assistance in the exchange of information and the recovery of outstanding

debts, together with the effectiveness of the procedures generally applied by the tax authorities in the Member States, the Committee on Economic and Monetary Affairs is convinced that there are many practical ways of easing the formalities at frontier posts without this leading to increases in fraud.

II. Comments on the proposal for a directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States

5. In general terms, the Committee on Economic and Monetary Affairs is extremely satisfied with the Commission's proposals.

Before the committee's comments on the few amendments tabled, three questions of a more general nature should be briefly dealt with:

(a) In this proposal, the Commission concentrates on the checks and procedures carried out at frontier posts and how they can be facilitated, one way being by changes to infrastructure; it should be pointed out that an extension of the opening times of internal offices (particularly for application of the internal Community transit procedure) would relieve the pressure on frontier posts.

(b) The committee wishes to stress the potential offered by greater use of electronic data-processing, the new information technologies, etc.; checks should be geared to the fact that an ever-increasing proportion of transport operations are carried out by reputable firms whose administrative procedures are to a large extent based on electronic data-processing.

(c) Community citizens are given the wrong impression by the fact that at frontier posts within the Community the Member States to a large extent still use the term 'customs'; it should be laid down in a Community legal act that the signs at internal frontier posts are to be changed so that the main stress is placed on the concepts of 'frontier' and 'duties'.

6. The Committee on Economic and Monetary Affairs supports the majority of the amendments tabled by the Committee on Transport; where this is not the case, however, an indication is given under the appropriate heading. It should also be pointed out that the committee has preferred not to consider the Committee on Transport's amendments to the preamble and recitals, since the real issue is the substantive part of the directive; it can therefore be left to the Commission to bring the recitals into line with those amendments to the text of the directive which ultimately secure a majority in plenary sitting.



#### Article 1

The Committee on Transport's amendment is in fact in two parts. Firstly, it seeks to delete the introduction. The Committee on Economic and Monetary Affairs regards this as unfeasible because of legal considerations; for example, this directive cannot restrict the Member States' scope for invoking Article 36 of the EEC Treaty.

Secondly, the Committee on Transport is seeking to amend the final phrase of the article by inserting the words 'or the nature of the crossing-point'. The Committee on Economic and Monetary Affairs does not see this as a change of substance, but would prefer it to be emphasized in the text, if necessary, that the term 'mode of transport' covers all the various forms of transport.

#### Article 2

No comments.

#### Article 3

The committee feels that the Committee on Transport's amendment weakens the text.

#### Article 4

The committee supports the Committee on Transport's amendment, which is aimed at ensuring that the officials at frontier posts are familiar with the content and scope of the certificates and inspection documents used in the various Member States. In the longer term, consideration should be given to harmonizing the certificates and inspection documents used in connection with the carriage of goods.

The Committee on Economic and Monetary Affairs does not believe that it is possible to instruct the Commission to supply information to national frontier posts, however, as proposed by the Committee on Transport.

## Article 5

The Committee on Economic and Monetary Affairs does not agree with the Committee on Transport that the phrase '~~appropriate cooperation~~' in paragraph 1 should be amended to 'trouble-free cooperation'; it is impossible to specify in a directive that no problems may occur. On the other hand, the committee supports the second part of the Committee on Transport's amendment to paragraph 1

The Committee on Economic and Monetary Affairs agrees in principle with the Committee on Transport's amendment to paragraph 2 but would prefer a slightly different wording.

The change sought by the Committee on Transport to paragraph 3 is partly an amendment of form; to avoid misunderstandings, the Committee on Economic and Monetary Affairs wishes to make it clear that the frontier offices should either lie side by side or be combined.

## Article 6

The committee feels that the amendment proposed by the Committee on Transport could in some cases result in the present opening times being curtailed. The committee therefore prefers the Commission's text.

## Article 6a

The Committee on Economic and Monetary Affairs is proposing the insertion of a new article to ensure:

- that modern technology is used to enable transport operators to obtain information on how a particular transport operation can best be arranged;
- that travellers, for example a football team, are not forced to make nocturnal trips to a nearby restaurant or the like to change foreign currency, instances of which have occurred.

## Article 7

No comments.

## Article 7a

The Committee on Economic and Monetary Affairs supports the Committee on Transport's amendment but points out that the problems associated with the collection of statistical data, etc. need to be viewed in the context of the proposal to introduce a single document for the dispatch, carriage and entry into home use of Community goods (see Section III below).

## Article 8

The Committee on Transport's proposal to insert two new paragraphs in Article 8 encountered criticism from the Commission. The Commission argues that it is not appropriate to refer to particular modes of transport in the directive; this is a kind of framework directive, and if provisions start to be made for particular modes of transport there is a risk of producing very difficult negotiations in the Council.

The Commission feels that the problems referred to by the Committee on Transport can be solved by pragmatic cooperation at administrative level.

The Committee on Economic and Monetary Affairs is therefore unable to support the Committee on Transport's amendments in their present form.

## Article 9

The Committee on Economic and Monetary Affairs agrees with the Commission that it is desirable to set up bilateral joint committees at local and national level.

The committee is unable to support the amendments of the Committee on Transport it has, however, proposed a very flexible solution (see also Article 5); problems which are multilateral in nature should be solved through the intervention of the Commission.

## Article 10

No comments.

## Article 11

The Committee on Economic and Monetary Affairs supports the Committee on Transport's amendments.

## Articles 12 and 13

No comments.

III. Comments on the proposals for the introduction of a single administrative document

7. The Commission's proposals for the introduction of a single administrative document involve the issuing of one new regulation and the amendment of two existing regulations; the committee's comments on these proposals can, however, be grouped under this one heading.

The intention is that the new document should replace:

- the declaration of export
- the declaration of import
- the transit documents

in trade within the Community.

The document must therefore contain all the necessary data in relation to:

- customs control and checks associated with Community trade policy;
- the statistics connected with internal Community trade;
- the information required for calculation and collection of indirect taxes, including VAT.

8. The Committee on Economic and Monetary Affairs recognizes the technical difficulties involved in formulating a single document of this kind, which is to serve several different purposes. The committee is also aware of the fact that in certain quarters within trade organizations there are definite fears that this new document will be over-complicated and thus not lead to a simplification of trade.

The committee nevertheless wholeheartedly supports the Commission's aims, but would point out that it may be necessary, particularly with regard to the collection of statistics, to harmonize and preferably also simplify the statistical nomenclature. It would also be desirable for Member States to accept the statistical data gathered in other Member States to a far greater extent than is the case at present; given the developments in electronic data-processing which have occurred in recent years, it should not be necessary for information on trade to be collected both in the country of import and that of export. Consideration should also be given to whether it is really necessary to collect such detailed and precise statistics on trade between Member States as on trade between the Community and third countries.

9. It must also be stressed that the introduction of this common document does not prevent the continued use of other procedures, where this is preferred by the parties involved.

10. The committee wishes to stress that there are many technical difficulties to be overcome before this single administrative document can be used in practice: the comments made by UNICE and COMPRO underline this fact. The difficulties relate in particular to the actual format of the document.

The committee does not wish to go further into the technical details at this stage, but would rather give the Commission a green light to proceed with the project and thus register its support in principle for the Commission's aims. On the other hand, the European Parliament cannot give the Commission and the Council 'carte blanche' in the matter.

It is therefore necessary for Parliament to be involved in the decision-making process which it is proposed to use for the purpose of drawing up this form (see Articles 4 and 14 of the proposal for a regulation).

Comments on the committee's amendments to the regulation simplifying  
customs formalities in trade within the Community

Article 4, paragraph 1

Explained above (paragraph 10)

Article 4, paragraph 2

The committee agrees that it is impossible to require all the Member States to cope with a declaration drawn up in a language not normally used in international trade, e.g. Danish, Dutch or Greek. On the other hand, the text proposed by the Commission opens up the possibility of unnecessary difficulties being created as regards the language to be used.

Given that what is involved here is a single, common document, the authorities will understand the significance and scope of the various sections of the form; since the language problem therefore only arises in connection with the entries under specific headings, it should be possible to lay down tighter requirements concerning the Member States' ability to deal with foreign languages. In addition, most of the entries on the form (quantity, weight and customs identification) will consist of figures.

The Commission representative could not support the committee's view since he considered that a Greek customs official, for example, could not be expected to have the necessary knowledge of foreign languages.

The Committee on Economic and Monetary Affairs nonetheless wishes to stipulate that a declaration must be accepted by the authorities of all the Member States if it is drawn up in a language normally used in international trade.

Article 8a (new)

See the explanation given by the Committee on Transport.

Article 10

In order to prevent the introduction of a common administrative document from precluding greater use of electronic data-processing, the committee feels it necessary to make an addition to this article.

Furthermore, with regard to the drafting of the necessary form, the Commission is asked to ensure as far as possible that the form can be completed by machine.

#### Article 14

The committee takes the view that if majority agreement cannot be reached within the Committee on the intra-Community Free Movement of Goods, the problem is not simply an administrative one and that political aspects must also be involved. If the balance between the Community institutions is to be assured, it is therefore necessary that Parliament should be consulted when the Council is called upon to take a decision.

The purpose of the proposed amendment is not, therefore, to prevent powers being transferred to the Commission; its aim is rather to ensure that, in those cases where the Commission is unable to act on the basis of a decision by the Committee, the balance between the Council and Parliament is maintained.

## OPINION OF THE COMMITTEE ON TRANSPORT

Draftsman: Mr MORELAND

By letter of 6 May 1982 the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission for a Council Directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States (Doc. 1-226/82).

On 11 May 1982 this proposal was referred to the Committee on Transport for its opinion.

On 25 June 1982 the Committee on Transport appointed Mr MORELAND draftsman.

By letter of 27 July 1982 the Council requested the European Parliament to deliver an opinion on various proposals in connection with the strengthening of the internal market (Doc.1-550/82).

The proposals contained in Document COM(82) 401 final were referred to the Committee on Transport on 28 July 1982 for its opinion.

At its meeting of 24 September the Committee on Transport decided also to deal with those proposals within the context of Mr MORELAND's opinion.

At its meeting of 24 September 1982 the Committee on Transport considered the subject matter of the opinion and at its meeting of 19 October 1982 considered the draft opinion.

At its meeting of 4 November 1982 it adopted the opinion and amendments by 15 votes to none with one abstention.

The following took part in the vote : Mr Seefeld (chairman), Dame Shelagh Roberts and Mr Carossino (vice-chairmen), Mr Moreland (draftsman of the opinion), Mr Albers, Mr Buttafuoco, Mr Cardia, Mr Arndt (deputizing for Mr Gabert), Mr Junot, Mr Cariglia (deputizing for Mr Key), Mr Klinkenborg, Mr Loo (deputizing for Mr Lagakos), Mr Marshall, Mr Martin, Mr Modiano and Mr Gatto (deputizing for Mr Ripa di Meana).



I The efforts of the Committee on Transport to reduce the obstacles at the internal frontiers

1. The Committee on Transport of the European Parliament has always advocated the removal of the difficulties encountered at the Community's internal frontiers in connection with the transfrontier transport of passengers and goods and most recently set out its demands fully in the report by Mr SCHYNS (Doc. 678/78).
2. The findings contained in the SCHYNS report may be summarized as follows:
  - (a) most obstacles to transfrontier transport are attributable to economic, monetary and fiscal, sanitary or technical provisions laid down by the Member States which have not yet been harmonized;
  - (b) as long as the formalities and inspections at the frontiers are not completely abolished the flow of traffic at the frontiers must be accelerated by simplifying the carrying out of the formalities and inspection and improving customs clearance;
  - (c) there are certain obstacles to transfrontier transport (in particular, inadequate development of the road transport infrastructure in frontier regions which are specifically caused by problems of transport policy; these obstacles would have been eliminated long ago if the Community had established a common transport policy which is really worthy of the name.
3. Members of very different political groups have addressed numerous oral and written questions to the Commission seeking information on the elimination of frontier formalities. These questions have concerned economic, fiscal, financial, sanitary and technical provisions, customs clearance in relation to the transport of goods by road<sup>1</sup>,

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1 - Written question No. 891/81 by Mr MOORHOUSE to the Commission  
- written Question No. 748/81 by Mr WONNER to the Commission  
- Written Question No. 1275/81 by Mrs BOOT to the Commission

tourist transport by motorcar and bus and coach<sup>2</sup>, rail transport<sup>3</sup> and air transport<sup>4</sup> and also the acceleration of inspection procedures<sup>5</sup> and the simplification of documents<sup>6</sup>.

## II. The present situation at the internal frontiers

4. Customs clearance for transport at the internal frontiers of the Community has not improved in recent years but on the contrary, worsened. It is simply impossible to give a Community national a plausible reason to explain why for example he has to wait for one and a half hours at the Remich frontier crossing point in Sunday afternoon outing traffic in October, which is not the main season for travel, before crossing over into Germany from Luxembourg. To give an example, even in the heaviest holiday traffic these delays no longer occur at the Kiefersfelden frontier crossing-point between the Federal Republic of Germany and Austria, a third country. As a result, Community citizens wonder what use all the complicated and costly institutions of the Community are if the situation at the frontier between the Community and third countries is better, in spite of heavier volumes of traffic, than at the internal frontiers of the Community.

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- 2 - Written Question No. 484/82 by Mr ROGALLA to the Council  
- Written Question No. 213/82 by Mr BERKHOUWER to the Council  
- Written Question No. 1391/81 by Mr von HASSEL to the Commission  
- Written Question No. 812/82 by Mr NYBORG to the Commission  
- Written Question No. 565/81 by Mr WONNER to the Commission  
- Written Question No. 2090/80 by Mr von WOGAU to the Commission
- 3 - Written Question No. 512/82 by Mr BATTERSBY to the Commission  
- Written Question No. 1353/81 by Mr BANGEMANN to the Commission
- 4 - Written Question No. 587/82 by Mr BATTERSBY to the Commission
- 5 - Written Question No. 950/82 by Mr ROGALLA to the Commission
- 6 - Written Question No. 289/82 by Mr REMILLY to the Council  
- Written Question No. 799/81 by Mr SEEFELD to the Commission  
- Written Question No. 2118/80 by Mr DANSEAUX to the Commission

5. The only answer which can be given to these justifiable complaints must be to indicate the failure to act of the legislative institution of the Community, in other words the Council of Ministers, this being in breach of the Treaty. This failure to act is best illustrated by the answer given by the Council itself to Written Question No. 1073/80 by Mr SEEFELD. This question and the question which follows it up, Written Question No. 483/82 by Mr SEEFELD to the Council, are therefore produced below<sup>1</sup>.

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<sup>1</sup> Written Question No. 1073/80  
by Mr SEEFELD to the Council of the European Communities (25 August 1980)  
OJ No. C 329 of 16.12.1980, p.6.

Subject: Difficulties encountered at the Community's internal frontiers  
in the transport of passengers and goods by road.

In 1979 the European Parliament adopted a report on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road, and addressed a number of demands to the Council in the corresponding motion for a resolution contained in this report.

Can the Council say:

1. At which Council meetings to date has the European Parliament's motion for a resolution been discussed ?
2. Which of the European Parliament's demands have since been met ?
3. Which of the European Parliament's demands have still to be discussed and approved, and when ?

Answer (24 November 1980)

1. At its meeting on 12 June 1979 the Council took note of the European Parliament's resolution of the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road.

2 and 3. As regards customs matters, the Council can only stress that the progress made in achieving free movement of goods is such that it may be said that controls at the Community's internal borders have now been reduced to the absolute minimum required in particular to combat an proceed against fraud.

The Council is confident that the Commission is continuing to pay attention to this problem and will not fail to propose any useful measure likely to ease existing formalities still further. The Council cannot therefore share in this field the European Parliament's feeling of dissatisfaction as expressed in its resolution of 11 May 1979.

With regard to transport, the Council considers that the Community regulations governing the carriage of passengers and goods by road do not create any obstacles when crossing the Community's internal borders.

The Council would nevertheless assure the Honourable Member that its subordinate bodies are currently examining a number of measures referred to in the resolution mentioned by the Honourable Member, such as the amount of fuel admitted duty-free, the introduction of a Community driving licence and possible Community participation in the financing of infrastructure projects of interest to the Community.

As regards the movement of travellers, the problems which would be raised of border controls at the Community's internal frontiers were abolished have been examined within the general context of the Passport Union. It soon became clear that under the present circumstances such abolition would create very serious problems, particularly from the point of view of security.

As regards fiscal matters, the considerable increase in 1979 in duty-free allowances in international travel has subsequently led to a freer flow of persons across frontiers. As a result, border controls have been simplified and a great many cases of double taxation eliminated.

The Council has furthermore reached a very advanced stage in the examination of three proposals for

Directives: the first is intended to facilitate the temporary import of certain means of transport and of private vehicles in particular. The second is intended to grant tax exemptions on permanent imports of personal property in connection with a change of residence, the furnishing of a secondary residence, a marriage or an inheritance. The purpose of the last Directive is to make a subsequent increase in duty-free allowances for travellers and in the quotas allowed for certain goods (wine, coffee and tea).

These three Directives should in all likelihood be adopted before the end of 1980.

As regards veterinary and animal health matters (human health protection), the recognition of certificates issued by the competent authorities of the Member State of shipment has for many years been an established procedure in intra-Community trade. The fact remains, however, that further harmonization of the various Member States, health protection policies will be needed before the abolition of controls at intra-Community frontiers can be envisaged for most epizootic diseases (brucellosis, tuberculosis, swine fever, etc.).

The discussions on harmonization are still under way within the Council on the basis of the Commission's proposals on the eradication of epizootic diseases.

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Written Question No. 483/82  
by Mr SEEFELD  
to the Council of the European Communities  
(14 May 1982)  
OJ No. C 291, 8.11.1982, p.3

Subject: Difficulties encountered at the Community's internal frontiers  
in the transport of goods and passengers

In 1979 the European Parliament adopted a report on the difficulties encountered at the Community's internal frontiers in the transport of goods and passengers by road and addressed a number of demands to the Council in the corresponding motion for a resolution.

In November 1980 the Council answered my written Question No. 1073/80 on the subject.

Can the Council say:

Since the answer to my question in 1980, which of the demands made by the European Parliament

- (a) have now been met,
- (b) have not been met, and if not why not ?

Answer

(6 October 1982)

1. As regards checks on the carriage of goods across internal frontiers, the Council would point out that it will not be possible to dispense completely with frontier and internal checks until excise duties and prohibitions and restrictions on the transfrontier carriage of goods have been harmonized within the Community.

On the subject of point 7 of the resolution, the Council is convinced that Community legislation on the release of goods for free circulation, providing for a whole set of simplified procedures, such as computerization of declarations and direct customs clearance on the premises of the undertaking concerned, will simplify matters increasingly as these new systems are put into operation by customs administrations and economic operators.

Moreover, the Commission has placed before the Council two proposals for Regulations aimed at introducing further simplifications for economic operators within the Community. One is a proposal for a Regulation establishing a system for the intra-Community circulation of goods sent from one Member State for temporary use in one or more other Member States; this proposal is being examined by the Council at the moment. The other is a proposal for a Regulation on simplifying trade formalities within the Community; this has just been forwarded by the Commission.

2. As far as transfrontier transport is concerned (points 4, 9 to 12 and 14 to 17 of the European Parliament's resolution), the Council confirms its opinion that Community legislation on the carriage of passengers and goods by road does not create obstacles for crossing the Community's internal frontiers.

3. With regard to simplifying formalities and making frontier checks more flexible (points 1, 2, 6 and 7 of the European Parliament's resolution), the Council has just received from the Commission a proposal for a Directive on the facilitation of formalities and inspection in respect of the carriage of goods between Member States, together with an experts' report on difficulties encountered in international road, rail and inland waterway transport.

The Council will not fail to study both these documents very attentively, since facilitating frontier crossing is one of the priority subjects listed in the Council resolution of 26 March 1981 on the Council's proceedings on transport up to the end of 1983.

4. On the subject of identity checks, the Council would recall the resolution adopted on 23 June 1981 by the representatives of the Governments of the Member States, meeting within the Council, where it is stated that the establishment of a passport of uniform design is likely to facilitate the movement of nationals of the Member States.

In the interest of achieving a fuller passport union, the Commission has submitted to the Council a draft resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers.

5. Turning to the measures advocated in the European Parliament's resolution, it may be pointed out that the Council has adopted the first Directive on the introduction of a Community driving licence. Moreover, the Council has in the past adopted a number of measures facilitating frontier crossing such as the Directive on summer-time arrangements, of which no mention is made in the European Parliament's resolution.

The Council would like to reassure the Honourable Member that its own subordinate bodies are continuing to scrutinize a number of the measures envisaged in the resolution mentioned by the Honourable Member, such as the amount of fuel admitted duty-free and possible Community participation in financing infrastructure projects of Community interest.

6. Of the three proposals for Directives on tax matters referred to in the reply to Written Question No 1073/80, one, that concerning the raising of duty-free allowances for travellers, was adopted by the Council on 29 June 1982. Pursuant to that Directive, travellers within the Community will have a duty-free allowance of 210 ECU from 1 January 1983.

The proposals on the temporary imports of certain means of transport and permanent importation of personal property when moving house are still the subject of disagreement, mainly on two points: the definition of the 'normal residence', which is essential in deciding the place of taxation, and the adoption of Community measures to prevent fraud in connection with the duty-free importation of certain private means of transport.

7. As regards veterinary controls, the Council believes that the considerations set out in the reply to Written Question No 1073/80 are still valid as far as trade in animals under Directive 64/432/EEC<sup>(1)</sup> is concerned.

In the case of checks in intra-Community trade in fresh meat as covered by Directive 64/433/EEC<sup>(1)</sup> the relevant Council bodies are, at the request of a number of delegations and as part of an examination of a proposal for an amendment to that Directive, studying what means could be employed in order to confine checks to the identification and conformity of the documents accompanying meat and to simplify dispute procedures.

<sup>(1)</sup> OJ No 121, 29. 7. 1964.

### III. General appraisal of the Commission's proposals

6. In the proposals for directives and regulations under consideration in this opinion the Commission makes certain proposals to improve customs clearance for transport at the internal frontiers despite the continuing inspections and formalities. Although the Committee on Transport has always aimed to have the inspections and formalities at the internal frontiers totally eliminated, it must be acknowledged that owing to the obstacles which the Council of Ministers are placing in the way of the achievement of this aim, the Commission is endeavouring to bring about improvements in accordance with the demands made in the SCHYNS report<sup>1</sup> within the limits of what is at present politically acceptable.
7. The Commission is pursuing the following aims in the Proposal for a Directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States, which covers all modes of transport:
- all inspections which are still necessary in trade within the Community should be carried out simultaneously in one place, either at the frontier or inland;
  - all inspections should be carried out only on a random basis;
  - the Member States should mutually recognize the findings of inspections carried out in other Member States;
  - the inspection departments on either side of the internal frontiers should cooperate towards rapid customs clearance;
  - the opening hours and staff numbers of the inspection departments should be fixed in accordance with periodic fluctuations in traffic;
  - special lanes should be created in which empty vehicles or means of transport carrying goods under a Community customs transit procedure have a clear passage;
  - the framework for better mutual information and notification between carriers and the inspection authorities should be established by joint committees at local and national level.
- If these objectives were achieved it would be possible to considerably increase the speed of customs clearance in general and to prevent to

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<sup>1</sup> Doc. 678/78

a large extent the occurrence of delays at the frontiers.

8. The aim of the Proposals for Regulations submitted in document COM(82) 401 final is that for trade within the Community only a simplified standard form should be used, to be completed in one of the official languages of the dispatching Member State, whilst in the case of trade with third countries the usual Community export declaration should continue to be used. The provisions governing the use of the standard form are to be laid down in a Council Regulation simplifying customs formalities in trade within the Community; in addition, amendments to Council Regulation (EEC) No. 2102/77 introducing a Community export declaration form<sup>1</sup> and to Regulation (EEC) No. 222/77 on Community transit<sup>2</sup> are necessary in order to attain those objectives.
9. Several Members of the European Parliament have urged in Written Questions<sup>3</sup> that the forms to be completed for the purposes of trade within the Community be simplified. In fact it would be a considerable relief to the Community transport sector if the many registration forms and declarations<sup>4</sup> required at present were replaced by a single document.
10. For the above reasons the Commission proposals considered in this opinion as a whole correspond to the secondary objectives which the Committee on transport of the European Parliament considers to be appropriate having regard to the Council's failure to act in connection with the attainment of the internal market. In the opinion of the Committee on Transport the details of the proposals could and should still be improved.

In addition to these questions of detail it is, however, necessary to emphasize the fact that there are still many ways of improving the situation at the internal frontiers and it is for the Commission, making full use of the findings of the expert's report on difficulties in the transfrontier transport of goods by road, railway and inland waterway<sup>5</sup>, to submit more extensive proposals to the Council. Sea and air transport should, nevertheless, be included at this stage in the legislation now being proposed and not be reserved for later proposals.

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<sup>1</sup>OJ No. L 246 of 27.9.1977, p. 1

<sup>2</sup>OJ No. L 38 of 9.2.1977, p. 1

<sup>3</sup>See footnote 6 to point 3

<sup>4</sup>Written Question No. 799/81 by Mr Horst SEEFELD to the Commission contains a summary of this 'red tape'.

<sup>5</sup>CS/82/560 final

IV. Suggestions for the improvement of the Commission proposals in detail

11. As regards the Proposal for a Directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States :

(a) Article 1 should make it clear that transport at sea ports, inland waterway ports and airports of the Community is also included in the scope of the directive.

(b) The clause in Article 3 should be phrased positively and a parameter established for exceptions.

(c) The contacts between the Member States should both be formal and informal and not only bilateral but also multi-lateral.

(d) Article 8 should be completed by two sub-paragraphs providing that in order to expedite customs clearance for rail transport, the goods wagons which are to undergo random checks should be designated immediately after arrival at the frontier station and special facilities should be set up at airports to give more rapid customs clearance to goods transported under the Community customs transit procedure.

(e) It is sufficient if the Member States inform the Commission regularly every two years about the provisions introduced and the measures taken to implement this directive.

(f) The recitals of the preamble should accordingly be amended in certain respects.

12. As regards the proposal for a Council Regulation simplifying customs formalities in trade within the Community :

A new article should be inserted providing that where consignments are urgent and if the information necessary for customs clearance in accordance with the standard form has been sent to the customs clearance office by teleprinter, the goods in question must be given customs clearance on condition that the form, duly completed, reaches the customs clearance office within 7 days, unless there is a good reason to suspect unlawful act.



## V. Conclusions

13. The Committee on Transport therefore requests the Committee on Economic and Monetary Affairs to approve the Commission proposals which are the subject-matter of this opinion in an amended version which takes into account the amendments proposed below.
14. The Committee on Transport further proposes that the Committee on Economic and Monetary Affairs incorporates in its motion for a resolution the following :

The European Parliament :

- having regard to its resolution of May 1979 based on the Schyns-report (Doc. 678/78),
  - noting the reports for the Commission on customs and trade barriers for air cargo transport relating to the European Communities (EC) (Batelle Report) and the experts' report on difficulties encountered in international road, rail and inland waterway transport,
1. Welcomes the proposals by the Commission as a step towards eliminating obstacles to the free movement of goods across frontiers.
  2. Emphasizes that the substantial obstacles to the movement of goods across frontiers will still exist, despite this directive, until the Council make more rapid progress in the development of Community legislation.
  3. Believes the substantial cost to transport undertakings through delays at borders does not justify the continuation of a number of checks particularly on fuel levels for private and commercial vehicles, the 'carnet de passage' and certificates of origin - the latter two being contrary to Community law.
  4. Regrets the lack of trust and cooperation between the authorities of the Member States over the need for border checks.
  5. Believes reduction in waiting times and in reducing the time to clear goods can be made by improved cooperation between transport undertakings, for example between national railway systems and between airlines and airports organizations.

6. Believes the Commission's proposal gives inadequate attention to maritime and air transport and believes the Commission's explanatory memorandum should include a heading covering such problems and that the Commission's proposal should include more specific reference to easing formalities at ports and airports.
7. Stresses that conflicting procedures and rules between the Community and third countries should be minimised and consequently, emphasizes the desirability of compatibility between Community legislation and the United Nations E.C.E. draft International Convention on the Harmonization of Frontier Controls of Goods.
8. Stresses the importance of strengthening and, where necessary, establishing consultation procedures between Member States but believes Article 9 of the directive should be amended to allow for more flexibility in consultation on border procedures between Member States and to ensure that the views of users and of third countries can be considered in any bilateral consultation.
9. Draws the Council's attention to the dangers of allowing the possible small difficulties in such areas as health, plant and animal checks to stand in the way of the considerable advantages to transport undertakings and to industry in reducing the extent of border procedures.
10. Would include in the directive a clause forbidding statistical and market surveys that delay drivers.
11. Suggests some Member States could improve the extent to which border officials are informed of Community law on border procedure.
12. Endorses the views expressed in the 'Exports Report' to the Commission of April 1982 that 'frontier obstacles do not receive the attention in various Member States which, from a transport policy angle and, in view of the problems they cause, they would seem to merit. The need is to embody all the initiatives and possible measures to remove frontier obstacles within the general framework of the Common Transport Policy'.
13. Notes the lack of clarity surrounding the entry and declaration of goods moved by waterways in Europe and believes that the Commission should make further proposals to enable operators of waterways and seagoing vessels to have no doubts as to the procedure.

14. Suggests that the Commission proposes to establish a computerized data bank on all aspects (opening hours etc) of border crossing points to provide a centralized information service for all operators before embarking on a journey.

Amendments proposed by the Committee on Transport

- (a) to the Proposal for a Council directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States

Amendments proposed by the Committee on Transport

Text proposed by the Commission of the European Communities

Preamble

First to fourth recitals unchanged

(new recital)

Whereas frontier crossings shall be all crossings for road, rail, waterway, air and sea transport

Fifth recital unchanged

Whereas waiting times at frontier crossing points have an adverse effect on the working conditions of those transport operators responsible for carrying goods across borders as is particularly the case in road and inland waterway transport;

Whereas waiting times at frontiers have an adverse effect on the working conditions of those employed in the transport sector, in particular in road transport and inland waterway transport;

Seventh to eleventh recitals unchanged

Whereas it is advisable to introduce specific transport engineering measures in respect of the various modes of transport so as to shorten the waiting times, for example the establishment of express lanes reserved for means of transport travelling empty or carrying goods under a customs transit procedure;

Whereas the establishment of express lanes reserved for means of transport travelling empty or carrying goods under a customs transit procedure is likely to bring about a reduction in waiting times at the frontier;

Whereas it would be desirable to set up, by means of consultation procedures at local and national level, a framework to ensure better exchange of information on the various problems which arise at certain frontier crossing-points, in order to seek joint solutions likely to improve the situation at these crossing-points;

Whereas it would be desirable to set up, by means of joint committees at local and national level, a framework to ensure better exchange of information on the various problems which arise at certain frontier crossing-points, in order to seek joint solutions likely to improve the situation at these crossing-points;

Fourteenth recital unchanged

Text of the proposal for a directive

Article 1

(fourteen words deleted)

The provisions of this Directive shall apply to formalities and inspections likely to impede the flow of goods traffic which has to cross

- an internal Community frontier or
- an external frontier where carriage between Member States involves crossing a third country,

irrespective of the mode of transport, transport technique used or nature of the frontier crossing point.

Notwithstanding individual provisions in force in the framework of general or specific Community rules, the provisions of this Directive shall apply to formalities and inspections likely to affect the flow of goods traffic which has to cross

- an internal Community frontier or
- an external frontier where carriage between Member States involves crossing a third country

irrespective of the mode of transport or transport technique used.

Article 2

unchanged

Article 3

In line with existing practices in the customs field, Member States shall carry out the inspections of goods and means of transport on a random basis. Exceptions to this practice shall be made only on a temporary basis in circumstances of a major health or safety risk.

In line with existing practices in the customs field, Member States shall, as far as possible, refrain from carrying out systematic inspections of goods and means of transport.

Article 4

For the purposes of this Directive Member States shall mutually recognize the facts established when certificates are drawn up in accordance with national provisions. To this end, each Member State shall send a list and specimens of national inspection documents, with details of their purpose if this is not explicitly stated thereon, to the Commission. The Commission shall provide each Member State with a standard translation of all such documents in the appropriate official language(s) of the Community. Member States and the Commission shall ensure that officials at frontier ports are fully aware of all authentic national inspection documents.

For the purposes of this Directive Member States shall mutually recognize the facts established when certificates are drawn up in accordance with national provisions. To this end, each Member State shall send a list and specimens of national inspection documents with details of their purpose if this is not explicitly stated hereon, to the Commission, which shall inform the other Member States thereof.

## Article 5

### paragraph 1

1. Each Member State shall establish appropriate cooperation between the various national departments responsible for carrying out inspections in connection with and during transport operations.

1. Each Member State shall establish appropriate cooperation between the various national departments responsible for carrying out inspections during transport operations.

### paragraph 2

2. Contacts shall be strengthened between Member States in order to seek appropriate cooperation between the various inspection departments on either side of common frontiers between Member States.

2. Bilateral contacts shall be established between Member States in order to seek appropriate cooperation between the various inspection departments on either side of common frontiers between Member States.

### paragraph 3

3. The cooperation referred to in paragraphs 1 and 2 shall cover inter alia:

- the harmonization of the business hours of the various departments concerned;
- the arrangement of frontier crossing-points;
- the conversion of frontier offices into juxtaposed or combined inspection offices, if technically possible.

3. The cooperation referred to in paragraphs 1 and 2 shall cover inter alia:

- the harmonization of the business hours of the various departments concerned;
- the arrangement of frontier crossing-points;
- the conversion of frontier offices into juxtaposed inspection offices, if technically possible.

## Article 6

Paragraph 1 unchanged

### paragraph 2

2. Member States shall ensure that the posts referred to in paragraph 1 are open on working days as the flow of traffic requires at least from 8 a.m. to 6 p.m. for inspections and formalities other than those for traffic under a customs transit procedure.

2. Member States shall ensure that the posts referred to in paragraph 1 are open on working days at least from 8 a.m. to 6 p.m. for inspections and formalities other than those for traffic under a customs transit procedure.

Paragraphs 3 and 4 unchanged

## Article 7

unchanged

### New Article 7a

No statistical or market surveys shall be conducted at frontier posts which involve any delay to transport operations.

## Article 8

### Paragraph 1

Where technically feasible and justified by the volume of traffic, Member States shall endeavour to establish at frontier posts express lanes reserved for means of transport travelling empty or carrying goods under a customs transit procedure.

### Paragraph 2 (new)

Member States shall ensure, as regards transport by rail, that the wagons which are to undergo random checks are designated immediately after arrival at the frontier station so that the remaining wagons may be sent on without further delay after marshalling.

### Paragraph 3 (new)

Member States shall endeavour to establish at airports special facilities to give rapid customs clearance to goods carried under a customs transit procedure.

## Article 9

1. Member States shall have both formal and informal consultations on a bilateral and, where appropriate, on a multilateral basis. Such consultations shall contain procedures to allow for consideration of problems posed by carriers, custom agents, forwarding agents and, in the case of bilateral consultation, from governments, operators and users originating from elsewhere than the two countries concerned.

2. Member States shall communicate to the Commission on a regular basis reports on bilateral and multilateral consultations.

1. Member States shall provide for the appointment of

- bilateral joint committees at local level, where appropriate, to meet periodically and when necessary;
- bilateral joint committees at national level to meet at least once a year

in order to seek solutions to problems arising at common frontiers.

2. In the case of inspection offices within a Member State, Member States shall provide for the appointment of joint committees at local and/or national level, where appropriate, to meet periodically and when necessary.

3. The committees referred to in paragraphs 1 and 2 shall consist of representatives of the various inspection departments involved and representatives of carriers, custom agents, forwarding agents and transport users.

4. Commission representatives may, on request or on their own initiative, attend meetings of the national joint committees

5. The outcome of the meetings of the national joint committees shall be communicated by each Member State to the Commission, which shall inform the other Member States thereof.

#### Article 10

unchanged

#### Article 11

Member States shall forward to the Commission one year after the implementation of the directive and thereafter every two years particulars concerning the provisions introduced and the practical measures taken in the course of the two years with a view to ensuring more efficient organization of the formalities and inspections in question.

On the basis of these particulars the Commission shall report to the Council and the European Parliament one year after the implementation of the directive and every two years thereafter.

Member States shall forward to the Commission, by 1 July each year, particulars concerning the provisions introduced and the practical measures taken in the course of the preceding year with a view to ensuring more efficient organization of the formalities and inspections in question.

On the basis of these particulars, the Commission shall report to the Council and the European Parliament every two years on the implementation of this Directive.

#### Articles 12 and 13

unchanged



(b) to the Proposal for a Council Regulation simplifying customs formalities in trade within the Community

Amendments proposed by the Committee on Transp,ort

Text proposed by the Commission of the European Communities

Preamble

unchanged

Articles 1 to 8

unchanged

Article 8a (new)

If in the case of urgent consignments the information required in accordance with the standard form is sent by teleprinter, the relevant goods shall be given customs clearance on condition that the form, duly completed, reaches the customs office within seven days, unless there is good reason to suspect an unlawful act.

Articles 9 to 16

unchanged

OPINION OF THE COMMITTEE ON EXTERNAL ECONOMIC RELATIONS

Letter from the chairman of the committee to Mr. Jacques MOREAU,  
chairman of the Committee on Economic and Monetary Affairs

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21 October 1982

Subject: Commission proposal for a Council regulation introducing  
a Community export declaration form (Doc. 1-550/82)

Dear Mr Chairman,

The Committee on External Economic Relations considered the above  
proposal from the Commission at its meeting of 19 October 1982.

The committee unanimously approves the Commission's proposal.

Yours sincerely

(sgd) F. CATHERWOOD  
Chairman

The following took part in the vote: Sir Fred Catherwood, chairman;  
Mr Seal, vice-chairman; Mr Almirante, Mrs Baduel-Glorioso, Mr Bonaccini  
(deputizing for Mr Galluzzi), Mr Filippi, Mr Rieger, Mr Sayn-Wittgenstein,  
Mr Seeler, Mr Spencer and Mr Ziagas.