

Draft Order in Council laid before Parliament under section 1(3) of the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

EUROPEAN COMMUNITIES

**The European Communities (Definition of Treaties)
(The Convention on Mutual Assistance and Co-operation
between Customs Administrations (Naples II)) Order 2001**

Made - - - - 2001

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the of 2001
Present,
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 1 of the European Communities Act 1972⁽¹⁾ and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1(3) of the European Communities Act 1972 or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the European Communities (Definition of Treaties) (The Convention on Mutual Assistance and Co-operation between Customs Administrations (Naples II)) Order 2001. It shall come into force, in respect of the Convention specified in the Schedule to this Order, on the date on which the Convention enters into force for the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. The Convention specified in the Schedule to this Order is to be regarded as a Community Treaty as defined in section 1(2) of the European Communities Act 1972.

⁽¹⁾ 1972 c. 68.

Clerk of the Privy Council

SCHEDULE

Article 2

The Convention on Mutual Assistance and Co-operation between Customs Administrations (Naples II) signed at Brussels on 18th December 1997⁽²⁾

EXPLANATORY NOTE

(This note is not part of the Order)

This Order declares the 1997 Convention on Mutual Assistance and Co-operation between Customs Administrations (known as “Naples II”) to be a Community Treaty as defined in section 1(2) of the European Communities Act 1972. The principal effect of such a declaration is to bring into play, in relation to this Convention, the provisions of section 2 of the European Communities Act 1972, which provides for rights and obligations arising under the various Community Treaties to have effect in the law of the United Kingdom.

The Convention was signed by the Member States in Brussels on 18th December 1997 and is based on Article 31 (formerly Article K.3) of the Treaty on European Union. It provides for enhanced administrative co-operation in relation to customs offences and also for special forms of cross-border co-operation. The Convention will come into force ninety days after the last Member State has notified that it has completed its constitutional procedures for its adoption. However, in the interim any Member States that have completed these procedures may declare that the Convention will govern their relations. On the date of entry into force the Convention will repeal the Convention on the Mutual Assistance by Customs Authorities of 7th September 1967 (the Naples Convention).

⁽²⁾ Cm. 3986.