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Subject: EUROPEAN UNION COMMON POSITION
Chapter 35 - Other issues
Item 6: Arrangement for a partial waiving of entry/exit summary declarations for
goods crossing the Neum Corridor

EUROPEAN UNION COMMON POSITION

Chapter 35 – Other Issues

Item 6: Arrangement for a partial waiving of entry/exit summary declarations for goods crossing the Neum Corridor

This position of the European Union is based on its general position for the Accession Conference with Croatia (CONF-HR 2/05), and is subject to the negotiating principles endorsed by the Conference (CONF-HR 5/05), in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements – even partial agreements – reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 13, 16 and 26 of the Negotiating Framework.

The EU underlines the importance for Croatia of compliance with the Stabilisation and Association Agreement as well as the Accession Partnership, which constitute basic elements of the pre-accession strategy.

The EU encourages Croatia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general to develop already before accession, policies and instruments as close as possible to those of the EU.

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Item 6: Arrangement for a partial waiving of entry/exit summary declarations for goods crossing the Neum Corridor

The EU notes Croatia's request (CONF-HR 11/11) for a derogation from certain provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code and of 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, in relation to the obligation to lodge electronic entry and exit summary declarations, for consignments of the products referred to in Article 28(2) of the TFEU for which the total value indicated in the invoice or transport document does not exceed € 10,000, or the equivalent in local currency, leaving Croatia via the Border Crossing Points at Klek or Zaton Doli to cross the territory of Bosnia and Herzegovina at Neum ('Neum corridor'), before re-entering the territory of Croatia via the Border Crossing Points at Klek or Zaton Doli .

The European Union considers that a special regime should be established that allows partial waiving of entry/exit summary declarations for goods crossing the Neum corridor. The EU further considers that the Council, acting on the basis of a proposal from the European Commission, shall define before the accession of Croatia the terms of the special regime.

Without prejudging aspects related to other chapters, the EU considers that this special regime should contain in particular the following:

- a) The establishment of appropriate procedures so to ensure that:
 - goods are accompanied by commercial and transport documents, which should contain at least the set of data required in the Article 317(2) of Regulation (EEC) No 2454/93;
 - Customs authorities perform effective risk analysis and customs security checks according to the applicable legal provisions, on the basis of the data present on the invoice and transport documents and of the goods being transported;

- Customs authorities endorse the commercial and transport documents with official markings (signature, stamps);
 - when deemed necessary, proper sealing of consignments or means of transport at exit from the Croatia is performed;
 - upon re-entry in Croatia, the Customs authorities check the documents, the time spent for crossing the corridor, the seals (if any) and the goods (as appropriate).
- b) Provisions which ensure that in case of irregularities with regard to the above requirements the consignment shall not be allowed to re-enter Croatia unless an assessment of the risk involved has been carried out and effective, proportionate and targeted measures based upon this assessment have been adopted.
- c) The obligation for Croatia to ensure that the Border Crossing Points (currently at Klek and Zaton Doli) are fully equipped, staffed and in every other way prepared to enforce these requirements by the day of accession to the European Union.
- d) The requirement that Croatia shall regularly inform the Commission under the agreed procedures of the Common Risk Management Framework of irregularities found and, where applicable, of the measures subsequently adopted.
- e) A general review of this special regime shall be held two years after the date of accession. To that effect, the Commission shall submit a report to the Council. The Council may, as appropriate, decide to draw on the input from technical experts from Member States to assess the Commission's report.

- f) If, at any time, there is evidence of serious disturbances or a threat of serious disturbances of the application of the customs legislation at the relevant Border Crossing Points, the Commission shall submit a report to the Council.

- g) Where appropriate, acting on the basis of a proposal from the Commission, the Council shall amend or terminate this special regime.

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Subject to Croatia's acceptance of the above considerations, the EU notes that, at this stage, the establishing of the special arrangement for the waiving of electronic entry/exit summary declarations for consignments of the products referred to in Article 28(2) of the TFEU for which the total value indicated in the invoice or transport document does not exceed € 10,000, or the equivalent in local currency, leaving Croatia via the Border Crossing Points at Klek or Zaton Doli to cross the territory of Bosnia and Herzegovina at Neum ('Neum corridor'), before re-entering the territory of Croatia via the Border Crossing Points at Klek or Zaton Doli does not require further negotiations.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.

LEGAL ANNEX

AMENDMENTS NECESSARY FOR THE IMPLEMENTATION OF THE DCP

ARTICLE xx [to be inserted in the AA after XX]

The Council, acting by qualified majority on the basis of a proposal from the Commission, shall define the terms under which:

- (a) the requirement for an exit summary declaration may be waived for the products referred to in Article 28(2) of the TFEU leaving Croatia to cross the territory of Bosnia and Herzegovina at Neum ('Neum corridor')
- (b) the requirement for an entry summary declaration may be waived for the products in the situation under point (a) when they re-enter the territory of Croatia after having crossed the territory of Bosnia and Herzegovina at Neum.
