

3. Technical specifications

3.1. In the absence of European standards with regard to simple pressure vessels the Commission has had to prepare a Technical Annex to the Directive. In some cases, however, the Commission has drawn upon existing international standards (ISO, CEN, Euronorm, etc.) or their national equivalents (BSI, DIN, AFNOR, etc.).

3.2. The Commission has set out minute technical provisions in the Annex. It has also laid down rules covering many aspects of the design of the vessels

and their dimensions. The question arises as to whether it would not have been preferable to have laid down the objectives, rather than to have set out detailed specifications.

3.3. At all events, the Committee earnestly requests the Commission to make provision in the Directive for the recognition of quality controls carried out *ipso facto* by the manufacturer during the production process, subject, of course, to certain criteria being met. Such recognition would certainly make it possible to simplify the EEC inspection procedure, thereby reducing inspection costs.

Done at Brussels, 12 December 1979.

*The Chairman
of the Economic and Social Committee*

Raffaele VANNI

Opinion on the proposal for a Council Directive on the harmonization of procedures for the exportation of goods

The text referred to the Committee has been published in *Official Journal of the European Communities*, No C 201 of 10 August 1979, page 6.

A. LEGAL BASIS FOR THE OPINION

On 3 August 1979 the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee prepared its opinion on the above matter at its 174th plenary session held in Brussels on 12 and 13 December 1979.

The full text of the opinion is as follows:

THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 198 thereof,

Having regard to the request made by the Council of the European Communities on 3 August 1979 for an opinion,

Having regard to the decision taken by its Bureau on 25 September 1979 instructing the Section for

Industry, Commerce, Crafts and Services to draw up an opinion on the matter,

Having regard to the opinion issued by the Section for Industry, Commerce, Crafts and Services at its meeting held on 28 November 1979,

Having regard to the oral report made by the rapporteur, Mr Marvier,

Having regard to the discussions at its 174th plenary session held on 12 December 1979,

HAS ADOPTED THE FOLLOWING OPINION

unanimously:

1. General comments

1.1. The Committee welcomes the Commission's proposal to lay down common procedural rules for the export of goods. Clearly the introduction of identical procedures would be of immense benefit to exporters. Reiterating views it has already expressed several times, the Committee would, however, point out that the Directive, which obliges the Member States to achieve certain results rather than employ certain means, is ill-suited for the harmonization of procedures, i.e. means. Whilst recognizing that a precise and detailed Directive can be a more rapid way of achieving the desired result, the Committee would ultimately like to see a Community Regulation and a single procedure. Guidelines are not satisfactory because, however good they may be, they often leave the Member States free to use different documents according to different procedures and to require different guarantees or formalities. The Committee will return to these points in its specific comments.

1.2. Nevertheless, the Committee is pleased to note that the Directive, if followed closely, should permit considerable progress to be made.

Having said this, it feels that the proposals could have been presented in such a way as to facilitate more rapid progress, while retaining their essential content.

1.3. In fact the text comprises two parts. One deals with general export procedures, the other with special procedures. The latter somewhat obscure term refers to the so-called simplified export procedures.

The Committee recognizes that it is necessary to maintain a general export procedure that can be used without preliminary formalities by firms or persons exporting sporadically or relatively infrequently.

1.4. The Committee would nevertheless have been happier if the simplified procedures had been presented not in the form of special cases but as normal Community procedures.

The Committee notes that procedures of this kind have become widespread and commonly used in some of the Member States. It would therefore be advantageous to bring them in in the other Member States.

1.5. Aware that the Commission shares these views, the Committee considers that it would be clearer if the present heading of Title II 'Special Procedures' was changed to read 'Simplified Procedures'.

1.6. Generally speaking, the Committee considers that it would undoubtedly have been easier to draw up a Directive on exports not requiring special checks (e.g. subject to VAT exemptions alone) and to consign to a special text the formalities on products requiring special checks (common agricultural policy for example).

2. Specific comments

2.1. *Fourth whereas clause*

The wording of this clause is too restrictive. The Member States have reached different stages with their procedures. The following wording is proposed:

'Whereas the procedural rules laid down by laws, regulation or administrative action in the Member States in respect of the exportation of goods are often exclusively in the national interest and to this extent take no account of the requirements of the customs union on which the Community is founded.'

2.2. *Article 1 (2) (a)*

It would be advisable to make reference in the Implementing Regulations to the definitions of the geographical territory and the customs territory of the Community.

2.3. *Article 6, last paragraph*

In the view of the Committee, cases when the customs authority can demand a new declaration should be defined more carefully.

2.4. *Article 7*

The Committee agrees with the principle laid down in paragraph 1, namely that a declaration may be cancelled 'as long as the goods have not left the territory of the Community'.

Given this principle, the Committee would like to see the following paragraphs simplified.

In connection with paragraph 4, the Committee would like to see the time which is allowed to elapse between the customs declaration and the actual exportation fixed in a uniform, rational way and not left to the discretion of the competent authorities as happens at present.

The Committee hopes that, in the final version of the provisions of Article 7 and in the Implementing Regulations, account is taken of the fact that commercial necessities frequently cause consignments to be changed or cancelled, even if the consignments are perfectly in order from a customs point of view.

2.5. *Title II — 'Special procedures'*

As already pointed out in its general comments, the Committee would like to see the above title changed to 'Simplified procedures'.

2.6. *Article 14 (1)*

Under this paragraph Member States are required to apply the simplified procedures of Title II 'as far as is administratively possible'.

The Committee is aware of the Commission's intention that this provision should be binding and that vigorous efforts should be made to ensure that it is enforced. The Committee is afraid, however, that the provision will not be interpreted in this light. The Commission is therefore urged to find a wording that will achieve concrete results within a reasonable period of time. Member States should be obliged to take the necessary steps to ensure application of the simplified procedures.

2.7. *Article 15*

In other opinions the Committee has already remarked on the extreme vagueness of the idea of the 'immediate vicinity of the frontier'. It would be better to speak of the 'exploitation of land which, although situated on both sides of the same frontier, nevertheless forms a single economic unit'.

2.8. *Article 16 (3)*

'The lodging of a security, the amount and nature of which they (the competent authorities) shall determine' might appear astonishing as a general rule for exports. It is designed for such cases as goods involving a refund; but for straightforward exports of industrial products, for instance, it would be abnormal to require that a guarantee or deposit be lodged. The Committee realizes that where exports are effected using commercial documents, the exporter must undertake in writing to supply any necessary additional information later, but his signature then constitutes the security. This paragraph should be re-examined, especially as it is open to different interpretations in the various Community languages.

These comments also apply to Article 19 (9).

2.9. *Article 17 (2)*

The Committee would point out that it is rather inconvenient to have to indicate tariff headings in both Arabic and Roman numerals, as well as in capitals and small letters (84.25) A.I.b.i. for example). This is not rational and makes it difficult to use the computer. The Committee would prefer a statistical nomenclature based solely on numerals.

In this connection it would point to the advantages of widely using the Community's Statistical Nomenclature (NIMEXE) which should, in all cases, replace any national and even Community (common agricultural policy) developments of the basic nomenclature.

This comment also applies to Articles 19 (2) and 20 (2) (b).

The Committee also notes that in certain cases it may be difficult to satisfy the requirement that quantities should be given in the initial declaration. The Committee hopes that the implementing Regulations will contain a provision to the effect that net quantities only need to be given, at the very latest, before the goods leave the customs office where they have been declared.

2.10. *Article 19 (2) — first and following paragraphs*

The procedure whereby authorization to export is conditional upon the presentation of a commercial document making it possible to identify the goods, is a good one.

Nevertheless, maximum flexibility must be maintained. The documents available at the time of export may be very different, depending on the type of goods or the organization of the exporting firm. In certain cases it would be an administrative but not a customs document, e.g. a certificate of quality,

a dangerous goods declaration, etc. The main thing is that this document should contain the information needed to identify the goods and the consignment. The reference should therefore be to 'any commercial or other document'.

Done at Brussels, 12 December 1979.

*The Chairman
of the Economic and Social Committee*

Raffaele VANNI

Opinion on the proposal for a Council Regulation amending for the second time Regulation (EEC) No 222/77 on Community transit

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 241 of 26 September 1979, page 6.

A. LEGAL BASIS FOR THE OPINION

On 24 September 1979 the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee prepared its opinion on the above matter at its 174th plenary session held in Brussels on 12 and 13 December 1979.

The full text of the opinion is as follows :

THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Economic Treaty, and in particular Article 198 thereof,

Having regard to the request made by the Council of the European Communities on 24 September 1979 for an opinion,

Having regard to the decision taken by its Bureau on 25 September 1979 instructing the Section for Industry, Commerce, Crafts and Services to prepare an opinion on the matter,

Having regard to the opinion issued by the Section for Industry, Commerce, Crafts and Services at its meeting held on 28 November 1979,

Having regard to the oral report submitted by the rapporteur, Mr Marvier,

Having regard to the discussions at its 174th plenary session held on 12 and 13 December 1979 (meeting of 12 December 1979),

HAS ADOPTED THE FOLLOWING OPINION

unanimously:

1. General comments

1.1. The Committee approves the Commission's determination to simplify the Community transit system, since it constitutes the mainstay of Commu-