COMMISSION REGULATION (EEC) No 2695/77

of 7 December 1977

determining the conditions under which goods for certain categories of aircraft and ships are eligible upon importation for a favourable tariff arrangement

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff [1], as last amended by Regulation (EEC) No 280/77 [2], and in particular Articles 3 and 4 thereof,

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 of 28 June 1968 [3], as last amended by Regulation (EEC) No 2560/77 [4], lays down that duties on products specified in Section A of Annex I to this Regulation are suspended when the products are intended to be fitted in aircraft imported duty free or built within the Community ; whereas the suspension shall be subject to conditions to be determined by the competent authorities ; whereas such conditions shall also apply to the granting of a favourable tariff arrangement to goods intended for use in the construction, maintenance and repair of aircraft, covered by Community tariff suspensions ;

Whereas, in Section II (A) of its preliminary provisions, the Common Customs Tariff also provides that customs duties are suspended in respect of goods intended for incorporation in certain categories of ships, boats or other vessels, for the purposes of their construction, repair, maintenance or conversion, and in respect of goods intended for fitting to or equipping such ships, boats or other vessels ; whereas the suspension shall be subject to conditions to be determined by the competent authorities with a view to customs control of the use of such goods ;

Whereas, in order to ensure uniform application of the nomenclature and rates of duty of the Common Customs Tariff, provisions are necessary for fixing those conditions ;

Whereas Commission Regulation (EEC) No 1535/77 of 4 July 1977 determining the conditions under which certain goods are eligible upon importation for a favourable tariff arrangement by reason of their end-use [5], sets out both the general and minimum conditions governing such goods ; whereas that Regulation should be applied to the products referred to above ;

Whereas, nevertheless, these provisions have to be varied in relation to goods consigned, subject to certain conditions, by airlines for the maintenance or repair of aircraft ;

Whereas, however, in view of the special requirements arising out of the particular end-use of the products in question, special provisions are needed to cover, on the one hand, an extension of the period within which the goods must be used and, on the other hand, a broadening of the scope of the provisions whereby the goods may be put to a use other than the end-use provided for or may be exported outside the customs territory of the Community ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION :

Article 1

Subject to the provisions of Article 2 hereunder, Commission Regulation (EEC) No 1535/77 shall apply to the products listed in Annexes I and II to this Regulation.

However, until 31 December 1978, the abovmentioned Regulation shall not apply to goods, for the maintenance or repair of aircraft, consigned by air from one Member State to another by airlines engaged in international traffic, whether the goods are to be transferred either for the airlines own needs or under the terms of exchange agreements.

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 40, 11. 2. 1977, p. 1.
(3) OJ No L 172, 22. 7. 1968, p. 1.
(4) OJ No L 303, 28. 11. 1977, p. 1.
(5) OJ No L 171, 9. 7. 1977, p. 1.

Article 2

1. By way of derogation from Article 5 of Regulation (EEC) No 1535/77, the period within which the goods must be put to the prescribed use shall be five years.

2. By way of derogation from the first paragraph of Article 10 and paragraph 1 of Article 11 of Regulation (EEC) No 1535/77 the competent authorities may authorize the use of the goods other than as provided for under the favourable tariff arrangement referred to in Article 1 of that Regulation or the exportation of the goods outside the customs territory of the Community if they consider such authorization justified by economic reasons.

Article 3

Each Member State shall inform the Commission of the steps taken by its central administration for the purposes of applying this Regulation. The Commission shall forthwith communicate this information to the other Member States.

Article 4

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

It shall apply from 1 January 1978.

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

Done at Brussels, 7 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

ANNEX I

CCT heading No	Description
	SECTION A
84.06	Internal combustion piston engines :
	A. Aircraft engines as defined in Additional Note 1 to this Chapter, of a power of :
	I. 300 kW or less (a)
	II. More than 300 kW (a)
	D. Parts :
	I. For aircraft engines (a)
84.08	Other engines and motors :
	A. Reaction engines :
	I. Turbo-jets developing a thrust of :
	a) 2 500 kg or less (a)
	b) More than 2 500 kg (a)
	II. Other (for example, ram-jets, pulse-jets, rocket engines) (a)
	B. Gas turbines :
	I. Turbo-propellers developing a power of :
	a) 1 100 kW or less (a)
	b) More than 1 100 kW (a)
	D. Parts :
	I. Of reaction engines or of turbo-propellers (a)
88.03	Parts of goods falling within heading No 88.01 or 88.02 :
	B. Other (a)
	SECTION B
Miscellaneous	Goods intended for use in the construction, maintenance and repair of aircraft, covered by Community tariff suspensions

(a) This applies only to articles intended to be fitted in aircraft imported duty free or built within the Community.

ANNEX II

CCT heading No	Description
Miscellaneous	Goods intended for incorporation in the ships, boats or other vessels falling within subheadings 89.01 A, 89.01 B I, 89.02 A, 89.02 B I and 89.03 A, for the purposes of their construction, repair, maintenance or conversion, and goods intended for fitting to or equipping such ships, boats or other vessels (Section II (A) of preliminary provisions and subheading 84.06 C II ex a))