COUNCIL DIRECTIVE

of 20 June 1991

amending Directive 83/643/EEC on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States

(91/342/EEC)

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 (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Directive 83/643/EEC (4), as amended by Directive 87/53/EEC (5), contains a set of measures designed to reduce waiting time for carriers of goods crossing internal Community frontiers;

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

Whereas, pending the removal of internal frontiers, it is possible to make further early progress in simplifying and speeding up intra-Community movement of goods;

Whereas the principle stated in Directive 83/643/EEC that inspections should be carried out by means of spot checks except in duly justified circumstances applies only to physical inspections; whereas experience has shown that it is desirable to cut waiting time at frontiers to a minimum by defining the terms 'inspection', 'formalities' and lay down conditions for carrying out spot checks;

Whereas, in particular under the Community transit arrangements, operators may initiate the transit procedure inside the Member State of departure and/or opt for the release of the goods for home use or their entry for another procedure at a point inside the Member State of destination; whereas in this context the centralization of different controls in a single place pursuant to Directive 83/643/EEC will improve the situation at frontiers only if it takes place preferably at the point of departure or destination of the goods, without prejudice to the operator's freedom of choice;

Whereas the minimum business hours of major inspection offices inside Member States should be extended in order to facilitate the completion of controls and formalities at the place of departure or destination of goods,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/643/EEC is hereby amended as follows:

1. the following paragraph shall be added to Article 1:

'3. For the purposes of this Directive:

— "inspection" means the carrying out by customs or any other supervisory department of an operation which consists of the physical examination, including visual inspection, of the means of transport and/or the goods themselves with the aim of checking that their nature, origin, state, quantity or value conform to the particulars given in the documents which have been presented,

— "formalities" means any formality imposed on operators by the administration, consisting in the presentation or examination of documents and certificates accompanying goods or other particulars, irrespective of form or medium, relating to the goods or means of transport.';

2. Article 2 shall be replaced by the following:

'Article 2

1. Member States shall take the necessary measures to ensure that in the course of any carriage operation the various inspections and formalities are carried out with the minimum of delay necessary and:

— as far as possible, in one place, preferably the place of departure and/or destination of the goods,

— with the inspections being carried out by means of spot checks, except in duly justified circumstances.

(1) OJ No C 204, 15. 8. 1990, p. 15.
(2) OJ No C 19, 28. 1. 1991, p. 81 and Decision of 12 June 1991 (not yet published in the Official Journal).
(3) OJ No C 69, 18. 3. 1991, p. 8.
(4) OJ No L 359, 22. 12. 1983, p. 8.
(5) OJ No L 24, 27. 1. 1987, p. 33.