

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 753 final

Brussels, 25th November 1980

PROPOSAL FOR A COUNCIL REGULATION (EEC)

on the application of Joint Committee EEC-Austria, Finland, Iceland, Norway, Portugal, Sweden, Switzerland Decision No/80 amending, as regards products sent in small packages to private persons, the provisions of Article 8 of Protocol No 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation

(presented by the Commission to the Council)

COM(80) 753 final

EXPLANATORY NOTE

The text of Article 8(2) of Protocol No 3 to the EEC-EFTA Agreements which concerns simplified documentation procedures as evidence of originating status has given rise to difficulties. The problem is whether or not Mail Order Houses can take advantage of these procedures. In most cases the existing text has been interpreted as implying that Mail Order Houses were obliged to use either an EUR.1 movement certificate or a form EUR.2 for their trade so as to document originating status and were not allowed to dispense with any documentation whatsoever.

However, a re-examination of the existing text has shown that for sales of less than the value limit in Article 8(2) (165 European Units of Account) they are not legally obliged to do so. Thus it is proposed that the text of Article 8(2) be amended to introduce the obligation to document their transactions for origin purposes.

This is suggested because mail order sales are equivalent to other commercial sales and should equally be subject to the origin verification system and the proper application of the no-drawback rule (Article 23 of Protocol No 3).

It is suggested that the proposed Joint Committee Decision be adopted as the common position of the Community in the EEC-EFTA Joint Committees. For reasons of simplification and clarity a draft Council Regulation applying the Joint Committee Decisions in the Community has been included.

Council Regulation (EEC)

on the application of Joint Committee EEC- (1), decision No /80
amending, as regards products sent in small packages to private persons, the
provisions of Article 8 of Protocol No 3 concerning the definition of the concept
of "originating products" and methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and
in particular Article 113 thereof,

Having regard to the proposal of the Commission,

Whereas an Agreement between the European Economic Community and
(2) (3) was signed on (4) and entered into force
on (5);

Whereas by virtue of Article 28 of Protocol No 3 concerning the definition of
the concept of originating products and methods of administrative cooperation,
which forms an integral part of the above Agreement, the Joint Committee has
adopted Decision No /80 amending the provisions of
Article 8 of that Protocol;

Whereas it is necessary to apply this Decision in the Community,

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- (1) Austria, Finland, Iceland, Norway, Portugal, Sweden, Switzerland
 - (2) The Republic of Austria, The Republic of Finland, the Republic of
Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of
Sweden, the Swiss Confederation
 - (3) Austria, Sweden, Switzerland : OJ No L 300 of 31.12.72
Finland : OJ No L 328 of 28.11.73
Norway : OJ No L 171 of 27.6.73
Iceland, Portugal : OJ No L 301 of 31.12.72
 - (4) Austria, Iceland, Portugal, Sweden, Switzerland : 22 July 1972
Norway : 14 May 1973
Finland : 5 October 1973
 - (5) Austria, Portugal, Sweden, Switzerland : 1 January 1973
Iceland : 1 April 1973
Norway : 1 July 1973
Finland : 1 January 1974

HAS ADOPTED THIS REGULATION :

Article 1

For the application of the Agreement between the European Economic Community and (1), Joint Committee Decision No /80 annexed hereto shall be applied in the Community.

Article 2

This Regulation shall enter into force on 1/4/1987

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

Done at Brussels,

For the Council
The President

(1) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation

JOINT COMMITTEE DECISION No /80

amending, as regards products sent in small packages to private persons, the provisions of Article 8 of Protocol No 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the (2), signed in Brussels on (3),

Having regard to Protocol No 3 on the definition of the concept of "originating products" and methods of administrative cooperation, hereinafter referred to as "Protocol No 3", and in particular Article 28 thereof,

Whereas, since Article 8(2) of Protocol No 3 has not been interpreted uniformly, it is necessary to amend the text to ensure that all commercial exports are treated in the same way;

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- (1) Austria, Finland, Iceland, Norway, Portugal, Sweden, Switzerland
(2) The Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation
(3) Austria, Iceland, Portugal, Sweden, Switzerland : 22 July, 1972
Norway : 14 May 1973
Finland : 5 October 1973

HAS DECIDED AS FOLLOWS :

Article 1

The text of Article 8(2) of Protocol No 3 shall be replaced by the following:

"2. The following originating products within the meaning of this Protocol shall, on importation into the Community or into (1), benefit from the Agreement without it being necessary to produce either of the documents referred to in paragraph 1 :

- a) products sent as small packages from private persons to private persons, provided that the value of the products does not exceed 165 European Units of Account.
- b) products forming part of travellers' personal luggage, provided that the value of the products does not exceed 480 European Units of Account.

These provisions shall be applied only when such products are not imported by way of trade and have been declared as meeting the conditions required for the application of the Agreement, and where there is not doubt as to the veracity of such declaration.

Importations which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as importations by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

Article 2

This Decision shall enter into force on

1/4/1989

Done at Brussels,

For the Joint Committee
The Chairman

(1) Austria, Finland, Iceland, Norway, Portugal, Sweden, Switzerland