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## COUNCIL DIRECTIVE

of 4 March 1969

on the harmonisation of provisions laid down by law, regulation or administrative action relating to free zones

(69/75/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament<sup>1</sup>;

Having regard to the Opinion of the Economic and Social Committee<sup>2</sup>;

Whereas the Community is based upon a customs union;

Whereas the establishment of the customs union is governed in the main by Chapter 1 of Title I Part Two of the Treaty; whereas that Chapter contains a series of specific provisions dealing, in particular, with the elimination of customs duties between Member States, the establishment and progressive introduction of a Common Customs Tariff and the autonomous alternation or suspension of the duties therein; whereas, while Article 27 provides that Member States shall, before the end of the first stage and in so far as may be necessary, take steps to approximate their provisions laid down by law regulation or administrative action in respect of customs matters, that Article does not empower the institutions of the Community to issue binding provisions in that field; whereas, however, a thorough examination undertaken jointly with Member States has shown the need in certain fields for decision, by binding acts of the Community, upon measures essential for the introduction of customs

legislation which will ensure uniform application of the Common Customs Tariff;

Whereas in all Member States there are provisions laid down by law, regulation or administrative action the application of which has led or may lead to the establishment of zones where goods are considered as being outside the customs territory of the Community

Whereas certain differences contained in those provisions could lead to deflection of trade and of customs receipts if they were to remain operative after the customs union has been fully achieved;

Whereas such provisions directly affect the establishment and operation of the common market;

Whereas the consumption of goods, their use, handling and treatment must be effected under the same economic conditions throughout the territory of the Community;

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. This Directive prescribes the rules that must be included in the provisions of Member States laid down by law, regulation or administrative action relating to free zones.

2. 'Free zone' means, whatever the expression used in Member States, any territorial enclave established by the competent authorities of Member States (hereinafter called the 'competent authorities') in order that goods therein may be considered as being outside the customs territory of the Community for purposes of applying customs duties, agricultural levies, quantitative restrictions or any charges or measures having equivalent effect.

<sup>1</sup> OJ No C 66, 2.7.1968, p. 12.

<sup>2</sup> OJ No C 75, 29.7.1968, p. 8.