

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2013 OF THE EU-SWITZERLAND JOINT COMMITTEE

of 6 June 2013

amending Annexes I and II to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures

(2013/330/EU)

THE JOINT COMMITTEE,

Having regard to the Agreement of 25 June 2009 between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽¹⁾ (hereinafter 'the Agreement'), and in particular Article 21(2) thereof,

Whereas, by concluding the Agreement, the contracting parties undertook to guarantee on their respective territories an equivalent level of security through customs measures based on legislation in force in the European Union, in particular the relevant provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾ and Commission Regulation (EEC) No 2454/93 ⁽³⁾ laying down provisions for the implementation of the Community Customs Code.

Whereas since the conclusion of the Agreement, amendments concerning the customs security measures have been made to this legislation, in particular by Commission Regulations (EC) No 312/2009 ⁽⁴⁾, (EU) No 169/2010 ⁽⁵⁾ and (EU) No 430/2010 ⁽⁶⁾.

Whereas the amendments to European Union legislation that are relevant for maintaining an equivalent level of security between the contracting parties should be reflected in the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to the Agreement shall be amended as follows:

1. in Article 1, paragraph 2 is replaced by the following:

'2. The entry or exit summary declaration shall contain the information laid down for such declarations in Annex 30a to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of

Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾ (hereinafter referred to as "Regulation (EEC) No 2454/93"), last amended by Commission Regulation (EU) No 430/2010 ⁽²⁾. It shall be completed in accordance with the explanatory notes in the said Annex 30a. It shall be authenticated by the person who completed it.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 125, 21.5.2010, p. 10.;

2. Article 2 is amended as follows:

(a) point (e) of the first paragraph is replaced by the following:

'(e) goods for which an oral customs declaration or simple crossing of the border is permitted under rules laid down by the Contracting Parties, with the exception of household effects and of pallets, containers, and means of road, rail, air, sea and inland waterway transport used under a transport contract';

(b) point (j) of the first paragraph is replaced by the following:

'(j) the following goods brought into or out of the customs territory of a Contracting Party and transferred directly to or from drilling or production platforms or wind turbines operated by a person established in the customs territory of the Contracting Parties:

— goods which were incorporated into such platforms or wind turbines, for the purposes of their construction, repair, maintenance or conversion,

— goods which were used to fit to or to equip the said platforms or wind turbines; provisions used or consumed on the said platforms or wind turbines, and non-hazardous waste products from the said platforms or wind turbines';

(c) a new point (l) is added to the first paragraph:

⁽¹⁾ OJ L 199, 31.7.2009, p. 24.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 98, 17.4.2009, p. 3.

⁽⁵⁾ OJ L 51, 2.3.2010, p. 2.

⁽⁶⁾ OJ L 125, 21.5.2010, p. 10.

- (l) goods brought from Helgoland, the Republic of San Marino and the Vatican City State to the territory of a Contracting Party or sent by a Contracting Party to one of these territories’;
- (d) paragraph 3 is replaced by the following:
- ‘3. An entry or exit summary declaration shall not be required in the Community for goods referred to in points (i) and (j) of Article 181c, points (i) and (j) of Article 592a, and in the cases covered by Article 786(2) and Article 842a(4)(b) and (f) of Regulation (EEC) No 2454/93’;
- (e) paragraph 4 is replaced by the following:
- ‘4. An exit summary declaration shall not be required:
- (a) for the following goods:
- spare and replacement parts for incorporation into vessels and aircraft for the purpose of their repair,
 - the motor fuels, lubricants and gas necessary for the operation of the vessels or aircraft, and
 - foodstuffs, and other items to be consumed or sold on board;
- (b) for goods placed under a customs transit procedure when an electronic transit declaration contains the exit summary declaration data, provided that the office of destination is also the customs office of exit;
- (c) where, in a port or airport, the goods are not unloaded from the means of transport which carried them into the customs territory of the Contracting Parties and which will carry them out of that territory;
- (d) where the goods were loaded at a previous port or airport in the customs territory of the Contracting Parties and remain on the means of transport that will carry them out of that customs territory;
- (e) where goods in temporary storage or in a control type I free zone are transhipped from the means of transport that brought them to that temporary storage facility or free zone under the supervision of the same customs office onto a vessel, aircraft or train that will carry them from that temporary storage facility or free zone out of the customs territory of the Contracting Parties, provided that:

- (i) the transhipment is undertaken within 14 calendar days from when the goods were presented for temporary storage or at a control type I free zone; in exceptional circumstances, the customs authorities may prolong the period for the time necessary to cope with these circumstances;
- (ii) information about the goods is available to the customs authorities; and
- (iii) the destination of the goods and the identity of the consignee do not change, to the knowledge of the carrier.’

Article 2

Article 6 second indent of Annex II to the Agreement shall be replaced by the following:

- ‘— the authorised economic operator may lodge entry or exit summary declarations subject to the reduced requirements regarding the information to be given as laid down in Annex 30a to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾, last amended by Commission Regulation (EU) No 430/2010 ⁽²⁾; however, if the authorised economic operator is a carrier, freight forwarder or customs agent, he may benefit from these reduced requirements only if he is involved in the import or export of goods on behalf of an authorised economic operator,

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 125, 21.5.2010, p. 10.’

Article 3

This Decision shall take effect on the day following its adoption.

Done at Brussels, 6 June 2013.

The Joint Committee
The Chairman
 Antonis KASTRISSIANAKIS

Joint Declaration

Re Annex I, Article 1(2) of the Agreement

As regards the information to be provided in the entry or exit summary declaration, the Contracting Parties confirm that

- the provisions concerning the EORI number and
- the requirements concerning the diversion requests (point 2.6 of Annex 30a — Table 6)

set out in Commission Regulation (EC) No 312/2009 of 16 April 2009 do not apply to declarations lodged with the Swiss customs authorities.
