

COMMISSION REGULATION (EEC) No 3660/92

of 18 December 1992

amending Regulations (EEC) No 693/88, (EEC) No 809/88 and (EEC) No 343/92 on the definition of the concept of originating products and methods of administrative cooperation with regard to imports into the Community of products originating in developing countries, in the Occupied Territories and in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3587/91 of 3 December 1991 extending into 1992 the application of Regulations (EEC) No 3831/90, (EEC) No 3832/90, (EEC) No 3833/90 and (EEC) No 3835/90 applying generalized tariff preferences for 1991 in respect of certain products originating in developing countries⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 1134/91 of 29 April 1991 on the tariff arrangements applicable to imports into the Community of products originating in the Occupied Territories and repealing Regulation (EEC) No 3363/86⁽²⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 545/92 of 3 February 1992 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the Yugoslav Republic of Macedonia⁽³⁾, as last amended by Regulation (EEC) No 3105/92⁽⁴⁾, and in particular Article 10a thereof,

Whereas Commission Regulations (EEC) No 693/88⁽⁵⁾, as last amended by Regulation (EEC) No 2743/91⁽⁶⁾, (EEC) No 809/88⁽⁷⁾, as last amended by Regulation (EEC) No 3674/90⁽⁸⁾ and (EEC) No 343/92⁽⁹⁾ exclude from the concept of originating products certain mineral products and certain products of the chemical or allied industries from their scope;

Whereas, for all those products imported under the above Regulations, the Member States define the concept of originating products in accordance with their own national rules;

Whereas the establishment of the internal market in 1993 will result in the creation of an area without international

frontiers in which *inter alia* the free movement of goods is assured; whereas it is therefore necessary to ensure uniform implementation of the provisions concerning the establishment of origin for the purposes of the tariff preferences granted by the Community in respect of the products concerned imported from the abovementioned countries, territories or Republics;

Whereas rules should be established for all the abovementioned products, to define the conditions in which they acquire originating status for the purposes of the tariff preferences referred to above, in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 concerning the common definition of the concept of the origin of goods⁽¹⁰⁾, as last amended by Regulation (EEC) No 456/91⁽¹¹⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Origin,

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) No 693/88, (EEC) No 809/88 and (EEC) No 343/92 are hereby amended as follows:

1. Article 1 (2) of and Annex II to Regulations (EEC) No 693/88 and (EEC) No 809/88, and Article 26 of and Annex V to Regulation (EEC) No 343/92 are deleted;
2. in Article 2 of Regulation (EEC) No 693/88, point (j) is replaced by the following:

‘(j) products extracted from marine soil or subsoil outside its territorial waters, provided that it has sole rights to work that soil or subsoil’;
3. the following point (k) is added to Article 2 of Regulation (EEC) No 693/88:

‘(k) products produced these exclusively from products specified in (a) to (j)’;

⁽¹⁾ OJ No L 341, 12. 12. 1991, p. 1.

⁽²⁾ OJ No L 112, 4. 5. 1991, p. 1.

⁽³⁾ OJ No L 63, 7. 3. 1992, p. 1.

⁽⁴⁾ OJ No L 312, 29. 10. 1992, p. 1.

⁽⁵⁾ OJ No L 77, 22. 3. 1988, p. 1.

⁽⁶⁾ OJ No L 262, 19. 9. 1991, p. 19.

⁽⁷⁾ OJ No L 86, 30. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 356, 19. 12. 1990, p. 34.

⁽⁹⁾ OJ No L 38, 14. 2. 1992, p. 1.

⁽¹⁰⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽¹¹⁾ OJ No L 54, 28. 2. 1991, p. 4.

4. the following point (d) is added to Article 6 (1) of Regulation (EEC) No 693/88 :
- '(d) products which are transported by pipeline across territory other than of the exporting beneficiary country' ;
5. in Article 2 of Regulation (EEC) No 809/88, point (h) is replaced by the following :
- '(h) products extracted from marine soil or subsoil outside their territorial waters, provided that the territory concerned has sole rights to work that soil or subsoil' ;
6. the following point (i) is added to Article 2 of Regulation (EEC) No 809/88 :
- '(i) products produced there exclusively from products specified in (a) to (h)' ;
7. the following point (c) is added to Article 5 (1) of Regulation (EEC) No 809/88 :
- '(c) products which are transported by pipeline across territory other than that of the Occupied Territories' ;
8. in Article 2 (1) of Regulation (EEC) No 343/92, point (j) is replaced by the following :
- '(j) products extracted from marine soil or subsoil outside their territorial waters, provided that the beneficiary Republic concerned or a Member State has sole rights to work that soil or subsoil' ;
9. the following point (k) is added to Article 2 (1) of Regulation (EEC) No 343/92 :
- '(k) goods produced there exclusively from products specified in (a) to (j)' ;
10. the following subparagraph is added to Article 7 (1) of Regulation (EEC) No 343/92 :
- 'Products originating in the beneficiary Republic or in the Community may be transported by pipeline across territory other than that of the Community or of the beneficiary Republic' ;
11. the following is added to Annex II to Regulation (EEC) No 693/88 as introductory note 7, to Annex III to Regulation (EEC) No 809/88 as introductory note 8 and to Annex I to Regulation (EEC) No 343/92 as note 8 :
- '1. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, the "specific processes" are the following :
- (a) vacuum distillation ;
- (b) redistillation by a very thorough fractionation process ⁽¹⁾ ;
- (c) cracking ;
- (d) reforming ;
- (e) extraction by means of selective solvents ;
- (f) the process comprising all the following operations : processing with concentrated sulphuric acid, oleum or sulphuric anhydride ; neutralization with alkaline agents ; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite ;
- (g) polymerization ;
- (h) alkylation ;
- (i) isomerization.
2. For the purposes of heading Nos 2710, 2711 and 2712, the "specific processes" are the following :
- (a) vacuum distillation ;
- (b) redistillation by a very thorough fractionation process ;
- (c) cracking ;
- (d) reforming ;
- (e) extraction by means of selective solvents ;
- (f) the process comprising all the following operations : processing with concentrated sulphuric acid, oleum or sulphuric anhydride ; neutralization with alkaline agents ; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite ;
- (g) polymerization ;
- (h) alkylation ;
- (ij) isomerization ;
- (k) (in respect of heavy oils falling within heading No ex 2710 only) desulphurization with hydrogen resulting in a reduction of at least 85 % of the sulphur content of the products processed (ASTM D 1266-59 T method) ;
- (l) (in respect of products falling within heading No 2710 only) deparaffining by a process other than filtering ;

⁽¹⁾ See Additional Explanatory Note 4 (b) to Chapter 27 of the combined nomenclature.

- (m) (in respect of heavy oils falling within heading No ex 2710 only) treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250 °C with the use of a catalyst, other than to effect desulphurization, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of lubricating oils of heading No ex 2710 (e.g. hydrofinishing or decolorization) in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;
- (n) (in respect of fuel oils falling within heading No ex 2710 only) atmospheric distillation, on condition that less than 30 % of these products distils, by volume, including losses, at 300 °C by the ASTM D 86 method;
- (o) (in respect of heavy oils other than gas oils and fuel oils falling within heading No ex 2710 only) treatment by means of a high-frequency electrical brush-discharge.
3. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marketing obtaining a sulphur content as a result of mixing products with different sulphur contents, any combination of these operations or like operations do not confer origin.';
12. in Annex III to Regulations (EEC) No 693/88 and (EEC) No 809/88 and in Annex II to Regulation (EEC) No 343/92, the wording under columns (1), (2) and (3) corresponding to HS codes ex 2707, 2709 to 2715, ex 2901, ex 2902, ex 3403, ex 3404 and ex 3811 is replaced by the wording shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 18 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

HS-code	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250°C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) (1). Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product
ex 2709	Crude oils obtained from bituminous minerals.	Destructive distillation of bituminous materials
2710 to 2712	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations. Petroleum gases and other gaseous hydrocarbons. Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es) (1). Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product
2713 to 2715	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials. Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks. Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch.	Operations of refining and/or one or more specific process(es) (1). Other operations in which the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels.	Operations of refining and/or one or more specific process(es) (1). Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels.	Operations of refining and/or one or more specific process(es) (1). Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product

(1)	(2)	(3)
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous materials, provided they represent less than 70 % by weight.	Operations of refining and/or one or more specific process(es) ⁽¹⁾ . Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product
ex 3404	Artificial waxes and prepared waxes with a basis of paraffin, petroleum wax, waxes obtained from bituminous materials, slack wax or scale wax.	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided that their value does not exceed 50 % of the ex-works price of the product.
ex 3811	Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous materials.	Manufacture in which the value of all the materials of heading No 3811 used does not exceed 50 % of the product.

⁽¹⁾ See introductory Note 7 in Annex III to Regulation (EEC) No 693/88. See Introductory Note 8 in Annex III to Regulation (EEC) No 809/88. See Note 8 in Annex I to Regulation (EEC) No 343/92.