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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2826/77

of 5 December 1977

introducing a Community transit declaration form for use in an automatic or electronic data-processing system

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 222/77 of 13 December 1976 on Community transit ⁽¹⁾, and in particular Article 57 thereof,

Whereas Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure ⁽²⁾, as amended by Regulation (EEC) No 1601/77 ⁽³⁾, has laid down that Community transit declaration forms should conform to a prescribed specimen;

Whereas Community transit declaration forms drawn up in accordance with this specimen are not always suitable for use in an integrated automatic or electronic data-processing system; whereas, moreover, these modern data-processing methods will simplify the task of both authorities and users; whereas it is therefore appropriate, in order to allow such systems to be used, to authorize, on a trial basis, the use of a special form;

Whereas modern data-processing methods are bound to increase in the Community; whereas the present

form will therefore be adapted in the light of experience and is without prejudice to the final format to be adopted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Community Transit Committee,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Regulation (EEC) No 223/77, Member States may permit the use, in an automatic or electronic data processing system, of a Community transit declaration form corresponding to the specimen annexed hereto in place of the forms shown in Annexes I and II of the said Regulation.

Article 2

1. Without prejudice to the insertion of the endorsements provided for in Article 3 (3) of Regulation (EEC) No 223/77, the symbol 'T' and the heading 'Community Transit' must be added no later than at the time the declarations are completed.

2. The boxes reserved for Community transit particulars must be easily identifiable and the particulars

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 38, 9. 2. 1977, p. 20.

⁽³⁾ OJ No L 182, 22. 7. 1977, p. 1.

inserted therein must be capable of being used without difficulty by the customs and statistical authorities concerned.

Article 3

When a Community transit declaration is completed for a load comprising more than two kinds of goods, the form corresponding to the specimen annexed hereto is to be used with one or more additional copies containing only the particulars relating to additional goods. All the forms used shall constitute a single Community transit declaration.

Article 4

1. The serial number of the form and the total number of forms which make up the declaration are to be entered in the appropriate box on each form.
2. Any boxes relating to the particulars of the goods which are not used must be crossed through so that any subsequent addition is impossible.

Article 5

This Regulation shall enter into force on 1 January 1978.

It shall remain in force up to and including 31 December 1980.

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

Done at Brussels, 5 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

(For national use)	Page No	Total pages	1		DECLARATION		DEPARTURE COPY		1		ANNEX
	3 Exporter						REGISTRATION				
11 Consignee						(For national use)					
21 Principal				(For national use)		22 Country of consignment			25 Country of destination		
(For national use: other transport details)						28 Previous customs procedure					
32 Identity of means of transport				(For national use)							
41 Marks and numbers – Number and kind of packages - Description of goods						42 Stat. number (2)			43 Gross weight		
						(For national use)					
						49 Net weight (2)					
41 Marks and numbers – Number and kind of packages - Description of goods						42 Stat. number (2)			43 Gross weight		
						(For national use)					
						49 Net weight (2)					
(For national use)						54					
55 Offices of transit intended (and countries)											
56 Offices of transit used (and countries)											
57 Guarantee						58 Office of destination (name and country)					

				59 At. doc.		
(For national use)	CONTROL BY OFFICE OF DEPARTURE			(For national use)		60
	Results of examination:					
	Seals affixed: number: identity:					
	Time limit (date):					
Remarks:					(For national use)	
At on						
(Place of signature) (Date)						
(Signature) (Stamp)						
D. The Principal, represented by hereby undertakes to produce the goods described in this declaration intact and within the prescribed time limit at the office of destination.						
At The Principal on						
UNDERTAKINGS						

(For national use)	Page No	Total pages	1		DECLARATION		DESTINATION COPY		2		
	3 Exporter					REGISTRATION					
11 Consignee					(For national use)						
21 Principal				(For national use)		22 Country of consignment					
									25 Country of destination		
(For national use: other transport details)					28 Previous customs procedure						
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(For national use)					54						
55 Offices of transit intended (and countries)											
56 Offices of transit used (and countries)											
57 Guarantee						58 Office of destination (name and country)					

								59 At. doc.	
(For national use)		Results of examination:		(For national use)		60			
		Seals affixed: number: identity:						(For national use)	
		Time limit (date):							
		Remarks:							
		At, on		(Place of signature) (Date)					
		(Signature)		(Stamp)					
						D. The Principal, represented by hereby undertakes to produce the goods described in this declaration intact and within the prescribed time limit at the office of destination.			
						At, on		The Principal	
								UNDERTAKINGS	

62 TRANSHIPMENTS DURING CARRIAGE

Particulars of transshipment and certification by competent authorities

Place and country: Identity of new means of transport: Identity of new container: Other particulars:	When new seals are affixed: number: identity:
At on (Place of signature) (Date)	
(Signature) (Stamp)	

Place and country: Identity of new means of transport: Identity of new container: Other particulars:	When new seals are affixed: number: identity:
At on (Place of signature) (Date)	
(Signature) (Stamp)	

63 OTHER INCIDENTS DURING CARRIAGE

Details and measures taken	Certification by competent authorities

CONTROL BY OFFICE OF DESTINATION Date of arrival: Examination of seals: Remarks:	
At on (Place of signature) (Date)	
(Signature) (Stamp)	Copy 3 returned after registration under No

(For national use)

(For national use)	Page No	Total pages	1	DECLARATION	RETURN COPY	3
	3 Exporter			REGISTRATION		
11 Consignee				(For national use)		
21 Principal		(For national use)		22 Country of consignment		
						25 Country of destination
(For national use: other transport details)				28 Previous customs procedure		
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				(For national use)		
				49 Net weight (2)		
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				(For national use)		
				49 Net weight (2)		
(For national use)				54		
55 Offices of transit intended (and countries)						
56 Offices of transit used (and countries)						
57 Guarantee				58 Office of destination (name and country)		

(For national use)	CONTROL BY OFFICE OF DEPARTURE		(For national use)	60	(For national use)	59 At. doc.
	Results of examination:					
	Seals affixed: number: identity:					
	Time limit (date):					
Remarks:		At on				
		(Place of signature) (Date)				
(Signature)		(Stamp)				
				D. The Principal, represented by hereby undertakes to produce the goods described in this declaration intact and within the prescribed time limit at the office of destination.		
				At on		

UNDERTAKINGS

62 TRANSHIPMENTS DURING CARRIAGE

Particulars of transshipment and certification by competent authorities

Place and country: Identity of new means of transport: Identity of new container: Other particulars:	When new seals are affixed: number: identity:
At on (Place of signature) (Date)	
(Signature) (Stamp)	

Place and country: Identity of new means of transport: Identity of new container: Other particulars:	When new seals are affixed: number: identity:
At on (Place of signature) (Date)	
(Signature) (Stamp)	

63 OTHER INCIDENTS DURING CARRIAGE

Details and measures taken	Certification by competent authorities

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Tilbagesendes til:	Zurücksenden an:						
Return to:	Renvoyer à:						
Rinviare a:	Terugzenden aan:						
At on (Place of signature) (Date)							
(Signature) (Stamp)							

Copy 3 returned after registration
under No

(For national use)	Page No	Total pages	1 DECLARATION		STATISTICAL COPY		4
	3 Exporter			REGISTRATION			
	11 Consignee			(For national use)			
	21 Principal			(For national use)		22 Country of consignment	
						25 Country of destination	
	(For national use: other transport details)			28 Previous customs procedure			
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				49 Net weight (2)			
	(For national use)			54			
55	Offices of transit intended (and countries)						
56	Offices of transit used (and countries)						
57	Guarantee			58 Office of destination (name and country)			
59	At doc.						

COMMUNITY TRANSIT

RECEIPT (to be completed by the person concerned before production to customs)

The customs office at (name and country) hereby certifies that the Community transit document registered
on (date) by the office of departure at (name and country) under
No has been lodged and that no irregularity has been observed to date concerning the consignment to which this document refers.

At on
(Place of signature) (Date)

(Signature)

(Stamp)

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 4 November 1977

laying down detailed rules for implementing certain provisions of Directive 76/308/EEC on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of agricultural levies and customs duties

(77/794/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/308/EEC of 15 March 1976 on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of agricultural levies and customs duties ⁽¹⁾, and in particular Article 22 (1) thereof,

Whereas the abovementioned Directive introduced a system of mutual assistance between the competent authorities of Member States for the purpose of supplying the applicant authority with all the information which it needs, for notifying the addressee concerned of instruments and decisions which are applicable, for the taking of precautionary measures, and for the recovery by the requested authority of claims on behalf of the applicant authority;

Whereas the detailed rules of operation of such mutual assistance must be laid down in each of these fields in order to render it fully effective;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on Recovery,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive lays the detailed rules for implementing Articles 4 (2) and (4), 5 (2) and (3), 7 (1), (3) and (5), 9 and 12 (1) of Directive 76/308/EEC, hereinafter called 'the basic Directive'.

2. This Directive also lays down the detailed rules on conversion, transfer of sums recovered and the fixing of a minimum amount for claims which may give rise to a request for assistance.

TITLE I

Request for information

Article 2

1. The request for information referred to in Article 4 of the basic Directive shall be made out in

⁽¹⁾ OJ No L 73, 19. 3. 1976, p. 18.

writing in accordance with the model in Annex I. The said request shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.

2. The applicant authority shall, where appropriate, indicate in its request for information the name of any other requested authority to which a similar request for information has been addressed.

Article 3

The request for information may relate to

- (a) the debtor; or
- (b) any person liable for settlement of the claim under the law in force in the Member State where the applicant authority is situated.

Where the applicant authority knows that a third party holds assets belonging to one of the persons mentioned in the foregoing paragraph, the request may also relate to that third party.

Article 4

The requested authority shall acknowledge receipt of the request for information in writing (if possible by telex) as soon as possible and in any event within seven days of such receipt.

Article 5

1. The requested authority shall transmit each item of requested information to the applicant authority as and when it is obtained.

2. Where all or part of the requested information cannot be obtained within a reasonable time, having regard to the particular case, the requested authority shall so inform the applicant authority, indicating the reasons therefor.

In any event, at the end of six months from the date of acknowledgement of receipt of the request, the requested authority shall inform the applicant authority of the outcome of the investigations which it has conducted in order to obtain the information requested.

In the light of the information received from the requested authority, the applicant authority may request the latter to continue its investigations. This request shall be made in writing (if possible by telex) within two months from the receipt of the notification of the outcome of the investigations carried out by the requested authority, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

Article 6

When the requested authority decides not to comply with the request for information addressed to it, it shall notify the applicant authority in writing of the reasons for the refusal to comply with the request, specifying the particular provisions of Article 4 of the basic Directive which it invokes. This notification shall be given by the requested authority as soon as it has taken its decision and in any event within six months from the date of the acknowledgement of the receipt of the request.

Article 7

The applicant authority may at any time withdraw the request for information which it has sent to the requested authority. The decision to withdraw shall be transmitted to the requested authority in writing (if possible by telex).

TITLE II

Request for notification

Article 8

The request for notification referred to in Article 5 of the basic Directive shall be made out in writing in duplicate in accordance with the model in Annex II. The said request shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.

Two copies of the instrument (or decision), notification of which is requested, shall be attached to the request referred to in the foregoing paragraph.

Article 9

The request for notification may relate to any natural or legal person who, in accordance with the law in force in the Member State where the applicant authority is situated, shall be informed of any instrument or decision which concerns him.

Article 10

1. Immediately upon receipt of the request for notification, the requested authority shall take the necessary measures to effect that notification in accordance with the law in force in the Member State in which it is situated.

2. The requested authority shall inform the applicant authority of the date of notification as soon as this has been done, by returning to it one of the copies of its request with the certificate on the reverse side duly completed.

TITLE III

Request for recovery and/or for the taking of precautionary measures

Article 11

1. The request for recovery and/or for the taking of precautionary measures referred to in Articles 6 and 13 of the basic Directive shall be made out in writing in accordance with the model Annex III. The request, which shall include a declaration that the conditions laid down in the basic Directive for initiating the mutual assistance procedure in the particular case have been fulfilled, shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.

2. The instrument permitting enforcement which shall accompany the request for recovery and/or for the taking of precautionary measures may be issued in respect of several claims where it concerns one and the same person.

For the purposes of Articles 12 to 19, all claims which are covered by the same instrument permitting enforcement shall be deemed to constitute a single claim.

Article 12

1. The request for recovery and/or for the taking of precautionary measures may relate to

- (a) the debtor; or
- (b) any person liable for settlement of the claim under the law in force in the Member State in which it is situated.

2. Where appropriate, the applicant authority shall inform the requested authority of any assets of the persons referred to in paragraph 1 which to its knowledge are held by a third party.

Article 13

1. The applicant authority shall state the amounts of the claim to be recovered both in the currency of the Member State in which it is situated and also in the currency of the Member State in which the requested authority is situated.

2. The rate of exchange to be used for the purposes of paragraph 1 shall be the latest selling rate recorded on the most representative exchange market or markets of the Member State in which the applicant authority is situated on the date when the request for recovery is signed.

Article 14

The requested authority shall acknowledge receipt of the request for recovery and/or for the taking of precautionary measures in writing (if possible by telex) as soon as possible and in any event within seven days of its receipt.

Article 15

Where, within a reasonable time having regard to the particular case, all or part of the claim cannot be recovered or precautionary measures cannot be taken, the requested authority shall so inform the applicant authority, indicating the reasons therefor.

In any event, at the end of one year from the date of acknowledgement of the receipt of the request, the requested authority shall inform the applicant authority of the outcome of the procedure which it has undertaken for recovery and/or for the taking of precautionary measures.

In the light of the information received from the requested authority, the applicant authority may request the latter to continue the procedure which it has undertaken for recovery and/or for the taking of precautionary measures. This request shall be made in writing (if possible by telex) within two months from the receipt of the notification of the outcome of the procedure undertaken by the requested authority for recovery and/or for the taking of precautionary measures, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

Article 16

Any action contesting the claim or the instrument permitting its enforcement which is taken in the Member State in which the applicant authority is situated shall be notified to the requested authority in writing (if possible by telex) by the applicant authority immediately after it has been informed of such action.

Article 17

1. If the request for recovery and/or for the taking of precautionary measures becomes nugatory as a result of payment of the claim or of its cancellation or for any other reason, the applicant authority shall immediately inform the requested authority in

writing (if possible by telex) so that the latter may stop any action which it has undertaken.

2. Where the amount of the claim which is the subject of the request for recovery and/or for the taking of precautionary measures is amended for any reason, the applicant authority shall immediately inform the requested authority in writing (if possible by telex).

If the amendment consists of a reduction in the amount of the claim, the requested authority shall continue the action which it has undertaken with a view to recovery and/or to the taking of precautionary measures, but that action shall be limited to the amount still outstanding if, at the time the requested authority is informed of the reduction of the amount of the claim, the original amount has already been recovered by it but the transfer procedure referred to in Article 18 has not yet been initiated, the requested authority shall repay the amount overpaid to the person entitled thereto.

If the amendment consists of an increase in the amount of the claim, the applicant authority shall as soon as possible address to the requested authority an additional request for recovery and/or for the taking of precautionary measures. This additional request shall, as far as possible be dealt with by the requested authority at the same time as the original request of the applicant authority. Where, in view of the state of progress of the existing procedure, the joinder of the additional request and the original request is not possible, the requested authority shall only be required to comply with the additional request if it concerns an amount not less than that referred to in Article 20.

3. To convert the amended amount of the claim into the currency of the Member State in which the requested authority is situated, the applicant authority shall use the exchange rate used in its original request.

Article 18

Any sum recovered by the requested authority, including, where applicable, the interest referred to in Article 9 (2) of the basic Directive, shall be the subject of a transfer to the applicant authority in the currency of the Member State in which the requested authority is situated. This transfer shall take place within one month of the date on which the recovery was effected.

Article 19

Irrespective of any amounts collected by the requested authority by way of interest referred to in Article 9 (2) of the basic Directive, the claim shall

be deemed to have been recovered in proportion to the recovery of the amount expressed in the national currency of the Member State in which the requested authority is situated, on the basis of the exchange rate referred to in Article 13 (2).

TITLE IV

General and final provisions

Article 20

1. A request for assistance may be made by the applicant authority in respect of either a single claim or several claims where these are recoverable from one and the same person.

2. No request for assistance may be made if the amount of the relevant claim or claims is less than 750 European units of account.

Article 21

Information and other particulars communicated by the requested authority to the applicant authority shall be made out in the official language or one of the official languages of the Member State in which the requested authority is situated.

Article 22

The Member States shall bring into force not later than 1 January 1978 the measures necessary to comply with this Directive.

Article 23

Each Member State shall inform the Commission of the measures which it takes for implementing this Directive. The Commission shall communicate such information to the other Member States.

Article 24

This Directive is addressed to the Member States.

Done at Brussels, 4 November 1977.

For the Commission

Etienne DAVIGNON

Member of the Commission

ANNEX I

DIRECTIVE 76/308/EEC

(Article 4)

(Description of the applicant authority, address, telephone, telex and bank account numbers, etc....)

.....
(Place and date of sending request)

.....
(File reference of applicant authority)

To

.....
(Name of the authority to whom the request is sent, Post Box, place etc....)

(Space reserved for the authority to whom the request is sent)

REQUEST FOR INFORMATION

I, the undersigned, acting as the agent duly authorized by the applicant authority
(Name and official capacity)
indicated above, hereby request the following information to be obtained in accordance with Article 4 of Directive 76/308/EEC:

Information relating to the person concerned ⁽¹⁾	Information relating to the claim(s)	Information requested
(a) Name and address { known (*) { assumed (*) (b) Other relevant information concerning the above person — principal debtor — co-debtor — third party holding assets	— Amount (exclusive of interest and costs) — Exact nature of the claim(s) — Other information	
	Other requested authorities	
		 (Signature) (Official stamp)

(*) Delete as appropriate.
(1) Natural or legal person.

(Article 5)

.....
(File reference of applicant authority)

(Space reserved for the authority to whom the request
is sent)

I, the undersigned acting as the agent duly authorized by the applicant authority indicated
(Name and official capacity)
above, hereby request notification, pursuant to Article 5 of Directive 76/308/EEC, of the following instrument/decision (*):

Information relating to the person concerned ⁽¹⁾	Nature and subject of the instrument (or decision) to be notified	Information relating to the claim(s)	Other information
(a) Name and address $\left\{ \begin{array}{l} \text{known (*)} \\ \text{assumed (*)} \end{array} \right.$ (b) Name and address of the principal debtor if different from addressee (c) Other information		— Amount of the claim(s) (including any interest and costs) — Exact nature of the claim(s) — Other information	(Signature) (Official stamp)

(*) Delete as appropriate.
⁽¹⁾ Natural or legal person.

CERTIFICATE

The undersigned hereby certifies:

— that the instrument/decision (*) attached to the request overleaf has been notified to the addressee referred to in the said request dated The notification was made in the following manner ⁽¹⁾ (*):

— that the instrument/decision (*) attached to the request overleaf was not able to be notified to the addressee referred to in the said request for the following reasons (*):

.....
(Date)

.....
(Signature)

(Official stamp)

.....
(*) Delete as appropriate.

(¹) Indicate exactly whether the notification was made to the addressee in person or by another procedure.

ANNEX III

DIRECTIVE 76/308/EEC

(Articles 6 to 13)

(Description of the applicant authority, address, telephone, telex and bank account numbers, etc....)

.....
(Place and date of sending request).....
(File reference of applicant authority)

To

.....
(Name of the authority to whom the request is sent, Post Box, place etc....)

(Space reserved for the authority to whom the request is sent)

REQUEST FOR RECOVERY / PRECAUTIONARY MEASURES TO BE TAKEN (*)

I, the undersigned acting as the agent duly authorized by the applicant authority indicated above, hereby request:

(Name and official capacity)

- recovery of the following claim(s) covered by the attached unit of execution pursuant to Article 7 of Directive 76/308/EEC; the conditions of Article 7 (2) (a) and (b) are satisfied (*)
- precautionary measures to be taken, pursuant to Article 13 of Directive 76/308/EEC, in respect of the person mentioned below concerning the claim(s) covered by the attached unit of execution; I attach hereto a statement of the reasons for this request (*)

Information relating to the person concerned ⁽¹⁾	Information relating to the claim(s)				
	Exact nature of the claim(s)	Amount expressed in the currency of the Member State in which the applicant authority is situated	Amount expressed in the currency of the Member State in which the requested authority is situated	Rate of exchange used	Other information
(a) Name and address { known (*) { assumed (*)		Amount of principal ⁽²⁾			Date on which enforcement becomes possible
(b) Other relevant information		Amount of interest up to the date of signature of this document ⁽²⁾			Period of limitation
— principal debtor		Amount of costs up to the date of signature of this document ⁽²⁾			Assets of the debtor held by a third party
— co-debtor					
— third party holding assets		Total			 (Signature)
Details of documents attached:					(Official stamp)

(*) Delete as appropriate.
⁽¹⁾ Natural or legal person.
⁽²⁾ Where the unit of execution is general, indicate the amounts of the different claims.