ANNEX 5

Directives amended by Article 5 (2) and 5 (3)

(a) Article 7 (4) of Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates (1).

(b) Article 5 (4) of Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air (2).

(c) Article 7 (3) of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide (3).

(1) OJ No L 229, 30. 8. 1980.
(2) OJ No L 378, 31. 12. 1982.
(3) OJ No L 87, 27. 3. 1985.

Proposal for a Council Regulation (EEC) concerning the single administrative document

COM(90) 363 final — SYN 290

(Submitted by the Commission on 3 August 1990)

(90/C 214/05)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

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

Whereas Council Regulation (EEC) No 678/85 of 18 February 1985 simplifying formalities in trade in goods within the Community (1) provides that the formalities connected with such trade are to be completed using a single administrative document; whereas the specimen form of that document was prescribed by Council Regulation (EEC) 679/85 (2), as amended by Commission Regulation (EEC) No 1062/87 (3); whereas Council Regulation (EEC) No 1900/85 (4) as amended by Regulation (EEC) No 1059/86 (5) stipulated that export and import declarations must be made on a document corresponding to the specimen form drawn up in accordance with Regulation (EEC) No 679/85;

Whereas Article 8a of the EEC Treaty provides for the progressive establishment, over a period expiring on 31 December 1992, of the internal market, which comprises an area without internal frontiers in which the free movement of goods, in particular, is ensured;

Whereas the effect of implementing that provision is to eliminate all checks and all formalities in respect of Community goods moving within the Community and, hence, to make the provisions laid down in Regulation (EEC) No 678/85, in principle, redundant; whereas, however, the single administrative document should still be used, where necessary, during the transitional period of the accession of Spain and Portugal to the Community in connection with trade between the Community as constituted on 31 December 1985 and Spain or Portugal and between the two last-mentioned

(1) OJ No L 79, 21. 3. 1985, p. 1.
(2) OJ No L 79, 21. 3. 1985, p. 7.
(3) OJ No L 107, 22. 4. 1987, p. 1.
(4) OJ No L 179, 11. 7. 1985, p. 4.
(5) OJ No L 97, 12. 4. 1986, p. 7.

countries in goods still liable to certain customs duties and charges having equivalent effect or which remain subject to other measures laid down by the Act of Accession;

Whereas trade in non-Community goods as well as imports and exports continue to be subject to use of the single administrative document;

Whereas it is important to ensure uniform implementation of the provisions of this Regulation and, for this purpose, to provide for a Community procedure that will allow the adoption by appropriate time limits of a number of implementing provisions; whereas it is necessary for close and effective cooperation between the Member States and the Commission to be organized for this purpose within an advisory committee;

Whereas it would appear advisable to take the opportunity of reforming the legislation concerning the single administrative document to consolidate the provisions laid down in Regulations (EEC) No 679/85 and (EEC) No 1900/85,

HAS ADOPTED THIS REGULATION:

Article 1

1. Where, in Community legislation, reference is made to an export or import declaration or a declaration placing goods under another customs procedure, including the Community transit procedure, such declaration shall be made on a single administrative document form corresponding to the specimen drawn up in accordance with the procedure laid down in Article 7.

2. The single administrative document form shall, where necessary, also be used during the transitional period laid down in the Act of Accession of Spain and Portugal in connection with trade between the Community as constituted on 31 December 1985 and Spain or Portugal and between those two last-mentioned countries in goods still liable to certain customs duties and charges having equivalent effect or which remain subject to other measures laid down by the Act of Accession.

Article 2

Apart from the document referred to in Article 1, Member States shall not require any administrative documents other than those which are:

— expressly created by Community acts or provided for by such acts,

— required under the terms of international conventions compatible with the Treaty,

— required from operators to enable them to qualify, at their request, for an advantage or a specific facility.

Article 3

1. The declarations must be accompanied, within the limits laid down in Article 2, by the documents necessary to place the goods in question under the procedure requested.

2. The lodging with a customs office of a declaration signed by the declarant or his representative shall indicate that the person concerned is declaring the goods in question for the procedure applied for and, without prejudice to the possible application of penal provisions, shall render such person liable, under the provisions in force in the Member States, for:

— the accuracy of the information given in the declaration,

— the authenticity of the documents attached, and

— the observance of all the obligations inherent in placing the goods in question under the procedure concerned.

Article 4

The findings of the competent authorities of a Member State made in the course of the application of this Regulation may be relied on by the competent authorities of the other Member States. In such cases, they shall have the same probative force as the findings of the competent authorities of each of those Member States.

Article 5

This Regulation shall not preclude the use of simplified procedures, whether or not based on the use of computers. Such procedures shall be adopted in accordance with the procedure laid down in Article 7.

Article 6

A Single Administrative Document Committee (hereinafter referred to as 'the Committee') is hereby set up, composed of representatives of the Member States and chaired by the representative of the Commission.

Article 7

The Committee shall have power to examine any question relating to the implementation of this Regulation, submitted to it by its chairman either on his own initiative or at the request of a representative of a Member State.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 8

The provisions necessary for applying this Regulation and, in particular, those relating to:

— the form,

— the codes to be used in the form,

— the quality of the paper, the size of the form and the colour of the copies,

— the explanatory notes on the use of the form,

shall be adopted in accordance with the procedure laid down in Article 7.

Article 9

1. Regulations (EEC) No 678/85, (EEC) No 679/85 and (EEC) No 1900/85 are hereby repealed.

2. Any reference made to the regulations hereby repealed shall be deemed to be a reference to this Regulation.

Article 10

Each Member State shall inform the Commission of the measures it takes to apply this Regulation.

The Commission shall communicate this information to the other Member States.

Article 11

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities.*

It shall apply from 1 January 1993.

This Regulation shall be binding in its entirety and directly applicable in all Member States.