

DECISION No 3/87 OF THE EEC-AUSTRIA JOINT COMMITTEE
of 23 December 1987

amending Protocol 3 with a view to determining the rules for the application of
Decision No 3/86 in the case of Spain and the Canary Islands, Ceuta and Melilla

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas Protocol 3 was amended by Decision No 2/86 of the EEC-Austria Joint Committee of 27 May 1986 on account of the accession of Spain and Portugal to the European Communities with a view to ensuring the correct implementation of the trade regime contained in the Protocols consequent on the said accession;

Whereas, in order to take account of the simplification of the documentation relating to evidence of origin introduced in Protocol 3 by Decision No 3/86 of the EEC-Austria Joint Committee of 10 December 1986 amendments should be made to the provisions of Protocol 3 relating to the accession of Spain and Portugal,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 is hereby amended as follows:

1. In Articles 2 (1), 7, 9 (3) first subparagraph, and 26, 'Portugal' shall be deleted.
2. In Articles 2 (1), 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 posteriori", "annettu jälkikäteen", "utgefíd eftir a", "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", "eftirrit".'

5. Article 13 (7) shall be replaced by the following:

'7. In the cases referred to in paragraph 6 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate "Procédure simplifiée", "Forenklet procedure", "Vereinfachtes Verfahren", "απλοστενμένη διαδικασία", "Simplified procedure", "Procedimiento simplificado", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Forenklad procedur".'

6. The following paragraph shall be added to Article 24:

- '6. (a) Paragraph 1 (a) shall apply *mutatis mutandis* to the products covered by invoices made out in Spain within the framework of Article 8 (1).
(b) The provisions of paragraphs 2, 3 and 4 concerning the use of the symbol "ES" shall apply *mutatis mutandis* to the invoices made out within the framework of Article 8 (1).'

7. The following Articles shall be inserted:

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 or Melilla.

Article 25b

1. The following paragraphs shall apply instead of Articles 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 Austria, Finland, Iceland, Norway, Sweden or Switzerland or the Community provided they undergo, in the Canary Islands, Ceuta or Melilla, working or processing which exceeds the insufficient working or processing set out in Article 5 (3).

(b) products originating in Austria :

- (i) products wholly obtained in Austria ;
- (ii) products obtained in Austria 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 or Melilla, Finland, Iceland, 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 "Austria" 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.

When invoices are made out in the Canary Islands, Ceuta or Melilla in the framework of the provisions of Article 8 (1), the exporter or his authorized representative shall clearly indicate the products originating in the Canary Islands, Ceuta or Melilla by means of the symbol "CCM".

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 Austria on the other.

Article 2

This Decision shall enter into force on the day on which it is adopted.

It shall apply with effect from 1 July 1987.

Article 24 (6), as it appears in Article 1 (6) of this Decision, shall apply until 31 December 1992.

Done at Brussels, 23 December 1987.

For the Joint Committee

The Chairman

G. WAAS