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EUROPEAN COMMISSION

Brussels, 11.4.2011
COM(2011) 188 final

2011/0074 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted by the European Union, within the EC-Andorra Joint Committee, on the list of customs security provisions to be established under Article 12b(1) of the Agreement in the form of an exchange of letters between the European Economic Community, on the one hand, and the Principality of Andorra, on the other

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

(1) On 27 January 2011 the European Union and the Principality of Andorra signed a Protocol extending to customs security measures the customs union agreement concluded in 1990 (hereinafter “the Agreement”). This protocol includes Andorra’s obligation to take over the Community acquis in the area of customs security measures.

(2) The Protocol stipulates that the detailed list of these measures to be adopted by Andorra shall be drawn up by the EC-Andorra Joint Committee set up under Article 17 of the Agreement. In the case at hand this means the provisions concerning the declaration of goods prior to their entry to or exit from the customs territory, authorised economic operators, and customs security checks and security-related risk management. The draft list of the provisions in question is attached as an annex to this proposal for a Council Decision.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

• Consultation of interested parties

The Andorran customs authorities have approved the draft decision of the Joint Committee. Andorra had already seen this list of Community decisions to be adopted by it in this framework during the negotiations of the Protocol. This list should now be formally confirmed.

• Impact assessment

There is no need for an impact assessment since the Decision implements the Agreement without modifying its content.

3. LEGAL ELEMENTS OF THE PROPOSAL

(1) The Council is asked to adopt a Union position on a draft decision of the EC-Andorra Joint Committee concerning this list based on the first subparagraph of Article 207(4), in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

(2) The legal basis for the draft decision of the Joint Committee is laid down in Article 12b(1) of the Agreement.

(3) This proposal falls under the common commercial policy, which is an exclusive external competence of the Union. The subsidiarity principle therefore does not apply.

4. BUDGETARY IMPLICATIONS

The proposal has no direct implications for the Union budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the Commission,

Whereas Article 12b(1) of the Agreement in the form of an exchange of letters between the European Economic Community, on the one hand, and the Principality of Andorra, on the other, signed on 28 June 1990¹, stipulates that the Principality shall adopt the customs security measures applied by the European Union and that a detailed list of the provisions in question shall be drawn up by the Joint Committee set up under Article 17 of that Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union, within the EC-Andorra Joint Committee set up under the Agreement in the form of an exchange of letters between the European Economic Community, on the one hand, and the Principality of Andorra, on the other, concerning the list of customs security measures to be established under Article 12b(1) of that Agreement is defined in the attached proposal for a decision of the EC-Andorra Joint Committee.

Done at Brussels,

*For the Council
The President*

¹ OJ L 374, 31.12.1990, p. 14.

ANNEX

(Draft)

DECISION No 1/2011 of the EC–ANDORRA JOINT COMMITTEE

of ...

establishing the list of customs security measures provided for by Article 12b(1) of the Agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra

THE JOINT COMMITTEE,

Having regard to the agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra² signed in Luxembourg on 28 June 1990 (hereinafter "the Agreement"), and in particular Article 12b(1) thereof,

Whereas the aforementioned paragraph 1 states that the Principality of Andorra shall adopt the customs security measures applied by the European Union and that a detailed list of the provisions of the Community acquis in question shall be drawn up by the Joint Committee set up under Article 17 of that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The list of the provisions of the Community acquis to be adopted by the Principality of Andorra under Article 12b(1) of the Agreement shall be established as follows:

CATEGORY OF CUSTOMS SECURITY MEASURES	PROVISIONS OF COMMUNITY CUSTOMS CODE – COUNCIL REGULATION (EEC) NO 2913/92³	COMMUNITY CUSTOMS CODE IMPLEMENTING PROVISIONS – COMMISSION REGULATION (EEC) NO 2454/93⁴
Declarations prior to the entry and exit of	<u>Entry</u> : Articles 36a to 36c	<u>Entry</u> : Articles 181b to 184c

² OJ L 374, 31.12.1990, p. 14.

³ OJ L 302, 19.10.1992, p. 1, as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p.1).

⁴ OJ L 253, 11.10.1993, p. 1, as last amended by Regulation (EU) No 430/2010 (OJ L 125, 21.5.2010, p.10).

goods	<u>Exit</u> : Articles 182a to 182d	<u>Exit</u> : - Articles 592a à 592d and 592f (export summary declaration) - Articles 842a to 842f (exit customs declaration)
Authorised economic operator	Article 5a	Articles 14a to 14d, 14f to 14k and 14q to 14x
Customs security checks and security-related risk management	Article 13	<u>General</u> : Articles 4f to 4j
		<u>Entry</u> : Articles 184d to 184e
		<u>Exit</u> : - Articles 592e and 592g (export summary declaration) - Article 842d(2) (exit customs declaration)

Article 2

This decision shall take effect on the date of entry into force of the Council Decision on the signature and provisional application of the Protocol extending to customs security measures the Agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra.

Done at Brussels,

For the Joint Committee

The President