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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.6.2009
COM(2009) 285 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran

EXPLANATORY MEMORANDUM

- (1) Further to UN Security Council Resolutions 1737 (2006), 1747 (2007) and 1803 (2008), Common Position 2007/140/CFSP and Council Regulation (EC) No 423/2007, as amended, make provision for certain restrictive measures against Iran.
- (2) Council Regulation (EC) No 1110/2008 of 10 November 2008 amended Regulation (EC) No 423/2007 and introduced new restrictive measures against Iran, including a prior notification obligation in respect of shipments by two companies involved in proliferation activities: Iran Air Cargo (IAC) and Islamic Republic of Iran Shipping Line (IRISL).
- (3) The implementing rules for this measure are based on certain rules for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community customs code, and in particular the rules on electronic entry and exit summary declarations to be applied from 1 July 2009¹. However, owing to the complexity of the procedures for the introduction of these declarations, Commission Regulation (EC) No 273/2009 of 2 April 2009 introduced a transition period to 31 December 2010, during which carriers are not obliged to lodge prior electronic entry and exit summary declarations.
- (4) This proposal is aimed at bringing the provisions of Council Regulation (EC) No 423/2007 concerning the transition period for the rules on the implementation of the prior notification obligation for certain companies' shipments into line with the relevant customs provisions.

¹ Provisions introduced by Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 360, 19.12.2006, p. 64).

Proposal for a

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran²,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1110/2008 of 10 November 2008 amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran³ imposed additional restrictive measures pursuant to Common Position 2008/652/CFSP, and in particular a prior notification obligation in respect of certain shipments to and from Iran.
- (2) For technical reasons, provision was made for derogations from the rules for the implementation of this prior notification obligation during a transition period. As the complexity of the implementing rules for this measure has resulted in unforeseen delays in its implementation, the transition period should be extended to 31 December 2010.
- (3) Regulation (EC) No 423/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The fourth and fifth paragraphs of Article 4a of Regulation (EC) No 423/2007 are hereby replaced by the following:

"Until 31 December 2010, the entry and exit summary declarations and the additional elements required as referred to above may be submitted in written form using commercial, port or transport information, provided that they contain the necessary particulars.

As from 1 January 2011, the additional elements required, as referred to above, shall be submitted either in written form or using the entry and exit summary declarations as appropriate."

² OJ L 213, 8.8.2008, p. 58.

³ OJ L 103, 20.4.2007, p. 1. Regulation as last amended by Council Regulation (EC) No 1110/2008 (OJ L 300, 11.11.2008, p. 1).

Article 2

This Regulation shall enter into force on 1 July 2009.

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

Done at Brussels, [...]

For the Council
The President