

## REGULATION (EEC) No 1279/71 OF THE COMMISSION

of 17 June 1971

on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 542/69<sup>1</sup> of 18 March 1969 on Community transit, and in particular Article 58 (1) (b) thereof;

Whereas the application of Community measures intended to prohibit the exportation of goods from the Community or to subject such exportation to restrictions or to payment of a duty or other charge, requires that trade in goods within the Community be controlled for the purpose of preventing these goods from leaving Community territory where such measures have not been complied with;

Whereas, however, control of the destination of the goods should not result in movement of the goods within the Community being subjected to complex formalities;

Whereas this can only be achieved if compliance with Community measures which have replaced national export restrictions is no longer enforced by means of the various procedures applied in the absence of a Community procedure permitting of trade in goods under customs control;

Whereas the Community transit procedure provided for in Regulation (EEC) No 542/69 creates a suitable Community framework within which such supervision can be carried out;

Whereas to ensure that those measures are implemented Community transit documents should, where necessary, contain special indications giving

the customs offices involved in the operation under the Community transit procedure the information needed for application of these measures;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on Community Transit;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. This Regulation sets out the conditions applicable to movement of goods within the Community the exportation of which from the Community is prohibited or is subject to restrictions, duties or other charges.

2. The provisions hereof shall, however, apply only of the measures introducing the prohibition, restriction, duty or other charges have provided for them to be applied without prejudice to the special provisions which those measures may entail.

3. The provisions of this Regulation shall not apply where transport of goods within the Community is confined to the territory of one Member State.

*Article 2*

Where the goods referred to in Article 1 (1) are subject to a Community transit procedure for purpose of their carriage, the principal shall complete the space 'Description of goods' on the Community Transit document with one of the following indications:

— Sortie de la Communauté soumise à des restrictions.

Uscita della Comunità assoggettata a restrizioni.

<sup>1</sup> OJ No L 77, 29.3.1969, p. 1.

Ausgang aus der Gemeinschaft Beschränkungen unterworfen.

Verlaten van de Gemeenschap aan beperkingen onderworpen.

(Export from the Community subject to restrictions).

— Sortie de la Communauté soumise à imposition.

Uscita della Comunità assoggettata a tassazione.

Ausgang aus der Gemeinschaft Abgabenerhebung unterworfen.

Verlaten van de Gemeenschap aan belastingheffing onderworpen.

(Export from the Community subject to taxation.)

### Article 3

1. Where the goods referred to in Article 1 (1) are not subject to a Community transit procedure, the customs office at which the dispatch formalities are carried out shall require completion of the control copy provided for in Commission Regulation (EEC) No 2315/69<sup>1</sup> of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods. The party concerned shall complete space No 104 of the control copy with one of the indications set out in Article 2.

2. The control copy shall be issued, employed and returned in accordance with Regulation (EEC) No 2315/69.

### Article 4

The provisions of Articles 2 and 3 shall not apply where, on declaration of the goods for exportation

from the Community, proof is given to the customs office at which the export formalities are carried out that the administrative measure by which the goods are freed from restriction has been taken, that duties or charges have been paid or that, in the circumstances obtaining, the goods may leave the Community territory without further formalities.

### Article 5

Where the goods are not entered for home use immediately after their arrival at the office of destination, that office shall take the steps necessary for the implementation of the measures provided for in Article 1 (2).

### Article 6

Commission Regulation (EEC) No 1226/71<sup>2</sup> of 11 June 1971 on simplification of the formalities to be carried out at offices of departure and destination in respect of goods transported under the Community transit procedure shall not be applicable in respect of goods to which this Regulation applies.

With regard to International Consignment Notes and International Express Parcels Consignment Notes made out for goods referred to in the preceding paragraph, exemption from submission thereof as provided for in Article 7 (4) of Commission Regulation (EEC) No 304/71<sup>3</sup> of 11 February 1971 on simplification of Community transit procedure for goods carried by rail shall not be granted.

### Article 7

This Regulation shall enter into force on the third 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, 17 June 1971.

*For the Commission*

*The President*

Franco M. MALFATTI

<sup>1</sup> OJ No L 295, 24.11.1969, p. 14.

<sup>2</sup> OJ No L 129, 15.6.1971, p. 1.

<sup>3</sup> OJ No L 35, 12.2.1971, p. 31.