



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	1997/0242(COD) Procedure completed
Community Customs Code: external transit procedure	
Subject 2.10.01 Customs union, tax and duty-free, Community transit	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy	PPE PEIJS Karla M.H.	20/10/1997
	Former committee responsible		
	ECON Economic and Monetary Affairs, Industrial Policy	PPE PEIJS Karla M.H.	20/10/1997
	Former committee for opinion		
	RELA External Economic Relations	The committee decided not to give an opinion.	
	CONT Budgetary Control		
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2169	29/03/1999
	Competitiveness (Internal Market, Industry, Research and Space)	2117	24/09/1998
	Competitiveness (Internal Market, Industry, Research and Space)	2079	30/03/1998
	Competitiveness (Internal Market, Industry, Research and Space)	2051	27/11/1997

Key events			
26/09/1997	Legislative proposal published	COM(1997)0472	Summary
20/10/1997	Committee referral announced in Parliament, 1st reading		
27/11/1997	Debate in Council	2051	
30/03/1998	Debate in Council	2079	
23/04/1998	Vote in committee, 1st reading		Summary
23/04/1998	Committee report tabled for plenary, 1st	A4-0149/1998	

	reading		
12/05/1998	Debate in Parliament		Summary
13/05/1998	Decision by Parliament, 1st reading	T4-0270/1998	Summary
03/07/1998	Modified legislative proposal published	COM(1998)0428	Summary
24/09/1998	Council position published	10065/1/1998	Summary
09/10/1998	Committee referral announced in Parliament, 2nd reading		
25/11/1998	Vote in committee, 2nd reading		Summary
25/11/1998	Committee recommendation tabled for plenary, 2nd reading	A4-0442/1998	
15/12/1998	Debate in Parliament		
16/12/1998	Decision by Parliament, 2nd reading	T4-0743/1998	Summary
29/03/1999	Act approved by Council, 2nd reading		
13/04/1999	Final act signed		
13/04/1999	End of procedure in Parliament		
07/05/1999	Final act published in Official Journal		

Technical information

Procedure reference	1997/0242(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC before Amsterdam E 100A; EC before Amsterdam E 028; EC before Amsterdam E 113
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/10463

Documentation gateway

Legislative proposal	COM(1997)0472 OJ C 337 07.11.1997, p. 0052	26/09/1997	EC	Summary
Economic and Social Committee: opinion, report	CES1380/1997 OJ C 073 09.03.1998, p. 0017	10/12/1997	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0149/1998 OJ C 167 01.06.1998, p. 0003	23/04/1998	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0270/1998 OJ C 167 01.06.1998, p. 0079-0102	13/05/1998	EP	Summary
Modified legislative proposal	COM(1998)0428 OJ C 261 19.08.1998, p. 0015	03/07/1998	EC	Summary
Council position	10065/1/1998 OJ C 333 30.10.1998, p. 0065	24/09/1998	CSL	Summary

Commission communication on Council's position		SEC(1998)1622	01/10/1998	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0442/1998 OJ C 398 21.12.1998, p. 0004	25/11/1998	EP	
Text adopted by Parliament, 2nd reading		T4-0743/1998 OJ C 098 09.04.1999, p. 0144-0157	16/12/1998	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1999)0047	26/02/1999	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 1999/955](#)

[OJ L 119 07.05.1999, p. 0001](#) Summary

Community Customs Code: external transit procedure

OBJECTIVE: to amend Regulation 2913/92/EEC establishing the Community Customs Code (Transit). CONTENT: the proposal for a directive concerns the following aspects: - the scope of external transit for Community goods: without removing every possibility for using external transit in connection with the export of Community goods, its definition should be entrusted to the committee procedure; - agreeing the transit scheme: one needs to define this concept, which is necessary for an effective management of the scheme; - exemption from guarantee: shipping routes should be removed from cases of general exemption from the guarantee, so that in such cases the guarantee would no longer be the exception and items dispatched by scheduled shipping routes would be treated similarly to those sent by road; - the responsibility of the carrier and consignee: it is proposed to remove that provision which states that any carrier or consignee who knows that the goods in question are in a transit procedure is obliged to produce the said goods at the customs office of destination and to comply with the identification measures, in addition to the obligations appropriate to the principal obligor; - the national or bilateral/multilateral simplifications put in place by the Member States: it is recommended that these simplifications be reintegrated into the Community framework of measures; - guarantee of fees and other transit duties: it seems necessary to reserve, under Article 192 of the Code, the special case of obligatory guarantee under the transit procedure; - the place of origin of the debt and the competent authority for consideration of the customs debt: a new wording is being proposed for this provision. ?

Community Customs Code: external transit procedure

The proposed transfer of procedural provisions from the body of law laid down by the Council (Customs Code) to the Commission's sphere of responsibility (Customs Code implementing provisions) has both advantages and disadvantages. The swifter and more flexible adaptation of provisions to the needs of economic operators and customs administrations might be beneficial. However, frequent changes could be seen as a disadvantage vis-à-vis the stability offered by the Code in the past. From the Committee's point of view, the transfer of responsibility for procedural provisions to the Commission could be welcomed if individual decisions are taken properly using the "comitology" procedure, i.e. after consulting economic operators and customs administrations. ?

Community Customs Code: external transit procedure

Prompted by Parliaments inquiry into the Community Transit System, the Commission adopted an action plan for reforming transit in Europe. Part of this plan, a Commission proposal to amend key articles in the Community Customs Code (Co-decision, first reading), was approved by the Committee subject to a number of amendments proposed by rapporteur Ms. Karla PEIJS (EPP, NL). The amendments essentially aim at preventing too much leeway being given to the Customs Code Committee in adopting implementing rules. The approach taken by the Commission with fewer detailed provisions in the regulation, and hence more powers for the Customs Code Committee, is not supported by the rapporteur. The amendments therefore seek to make the regulation more explicit and detailed in order to increase transparency and provide the business community with a more stable legislative framework.?

Community Customs Code: external transit procedure

Commissioner Monti said that most of the amendments tabled could be accepted as the Commission agreed with the idea of introducing detailed provisions in the code so as to reduce the extent of the committee's regulatory powers. However, he rejected Amendment No 3 as this did not improve the current situation in terms of operators' liability and No 7 which, by releasing simplified procedures applied to national transit movements from having to observe the fundamental principles, could harm the financial interests which were demanding the same

protection for any type of transit operation within the internal market. Mr Monti then announced the imminent start-up of the new computerised system in five selected countries: Netherlands, Germany, Switzerland, Italy and Spain. This encompassed the central services, network and database which would therefore be operational by the beginning of the year 2000.

Community Customs Code: external transit procedure

In adopting by 366 votes to 67 with 111 abstentions the report by Mrs Karla PEIJS (EPP, NL) Parliament wished to ensure that the customs code committee did not have too much latitude when adopting implementing provisions. The approach adopted by the Commission, which provided for regulations comprising fewer detailed provisions and therefore leaving more power to the customs code committee, was not shared by Parliament. Parliament considered that all decisions taken under the committee procedure must be transparent for both customs administrations and industry. ?

Community Customs Code: external transit procedure

The Commission's amended proposal incorporated 5 of the 7 amendments adopted by the European Parliament to the extent that they complied with the objectives laid down by the Commission in its Action Plan for transit in Europe. The amendments rejected concerned: - Art. 92 of the code and the definition of discharge; - Art. 97(2) of the code and the option for Member States to allow the use of simplified procedures for transit operations carried out within a single Member State or under bilateral or multilateral agreements. The Commission could not accept such an amendment, which would indirectly allow Member States to waive the basic guarantee rules for single-country transit operations.?

Community Customs Code: external transit procedure

The common position very largely adhered to the amendments adopted by Parliament at first reading, and corresponded to the amended proposal subsequently presented by the Commission. The main amendments accepted concerned: a) the insertion, in a recital, of a reference to provisions adopted under the committee procedure, thus applying to them the principles of simplification and clarification of the rules for the benefit of both operators and managers of the transit procedure; b) the scope of external transit (Art. 91(1)(b) of the code); c) amendments concerning guarantees (Art. 94 of the code), mainly concerning the following points: - the conditions for acceptance of a smaller guarantee or exemption from the guarantee requirement; - exclusion of sensitive goods from exemption from the guarantee requirement; - introduction of the possibility of temporarily prohibiting reduction of or exemption from the comprehensive guarantee in exceptional circumstances, while exempting from this ban operators who guarantee a very high standard of security for their operations; d) exemption from the guarantee requirement for certain modes of transport (Art. 95 of the code); e) carrier and consignee jointly responsible with the holder (Art. 96 of the code). The text associated with the amendment of Article 91(1)(b) is supplemented by a clause pointing out to the committee responsible for defining the situations where external transit applies to Community goods that it should take account of the risks involved and should consider not applying the transit procedure only where an equivalent standard of security is guaranteed in another way to ensure that exports are controlled and monitored.?

Community Customs Code: external transit procedure

The Commission considered that the common position of the Council was in accordance with the objectives it had laid down in its Action Plan for the reform of transit. It considered that the text clarified and simplified the rules applicable, that it took into account both the reliability of operators and the assessment of the relevant risks to ensure that transit operations were sufficiently secure. The Commission acknowledged that the common position should ensure greater harmonisation of customs practices in the field of simplification and that it incorporated the necessary steps to improve the effectiveness of recovery measures linked to transit operations.?

Community Customs Code: external transit procedure

At first reading Parliament approved a Commission proposal aiming at simplifying the EC transit system subject to seven amendments, five of which were approved by both Commission and Council. In her recommendation for second reading, Rapporteur Karla PEIJS (EPP, NL) has retabled the two amendments not approved by Council. The amendments notably call for increased transparency as regards the work of the Customs Code Committee. ?

Community Customs Code: external transit procedure

In her recommendation for second reading under the co-decision procedure on the Council's common position on a Commission proposal designed to strengthen customs checks under the EU's transit arrangements, Ms. Karla PEIJS (NI, EPP), noted that Council took over most of the EP's amendments approved at first reading. Nevertheless, she had tabled two further modified amendments designed to ensure transparency and to improve procedures.?

Community Customs Code: external transit procedure

The Commission considers Parliament's two amendments at the second reading perfectly compatible with the objectives laid down in the Action Plan adopted by the Commission on 30 April 1997 in the light of the recommendations of Parliament's commission of enquiry into the Community transit system and extensive consultations with traders and customs administrations.?

Community Customs Code: external transit procedure

PURPOSE: to amend the Community customs code in accordance with the proposals put forward in the Action Plan for the reform of transit in Europe presented by the Commission on 30/04/1997. **COMMUNITY MEASURE:** Directive 955/1999/EC of the European Parliament and the Council, amending Council regulation 2913/92/EEC with regard to the external transit procedure. **CONTENT:** the regulation is part of the framework of reform of the transit procedures and follows on from the Commission Action plan for transit in Europe, developed in response to the findings of the European Parliament's temporary committee of enquiry on the Community transit procedure. The amendment of the Community Customs Code is only one part of a more extensive reform, essentially consisting of a recasting of the application provisions of the code, the revision of the Convention on joint transit concluded with the EFTA and Visegrad countries, the computerization of transit procedures and improvement of the operational wing of procedures. The text clarifies and simplifies the rules to be applied and takes account of both the reliability of operators and the assessment of the risks in play to ensure a satisfactory level of security in transit operations. It ensures increased harmonisation of customs practices in the field of simplifications and integrates the necessary measures for the improvement of efficiency of recovery actions in the context of transit. **ENTRY INTO FORCE:** 10/05/1999.?