

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 643 final

Brussels, 12 December 1975

Proposal for a

COUNCIL DIRECTIVE

implementing the Council Directive of 4
March 1969 as regards the repair of goods
under inward processing arrangements

(Presented to the Council by the Commission)

EXPLANATORY NOTE

Article 5 of the Council Directive of 4 March 1969 on the harmonisation of provisions laid down by law, regulation or administrative action in respect of inward processing sets out the economic considerations which have to be taken into account before inward processing is authorised.

In particular it provides that the Customs authorities in Member States may authorise inward processing operations to be carried out in cases where such operations contribute towards providing the most favorable conditions for the export of goods without conflicting with essential interests of producers within the Community.

Since the introduction of the Directive there have been no problems in respect of repair operations, including restoring to the original condition and putting in order of the goods in question as provided for in Article 2 (3)(c) of the Directive referred to above. These operations fulfill in most cases the conditions provided for in Article 5 (1) to permit the operations to be carried out under inward processing.

It appears opportune therefore to simplify the practical application of Article 5 and thus ease the task of the competent national authorities by no longer requiring them to evaluate case by case the economic effects of repair operations.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES :

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 4 March 1969 on the harmonisation of provisions laid down by law, regulation, or administrative action in respect of inward processing (1), as amended by the Act of Accession (2) and in particular Article 29 thereof;

Having regard to the proposal from the Commission;

Whereas, Article 5 (1) of the Directive referred to above provides that the benefit of inward processing arrangements may be granted on condition that this should contribute towards providing the most favourable conditions for the export of goods without conflicting with essential interests of producers within the Community;

Whereas in respect of their relatively limited importance in relation to the aggregate of economic activity, repair operations, including restoring to the original condition, and putting in order of the goods in question as provided for in Article 2 (3) of the Directive referred to above, fulfill in almost all cases the conditions provided for in Article 5 (1) to permit such operations to be carried out under inward processing arrangements;

Whereas consequently it is unnecessary to require the competent authorities to evaluate case by case the economic effects of repair operations; whereas it is therefore justifiable to consider that repair operations are operations which contribute towards providing the most favourable operations for the export of goods which contribute towards

(1) 69/73/EBC, OJ n° L 58, 8/3/1969, p. 1

(2) JO n° L 73, 26.3.1972, p. 14.

favourable conditions for the export of goods without conflicting with essential interests of producers within the Community,

HAS ADOPTED THIS DIRECTIVE :

Article 1

In cases where goods are brought into the Community for repair, including restoring them to their original condition and putting them in order, the operations shall be considered as operations which contribute towards providing the most favourable conditions for the export of goods without conflicting with essential interests of producers within the Community, for the purposes of application of the provisions of Article 5 (1) of the Council Directive of 4 March 1969 on the harmonisation of provisions laid down by law, regulation or administrative action in respect of inward processing.

Article 2

1. The Member States shall bring into force the measures necessary to comply with this Directive not later than 1 July 1976 and shall inform the Commission immediately.
2. The Commission shall communicate the information to the other States.
3. The Commission shall communicate the information to the other Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

