



**TREATY SERIES 2007
N° 28**

**Agreement on Provisional Application between certain
Member States of the Convention drawn up on the basis of
Article K.3 of the Treaty on the European Union, on the Use
of Information Technology for Customs Purposes**

Done at Brussels on 26 July 1995

Notification of completion of requirements for entry into force on 27 March 2002

Entered into force 1 June 2002

Presented to Dáil Éireann by the Minister for Foreign Affairs

**AGREEMENT ON PROVISIONAL APPLICATION BETWEEN
CERTAIN MEMBER STATES OF THE CONVENTION DRAWN UP ON
THE BASIS OF ARTICLE K.3 OF THE TREATY ON EUROPEAN
UNION, ON THE USE OF INFORMATION TECHNOLOGY FOR
CUSTOMS PURPOSES**

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND,

Member States of the European Union and signatories of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the use of information technology for customs purposes, of 26 July 1995, hereinafter referred to as the 'Convention',

Having regard to the importance of early application of the Convention;

Whereas pursuant to Article K.7 of the Treaty on European Union, the provision of Title VI of that Treaty do not prevent the establishment or development of closer cooperation between two or more Member States in so far as such cooperation does not conflict with, or impede, that provided for in Title VI of the said Treaty;

Whereas provisional application between certain Member States of the European Union of the Convention would not conflict with, or impede, the cooperation provided for in Title VI of the Treaty on European Union,

HAVE AGREED as follows:

Article 1

For the purposes of this Agreement:

- 'Convention' means the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the use of information technology for customs purposes,
- 'High Contracting Parties' means the Member States of the European Union, parties to the Convention,
- 'Parties' means the Member States of the European Union, parties to this Agreement.

Article 2

The Convention shall apply provisionally between the High Contracting Parties parties to this Agreement as of from the first day of the third month following the deposit of the instrument of approval, acceptance or ratification of this Agreement by the eighth High Contracting Party to do so.

Article 3

The transitional provisions necessary for provisional application of the Convention shall be adopted by common accord amongst the High Contracting Parties between which the Convention is to apply provisionally and in consultation with the other High Contracting Parties. During this period of provisional application, the functions of the Committee provided for in Article 16 of the Convention shall be exercised by the High Contracting Parties acting by common accord in close association with the Commission of the European Communities. Article 7 (3) and Article 16 of the Convention shall not be implemented during that period.

Article 4

1. This Agreement shall be open for signing by the Member States signatories of the Convention. It shall be subject to approval, acceptance or ratification. It shall enter into force on the first day of the third month following the deposit of the instrument of approval, acceptance or ratification by the eighth High Contracting Party to do so.
2. For any High Contracting Party depositing its instrument of approval, acceptance or ratification at a later date, this Agreement shall enter into force on the first day of the third month following such deposit.
3. Instruments of approval, acceptance or ratification shall be deposited with the Secretary-General of the Council of the European Union, who shall act as depositary.

Article 5

This Agreement, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic, shall be deposited with the Secretary-General of the Council of the European Union, who shall transmit a certified copy to each of the parties.

Article 6

This Agreement shall expire upon entry into force of the Convention.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

DONE at Brussels on the twenty-sixth day of July in the year one thousand nine hundred and ninety-five in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the Council of the European Union.