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REGULATION (EEC) No 1496/68 OF THE COUNCIL

of 27 September 1968

on the definition of the customs territory of the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[1];

Having regard to the Opinion of the Economic and Social Committee;

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 of the Treaty; whereas that Chapter contains a series of specific provisions dealing, in particular, with the elimination of customs duties beween Member States, the setting up and progressive introduction of the Common Customs Tariff and also the autonomous alteration of suspension of the duties therein; whereas, while Article 27 provides that, before the end of the first stage, Member States shall, 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 make binding provisions in that field; whereas, however, a thorough examination undertaken jointly with Member States has shown the need to determine the customs territory of the Community in a regulation;

Whereas the customs union referred to in Article 9 of the Treaty comprises a single customs territory to which Community acts, in particular in respect of matters concerning customs legislation, expressly refer;

Whereas the customs territory of the Community comprises, in principle, the whole of the territories of the Member States; whereas it is nevertheless necessary to take into account in particular the international conventions concluded by certain Member States before the entry into force of the Treaty which have the effect of limiting or extending their customs territory, and also the Protocol on German Internal Trade and Connected Problems;

Whereas there should be no prejudicial effect on the customs system applicable to the continental shelf or that applicable to waters and foreshores situated between the coast or shore and the limit of territorial waters or on the provisions applicable in accordance with Community regulations to be adopted with regard to free zones;

HAS ADOPTED THIS REGULATION:

Article 1

The customs territory of the Community shall comprise the following territories:

— the territory of the Kingdom of Belgium;

— the German territories to which the Treaty establishing the European Economic Community applies except the Island of Heligoland and the territory of Büsingen (Treaty of 23 November 1964 between the Federal Republic of Germany and the Swiss Confederation);

— the territory of the French Republic, except the overseas territories;

— the territory of the Italian Republic, excepting the communes Livigno and Campione d'Italia communes and the national waters of Lake Lugano which are between the bank and the political frontier of the area between Ponte Tresa and Porto Ceresio;

[1] OJ No C 66, 2.7.1968, p. 39.

— the territory of the Grand Duchy of Luxembourg;

— the territory of the Kingdom of the Netherlands in Europe.

Article 2

The territories situated outside the territory of Member States and covered by the Annex to this Regulation shall, taking the conventions and treaties applicable to them into account, be considered to be part of the customs territory of the Community.

Article 3

This Regulation shall not prejudice the present system of German internal trade within the meaning of the Protocol on that trade and connected problems, in particular German rules on German customs territory.

Article 4

This Regulation shall not affect:

— the customs system applicable to the continental shelf or that applicable to the waters and foreshores situated between the coast or shore and the limit of territorial waters; or

— the provisions applicable in accordance with Community rules to be adopted with regard to free zones.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 September 1968.

For the Council

The President

G. MEDICI

ANNEX

to Council Regulation (EEC) No 1496/68 of 27 September 1968

1. GERMANY:

The Austrian territories of Jungholz and Mittelberg as defined in the following treaties:

— with regard to Jungholz — Treaty of 3 May 1868 (*Bayerisches Regierungsblatt* 1868, p. 1245);

— with regard to Mittelberg — Treaty of 2 December 1890 (*Reichsgesetzblatt* 1891, p. 59)

2. FRANCE:

The territory of the Principality of Monaco as defined in the Customs Convention signed in Paris on 18 May 1963 (*Official Journal* of 27 September 1963, p. 8679)

3. ITALY:

The territory of the Republic of San Marino as defined in the Convention of 31 March 1939 (Law of 6 June 1939, No 1220).