REGULATION (EEC) No 509/74 OF THE COMMISSION

of 28 February 1974

on the certification of authenticity which has to appear on the certificate of origin form A issued for unmanufactured tobacco of the type 'flue-cured Virginia' by countries to which generalized preferences have been granted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 166/74 of 21 January 1974 [1] on the opening, allocating and providing for the administration of a Community tariff quota for unmanufactured tobacco of the 'flue-cured Virginia' type originating in developing countries, and in particular Article 1 (1) thereof;

Whereas the provisions mentioned above stipulate that the benefit of the tariff quotas for unmanufactured tobacco of the 'flue-cured Virginia' type is dependent on certification of authenticity being made on the certificate of origin as laid down by Commission Regulation (EEC) No 3614/73 of 20 December 1973 [2];

Whereas it is necessary to have this certification appearing in box 4 of the certificate of origin form A; it is also necessary that this certification should be given under the signature and stamp of the authority competent in this field in the beneficiary country, certifying the accuracy of the description of the goods in question given in box 7;

Whereas it is necessary that the customs authorities of the Member States should be told the name and the address of the said authority competent to issue the said certification of authenticity, and be given a specimen of the stamp they use;

Whereas the governmental authority issuing the certificate of origin in any case guarantees the truth of all statements made thereon; this shows that it may be considered not necessary in certain cases and under certain conditions to have a distinct certification in box 4 of the certificate of origin;

Whereas the provisions of this Regulation are in accordance with the Opinion of the Committee on Origin,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the provisions of Article 3, the certification of authenticity laid down in Article 1 (1) of Council Regulation (EEC) No 166/74 of 21 January 1974 is to be given in box 4 of the certificate of origin form A laid down in Commission Regulation (EEC) No 3614/73 of 20 December 1973.

2. The certification mentioned in paragraph 1 consists of the following words: 'The undersigned authority certifies the truth of the description of the goods given in box 7 below', followed by the stamp of the competent authority and the signature of the competent official.

3. The description of goods in box 7 of the certificate of origin should contain the following words: 'Tobacco, raw or unmanufactured, type "flue-cured Virginia".'

Article 2

The favoured countries are to inform the Commission of the European Communities of the name and the address of the governmental authorities competent to issue the certification mentioned in Article 1, together with an impression of the stamp they use.

Article 3

By derogation from the provisions of Article 1 (1) and (2) and without prejudice to the provisions of Article 1 (3) and Article 2, the said certification does not have to appear in box 4 of the certificate of origin if the authority competent to issue the certificate of origin is the governmental authority qualified to provide an attestation, in accordance with Article 1.

Article 4

Products which satisfy the requirements of this Regulation and which have been despatched from beneficiary countries, after the date of the opening of the tariff quotas granted to these products, or are on the said date either in transit or under temporary warehouse procedure, in customs warehouses or free zones in the Community or in the beneficiary exporting country, may within a time limit of six months, benefit in the Community from the provisions of the preferential tariff system, provided that a certificate of

[1] OJ No L 20, 24. 1. 1974, p. 4.
[2] OJ No L 358, 28. 12. 1973, p. 132.

origin form A is issued retrospectively, in accordance with the provisions of this Regulation, by the competent governmental authorities of the beneficiary country concerned, together with documentary evidence of direct transport, are presented to the Customs authorities in the Community within such period of time as shall be determined by them.

Article 5

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

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

Done at Brussels, 28 February 1974.

For the Commission

The President

François-Xavier ORTOLI