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REGULATION (EEC) No 1226/71 OF THE COMMISSION

of 11 June 1971

on simplification of the formalities to be carried out at offices of departure and destination in respect of goods transported under the Community transit procedure

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 542/69[1] of 18 March 1969 on Community transit, and in particular Article 58 (1) (c) thereof;

Whereas, in order to facilitate the movement of goods within the Community, each Member State should be granted the right to simplify the formalities relating to Community transit procedure to be carried out at offices of departure and destination situated within its territory;

Whereas the formalities to be carried out can be considerably simplified for persons who frequently send or receive consignments; whereas detailed provision should be made for such simplification;

Whereas at present, because the customs office is far away or because of its hours of business, the person concerned frequently fails to carry out the departure formalities at the place of consignment, and the situation at the place of destination is no different;

Whereas, consequently, such persons should be permitted, under certain conditions, to place their goods under the Community transit procedure without producing them or the T1 or T2 declarations at the office of departure, and to take delivery at the place of destination without prior presentation at the office of destination;

Whereas, furthermore, the simplification of formalities at the offices of departure and destination must be such as can be effected in a manner sufficiently flexible to ensure that the Community transit procedure and national import and export procedures function harmoniously;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on Community Transit;

HAS ADOPTED THIS REGULATION:

Article 1

Each Member State may simplify the formalities relating to Community transit procedure to be carried out at the offices of departure and of destination within its territory, in accordance with the following provisions.

TITLE I

Formalities at the office of departure

Article 2

The customs authorities of each Member State may authorise any person who fulfils the conditions laid down in Article 3 and who intends to carry out Community transit operations (hereinafter called 'authorised consignor') not to produce at the office of departure either the goods concerned or a T1 or T2 declaration in respect of them.

Article 3

1. The authorisation provided for in Article 2 shall only be granted to persons:

(a) who frequently send consignments;

(b) whose records enable the customs authorities to verify the operations;
and

(c) who, when a guarantee is required under Community transit procedure, have provided a comprehensive guarantee.

[1] OJ No L 77, 29.3.1969, p. 1.

2. The customs authorities may withhold authorisation from persons not providing the guarantee they consider necessary.

3. They may withdraw the authorisation, in particular when the authorised persons no longer fulfil the conditions stated in paragraph 1 or no longer provide the guarantee referred to in paragraph 2.

Article 4

The authorisation to be issued by the customs authorities shall specify in particular:

(a) the customs office or offices which are authorised offices of departure for the consignments;

(b) the period within which, and the procedure by which, the authorised consignor is to inform the office of departure of the consignments to be sent in order that the office may, where required, examine the goods before their departure;

(c) the period within which the goods must be produced at the office of destination;

(d) the identification measures to be taken. The customs authorities may prescribe that the means of transport or the packages shall bear special seals, accepted by the customs authorities and affixed by the authorised consignor.

Article 5

1. The authorisation shall stipulate that the 'Office of Departure' space on the front of declaration form T1 or T2:

(a) be stamped in advance with the stamp of the office of departure and bear the signature of an official of that office; or

(b) be stamped by the approved consignor with a special metal stamp approved by the customs authorities and conforming to the model shown in the Annex. The imprint of that stamp may be printed in advance on the forms, where the printing is entrusted to a printing works approved for that purpose.

The authorised consignor must fill in that space by indicating the consignment date of the goods and must give the declaration a number in accordance with the rules to that effect in the authorisation.

2. The customs authorities may prescribe the use of forms bearing a distinctive individual sign.

Article 6

1. Not later than at the time of consignment of the goods, the authorised consignor shall complete declaration T1 or T2, duly filled in, by entering on the back of copies 1 and 2, in the space marked 'Examination by Office of Departure', the period within which the goods must be produced at the office of destination, the identification measures applied and the words 'simplified procedure'.

2. After consignment, copy No 1 shall be sent without delay to the office of departure. The customs authorities may provide, in the authorisation, that copy No 1 be sent to the office of departure as soon as the declaration T1 or T2 is completed. The other copies shall accompany the goods in accordance with the provisions of Regulation (EEC) No 542/69.

3. When the customs authorities of the Member State of departure carry out an examination at the departure of a consignment, they shall record the fact in the space marked 'Examination by Office of Departure' on the back of form T1 or T2.

Article 7

Declaration T1 or T2, completed by the information specified in Article 6 (1), shall be the equivalent of document T1 or T2, and the authorised consignor who signed the declaration shall be the principal.

Article 8

1. The authorised consignor shall:

(a) comply with the provisions of this Regulation and of the authorisation mentioned in Article 4;

(b) take all necessary measures to ensure the safekeeping of the special stamp or of the forms bearing the stamp of the office of departure or the imprint of the special stamp.

2. In the event of any person misusing the forms stamped in advance with the stamp of the office of departure or with the special stamp approved by the customs authorities, the authorised consignor shall be liable, without prejudice to criminal proceedings, for the payment of duties and other charges due in a Member State in respect of the goods carried under cover of those forms, unless he proves to the customs authorities by whom he was authorised that he took the measures required of him in paragraph 1 (b).

TITLE II

Formalities at the office of destination

Article 9

1. The customs authorities of each Member State may dispense with production at the office of destination of goods transported under a Community transit procedure where the goods are intended for a person who fulfils the conditions laid down in Article 10 (hereinafter called 'authorised consignee') previously authorised by the customs authorities of the Member State in which the office of destination is situated.

2. In such a case, the principal shall have fulfilled his obligations under the provisions of Article 13 (a) of Regulation (EEC) No 542/69 from the moment when, within the prescribed period, copies of the Community transit document, together with the intact goods, have been handed over to the authorised consignee at his business premises or at the places specified in the authorisation, the identification measures having been duly observed.

3. In respect of each consignment handed over to him as provided in paragraph 2, the authorised consignee shall issue, at the request of the carrier, a receipt stating that the documents and the goods have been handed over to him.

Article 10

1. Only those persons may be authorised:

(a) who frequently receive consignments subject to customs control; and

(b) whose records enable the customs authorities to verify the operations.

2. The customs authorities may withhold authorisation from persons not providing the guarantee they consider necessary.

3. They may withdraw the authorisation, in particular when the authorised persons no longer fulfil the conditions stated in paragraph 1 or no longer provide the guarantee referred to in paragraph 2.

4. The authorised consignee must comply with the provisions of this Regulation and of the authorisation referred to in Article 11.

Article 11

1. The authorisation granted by the customs authorities shall specify in particular:

(a) the customs office or offices which are authorised offices of destination for consignments which the authorised consignee receives;

(b) the period within which, and the procedure by which, the authorised consignee is to inform the office of destination of the arrival of the goods in order that the office may, where required, examine the goods on arrival.

2. Without prejudice to the provisions of Article 14, the customs authorities shall specify in the authorisation whether the authorised consignee may dispose of the goods which have arrived without action by the office of destination.

Article 12

1. In respect of consignments arriving at his business premises or at the places specified in the authorisation, the authorised consignee must:

(a) immediately inform the office of destination, following the procedure laid down in the authorisation, of any excess quantities, shortages, substitutions or other irregularities such as broken seals;

(b) send without delay to the office of destination the copies of document T1 or T2 which accompanied the consignment, indicating the date of arrival and the state of any seals affixed.

2. The office of destination shall make the required entries in the copies of document T1 or T2 which are sent to it.

TITLE III

Final provisions

Article 13

The customs authorities may apply to authorised consignors and authorised consignees any control measures which they consider necessary. The said consignors and consignees must submit to such measures.

Article 14

The customs authorities of the Member State of departure or destination may exclude certain categories of goods from the facilities provided for in Articles 2 and 9 respectively.

Article 15

1. Where dispensation from production of the Community transit declaration at the office of departure is applicable to goods referred to in Article 1 (2) of Regulation (EEC) No 542/69 which are to be dispatched under cover of an international consignment note or an international express parcel dispatch note, in accordance with the provisions of Regulation (EEC) No 304/71 on the simplification of Community transit procedure for goods carried by rail,[1] the customs authorities shall take the necessary measures to ensure that copy No 3 of the consignment note or the copy of the international express parcel dispatch note headed 'waybill' bears the indication 'T1'.

2. Where the goods carried under the simplified procedure provided for in Regulation (EEC) No 304/71 are intended for an authorised consignee, the customs authorities may provide that, in derogation from Article 9 (2) and Article 12 (1) (b), copies Nos 2 and 3 of the consignment note or the copy of the international express parcel dispatch note headed 'waybill' and a copy of a sheet of that note are to be delivered direct by the railway authorities to the office of destination.

Article 16

This Regulation shall be without prejudice to

(a) application of Regulation (EEC) No 2315/69[2] on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods;

(b) obligations concerning formalities relating to export, re-export, import or re-import.

Article 17

This Regulation shall enter into force on 1 October 1971.

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

Done at Brussels, 11 June 1971.

For the Commission

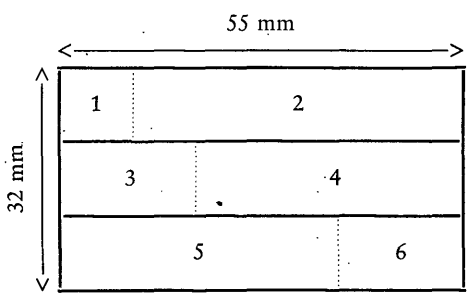
The President

Franco M. MALFATTI

[1] OJ No L 35, 12.2.1971, p. 31.

[2] OJ No L 295, 24.11.1969, p. 14.

ANNEX



1. Member State's coat of arms
2. Customs office
3. Number of document
4. Date
5. Authorised consignor
6. Authorisation