28.5.71 Official Journal of the European Communities No L 116/7

REGULATION (EEC) No 1079/71 OF THE COUNCIL

of 25 May 1971

amending Articles 35 and 48 of Regulation (EEC) No 542/69 on Community transit

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 Article 27 of Council Regulation (EEC) No 542/69[2] of 18 March 1969 on Community transit requires the principal to furnish a guarantee which as a rule takes the form of a joint and several guarantee of a natural or legal third person;

Whereas Article 35 of that Regulation provides that the guarantor is released from his obligations when the T1 document has been discharged at the office of departure; whereas, however, the need for certainty in the law entails in certain circumstances that persons who act as guarantors be afforded the certainty of being released from their obligations on expiry of a fixed period which it seems appropriate to set at twelve months calculated from the date of registration of the Community transit declaration;

Whereas in order to ensure that the provisions of the Treaty on free movement of goods apply, as regards goods sent by post, only to goods which satisfy the conditions laid down in Articles 9 and 10 of that Treaty, it should be provided that, in cases where goods which do not satisfy those conditions are dispatched, the yellow label provided for in Article 48 of Regulation (EEC) No 542/69 be affixed both on the packages and on the accompanying documents;

HAS ADOPTED THIS REGULATION:

Article 1

1. A second paragraph shall be added to Article 35 of Regulation (EEC) No 542/69, as follows:

'Where the guarantor has not been notified by the office of departure of the non-discharge of the T1 document, he shall be released from his obligations on expiry of a period of twelve months from the date of registration of the T1 declaration.'

2. The second paragraph of Article 35 of Regulation (EEC) No 542/69 shall also apply to T1 declarations which were registered before the date of entry into force of this Regulation. In such cases the twelve month period shall be calculated from that date.

Article 2

In the second sentence of paragraph 2 of Article 48 of Regulation (EEC) No 542/69 the words 'to the packages or to the accompanying documents' are replaced by the words 'to the packages and to the accompanying documents'.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

[1] OJ No C 45, 10.5.1971, p. 39.
[2] OJ No L 77, 29.3.1969, p. 1.

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

Done at Brussels, 25 May 1971.

For the Council

The President

M. COINTAT