

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 429 final

Brussels, 12 September 1978

Proposal for a
COUNCIL REGULATION (EEC)
on the application of Decision No 3/78 of the EEC - Austria Joint Committee
- Community transit - amending Annex II to the Agreement between the
European Economic Community and the Republic of Austria on the
simplification of formalities for trade in goods between the
European Economic Community on the one hand and Greece and
Turkey on the other hand when the said goods are
forwarded from Austria

(submitted to the Council by the Commission)

COM(78) 429 final



Explanatory Memorandum

Subject: Application by the Community of Decision No 3/78 of the Joint EEC-Austria Committee set up under the Agreement on Community transit (O.J. No L 294, 29.12.1972, p.87)

1. The Joint Committee recently adopted Decision No 3/78 amending the Agreement between the EEC and the Republic of Austria on the simplification of formalities in respect of goods traded between the EEC on the one hand and Greece and Turkey on the other, when the said goods are forwarded from Austria (O.J. No L 188, 19.7.1975, p.1). This Decision is designed to replace from 1 October 1978 the specimen of movement certificate A.TR.1 by a revised specimen.

2. The draft decision has already been examined by the Council to establish a common Community position (see Document S/1516/1/77 (A ELE)(A 31 Rev. 1).
In comparison with the text then submitted to the Council no significant change has been made subsequently.

3. The Regulation submitted for Council adoption is to give effect in the Community to the amendments proposed in the second Agreement referred to above.

Proposal for a
Council Regulation (EEC) No /78
of

on the application of Decision No 3/78 of the EEC - Austria Joint Committee - Community transit - amending Annex II to the Agreement between the European Economic Community and the Republic of Austria on the simplification of formalities for trade in goods between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria.

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 from the Commission,

Whereas point (c) of Article 8(3) of the Agreement between the European Economic Community and the Republic of Austria on the simplification of formalities in respect of goods traded between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are forwarded from Austria (1), signed on 11 June 1975, empowers the Joint Committee set up under the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit (2), signed on 30 November 1972, to issue, as Decisions, amendments to the Annexes to the Agreement of 11 June 1975;

Whereas the Joint Committee has issued amendments to Annex II of the Agreement of 11 June 1975 by reason of the introduction, with effect from 1 October 1978, of a new specimen of movement certificate for goods A.TR.1 used for the purposes of the Association between the European Economic Community and Turkey;

(1) OJ No L 188, 19.7.1975, p. 1.

(2) OJ No L 294, 29.12.1972, p. 87.

Whereas this change is the subject of Decision No 3/78 of the Joint Committee;
whereas it is necessary to take the measures necessary to implement that
Decision,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 3/78 of the EEC-Austria Joint Committee - Community transit -
of 28 JULY 1978 amending Annex II to the Agreement between the Euro-
pean Economic Community and the Republic of Austria on the simplification
of formalities in respect of goods traded between the European Economic
Community on the one hand and Greece and Turkey on the other hand when the
said goods are forwarded from Austria shall apply in the Community.

The text of the Decision is annexed to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1978.

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

Done at

For the Council

The President

DECISION No 3/78 OF THE EEC-AUSTRIA JOINT COMMITTEE
OF 28 JULY 1978

- Community transit -
amending Annex II to the Agreement
between the European Economic Community
and the Republic of Austria
on the simplification of the formalities
for trade in goods
between the European Economic Community, on the one hand,
and Greece and Turkey, on the other hand
when the said goods are re-exported
from Austria

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria on the simplification of the formalities for trade in goods between the European Economic Community on the one hand and Greece and Turkey on the other hand when the said goods are re-exported from Austria and in particular Article 8(3)(c) thereof,

.../...

Whereas a revised specimen movement certificate A.TR.1 used in trade between the European Economic Community and Turkey is to replace as from 1 October 1978 the specimen in Annex II to the Agreement; whereas accordingly the Annex must be replaced,

HAS DECIDED AS FOLLOWS:

Sole Article

The specimen movement certificate A.TR.1 in Annex II to the Agreement shall be replaced with effect from 1 October 1978 by the specimen annexed to this Decision.

Forms complying with the former specimen may continue to be used until 31 December 1979.

Done at Brussels, 28 July 1978
For the Joint Committee
The President
K. Pingel

MOVEMENT CERTIFICATE

ANNEX

1. Exporter (Name, full address, country)	A.T.R. 1 N° A 000000	
	See notes overleaf before completing this form	
	2. Transport document (Optional) No date	
3. Consignee (Name, full address, country) (Optional)	4. ASSOCIATION between the EUROPEAN ECONOMIC COMMUNITY and TURKEY	
	5. Country of exportation	6. Country of destination (1)
	7. Transport details (Optional)	
8. Remarks (2)		
9. Item number	10. Marks and numbers; Number and kind of packages (for goods in bulk, indicate the name of the ship or the number of the railway wagon or road vehicle); description of goods	11. Gross weight (kg) or other measure (hl, m³, etc.)
12. CUSTOMS ENDORSEMENT Declaration certified Stamp Export document (3): Form No. Customs office: Issuing country: Date (Signature)		13. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place and date (Signature)

(1) Insert the Member State or Turkey

(2) Insert where appropriate Compensatory levy Turkey

(3) Complete only where the exporting country requires

<p>14. REQUEST FOR VERIFICATION, to</p> <p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p align="center">..... (Place and date)</p> <p align="right">Stamp</p> <p align="center">..... (Signature)</p> <p>Full address of office making the request</p>	<p>15. RESULT OF VERIFICATION</p> <p>Verification carried out shows that this certificate (1)</p> <p><input type="checkbox"/> was issued by the Customs Office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p align="center">..... (Place and date)</p> <p align="right">Stamp</p> <p align="center">..... (Signature)</p> <p>(1) Insert X in the appropriate box.</p>
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I. GOODS FOR WHICH A MOVEMENT CERTIFICATE A. TR. 1 MAY BE ENDORSED

1. A movement certificate A. TR. 1 may be endorsed only for goods which, in the exporting State, fall within one of the following categories:
- (a) goods produced in the exporting State, including those obtained or produced wholly or partly from products on which the applicable customs duties or charges having equivalent effect have been levied and which have not benefited from a total or partial drawback of such duties or charges;
 - (b) goods in free circulation in the exporting State (goods coming from a third country, in respect of which import formalities have been complied with and any customs duties or charges having equivalent effect have been levied, and which have not benefited from a total or partial drawback of such duties or charges);
 - (c) goods obtained or produced within the exporting State, and in the manufacture of which have been used products on which the applicable customs duties or charges having equivalent effect have not been levied or which have benefited from a total or partial drawback of such duties or charges, subject to the collection, where appropriate, of the compensatory levy prescribed for them;

Note: The statement "Compensatory Levy Turkey" must appear on all movement certificates A. TR. 1 for goods obtained or produced in the Community from products coming from a third country on which the applicable customs duties and charges having equivalent effect have not been levied in either the Community or Turkey.

(d) goods originally imported from a State party to the Agreement and which on exportation fall within one of the categories (a), (b) or (c) above

Note: In the case of goods originally imported into the exporting State under the cover of a movement certificate bearing the statement "Compensatory Levy Turkey", the movement certificate or certificates A. TR. 1 issued in lieu of the latter must also bear the statement "Compensatory Levy Turkey".

- 2. Agricultural products must also comply with the additional conditions laid down in respect thereof.
- 3. Movement certificates A. TR. 1 may not be endorsed for goods originally imported from a third country under a preferential customs system because of their country of origin or of consignment and which accordingly may not be regarded as in free circulation within the meaning of the Agreement.

II. SCOPE OF THE USE OF MOVEMENT CERTIFICATE A. TR. 1

The movement certificate A. TR. 1 may be used only if the goods to which it relates are transported direct from the exporting State to the importing State.

The following shall be considered as transported direct from the exporting State to the importing State:

- (a) goods transported without passing through territories other than those of the Community or Turkey.
- (b) goods transported through territories other than those of the Community

or Turkey or with transhipment in such territories provided that carriage through such territories or transhipment is covered by a single transport document made out in the Community or Turkey.

Note: Before requesting endorsement of movement certificate A. TR. 1 by the customs authorities of the exporting State, the exporter must satisfy himself that the goods will in fact be transported direct to the importing State. Goods not transported direct are eligible for preferential treatment only if a movement certificate A. TR. 3 is produced.

III. RULES FOR COMPLETING MOVEMENT CERTIFICATE A. TR. 1

- 1. The movement certificate A. TR. 1 must be completed in one of the languages in which the Agreement is drawn up and shall comply with the internal laws of the exporting State. When the certificate is completed in Turkish, it shall also be completed in one of the official languages of the Community.
- 2. The movement certificate A. TR. 1 must be typed or handwritten: if the latter it must be completed in ink in block letters. It must not contain any erasure or superimposed correction. Any alteration must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and be endorsed by the customs authorities.

- 3. Each item listed in the movement certificate A. TR. 1 must be preceded by an item number. A horizontal line must be drawn immediately after the last entry. Unused space must be struck through so as to make any later addition impossible.
- 4. Goods must be described in accordance with commercial usage and in sufficient detail to enable them to be identified.
- 5. The exporter or the carrier may enter in box No. 2 of the certificate a reference to the transport document. It is also recommended that the exporter or the carrier should show on the transport document covering the dispatch of the goods the serial number of the movement certificate A. TR. 1.

IV. EFFECT OF THE MOVEMENT CERTIFICATE A. TR. 1

When properly used movement certificate A. TR. 1 enables the goods described therein to benefit in the importing State from the progressive elimination of customs duties, quantitative restrictions and all other measures having equivalent effect. However, when the movement certificate bears the statement "Compensatory Levy Turkey", the goods described therein shall

not be eligible for this preferential treatment in the Member States of the E. E. C.

The customs authorities of the importing State may, if they consider it to be necessary, require any other documentary evidence and in particular transport documents under cover of which the goods were dispatched.

V. TIME LIMIT FOR SUBMISSION OF MOVEMENT CERTIFICATE A. TR. 1

The movement certificate A. TR. 1 must be produced at the customs office of the importing State where the goods are presented, within a period of

three months from the date of endorsement.