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(Acts whose publication is obligatory)

REGULATION (EEC) No 2134/74 OF THE COUNCIL

of 9 August 1974

on the application of Recommendation No 1/74 of the EEC-ARE Joint Committee laying down the methods of administrative cooperation in the customs field for the purpose of implementing the Agreement between the European Economic Community and the Arab Republic of Egypt

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to the proposal of the Commission;

Whereas an Agreement [1] between the European Economic Community and the Arab Republic of Egypt was signed on 18 December 1972, and entered into force on 1 November 1973;

Whereas pursuant to Article 17 (2) of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of that Agreement, the Joint Committee adopted Recommendation No 1/74 laying down the methods of administrative cooperation in the customs field for the purpose of implementing the said Agreement;

Whereas it is necessary to implement the provisions of this Recommendation in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of implementing the Agreement between the European Economic Community and the Arab Republic of Egypt the measures provided for in Recommendation No 1/74 of the Joint Committee shall apply in the Community.

The text of the Recommendation is annexed to this Regulation.

Article 2

This Regulation shall enter into force on 1 September 1974.

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

Done at Brussels, 9 August 1974.

For the Council

The President

B. DESTREMAU

[1] OJ No L 251, 7. 9. 1973, p. 1.

ANNEX

RECOMMENDATION OF THE JOINT COMMITTEE NO 1/74

laying down the methods of administrative cooperation in the customs field for the purpose of implementing the Agreement between the European Economic Community and the Arab Republic of Egypt

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Arab Republic of Egypt signed in Brussels on 18 December 1972;

Having regard to the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, and in particular Article 17 (2) thereof;

Whereas it is necessary, for the proper functioning of the Agreement, to organize close administrative cooperation between the Contracting Parties to the Agreement in order to ensure correct and uniform application of the customs provisions contained therein, in particular those of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter called 'the Protocol'),

HAS RECOMMENDED THE EUROPEAN ECONOMIC COMMUNITY AND THE ARAB REPUBLIC OF EGYPT

to take the measures necessary for application of the following provisions:

A. RULES GOVERNING THE ISSUE OF AN A.ET.1 MOVEMENT CERTIFICATE

I. Role of the exporter

1. It shall be for the exporter or his authorized representative, under the former's responsibility, to apply for the issue of a movement certificate.

This application shall be made out on an A.ET.1 form of which a specimen is to be found in Annex V to the Protocol. The form must be completed in accordance with the provisions of the Protocol.

2. The exporter or his representative shall submit with his application any appropriate supporting document proving that the goods to be exported are eligible for the issue of a movement certificate.

II. Role of the customs authorities

1. It shall be the responsibility of the customs authorities of the exporting country to ensure that the A.ET.1 form is duly completed. In particular, they shall check whether the space reserved for the description of the goods has been completed in such a manner as to exclude any possibility of fraudulent additions. To this end, the description of the goods must be indicated without leaving any blank lines. Where the space is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

2. Since the movement certificate constitutes the documentary evidence for the application of the preferential tariff and quota arrangements laid down in the Agreement, it shall be the responsibility of the customs authorities of the exporting country to take any steps necessary to verify the origin of the goods and to check the other statements on the certificate.

III. Exports from a Member State of the European Economic Community or from the Arab Republic of Egypt

1. The A.ET.1 movement certificate shall be issued by the customs authorities of a Member State of the European Economic Community if the goods to be exported can be considered products originating in the Community within the meaning of Article 1 (1) of the Protocol.

2. The A.ET.1 movement certificate shall be issued by the customs authorities of the ARE if the goods to be exported can be considered products originating in the ARE within the meaning of Article 1 (2) of the Protocol.

3. For the purpose of verifying whether the conditions stated in paragraphs 1 and 2 of Section III above have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

4. The customs authorities of the Member State or of the ARE shall refuse to issue an A.ET.1 movement certificate if the export documents submitted to those authorities reveal that the goods to which they relate are not being sent to the ARE or to the Community.

IV. Indication of the date of issue of the certificate

The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

V. Provisions of specimen impressions of the types of stamps, used

The customs authorities of the Member States and the ARE shall provide each other, through the Commission of the European Communities, with specimen impressions of the types of stamps used in their customs offices for the issue of movement certificates.

VI. Replacement of A.ET.1 movement certificates by certificates of the same kind

1. It shall always be possible to replace one or more movement certificates by one or more certificates, provided that this is done at the customs office where the goods are located.

2. Where the new movement certificate relates to products which were originally imported from a Member State or from the ARE and are re-exported in the same state, it must indicate the country in which the original movement certificate was issued.

VII. Retrospective issue of movement certificates

1. Where a certificate is issued within the meaning of Article 8 (2) of the Protocol after the goods to which it relates have actually been exported, the exporter must, in the application referred to in Article 7 of the said Protocol :

— indicate the place and date of exportation of the goods to which the certificate relates ;

— certify that no certificate was issued at the time of exportation of the goods in question, and state the reasons.

2. The customs authorities may issue a movement certificate retrospectively only after verifying that the particulars supplied in the exporter's application agree with those on the corresponding document.

Certificates issued retrospectively must be endorsed with one of the following phrases : 'Nachträglich ausgestellt', Délivré a posteriori', 'Rilasciato a posteriori', 'Afgegeven a posteriori', 'Issued retrospectively', 'Udstedt efterfølgende'.

VIII. Issue of duplicates

In the event of the theft, loss or destruction of a movement certificate, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words : 'Duplikat', 'Duplicata', 'Duplicato', 'Duplicaat', 'Duplicate'.

The duplicate, which must bear the date of issue of the original movement certificate, shall take effect as from that date.

B. CONDITIONS APPLICABLE TO THE USE OF A.ET.1 MOVEMENT CERTIFICATES

I. Direct transport of goods

Goods transported without passing through territories other than those of the Contracting Parties shall be considered us transported direct.

The following shall, however, not be considered as an interruption of direct transport :

(a) calling at ports situated in territories other than those of the Contracting Parties ;

(b) transhipments in such ports attribuable to *force majeure* or events at sea ;

(c) passing through territories other than those of the Contracting Parties or transhipment in such territories provided that carriage or transhipment through such territories is covered by a single transport document made out in a Member State or in the ARE.

II. Acceptance of movement certificates after expiry of the time limit for their submission

Movement certificates submitted to the customs authorities of the importing country after expiry of the time limit for their submission stipulated in Article 9 of the Protocol may be accepted for the purpose of applying the preferential arrangements, provided the failure to observe this time limit results from *force majeure* or exceptional circumstances.

In addition, the customs authorities of the importing country may accept such certificates provided the goods were presented to them before expiry of the said time limit.

III. Acceptance of movement certificates in which the particulars do not correspond to the imported goods

The discovery of slight discrepancies between the particulars entered on the movement certificate and those entered on the documents produced to the customs office for the purpose of carrying out the formalities for importing the goods shall not *ipso facto* render the certificate null and void, provided it is duly established that the certificate relates to the goods presented.

C. **FREE ZONES**

I. The Member States and the ARE shall take all necessary stops to ensure that goods traded under the cover of a movement certificate, which in the course of transport use a free zone situated in their territory, are not substituted by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

II. When products originating in the Community or the ARE and imported into a free zone under the cover of a movement certificate undergo treatment or processing, the customs authorities concerned must issue a new certificate at the exporter's request if the treatment or processing undergone is in conformity with the provisions of the Protocol.

D. **POSTAL PACKETS (INCLUDING PARCEL POST)**

I. Under the responsibility of the exporter, he or his representative shall complete and sign the two parts of an A.ET.2 form, of which a specimen is annexed to the Protocol.

If the goods contained in the packet have already been subject to verification in the exporting country by reference to the definition on the concept of 'originating products', the exporter may refer to this check in the space reserved for 'Remarks' in the A.ET.2 form.

II. The exporter shall enter the title, 'A.ET.2', followed by the serial number of the form on the green label C1 or customs declaration C2/CP3. He shall also enter both those numbers on the invoice relating to the goods contained in the packet.

E. **SUBSEQUENT VERIFICATION OF A.ET.1 MOVEMENT CERTIFICATES AND A.ET.2 FORMS**

I. Subsequent verification of A.ET.1 movement certificates and A.ET.2 forms shall be carried out at random, and also whenever the customs authorities of the importing State have reasonable doubt as to the authenticity of the document or the accuracy of the information regarding the true origin of the goods in question.

II. For the purpose of implementing the provisions of paragraph I above, the customs authorities of the importing State shall return the movement certificate or Part 1 of the A.ET.2 form or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substances for an inquiry. The invoice, if it has been submitted, or a copy thereof, shall be attached to Part 1 of the A.ET.2 form and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

If the customs authorities of the importing State decide to suspend application of the provisions of the Agreement while awaiting the results of the verification, they shall offer to release the goods to the importer subject to such safeguards as they consider necessary.

III. The customs authorities of the importing State shall be informed of the results of the verification within three months. These results must be such as to make it possible to determine whether the disputed A.ET.1 movement certificate or A.ET.2 form applies to the goods actually exported, and whether these goods can, in fact, qualify for the application of the preferential arrangements.

IV. When such disputes cannot be settled between the customs authorities of the importing State and those in the exporting State or when they raise a question as to the interpretation of the Protocol, they shall be submitted to the Customs Cooperation Committee.

V. For the purpose of the subsequent verification of certificates, the customs authorities of the exporting country must keep the export documents, or copies of certificates used in place thereof, for not less than two years.

Done at Cairo, 27 May 1974.

For the Joint Committee

The President

M. ZOULFIKAR

The Secretaries

H. GAD-ELHAK E. GERMANO