

COMMISSION DIRECTIVE

of 30 June 1971

on the application of Article 2 (3) (d) and (4) of the Council Directive of 4 March 1969
on the harmonisation of provisions laid down by law, regulation or administrative
action in respect of inward processing

(71/261/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 4 March 1969¹ on the harmonisation of provisions laid down by law, regulation or administrative action in respect of inward processing, and in particular Article 28 thereof;

Whereas under Article 2 (3) (d) of that Directive compensating products means products produced by using agents such as catalysts, accelerators or retarders of chemical reactions which, being employed in the course of production, disappear entirely or partially when so employed and are thereafter not distinguishable in the goods produced;

Whereas to facilitate the application of that provision it is desirable to specify which agents may be used within the meaning of the aforementioned Directive;

Whereas the agents listed in the Annex to this Directive, where they are used for purposes set out therein may be included among those agents;

Whereas under Article 2 (4) the total or partial disappearance of such agents shall be treated as exportation of compensating products if the goods produced are exported;

Whereas it should be provided that, where the goods produced are not exported in their entirety, they may be so treated only in so far as they are exported;

whereas, moreover, they shall be so treated only for that part of the agents referred to above which have disappeared in the course of production of the exported goods;

Whereas the provisions of this Directive are in accordance with the Opinion of the Committee on Inward Processing;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to bring into effect provisions implementing Article 2 (3) (d) and (4) of the Council Directive of 4 March 1969 on harmonisation of provisions laid down by law, regulation and administrative action in respect of inward processing.

Article 2

The agents listed in the Annex, if they are especially intended for the purposes set out in that Annex, may be included among those to which the provisions of Article 2 (3) (d) and (4) of the Directive mentioned in Article 1 apply.

Article 3

Article 2 (4) of the Directive mentioned in Article 1 must be understood as applying only to that part of the agents defined in Article 2 (3) (d) which has disappeared in the course of production of the exported goods.

¹ OJ No L 58, 8.3.1969, p. 1.

Article 4

The Member States shall bring into force, not later than 1 October 1971, the measures required to comply with this Directive.

Article 5

Each Member State shall notify the Commission of the provisions it is making in implementation of this Directive.

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 30 June 1971.

For the Commission

The President

Franco M. MALFATTI

ANNEX

- (a) Filter media, activated clays and other substances for filtration of products or goods, such as chemical and petrochemical products, beer, wine, oil, additives;
- (b) Goods required for the protection of products or goods such as special oils, anti-rust preparations, plastic films and similar coatings;
- (c) Goods required for the creation of physical or chemical conditions required for certain processing operations such as: inhibitors, stabilisers, anti-foam agents or preparations; foam-making preparations; wetting agents; antioxidant preparations; helium argon and carbon dioxide; preparations for collection of dust and other particles by electrostatic means; paraffin wax and other substances serving for binding non-agglomerated mixtures of metallic carbides during the sintering of carbides; preparations for the shaping of parts by drawing, dye-stamping, punching, extrusion and similar techniques;
- (d) Preparations for the surface treatment of products or goods such as: textile lubricants; oils, gases and special preparations for tempering and case-hardening of articles of steel or other materials; powders, pastes, emulsions and other abrasive or polishing preparations, fluxes, stain-removers, detergents and similar preparations;
- (e) Preparations or substances, designed to facilitate the assembling of products or goods such as: glycerol, soap, talc;
- (f) Fuels used either for testing engines constructed under inward processing arrangements, or for the detection of faults in engines to be repaired, or testing them after repair, under such arrangements.