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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2270/86

of 7 July 1986

implementing Decision No 1/86 of the EEC-Austria Joint Committee — Community transit — amending the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities

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 Article 16 of the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit ⁽¹⁾, signed on 23 November 1972, empowers the Joint Committee set up under that Agreement to adopt by decision certain amendments to the said Agreement and the Appendices thereto;

Whereas the Joint Committee has laid down special provisions which make it possible, as long as customs duties and other charges have not been eliminated in intra-Community trade, to distinguish goods according to whether they have acquired Community status in the Community of Ten or in Spain or Portugal;

Whereas the said provisions are the subject of Decision No 1/86 of the Joint Committee; whereas it is necessary to adopt implementing measures in respect of the said Decision,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/86 of the EEC-Austria Joint Committee — Community transit — amending the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day following its 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, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 294, 29. 12. 1972, p. 1.

DECISION No 1/86 OF THE EEC-AUSTRIA JOINT COMMITTEE
— Community transit —

of 8 April 1986

amending the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit, and in particular Article 16 (3) (c) thereof,

Whereas, consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the Community, it is desirable, as long as customs duties and other charges have not been eliminated in intra-Community trade, to be able to distinguish goods according to whether they have acquired Community status in the Community of Ten or in Spain or Portugal;

Whereas, on these grounds, it has proved necessary to introduce internal Community transit documents, comparable with those already in use but distinguished therefrom by the references T2 ES, T2L ES, T2 PT and T2L PT as well as to make other provisions for the application of the rules on Community transit;

Whereas consequently it is necessary to adapt the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol ES-PT in the Annex to this Decision shall be attached to the Agreement concluded between the European Economic Community and the Republic of Austria on the application of the rules on Community transit.

The said Protocol shall form an integral part of the Agreement.

Article 2

The Decision shall enter into force on 1 March 1986.

Done at Brussels, 8 April 1986.

For the Joint Committee

The Chairman

Dr Rudolf SIMONCSICS

ANNEX

ADDITIONAL PROTOCOL ES-PT

on special procedures implementing the Agreement made necessary by the accession of the Kingdom of Spain and the Portuguese Republic to the Community

Article 1

In this Protocol the Community as constituted before the accession of Spain and Portugal, hereinafter called 'Community of Ten', shall mean the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Article 2

Save as provided in Articles 3 and 6 of this Protocol, the provisions of the Agreement expressly referring to transit forms, declarations and documents T2 or T2L shall apply equally to transit forms, declarations and documents T2 ES, T2 PT, T2L ES or T2L PT.

Article 3

1. The issue by an Austrian office of departure of a transit document T2 ES or T2L ES shall be subject to the presentation at that office of a transit document T2 ES or T2L ES drawn up in a Member State.

2. The issue by an Austrian office of departure of a transit document T2 PT or T2L PT shall be subject to the presentation at that office of a transit document T2 PT or T2L PT drawn up in a Member State.

Article 4

1. A T2 ES or T2 PT declaration is a declaration made:

- on a form corresponding, except as regards spaces reserved for national use and the dimensions of boxes wholly or partly delineated by dotted lines, to the specimen shown in Annex I or Annex III to the Regulation on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (Appendix II to the Agreement), accompanied where appropriate by one or more forms corresponding to the specimens shown in Annex II or Annex IV to the said Regulation, or
- on a form corresponding to the specimen shown in Annex I to the Regulation introducing a Community transit

declaration form for use in an automatic or electronic data-processing system (Appendix II A to the Agreement).

2. The principal shall indicate whether the Community transit declaration is made on a form T2 ES or T2 PT, accompanied, where appropriate, by one or more continuation sheets, T2 ESa or T2 PTa, by inserting either in typescript or legible and indelible handwriting, in the space following the 'T' symbol on these forms, the symbols '2-TWO ES' or '2-TWO PT' as appropriate.

Article 5

1. The forms on which the internal Community transit documents T2L ES and T2L PT are drawn up must conform to the specimen shown in Annex XI to the Regulation on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (Appendix II to the Agreement) on which the symbol 'T2L' has been completed at the time of the preparation of the document by the addition of the letters 'ES' or 'PT' either in typescript or legible and indelible handwriting. The letters 'ES' or 'PT' may also be preprinted on the said forms.

2. The provisions of Article 2 (2), (5) (a), (6), first and second subparagraphs, (9) and (10) and Title V of the Regulation referred to above (Appendix II to the Agreement) shall apply to the documents T2L ES and T2L PT.

Article 6

1. For the purpose of implementing the provisions of Title IV, Section I of the Regulation referred to above (Appendix II to the Agreement):

- (a) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by one of the railway authorities of the Community of Ten, or
- the Community Transit Transfer Note drawn up for goods accepted for transport by one of the national representatives of the transport undertaking in the Community of Ten,

shall have equivalent effect to a declaration or document T2 or T2 GR as appropriate, provided it does not bear the symbol 'T1', 'T2 ES' or 'T2 PT';

(b) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by the Spanish railway authorities, or

— the Community Transit Transfer Note drawn up for goods accepted for transport by the Spanish national representative of the transport undertaking,

shall have equivalent effect to a declaration or document T2 ES provided it does not bear the symbol 'T1', 'T2', 'T2 GR' or 'T2 PT', the symbol 'T2' or 'T2 PT' being authenticated by the stamp of the office of departure;

(c) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by the Portuguese railway authorities, or

— the Community Transit Transfer Note drawn up for goods accepted for transport by the Portuguese national representative of the transport undertaking,

shall have equivalent effect to a declaration of document T2 PT provided it does not bear the symbol 'T1', 'T2',

'T2 GR' or 'T2 ES', the symbol 'T2' or 'T2 ES' being authenticated by the stamp of the office of departure.

2. For the implementation of Article 8 (2) of the Agreement:

— the document must be stamped 'T2 ES' when the goods concerned arrive in Austria under cover of:

— a document T2 ES,

— an International Consignment Note, an International Express Parcels Consignment Note or a Community Transit Transfer Note equivalent to document T2 ES, or

— a document T2L ES,

— the document must be stamped 'T2 PT' when the goods concerned arrive in Austria under cover of:

— a document T2 PT,

— an International Consignment Note, an International Express Parcels Consignment Note or a Community Transit Transfer Note equivalent to document T2 PT, or

— a document T2L PT.

COUNCIL REGULATION (EEC) No 2271/86

of 7 July 1986

implementing Decision No 1/86 of the EEC-Switzerland Joint Committee — Community transit — amending the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities

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 Article 16 of the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit ⁽¹⁾, signed on 23 November 1972, empowers the Joint Committee set up under that Agreement to adopt by decision certain amendments to the said Agreement and the Appendices thereto;

Whereas the Joint Committee has laid down special provisions which make it possible, as long as customs duties and other charges have not been eliminated in intra-Community trade, to distinguish goods according to whether they have acquired Community status in the Community of Ten or in Spain or Portugal;

Whereas the said provisions are the subject of Decision No 1/86 of the Joint Committee; whereas it is necessary to adopt implementing measures in respect of the said Decision,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/86 of the EEC-Switzerland Joint Committee — Community transit — amending the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day following its 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, 7 July 1986.

For the Council

The President

N. LAWSON

⁽¹⁾ OJ No L 294, 29. 12. 1972, p. 87.

DECISION No 1/86 OF THE EEC-SWITZERLAND JOINT COMMITTEE
— Community transit —

of 8 April 1986

amending the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the European Communities

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit, and in particular Article 16 (3) (c) thereof,

Whereas, consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the Community, it is desirable, as long as customs duties and other charges have not been eliminated in intra-Community trade, to be able to distinguish goods according to whether they have acquired Community status in the Community of Ten or in Spain or Portugal;

Whereas, on these grounds, it has proved necessary to introduce internal Community transit documents, comparable with those already in use but distinguished therefrom by the references T2 ES, T2L ES, T2 PT and T2L PT as well as to make other provisions for the application of the rules on Community transit;

Whereas consequently it is necessary to adapt the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol ES-PT in the Annex to this Decision shall be attached to the Agreement concluded between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit.

The said Protocol shall form an integral part of the Agreement.

Article 2.

The Decision shall enter into force on 1 March 1986.

Done at Brussels, 8 April 1986.

For the Joint Committee

The Chairman

R. GIORGIS

ANNEX

ADDITIONAL PROTOCOL ES-PT

**on special procedures implementing the Agreement made necessary by the accession of the
Kingdom of Spain and the Portuguese Republic to the Community**

Article 1

In this Protocol the Community as constituted before the accession of Spain and Portugal, hereinafter called 'Community of Ten', shall mean the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Article 2

Save as provided in Articles 3 and 6 of this Protocol, the provisions of the Agreement expressly referring to transit forms, declarations and documents T2 or T2L shall apply equally to transit forms, declarations and documents T2 ES, T2 PT, T2L ES or T2L PT.

Article 3

1. The issue by a Swiss office of departure of a transit document T2 ES or T2L ES shall be subject to the presentation at that office of a transit document T2 ES or T2L ES drawn up in a Member State.

2. The issue by a Swiss office of departure of a transit document T2 PT or T2L PT shall be subject to the presentation at that office of a transit document T2 PT or T2L PT drawn up in a Member State.

Article 4

1. A T2 ES or T2 PT declaration is a declaration made:

- on a form corresponding, except as regards spaces reserved for national use and the dimensions of boxes wholly or partly delineated by dotted lines, to the specimen shown in Annex I or Annex III to the Regulation on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (Appendix II to the Agreement), accompanied where appropriate by one or more forms corresponding to the specimens shown in Annex II or Annex IV to the said Regulation, or
- on a form corresponding to the specimen shown in Annex I to the Regulation introducing a Community transit

declaration form for use in an automatic or electronic data-processing system (Appendix II A to the Agreement).

2. The principal shall indicate whether the Community transit declaration is made on a form T2 ES or T2 PT, accompanied, where appropriate, by one or more continuation sheets, T2 ESa or T2 PTa, by inserting either in typescript or legible and indelible handwriting, in the space following the 'T' symbol on these forms, the symbols '2-TWO ES' or '2-TWO PT' as appropriate.

Article 5

1. The forms on which the internal Community transit documents T2L ES and T2L PT are drawn up must conform to the specimen shown in Annex XI to the Regulation on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (Appendix II to the Agreement) on which the symbol 'T2L' has been completed at the time of the preparation of the document by the addition of the letters 'ES' or 'PT' either in typescript or legible and indelible handwriting. The letters 'ES' or 'PT' may also be preprinted on the said forms.

2. The provisions of Article 2 (2), (5) (a), (6), first and second subparagraphs, (9) and (10) and Title V of the Regulation referred to above (Appendix II to the Agreement) shall apply to the documents T2L ES and T2L PT.

Article 6

1. For the purpose of implementing the provisions of Title IV, Section I of the Regulation referred to above (Appendix II to the Agreement):

- (a) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by one of the railway authorities of the Community of Ten, or
- the Community Transit Transfer Note drawn up for goods accepted for transport by one of the national representatives of the transport undertaking in the Community of Ten,

shall have equivalent effect to a declaration or document T2 or T2 GR as appropriate, provided it does not bear the symbol 'T1', 'T2 ES' or 'T2 PT';

- (b) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by the Spanish railway authorities, or

- the Community Transit Transfer Note drawn up for goods accepted for transport by the Spanish national representative of the transport undertaking,

shall have equivalent effect to a declaration or document T2 ES provided it does not bear the symbol 'T1', 'T2', 'T2 GR' or 'T2 PT', the symbol 'T2' or 'T2 PT' being authenticated by the stamp of the office of departure;

- (c) — the International Consignment Note or the International Express Parcels Consignment Note drawn up in respect of goods accepted for transport by the Portuguese railway authorities, or

- the Community Transit Transfer Note drawn up for goods accepted for transport by the Portuguese national representative of the transport undertaking,

shall have equivalent effect to a declaration of document T2 PT provided it does not bear the symbol 'T1', 'T2',

'T2 GR' or 'T2 ES', the symbol 'T2' or 'T2 ES' being authenticated by the stamp of the office of departure.

2. For the implementation of Article 8 (2) of the Agreement:

- the document must be stamped 'T2 ES' when the goods concerned arrive in Switzerland under cover of:

- a document T2 ES,
— an International Consignment Note, an International Express Parcels Consignment Note or a Community Transit Transfer Note equivalent to document T2 ES, or

- a document T2L ES,

- the document must be stamped 'T2 PT' when the goods concerned arrive in Switzerland under cover of:

- a document T2 PT,
— an International Consignment Note, an International Express Parcels Consignment Note or a Community Transit Transfer Note equivalent to document T2 PT, or

- a document T2L PT.

COUNCIL REGULATION (EEC) No 2272/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Austria Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Republic of Austria ⁽³⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Austria, on the other hand ⁽⁴⁾, was signed on 22 July 1972 and entered into force on 1 January 1974;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Austria Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Republic of Austria, Decision No 2/86 of the EEC-Austria Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 June 1986.

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

Done at Brussels, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 2.

⁽⁴⁾ OJ No L 350, 19. 12. 1973, p. 33.

DECISION NO 2/86 OF THE EEC-AUSTRIA JOINT COMMITTEE

of 27 May 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Republic of Austria, signed at Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to that Agreement following the accession of Spain and Portugal to the European Communities and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and the Republic of Austria, on the other hand, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to that Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, needs amending consequent upon the accession of Spain and Portugal to the European Communities in respect of both technical amendments and transitional arrangements to implement correctly the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal, on the one hand, and Austria, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the additional Protocol to the Agreement, be considered as originating in Spain.

- (b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Austria and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Austria.

- (c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision.

- (d) For the application of subparagraph (b), in the case of products originating in Austria, Article 9 (8) shall apply.

2. The following products exported to Austria from a Member State of the Community other than Spain shall benefit on import into Austria only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the provisions of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in the other Member State of the Community.

3. For the application of Article 1 (2) (b), last sentence, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with

the symbol "ES" entered in box 7, "Remarks", imported into Austria and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Austria.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Austria and exported under the conditions set out in Article 2 to one of the five countries listed there shall benefit, on import into one of those five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in Austria.

5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and

Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol.

(b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Austria or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If such certificates EUR 1 and forms EUR 2 are used, it is not necessary to insist on the entry of the symbol "ES" as provided for in paragraphs 2, 3 and 4.'

Article 2

This Decision shall enter into force on 1 June 1986.

Article 24, as it appears in Article 1 of this Decision, shall apply until 31 December 1992.

Done at Brussels, 27 May 1986.

For the Joint Committee
The Chairman
M. SCHEICH

COUNCIL REGULATION (EEC) No 2273/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Finland Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Republic of Finland ⁽³⁾ was signed on 5 October 1973 and entered into force on 1 January 1974;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Finland, on the other hand ⁽⁴⁾, was signed on 5 October 1973 and entered into force on 1 January 1975;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Finland Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Republic of Finland, Decision No 2/86 of the EEC-Finland Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 9 June 1986.

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

Done at Brussels, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 328, 31. 12. 1973, p. 2.

⁽⁴⁾ OJ No L 348, 27. 12. 1974, p. 1.

DECISION NO 2/86 OF THE EEC-FINLAND JOINT COMMITTEE

of 9 June 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Republic of Finland, signed at Brussels on 5 October 1973,

Having regard to the Additional Protocol annexed to that Agreement following the accession of Spain and Portugal to the European Communities and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and the Republic of Finland, on the other hand, signed in Brussels on 5 October 1973,

Having regard to the Additional Protocol annexed to that Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, needs amending consequent upon the accession of Spain and Portugal to the European Communities in respect of both technical amendments and transitional arrangements to implement correctly the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal, on the one hand, and Finland, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the Additional Protocol to the Agreement, be considered as originating in Spain.

- (b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Finland and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Finland.

- (c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision.

- (d) For the application of subparagraph (b), in the case of products originating in Finland, Article 9 (8) shall apply.

2. The following products exported to Finland from a Member State of the Community other than Spain shall benefit on import into Finland only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the provisions of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in the other Member State of the Community.

3. For the application of Article 1 (2) (b), last sentence, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with

the symbol "ES" entered in box 7, "Remarks", imported into Finland and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Finland.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Finland and exported under the conditions set out in Article 2 to one of the five countries listed there shall benefit, on import into one of those five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in Finland.

5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and

Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol.

(b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Finland or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If such certificates EUR 1 and forms EUR 2 are used, it is not necessary to insist on the entry of the symbol "ES" as provided for in paragraphs 2, 3 and 4.'

Article 2

This Decision shall enter into force on 9 June 1986.

Article 24, as it appears in Article 1 of this Decision, shall apply until 31 December 1992.

Done at Brussels, 9 June 1986.

For the Joint Committee

The Chairman

L. BLOMQUIST

COUNCIL REGULATION (EEC) No 2274/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Iceland Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Republic of Iceland ⁽³⁾ was signed on 22 July 1972 and entered into force on 1 April 1973;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Iceland, on the other hand ⁽⁴⁾, was signed on 22 July 1972 and entered into force on 1 April 1974;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Iceland Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Republic of Iceland, Decision No 2/86 of the EEC-Iceland Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 March 1986.

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

Done at Brussels, 7 July 1986.

For the Council

The President

N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 301, 31. 12. 1972, p. 2.

⁽⁴⁾ OJ No L 350, 19. 12. 1973, p. 2.

DECISION NO 2/86 OF THE EEC-ICELAND JOINT COMMITTEE

of 20 June 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Republic of Iceland, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the aforesaid Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community on the one hand, and the Republic of Iceland, on the other hand, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the said Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation needs amending, consequent upon the accession of Spain and Portugal to the European Communities, in respect of both technical amendments and transitional arrangements in order correctly to implement the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal on the one hand and the Republic of Iceland, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions of Protocol No 3 indicated below shall be amended as follows:

1. In Articles 2 (1), 7, 9 (3) first subparagraph and 26, 'Portugal' shall be deleted.

2. In Articles 2(1), 2 (1) A and B, 23(1) and 27(1) and (2), 'six countries' shall be replaced by 'five countries'.

3. The third subparagraph of Article 9 (5) shall be replaced by the following:

'EUR 1 certificates issued retrospectively must be endorsed with one of the following phrases: "délivré a posteriori", "udstedt efterfølgende", "nachträglich ausgestellt", "εκδοθέν εκ των υστέρων", "issued retrospectively", "expedido a posteriori", "rilasciato a posteriori", "afgegeven a posteriori", "emitido a posterior", "annettu jälkikäteen", "utgefird eftira", "utstedt senere", "utfärdat i efterhand".'

4. The first subparagraph of Article 9 (6) shall be replaced by the following:

'6. In the event of the theft, loss or destruction of an EUR 1 certificate, the exporter may apply to the customs authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: "duplicata", "duplicaat", "duplikat", "αντίγραφο", "duplicado", "duplicato", "duplicate", "segunda via", "kaksoiskappale", "samrit".'

5. Article 13(5) shall be replaced by the following:

'5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR 1 certificate: "Procédure simplifiée", "Forenklet procedure", "Vereinfachtes Verfahren", "απλουστευμένη δια οικασία", "Simplified procedure", "Procedimiento simplificado", "Procedura semplificata", "Vereenvoudigde procedure", "Procedimento simplificado", "Yksinkertaistettu menettely", "Einföldun afgreidslu", "Forenklet prosedyre", "Förenklad procedur".'

Article 2

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the Additional Protocol to the Agreement, be considered as originating in Spain;

(b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Iceland and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Iceland;

(c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision;

(d) For the application of the provisions of subparagraph (b), in the case of products originating in Iceland, the provisions of Article 9 (8) shall apply.

2. The following products exported to Iceland from a Member State of the Community other than Spain shall benefit on import into Iceland only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the preceding subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in such other Member State of the Community.

3. For the application of the last sentence of Article 1 (2) (b), products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Iceland and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Iceland.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Iceland and exported under the conditions set out in Article 2 to one of the five countries listed there may benefit, on import into one of these five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Iceland.

5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol;

(b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Iceland or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If certificates EUR 1 and forms EUR 2 are used, as provided for hereunder, it is not necessary to insist on the entry of the symbol "ES" as provided for in Paragraphs 2, 3 and 4.'

Article 3

The following Articles shall be inserted in the Protocol No 3:

'Article 25

For the application of the provisions of the Additional Protocol concerning products originating in the Canary Islands, Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the particular conditions set out in Articles 25a to 25d.

Article 25a

The term "Community" used in this Protocol does not cover the Canary Islands, Ceuta or Melilla. The term "products originating in the Community" does not cover products originating in the Canary Islands, Ceuta and Melilla.

Article 25b

1. The following paragraphs shall apply instead of Article 1, 2 and 3 and references to those Articles shall apply *mutatis mutandis* to this Article.

2. The following shall be considered as:

(a) products originating in the Canary Islands, Ceuta and Melilla:

(i) products wholly obtained in the Canary Islands, Ceuta and Melilla;

(ii) products obtained in the Canary Islands, Ceuta and Melilla in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Iceland, Austria, Finland, Norway, Sweden or Switzerland or the Community provided they undergo, in the Canary Islands, Ceuta and Melilla, working or processing which exceeds the insufficient working or processing set out in Article 5 (3);

(b) products originating in Iceland:

(i) products wholly obtained in Iceland;

(ii) products wholly obtained in Iceland in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Canary Islands, Ceuta and Melilla, Iceland, Austria, Finland, Norway, Sweden or Switzerland or the Community

provided they undergo working or processing which exceeds the insufficient working or processing set out in Article 5 (3).

3. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter "Iceland" and "Canary Islands, Ceuta and Melilla" in box 2 of certificates EUR 1 and box 1 of forms EUR 2. In addition, in the case of products originating in the Canary Islands, Ceuta and Melilla, this shall be indicated in box 4 of certificates EUR 1 and box 8 of forms EUR 2.

5. The products in List C shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 25c

The Spanish customs authorities shall be responsible for the application of this Protocol in the Canary Islands, Ceuta and Melilla.

Article 25d

Article 23 shall not apply to trade between the Canary Islands, Ceuta and Melilla, on the one hand, and Iceland on the other.'

Article 4

This Decision shall enter into force on 1 March 1986.

Article 24, as it appears in Article 2, shall apply until 31 December 1992.

Done at Brussels, 20 June 1986.

For the Joint Committee

The Chairman

Tomas A. TOMASSON

COUNCIL REGULATION (EEC) No 2275/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Norway Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾ was signed on 14 May 1973 and entered into force on 1 July 1973;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Norway, on the other hand ⁽⁴⁾, was signed on 14 May 1973 and entered into force on 1 July 1975;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Norway Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Kingdom of Norway, Decision No 2/86 of the EEC-Norway Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 March 1986.

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

Done at Brussels, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 171, 27. 6. 1973, p. 2.

⁽⁴⁾ OJ No L 348, 27. 12. 1974, p. 17.

DECISION NO 2/86 OF THE EEC-NORWAY JOINT COMMITTEE

of 22 May 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Kingdom of Norway, signed in Brussels on 14 May 1973,

Having regard to the Additional Protocol annexed to the aforesaid Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community on the one hand, and the Kingdom of Norway, on the other hand, signed in Brussels on 14 May 1973,

Having regard to the Additional Protocol annexed to the said Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation needs amending, consequent upon the accession of Spain and Portugal to the European Communities, in respect of both technical amendments and transitional arrangements in order correctly to implement the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal on the one hand and the Kingdom of Norway, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions of Protocol No 3 indicated below shall be amended as follows:

1. In Articles 2 (1), 7, 9 (3) first subparagraph and 26, 'Portugal' shall be deleted.

2. In Articles 2(1), 2 (1) A and B, 23(1) and 27(1) and (2), 'six countries' shall be replaced by 'five countries'.

3. The third subparagraph of Article 9 (5) shall be replaced by the following:

'EUR 1 certificates issued retrospectively must be endorsed with one of the following phrases: "délivré a posteriori", "udstedt efterfølgende", "nachträglich ausgestellt", "εκδοθέν εκ των υστέρων", "issued retrospectively", "expedido a posteriori", "rilasciato a posteriori", "afgegeven a posteriori", "emitido a posterior", "annettu jälkikäteen", "utgefid eftira", "utstedt senere", "utfärdat i efterhand".'

4. The first subparagraph of Article 9 (6) shall be replaced by the following:

'6. In the event of the theft, loss or destruction of an EUR 1 certificate, the exporter may apply to the customs authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: "duplicata", "duplicaat", "duplikat", "αντίγραφο", "duplicado", "duplicato", "duplicate", "segunda via", "kaksoiskappale", "samrit".'

5. Article 13(5) shall be replaced by the following:

'5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR 1 certificate: "Procédure simplifiée", "Forenklet procedure", "Vereinfachtes Verfahren", "απλουστευμένη διαδικασία", "Simplified procedure", "Procedimiento simplificado", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimento simplificado", "Yksinkertaistettu menettely", "Einföldun afgreidslu", "Forenklet prosedyre", "Förenklad procedur".'

Article 2

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the Additional Protocol to the Agreement, be considered as originating in Spain;

- (b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Norway and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Norway;
- (c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision;
- (d) For the application of the provisions of subparagraph (b), in the case of products originating in Norway, the provisions of Article 9 (8) shall apply.

2. The following products exported to Norway from a Member State of the Community other than Spain shall benefit on import into Norway only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the preceding subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in such other Member State of the Community.

3. For the application of the last sentence of Article 1 (2) (b), products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Norway and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Norway.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Norway and exported under the conditions set out in Article 2 to one of the five countries listed there may benefit, on import into one of these five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Norway.

- 5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol;
- (b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Norway or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If certificates EUR 1 and forms EUR 2 are used, as provided for hereunder, it is not necessary to insist on the entry of the symbol "ES" as provided for in Paragraphs 2, 3 and 4.'

Article 3

The following Articles shall be inserted in the Protocol No 3:

'Article 25

For the application of the provisions of the Additional Protocol concerning products originating in the Canary Islands, Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the particular conditions set out in Articles 25a to 25d.

Article 25a

The term "Community" used in this Protocol does not cover the Canary Islands, Ceuta or Melilla. The term "products originating in the Community" does not cover products originating in the Canary Islands, Ceuta and Melilla.

Article 25b

1. The following paragraphs shall apply instead of Article 1, 2 and 3 and references to those Articles shall apply *mutatis mutandis* to this Article.

2. The following shall be considered as:

(a) products originating in the Canary Islands, Ceuta and Melilla:

- (i) products wholly obtained in the Canary Islands, Ceuta and Melilla;
- (ii) products obtained in the Canary Islands, Ceuta and Melilla in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Norway, Iceland, Austria, Finland, Sweden or Switzerland or the Community provided they undergo, in the Canary Islands, Ceuta and Melilla, working or processing which exceeds the insufficient working or processing set out in Article 5 (3);

(b) products originating in Norway:

- (i) products wholly obtained in Norway;
- (ii) products wholly obtained in Norway in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Canary Islands, Ceuta and Melilla, Norway, Iceland, Austria, Finland, Sweden or Switzerland or the Community

provided they undergo working or processing which exceeds the insufficient working or processing set out in Article 5 (3).

3. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter "Norway" and "Canary Islands, Ceuta and Melilla" in box 2 of certificates EUR 1 and box 1 of forms EUR 2. In addition, in the case of products originating in the Canary Islands, Ceuta and Melilla, this shall be indicated in box 4 of certificates EUR 1 and box 8 of forms EUR 2.

5. The products in List C shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 25c

The Spanish customs authorities shall be responsible for the application of this Protocol in the Canary Islands, Ceuta and Melilla.

Article 25d

Article 23 shall not apply to trade between the Canary Islands, Ceuta and Melilla, on the one hand, and Norway on the other.'

Article 4

This Decision shall enter into force on 1 March 1986.

Article 24, as it appears in Article 2, shall apply until 31 December 1992.

Done at Brussels, 22 May 1986.

For the Joint Committee

The Chairman

G. GIOLA

COUNCIL REGULATION (EEC) No 2276/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Sweden Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Kingdom of Sweden ⁽³⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Sweden, on the other hand ⁽⁴⁾, was signed on 22 July 1972 and entered into force on 1 January 1974;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Sweden Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Kingdom of Sweden, Decision No 2/86 of the EEC-Sweden Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 March 1986.

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

Done at Brussels, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 97.

⁽⁴⁾ OJ No L 350, 19. 12. 1973, p. 76.

DECISION NO 2/86 OF THE EEC-SWEDEN JOINT COMMITTEE

of 13 May 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Kingdom of Sweden, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the aforesaid Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community on the one hand, and the Kingdom of Sweden, on the other hand, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the said Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation needs amending, consequent upon the accession of Spain and Portugal to the European Communities, in respect of both technical amendments and transitional arrangements in order correctly to implement the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal on the one hand and the Kingdom of Sweden, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions of Protocol No 3 indicated below shall be amended as follows:

1. In Articles 2 (1), 7, 9 (3) first subparagraph and 26, 'Portugal' shall be deleted.

2. In Articles 2(1), 2 (1) A and B, 23(1) and 27(1) and (2), 'six countries' shall be replaced by 'five countries'.

3. The third subparagraph of Article 9 (5) shall be replaced by the following:

'EUR 1 certificates issued retrospectively must be endorsed with one of the following phrases: "délivré a posteriori", "udstedt efterfølgende", "nachträglich ausgestellt", "εκδοθέν εκ των υστέρων", "issued retrospectively", "expedido a posteriori", "rilasciato a posteriori", "afgegeven a posteriori", "emitido a posterior", "annettu jälkikäteen", "utgefid eftira", "utstedt senere", "utfärdat i efterhand".

4. The first subparagraph of Article 9 (6) shall be replaced by the following:

'6. In the event of the theft, loss or destruction of an EUR 1 certificate, the exporter may apply to the customs authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: "duplicata", "duplicaat", "duplikat", "αντίγραφο", "duplicado", "duplicato", "duplicate", "segunda via", "kaksoiskappale", "samrit".

5. Article 13(5) shall be replaced by the following:

'5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR 1 certificate: "Procédure simplifiée", "Forenklet procedure", "Vereinfachtes Verfahren", "απλουστευμένη δια οικασία", "Simplified procedure", "Procedimiento simplificado", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimento simplificado", "Yksinkertaistettu menettely", "Einföldun afgreidslu", "Forenklet prosedyre", "Förenklad procedur".

Article 2

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the Additional Protocol to the Agreement, be considered as originating in Spain;

(b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Sweden and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Sweden;

(c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision;

(d) For the application of the provisions of subparagraph (b), in the case of products originating in Sweden, the provisions of Article 9 (8) shall apply.

2. The following products exported to Sweden from a Member State of the Community other than Spain shall benefit on import into Sweden only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the preceding subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in such other Member State of the Community.

3. For the application of the last sentence of Article 1 (2) (b), products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Sweden and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Sweden.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Sweden and exported under the conditions set out in Article 2 to one of the five countries listed there may benefit, on import into one of these five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Sweden.

5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol;

(b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Sweden or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If certificates EUR 1 and forms EUR 2 are used, as provided for hereunder, it is not necessary to insist on the entry of the symbol "ES" as provided for in Paragraphs 2, 3 and 4.'

Article 3

The following Articles shall be inserted in the Protocol No 3:

'Article 25

For the application of the provisions of the Additional Protocol concerning products originating in the Canary Islands, Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the particular conditions set out in Articles 25a to 25d.

Article 25a

The term "Community" used in this Protocol does not cover the Canary Islands, Ceuta or Melilla. The term "products originating in the Community" does not cover products originating in the Canary Islands, Ceuta and Melilla.

Article 25b

1. The following paragraphs shall apply instead of Article 1, 2 and 3 and references to those Articles shall apply *mutatis mutandis* to this Article.

2. The following shall be considered as:

(a) products originating in the Canary Islands, Ceuta and Melilla:

- (i) products wholly obtained in the Canary Islands, Ceuta and Melilla;
- (ii) products obtained in the Canary Islands, Ceuta and Melilla in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Sweden, Iceland, Austria, Finland, Norway or Switzerland or the Community provided they undergo, in the Canary Islands, Ceuta and Melilla, working or processing which exceeds the insufficient working or processing set out in Article 5 (3);

(b) products originating in Sweden:

- (i) products wholly obtained in Sweden;
- (ii) products wholly obtained in Sweden in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Canary Islands, Ceuta and Melilla, Sweden, Iceland, Austria, Finland, Norway or Switzerland or the Community

provided they undergo working or processing which exceeds the insufficient working or processing set out in Article 5 (3).

3. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter "Sweden" and "Canary Islands, Ceuta and Melilla" in box 2 of certificates EUR 1 and box 1 of forms EUR 2. In addition, in the case of products originating in the Canary Islands, Ceuta and Melilla, this shall be indicated in box 4 of certificates EUR 1 and box 8 of forms EUR 2.

5. The products in List C shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 25c

The Spanish customs authorities shall be responsible for the application of this Protocol in the Canary Islands, Ceuta and Melilla.

Article 25d

Article 23 shall not apply to trade between the Canary Islands, Ceuta and Melilla, on the one hand, and Sweden, on the other.'

Article 4

This Decision shall enter into force on 1 March 1986.

Article 24, as it appears in Article 2, shall apply until 31 December 1992.

Done at Brussels, 13 May 1986.

For the Joint Committee

The Chairman

G. GIOLA

COUNCIL REGULATION (EEC) No 2277/86

of 7 July 1986

on the application of Decision No 2/86 of the EEC-Switzerland Joint Committee amending, on account of the accession of Spain and Portugal to the European Communities, 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 Council Regulation (EEC) No 572/86 of 28 February 1986 establishing the arrangements to be applied by the Kingdom of Spain and the Portuguese Republic in trade with Austria, Finland, Iceland, Norway, Sweden and Switzerland ⁽¹⁾, and in particular Article 8 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States, meeting within the Council, of 28 February 1986 establishing the arrangements to be applied to imports into Spain and Portugal of products covered by the ECSC Treaty originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland, and covered by the Agreements between the Community and these countries ⁽²⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Swiss Confederation ⁽³⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas the Agreement between the Member States of the European Coal and Steel Community and that Community, on the one hand, and Switzerland on the other hand ⁽⁴⁾, was signed on 22 July 1972 and entered into force on 1 January 1974;

Whereas, by virtue of Articles 16 and 18 of the Protocols annexed to the above Agreements following the accession of Spain and Portugal to the European Communities, the EEC-Switzerland Joint Committee has adopted Decision No 2/86 amending Protocol No 3 to take account of the said accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of the Agreement between the European Economic Community and the Swiss Confederation, Decision No 2/86 of the EEC-Switzerland Joint Committee shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 March 1986.

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

Done at Brussels, 7 July 1986.

For the Council
The President
N. LAWSON

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 91.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 119.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 189.

⁽⁴⁾ OJ No L 350, 19. 12. 1973, p. 13.

DECISION NO 2/86 OF THE EEC-SWITZERLAND JOINT COMMITTEE

of 28 May 1986

amending, on account of the accession of Spain and Portugal to the European Communities, 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 Swiss Confederation, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the aforesaid Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 16 thereof,

Having regard to the Agreement between the Member States of the European Coal and Steel Community and that Community on the one hand, and the Swiss Confederation, on the other hand, signed in Brussels on 22 July 1972,

Having regard to the Additional Protocol annexed to the said Agreement following the accession of Spain and Portugal to the European Communities, and in particular Article 8 thereof,

Whereas Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation needs amending, consequent upon the accession of Spain and Portugal to the European Communities, in respect of both technical amendments and transitional arrangements in order correctly to implement the trade regime contained in the Protocols consequent on the said accession;

Whereas the transitional arrangements should ensure the correct implementation of this trade regime between the Community as constituted on 31 December 1985 and Spain and Portugal on the one hand and the Swiss Confederation, on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions of Protocol No 3 indicated below shall be amended as follows:

1. In Articles 2 (1), 7, 9 (3) first subparagraph and 26, 'Portugal' shall be deleted.

2. In Articles 2(1), 2 (1) A and B, 23(1) and 27(1) and (2), 'six countries' shall be replaced by 'five countries'.

3. The third subparagraph of Article 9 (5) shall be replaced by the following:

'EUR 1 certificates issued retrospectively must be endorsed with one of the following phrases: "délivré a posteriori", "udstedt efterfølgende", "nachträglich ausgestellt", "εκδοθέν εκ των υστέρων", "issued retrospectively", "expedido a posteriori", "rilasciato a posteriori", "afgegeven a posteriori", "emitido a posterior", "annettu jälkikäteen", "utgefid eftira", "utstedt senere", "utfärdat i efterhand".

4. The first subparagraph of Article 9 (6) shall be replaced by the following:

'6. In the event of the theft, loss or destruction of an EUR 1 certificate, the exporter may apply to the customs authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words: "duplicata", "duplicaat", "duplikat", "αντίγραφο", "duplicado", "duplicato", "duplicate", "segunda via", "kaksoiskappale", "samrit".'

5. Article 13(5) shall be replaced by the following:

'5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR 1 certificate: "Procédure simplifiée", "Forenklet procedure", "Vereinfachtes Verfahren", "απλουστευμένη δια οिकासία", "Simplified procedure", "Procedimiento simplificado", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimento simplificado", "Yksinkertaistettu menettely", "Einföldun afgreidslu", "Forenklet prosedyre", "Förenklad procedur".'

Article 2

The following Article shall be inserted in Protocol No 3:

'Article 24

1. (a) Any product accompanied by a certificate EUR 1 or form EUR 2 issued or made out in Spain shall, for the application of the Additional Protocol to the Agreement, be considered as originating in Spain;

- (b) However, the provisions of subparagraph (a) shall not apply to certificates EUR 1 issued in Spain for products originating in the rest of the Community or Switzerland and which have not undergone any working or processing in Spain or which have only been subject to operations designed to preserve them in good condition during transport or storage. Such products shall benefit on import from treatment identical to that which they would have received had they been sent directly from the rest of the Community or Switzerland;
- (c) For the application of subparagraph (b), in the case of products originating in the rest of the Community, the exporter or his authorized representative shall enter "Article 24 (1) — Re-exported in the same state" in box 7, "Remarks", of the certificate EUR 1. This entry shall be authenticated by means of the stamp used by the appropriate customs office. The customs authorities of Spain shall carry out appropriate controls in order to ensure the correct application of this provision;
- (d) For the application of the provisions of subparagraph (b), in the case of products originating in Switzerland, the provisions of Article 9 (8) shall apply.

2. The following products exported to Switzerland from a Member State of the Community other than Spain shall benefit on import into Switzerland only from a treatment identical to that which they would have received had they been imported directly from Spain:

- products originating in the Community by virtue of working or processing carried out wholly or partly in Spain,
- products which, after having acquired originating status in the rest of the Community, are subject in Spain to operations other than those designed to preserve them in good condition during transport or storage.

For the application of the preceding subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificate EUR 1 or form EUR 2 issued or made out in such other Member State of the Community.

3. For the application of the last sentence of Article 1 (2) (b), products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Switzerland and exported to a Member State of the Community other than Spain shall benefit in that Member State from a treatment identical to that provided for in the Act of Accession of Spain and Portugal to the European Communities which they would have received had they been sent directly from Spain to the rest of the Community.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Switzerland.

4. For the application of Article 2, products originating in Spain or products accompanied by a certificate EUR 1 or form EUR 2 with the symbol "ES" entered in box 7, "Remarks", imported into Switzerland and exported under the conditions set out in Article 2 to one of the five countries listed there may benefit, on import into one of these five countries, only from a treatment identical to that which they would have received had they been imported directly from Spain.

For the application of the first subparagraph, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of certificates EUR 1 or forms EUR 2 issued or made out in Switzerland.

5. (a) Originating products for which the appropriate certificate or form has been issued or made out before 1 March 1986 in the framework of the Agreement between the EFTA countries and Spain signed on 26 June 1979, the Convention establishing EFTA signed on 4 January 1960 by Portugal, the 1970 Agreement between the European Economic Community and Spain, the 1972 Agreement between the European Economic Community and the Portuguese Republic, shall be deemed to be originating products within the meaning of this Protocol;

(b) Certificates EUR 1 or forms EUR 2 carrying the entry "EFTA-SPAIN-TRADE" used in the framework of direct trade between Spain and Switzerland or one of the five other countries mentioned in Article 2 may continue to be used in such trade until stocks are exhausted. If certificates EUR 1 and forms EUR 2 are used, as provided for hereunder, it is not necessary to insist on the entry of the symbol "ES" as provided for in Paragraphs 2, 3 and 4.'

Article 3

The following Articles shall be inserted in the Protocol No 3:

'Article 25

For the application of the provisions of the Additional Protocol concerning products originating in the Canary Islands, Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the particular conditions set out in Articles 25a to 25d.

Article 25a

The term "Community" used in this Protocol does not cover the Canary Islands, Ceuta or Melilla. The term "products originating in the Community" does not cover products originating in the Canary Islands, Ceuta and Melilla.

Article 25b

1. The following paragraphs shall apply instead of Article 1, 2 and 3 and references to those Articles shall apply *mutatis mutandis* to this Article.

2. The following shall be considered as:

(a) products originating in the Canary Islands, Ceuta and Melilla:

- (i) products wholly obtained in the Canary Islands, Ceuta and Melilla;
- (ii) products obtained in the Canary Islands, Ceuta and Melilla in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Switzerland, Iceland, Austria, Finland, Norway or Sweden or the Community provided they undergo, in the Canary Islands, Ceuta and Melilla, working or processing which exceeds the insufficient working or processing set out in Article 5 (3);

(b) products originating in Switzerland:

- (i) products wholly obtained in Switzerland;
- (ii) products wholly obtained in Switzerland in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 5 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Canary Islands, Ceuta and Melilla, Switzerland, Iceland, Austria, Finland, Norway or Sweden or the Community

provided they undergo working or processing which exceeds the insufficient working or processing set out in Article 5 (3).

3. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter "Switzerland" and "Canary Islands, Ceuta and Melilla" in box 2 of certificates EUR 1 and box 1 of forms EUR 2. In addition, in the case of products originating in the Canary Islands, Ceuta and Melilla, this shall be indicated in box 4 of certificates EUR 1 and box 8 of forms EUR 2.

5. The products in List C shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 25c

The Spanish customs authorities shall be responsible for the application of this Protocol in the Canary Islands, Ceuta and Melilla.

Article 25d

Article 23 shall not apply to trade between the Canary Islands, Ceuta and Melilla, on the one hand, and Switzerland on the other.'

Article 4

This Decision shall enter into force on 1 March 1986.

Article 24, as it appears in Article 2, shall apply until 31 December 1992.

Done at Brussels, 28 May 1986.

For the Joint Committee

The Chairman

C. JAGMETTI

COMMISSION OF THE EUROPEAN COMMUNITIES

DOCUMENT

EUROPEAN REGIONAL DEVELOPMENT FUND

Tenth Annual Report (1984)

The ERDF, one of the Community's structural funds was set up in 1975 to correct the principal regional imbalances within the Community. ERDF aid is accordingly granted in areas and regions suffering from imbalances resulting in particular from the predominance of agriculture, industrial change and structural under-employment. Such regions, which are determined in agreement with the Member States, are generally the areas covered by national regional aid schemes, these areas being approved by the Commission in accordance with Articles 92 and 94 of the Treaty establishing the European Economic Community. The ERDF provides assistance by making grants which support and supplement national regional development efforts

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DOCUMENT

**COMPÉTITION EUROPÉENNE ET COOPÉRATION ENTRE ENTREPRISES EN
MATIÈRE DE RECHERCHE-DÉVELOPPEMENT**

Les accords de coopération interentreprises dans le domaine de la recherche-développement se sont multipliés au cours des années récentes, à travers deux formes principales: le contrat de collaboration qui permet, dans une perspective de court terme et avec une structure légère, de poursuivre des objectifs limités et l'entreprise conjointe (*joint venture*) qui correspond à la constitution d'une entité nouvelle ayant ou non la personnalité juridique, mais dotée d'une large autonomie et capable d'assurer des relations plus étendues et de longue durée.

L'objet de la présente étude est d'analyser certains aspects de ces accords de coopération en recherche-développement (ACRD) dans la perspective du nouveau règlement européen qui précise les conditions dans lesquelles l'article 85 paragraphe 3 du traité de Rome leur est applicable.

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