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COMMISSION REGULATION (EEC) No 2289/83

of 29 July 1983

laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 establishing a Community system of duty-free arrangements

(OJ L 220, 11.8.1983, p. 15)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EEC) No 1746/85 of 26 June 1985	L 167	23	27.6.1985
►**M2**	Commission Regulation (EEC) No 3399/85 of 28 November 1985	L 322	10	3.12.1985
►**M3**	Commission Regulation (EEC) No 735/92 of 25 March 1992	L 81	18	26.3.1992

Amended by:

►**A1**	Act of Accession of Spain and Portugal	L 302	23	15.11.1985
►**A2**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

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laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 establishing a Community system of duty-free arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 establishing a Community system of duty-free arrangements [1], and in particular Article 143 thereof,

Whereas Regulation (EEC) No 918/83 replaced, by Articles 70 to 78 thereof, Council Regulation (EEC) No 1028/79 of 8 May 1979 on the importation free of Common Customs Tariff duties of articles for the use of handicapped persons [2]; whereas it is therefore necessary to substitute for Commission Regulation (EEC) No 2783/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1028/79 [3] a new Regulation laying down provisions for the implementation of Articles 70 to 78 of Regulation (EEC) No 918/83;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty-Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down provisions for the implementation of Articles 70 to 78 of Regulation (EEC) No 918/83, hereinafter called 'basic Regulation'.

CHAPTER I

PROVISIONS APPLICABLE TO IMPORTATIONS CARRIED OUT BY INSTITUTIONS OR ORGANIZATIONS

TITLE I

GENERAL PROVISIONS

A. Obligations on the part of the institution or organization to which the articles are consigned

Article 2

▼M3

1. The admission free of import duties of articles referred to in Articles 71 and 72 (1) and (2) of the basic Regulation shall entail the following obligations on the part of the institution or organization to which they are consigned:

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— to dispatch the articles in question directly to the declared place of destination,

— to account for them in its inventory,

— to use them exclusively for the purposes specified in the said Articles,

— to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for

(1) OJ No L 105, 23. 4. 1983, p. 1.
(2) OJ No L 134, 31. 5. 1979, p. 8.
(3) OJ No L 318, 13. 12. 1979, p. 27.

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granting admission free of import duties are satisfied, or remain satisfied.

2. The head of the institution or organization to which the articles are consigned, or his authorized representative shall furnish the competent authorities with a statement declaring that he is aware of the various obligations listed in paragraph 1 and including an undertaking to comply with them.

The competent authorities may require that the statement referred to in the preceding subparagraph be produced for each import, or for several imports or for all the imports to be carried out by the institution or organization to which the articles are consigned.

B. **Provisions to be applied where the articles are lent, hired out or transferred**

Article 3

1. Where the provisions of the first sentence of the second subparagraph of Article 77 (2) of the basic Regulation are applied, the institution or organization to which an article for the use of handicapped persons is lent, hired out or transferred shall, from the date of receipt of the article, comply with the same obligations as those set out in Article 2.

▼M3

2. Where the institution or organization to which an article is lent, hired out or transferred is situated in a Member State other than that in which the institution or organization that lent, hired out or transferred the article is situated, upon the dispatch of such article the competent customs office of the Member State of dispatch shall issue a Control Copy T 5 in accordance with the rules laid down in Regulation (EEC) No 2823/87 in order to ensure that such article is put to a use entitling it to continue to qualify for admission free of import duties:

▼M1

— ‘Genstand til handicappede personer: Fortsat fritagelse betinget af overholdelse af artikel 77, stk. 2, andet afsnit, i forordning (EØF) nr. 918/83’;

— ‘Gegenstand für Behinderte: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 77 Absatz 2 zweiter Unterabsatz der Verordnung (EWG) Nr. 918/83’;

— ‘Αντικείμενα προοριζόμενα για μειονεκτούντα άτομα: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 77 παράγραφος 2 δεύτερο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 918/83’;

— ‘Article for the handicapped: continuation of relief subject to compliance with the second subparagraph of Article 77 (2) of Regulation (EEC) No 918/83’;

▼M2

— ‘Objeto para personas minusválidas: se mantiene la franquicia subordinada al respeto del artículo 77, apartado 2, segundo párrafo, del Reglamento (CEE) nº 918/83’;

▼A2

— ‘Vammaisille tarkoitetut tavarat: tullittomuus jatkuu, edellyttäen että asetuksen (ETY) N:o918/83 77 artiklan 2 kohdan 2 alakohdan ehtoja noudatetaan — föremål för handikappade: Fortsatt tullfrihet under förutsättning att villkoren i artikel 77.2 andra stycket i förordning’;

▼M1

— ‘Objet pour personnes handicapées: maintien de la franchise subordonné au respect de l'article 77 paragraphe 2 deuxième alinéa du règlement (CEE) nº 918/83’;

— ‘Oggetto per persone minorate: la franchigia è mantenuta a condizione che venga rispettato l'articolo 77 paragrafo 2, secondo comma del regolamento (CEE) n. 918/83’;

▼M1

— ‘Voorwerp voor gehandicapten: handhaving van de paragrafo is afhankelijk van de nakoming van artikel 77, lid 2, tweede alinea van Verordening (EEG) nr. 918/83’;

▼M2

— ‘Objectos destinados à pessoas deficientes: é mantida a fraquia desde que seja respeitatdo o nº 2, segundo parágrafo do artigo 77º do Regulamento (CEE) nº 918/83’;

▼A2

— ‘Föremål för handikappade: Fortsatt tullfrihet under förutsättning att villkoren i artikel 77.2 andrastycket i förordning (EEG) nr 918/83 uppfylls’.

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3. The provisions of paragraphs 1 and 2 shall apply *mutatis mutandis* to the loan, hire or transfer of spare parts, components or accessories specifically for articles for the use of handicapped persons and to tools for the maintenance, control, calibration or repair of the said articles which have been admitted free of import duties under the second subparagraph of Articles 71 and 72 (2) of the basic Regulation.

TITLE II

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF ARTICLES REFERRED TO IN THE FIRST SUBPARAGRAPH OF ARTICLE 71 OF THE BASIC REGULATION

Article 4

1. In order to obtain admission free of import duties of an article for the use of the blind in accordance with the first subparagraph of Article 71 of the basic Regulation, the head of the institution or organization to which the article is consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the institution or organization is situated.

Such application must be accompanied by all information which the competent authority considers necessary for the purpose of determining whether the conditions laid down for granting admission free of import duties are fulfilled.

2. The competent authority of the Member State where the institution or organization to which the article is consigned is situated shall give a direct ruling on the application referred to in paragraph 1.

TITLE III

SPECIFIC PROVISIONS RELATING TO THE IMPORTATION FREE OF IMPORT DUTIES OF ARTICLES REFERRED TO IN ARTICLE 72 (1) OF THE BASIC REGULATION

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Article 6

1. In order to obtain admission free of import duties of an article for the use of handicapped persons under the provisions of Article 72 (1) of the basic Regulation the head of the institution or organization to which the article is consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the institution or organization is situated.

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2. The application referred to in paragraph 1 shall contain the following information relating to the article in question:

(a) the precise trade description of the article used by the manufacturer, its presumed combined nomenclature classification and the objective technical characteristics indicating that it was specially

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designed for the education, employment or social advancement of handicapped persons;

(b) the name or business name and address of the manufacturer and, if applicable, of the supplier;

(c) the country of origin of the article;

(d) the place of destination of the article;

(e) the precise use for which the article is intended;

(f) the price of the article or its value for customs purposes;

(g) the quantity of the article in question.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the article shall be furnished with the application.

Article 7

The competent authority of the Member State in which is situated the institution or organization to which the articles are consigned shall take a direct decision on applications under Article 6.

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Article 10

Authorizations for admission free of import duties shall be valid for a period of six months.

The competent authorities may, however, set a longer period in the light of the particular circumstances of each case.

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TITLE V

SPECIAL PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SPARE PARTS, COMPONENTS, SPECIFIC ACCESSORIES OR TOOLS UNDER THE SECOND SUBPARAGRAPH OF ARTICLE 71 AND ARTICLE 72 (2) OF THE BASIC REGULATION

Article 13

For the purposes of the second subparagraph of Articles 71 and 72 (2) of the basic Regulation, ‘specific accessories’ means items specially designed for use with a specific article for the purpose of improving its performance and scope.

Article 14

In order to obtain admission free of import duties of spare parts, components specific accessories or tools under the second subparagraph of Article 71 or 72 (2) of the basic Regulation, the head of the institution or organization to which the articles are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the institution or organization is situated.

This application must be accompanied by all data deemed necessary by the competent authority for the purpose of determining whether the conditions laid down in the second subparagraph of Article 71 or in Article 72 (2) of the basic Regulation are fulfilled.

Article 15

The competent authority of the Member State in which is situated the institution or organization to which such articles are consigned shall give a direct decision on applications under Article 14.

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CHAPTER II

PROVISIONS APPLICABLE TO IMPORTATIONS CARRIED OUT BY BLIND PERSONS AND OTHER HANDICAPPED PERSONS

Article 16

Articles 4, 13, 14 and 15 shall apply *mutatis mutandis* to exemption from import duties of the articles referred to in the first and second subparagraphs of Article 71 of the basic Regulation imported by blind persons themselves for their own use.

▼M3

Article 17

The following shall apply *mutatis mutandis* to exemption from import duties of articles imported by handicapped persons themselves for their own use:

— Article 6, 7 and 10 in the case of articles referred to in Article 72 (1) of the basic Regulation,

— Articles 13, 14 and 15 in the case of articles referred to in Article 72 (2) of the basic Regulation.

Article 18

The competent authorities may allow the application provided for in Articles 4 and 6 to be made in a simplified form, where it relates to items imported under the conditions referred to in Articles 16 and 17.

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CHAPTER III

FINAL PROVISIONS

Article 19

Regulation (EEC) No 2783/79 is hereby repealed.

Article 20

This Regulation shall enter into force on 1 July 1984.

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