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Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EU-EFTA Joint Committee concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure (Modification of HS codes and packaging codes)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

Pursuant to the Recommendation of 26.06.2009 of the Customs Cooperation Council changes in the Harmonised System nomenclature were made and as a consequence on 1st January 2012 the provisions of Commission Regulation (EU) No 1006/2011¹ amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff² entered into force.

Annex A2 of Appendix III to the common transit Convention contains a list of packaging codes based upon the list of Coded representations of packaging type names used in international trade set out in Annex V and Annex VI to Recommendation No 21 of the United Nations Economic Commission for Europe. Due to the revision of the code list following a technological development, it is appropriate to replace the list in Annex A2 of Appendix III by the latest version resulting from Revision 8.1. of Recommendation No 21.

General context

All these amendments have a direct impact on the transit system. This requires proper adaptations in the list of sensitive goods and in the list of packaging codes. The purpose of this Decision is to introduce these amendments in the Convention of 20 May 1987 on a common transit procedure.

Existing provisions in the area of the proposal

There are no existing provisions in the area of the proposal.

Consistency with other policies and objectives of the Union

Not applicable.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultation with approval by the EU-EFTA "Common transit" working group, representing the Contracting Parties to the Convention.

Summary of responses and how they have been taken into account

Favourable opinion.

¹ OJ L 282, 28.10.2011, p. 1

² OJ L 256, 7.9.1987, p. 1

Collection and use of expertise

There was no need for external expertise.

Impact assessment

The amendment in the list of goods involving greater risk of fraud is caused by the latest amendments to the codes of the Harmonised system and does not alter the original product coverage. The amendment in the list of packaging codes is caused by the latest version of Revision 8.1. of UN Recommendation No 21. Both lead to an alignment of these provisions in the transit area.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

On 1 January 2012 the provisions of Commission Regulation (EU) No 1006/2011 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff entered into force.

A new version of the Recommendation on packaging codes was published by the United Nation Economic Commission for Europe.

Consequently, the provisions of the Convention on a common transit procedure have to be subject to the necessary modifications.

This draft decision was communicated to the EU-EFTA Working Group on common transit.

The Council is invited to establish the EU position regarding the annexed decision to be adopted by the EU-EFTA Joint Committee on Common Transit.

Legal basis

Article 15 of the Convention of 20 May 1987 on a common transit procedure.

Subsidiarity principle

The proposal falls under the exclusive competence of the European Union. The subsidiarity principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle for the following reason:

Not applicable.

Choice of instruments

Proposed instrument: Decision of the EU-EFTA Joint Committee.

Other means would not be adequate for the following reason: There is no other adequate instrument.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

5. OPTIONAL ELEMENTS

Simplification

The proposal leads to an alignment of provisions in the area of transit.

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on the position to be adopted, on behalf of the European Union, in the EU-EFTA Joint Committee concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure (Modification of HS codes and packaging codes)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 1 of the Convention on a common transit procedure stipulates that this Convention lays down measures for the carriage of goods in transit between the Community and the EFTA countries, as well as between the EFTA countries themselves, by introducing a common transit procedure regardless of the kind and origin of the goods.
- (2) Article 15 of this Convention empowers the Joint Committee set up by that Convention to recommend and adopt, by decisions, amendments to this Convention and its Appendices.
- (3) The Recommendation of 26.06.2009 of the Customs Cooperation Council made changes in the Harmonised System nomenclature. As a consequence, on 1 January 2012 Commission Regulation (EU) No 1006/2011³ amending Annex I to Council Regulation (EEC) No 2658/87⁴ on the tariff and statistical nomenclature and on the Common Customs Tariff entered into force and replaced HS code 240310 by two new codes 240311 and 240319 and HS code 170111 by new HS codes 170113 and 170114.
- (4) The corresponding HS codes specified in the list of goods involving greater risk of fraud of Annex I to Appendix I of the Convention have to be amended accordingly.
- (5) The United Nation Economic Commission for Europe has issued a new Recommendation on packages codes. It is therefore required to replace the previous revision of Recommendation 21 in Annex A2 of Appendix III by its latest revision: 8.1.

³ OJ L 282, 28.10.2011, p.1

⁴ OJ L 256, 7.9.1987, p.1

- (6) Therefore, the position of the European Union concerning the proposed amendment should be determined,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the EU-EFTA Joint Committee on common transit concerning the adoption of Decision No XXX by the EU-EFTA Joint Committee amending the Convention of 20 May 1987 on a common transit procedure shall be based on the draft Decision attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the EU-EFTA Joint Committee without further decision of the Council.

Article 2

After its adoption, the Decision of the EU-EFTA Joint Committee on common transit shall be published in the Official Journal of the European Union.

Done at Brussels,

*For the Council
The President*

ANNEX

Proposal for a

DECISION No XXX OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT
amending 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,⁵ and in particular Article 15(3)(a) thereof,

Whereas:

(1) The Recommendation of 26.06.2009 of the Customs Cooperation Council made changes in the Harmonised System nomenclature. In consequence, on 1 January 2012 Commission Regulation (EU) No 1006/2011⁶ amending Annex I to Council Regulation (EEC) No 2658/87⁷ on the tariff and statistical nomenclature and on the Common Customs Tariff entered into force and replaced HS code 240310 by two new codes 240311 and 240319 and HS code 170111 by new HS codes 170113 and 170114.

(2) Consequently, the corresponding HS codes specified in the list of goods involving greater risk of fraud of Annex I to Appendix I of the Convention have to be amended accordingly.

(3) Due to the new version of the United Nation Economic Commission for Europe Recommendation on packages codes, it is appropriate to replace the old revision of Recommendation 21 in Annex A2 of Appendix III by the reference to its latest revision 8.1.

(4) The proposed amendments lead to an alignment of provisions on common transit with the EU provisions in the transit area.

(5) Therefore the Convention has to be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Convention on a common transit procedure is amended as set out in the Appendix to this Decision.

Article 2

The amendments set out in the Appendix point 1 shall apply from 1st January 2012.

⁵ OJ L 226, 13.8.1987, p. 2.

⁶ OJ L 282, 28.10.2011, p. 1

⁷ OJ L 256, 7.9.1987, p.1

The amendments set out in the Appendix point 2 shall apply from 1st January 2013.

Done at Brussels,

For the Joint Committee

The President

APPENDIX

1. Annex I of Appendix I of the Convention on a common transit procedure is amended as follows:

(i) The row for HS codes "1701 11, 1701 12, 1701 91, 1701 99 " is replaced by the following:

1701 12	Cane or beet sugar and chemically pure sucrose, in solid form	7 000 kg		-
1701 13				-
1701 14				-
1701 91				-
1701 99				-

";

(ii) The row for HS code "2403 10" is replaced by the following:

2403 11	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	35 kg		-
2403 19				-

2. Point 5 of Annex A2 the list "PACKAGE CODE" of Appendix III of the Convention on a common transit procedure is replaced by the following:

(UN/ECE Recommendation No 21/Rev. 8.1 of 12 July, 2010)

Aerosol	AE
Ampoule, non-protected	AM
Ampoule, protected	AP
Atomizer	AT
Bag	BG
Bag, flexible container	FX
Bag, gunny	GY
Bag, jumbo	JB
Bag, large	ZB
Bag, multiply	MB
Bag, paper	5M
Bag, paper, multi-wall	XJ
Bag, paper, multi-wall, water resistant	XK
Bag, plastic	EC
Bag, plastics film	XD
Bag, polybag	44
Bag, super bulk	43
Bag, textile	5L
Bag, textile, sift proof	XG
Bag, textile, water resistant	XH
Bag, textile, without inner coat/liner	XF
Bag, tote	TT
Bag, woven plastic	5H

Bag, woven plastic, sift proof	XB
Bag, woven plastic, water resistant	XC
Bag, woven plastic, without inner coat/liner	XA
Bale, compressed	BL
Bale, non-compressed	BN
Ball	AL
Balloon, non-protected	BF
Balloon, protected	BP
Bar	BR
Barrel	BA
Barrel, wooden	2C
Barrel, wooden, bung type	QH
Barrel, wooden, removable head	QJ
Bars, in bundle/bunch/truss	BZ
Basin	BM
Basket	BK
Basket, with handle, cardboard	HC
Basket, with handle, plastic	HA
Basket, with handle, wooden	HB
Belt	B4
Bin	BI
Block	OK
Board	BD
Board, in bundle/bunch/truss	BY
Bobbin	BB

Bolt	BT
Bottle, gas	GB
Bottle, non-protected, bulbous	BS
Bottle, non-protected, cylindrical	BO
Bottle, non-protected, cylindrical	BO
Bottle, protected bulbous	BV
Bottle, protected bulbous	BV
Bottle, protected cylindrical	BQ
Bottle, protected cylindrical	BQ
Bottlecrate / bottlerack	BC
Box	BX
Box, aluminium	4B
Box, Commonwealth Handling Equipment Pool (CHEP), Eurobox	DH
Box, fibreboard	4G
Box, for liquids	BW
Box, natural wood	4C
Box, plastic	4H
Box, plastic, expanded	QR
Box, plastic, solid	QS
Box, plywood	4D
Box, reconstituted wood	4F
Box, steel	4A
Box, wooden, natural wood, ordinary	QP
Box, wooden, natural wood, with sift proof walls	QQ
Bucket	BJ
Bulk, gas (at 1031 mbar and 15°C)	VG

Bulk, liquefied gas (at abnormal temperature/pressure)	VQ
Bulk, liquid	VL
Bulk, scrap metal	VS
Bulk, solid, fine particles (“powders”)	VY
Bulk, solid, granular particles (“grains”)	VR
Bulk, solid, large particles (“nodules”)	VO
Bunch	BH
Bundle	BE
Bundle, wooden	8C
Butt	BU
Cage	CG
Cage, Commonwealth Handling Equipment Pool (CHEP)	DG
Cage, roll	CW
Can, cylindrical	CX
Can, rectangular	CA
Can, with handle and spout	CD
Canister	CI
Canvas	CZ
Capsule	AV
Carboy, non-protected	CO
Carboy, protected	CP
Card	CM
Cart, flatbed	FW
Carton	CT
Cartridge	CQ
Case	CS

Case, car	7A
Case, isothermic	EI
Case, skeleton	SK
Case, steel	SS
Case, with pallet base	ED
Case, with pallet base, cardboard	EF
Case, with pallet base, metal	EH
Case, with pallet base, plastic	EG
Case, with pallet base, wooden	EE
Case, wooden	7B
Cask	CK
Chest	CH
Churn	CC
Clamshell	AI
Coffer	CF
Coffin	CJ
Coil	CL
Composite packaging, glass receptacle	6P
Composite packaging, glass receptacle in aluminium crate	YR
Composite packaging, glass receptacle in aluminium drum	YQ
Composite packaging, glass receptacle in expandable plastic pack	YY
Composite packaging, glass receptacle in fibre drum	YW
Composite packaging, glass receptacle in fibreboard box	YX
Composite packaging, glass receptacle in plywood drum	YT
Composite packaging, glass receptacle in solid plastic pack	YZ
Composite packaging, glass receptacle in steel crate box	YP

Composite packaging, glass receptacle in steel drum	YN
Composite packaging, glass receptacle in wickerwork hamper	YV
Composite packaging, glass receptacle in wooden box	YS
Composite packaging, plastic receptacle	6H
Composite packaging, plastic receptacle in aluminium crate	YD
Composite packaging, plastic receptacle in aluminium drum	YC
Composite packaging, plastic receptacle in fibre drum	YJ
Composite packaging, plastic receptacle in fibreboard box	YK
Composite packaging, plastic receptacle in plastic drum	YL
Composite packaging, plastic receptacle in plywood box	YH
Composite packaging, plastic receptacle in plywood drum	YG
Composite packaging, plastic receptacle in solid plastic box	YM
Composite packaging, plastic receptacle in steel crate box	YB
Composite packaging, plastic receptacle in steel drum	YA
Composite packaging, plastic receptacle in wooden box	YF
Cone	AJ
Container, flexible	1F
Container, gallon	GL
Container, metal	ME
Container, not otherwise specified as transport equipment	CN
Container, outer	OU
Cover	CV
Crate	CR
Crate, beer	CB
Crate, bulk, cardboard	DK
Crate, bulk, plastic	DL

Crate, bulk, wooden	DM
Crate, framed	FD
Crate, fruit	FC
Crate, metal	MA
Crate, milk	MC
Crate, multiple layer, cardboard	DC
Crate, multiple layer, plastic	DA
Crate, multiple layer, wooden	DB
Crate, shallow	SC
Crate, wooden	8B
Creel	CE
Cup	CU
Cylinder	CY
Demijohn, non-protected	DJ
Demijohn, protected	DP
Dispenser	DN
Drum	DR
Drum, aluminium	1B
Drum, aluminium, non-removable head	QC
Drum, aluminium, removable head	QD
Drum, fibre	1G
Drum, iron	DI
Drum, plastic	IH
Drum, plastic, non-removable head	QF
Drum, plastic, removable head	QG
Drum, plywood	1D

Drum, steel	1A
Drum, steel, non-removable head	QA
Drum, steel, removable head	QB
Drum, wooden	1W
Envelope	EN
Envelope, steel	SV
Filmpack	FP
Firkin	FI
Flask	FL
Flexibag	FB
Flexitank	FE
Foodtainer	FT
Footlocker	FO
Frame	FR
Girder	GI
Girders, in bundle/bunch/truss	GZ
Hamper	HR
Hanger	HN
Hogshead	HG
Ingot	IN
Ingots, in bundle/bunch/truss	IZ
Intermediate bulk container	WA
Intermediate bulk container, aluminium	WD
Intermediate bulk container, aluminium, liquid	WL
Intermediate bulk container, aluminium, pressurised > 10 kpa	WH

Intermediate bulk container, composite	ZS
Intermediate bulk container, composite, flexible plastic, liquids	ZR
Intermediate bulk container, composite, flexible plastic, pressurised	ZP
Intermediate bulk container, composite, flexible plastic, solids	ZM
Intermediate bulk container, composite, rigid plastic, liquids	ZQ
Intermediate bulk container, composite, rigid plastic, pressurised	ZN
Intermediate bulk container, composite, rigid plastic, solids	ZL
Intermediate bulk container, fibreboard	ZT
Intermediate bulk container, flexible	ZU
Intermediate bulk container, metal	WF
Intermediate bulk container, metal, liquid	WM
Intermediate bulk container, metal, other than steel	ZV
Intermediate bulk container, metal, pressure 10 kpa	WJ
Intermediate bulk container, natural wood	ZW
Intermediate bulk container, natural wood, with inner liner	WU
Intermediate bulk container, paper, multi-wall	ZA
Intermediate bulk container, paper, multi-wall, water resistant	ZC
Intermediate bulk container, plastic film	WS
Intermediate bulk container, plywood	ZX
Intermediate bulk container, plywood, with inner liner	WY
Intermediate bulk container, reconstituted wood	ZY
Intermediate bulk container, reconstituted wood, with inner liner	WZ
Intermediate bulk container, rigid plastic	AA
Intermediate bulk container, rigid plastic, freestanding, liquids	ZK
Intermediate bulk container, rigid plastic, freestanding, pressurised	ZH

Intermediate bulk container, rigid plastic, freestanding, solids	ZF
Intermediate bulk container, rigid plastic, with structural equipment, liquids	ZJ
Intermediate bulk container, rigid plastic, with structural equipment, pressurised	ZG
Intermediate bulk container, rigid plastic, with structural equipment, solids	ZD
Intermediate bulk container, steel	WC
Intermediate bulk container, steel, liquid	WK
Intermediate bulk container, steel, pressurised > 10 kpa	WG
Intermediate bulk container, textile with out coat/liner	WT
Intermediate bulk container, textile, coated	WV
Intermediate bulk container, textile, coated and liner	WX
Intermediate bulk container, textile, with liner	WW
Intermediate bulk container, woven plastic, coated	WP
Intermediate bulk container, woven plastic, coated and liner	WR
Intermediate bulk container, woven plastic, with liner	WQ
Intermediate bulk container, woven plastic, without coat/liner	WN
Jar	JR
Jerrican, cylindrical	JY
Jerrican, plastic	3H
Jerrican, plastic, non-removable head	QM
Jerrican, plastic, removable head	QN
Jerrican, rectangular	JC
Jerrican, steel	3A
Jerrican, steel, non-removable head	QK
Jerrican, steel, removable head	QL
Jug	JG

Jutebag	JT
Keg	KG
Kit	KI
Liftvan	LV
Log	LG
Logs, in bundle/bunch/truss	LZ
Lot	LT
Lug	LU
Luggage	LE
Mat	MT
Matchbox	MX
Mutually defined	ZZ
Nest	NS
Net	NT
Net, tube, plastic	NU
Net, tube, textile	NV
Not available	NA
Octabin	OT
Package	PK
Package, cardboard, with bottle grip-holes	IK
Package, display, cardboard	IB
Package, display, metal	ID
Package, display, plastic	IC
Package, display, wooden	IA
Package, flow	IF
Package, paper wrapped	IG

Package, show	IE
Packet	PA
Pail	PL
Pallet	PX
Pallet, 100cms * 110cms	AH
Pallet, AS 4068-1993	OD
Pallet, box Combined open-ended box and pallet	PB
Pallet, CHEP 100 cm x 120 cm	OC
Pallet, CHEP 40 cm x 60 cm	OA
Pallet, CHEP 80 cm x 120 cm	OB
Pallet, ISO T11	OE
Pallet, modular, collars 80cms * 100cms	PD
Pallet, modular, collars 80cms * 120cms	PE
Pallet, modular, collars 80cms * 60cms	AF
Pallet, shrinkwrapped	AG
Pallet, triwall	TW
Pallet, wooden	8A
Pan	P2
Parcel	PC
Pen	PF
Piece	PP
Pipe	PI
Pipes, in bundle/bunch/truss	PV
Pitcher	PH
Plank	PN
Planks, in bundle/bunch/truss	PZ

Plate	PG
Plates, in bundle/bunch/truss	PY
Platform, unspecified weight or dimension	OF
Pot	PT
Pouch	PO
Punnet	PJ
Rack	RK
Rack, clothing hanger	RJ
Receptacle, fibre	AB
Receptacle, glass	GR
Receptacle, metal	MR
Receptacle, paper	AC
Receptacle, plastic	PR
Receptacle, plastic wrapped	MW
Receptacle, wooden	AD
Rednet	RT
Reel	RL
Ring	RG
Rod	RD
Rods, in bundle/bunch/truss	RZ
Roll	RO
Sachet	SH
Sack	SA
Sack, multi-wall	MS
Sea-chest	SE
Set	SX

Sheet	ST
Sheet, plastic wrapping	SP
Sheetmetal	SM
Sheets, in bundle/bunch/truss	SZ
Shrinkwrapped	SW
Skid	SI
Slab	SB
Sleeve	SY
Slipsheet	SL
Spindle	SD
Spool	SO
Suitcase	SU
Tablet	T1
Tank container, generic	TG
Tank, cylindrical	TY
Tank, rectangular	TK
Tea-chest	TC
Tierce	TI
Tin	TN
Tray	PU
Tray, containing horizontally stacked flat items	GU
Tray, one layer no cover, cardboard	DV
Tray, one layer no cover, plastic	DS
Tray, one layer no cover, polystyrene	DU
Tray, one layer no cover, wooden	DT
Tray, rigid, lidded stackable (CEN TS 14482:2002)	IL

Tray, two layers no cover, cardboard	DY
Tray, two layers no cover, plastic tray	DW
Tray, two layers no cover, wooden	DX
Trunk	TR
Truss	TS
Tub	TB
Tub, with lid	TL
Tube	TU
Tube, collapsible	TD
Tube, with nozzle	TV
Tubes, in bundle/bunch/truss	TZ
Tun	TO
Tyre	TE
Uncaged	UC
Unit	UN
Unpacked or unpackaged	NE
Unpacked or unpackaged, multiple units	NG
Unpacked or unpackaged, single unit	NF
Vacuum-packed	VP
Vanpack	VK
Vat	VA
Vehicle	VN
Vial	VI
Wickerbottle	WB