COMMISSION REGULATION (EC) No 1482/97

of 28 July 1997

laying down provisions for the free zone of Madeira for the implementation of Council Regulation (EC) No 122/96 establishing favourable tariff treatment for imports of certain goods into the free zones of Madeira and the Azores by reason of their end-use

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 122/96 of 22 January 1996 establishing favourable tariff treatment for imports of certain goods into the free zones of Madeira and the Azores by reason of their end use [1], and in particular Article 2 and 3 thereof,

Whereas the request submitted by the Portuguese authorities by virtue of Article 2 (1) of Regulation (EC) No 122/96 only concerns the free zone of Madeira;

Whereas, in view of the aforementioned request and the promotion of activities in the free zone of Madeira, the Commission must draw up a list of goods subject to exoneration of customs duties under the terms of Article 2 of Regulation (EC) No 122/96, on condition that these goods are destined for substantial transformation in the sense of Article 24 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2], as last amended by Regulation (EC) No 82/97 [3];

Whereas, it is appropriate to fix the control measures designed to ensure that the admittance of goods to favourable tariff treatment by reason of their end-use conforms to Articles 291 to 304 of Commission Regulation (EEC) No 2454/93 [4], as last amended by Regulation (EC) 89/97 [5]; fixing certain provisions of the application of Regulation (EEC) No 2913/92 and that, as these operations of end-use are carried out inside the free zone of Madeira, the reglementation concerning free zones is an application, particularly of Articles 799 to 842 of Regulation (EEC) No 2454/93;

Whereas commercial policy measures are applicable when goods are entered for end use;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the terms of Articles 1 and 2 of Regulation (EC) No 122/96, the customs duties applicable to goods put into free circulation in the free zone of Madeira which are shown in Annex I, are totally suspended according to the arrangements foreseen by Articles 2 and 3, until 31 December 2005.

Article 2

1. The authorization under Article 291 (2) of Regulation (EEC) No 2454/93 shall be issued on a written request of the person concerned by the customs authorities responsible for the supervising of the free zone of Madeira.

2. The request shall conform to the model in Annex II. In addition to the possibly required information prescribed by Article 291 paragraph 3, the applicant shall provide in the application for the information required under the various headings listed in that model. Applications shall be signed and dated.

3. The authorization admitting the entrance of goods for free circulation with favourable tariff treatment shall be granted in accordance with the model in Annex III.

Article 3

1. The goods put into free circulation inside the free zone benefiting from a zero rate of duty foreseen by this regulation remain under customs surveillance under the terms of Article 82 of Regulation (EEC) No 2913/92.

2. All the end-use operations must be shown in the stock records agreed according to Articles 293 (b) and 817 of Regulation (EEC) No 2454/93.

3. The following additional information shall be included in the stock records:

(a) particulars of the goods released under the end-use arrangement;

[1] OJ No L 20, 26. 1. 1996, p. 4.
[2] OJ No L 302, 19. 10. 1992, p. 1.
[3] OJ No L 17, 21. 1. 1997, p. 1.
[4] OJ No L 253, 11. 10. 1993, p. 1.
[5] OJ No L 17, 21. 1. 1997, p. 28.

(b) particulars of the assigned end-use;

(c) particulars of the products resulting from the assigned end-use.

4. The goods released having benefited from zero rate of duty according to the terms of paragraph 1, are subject to the following conditions:

(a) for the products resulting from the end-use foreseen, proof that they have undergone the transformation required by Article 24 of Regulation (EEC) No 2913/92 must be provided;

(b) for other products:

— in the case of exportation, the presentation of the declaration of exportation,

— in the case of destruction outside the free zone, the presentation of an authorization to that effect; the waste or scrap resulting from the destruction must be put to one of the customs-approved treatments or uses provided for non-Community goods,

— if the goods are used for ends other than those foreseen by this regulation, the customs duties must be discharged.

Article 4

This Regulation shall enter into force on the third day following 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 July 1997.

For the Commission

Mario MONTI

Member of the Commission

ANNEX I

LIST OF PRIMARY MATERIALS

Code No	Description
3204 11 00 3204 12 00 3204 13 00 3204 14 00 3204 15 00 3204 16 00	Synthetic organic colouring matter, whether or not chemically defined; preparations based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined
3208 10 10 3208 10 90 3208 20 10 3208 20 90 3208 90 19 3208 90 91 3208 90 99	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium; solutions as defined in note 4 to this chapter
3209	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in an aqueous medium:
3301 11 10 3301 11 90 3301 12 10 3301 12 90 3301 13 10 3301 13 90 3301 14 10 3301 14 90 3301 19 10 3301 19 90 3301 21 90 3301 22 90 3301 23 90 3301 24 90 3301 25 90 3301 26 90 3301 29 31 3301 29 91 3301 30 00 3301 90 10 3301 90 21 3301 90 90	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils
3302 10 21	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry: other preparations based on odoriferous substances, of a kind used in the food or drink industry. Containing no milkfats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch
3506 99 00	Other prepared glues not elsewhere specified or included
3823 70 00	Industrial fatty alcohols
3901 10 10 3901 10 90 3901 20 90 3901 30 00 3901 90 90	Polymers of ethylene, in primary forms
3902 10 00	Polypropylene
3903 11 00 3903 19 00 3903 20 00 3903 30 00 3903 90 90	Polymers of styrene, in primary forms

Code No	Description
3906 10 00	Polymethyl methacrylate
3907 30 00	Epoxide resins
3908	Polyamides in primary forms
3909 50 90	Other polyurethanes
3910 00 00	Silicones in primary forms
3919	Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls
3921 11 00 3921 12 00 3921 13 3921 14 00 3921 19 3921 90 19 3921 90 20 3921 90 30 3921 90 41 3921 90 43 3921 90 49 3921 90 50 3921 90 60	Other plates, sheets, film, foil and strip, of plastics
4104 10 91 4104 10 95 4104 10 99 4104 21 00 4104 22 90 4104 29 00 4104 31 4104 39	Leather of bovine or equine animals, without hair on, other than leather of heading 4108 and 4109
4407 10 10 4407 10 31 4407 10 39 4407 10 50 4407 10 79 4407 24 10 4407 24 30 4407 24 50 4407 25 10 4407 25 31 4407 25 39 4407 25 50 4407 26 10 4407 26 31 4407 26 39 4407 26 50 4407 29 10 4407 29 20 4407 29 31 4407 29 39 4407 29 50 4407 29 70 4407 29 83 4407 29 85 4407 91 10 4407 91 31 4407 91 39 4407 91 50 4407 92 10 4407 92 30 4407 92 50 4407 99 10 4407 99 30 4407 99 50	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm

Code No	Description
4413 00 00	Densified wood, in blocks, plates, strips or profile shapes
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and punch card stock and punch tape paper, in rolls or sheets, other than paper of heading No 4801 or 4803; handmade paper and paperboard
4804	Uncoated kraft paper and paperboard, in rolls or sheets, other than that of heading No 4802 or 4803
4805	Other uncoated paper and paperboard, in rolls or sheets, not further worked or processed than as specified in note 2 to this chapter
4806	Vegetable parchment, greaseproof papers, tracing papers and glassine and other glazed transparent or translucent papers, in rolls or sheets
4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than paper of the kind described in heading No 4803
5007	Woven fabrics of silk or of silk waste
5112	Woven fabrics of combed wool or of combed fine animal hair
5204 11 00 5204 19 00	Cotton sewing thread, not put up for retail sale
5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale
	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m², dyed:
5208 31 00	– plain weave, weighing not more than 100 g/m²
5208 33 00	– 3-thread or 4-thread twill, including crosstwill
	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing more than 200 g/m²:
5209 11 00	– unbleached, plain weave
5209 31 00	– dyed, plain weave
5209 39 00	– dyed, other fabrics
	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing not more than 200 g/m²,
5210 31	– dyed, plain weave
5210 32 00	– dyed, 3-thread or 4-thread twill, including crosstwill
5210 41 00	– of yarn of different colours, plain weave
5210 42 00	– of yarn of different colours, 3-thread or 4-thread twill, including crosstwill
	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing more than 200 g/m²,
5211 31 00	– dyed, plain weave
5211 32 00	– dyed, 3-thread or 4-thread twill, including crosstwill
5211 41 00	– of yarn of different colours, plain weave
5211 42 00	– of yarn of different colours, denim
5309	Woven fabrics of flax
5310	Woven fabrics of jute or of other textile bast fibres of heading No 5303

Code No	Description
	Other woven fabrics of synthetic filaments:
	– containing 85 % or more by weight of non-textured polyester filaments:
5407 51 00	– – unbleached or bleached
5407 52 00	– – dyed
	– containing less than 85 % by weight of synthetic filaments, mixed mainly or solely with cotton:
5407 82 00	– – dyed
5508 10 11 5508 10 19	Sewing thread of man-made synthetic staple fibres, not put up for retail sale
5601 30 00	Textile flock and dust and mill neps
5806	Narrow woven fabrics, other than goods of heading No 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)
5807 10	Woven labels, badges and similar articles of textile materials, in the piece, in strips or cut to shape or size, not embroidered
5808	Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles
Chap. 60	Knitted or crocheted fabrics
7015 10 00	Glasses for corrective spectacles
7018 10 19 7018 10 30 7018 10 59 7018 10 90	Glass beads, imitation pearls, imitation precious or semi-precious stones and similar glass smallwares
	Glass fibres (including glass wool):
	– slivers, rovings, yarn and chopped strands:
7019 11 00	– – chopped strands, of a length of not more than 50 mm
7019 12 00	– – rovings
7019 19	– – other
7019 40 00	– woven fabrics of rovings
	– other woven fabrics:
7019 51	– – of a width not exceeding 30 cm
7019 52 00	– – of a width exceeding 30 cm, plain weave, weighing less than 250 g/m^2, of filaments measuring per single yarn not more than 136 tex
7104 10 00	Piezo-electric quartz
7104 90 00	Other synthetic or reconstructed precious or semi-precious stones
7106 10 00	Silver in powder form
	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms
7108 13 50	– thin sheets and strips (foil) of a thickness, excluding any backing, not exceeding 0,15 mm
7108 13 90	– other
7109 00 00	Base metals or silver, clad with gold, not further worked than semi-manufactured
	Platinum, unwrought or in semi-manufactured forms
7110 19 30	– tubes, pipes and hollow bars
7110 19 50	– thin sheets and strips (foil) of a thickness, excluding any backing, not exceeding 0,15 mm
7110 19 90	– other

Code No	Description
8505 90 90	Other parts of articles of No 8505
8506 90 00	Parts of primary cells and primary batteries
8507 90 91 8507 90 93 8507 90 98	Other parts of electric accumulators, including separators therefor, whether or not rectangular (including square)
8509 90 10 8509 90 90	Parts of electro-mechanical domestic appliances, with self-contained electric motor
8511 90 00	Parts of electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternatos) and cut-outs of a kind used in conjunction with such engines
8512 90 00	Parts of electrical lighting or signalling equipment (excluding articles of heading No 8539), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles
8513 90 00	Parts of portable electric lamps designed to function by their own source of energy other than lighting equipment of heading No 8512
8514 90 00	Parts of industrial or laboratory electric (including induction or dielectric) furnaces and ovens and other industrial or laboratory induction or dielectric heating equipment
8516 90 00	Parts of articles of No 8516
8518 90 00	Parts of articles of No 8518
8538 90 10	Electronic assemblies suitable for use solely or principally with the apparatus of heading Nos 8535, 8536 or 8537
8540 91 00 8540 99 00	Parts of articles of No 8540
8541 90 00	Parts of articles of No 8541
8544 51 00	Other electric conductors, for a voltage exceeding 80 V but not exceeding 1 000 V fitted with connectors
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks
9607	Slide fasteners and parts thereof

ANNEX II

MODEL APPLICATION FOR FAVOURABLE TARIFF TREATMENT FOR CERTAIN GOODS IN THE FREE ZONE OF MADEIRA BY REASON OF THEIR END-USE

Date: .....

NB: The particulars should be supplied in the order indicated. Information relating to goods must be given for every type of goods concerned.

1. **Name or business name and address:**

   (a) of the applicant:

   (b) of the operator in the free zone:

2. **Assigned end-use:**

   (a) Combined Nomenclature classification for the import goods

   (b) trade and/or technical description:

   (c) prescribed end-use

   (d) products resulting from the assigned end-use:

3. **Place where the end-use operation is to be carried out:**

4. **Estimated time needed to carry out the end-use operation**

5. **Intended duration of authorization**

6. **Reference to authorizations issued:**

   (a) in the preceding three years in respect of goods identical to those covered by this application:

   (b) in respect of the goods to undergo assigned end-use:

Date: .....

Signature: .....

Notes concerning the application

1. *Name or business name and address:* where the application is submitted on the applicant firm's headed notepaper, section 1 (a) need not be completed provided this information is shown on the letterhead. Section 1 (b) must be completed where the applicant and the operator are not the same person.

2. *Assigned end-use:*

   (a) Combined Nomenclature classification: only the four-digit code need be given, unless the eight-digit classification is needed to enable an authorization to be issued and allow the processing operations to be properly administered;

   (b) trade and/or technical description: the description should be sufficiently clear and detailed to enable a decision to be taken on the application, and in particular to decide in the light of information supplied whether the transformation can be considered as sufficient;

   (c) description of the assigned end-use: describe the operations to be carried out on the import goods in order to produce the compensating products;

   (d) products resulting from the end-use: state which compensation product(s) result from the transformation of the import goods.

3. *Place where the assigned end-use operation is to be carried out:* give the address of the place where the operations will be carried out.

4. *Estimated time needed to carry out the end-use operation:* indicate the average time likely to be needed to process a given batch (expressed e.g. by unit or quantity) of the goods, and indicate the time likely to elapse between the entry into free circulation with end-use relied and the completion of the end-use operations;

5. *Intended duration of authorization:* indicate the period during which it is planned to import goods with end-use relief

6. *Reference to authorizations issued:*

   (a) in the three preceding years in the case of goods identical to those covered by this authorization: give particulars of any known authorizations. Where none is known, state 'none'.

   (b) in respect of the goods to undergo assigned end-use: state whether the goods are products resulting from the assigned end-use obtained under one or more earlier authorizations and if so, give reference particulars of the authorization(s) in question.

ANNEX III

MODEL AUTHORIZATION FOR FAVOURABLE TARIFF TREATMENT FOR CERTAIN GOODS IN ZONE OF MADEIRA BY REASON OF THEIR END-USE

Date: .....

Reference to application: .....

NB: The particulars should be supplied in the order indicated. The authorisation must contain particulars of the application. Where information is supplied by reference to the application, the application shall constitute an integral part of the authorisation.

1. **Name or business name and address:**

   (a) of the holder of the authorization:

   (b) of the operator:

2. **Goods to be assigned to the end-use:**

   (a) Combined Nomenclature classification for the import goods:

   (b) trade and/or technical description:

   (c) prescribed transformation:

   (d) products resulting from the assigned end-use (classification and commercial/technical description):

3. **Place where the end-use operations are to be carried out:**

4. **Nature of end-use operation:**

5. **Period of validity:**

Date: .....

Signature: .....

(stamp)