

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 861 final

Brussels, 10 January 1983

Proposal for a
COUNCIL REGULATION (EEC)
on the security to be given to ensure payment of a
customs debt

(submitted to the Council by the Commission)

COM(82) 861 final

EXPLANATORY MEMORANDUM

1. Community customs rules provide, in specific instruments, for numerous cases in which security must or may be required to ensure payment of a customs debt on importation or exportation.

The customs debt in respect of which security is given under those rules may be a customs debt already incurred. This is the case, for example, with a customs debt on importation resulting from acceptance of the entry for release for free circulation of goods which have been released by the customs authorities prior to payment of the relevant import duties (deferred payment). Security may also be required for a customs debt which might possibly be incurred, as in the case of the removal of goods which are under inward processing arrangements.

2. Generally speaking, security must be compulsorily given where a customs debt already incurred is concerned. It is optional, more often than not, where the aim is to ensure payment of a customs debt which might possibly be incurred.

Where security is optional it is for the competent authorities of the Member States to decide whether it is necessary. No criteria have yet been laid down for that purpose at Community level. This is one source of unequal treatment between traders according to the Member State in which they carry on their activities. In some Member States, the optional security will almost always be required even where there is no doubt, having regard to the debtor's creditworthiness, that the amount of the customs debt involved will be paid should it be incurred, whereas in other Member States it will be required only in exceptional cases or only partially, even where its provision might prove necessary.

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3. The fact that in many cases security is optional is not, however, the only source of differences in the way traders are at present treated in this connection. The Community instruments which provide for the giving of security, whether on a compulsory or an optional basis, are generally silent on all aspects of the procedures for giving such security, the fixing of its amount and the manner in which it must be used. The sole exception is the Community transit procedure which, though deficient in certain respects contains fairly explicit provisions concerning security owing to the fact that it can be used for a number of operations carried out in turn in several Member States and, where necessary, Switzerland and Austria.
4. Excepting certain aspects of Community transit, the rules governing the operation of the system of security provided for by Community law are therefore at present contained solely in national measures. What is more, those measures are extremely divergent.
5. Firstly, although generally speaking all the Member States exempt public authorities from giving security, some extend this exemption to all public services and even to certain private firms of national importance.
6. Secondly, in the case of security for a customs debt which might be incurred if the customs rules are infringed (e.g. where goods subject to a customs procedure are removed), some Member States require that the security should cover not only the amount of the customs debt involved but also that of any pecuniary penalties which might become payable as a result of the infringement. This manner of determining the amount of the security increases still further the differences of treatment compared with Member States in which, when the security is optional, it is not required even for the amount of the customs debt.

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7. It is the Member States themselves that determine the various types of security which may be used in each of them. The financial burden which the giving of security imposes on the trader varies considerably according to the type of security used. Thus, apart from the fact it renders unproductive for the firm sums immobilized sometimes for many months, giving a cash deposit costs, at the interest rates currently charged on the financial markets, 10 to 15 times more than providing a guarantor. This situation is all the more worrying as, in some Member States, traders are given no opportunity to choose for themselves between several types of security but are obliged, at least in the case of certain operations, to use the most expensive type of security, i.e. a cash deposit.
8. It has also become apparent that the amounts in cash deposited by way of security are, in certain Member States, entered in the accounts and transferred to the Community budget in the same way as the payment of a customs debt. Apart from the fact that it makes the task of managing the Community budget much more difficult by increasing the number of accounting operations, this practice is incompatible with Article 2 of Council Regulation (EEC, Euratom, ECSC) No 2891/77 of 19 December 1977 implementing the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources¹, which provides that: "For the purpose of applying this Regulation, an entitlement shall be deemed to be established as soon as the corresponding claim has been duly determined by the appropriate department or agency of the Member States."

By definition, the giving of security, the aim of which is to ensure payment of a customs debt when required by the competent authorities, is, from the legal and accounting points of view, entirely different from the establishment of the customs debt itself (which is, moreover, more often than not a mere contingency). Since it can in no way be treated as a claim "duly determined", the giving of the security cannot be "established" within the meaning of that Article.

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¹ OJ No L 336, 27.12.1977, p. 1

9. The existence of a situation involving so many major inconveniences makes it essential to draw up a set of Community rules concerning the security to be given to ensure payment of a customs debt.

That is the purpose of this proposal for a Regulation, the main provisions of which may be summarized as follows :

I. Requirement of security

10. Since the sole purpose of a security is to ensure payment of a customs debt which has been or may be incurred it is obvious that the decisive criterion for determining the cases in which security must be required is the solvency of the person liable or potentially liable for payment of that debt.

In this connection, account should be taken of the altogether special position of public authorities compared with that of other traders who may be liable for a customs debt. The solvency of a public authority, that is to say an authority which exercises statutory powers within the framework of the State (State, regions, Länder, local authorities) cannot be called into question. That is why, after stating that the security must be given by the person by whom a customs debt has been or may be incurred (Article 2(1)), this proposal provides that, even where Community rules provide that the giving of security is compulsory, no security shall be required where the person liable or potentially liable for payment of the customs debt is a public authority (the State cannot give security for its own debts).

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11. The criterion of solvency must clearly be applied where Community rules provide that the requirement of security is optional. In order not to increase the financial burden on firms by requiring them to give security for operations which manifestly involve no risk, having regard to the sums at stake compared with the firms' creditworthiness, Article 3(1) of this proposal incorporates the principle that, where customs rules provide that the requirement of security is optional, such security should be required only in so far as the customs debt which has been or may be incurred is not certain to be paid within the prescribed time limit. This enables the competent authorities, depending on the degree of solvency of the firm, either to exempt it completely from having to give security or to require it to give security covering only part of the customs debt which may be incurred.

12. The practice has developed in certain Member States of requiring, in return for exemption from giving security, a personal undertaking setting out the obligations which the person benefiting from the measure is legally obliged to fulfil (the purpose of which is solemnly to draw the attention of the person concerned to those obligations). This proposal authorizes the maintenance of this practice, which clearly cannot detract from the harmonization sought (cf. second subparagraph of Article 3(1)).

13. In order to take account of the fact that the solvency of a natural or legal person may vary, this proposal provides that security may be required at any time while the possibility remains that a customs debt may be incurred, even if exemption from giving security for such debt had originally been granted (cf. Article 3(2)). This should make it easier for the competent authorities to grant exemption from giving security when applying the rules for its provision

14. Article 4 of the proposal is designed to simplify matters by making it possible to give a comprehensive security covering a number of operations, rather than separate security for each of them.

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15. Articles 5 and 6 contain rules for determining the amount of the security to be required. Where security is compulsory, the amount of the security must be sufficient to cover the customs debt in its entirety. Where security is optional, the competent authorities, which may grant exemption from it, must also be able to require only an amount sufficient to cover at all times that of the customs debts in question (e.g. where successive operations are carried out over a certain period). Articles 5 and 6 provide moreover that the amount of the security may never exceed that of the customs debt or debts involved, which accordingly excludes the amount of any penalty payments.
16. Lastly, in view of the administrative work involved in arranging and administering a security, it has been considered advisable to authorize the competent authorities to waive such security even where it is compulsory, provided that the amount of the customs debt to be secured does not exceed 100 ECU (cf. Article 2(3)).

II. Giving of security

17. Article 7 of the proposal provides that, in general, security may be given by making a cash deposit, providing a guarantor or pledging securities issued or guaranteed by the State.

The cash deposit and the guarantor (a natural or legal person who undertakes to pay sums owed by another person, generally known as the principal debtor) are types of security already used in all the Member States, although in widely differing degrees.

It has been considered appropriate to add the pledging of negotiable securities issued or guaranteed by the State since, while being just as safe from the authorities' point of view, it is the least expensive type of security for traders, who thus do not tie up any sum of money and, when the securities are returned to them, receive the interest earned thereon.

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18. As regards the cash deposit, it is only natural to deem equivalent thereto (Article 8(1)) the submission of a cheque the payment of which is guaranteed or of any other instrument recognized by the competent authority as a means of payment. For the reasons given at point 8, it has been stipulated that sums constituting a cash deposit, which are not own resources for the Community budget, must not be entered in the accounts as import or export duties and transferred to the budget (Article 8(3)).
19. As regards guarantors, it is proposed (Article 9), in order to give the competent authorities the greatest chance of succeeding in an action against them, firstly that they be established in the Member State in which they are approved, and secondly that the commitment they enter into to pay, if necessary, the amount of the customs debt payable by the principal debtor should be a joint and several commitment.

The principle of joint and several liability allows the competent authorities to initiate an action for recovery of the total amount of a customs debt against one or other of the persons jointly and severally liable for payment of that debt, without encountering the objection that such action has not first been initiated against the other persons also liable for the payment of that debt. If, on the other hand, the guarantor was liable only as a secondary debtor, an action could not be brought against him for payment of the customs debt until the competent authorities had exhausted every means of legal redress against the principal debtor. This will avoid lengthy delays in the recovery by the competent authorities of sums due by way of import or export duties which they have established and consequently transferred to the Community budget within the time-limits prescribed.

20. In order to ensure equality of treatment between Community traders irrespective of the Member States in which they carry on their activities, Article 10 lays down the principle that such traders are free to choose the most suitable type of security from the three proposed in Article 7. The competent authorities of the Member States will therefore no longer be able to require that recourse be had systematically to a specific type of security, and in particular to the cash deposit, the most costly from the traders' point of view. They will be able to refuse the type of security proposed by a trader only if, for technical reasons, it is inappropriate to the circumstances.

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Thus, for example, where the same operation carried out under a specific customs procedure has to be effected in turn in several Member States, it may prove impracticable to accept a security consisting of a cash deposit or the pledging of securities.

21. Types of security other than those referred to in Article 7 may currently be used in certain Member States to ensure payment of a customs debt (e.g. mortgages). In order to make the implementation of the Community arrangements regarding security fairly flexible, it has been considered advisable to allow the competent authorities of the Member States to accept, at the trader's suggestion, types of security other than those referred to in Article 7, on condition that they are certain to ensure payment of the customs debt (Article 10(2)). In view of the quite exceptional circumstances in which this right will be exercised, it should not result in any real disparity of treatment between traders. At all events, the Commission will take the necessary implementing measures in order to define those types of security which are certain to ensure payment of a customs debt and can therefore be used if necessary.

22. The competent authorities must, of course, be able to refuse to accept a security which does not appear to be certain to ensure payment of the customs debt (e.g. a guarantor whose solvency is in doubt) or to require, for the same reasons, that one security be replaced by another or that additional security be given. That is the purpose of Articles 11 and 12.

III. Use of the security

23. The aim of the security being to ensure payment of a customs debt, such payment must be sought by means of the security where the amount of the debt is not discharged by the principal debtor within the prescribed time-limit. For the same reason, the security must remain in place until such time as the corresponding customs debt is extinguished or can no longer arise. It must, on the other hand, be released as soon as there is no longer any customs debt involved. These various principles are embodied in Article 13(1).

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24. The second paragraph of this Article refers to situations in which the amount of a customs debt for which security has been given decreases progressively, either because the debt is extinguished as payments are made by the principal debtor, or because of the gradual disappearance of the grounds which might cause it to be incurred (as, for example, in the case of the piecemeal re-exportation of goods imported together under a specific customs procedure on which no import duties have been paid because they were intended for re-export).

IV. Final provisions

25. Under the common agricultural policy, certain goods which satisfy the conditions laid down in Articles 9 and 10(1) of the Treaty are subject to charges (monetary compensatory amounts) when traded within the Community. Since such amounts are collected in the same manner as the amounts - charged as import duties - applicable to identical goods traded with non-member countries, it is only natural that their payment should also be guaranteed in the same way (cf. Article 14).

26. Certain international conventions contain specific provisions concerning security a number of which are not in harmony with those of this proposal (e.g. the Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention) of 14 November 1975, which has been signed by the Community). The purpose of Article 16 is to recall the principle of international law whereby, in such cases, the provisions of the conventions prevail. This Article also refers to the Community transit procedure. That procedure, certain provisions of which differ from those of this proposal for a Regulation, may, under the terms of agreements reached with Switzerland and Austria, be used for the transport of goods between two points in the customs territory of the Community via the territory of those two non-member countries. In this respect, it poses problems similar to those raised by an international convention.

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27. Lastly, Article 17 repeals provisions concerning security contained in instruments previously adopted by the Council which conflict with the provisions of this proposal.

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Being based on Articles 43 and 235 of the EEC Treaty, this proposal requires the opinion of Parliament. In view of its subject matter, the Commission considers that the opinion of the Economic and Social Committee should also be sought.

Proposal for a
COUNCIL REGULATION (EEC)
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas certain provisions of the customs rules stipulate that the customs
authorities are either obliged or entitled to require security to be given
to ensure payment of a customs debt which has been or may be incurred ;

Whereas, since the giving of security involves substantial expense, it is
important that all Community traders, irrespective of the Member State in
which they are situated, be subject to the same rules in regard, inter alia,
to the manner in which such security may be given, the calculation on the
amount thereof and the use to which it is put; whereas it is accordingly
necessary to adopt provisions on this matter at Community level ;

.../...

Whereas, where security is required, it must be given by the person by whom the customs debt has been or may be incurred; whereas no security should be required where that person is a public authority since there is no risk of failure to pay the amount of the customs debt involved; whereas the cost involved in the provision of security, both for traders and for the competent authorities, may be disproportionate to the real risk of non-payment of the customs debt where the amount of the latter does not exceed a certain limit; whereas the competent authorities must therefore have the right to waive security for customs debts below that limit ;

Whereas, for the sake of simplification, it should be made possible to give comprehensive security covering a number of operations in respect of which a customs debt will or may be incurred ;

Whereas, where the requirement of security is optional, such security should be required only in so far as the customs debt is not certain to be paid by the prescribed time-limit; whereas provision must, however, be made for such optional security to be required at any time if the competent authorities consider it necessary ;

Whereas, where the requirement of security is compulsory, the amount thereof must be equal to the amount of the customs debt established or estimated by the competent authorities; whereas, where the requirement of security is optional, the maximum amount thereof must not exceed the amount of the customs debt that may, in fact, be at stake ;

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Whereas the types of security most effective for ensuring payment of a customs debt are a cash deposit or its equivalent, the provision of a guarantor, or the pledging of securities issued in the Member State in which the security is required, or guaranteed by that State; whereas the persons concerned must be free to choose between those three types of security; whereas the competent authorities must nevertheless have the right to refuse the type of security proposed where it is incompatible with the customs procedure through the use of which the customs debt in question will be or may be incurred; whereas those authorities must also have the right to refuse the proposed security where they consider that it does not ensure payment of the customs debt in question within the time-limit laid down; whereas in exceptional circumstances, on the other hand, those authorities must have the right to accept types of security other than one of the three referred to above where they provide equivalent assurance that the customs debt will be paid ;

Whereas, for such time as they represent a security, cash deposits must not be regarded as constituting import duties or export duties which have already been collected; whereas they do not correspond to claims duly established within the meaning of Article 2 of Council Regulation (EEC, Euratom, ECSC) No 2891/77 of 19 December 1977 implementing the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources (1); whereas they should therefore not be entered in the accounts as such duties ;

Whereas, where a secured customs debt is not discharged by the prescribed time-limit, the necessary measures must be taken immediately for the debt to be paid by means of the security; whereas the security must, however, be released immediately once the customs debt to which it relates is extinguished or can no longer arise; whereas it must be made possible for part of the security to be released having regard to any reduction in the amount of the secured customs debt ;

.../...

¹ OJ No L 336, 27.12.1977, p. 1

Whereas, for simplicity's sake, the rules for securing import duties and export duties **must also be applied** where security is given to ensure payment of charges resulting from the implementation of the common agricultural policy imposed on goods satisfying the conditions laid down in Articles 9 and 10(1) of the Treaty traded within the Community ;

Whereas the rules governing security contained in certain international conventions remain unaffected by the application of Community rules on the subject; whereas the same is true of the Community transit procedure in so far as that procedure is applicable, under the terms of agreements reached with Switzerland and Austria, to goods moving between two points in the customs territory of the Community across the territory of those two non-member countries ;

Whereas it is necessary to repeal or amend such provisions relating to security as are already contained in Community legislation which conflict with those in this Regulation ;

Whereas this Regulation concerns the security to be provided to ensure payment of import duties and export duties, whether they result from the implementation of the common agricultural policy or from the implementation of the provisions of the Treaty relating to the customs union; whereas, so far as the latter subject is concerned, the provisions of the Treaty do not empower the Community institutions to adopt mandatory provisions on securities to ensure payment of import duties or export duties; whereas it accordingly appears necessary to base this Regulation additionally on Article 235 of the Treaty,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation lays down the rules governing the security to be given, in accordance with customs rules, to ensure, in whole or in part, payment of a customs debt.

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2. For the purposes of this Regulation :

- (a) "customs rules" means all the customs and agricultural provisions relating to the import, export, transit and storage of goods traded between Member States and between the latter and non-member countries, whether they be Community provisions or national provisions adopted in implementation thereof ;
- (b) "customs debt" means the obligation on a natural or legal person to pay the amount of the import duties (customs debt on importation) or export duties (customs debt on exportation) which apply under the provisions in force to goods liable to such duties ;
- (c) "import duties" means customs duties and charges having equivalent effect, and agricultural levies and other import charges laid down under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products ;
- (d) "export duties" means agricultural levies and other export charges laid down under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products ;
- (e) "competent authority" means any authority competent to apply customs rules within the meaning of subparagraph (a), even if that authority is not part of the customs administration.

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TITLE I

Requirement of security

Article 2

1. Where, pursuant to customs rules, the competent authority requires security to be given to ensure payment of a customs debt, such security shall be given by the person by whom that debt has been or may be incurred.
2. No security shall be required where the person by whom a customs debt has been or may be incurred is a public authority.
3. The competent authority may waive the requirement for provision of security where the amount of the customs debt in question does not exceed 100 ECU.

Article 3

1. Where customs rules provide that the requirement of security is optional, such security shall be required only in so far as a customs debt which has been or may be incurred is not certain to be paid within the prescribed time-limit.
Where the security referred to in the preceding subparagraph is not required, the competent authority may nevertheless ask the person referred to in Article 2(1) for an undertaking setting out the obligations which this person is legally obliged to fulfil.
2. The security referred to in the first subparagraph of paragraph 1 may be required :
 - at the time of application of the rules which make provision for requiring such security to be given, or
 - at any subsequent time when the competent authority finds that the customs debt which has been or may be incurred is not certain to be paid by the prescribed time-limit.

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Article 4

A comprehensive security may be given to cover one or more operations in respect of which a customs debt has been or may be incurred.

Article 5

Where customs rules make it compulsory to give security, the amount of the security shall be fixed by the competent authority at a level equal to :

- the exact amount of the customs debt or debts to be secured, where that amount can be established with certainty at the time when the security is required ;
- the maximum amount, as estimated by the competent authority, of the customs debt or debts which have been or may be incurred in other cases, particularly if the security is required to cover a number of operations to be carried out during a given period.

Article 6

Where customs rules provide that the security is optional, and the customs authorities require it to be given, the amount of the security shall be fixed by the competent authority so as not to exceed the level provided for in Article 5.

TITLE II

Giving of security

Article 7

Subject to the second subparagraph of Article 10(1), security may be given by :

- making a cash deposit ;
- a guarantor; or
- pledging securities which are negotiable in the Member State in which the security is required and which are issued or guaranteed by that State.

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Article 8

1. A cash deposit shall be made in the currency of the Member State in which the security is required.

The following shall be deemed equivalent to a cash deposit :

- submission of a cheque the payment of which is guaranteed by the institution on which it is drawn in any manner acceptable to the competent authority ;
- submission of any other instrument recognized by the competent authority as a mean of payment.

2. Security in the form of a cash deposit or payment deemed equivalent to a cash deposit shall be given in accordance with the provisions in force in the Member State in which the security is required.
3. For such time as they are used to secure a customs debt, sums constituting a cash deposit shall not be entered in the accounts by the competent authority as import or export duties.

Article 9

1. The guarantor shall undertake jointly and severally with the debtor to pay the secured amount of a customs debt which falls to be paid. The guarantor must have his normal residence or an establishment in the Member State in which the security is given and must be approved by the competent authority of that Member State.
2. The guarantor and the person required to give security may not secure each other's customs debts.

Article 10

1. The person required to give security shall be free to choose between the types of security laid down in Article 7.

However, the competent authority may refuse to accept the type of security proposed where it is incompatible with the proper functioning of the customs procedure concerned.

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2. The competent authority may, where circumstances justify and where the provisions in force so allow, accept types of security other than those referred to in Article 7 where they provide equivalent assurance that the customs debt will be paid.

It may, subject to the same conditions, accept a cash deposit or the submission of securities or instruments notwithstanding that they do not comply with the conditions laid down in the third indent of Article 7 and the first subparagraph of Article 8(1) respectively.

3. The types of security which may be accepted pursuant to paragraph 2 shall be determined in accordance with the procedure referred to in Article 15.

Article 11

The competent authority may refuse the security proposed where it does not appear to it certain to ensure payment of the customs debt by the prescribed time-limit.

Article 12

Where the competent authority establishes that the security given does not ensure, or is no longer certain or sufficient to ensure, payment of the customs debt by the prescribed time-limit, it shall require the person referred to in Article 2(1), at his option, to give additional security or to replace the original security with a new security.

TITLE III

Use of the security

Article 13

1. Where the whole customs debt in respect of which security was given is not discharged by the prescribed time-limit, the competent authority shall initiate forthwith such procedures as are necessary to ensure actual payment of the amount due by means of the security which has been given.

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The security may not be released until such time as the customs debt in respect of which it was given is extinguished or can no longer arise. Once that situation is attained, the security shall be released forthwith.

2. Once the customs debt has been extinguished in part or may arise only in respect of part of the amount which has been secured, part of the security shall be released accordingly at the request of the person concerned, unless the amount involved does not justify such action.

TITLE IV

Final provisions

Article 14

This Regulation shall apply in cases where security is given to ensure payment of charges resulting from the implementation of the common agricultural policy, imposed on goods satisfying the conditions laid down in Articles 9 and 10(1) of the Treaty and traded within the Community.

Article 15

1. The Committee on General Customs rules provided for in Article 24 of Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation (1) may consider any matter concerning the application of this Regulation which is raised by its Chairman either on his own initiative or at the request of a Member State.
2. The provisions required for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 26(2) and (3) of Directive 79/695/EEC.

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¹ OJ N. L 205, 13.8.1979, p. 19

Article 16

The provisions of this Regulation shall apply without prejudice to such special provisions as are applicable to security pursuant to :

- international conventions ;
- Council Regulation (EEC) No 222/77 of 13 December 1976 on Community transit(1).

Article 17

The following provisions are hereby repealed or amended as indicated :

1. Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing (2)

Article 3(3) is replaced by the following:

"3. Where paragraph 1(a) of this Article applies, the competent authorities may require security to be given".

2. Council Directive 78/453/EEC of 22 May 1978 on the harmonization of provisions laid down by law, regulation or administrative action concerning deferred payment of import duties or export duties (3)

Article 2 is replaced by the following :

"Article 2

Subject to the applicant giving security, the competent authorities shall on the conditions laid down in this Directive, grant him deferment of payment of the import duties or export duties for which he is liable".

3. Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation (4)

The text of Article 18(3) and Article 19(7) is replaced by the following :

"The competent authorities may make the granting of the facilities provided for in this Article conditional upon the giving of security".

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(1) OJ No L 38, 9.2.1977, p. 1

(2) OJ No L 58, 8.3.1969, p. 1

(3) OJ No L 146, 2.6.1978, p. 19

(4) OJ No L 205, 13.8.1979, p. 19

4. Council Regulation (EEC) N. 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (1)

Article 11 is replaced by the following :

"Article 11

If, in the course of determining the customs value of imported goods, it becomes necessary to delay the final determination of such value, the importer may, at his request, obtain the release of the goods in question on condition that he provides sufficient security in the form of a guarantee, a deposit or some other appropriate instrument to cover the difference between the amount of the customs duties for which the goods may ultimately be liable and that resulting from the information contained in the declaration."

Article 18

Each Member State shall inform the Commission of the measures it adopts for the purpose of implementing this Regulation.

The Commission shall communicate this information to the other Member States.

Article 19

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.

Done at Brussels,

For the Council,

The President,

(1) OJ N. L 134, 31.5.1980, p. 1