

**AGREEMENT**

**in the form of an exchange of letters between the European Economic Community and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure**

*Letter No 1*

Brussels, 17 December 1992

Sir,

In its Recommendation No 1/91 of 19 September 1991, the EEC-EFTA Joint Committee on common transit proposed a number of amendments to the EEC-EFTA Convention of 20 May 1987 on a common transit procedure. The proposed amendments are set out in the Annex.

I have the honour to confirm that the Community is in agreement with those amendments and I propose that, subject to any change which may be made, they come into force on 1 January 1993. I should be obliged if you would confirm that your Government is in agreement with the amendments and the proposed date on which they are to enter into force.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council  
of the European Communities*

*Letter No 2*

Brussels, 17 December 1992

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows :

'In its Recommendation No 1/91 of 19 September 1991, the EEC-EFTA Joint Committee on common transit proposed a number of amendments to the EEC-EFTA Convention of 20 May 1987 on a common transit procedure. The proposed amendments are set out in the Annex.

I have the honour to confirm that the Community is in agreement with those amendments and I propose that, subject to any change which may be made, they come into force on 1 January 1993. I should be obliged if you would confirm that your Government is in agreement with the amendments and the proposed date on which they are to enter into force.'

I have the honour to confirm that my Government is in agreement with the contents of your letter and the proposed date on which the amendments are to enter into force.

Please accept, Sir, the assurance of my highest consideration.

Für die Regierung der Republik Österreich



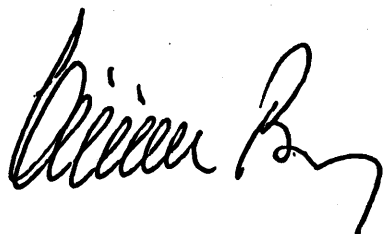
Suomen tasavallan hallituksen puolesta



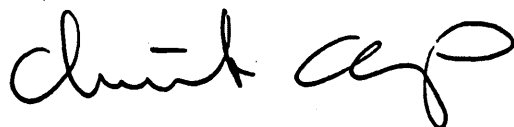
Fyrir ríkisstjórn lýðveldisins Íslands



For Kongeriket Norges Regjering



För Konungariket Sveriges regering



Für die Regierung der Schweizerischen Eidgenossenschaft  
Pour le gouvernement de la Confédération suisse  
Per il governo della Confederazione svizzera



## ANNEX

**RECOMMENDATION No 1/91 OF THE EEC-EFTA JOINT COMMITTEE ON  
COMMON TRANSIT****of 19 September 1991****for the amendment of the Convention of 20 May 1987 on a common transit procedure**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure, and in particular Article 15 (2) (a) thereof,

Whereas the Convention of the 20 May 1987 gave effect to the Community Transit rules on trade between the Community and the EFTA countries and between those countries themselves ;

Whereas substantial changes have recently been made to the basic provisions of the Community Transit system in operation within the European Economic Community with a view to the achievement of the internal market on 1 January 1993 ; whereas steps should accordingly be taken to modify the Convention ;

Whereas it is considered necessary to arrange for the simultaneous entry into force of these modifications and of the changes in the Community Transit system,

HEREBY RECOMMENDS that the Contracting parties to the Convention :

- amend it, with effect from 1 January 1993 along the lines set out in the proposal annexed to this recommendation,
- review, before 1 November 1992, this recommendation on the basis of a report from the Commission of the European Communities on the harmonization of provisions on the achievement of the internal market.
- inform each other, by means of an exchange of letters, of their acceptance of this recommendation.

Done at Helsinki, 19 September 1991.

*For the Joint Committee**The Chairman*

*Annex to the Annex*

**Proposed amendment to the Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on a common transit procedure**

The Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation is amended as follows:

**A. Article 2 is replaced by the following text:**

*'Article 2*

1. The common transit procedure shall hereinafter be described as the T 1 procedure or the T 2 procedure, as the case may be.

2. The T 1 procedure may be applied to any goods carried in accordance with Article 1, paragraph 1.

3. The T 2 procedure shall apply to goods carried in accordance with Article 1, paragraph 1:

(a) in the Community:

only when the goods are Community goods. By "Community goods" is meant goods:

— entirely obtained in the customs territory of the Community without the addition of goods from third countries or territories which are not part of the customs territory of the Community.

— from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State.

— obtained in the customs territory of the Community from goods referred to either exclusively in the second indent or in the first and second indents.

However, without prejudice to this Convention, or to other Agreements concluded by the Community, goods which, although fulfilling the conditions laid down in one of the preceding three indents, are reintroduced into the customs territory of the Community after being exported outside that territory shall be deemed not to be Community goods.

(b) in an EFTA country:

only when the goods have arrived in that EFTA country under the T 2 procedure and are recon-

signed under the special conditions laid down in Article 9 below.

4. The special conditions laid down in this Convention in respect of placing goods under the T 2 procedure shall apply also to the issue of documents certifying the Community status of goods and goods covered by such a document shall be treated in the same way as goods carried under the T 2 procedure, except that the document certifying the Community status of the goods need not accompany them.'

**B. Article 3 is replaced by the following text:**

*'Article 3*

1. For the purposes of this Convention, the term:

(a) "transit" shall mean a procedure under which goods are carried under the control of the competent authorities from one office of a Contracting Party to another office of the same Contracting Party or that of another Contracting Party over at least one frontier;

(b) "country", shall mean any EFTA country and any Member State of the Community;

(c) "third country" shall mean any State which is neither an EFTA country nor a Member State of the Community.

2. In the application of the rules laid down in this Convention for the T 1 or T 2 procedure, the EFTA countries and the Community and its Member States shall have the same rights and obligations.'

**C. Article 4 is replaced by the following text:**

*'Article 4*

1. This Convention shall be without prejudice to the application of any other international agreement concerning a transit procedure, subject to any limitations to such application in respect of the carriage of goods from one point in the Community to another point in the Community and to any limitations on the issue of documents certifying the Community status of goods.

2. This Convention shall be without prejudice also to:

(a) movements of goods under a temporary admission procedure;

and

(b) agreements concerning frontier traffic.'

D. Article 6 is replaced by the following text:

*'Article 6*

Provided that the implementation of any measures applicable to the goods is ensured, countries may, within the T 1 or T 2 procedure, introduce among themselves simplified procedures, by means of bilateral or multilateral agreements, which shall conform to criteria to be laid down, where necessary, in Appendix II and which shall be applicable to certain types of traffic or to designated undertakings.

Such agreements shall be communicated to the Commission of the European Communities and to the other countries.'

**Implementation of the transit procedure**

E. Article 7 is replaced by the following text:

*'Article 7*

1. Subject to any special provisions of this Convention, the competent offices of the EFTA countries are empowered to assume the functions of offices of departure, offices of transit, offices of destination and offices of guarantee.

2. The competent offices of the Member States of the Community shall be empowered to issue T 1 or T 2 documents for transit to an office of destination situated in an EFTA country. Subject to any special provisions of this Convention, they shall also be empowered to issue, for goods consigned to an EFTA country, documents certifying the Community status of those goods.

3. Where several consignments of goods are grouped together and loaded on a single means of transport, within the meaning of Article 12, paragraph 2, of Appendix I, and are dispatched as a consolidated load by one principal in a single T 1 or T 2 operation, from one office of departure to one office of destination for delivery to one consignee, a Contracting Party may require that those consignments shall save in exceptional, duly justified cases, be included in one single T 1 or T 2 declaration with the corresponding loading lists.

4. Notwithstanding the requirement for the Community status of goods to be certified where applicable, a person completing export formalities at

the frontier customs office of a Contracting Party shall not be required to place the goods consigned under the T 1 or the T 2 procedure, irrespective of the customs procedure under which the goods will be placed at the neighbouring frontier customs office.

5. Notwithstanding the requirement for the Community status of goods to be certified where applicable, the frontier customs office of the Contracting Party where export formalities are completed may refuse to place the goods under the T 1 or T 2 procedure if that procedure is to end at the neighbouring frontier customs office.'

F. Article 9 is replaced by the following text:

*'Article 9*

1. Goods which are brought into an EFTA country under the T 2 procedure and may be reconsign under that procedure shall remain at all times under the control of the customs authorities of that country to ensure that there is no change in their identity or state.

2. Where such goods are reconsign from an EFTA country after having been placed, in that EFTA country, under a customs procedure other than a transit or a warehousing procedure, no T 2 procedure may be applied.

This provision shall, however, not apply to goods which are admitted temporarily to be shown at an exhibition, fair or similar public display and which have received no treatment other than that needed for their preservation in their original state or for splitting up consignments.

3. Where goods are reconsign from an EFTA country after storage under a warehousing procedure, the T 2 procedure may be applied only on the following conditions:

- that the goods have not been warehoused over a period exceeding five years; however, as regards goods falling within Chapters 1 to 24 of the Nomenclature for the Classification of Goods in Customs Tariffs (International Convention on the Harmonized Commodity Description and Coding System of 14 June 1983), that period shall be limited to six months,
- that the goods have been stored in special spaces and have received no treatment other than that needed for their preservation in their original state, or for splitting up consignments without replacing the packaging,
- that any treatment has taken place under customs supervision.

4. Any T 2 document or any document certifying the Community status of goods issued by a competent office of an EFTA country shall bear a reference to the corresponding T 2 document or document certifying the Community status of goods under which the goods arrived in that EFTA country and shall include all special endorsements appearing thereon.'

G. Article 10 is replaced by the following text:

*'Article 10*

1. Except where otherwise provided for in paragraph 2 below or in the Appendices, any T 1 or T 2 operation shall be covered by a guarantee valid for all Contracting Parties involved in that operation.

2. The provisions of paragraph 1 shall not prejudice the right:

- (a) of Contracting Parties to agree among themselves that the guarantee shall be waived for T 1 or T 2 operations involving only their territories;
- (b) of a Contracting Party not to require a guarantee for the part of a T 1 or T 2 operation between the office of departure and the first office of transit.

3. For the purposes of the flat rate guarantee as provided for in Appendices I and II, the "ecu" means the total of the following amounts:

0,6242	German mark,
0,08784	Pound sterling,
1,332	French francs,
151,8	Italian lira,
0,2198	Dutch guilder,
3,301	Belgian francs,
0,130	Luxembourg franc,
0,1976	Danish krone,
0,008552	Irish pound,
1,440	Greek drachmas,
6,885	Spanish pesetas,
1,393	Portuguese escudos.

The value of the ecu in a given currency shall be equal to the sum of the exchange values in that currency of the amounts set out in the first subparagraph.'

H. Article 11 is replaced by the following text:

*'Article 11*

1. As a general rule, identification of the goods shall be ensured by sealing.

2. The following shall be sealed:

(a) the space containing the goods, when the means of transport has already been approved under other regulations or recognized by the office of departure as suitable for sealing;

(b) each individual package in other cases.

3. Means of transport may be recognized as suitable for sealing on condition that:

(a) seals can be simply and effectively affixed to them;

(b) they are so constructed that no goods can be removed or introduced without leaving visible traces of tampering or without breaking the seals;

(c) they contain no concealed spaces where goods may be hidden;

(d) the spaces reserved for the load are readily accessible for inspection by the competent authorities.

4. The office of departure may dispense with sealing if, having regard to other possible measures for identification, the description of the goods in the T 1 or T 2 declaration or in the supplementary documents makes them readily identifiable.'

I. In the German version, at Article 12/1 (a) and (b) the word 'Grenzübergangsstelle' is replaced by the word 'Durchgangszollstelle'.

J. Article 13 is replaced by the following text:

*'Article 13*

1. The competent authorities of the countries concerned shall furnish each other with any information at their disposal which is of importance in order to verify the proper application of this Convention.

2. Where necessary, the competent authorities of the countries concerned shall communicate to one another all findings, documents, reports, records of proceedings and information relating to transport operations carried out under the T 1 or T 2 procedure as well as to irregularities or infringements in connection with such operations.

Furthermore, where necessary, they shall communicate to one another all findings relating to goods in respect of which mutual assistance is provided for and which have been subject to a customs warehousing procedure.

3. Where irregularities or infringements are suspected in connection with goods which have been brought into one country from another country or have passed through a country or have been stored under a warehousing procedure, the competent authorities of the countries concerned shall on request communicate to one another all information concerning:

(a) the conditions under which those goods were carried :

- whatever the way in which they were re-consigned, where they arrived in the country to which the request is addressed under cover of a T 1 or T 2 document or a document certifying the Community status of the goods, or
- whatever the way in which they arrived, where they were re-consigned from the country to which the request is addressed under cover of a T 1 or T 2 document or a document certifying the Community status of the goods ;

(b) the conditions of any warehousing of those goods where they arrived in the country to which the request is addressed under cover of a T 2 document or a document certifying the Community status of the goods or where they were re-consigned from that country under cover of a T 2 document

or a document certifying the Community status of the goods.

4. Any request made under paragraphs 1 to 3 shall specify the case or cases to which it refers.

5. If the competent authority of a country requests assistance which it would not be able to give if requested, it will draw attention to that fact in the request. Compliance with such a request will be within the discretion of the competent authority to whom the request is made.

6. Information obtained in accordance with paragraphs 1 to 3 shall be used solely for the purpose of this Convention and shall be accorded the same protection by a receiving country as is afforded to information of like nature under the national law of that country. Such information may be used for other purposes only with the written consent of the competent authority which furnished it and subject to any restrictions laid down by that authority.