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REGULATION (EEC) No 304/71 OF THE COMMISSION

of 11 February 1971

on simplification of the Community transit procedure for goods carried by rail

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 the railway authorities have set up, for their own purposes, an accounting system whereby it is possible to ascertain the movement of goods by rail over the various networks concerned under cover of an International Consignment Note (CIM) or of an International Express Parcels Consignment Note (TI Ex), provided for in the International Convention of 25 February 1961 concerning the carriage of goods by rail;

Whereas customs authorities can effect overall customs control of transit operations within the Community by using the records held at the accounting offices of the railway authorities;

Whereas it is possible, therefore, to simplify Community transit procedure in international rail transport by providing, in particular, that International Consignment Notes and International Express Parcels Consignment Notes are to be treated as Community transit documents and that return of a copy of those documents to the office of departure is not required;

Whereas in view of the fact that International Consignment Notes and International Express Parcels Consignment Notes do not include copies intended for statistical purposes and do not contain all the information necessary for establishing transit statistics in each of the Member States some special provisions must be adopted in this respect;

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

HAS ADOPTED THIS REGULATION:

TITLE I

General Provisions

Article 1

Formalities under the Community transit procedure shall be simplified in accordance with the following provisions for carriage of goods effected by railway authorities under cover of an International Consignment Note (CIM) or International Express Parcels Consignment Note (TI Ex)

Article 2

The International Consignment Note or the International Express Parcels Consignment Note shall be treated:

(a) with respect to goods referred to in Article 1 (2) of Regulation (EEC) No 542/69, as a TI declaration or document as the case may be;

(b) with respect to goods referred to in Article 1 (3) of the above-mentioned Regulation, as a T2 declaration or document as the case may be.

Article 3

The railway authorities of each Member State shall make available to the customs authorities of their country the records held at their accounting offices in order to facilitate effective customs control.

Article 4

1. The railway authorities which accept the goods for carriage accompanied by an International Consignment Note or International Express Parcels

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

Consignment Note shall be the principal as regards the transit procedure concerned.

2. The railway authorities of the Member State through whose territory goods enter the Community shall be the principal as regards the transit procedure concerning goods accepted for carriage by the railway authorities of a third country.

Article 5

The railway authorities shall ensure that consignments carried under the Community transit procedure are identified by labels marked 'Douane/Zoll/Dogana'. Such labels shall be attached to the Consignment Note or Express Parcels Consignment Note and to the railway wagon, where a full load is concerned, or to the package or packages in other cases.

Article 6

Where the contract of carriage is modified with the result that:

— a carriage operation which was to end outside the Community ends within the Community;

— a carriage operation which was to end within the Community ends outside the Community;

the railway authorities shall not perform the modified contract except with the prior agreement of the office of departure;

Where the contract of carriage is modified with the result that the carriage operation is ended within the Member State of departure, performance of the modified contract shall be subject to conditions to be determined by the customs authorities of that Member State.

In all other cases, the railway authorities may perform the modified contract; they shall forthwith inform the office of departure of the modification made.

TITLE II

Movement of goods between Member States

Article 7

1. If a carriage operation starts and is to end within the Community, the Consignment Note shall be submitted to the office of departure.

2. With respect to goods referred to in Article 1 (2) of Regulation (EEC) No 542/69, the office of departure shall indicate, on copy No 3 of the Consignment Note, that the goods to which that document refers are carried under the external Community transit procedure.

To this end, it shall clearly mark the symbol TI in the space 'description of goods'.

3. All copies of the Consignment Note shall be returned to the party concerned.

4. With respect to goods referred to in Article 1 (3) of Regulation (EEC) No 542/69, each Member State may provide that the goods may, under conditions which it shall determine, be placed under Internal Community transit procedure without it being necessary to submit the Consignment Note covering the goods concerned to the office of departure.

5. The customs office for the station of destination shall act as office of destination. However, if the goods are entered for home use or placed under some other customs procedure at an intermediate station, the competent office for that station shall act as office of destination.

Article 8

As a general rule; and account being taken of identification measures applied by the railway authorities, the office of departure shall not seal the means of transport or the packages.

Article 9

1. The railway authorities of the Member State in which the competent office of destination is situated shall forward to the latter copies Nos 2 and 3 of the Consignment Note.

2. The office of destination shall return, without delay, to the railway authorities copy No 2 after stamping it and shall retain copy No 3.

TITLE III

Carriage of goods to or from third countries

Article 10

1. If a carriage operation starts within the Community and is to end outside the Community, Articles 7 and 8 shall apply.

2. The customs office for the frontier station through which the goods in transit leave the territory of the Community shall act as office of destination.

3. There are formalities to be carried out at the office of destination.

Article 11

1. Where a carriage operation starts outside the Community and is to end within the Community, the customs office for the frontier station through which the goods enter the Community shall act as office of departure. No formalities need be carried out at the office of departure.

2. The customs office for the station of destination shall act as office of destination. However, if the goods are entered for home use or placed under some other customs procedure at an intermediate station the competent office for that station shall act as office of destination.

The formalities prescribed by Article 9 shall be carried out at the office of destination.

Article 12

1. Where a carriage operation starts and is to end outside the Community, the customs offices which are to act as office of departure and office of destination shall be as laid down in Article 11 (1) and Article 10 (2) respectively.

2. No formalities need be carried out at the offices of departure or destination.

Article 13

Goods being the subject of a carriage operation to which Article 11 (1) or Article 12 (1) applies shall be considered as moving under the external Community transit procedure unless movement certificate DD3 or an internal Community transit document, drawn up for the purpose of establishing the Community nature of the goods concerned, is submitted in respect of them.

TITLE IV

Provisions relating to express packages

Article 14

Subject to Article 15, the provisions of Titles II and III of this Regulation shall also apply to carriage under cover of the International Express Parcels Consignment Note.

Article 15

With respect to carriage operations effected under cover of the International Express Parcels Consignment Note:

(a) the endorsement required under Article 7 (2) shall be entered in the copy known as the waybill;

(b) the copy known as the waybill and a copy of the International Express Parcels Consignment Note showing if appropriate the endorsement referred to in (a) above shall, in application of Article 9, be forwarded to the office of destination which shall return, without delay, to the railway authorities the copy known as the waybill after having stamped that copy and the copy retained by that office.

TITLE V

Provisions relating to statistics

Article 16

1. For the purpose of compiling transit statistics, the railway authorities shall supply the competent department for external trade statistics in the Member State of departure with the necessary information regarding each operation under the Community transit procedure in which, pursuant to Article 4, they have acted as principals.

2. Until a Community procedure is introduced for the purpose of applying paragraph 1 and of transmitting information to the competent department for external trade statistics in Member States, other than the Member State of departure, the territory of which is crossed during any given operation under the Community transit procedure each Member State shall determine the method whereby the national railway authorities are to supply the necessary information to the competent national government department.

3. The railway authorities shall not, for the purpose of applying paragraphs 1 and 2, require the consignor to supply in addition to the information shown in the International Consignment Note or International Express Parcels Consignment Note, further information apart from the name of the countries of consignment and destination of the goods carried.

TITLE VI

Final provisions

Article 17

The provisions of Titles II and III of Regulation (EEC) No 542/69 which have no further purpose for the application of this Regulation, in particular Articles 12 (3) to (6), 17, 23, 26 (1), and 41 thereof, shall not apply.

Article 18

The provisions of this Regulation shall:

(a) not prejudice the application of Regulation (EEC) No 2315/69[1] on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods;

(b) in no way affect obligations relating to formalities concerning export, re-export, import or re-import.

Article 19

This Regulation shall not preclude the use of the procedure provided for in Regulation (EEC) No 542/69.

In such case, Articles 3 and 5 shall nevertheless apply.

Furthermore, copy No 2 of the Consignment Note or the copy known as the waybill of the International Express Parcels Consignment Note shall be submitted at one of the customs offices for the different stations involved in the operation under the Community transit procedure. That office shall apply its stamp after ascertaining that carriage of the goods is covered by one or more Community transit documents.

Article 20

This Regulation shall enter into force on 1 July 1971.

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

Done at Brussels, 11 February 1971.

For the Commission

The President

Franco M. MALFATTI

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