COMMISSION REGULATION (EEC) No 1196/92

of 8 May 1992

amending Regulation (EEC) No 2228/91 laying down provisions for the implementation of Regulation (EEC) No 1999/85 on inward processing relief arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements [1], and in particular Article 31 thereof,

Whereas Commission Regulation (EEC) No 2228/91 [2] lays down provisions for the implementation of Regulation (EEC) No 1999/85;

Whereas it is necessary to simplify certain provisions applicable to goods entered for the arrangements; whereas, for this purpose, it shoud be specified that the economic conditions are to be considered fulfilled for certain processing operations on civil aircraft; whereas, on the grounds of practicability, a threshold value should likewise be set for the collection of compensatory interest;

Whereas experience has shown that the administration of the arrangements can be streamlined for Community undertakings which frequently carry out processing operations involving a large number of import goods and/or compensating products; whereas the reduction or elimination of administrative burdens will have a beneficial effect on the cost of exports to non-Community markets, increasing the competitive strength of Community undertakings on those markets; whereas it is therefore desirable to amend the implementing provisions;

Whereas the new provisions should be such as to ensure that the administrative costs involved in the application of compensatory interest do not unduly affect the gains associated with use of the inward processing arrangements; whereas to this end simplified control systems can be applied; whereas such simplified systems may be implemented by agreement in two or more Member States where the processing operation is carried out in more than one Member State; whereas, in order to ensure the uniform application of this Regulation, a procedure should be established enabling the Commission to verify the systems planned and proposed by the competent authorities of a Member State;

Whereas, in order to provide for a simplification of the administrative procedures, it is necessary to adjust certain provisions concerning the use of the information sheet INF 1;

Whereas Regulation (EEC) No 2228/91 provides for standard rates of yield; whereas it is necessary to modify some of these rates in order to ensure the alignment of these rates with the coefficients used for the calculation of the export refunds;

Whereas the list of compensating products on which duty may be levied in accordance with their specific characteristics should be extended;

Whereas the measures provided for by this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2228/91 is hereby amended as follows:

1. In Article 7 (1) the following is added:

'(d) is building civil aircraft for delivery to airline companies;

(e) is carrying out repair, modification or conversion of civil aircraft.';

2. Article 62 (2) is replaced by the following:

'2. Paragraph 1 shall not apply:

— where a customs debt governed by Article 9 (1) of Council Regulation (EEC) No 2144/87 [1] is incurred,

— where Article 21 (2) of the basic Regulation is applied,

— where the secondary compensating products, referred to in Annex VII, are released for free circulation, provided they are in proportion to exported quantities of main compensating products,

— where the amount of compensatory intrerest, calculated in accordance with paragraph 4, does not exceed ECU 20 per entry for free circulation,

— where the holder of the authorization applies for release for free circulation and furnishes proof that particular circumstances not arising from any negligence or action on his part make it impossible or economically impossible to carry out the

[1] OJ No L 188, 20. 7. 1985, p. 1.
[2] OJ No L 210, 31. 7. 1991, p. 1.

export operation under the conditions he had anticipated and duly substantiated when applying for the authorization.

(1) OJ No L 201, 22. 7. 1987, p. 15';

3. Article 62 (4) (b) is relaced by the following:

'(b) Interest shall be applied per calendar month for the period running from the first day of the month following the month in which the import goods in respect of which the arrangements are discharged were first entered for those arrangements to the last day of the month in which the customs debt is incurred.

In order to simplify the determination of the period to be taken into account for the application of the compensatory interest, and particularly if it concerns operations, in which the number of import goods and/or compensating products makes it economically impracticable to apply the normal provisions, the customs authority, at the request of the person concerned, may allow the period for application of interest to be based on rotation periods of stocks of goods used to obtain the compensating products.

The rotation period of stocks should be taken to mean the average aggregation time from the moment that the goods to be used for obtaining the compensating products enter the factory, until the moment that they leave the factory. This period shall be determined from the ratio, in terms of the price, of the value of the average stock of goods necessary for obtaining the compensating products, to the annual turnover.

The figure obtained, multiplied by 12 and rounded up to the next whole number, shall constitute the number of months on which compensatory interest shall be applicable.

The simplification mentioned above shall be accorded by the customs authority only on condition that the rotation period of stocks can be verified.

The period to take into account for the application of the compensatory interest shall not be less than one month.';

4. The following Article is inserted:

'Article 62a

1. In specific cases, and particularly in the case of processing operations involving two or more Member States, simplified methods may be used for the calculation and accounting of compensatory interest at the request of the persons concerned.

2. When the Member States concerned have satisfied themselves that the proposed procedures can be implemented, they shall advise the Commission of the details and the Commission shall notify the other Member States. Procedures communicated to the Commission may be implemented if the Commission does not notify the Member States concerned of any objections within two months.';

5. In Article 75 (2) the second subparagraph is replaced by the following:

'Except where Article 76 (5) to (7) applies, the compensatory interest shall be indicated under heading 9 (b) of the information sheet.';

6. Article 76 (5), (6) and (7) are replaced by the following:

'5. The INF 1 sheet may be used to establish the amount of the security referred to in Article 16 of the basic Regulation if the appropriate indication in box 2 of this sheet has been added.

6. Should release for free circulation be requested where an INF 1 sheet has been made out under paragraph 5, the same INF 1 sheet may be used, provided it contains:

— in box 9 (a) the amount of import duties in relation to the import goods, in application of Article 20 (1) or Article 27 (3) of the basic Regulation, and

— in box 11, the date of the first entering for the arrangements of the import goods concerned.

In the absence of such information, a new INF 1 sheet shall be endorsed in accordance with paragraphs 1 to 4.

7. The holder of the authorization may ask for an INF 1 sheet to be endorsed when the compensating products are transferred to the plant of a second approved operator.

In that case, the authority competent for endorsing the INF 1 sheet shall provide the indications referred to in 6.';

7. In Annex II, the text of footnote 7 concerning the application for an authorization is replaced by the text in Annex 1 of this Regulation;

8. Annex V is amended in accordance with Annex II to this Regulation;

9. Annex VII is hereby amended as follows:

(a) Order numbers 65 and 95 are replaced by the following:

Order No	Tariff heading and descriptions of the compensating products		Processing operations from which they result
(1)	(2)		(3)
'65	ex 2806 10 00	Hydrochloric acid	Manufacture of various chemical products from fluorspar, hydrogen fluoride, 2,6-diisopropylaniline, silicon tetrachloride or acetanilide
95	ex 3823 90 98	Residues	Manufacture of 1,4-butanediol, 1,4-butenediol and tetrahydrofuran from methanol, and manufacture of pentane-1,5-diol and hexane-1,6-diol from a mixture of diols';

(b) The following order number is added:

Order No	Tariff heading and description of the compensating products		Processing operations from which they result
(1)	(2)		(3)
'96 (a)	ex 3823 90 98	Gluconmycel and mother lye	Manufacture of gluconic acids, their salts and esters, from glucose syrup';

10. Annex X is replaced by Annex III to this Regulation.

Article 2

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

The current form of the information Sheet INF 1 may be used until stocks run out, but no later than 31 December 1992, for operations other than those covered by Article 1 (6).

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

Done at Brussels, 8 May 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX I

In Annex II, the text of footnote 7 concerning the application for an authorization is replaced by the following:

'(7) Enter the appropriate code or other requisite information indicating why the essential interests of Community producers are not affected:

Where the operation concerned is one of the following:

— job processing under a contract with a person established outside the Community (to be specified in the application):	code 6201
— operation of a non-commercial nature:	code 6202
— repair of goods, including overhaul or adjustment:	code 6301
— usual forms of handling to ensure preservation of the goods, to improve their presentation or marketable quality or to prepare them for distribution or resale:	code 6302
— operations to be carried out successively in once or more Member States using import goods covered by an authorization issued by virtue of codes 6101 to 6107:	code 6303
— operation relating to goods whose value per type of goods and per calendar year does not exceed the amount indicated in Article 6:	code 6400

Where the goods to which the application relates are not available in the Community:

— either because they are not produced there:	code 6101
— or because they are not produced there in sufficient quantity:	code 6102
— or because Community suppliers are unable to make them available to the applicant within a reasonable time:	code 6103

Where goods of the same kind are produced in the Community but cannot be used:

— either because their price makes the proposed commercial operation uneconomic:	code 6104
— or because they are not of the quality or characteristics necessary to enable the operator to produce the required compensating products:	code 6105
— or because they do not conform to the expressly-stated requirements of the non-Community purchaser of the compensating products (e.g. on technical or commercial grounds):	code 6106
— or because the compensating products must be made from the goods specified in the application in order to comply with provisions protecting industrial and commercial property rights (e.g. patents, trade marks):	code 6107

Where Article 7 applies:

point (a):	code 7001
point (b):	code 7002
point (c):	code 7003
point (d):	code 7004
point (e):	code 7005
Other reasons (specify):	code 8000'.

ANNEX II

Numbers 8 — 12 of Annex V are replaced by the following:

Import goods		Numerical order	Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg) (2)
CN code	Description		Code (1)	Description	
(1)		(2)	(3)	(4)	(5)
'ex 1001 90 99	Common wheat	8	1101 00 00 (100)	(a) Common wheat flour having by weight on the dry product an ash content not exceeding 0,60 %	73,00
			ex 2302 30 10	(b) Bran	22,50
			ex 2302 30 90	(c) Sharps	2,50
		9	1101 00 00 (130)	(a) Common wheat flour having by weight on the dry product an ash content exceeding 0,60 % but not exceeding 0,90 %	78,13
			ex 2302 30 10	(b) Bran	20,00
		10	1101 00 00 (150)	(a) Common wheat flour having by weight on the dry product an ash content exceeding 0,90 % but not exceeding 1,10 %	84,75
			ex 2302 30 10	(b) Bran	13,25
		11	1101 00 00 (170)	(a) Common wheat flour having by weight on the dry product an ash content exceeding 1,10 % but not exceeding 1,65 %	91,75
			ex 2302 30 10	(b) Bran	6,25
		12	—	—	—'

EUROPEAN COMMUNITY

INF 1

Original

No A/000000
INWARD PROCESSING
INFORMATION SHEET

1. Holder of inward processing authorization:

2. APPLICATION (1)

☐ The undersigned holder of the inward processing authorization requests application of Article 76 (7) of Regulation 2228/91 (2),

☐ The customs authority shown in box 4 requests:

☐ that the amount of import duties (3) and of compensatory interests applicable to the goods entered for the inward processing arrangements in the event of the authorized release for free circulation of the goods or products specified in box 5 ascertained and indicated,

☐ that it be stated whether the specific commercial policy measures to which the said goods are liable have been applied,

☐ that the particulars necessary for application of the specific commercial policy measures be indicated,

☐ that the amount of the security be indicated.

Place:

Date: Official stamp:

Day Month Year

Signature:

3. Application to be made to:

4. Information to be supplied to:

5. Marks and numbers — Number and kind of packages — Description of products or goods:

6. Net quantity:

7. CN code:

INFORMATION SUPPLIED BY THE CUSTOMS AUTHORITY

8. Particulars necessary for application of specific commercial policy measures:

9. Liability to:

(a) Customs duties	(b) Charges having equivalent effect	(c) Other charges (4)	(d) Currency
,	,	,	

10. Application of specific commercial policy measures (1)

☐ YES

☐ NO, for the following reasons

11. Remarks
date for the first entering for the arrangements:

Day Month Year

12. Place:

Date: Official stamp:

Day Month Year

Signature:

(1) Mark ☒ in the appropriate box

(2) Specify, in box 11, the date of the first entering for the arrangements.

(3) Customs duties, charges having equivalent effect, agricultural levies and other charges provided for under the common agricultural policy or specific arrangements applicable to certain goods resulting from processed agricultural products.

(4) Specify as appropriate in box 11, for example, 'agricultural levy'.

Verso of the original

13. REQUEST FOR SUBSEQUENT VERIFICATION

The customs authority shown below requests that the authenticity of this information sheet and the accuracy of the information it contains be verified.

Place :

Date : |_|_|_|_|_|_| Official stamp

Day Month Year

Customs authority

Signature :

14. RESULTS OF VERIFICATION

The check carried out by the customs authority shown below confirms that this information sheet (1) has been stamped by the customs authority indicated and the information it contains :

☐ is accurate

☐ gives rise to the remarks annexed hereto.

Place :

Date |_|_|_|_|_|_| Official stamp

Day Month Year

Customs authority

Signature :

(1) Marks ☒ in the appropriate box

NOTES

A. General notes

1. The part of the sheet requesting information (boxes 1 to 7) shall be filled in either by the holder of the authorization for inward processing or by the office requesting the information.
2. The form must be filled in so that it is legible and indelible, preferably using a typewriter. It shall not contain any erasures or overwritten words. Corrections should be made by crossing out the wrong words and adding further particulars, if necessary. Corrections must be initialled by the person filling in the sheet and endorsed by the competent authorities.

B. Special notes referring to the relevant box numbers

1. Give the full name and address including the postal code, if any, and the name of the Member State. This item is left blank when the application is made by the customs authority of the Member State requesting the information.
3. Give the full name and address including the postal code, if any, and the name of the Member State, of the customs authority to whom the application is made.
4. Give the full name and address including postal code, if any, and the name of the Member State of the customs authority requesting the information. This item is left blank when the application is made by the holder of the authorization for inward processing.
5. Give the number, kind, marks and numbers of packages. In the case of unpackaged goods or products, give the number of objects, or, if appropriate, insert 'bulk'.

   Give the usual trade description of the products or goods or their tariff description.
6. The quantity must be expressed in units of the metric system: kg net, litres, m^2 etc.
9. The amounts shall be entered in national currency, one figure per space, the last two spaces being reserved for fractions of a unit, if any.

   The amount of the agricultural levy, to be entered in this box, is to be calculated as follows:

   — multiply the levy rate (in ecu) by the quantity liable,
   — multiply the result by the monetary coefficient (correction coefficient),
   — convert the result into the national currency.

   If the customs authority already knows the rate in the national currency, including the monetary coefficient, this may be multiplied direct by the quantity liable to the levy. The Member State where the products are released for free circulation shall convert the amount shown on the information sheet at the rate used for calculating customs value.

   National currencies are to be indicated as follows:

   — BEF for Belgian francs
   — DEM for German marks
   — ESP for Spanish pesetas
   — IEP for Irish pounds
   — LUF for Luxembourg francs
   — PTE for Portuguese escudos
   — DKK for Danish kroner
   — GRD for Greek drachmas
   — FRF for French francs
   — ITL for Italian lire
   — NLG for Dutch guilders
   — GBP for pounds sterling.'