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►B ►M4 **COMMISSION REGULATION (EEC) No 2290/83**

of 29 July 1983

laying down provisions for the implementation of Articles 50 to 59b, 63a and 63b of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty ◄

(OJ L 220, 11.8.1983, p. 20)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EEC) No 1745/85 of 26 June 1985	L 167	21	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 3893/88 of 14 December 1988	L 346	32	15.12.1988
►M4	Commission Regulation (EEC) No 1843/89 of 26 June 1989	L 180	22	27.6.1989
►M5	Commission Regulation (EEC) No 734/92 of 25 March 1992	L 81	15	26.3.1992

Amended by:

►A1	Act of Accession of Spain and Portugal	L 302	23	15.11.1985

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COMMISSION REGULATION (EEC) No 2290/83

of 29 July 1983

laying down provisions for the implementation of Articles 50 to 59b, 63a and 63b of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

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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 setting up a Community system of reliefs from customs duty [1], and in particular Article 143 thereof,

Whereas Regulation (EEC) No 918/83 replaced, by its Articles 50 to 59, Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials [2]; whereas it is therefore necessary to replace Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 [3] by a new Regulation laying down provisions for the implementation of Articles 50 to 59 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:

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Article 1

This Regulation lays down provisions for the implementation of Articles 50 to 59b, 63a and 63b of Regulation (EEC) No 918/83, hereinafter referred to as the 'basic Regulation'.

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TITLE I

GENERAL PROVISIONS

A. Obligations on the part of the establishment or organization to which the goods are consigned

Article 2

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1. The admission free of import duties of educational, scientific and cultural materials referred to in Article 51, 52 (1) and 53 of the basic Regulation, hereinafter referred to as 'goods', shall entail the following obligations on the part of the establishment or organization to which the goods are consigned:

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

— to account for them in its inventory,

— to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

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[1] OJ No L 105, 23. 4. 1983, p. 1.
[2] OJ No L 184, 15. 7. 1975, p. 1.
[3] OJ No L 318, 13. 12. 1979, p. 32.

▼M5

In addition, in the case of goods referred to in Articles 52 (1) and 53 and the basic Regulation, it shall entail the obligation on the part of the establishment or organization to which the goods are consigned to use the abovementioned goods exclusively for non-commercial purposes within the meaning of the second indent of Article 54 of the basic Regulation.

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2. The head of the establishment or organization to which the goods 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 establishment or organization to which the goods are consigned.

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

Article 3

1. Where the provisions of the first subparagraph of Article 57 (2) of the basic Regulation are applied, the establishment or organization to which goods are lent, hired out or transferred shall, from the date of receipt of the goods, comply with the same obligations as those set out in Article 2.

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2. Where the establishment or organization to which the goods are lent, hired out or transferred is situated in a Member State other than that in which the establishment that lent, hired out or transferred the goods is situated, upon the dispatch of such goods 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 goods are put to a use entitling them to continue to qualify for admission free of import duties.

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— ‘UNESCO-varer: Fortsat fritagelse betinget af overholdelse af artikel 57, stk. 2, første afsnit, i forordning (EOF) nr. 918/83’;

— ‘UNESCO-Gegenstand: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 57 Absatz 2 erster Unterabsatz der Verordnung (EWG) Nr. 918/83’;

— ‘Αντικείμενο UNESCO: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 57 παράγραφος 2 πρώτο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 918/83’;

— ‘UNESCO goods: continuation of relief subject to compliance with the first subparagraph of Article 57 (2) of Regulation (EEC) No 918/83’;

— ‘Objet UNESCO: maintien de la franchise subordonné au respect de l'article 57 paragraphe 2 premier alinéa du règlement (CEE) nº 918/83’;

— ‘Oggetto UNESCO: è mantenuta la franchigia a condizione che venga rispettato l'articolo 57, paragrafo 2, primo comma del regolamento (CEE) n. 918/83’;

— ‘UNESCO-voorwerp: handhaving van de vrijstelling is afhankelijk van de nakoming van artikel 57, lid 2, eerste alinea van Verordening (EEG) nr. 918/83’;

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— ‘Objeto UNESCO: se mantiene la franquicia subordinada al respeto del artículo 57, apartado 2, primer párrafo, del Reglamento (CEE) nº 918/83’;

— ‘Objectos UNESCO: é mantida a franquia desde que seja respeitado o nº 2, primeiro parágrafo do artigo 57º do Regulamento (CEE) nº 918/83’.

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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 specific accessories for scientific instruments or apparatus, and to tools for the maintenance, control, calibration or repair of scientific instruments or apparatus, which have been admitted free of import duties under Article 53 of the basic Regulation.

TITLE II

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EDUCATIONAL, SCIENTIFIC OR CULTURAL MATERIALS IN ACCORDANCE WITH ARTICLE 51 OF THE BASIC REGULATION

Article 4

In order to obtain admission free of import duties of goods in accordance with Article 51 of the basic Regulation, the head of the establishment or organization to which the goods are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the establishment 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.

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TITLE III

SPECIFIC PROVISIONS RELATING TO THE IMPORTATION FREE OF IMPORT DUTIES OF SCIENTIFIC INSTRUMENTS AND APPARATUS UNDER ARTICLES 52 AND 54 OF THE BASIC REGULATION

Article 5

For the purposes of the first indent of Article 54 of the basic Regulation, the objective technical characteristics of a scientific instrument or apparatus shall be understood to mean those characteristics resulting from the construction of that instrument or apparatus or from adjustments to a standard instrument or apparatus which make it possible to obtain high-level performances above those normally required for industrial or commercial use.

Where is is not possible to establish clearly on the basics of its objective technical characteristics whether an instrument or apparatus is to be regarded as a scientific instrument or apparatus, reference shall be made to the use of the instrument or apparatus for which admission free of import duties is requested. If this examination shows that the instrument or apparatus in question is used for scientific purposes, it shall be deemed to be of a scientific nature.

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Article 6

1. In order to obtain admission free of import duties of a scientific instrument or apparatus under the provisions of Article 52 (1) of the basic Regulation, the head of the establishment or organization to which the goods are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the establishment or organization is situated.

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2. The application referred to in paragraph 1 must contain the following information relating to the instrument or apparatus in question:

(a) the precise trade description of the instrument or apparatus used by the manufacturer, its presumed combined nomenclature classifica-

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tion and the objective technical characteristics on the basis of which the instrument or apparatus is considered to be scientific;

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

(c) the country of origin of the instrument or apparatus;

(d) the place where the instrument or apparatus is to be used;

(e) the precise use for which the instrument or apparatus is intended;

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

(g) the quantity of the instrument or apparatus in question.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the instrument or apparatus must be furnished with the application.

Article 7

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

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Article 8

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

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SPARE PARTS, COMPONENTS, SPECIFIC ACCESSORIES AND TOOLS UNDER ARTICLE 53 OF THE BASIC REGULATION

Article 12

For the purpose of Article 53 (a) of the basic Regulation specific accessories means those articles specially designed for use with a specific scientific instrument or apparatus for the purpose of improving its performance and scope.

Article 13

In order to obtain admission free of import duties under Article 53 of the basic Regulation, either of spare parts, components or specific accessories, or of tools, the head of the establishment or organization to which the goods are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the establishment 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 Article 53 of the basic Regulation are fulfilled.

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Article 14

The competent authority of the Member State in which is situated the establishment or organization to which the goods are consigned shall take a direct decision in respect of the application referred to in Article 13.

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Article 15

The provisions of Article 8 shall apply to authorizations for admission free of import duties issued under Article S3 of the basic Regulation.

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TITLE Va

SPECIAL PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF MEDICAL INSTRUMENTS OR APPARATUS UNDER ARTICLES 63a AND 63b OF THE BASIC REGULATION

Article 15a

1. In order to obtain admission free of import duties of instruments or apparatus under Articles 63a and 63b of the basic Regulation, the head of the establishment or organization to which the goods are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the establishment or organization is situated.

2. The application referred to in paragraph 1 must contain the following information relating to the instrument or apparatus in question:

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(a) the precise trade description of the instrument or apparatus used by the manufacturer, and its presumed classification in the combined nomenclature;

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

(c) the country of origin of the instrument or apparatus;

(d) the place where the instrument or apparatus is to be used;

(e) the use which the instrument or apparatus is to be put.

3. In the case of a gift, the application shall also include:

(a) the name of business name and address of the donor;

(b) a declaration by the applicant to the effect that:

(i) the donation of the instrument or apparatus in question does not conceal any commercial intent on the part of the donor;

(ii) the donor is no way associated with the manufacturer of the instruments or apparatus whose duty-free admission is requested.

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Article 15c

The competent authority of the Member State in which is situated the establishment or organization to which the goods are consigned shall take a direct decision on applications in all cases.

Article 15d

The provisions of Articles 15a and 15c shall apply *mutatis mutandis* to spare parts, components, specific accessories and tools to be used for the maintenance, checking, calibration or repair of instruments of apparatus admitted duty-free pursuant to Article 63a (2) (a) and (b) of the basic Regulation.

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Article 15e

The provisions of Article 8 shall apply, *mutatis mutandis*.

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TITLE VI

COMMUNICATION OF INFORMATION TO THE COMMISSION AND THE MEMBER STATES

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Article 16

1. Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds ECU 5 000 and in respect of which it has authorized or refused admission free of import duties under Articles 7, 14 or 15c.

The list shall give the precise trade description of the goods referred to in the first subparagraph and the eight-figure combined nomenclature code. It shall also include the name of the manufacturer or manufacturers, the country or countries of origin and the price or customs value of the goods concerned.

2. The lists referred to in paragraph 1 shall be sent during the first and third quarters of each year and shall contain particulars of those goods whose admission free of import duties has been authorized or refused during the preceding six months.

3. The Commission shall forward these lists to the other Member States.

Article 18

In order to ensure the uniform application of Community provisions, the lists referred to in Article 16 shall be examined periodically by the Committee on Duty Free Arrangements.

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TITLE VIa

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EQUIPMENT UNDER ARTICLES 59a AND 59b OF THE BASIC REGULATION

Article 18a

1. In order to obtain admission free of import duties of equipment under Articles 59a and 59b of the basic Regulation, the head of the scientific research establishment or organization based outside the Community or his authorized representative shall submit an application to the competent authority of the Member State in which the scientific research establishment or organization based in the Community is situated.

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

(a) a copy of the scientific cooperation agreement between research establishments situated in the Community and in third countries;

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(b) the the precise trade description of the equipment as well as the quantity and value thereof and, where appropriate, its presumed classification in the combined nomenclature;

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(c) the country of origin and of consignment of the equipment;

(d) the place where the equipment is to be used;

(e) the use for which the equipment is intended and the duration of its use.

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Article 18b

1. Where the competent authority of a Member State in which the establishment or organization based in the Community is situated receives an application for the admission free of import duties of equipment as defined by Article 59a of the basic Regulation, the application and related information shall be sent to the Commission so that it can be examined within the Committee on Duty-Free Arrangements before a decision is taken by the said competent authority.

For the purposes of this examination, additional information shall be sent to the Commission on request.

2. The competent authority referred to in paragraph 1 shall inform the Commission of the decision it has taken concerning admission free of import duties.

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Article 18c

The provisions of Article 8 shall apply *mutatis mutandis*.

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TITLE VII

FINAL PROVISIONS

Article 19

Regulation (EEC) No 2784/79 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.