Proposal for a Council Regulation (EEC) repealing Regulations (EEC) No 3690/86 concerning the abolition within the framework of the TIR Convention of customs formalities on exit from a Member State at a frontier between two Member States, and (EEC) No 4283/88 on the abolition of certain exit formalities at internal Community frontiers — introduction of common border posts

(91/C 143/08)

COM(91) 146 final — SYN 388

(Submitted by the Commission on 17 May 1991)

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 Regulations (EEC) No 3690/86 (1) and (EEC) No 4283/88 (2) simplified formalities in respect of goods crossing an internal frontier of the Community under cover of a TIR or ATA carnet, a Community movement carnet or NATO form 302 by providing for the introduction of common border posts, thus ensuring that the same checks are not repeated on both sides of the frontier and that the sole administrative operation takes place at the office of entry in the Member State into which the goods are brought;

Whereas Council Regulation (EEC) No 719/91 (3) further simplifies the rules for use of TIR and ATA carnets with effect from 1 January 1992 by providing that the Community is to be considered for this purpose to form a single customs territory, thus eliminating entirely the need for any formalities or controls in this context at internal frontier crossings;

Whereas in anticipation of the total elimination of internal frontiers and the establishment of the single market, these additional facilities should be extended from 1 January 1992 to operations under cover of NATO form 302 as well;

Whereas Council Regulation (EEC) No 3/84 (4), which introduced the Community movement carnet, as last amended by Regulation (EEC) No 718/91 (5), is due to be repealed with effect from the date of application of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit (6);

Whereas Regulations (EEC) No 3690/86 and (EEC) No 4283/88 will become redundant when the measures for which they provide cease to be applicable, and should therefore be repealed with effect from the dates in question,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3690/86 is hereby repealed.

Article 2

1. Where, in accordance with the provisions in force, goods are transported from one point in the Community to another under cover of form 302 established under the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951, the Community shall be considered, for the purposes of the rules governing the use of the said form for such transport, to form a single territory, as defined by Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community (7).

2. Where, in the course of a transport operation referred to in paragraph 1, goods pass through the territory of a third country, the procedures governing

(1) OJ No L 341, 4. 12. 1986, p. 1.
(2) OJ No L 382, 31. 12. 1988, p. 1.
(3) OJ No L 78, 26. 3. 1991, p. 6.
(4) OJ No L 2, 4. 1. 1984, p. 1.
(5) OJ No L 78, 26. 3. 1991, p. 4.
(6) OJ No L 262, 26. 9. 1990, p. 1.
(7) OJ No L 197, 27. 7. 1984, p. 1.

the use of form 302 shall be applied at the points where the goods temporarily leave the customs territory of the Community and where they re-enter that territory.

Article 3

Regulation (EEC) No 4283/88 is hereby repealed.

However, the provisions of Regulation (EEC) No 4283/88 concerning the Community movement carnet shall continue to apply until the date of application of Regulation (EEC) No 2726/90.

Article 4

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 1992.

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