COMMISSION DIRECTIVE

of 30 September 1974

amending Commission Directive of 26 March 1973 applying Articles 13 and 14 of the Council Directive of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing

(74/508/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive [1] of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing, as last amended by the Act [2] annexed to the Treaty [3] on the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 28 thereof;

Whereas on 26 March 1973, the Commission adopted a Directive applying Articles 13 and 14 of the foresaid Council Directive [4] of 4 March 1969 and provided in Article 7 thereof that it was to be put into force within six months following its notification;

Whereas notification took place on 6 April 1973;

Whereas the Council has for some time had before it a proposal from the Commission seeking to amend the Directive of 4 March 1969 so as to ensure equality of customs treatment as between direct importations qualifying for duty-free admission on the grounds of the entitlement of the consignee or of their particular destination and products obtained in the Community under inward processing procedures and having the like consignee or destination; whereas this proposal is of particular interest to certain important industrial sectors within the Community;

Whereas the entry into force of the aforementioned implementing Directive on the date laid down in Article 7 thereof would involve the establishment of a customs cooperation procedure which, if the proposed Directive amending Article 13 of the Directive of 4 March 1969 were approved, would be rendered nugatory as regards products from those industrial sectors consigned by the authorized processor in the circumstances mentioned in the previous recital;

Whereas the state of discussion on the proposed Directive for the amendment of Article 13 is such that amendment cannot be expected in the near future;

Whereas the time limit of six months imposed on the Member States for the bringing into force of the measures required by implementing Directive of 26 March 1973 has already been extended to twelve months by Commission Directive [5] of 5 October 1973; whereas it has been further extended until October 1974 by Commission Directive [6] of 27 March 1974;

Whereas for the foregoing reasons an extension of this time limit until 30 September 1975 appears necessary;

Whereas without a favourable opinion from the Inward Processing Committee the Commission has been unable to adopt the provisions proposed in this respect under the procedure laid down in Article 28 (3) (a) of the abovementioned Council Directive of 4 March 1969; whereas pursuant to subparagraphs (b) and (c) of the said Article 28 (3) the Commission has submitted to the Council a proposal relating to the provisions to be adopted, and whereas the Council has taken no action within the three months following receipt of that proposal,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 7 of the Commission Directive of 26 March 1973 applying Articles 13 and 14 of the Council Directive of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing is amended to read as follows:

(1) OJ No L 58, 8. 3. 1969, p. 1.
(2) OJ No L 73, 26. 3. 1972, p. 14.
(3) OJ No L 73, 26. 3. 1972, p. 5.
(4) OJ No L 120, 7. 5. 1973, p. 17.
(5) OJ No L 297, 25. 10. 1973, p. 30.
(6) OJ No L 108, 22. 4. 1974, p. 25.

'Article 7

The Member States shall bring into force the measures necessary to comply with this Directive in order that they shall apply from 1 October 1975'.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 30 September 1974.

For the Commission

The President

François-Xavier ORTOLI