

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision relating to the coordinated development of computerized administrative procedures (C.D. project)*COM(85) 295 final**(Submitted by the Commission to the Council on 19 June 1985)**(85/C 167/03)*

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Council adopted a resolution on 15 May 1984 on the computerization of the administrative procedures relating to intra-Community trade ⁽¹⁾; whereas, further to that resolution, the Commission has sent to the Council a communication ⁽²⁾ which provides a framework for developing computerized systems for international trade extending up to 31 December 1991; whereas that communication broadens the scope of the said resolution since it not only establishes guidelines for developing national computerized systems dealing with intra-Community trade but also covers systems for external trade and the interconnection of the relevant systems of the Commission with those of the Member States;

Whereas the Community framework for computerizing administrative procedures should cover the following six fields: intra-Community trade, trade with non-member countries (imports and exports), interfaces with traders' systems, interfaces with Commission systems, interconnection of the systems and the establishment of common standards for data interchange;

Whereas in the case of intra-Community trade, the computerization of administrative procedures should be regarded as an interim solution until such time as internal trade is completely free of controls;

Whereas the Commission should be responsible for adopting the measures necessary for the coordinated development of computerized administrative procedures (C.D. project); whereas the Commission and each of the Member States should be responsible for implementing their own computer systems, taking into account the objectives of the C.D. project; whereas these objectives are an integral part of the more general framework of the CADDIA programme ⁽³⁾; whereas, in order to assist the Commission in the implementation of the C.D. project, a project management committee should be set up; whereas an appropriate procedure should be laid down which allows the Commission to adopt Community measures for the implementation of the C.D. project;

Whereas the Treaty has not provided the necessary powers;

HAS ADOPTED THIS DECISION:

Article 1

1. The Council takes note of the Commission's communication on the coordinated development of computerized administrative procedures and of the proposals therein made pursuant to the Council's resolution of 15 May 1984.

2. The Commission shall be responsible for the coordination of the development of computerized administrative procedures (C.D. project) by the Member States and itself during the period extending until 31 December 1991.

3. The Commission and the Member States shall be guided by the computerization framework and work programme provided, in the communication referred to in paragraph 1, amended, as necessary, in accordance with the provisions of Article 4. They shall also take account of the opinions expressed within the CADDIA Steering Committee.

⁽¹⁾ OJ No C 137, 24. 5. 1984, p. 1.

⁽²⁾ OJ No C 15, 16. 1. 1985, p. 1.

⁽³⁾ OJ No C 112, 26. 4. 1984, p. 1; OJ No L 96, 3. 4. 1985, p. 35.

Article 2

1. The C.D. project shall be undertaken as part of the CADDIA programme and in conformity with its long-term objectives of providing the necessary organizational infrastructure and data-processing facilities to enable the Commission and Member States to obtain access to and process, expeditiously and efficiently, the information needed for the operation of the Customs Union and of the Community's commercial policies and the management and financial control of agricultural markets.

2. Action shall be taken within the framework of the C.D. project:

- (a) to coordinate the planning and implementation by the customs administrations of the Member States and the Commission of computer systems dealing with imports, with exports and, pending the complete abolition of controls, with intra-Community trade,
- (b) to establish a programme and an overall timetable for the development and implementation of such systems with the objective of completing their implementation not later than 31 December 1991,
- (c) to adopt appropriate standards for the interchange of data, and for the security of data exchanged, between the parties involved in the project, having regard to the overall standardization requirements of CADDIA,
- (d) to ensure close cooperation with commercial and industrial interests so as to provide appropriate interfaces between commercial and industrial systems and those of customs administrations.

Article 3

1. The Commission and each Member State shall be responsible for the implementation of its own computer systems.

2. In preparing their implementation plans, the Commission and the Member States shall take into account the systems descriptions, and the data exchange and data security standards established under the procedure referred to in Article 4 (4).

3. The Commission and the Member States shall establish their implementation timetables having regard to the objectives of the C.D. project and the overall timetable referred to at Article 2 (2) (b).

Article 4

1. A committee for the implementation of the project shall be established to assist the Commission in the execution of the tasks referred to in Article 1 (2).

2. The committee shall consist of representatives of the Member States and shall be chaired by a representative of the Commission. The committee shall adopt its own rules of procedures.

3. Without prejudice to the provisions of paragraphs 4 and 5, the Commission and the Member States, meeting within the framework of the committee and working on the basis of consensus, shall undertake, in relation to the subject matter covered by the C.D. project, the following tasks:

- (a) the updating and further elaboration, as appropriate, of the C.D. project development programme;
- (b) the review of the systems and plans of the Member States in the customs informatics field and, where necessary, the provision of advice on measures needed to ensure their compatibility with the objectives and technical solutions adopted for the C.D. project development programme;
- (c) the review of technical progress reports on all studies and projects carried out under the C.D. project and the provision of advice, where necessary, to ensure the full conformity of such studies and projects with the objectives and technical solutions adopted for the C.D. project development programme.

4. Furthermore, provisions relating to the following matters required for the implementation of the C.D. project shall be adopted under the procedure laid down at paragraph 5:

- (a) syntax rules for the purpose of data exchange between the Commission and Member States, between the customs administration of one Member State and that of another, and between customs administrations and persons, whether natural or legal, who are authorized to exchange data with such administrations by electronic means;
- (b) data elements, codes, message formats, and transmission standards for use in the exchanges referred to in 4 (a);
- (c) standards concerning the security, protection and privacy of data in respect of imports, exports and intra-Community trade supplied to, held by, or in the course of transmission between the Commission, customs administrations and commercial operators;
- (d) system descriptions ⁽¹⁾ for the functions and facilities to be included to meet Community requirements in the systems whose development is coordinated within the framework of the C.D. project.

⁽¹⁾ System description is defined as 'a statement presenting a logical solution to meet a user requirement and which is not related to any specific hardware or software'.

5. The representative of the Commission shall submit to the committee a draft of the provisions to be adopted. The committee shall deliver its opinion on the draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a qualified majority, the votes of the Member States being weighted as provided in Article 148 (2) of the Treaty. The chairman shall not vote.

(a) The Commission shall adopt the provisions envisaged where they are in accordance with the opinion of the committee.

(b) Where the provisions envisaged are not in accordance with the opinion of the committee, or if

no opinion is delivered, the Commission shall without delay propose to the Council the provisions to be adopted. The Council shall act by a qualified majority.

(c) 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.

Article 5

This Decision is addressed to the Commission and the Member States.

Proposal for a Council Directive amending Directive 78/1035/EEC on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries

COM(85) 305 final

(Submitted by the Commission to the Council on 20 June 1985)

(85/C 167/04)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas no adjustment has been made to the tax relief provided for in Council Directive 78/1035/EEC ⁽¹⁾ as regards the importation of small consignments of goods of a non-commercial character from third countries since the adoption of Council Directive 81/933/EEC ⁽²⁾, resulting in a fall in the real value of the relief owing to the rise in consumer prices; whereas that situation should be remedied;

Whereas the tax relief should be set at the same level as the relief from customs duties on imports of small consignments from third countries provided for by Council Regulation (EEC) No 918/83 ⁽³⁾ as last amended by Regulation (EEC) No ...;

⁽¹⁾ OJ No L 366, 28. 12. 1978, p. 34.

⁽²⁾ OJ No L 338, 25. 11. 1981, p. 24.

⁽³⁾ OJ No L 105, 23. 4. 1983, p. 1.