REGULATION (EEC) No 2111/74 OF THE COMMISSION

of 26 July 1974

amending Regulation (EEC) No 1373/70 on common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products subject to a single price system

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Regulations mentioned in the citations to Commission Regulation (EEC) No 1373/70 [1], as last amended by Regulation (EEC) No 1796/73 [2];

Whereas the object of import and export licences is the sound administration of the common organization of markets; whereas some operations relate to small quantities; whereas for the purpose of simplifying administrative procedures it would seem desirable to exempt such operations from the obligation to produce import or export licences;

Whereas Article 15 (2) (b) of Regulation (EEC) No 1373/70 provides that, in the case of an export from the Community, discharge of the security is subject in particular to production of proof that the product has left the geographical territory of the Community; whereas Article 15 (3) (b) of that Regulation provides that in certain cases such proof is to be furnished by production of control copy provided for in Article 1 of Commission Regulation (EEC) No 2315/69 [3] of 19 November 1969, as last amended by Regulation (EEC) No 690/73 [4]; whereas Commission Regulation (EEC) No 304/71 [5] of 11 February 1971 on simplification of the Community transit procedure for goods carried by rail, as last amended by the Act [6] annexed to the Treaty [7] concerning the accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, provides that if a carriage operation starts within the Community and is to end outside the Community no formalities need be completed at the customs office of the frontier station; whereas where recourse is had to these provisions of Regulation (EEC) No 304/71 it seems desirable for the purpose of simplifying administrative procedures to relax the arrangements for the discharge of the security;

Whereas it may happen that by reason of circumstances beyond the trader's control the control copy required under Article 15 (3) (b) of Regulation (EEC) No 1373/70 cannot be produced although the product has left the geographical territory of the Community or, in the case of operations as specified in Article 2 of Commission Regulation No 1041/67/EEC [8] of 21 December 1967, as last amended by Regulation (EEC) No 131/74 [9], reached its destination; whereas such a situation is likely to prove an obstacle to trade; whereas in such circumstances other documents should be recognized as equivalent;

Whereas experience has shown that certain provisions of Regulation (EEC) No 1373/70 should be specified in greater detail;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

Paragraphs 3 and 4 as follows are added to Article 4 of Regulation (EEC) No 1373/70:

'3. Where advance fixing of a levy or refund is not requested, no licence shall be required for the purposes of operations:

— as specified in Article 2 of Regulation No 1041/67/EEC, or

— of a non-commercial nature, or

— relating to quantities such that the security for the corresponding licence would be less than two units of account.

4. For the purposes of paragraph 3 "operations of a non-commercial nature" means:

(a) imports by or consigned to private individuals,

(b) exports by private individuals,

provided that such operations satisfy the requirements of Section II (B) (2) of the preliminary provisions of the Common Customs Tariff.'

(1) OJ No L 158, 20. 7. 1970, p. 1.
(2) OJ No L 183, 5. 7. 1973, p. 1.
(3) OJ No L 295, 24. 11. 1969, p. 14.
(4) OJ No L 66, 13. 3. 1973, p. 23.
(5) OJ No L 35, 12. 2. 1971, p. 31.
(6) OJ No L 73, 27. 3. 1972, p. 14.
(7) OJ No L 73, 27. 3. 1972, p. 5.
(8) OJ No 314, 23. 12. 1967. p. 9.
(9) OJ No L 17, 21. 1. 1973, p. 19.

Article 2

The text of Article 8 (1) of Regulation (EEC) No 1373/70 is replaced by the following :

'For the purpose of determining their period of validity :

(a) licences or certificates shall be considered to have been issued on the date on which the application for them was lodged, such date being included in the period of validity of the licence or certificate ;

(b) where the licence or certificate becomes valid on the actual date of issue such date shall be included in the period of validity of the licence or certificate.'

Article 3

The text of Article 11 of Regulation (EEC) No 1373/70 is replaced by the following :

'Where on licences or certificates or on extracts therefrom the space reserved for attributions is insufficient, the attributing authorities may attach thereto one or more extension pages containing spaces for attributions as shown on the back of Copy No 1 of the said licences, certificates or extracts. The attributing authorities shall so place their stamp that one half is on the licence or certificate or extract therefrom and the other on the extension page, and for each further extension page issued a further stamp shall be placed in like manner across such page and the preceding page.'

Article 4

The following subparagraphs are added to Article 15 (3) (b) of Regulation (EEC) No 1373/70 :

'Where, on completion of the customs export formalities referred to in Article 8 (2) (b), a product is placed under the procedure provided for in Regulation (EEC) No 304/71 for carriage to a station of destination outside the geographical territory of the Community, the control copy required under the preceding subparagraph shall be returned or sent by the office of departure to the party concerned or, where appropriate, through official channels to the agency which issued the licence or certificate. One of the following endorsements shall be entered in the Section "Control as to use and/or destination" :

"Departure from the geographical territory of the Community under Regulation (EEC) No 304/71 procedure" ;

"Sortie du territoire géographique de la Communauté sous le régime du règlement (CEE) n° 304/71" ;

"Vertrek van het geografische grondgebied van de Gemeenschap onder de regeling van Verordening (EEG) nr. 304/71" ;

"Udgået fra Fællesskabets geografiske område ifølge proceduren i forordning (EØF) nr. 304/71" ;

"Ausgang aus dem geographischen Gebiet der Gemeinschaft im Verfahren nach Verordnung (EWG) Nr. 304/71" ;

"Uscità dal territorie geografico della Comunità sotto il regime del regolamento (CEE) n. 304/71".

In the case referred to in the preceding subparagraph the office of departure may permit the contract of carriage to be varied so that carriage ends within the Community only if it is established :

— that, where the security given in respect of the operation in question has already been discharged, such security has been renewed ; or

— that the necessary steps have been taken by the authorities concerned to ensure that the security is not discharged.

If the security has been discharged and the product has not been exported, the security shall be renewed.'

Article 5

A paragraph 3a as follows is inserted in Article 15 of Regulation (EEC) No 1373/70 :

'3a. If the trader, owing to circumstances beyond his control, is unable to produce the control copy required under the preceding paragraph within the three months following its issue, he may make application to the competent agency for other documents to be accepted as equivalent, stating the grounds for such application and furnishing supporting documents.

The supporting documents must include the transport document and one or more of the documents specified in the second and third subparagraphs of Article 8 (1) of Regulation No 1041/67/EEC.'

Article 6

1. In the Annex to Regulation (EEC) No 1373/70, the text of footnote 3 to the forms of application for import licences and advance fixing certificates and of footnote 4 to the forms of application for export licences and advance fixing certificates is replaced by the following :

'Without prejudice to the application of the provisions of Regulation (EEC) No 1134/68 (Articles 1 (2), 2 (2) and (4) of the Act of Accession.'

2. Footnote 4 to the application forms for import licences and advance fixing certificates and footnote 5 to the application forms for export licences and advance fixing certificates are deleted.

Article 7

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

It shall apply in respect of transactions for which the customs import or export formalities are completed on or after 1 October 1974.

The provisions of Article 15 (3a) of Regulation (EEC) No 1373/70 may, if those concerned so request, be applied in respect of transactions for which the customs export formalities were completed before the entry into force of this Regulation.

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

Done at Brussels, 26 July 1974.

For the Commission

The President

François-Xavier ORTOLI