

## DECISION OF THE EEA JOINT COMMITTEE

No 204/2012

of 26 October 2012

**amending Protocol 10 on simplification of inspections and formalities in respect of carriage of goods to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Paragraph 1 of Article 9b of Chapter IIa of Protocol 10 to the EEA Agreement provides that the Contracting Parties shall introduce and apply to goods entering or leaving their customs territories the customs security measures defined in Chapter IIa, thus ensuring an equivalent level of security at their external borders.
- (2) Article 9h of Chapter IIa of Protocol 10 to the EEA Agreement provides for a procedure to introduce the necessary amendments in order to take into account the development of the legislation of the European Union on matters covered by Chapter IIa.
- (3) The legislation of the European Union on customs security measures has been amended, in particular by Commission Regulation (EC) No 312/2009 <sup>(1)</sup>, Commission Regulation (EU) No 169/2010 <sup>(2)</sup> and Commission Regulation (EU) No 430/2010 <sup>(3)</sup>.
- (4) The provisions of Protocol 10 to the EEA Agreement shall be aligned with the amendments to the legislation of the European Union, in order to guarantee an equivalent level of security.
- (5) This Decision shall not apply to Iceland and Liechtenstein. However, subject to a new Decision, it could be opened to these countries.
- (6) Protocol 10 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex I to Protocol 10 to the EEA Agreement shall be amended as follows:

- (1) the text of point (e) of paragraph 1 of Article 2 shall be replaced by the following:
 

‘(e) goods for which an oral customs declaration or a declaration by simple crossing the border is permitted in accordance with the legislation of the Contracting Parties, with the exception of, if carried under a

transport contract, household effects, pallets, containers and means of road, rail, air, sea or inland waterway transport;’;

- (2) the text of point (j) of paragraph 1 of Article 2 shall be replaced by the following:

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

- (i) goods which were incorporated in such platforms or wind turbines, for the purposes of their construction, repair, maintenance or conversion;
- (ii) goods which were used to fit to or to equip the said platforms or wind turbines;
- (iii) other provisions used or consumed on the said platforms or wind turbines; and
- (iv) non-hazardous waste products from the said platforms or wind turbines;’;

- (3) the following points shall be added after point (l) in paragraph 1 of Article 2:

‘(m) goods brought from Heligoland, the Republic of San Marino and the Vatican City State to one of the Contracting Parties or sent from one of the Contracting Parties to these territories;

(n) goods carried on board vessels of regular shipping services, duly certified following the same procedures as laid out in Article 313b of Regulation (EEC) No 2454/93;’;

- (4) the text of paragraph 3 of Article 2 shall be replaced by the following:

‘3. An exit summary declaration shall not be required in the following cases:

- (a) for goods which are supplied for incorporation as parts of or accessories in vessels and aircraft, motor fuels, lubricants and gas necessary for the operation of the vessels or aircraft, foodstuffs, and other items to be consumed or sold on board;
- (b) for goods that are placed under a transit procedure, when the data required for the exit summary declaration are given in the electronic transit declaration and provided the office of destination is also the customs office of exit;

<sup>(1)</sup> OJ L 98, 17.4.2009, p. 3.

<sup>(2)</sup> OJ L 51, 2.3.2010, p. 2.

<sup>(3)</sup> OJ L 125, 21.5.2010, p. 10.

- (c) for goods that are loaded at a port or airport in the respective customs territory of the Contracting Parties for discharge at another port or airport in that territory, when during an intermediate call at a port or airport outside that customs territory, those goods are to remain loaded on board the vessel or aircraft that transports them;
- (d) for goods that in a port or airport are not unloaded from the means of transport which carried them into the respective customs territory of the Contracting Parties and which will carry them out of that territory;
- (e) for goods that were loaded at a previous port or airport in the respective customs territory of the Contracting Parties and remain on the means of transport that will carry them out of that territory;
- (f) 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, airplane or railway that will carry them from that temporary storage facility or free zone out of the respective 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 extend this period of time in order to deal with those circumstances;

- (ii) information about the goods is available to the customs authorities; and
- (iii) the destination of the goods and the consignee do not change, to the knowledge of the carrier.’.

#### *Article 2*

This Decision shall enter into force on 1 November 2012, provided that all the notifications under Article 103(1) of the EEA Agreement have been made to the EEA Joint Committee (\*).

#### *Article 3*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 26 October 2012.

*For the EEA Joint Committee*

*The President*

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(\*) No constitutional requirements indicated.

**Joint declaration by the Contracting Parties to the Decision of the EEA Joint Committee No 204/2012 of 26 October 2012 amending Protocol 10, concerning paragraph 2 of Article 1 of Annex I to Protocol 10**

With regard to the data required for the entry or exit summary declaration, the Contracting Parties confirm that:

- the provisions concerning EORI numbers,
  - the provisions concerning requirements for diversion requests in point 2.6 — Table 6 of Annex 30a, introduced by Commission Regulation (EC) No 312/2009 of 16 April 2009 do not apply to declarations lodged in an EFTA State.
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