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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 918/83

of 28 March 1983

setting up a Community system of reliefs from customs duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas, in the absence of a specific measure of derogation adopted in accordance with the provisions of the Treaty, Common Customs Tariff duties are applicable to all goods imported into the Community; whereas the same is true in the case of agricultural levies and all other import charges laid down under the common agricultural policy or the specific arrangements applicable to certain goods resulting from the processing of agricultural products;

Whereas, however, in certain well-defined circumstances, where by virtue of the special conditions under which goods are imported the usual need to protect the economy is absent, such taxation is not justified;

Whereas it is desirable that in such circumstances arrangements should be made, as they have been traditionally in most systems of customs rules, to allow goods to enjoy relief from the application of import duties to which they would normally be liable;

Whereas such relief arrangements may also be the result of multilateral international conventions to which all or some of the Member States are contracting parties; whereas, while the Community should apply such conventions, this presupposes the introduction of Community rules on reliefs from customs duties designed, in accordance with the requirements of the Customs Union, to eliminate differences in the aim, scope and conditions for application of the reliefs contained in these conventions, and to enable all those concerned to enjoy the same advantages throughout the Community;

Whereas certain reliefs currently applied in the Member States stem from specific conventions concluded with third countries or international organizations; whereas such conventions, given their purpose, concern only the signatory Member State; whereas it does not appear necessary to define, at Community level, conditions for granting such reliefs, but appears sufficient simply to authorize the Member State in question to grant these reliefs, where necessary, by means of an appropriate procedure instituted for this purpose;

Whereas the implementation of the common agricultural policy means that in certain circumstances export duties may be charged on some goods; whereas it is therefore also necessary to specify at Community level the cases in which relief from such duties may be granted;

Whereas the Council has already adopted a number of Regulations concerning reliefs from customs duties and it appears desirable, with a view to establishing a single comprehensive Community system of reliefs, to incorporate the provisions of these individual Regulations in this Regulation and to repeal, formally, the earlier Acts;

⁽¹⁾ OJ No C 4, 7. 1. 1980, p. 59.

⁽²⁾ OJ No C 72, 24. 3. 1980, p. 20.

Whereas, in the interests of legal clarity, the provisions of Community Acts containing certain relief measures not affected by this Regulation should be listed;

Whereas this Regulation does not preclude the application by Member States of import or export prohibitions or restrictions which are justified on grounds of public morality, public policy or public security, protection of health and life of humans, animals or plants, protection of national treasures possessing artistic, historical or archaeological value or protection of industrial or commercial property;

Whereas, with regard to the reliefs granted within the amounts fixed in ECU, rules for the conversion of such amounts into national currencies have to be drawn up;

Whereas it is necessary to ensure uniform application of the provisions of this Regulation, and hence to establish a Community procedure for the timely adoption of implementing measures; whereas a Committee making it possible to organize close and effective cooperation between the Member States and the Commission in this field should therefore be set up to replace the Committee on Duty-Free Arrangements set up by Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation sets out those cases in which, owing to special circumstances, relief from import or export duties shall be granted respectively when goods are put into free circulation or are exported from the Community.

2. For the purposes of this Regulation:

- (a) 'import duties' means customs duties and charges having equivalent effect and also agricultural levies and other import charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products;
- (b) 'export duties' means agricultural levies and other export charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products;

- (c) 'personal property' means any property intended for the personal use of the persons concerned or for meeting their household needs.

The following, in particular, shall constitute 'personal property':

- household effects,
- cycles and motor cycles, private motor vehicles and their trailers, camping caravans, pleasure craft and private aeroplanes.

Household provisions appropriate to normal family requirements, household pets and saddle animals, as well as the portable instruments of the applied or liberal arts, required by the person concerned for the pursuit of his trade or profession, shall also constitute 'personal property'. Personal property must not be such as might indicate, by its nature or quantity, that it is being imported for commercial reasons;

- (d) 'household effects' means personal effects, household linen, furnishings and equipment intended for the personal use of the persons concerned or for meeting their household needs;
- (e) 'alcoholic products' means products (beer, wine, aperitifs with a wine or alcohol base, brandies, liqueurs or spirituous beverages, etc.) falling within heading Nos 22.03 to 22.09 of the Common Customs Tariff.

3. Save as otherwise provided in this Regulation, the island of Heligoland shall be considered a third country for the purposes of application of Chapter I.

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

CHAPTER I

RELIEF FROM IMPORT DUTY

TITLE I

PERSONAL PROPERTY BELONGING TO NATURAL PERSONS TRANSFERRING THEIR NORMAL PLACE OF RESIDENCE FROM A THIRD COUNTRY TO THE COMMUNITY

Article 2

Subject to Articles 3 to 10, personal property imported by natural persons transferring their normal place of residence from a third country to the customs territory of the Community shall be admitted free of import duties.

Article 3

The relief shall be limited to personal property which:

- (a) except in special cases justified by the circumstances, has been in the possession of and, in the case of non-consumable goods, used by the person concerned at his former normal place of residence for a minimum of six months before the date on which he ceases to have his normal place of residence in the third country of departure;
- (b) is intended to be used for the same purpose at his new normal place of residence.

In addition, Member States may make relief conditional upon such property having borne, either in the country of origin or in the country of departure, the customs and/or fiscal charges to which it is normally liable.

Article 4

Relief may be granted only to persons whose normal place of residence has been outside the Community for a continuous period of at least 12 months.

However, the competent authorities may grant exceptions to the rule in the first paragraph provided that the intention of the person concerned was clearly to reside outside the Community for a continuous period of at least 12 months.

Article 5

No relief shall be granted for:

- (a) alcoholic products;

- (b) tobacco or tobacco products;

- (c) commercial means of transport;

- (d) articles for use in the exercise of a trade or profession, other than portable instruments of the applied or liberal arts.

Article 6

Except in special cases, relief shall be granted only in respect of personal property entered for free circulation within 12 months from the date of establishment, by the person concerned, of his normal place of residence in the customs territory of the Community.

The personal property may be released for free circulation in several separate consignments within the period referred to in the preceding paragraph.

Article 7

1. Until 12 months have elapsed from the date on which its entry for free circulation was accepted, personal property which has been admitted duty-free may not be lent, given as security, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Any loan, giving as security, hiring out or transfer before the expiry of the period referred to in paragraph 1 shall entail payment of the relevant import duties on the property concerned, at the rate applying on the date of such loan, giving as security, hiring out or transfer, on the basis of the type of property and the customs value ascertained or accepted on that date by the competent authorities.

Article 8

1. By way of derogation from the first paragraph of Article 6, relief may be granted in respect of personal property entered for free circulation before the person concerned establishes his normal place of residence in the customs territory of the Community, provided that he undertakes actually to establish his normal place of residence there within a period of six months. Such undertaking shall be accompanied by a security, the form and amount of which shall be determined by the competent authorities.

2. Where use is made of the provisions of paragraph 1, the period laid down in Article 3 (a) shall be calculated from the date on which the personal property is brought into the customs territory of the Community.

Article 9

1. Where, owing to occupational commitments, the person concerned leaves the third country where he had his normal place of residence without simultaneously establishing his normal place of residence in the customs territory of the Community, although having the intention of ultimately doing so, the competent authorities may authorize duty-free admission of the personal property which he transfers into the said territory for this purpose.

2. Duty-free admission of the personal property referred to in paragraph 1 shall be granted in accordance with the conditions laid down in Articles 2 to 7, on the understanding that:

- (a) the periods laid down in Article 3 (a) and the first paragraph of Article 6 shall be calculated from the date on which the personal property is brought into the customs territory of the Community;
- (b) the period referred to in Article 7 (1) shall be calculated from the date when the person concerned actually establishes his normal place of residence in the customs territory of the Community.

3. Duty-free admission shall also be subject to an undertaking from the person concerned that he will actually establish his normal place of residence in the customs territory of the Community within a period laid down by the competent authorities in keeping with the circumstances. The latter may require this undertaking to be accompanied by a security, the form and amount of which they shall determine.

Article 10

The competent authorities may derogate from Articles 3 (a) and (b), 5 (c) and (d) and 7, when a person has to transfer his normal place of residence from a third country to the customs territory of the Community as a result of exceptional political circumstances.

TITLE II

GOODS IMPORTED ON THE OCCASION OF A MARRIAGE

Article 11

1. Subject to Articles 12 to 15, trousseaux and household effects, whether or not new, belonging to a

person transferring his or her normal place of residence from a third country to the customs territory of the Community on the occasion of his or her marriage, shall be admitted free of import duties.

2. Subject to the same conditions, presents customarily given on the occasion of a marriage, which are sent to a person fulfilling the conditions laid down in paragraph 1 by persons having their normal place of residence in a third country, shall also be admitted free of import duties. The value of each present admitted duty-free may not, however, exceed 1 000 ECU.

Article 12

The relief referred to in Article 11 may be granted only to persons:

- (a) whose normal place of residence has been outside the customs territory of the Community for a continuous period of at least 12 months. However, derogations from this rule may be granted provided that the intention of the person concerned was clearly to reside outside the customs territory of the Community for a continuous period of at least 12 months;
- (b) who produce evidence of their marriage.

Article 13

No relief shall be granted for alcoholic products, tobacco or tobacco products.

Article 14

1. Save in exceptional circumstances, relief shall be granted only in respect of goods entered for free circulation:

- not earlier than two months before the date fixed for the wedding (in this case the relief shall be subject to the lodging of appropriate security, the form and amount of which shall be determined by the competent authorities), and
- not later than four months after the date of the wedding.

2. The goods referred to in Article 11 may be released for free circulation in several separate consignments within the period referred to in paragraph 1 above.

Article 15

1. Until 12 months have elapsed from the date on which their entry for free circulation was accepted, goods which have been admitted duty-free under Article 11 may not be lent, given as security, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Any loan, giving as security, hiring out or transfer before the expiry of the period referred to in paragraph 1 shall entail payment of the relevant import duties on the goods concerned, at the rate applying on the date of such loan, giving as security, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

TITLE III

PERSONAL PROPERTY ACQUIRED BY INHERITANCE

Article 16

1. Subject to Articles 17 to 19, personal property acquired by inheritance, by a natural person having his normal place of residence in the customs territory of the Community shall be admitted free of import duties.

2. For the purposes of paragraph 1, 'personal property' means all the property referred to in Article 1 (2) (c) constituting the estate of the deceased.

Article 17

No relief shall be granted for:

- (a) alcoholic products;
- (b) tobacco and tobacco products;
- (c) commercial means of transport;
- (d) articles for use in the exercise of a trade or profession, other than portable instruments of the applied or liberal arts, which were required for the exercise of the trade or profession of the deceased;
- (e) stocks of raw materials and finished or semi-finished products;

- (f) livestock and stocks of agricultural products exceeding the quantities appropriate to normal family requirements.

Article 18

1. Relief shall be granted only for personal property entered for free circulation not later than two years from the date on which the person concerned becomes entitled to the property (final settlement of the inheritance).

However, this period may be extended by the competent authorities on special grounds.

2. The personal property may be imported in several separate consignments within the period referred to in paragraph 1.

Article 19

Articles 16 to 18 shall apply *mutatis mutandis* to personal property acquired by inheritance by legal persons engaged in a non-profit making activity who are established in the customs territory of the Community.

TITLE IV

HOUSEHOLD EFFECTS FOR FURNISHING A SECONDARY RESIDENCE

Article 20

Subject to the provisions of Articles 21 to 24, household effects imported by a natural person having his normal place of residence outside the Community for the purpose of furnishing a secondary residence in the customs territory of the Community shall be admitted free of import duties.

Article 21

The relief shall be limited to household effects which:

- (a) except in special cases justified by the circumstances, have been owned and used by the person concerned for a minimum of six months before the date on which the household effects in question were exported;

- (b) are appropriate both by nature and by quantity to the normal furnishings of the said secondary residence.

Article 22

Relief shall be granted only to persons who:

- (a) have had their normal place of residence outside the Community for a continuous period of at least 12 months;
- (b) are the owners of the secondary residence in question or have rented it for not less than two years; and
- (c) undertake not to let this secondary residence to third parties while they or their families are absent.

Relief may be limited to one occasion for one and the same secondary residence.

Article 23

The grant of relief may be made subject to the establishment of a guarantee to ensure payment of any customs debt which may arise pursuant to Article 24.

Article 24

1. Hire or transfer of the secondary residence to a third person before the expiry of a period of two years from the date of acceptance of the entry for free circulation of the household effects shall entail payment of the relevant import duties on them, at the rate applying on the date of such hire or transfer, on the basis of the type of effects and the customs value ascertained or accepted on that date by the competent authorities.

Nevertheless, the relief shall continue to apply if the household effects concerned are used to furnish a new secondary residence, provided that the provisions of Article 22 (b) and (c) are respected.

2. Any loan, giving as security, hiring out or transfer, whether for a consideration or free of charge, of the household effects themselves to a third person before the expiry of a period of two years from the date of acceptance of their entry for free circulation shall likewise entail payment of the relevant duties under the same conditions as those referred to in the first subparagraph of paragraph 1.

This period may be extended up to 10 years for valuable household effects.

TITLE V

SCHOOL OUTFITS, SCHOLASTIC MATERIALS AND OTHER SCHOLASTIC HOUSEHOLD EFFECTS

Article 25

1. Outfits, scholastic materials and household effects representing the usual furnishings for a student's room and belonging to pupils or students coming to stay in the customs territory of the Community for the purpose of studying there and intended for their personal use during the period of their studies shall be admitted free of import duties.

2. For the purposes of paragraph 1:

- (a) 'pupil or student' means any person enrolled in an educational establishment in order to attend full-time the courses offered therein;
- (b) 'outfit' means underwear or household linen as well as clothing, whether or not new;
- (c) 'scholastic materials' means objects and instruments (including calculators and typewriters) normally used by pupils or students for the purposes of their studies.

Article 26

Relief shall be granted at least once per school year.

TITLE VI

CONSIGNMENTS OF NEGLIGIBLE VALUE

Article 27

Subject to Article 28, any consignment dispatched to its consignee by letter or parcel post containing goods of a total value not exceeding 10 ECU shall be admitted free of import duties.

Article 28

The relief shall not apply to the following:

- (a) alcoholic products;

(b) perfumes and toilet waters;

(c) tobacco or tobacco products.

TITLE VII

SMALL CONSIGNMENTS OF A NON-COMMERCIAL NATURE

Article 29

1. Subject to Articles 30 and 31, goods in small consignments of a non-commercial nature sent from a third country by a private person to another private person living in the customs territory of the Community shall be admitted free of import duties.

The relief provided for under this paragraph shall not apply to goods in small consignments of a non-commercial nature sent from the island of Heligoland.

2. For the purposes of paragraph 1, 'small consignment of a non-commercial nature' means consignments of goods which:

- are of an occasional nature,
- contain goods exclusively for the personal use of the consignee or his family which do not by their nature or quantity reflect any commercial intent,
- consist of goods the total value of which, including that of the products referred to in Article 30, does not exceed 35 ECU,
- are sent to the consignee by the consigner free of payment of any kind.

Article 30

The relief referred to in Article 29 (1) shall be limited, per consignment, to the quantities given against each of the goods listed below:

(a) tobacco products:

- 50 cigarettes, or
- 25 cigarillos (cigars of a maximum weight of 3 grams each), or
- 10 cigars, or
- 50 grams of smoking tobacco;

(b) alcoholic beverages:

- distilled beverages and spirits of an alcoholic strength exceeding 22 % vol: 1 litre (Member States may require this to be contained in a single bottle), or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, of an alcoholic strength not exceeding 22 % vol; sparkling wines, liqueur wines: 1 litre, or
- still wines: 2 litres

(c) perfumes: 50 grams, or

toilet waters: 0,25 litre.

Article 31

Goods listed in Article 30 which are contained in a small consignment of a non-commercial nature in amounts exceeding those laid down in that Article shall be entirely excluded from duty-free admission.

TITLE VIII

CAPITAL GOODS AND OTHER EQUIPMENT IMPORTED ON THE TRANSFER OF ACTIVITIES FROM A THIRD COUNTRY INTO THE COMMUNITY

Article 32

1. Without prejudice to the measures in force in the Member States with regard to industrial and commercial policy, and subject to Articles 33 to 37, the capital goods and other equipment belonging to undertakings which definitively cease their activity in a third country and move to the customs territory of the Community in order to carry on a similar activity there, shall be admitted free of import duties.

Where the undertaking transferred is an agricultural holding, its livestock shall also be admitted free of import duties.

2. For the purposes of paragraph 1, 'undertaking' means an independent economic unit of production or of the service industry.

Article 33

Relief shall be limited to capital goods and other equipment which:

- (a) except in special cases justified by the circumstances, have actually been used in the undertaking for a minimum of 12 months before the date on which the undertaking ceased to operate in the third country from which it has transferred its activities;
- (b) are intended to be used for the same purposes after the transfer;
- (c) are appropriate to the nature and size of the undertaking in question.

Article 34

No relief shall be granted to undertakings the transfer of which into the customs territory of the Community is consequent upon or is for the purpose of merging with, or being absorbed by, an undertaking established in the customs territory of the Community, without a new activity being set up.

Article 35

No relief shall be granted for:

- (a) means of transport which are not of the nature of instruments of production or of the service industry;
- (b) supplies of all kinds intended for human consumption or for animal feed;
- (c) fuel and stocks of raw materials or finished or semi-finished products;
- (d) livestock in the possession of dealers.

Article 36

Except in special cases justified by the circumstances, the relief referred to in Article 32 shall be granted only for capital goods and other equipment entered for free circulation before the expiry of a period of 12 months from the date when the undertaking ceased its activities in the third country of departure.

Article 37

1. Until 12 months have elapsed from the date on which their entry for free circulation was accepted, capital goods and other equipment which have been admitted duty-free may not be lent, given as security,

hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

This period may be extended to up to 36 months as concerns hiring out or transfer where there is a risk of abuse.

2. Any loan, giving as security, hiring out or transfer before the expiry of the period referred to in paragraph 1 shall entail payment of the relevant import duties on the goods concerned, at the rate applying on the date of such loan, giving as security, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 38

Articles 32 to 37 shall apply *mutatis mutandis* to capital goods and other equipment belonging to persons engaged in a liberal profession and to legal persons engaged in a non-profitmaking activity who transfer this activity from a third country into the customs territory of the Community.

TITLE IX

PRODUCTS OBTAINED BY COMMUNITY FARMERS ON PROPERTIES LOCATED IN A THIRD COUNTRY

Article 39

1. Subject to Articles 40 and 41, agricultural, stock-farming, bee-keeping, horticultural and forestry products from properties located in a third country adjoining the customs territory of the Community, which are operated by agricultural producers having their principal undertaking within the said customs territory and adjacent to the third country concerned shall be admitted free of import duties.

2. To benefit from the provisions of paragraph 1, stock-farming products must be derived from animals which originated in the Community or have entered into free circulation therein.

Article 40

Relief shall be limited to products which have not undergone any treatment other than that which normally follows their harvest or production.

Article 41

Relief shall be granted only for products brought into the customs territory of the Community by the agricultural producer or on his behalf.

Article 42

Articles 39 to 41 shall apply *mutatis mutandis* to the products of fishing or fish-farming activities carried out in the lakes or waterways bordering a Member State and a third country by Community fishermen and to the products of hunting activities carried out on such lakes or waterways by Community sportsmen.

TITLE X

SEEDS, FERTILIZERS AND PRODUCTS FOR THE TREATMENT OF SOIL AND CROPS IMPORTED BY AGRICULTURAL PRODUCERS IN THIRD COUNTRIES FOR USE IN PROPERTIES ADJOINING THOSE COUNTRIES

Article 43

Subject to Article 44, seeds, fertilizers and products for treatment of soil and crops, intended for use on property located in the customs territory of the Community adjoining a third country and operated by agricultural producers having their principal undertaking within the said third country and adjacent to the customs territory of the Community, shall be admitted free of import duties.

Article 44

1. Relief shall be limited to the quantities of seeds, fertilizers or other products required for the purpose of operating the property.

2. It shall be granted only for seeds, fertilizers or other products imported directly into the customs territory of the Community by the agricultural producer or on his behalf.

3. Member States may make relief conditional upon the granting of reciprocal treatment.

TITLE XI

GOODS CONTAINED IN TRAVELLERS' PERSONAL LUGGAGE

Article 45

1. Subject to Articles 46 to 49, goods contained in the personal luggage of travellers coming from a third country shall be admitted free of import duties, provided such imports are of a non-commercial nature.

2. For the purposes of paragraph 1:

(a) 'personal luggage' means the whole of the luggage which a traveller is in a position to submit to the customs authorities on his arrival in the Community, as well as any luggage submitted to this same authority at a later date, provided that evidence can be produced to prove that it was registered, at the time of the traveller's departure, as accompanied luggage with the company which transported it into the Community from the third country of departure.

Without prejudice to Article 112 (1) (b), portable containers holding fuel shall not constitute personal luggage;

(b) 'imports of a non-commercial nature' means imports which:

- are of an occasional nature, and
- consist exclusively of goods for the personal use of the travellers or their families, or of goods intended as presents; the nature and quantity of such goods should not be such as might indicate that they are being imported for commercial reasons.

Article 46

1. The relief referred to in Article 45 (1) shall, in respect of the goods listed below, apply subject to the following quantitative limits per traveller:

(a) tobacco products:

200 cigarettes, or

100 cigarillos (cigars of a maximum weight of three grams each), or

50 cigars, or

250 grams of smoking tobacco.

However, for travellers residing outside Europe, these quantities are raised to:

400 cigarettes, or

200 cigarillos (cigars of a maximum weight of three grams each), or
 100 cigars, or
 500 grams of smoking tobacco;

(b) **alcoholic beverages:**

- distilled beverages and spirits of an alcoholic strength exceeding 22 % vol: 1 litre (Member States may require this to be contained in a single bottle), or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, of an alcoholic strength not exceeding 22 % vol; sparkling wines, liqueur wines: 2 litres, and
 still wines: 2 litres;

(c) **perfumes:** 50 grams

and

toilet waters: 0,25 litre.

2. No relief for the goods referred to in paragraph 1 (a) and (b) shall be granted to travellers under 17 years old.

Article 47

The relief referred to in Article 45 shall be granted up to a total value of 45 ECU per traveller to goods other than those listed in Article 46.

However, Member States may reduce this amount to 23 ECU for travellers under 15 years old.

Article 48

Where the total value per traveller of two or more items exceeds the amounts referred to in Article 47, relief up to those amounts shall be granted for such of the items as would, if imported separately, have been granted relief, it being understood that the value of an individual item cannot be split up.

Article 49

1. Member States may reduce the value and/or the quantities of goods allowed to enter duty-free if they are imported by:

- persons residing in the frontier zone,
- frontier workers,
- the crews of means of transport used between third countries and the Community.

These restrictions shall not apply where persons having their residence in the frontier zone prove that they are not returning from the frontier zone of the adjacent third country. They shall, however, still apply to frontier workers and to the crew of means of transport used between third countries and the Community where they import goods when travelling in the course of their work.

2. For the purposes of applying the provisions of paragraph 1:

- 'frontier zone' means, without prejudice to existing conventions in this respect, a zone which, as the crow flies, does not extend more than 15 kilometres from the frontier. The local administrative districts, part of whose territory lies within the zone, shall also be considered to be part of this frontier zone,
- 'frontier worker' means any person whose normal activities require that he should go to the other side of the frontier on his work days.

TITLE XII

EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS; SCIENTIFIC INSTRUMENTS AND APPARATUS

Article 50

The educational, scientific and cultural materials listed in Annex I shall be admitted free of import duties whoever the consignee and whatever the intended use of such materials may be.

Article 51

The educational, scientific and cultural materials listed in Annex II shall be admitted free of import duties provided they are intended:

- either for public educational, scientific or cultural establishments or organizations,
- or for the establishments or organizations in the categories specified opposite each article in column 3 of the said Annex, on condition that they have been approved by the competent authorities of the Member States to receive such articles duty-free.

Article 52

1. Subject to Articles 53 to 58, scientific instruments and apparatus which are not included in Article 51 shall

be admitted free of import duties when they are imported exclusively for non-commercial purposes.

2. The relief referred to in paragraph 1 shall be limited to scientific instruments and apparatus:

(a) which are intended for:

- either public establishments principally engaged in education or scientific research and those departments of public establishments which are principally engaged in education or scientific research,
- or private establishments principally engaged in education or scientific research and approved by the competent authorities of the Member States to receive such articles duty-free; and

(b) to the extent that instruments or apparatus of equivalent scientific value are not being manufactured in the Community.

Article 53

The relief shall also apply to:

(a) spare parts, components or accessories specifically suitable for scientific instruments or apparatus, provided that these spare parts, components or accessories are imported at the same time as such instruments and apparatus or, if imported subsequently, that they can be identified as being intended for instruments or apparatus:

- which have previously been admitted duty-free, provided that such instruments or apparatus are still of a scientific nature at the time when relief is requested for the specific spare parts, components or accessories, or
- which would be entitled to relief at the time when such relief is requested for the specific spare parts, components or accessories;

(b) tools to be used for the maintenance, checking, calibration or repair of scientific instruments or apparatus, provided that:

- these tools are imported at the same time as such instruments and apparatus or, if imported subsequently, that they can be identified as being intended for the specific instruments or apparatus:

- which have previously been admitted duty-free, provided that such instruments or apparatus are still of a scientific nature at the time when relief is requested for the tools, or

- which would be entitled to relief at the time when such relief is requested for the tools,

and that

- equivalent tools are not being manufactured in the Community.

Article 54

For the purposes of applying Articles 52 and 53:

- 'a scientific instrument or apparatus' means any instrument or apparatus which, by reason of its objective technical characteristics and the results which it makes it possible to obtain, is mainly or exclusively suited to scientific activities,

- 'imported for non-commercial purposes' shall be considered to apply to scientific instruments or apparatus intended to be used for non-profitmaking scientific research or educational purposes,

- 'equivalent scientific value' shall be assessed by comparing the essential technical characteristics of the instrument or apparatus for which relief is requested with those of the corresponding instrument or apparatus manufactured in the Community in order to determine whether the latter could be used for the same scientific purposes as those for which the instrument or apparatus for which relief is requested is intended and whether its performance would be comparable,

- a scientific instrument or apparatus — or one of the tools referred to in Article 53 (b) — shall be regarded as being manufactured in the Community where its delivery period from the time of the order is not, taking account of commercial practices in the manufacturing sector under consideration, appreciably longer than the delivery period for the instrument, apparatus, or tool for which relief is applied or where this period does not exceed the latter to such an extent that the purpose or use for which the instrument, apparatus or tool was initially intended would be appreciably affected thereby.

Article 55

The granting of relief shall be conditional on it being established, under the conditions laid down by implementing provisions adopted in accordance with the procedure referred to in Article 143 (2) and (3), that instruments or apparatus of equivalent scientific value to those instruments or apparatus for which duty-free admission is requested — or, in the case of tools, that tools equivalent to those for which duty-free admission is requested — are not being manufactured in the Community.

Article 56

The granting of relief for scientific instruments or apparatus and tools sent by a person established outside the Community as gifts to the establishments referred to in Article 52 (2) (a) shall not be subject to the conditions laid down in Articles 52 (2) (b), 53 (b) and 55.

However, it must be established, under the conditions laid down by implementing provisions adopted in accordance with the procedure referred to in Article 143 (2) and (3), that the gift of the scientific instruments or apparatus in question has not been prompted by any commercial considerations on the part of the donor.

Article 57

1. The articles referred to in Article 51 and the scientific instruments or apparatus which have been admitted duty-free in accordance with the conditions laid down in Articles 52 to 56 may not be lent, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Should an article be lent, hired out or transferred to an establishment or organization entitled to benefit from relief pursuant to Article 51 or 52 (2) (a), the relief shall continue to be granted provided the establishment or organization uses the article, instrument or apparatus for purposes which confer the right to such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of import duties, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 58

1. Establishments or organizations referred to in Articles 51 and 52 which cease to fulfil the conditions giving entitlement to relief, or which are proposing to use articles admitted duty-free for purposes other than those provided for by those Articles shall so inform the competent authorities.

2. Articles remaining in the possession of establishments or organizations which cease to fulfil the conditions giving entitlement to relief shall be liable to the relevant import duties at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of article and the customs value ascertained or accepted on that date by the competent authorities.

Articles used by the establishment or organization benefiting from the relief for purposes other than those provided for in Articles 51 and 52 shall be liable to the relevant import duties calculated as applicable on the date on which they are put to another use, on the basis of the type of articles and the customs value ascertained or accepted on that date by the competent authorities.

Article 59

Articles 56, 57 and 58 shall apply *mutatis mutandis* to the products referred to in Article 53.

TITLE XIII

LABORATORY ANIMALS AND BIOLOGICAL OR CHEMICAL SUBSTANCES INTENDED FOR RESEARCH

Article 60

1. Relief from import duties shall be granted in respect of:

- (a) animals specially prepared for laboratory use;
- (b) biological or chemical substances for which there is no equivalent production in the customs territory of the Community and which are imported exclusively for non-commercial purposes, provided they are included in a list drawn up in accordance with the procedure laid down in Article 143 (2) and (3).

2. The relief referred to in paragraph 1 shall be limited to animals and biological or chemical substances which are intended for:

- either public establishments principally engaged in education or scientific research and those departments of public establishments which are principally engaged in education or scientific research,
- or private establishments principally engaged in education or scientific research and authorized by the competent authorities of the Member States to receive such articles duty-free.

(b) are accompanied by a certificate of conformity issued by a duly authorized body in the third country of departure;

(c) are in containers bearing a special label identifying them.

Article 63

Relief shall include the special packaging essential for the transport of therapeutic substances of human origin or blood-grouping or tissue-typing reagents and also any solvents and accessories needed for their use which may be included in the consignments.

TITLE XIV

THERAPEUTIC SUBSTANCES OF HUMAN ORIGIN AND BLOOD-GROUPING AND TISSUE-TYPING REAGENTS

Article 61

1. Subject to Article 62, the following shall be admitted free of import duties:

- (a) therapeutic substances of human origin;
- (b) blood-grouping reagents;
- (c) tissue-typing reagents.

2. For the purposes of paragraph 1:

- 'therapeutic substances of human origin' means human blood and its derivatives (whole human blood, dried human plasma, human albumin and fixed solutions of human plasmic protein, human immunoglobulin and human fibrinogen),
- 'blood-grouping reagents' means all reagents, whether of human, animal, plant or other origin used for blood-type grouping and for the detection of blood incompatibilities,
- 'tissue-typing reagents' means all reagents whether of human, animal, plant or other origin used for the determination of human tissue-types.

Article 62

Relief shall be limited to products which:

- (a) are intended for institutions or laboratories approved by the competent authorities, for use exclusively for non-commercial medical or scientific purposes;

TITLE XV

PHARMACEUTIC PRODUCTS USED AT INTERNATIONAL SPORTS EVENTS

Article 64

Pharmaceutical products for human or veterinary medical use by persons or animals coming from third countries to participate in international sports events organized in the customs territory of the Community, shall, within the limits necessary to meet their requirements throughout their stay in that territory, be admitted free of import duties.

TITLE XVI

GOODS FOR CHARITABLE OR PHILANTHROPIC ORGANIZATIONS: ARTICLES INTENDED FOR THE BLIND AND OTHER HANDICAPPED PERSONS

A. For general purposes

Article 65

1. Subject to Articles 67 and 68, the following shall be admitted free of import duties, in so far as this does not give rise to abuses or major distortions of competition:

- (a) basic necessities imported by State organizations or other charitable or philanthropic organizations

approved by the competent authorities for distribution free of charge to needy persons;

- (b) goods of every description sent free of charge, by a person or an organization established in a third country, and without any commercial intent on the part of the sender, to State organizations or other charitable or philanthropic organizations approved by the competent authorities, to be used for fund-raising at occasional charity events for the benefit of needy persons;
- (c) equipment and office materials sent free of charge, by a person or an organization established outside the Community, and without any commercial intent on the part of the sender, to charitable or philanthropic organizations approved by the competent authorities, to be used solely for the purpose of meeting their operating needs or carrying out their charitable or philanthropic aims.

2. For the purposes of paragraph 1 (a), 'basic necessities' means those goods required to meet the immediate needs of human beings, e.g. food, medicine, clothing and bed-clothes.

Article 66

No relief shall be granted for:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) coffee and tea;
- (d) motor vehicles other than ambulances.

Article 67

Relief shall be granted only to organizations the accounting procedures of which enable the competent authorities to supervise their operations and which offer all the guarantees considered necessary.

Article 68

1. The organization benefiting from the relief may not lend, hire out or transfer, whether for a consideration or free of charge, the goods and equipment referred to in Article 65 for purposes other than those laid down in paragraph 1 (a) and (b) of that Article without prior notification to the competent authorities.

2. Should goods and equipment be lent, hired out or transferred to an organization entitled to benefit from relief pursuant to Articles 65 and 67, the relief shall continue to be granted provided the latter uses the goods and equipment for purposes which confer the right to such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of import duties, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods or equipment and the customs value ascertained or accepted on that date by the competent authorities.

Article 69

1. Organizations referred to in Article 65 which cease to fulfil the conditions giving entitlement to relief, or which are proposing to use goods and equipment admitted duty-free for purposes other than those provided for by that Article, shall so inform the competent authorities.

2. Goods and equipment remaining in the possession of organizations which cease to fulfil the conditions giving entitlement to relief shall be liable to the relevant import duties at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and equipment and the customs value as ascertained or accepted on that date by the competent authorities.

3. Goods and equipment used by the organization benefiting from the relief for purposes other than those provided for in Article 65 shall be liable to the relevant import duties at the rate applying on the date on which they are put to another use, on the basis of the type of goods and equipment and the customs value as ascertained or accepted on that date by the competent authorities.

B. For the benefit of handicapped persons

1. Articles for the use of the blind

Article 70

Articles specially designed for the educational, scientific or cultural advancement of blind persons, as specified in Annex III, shall be admitted free of import duties.

Article 71

Articles specially designed for the educational, scientific or cultural advancement of blind persons, as specified in Annex IV, shall be admitted free of import duties provided that they are imported by:

- either blind persons themselves for their own use,
- or institutions or organizations concerned with the education of or the provision of assistance to the blind, approved by the competent authorities of the Member States for the purpose of duty-free entry of these articles.

The relief referred to in the first paragraph shall apply to spare parts, components or accessories specifically for the articles in question, and to the tools to be used for the maintenance, checking, calibration or repair of the said articles, provided that such spare parts, components, accessories or tools are imported at the same time as the said articles or, if imported subsequently, that they can be identified as being intended for articles previously admitted duty-free, or which would be entitled to relief at the time when such relief is requested for the specific spare parts, components or accessories and tools in question.

2. *Articles for the use of other handicapped persons*

Article 72

1. Articles specially designed for the education, employment or social advancement of physically or mentally handicapped persons other than blind persons shall be admitted free of import duties where:

(a) they are imported:

- either by handicapped persons themselves for their own use,
- or by institutions or organizations that are principally engaged in the education of or the provision of assistance to handicapped persons and are authorized by the competent authorities of the Member States to receive such articles duty-free;

and

(b) equivalent articles are not being manufactured in the Community.

However, under the conditions laid down by implementing provisions adopted in accordance with

the procedure referred to in Article 143 (2) and (3), a derogation may be made from condition (b), provided the granting or relief is not liable to prejudice the production of equivalent articles within the Community.

2. The relief referred to in paragraph 1 shall apply to spare parts, components or accessories specifically for the articles in question, and to the tools to be used for the maintenance, checking, calibration or repair of the said articles provided that such spare parts, components, accessories or tools are imported at the same time as the said articles, or, if imported subsequently, that they can be identified as being intended for articles previously admitted duty-free, or which would be entitled to relief at the time when such relief is requested for the specific spare parts, components or accessories and tools in question.

3. For the purposes of this Article:

- equivalence shall be assessed by comparing the essential technical characteristics of the articles for which duty-free admission is requested with those of the corresponding article manufactured in the Community to determine whether the latter could be used for the same purposes as those for which the article in respect of which relief is requested is intended and whether its performance would be comparable,
- an article shall be regarded as being manufactured in the Community where its delivery period from the time of the order is not, account being taken of commercial practices in the manufacturing sector under consideration, appreciably longer than the delivery period of the article for which relief is requested, or where this period does not exceed the latter to such an extent that the purpose or use for which the article was initially intended would be appreciably affected thereby.

Article 73

Without prejudice to the last sentence of Article 72 (1), the granting of duty-free admission shall be conditional on its being established, under the conditions laid down by implementing provisions adopted in accordance with the procedure referred to in Article 143 (2) and (3), that articles equivalent to those for which duty-free admission is requested are not being manufactured in the Community.

Article 74

The granting of duty-free admission in respect of articles sent as gifts to handicapped persons themselves and for their own use or to the institutions or organizations referred to in Article 72 (1) (a) shall not be subject to the conditions laid down in Articles 72 (1) (b) or 73.

However, it must be established, under the conditions laid down by implementing provisions adopted in accordance with the procedure referred to in Article 143 (2) and (3), that the gift of the articles in question has not been prompted by any commercial consideration on the part of the donor.

*3. Common provisions**Article 75*

The direct grant of relief, for their own use, to blind persons or to other handicapped persons, as provided for in the first indent of Article 71, the first indent of Article 72 (1) (a) and Article 74, shall be subject to the condition that the provisions in force in the Member States enable the persons concerned to establish their status as blind or handicapped persons entitled to such relief.

Article 76

1. Articles imported duty-free by the persons referred to in Articles 71, 72 and 74 may not be lent, hired out or transferred, whether for a consideration or free of charge, without prior notification thereof to the competent authorities.

2. Should an article be lent, hired out or transferred to a person, institution or organization entitled to benefit from relief pursuant to Articles 71 to 74, the relief shall continue to be granted provided the institution or organization uses the article for purposes which confer the right of such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of import duties, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods or equipment and the customs value ascertained or accepted on that date by the competent authorities.

Article 77

1. Articles imported by institutions or organizations eligible for relief in accordance with the conditions laid

down in Articles 71 to 74 may be lent, hired out or transferred, whether for a consideration or free of charge, by these institutions or organizations on a non-profitmaking basis to the blind and other handicapped persons with whom they are concerned, without payment of the corresponding customs duties.

2. No loan, hiring out or transfer may be effected under conditions other than those provided for in paragraph 1 unless the competent authorities have first been informed.

Should an article be lent, hired out or transferred to an institution or organization itself entitled to benefit from relief pursuant to the first paragraph of Article 71 or Article 72 (1) (a), the relief shall continue to be granted provided the latter uses the article for purposes which confer the right to such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of customs duties, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods or equipment and the customs value ascertained or accepted on that date by the competent authorities.

Article 78

1. Institutions or organizations referred to in Articles 71 and 72 which cease to fulfil the conditions giving entitlement to duty-free admission, or which are proposing to use articles admitted duty-free for purposes other than those provided for by those Articles shall so inform the competent authorities.

2. Articles remaining in the possession of institutions or organizations which cease to fulfil the conditions giving entitlement to relief shall be liable to the relevant import duties at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

3. Articles used by the institution or organization benefiting from the relief for purposes other than those provided for in Articles 71 and 72 shall be liable to the relevant import duties at the rate applying on the date on which they are put to another use, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

C. For the benefit of disaster victims*Article 79*

1. Subject to Articles 80 to 85, goods imported by State organizations or other charitable or philanthropic organizations approved by the competent authorities shall be admitted free of import duties where they are intended:

- (a) for distribution free of charge to victims of disasters affecting the territory of one or more Member States; or
- (b) to be made available free of charge to the victims of such disasters, while remaining the property of the organizations in question.

2. Goods imported for free circulation by disaster-relief agencies in order to meet their needs during the period of their activity shall also be granted the relief referred to in paragraph 1, under the same conditions.

Article 80

No relief shall be granted for materials and equipment intended for rebuilding disaster areas.

Article 81

Granting of the relief shall be subject to a decision by the Commission, acting at the request of the Member State or States concerned in accordance with an emergency procedure entailing the consultation of the other Member States. This decision shall, where necessary, lay down the scope and the conditions of the relief.

Pending notification of the Commission's decision, Member States affected by a disaster may authorize the suspension of any import duties chargeable on goods imported for the purposes described in Article 79, subject to an undertaking by the importing organization to pay such duties if relief is not granted.

Article 82

Relief shall be granted only to organizations the accounting procedures of which enable the competent authorities to supervise their operations and which offer all the guarantees considered necessary.

Article 83

1. The organizations benefiting from the relief may not lend, hire out or transfer, whether for consideration or

free of charge, the goods referred to in Article 79 (1) under conditions other than those laid down in that Article without prior notification thereof to the competent authorities.

2. Should goods be lent, hired out or transferred to an organization itself entitled to benefit from relief pursuant to Article 79, the relief shall continue to be granted, provided the latter uses the goods for purposes which confer the right to such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of import duties at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 84

1. The goods referred to in Article 79 (1) (b), after they cease to be used by disaster victims, may not be lent, hired out or transferred, whether for a consideration or free of charge, unless the competent authorities are notified in advance.

2. Should goods be lent, hired out or transferred to an organization itself entitled to benefit from relief pursuant to Article 79 or, if appropriate, to an organization entitled to benefit from relief pursuant to Article 65 (1) (a), the relief shall continue to be granted, provided such organizations use them for purposes which confer the right to such relief.

In other cases, loan, hiring out or transfer shall be subject to prior payment of import duties at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 85

1. Organizations referred to in Article 79 which cease to fulfil the conditions giving entitlement to relief, or which are proposing to use the goods admitted duty-free for purposes other than those provided for by that Article, shall so inform the competent authorities.

2. In the case of goods remaining in the possession of organizations which cease to fulfil the conditions giving

entitlement to relief, when these are transferred to an organization itself entitled to benefit from relief pursuant to Article 79 or, if appropriate, to an organization entitled to benefit from relief pursuant to Article 65 (1) (a), relief shall continue to be granted, provided the organization uses the goods in question for purposes which confer the right to such relief. In other cases, the goods shall be liable to the relevant import duties at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

3. Goods used by the organization benefiting from the relief for purposes other than those provided for in Article 79 shall be liable to the relevant import duties at the rate applying on the date on which they are put to another use, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

TITLE XVII

HONORARY DECORATIONS OR AWARDS

Article 86

On production of satisfactory evidence to the competent authorities by the persons concerned, and provided the operations involved are not in any way of a commercial character, the following shall be admitted free of import duties:

- (a) decorations conferred by governments of third countries on persons whose normal place of residence is in the customs territory of the Community;
- (b) cups, medals and similar articles of an essentially symbolic nature which, having been awarded in a third country to persons having their normal place of residence in the customs territory of the Community as a tribute to their activities in fields such as the arts, the sciences, sport or the public service or as in recognition for merit at a particular event, are imported into the Community by such persons themselves;
- (c) cups, medals and similar articles of an essentially symbolic nature which are given free of charge by authorities or persons established in a third country to be presented in the customs territory of the

Community for the same purposes as those referred to in (b).

TITLE XVIII

PRESENTS RECEIVED IN THE CONTEXT OF INTERNATIONAL RELATIONS

Article 87

Without prejudice, where relevant, to Articles 45 to 49, and subject to Articles 88 and 89 below, relief shall be granted for goods:

- (a) imported into the customs territory of the Community by persons who have paid an official visit to a third country and who have received them on this occasion as gifts from the host authorities;
- (b) imported into the customs territory of the Community by persons coming to pay an official visit in the Community and who intend to offer them on that occasion as gifts to the host authorities;
- (c) sent as gifts, in token of friendship or goodwill, by an official body, public authority or group, carrying on an activity in the public interest which is located in a third country, to an official body, public authority or group carrying on an activity in the public interest which is located in the Community and approved by the competent authorities to receive such articles free of duty.

Article 88

No relief shall be granted for alcoholic products, tobacco or tobacco products.

Article 89

Relief shall be granted only:

- where the articles intended as gifts are offered on an occasional basis,
- where they do not, by their nature, value or quantity, reflect any commercial interest,
- if they are not used for commercial purposes.

TITLE XIX

GOODS TO BE USED BY MONARCHS OR HEADS OF STATE

Article 90

The following shall be admitted free of import duties, within the limits and under the conditions laid down by the competent authorities:

- (a) gifts to reigning monarchs and heads of State;
- (b) goods to be used or consumed by reigning monarchs and heads of State of third countries, or persons officially representing them, during their official stay in the customs territory of the Community. However, relief may be made subject, by the Member State of importation, to reciprocal treatment.

The provisions of the preceding subparagraph are also applicable to persons enjoying prerogatives at international level analogous to those enjoyed by reigning monarchs or heads of State.

TITLE XX

GOODS IMPORTED FOR TRADE PROMOTION PURPOSES

A. Samples of goods of negligible value

Article 91

1. Without prejudice to Article 95 (1) (a), samples of goods which are of negligible value and can be used only to solicit orders for goods of the type they represent with a view to their being imported into the customs territory of the Community shall be admitted free of import duties.

2. The competent authorities may require that certain articles, to qualify for relief, be rendered permanently unusable by being torn, perforated, or clearly and indelibly marked, or by any other process, provided such operation does not destroy their character as samples.

3. For the purposes of paragraph 1, 'samples of goods' means any article representing a type of goods whose

manner of presentation and quantity, for goods of the same type or quality, rule out its use for any purpose other than that of seeking orders.

B. Printed matter and advertising material

Article 92

Subject to Article 93, printed advertising matter such as catalogues, price lists, directions for use or brochures shall be admitted free of import duties, provided that they relate to:

- (a) goods for sale or hire, or
- (b) transport, commercial insurance or banking services offered

by a person established outside the customs territory of the Community.

Article 93

The relief referred to in Article 92 shall be limited to printed advertisements which fulfil the following conditions:

- (a) printed matter must clearly display the name of the undertaking which produces, sells or hires out the goods, or which offers the services to which it refers;
- (b) each consignment must contain no more than one document or a single copy of each document if it is made up of several documents. Consignments comprising several copies of the same document may nevertheless be granted relief, provided their total gross weight does not exceed one kilogram;
- (c) printed matter may not be the subject of grouped consignments from the same consignor to the same consignee.

Article 94

Articles for advertising purposes, of no intrinsic commercial value, sent free of charge by suppliers to their customers, which, apart from their advertising function, are not capable of being used otherwise, shall also be admitted free of import duties.

C. Products used or consumed at a trade fair or similar event

Article 95

1. Subject to Articles 96 to 99, the following shall be admitted free of import duties:

- (a) small representative samples of goods manufactured outside the customs territory of the Community intended for a trade fair or similar event;
- (b) goods imported solely in order to be demonstrated or in order to demonstrate machines and apparatus, manufactured outside the customs territory of the Community and displayed at a trade fair or similar event;
- (c) various materials of little value such as paints, varnishes, wallpaper, etc., used in the building, fitting-out and decoration of temporary stands occupied by representatives of third countries at a trade fair or similar event, which are destroyed by being used;
- (d) printed matter, catalogues, prospectuses, price lists, advertising posters, calendars, whether or not illustrated, unframed photographs and other articles supplied free of charge in order to advertise goods manufactured outside the customs territory of the Community and displayed at a trade fair or similar event.

2. For the purposes of paragraph 1, 'trade fair or similar event' means:

- (a) exhibitions, fairs, shows and similar events connected with trade, industry, agriculture or handicrafts;
- (b) exhibitions and events held mainly for charitable reasons;
- (c) exhibitions and events held mainly for scientific, technical, handicraft, artistic, educational or cultural, or sporting reasons, for religious reasons or for reasons of worship, trade union activity or tourism, or in order to promote international understanding;
- (d) meetings of representatives of international organizations or collective bodies;
- (e) official or commemorative ceremonies and gatherings;

but not exhibitions staged for private purposes in commercial stores or premises to sell goods of third countries.

Article 96

The relief referred to in Article 95 (1) (a) shall be limited to samples which:

- (a) are imported free of charge as such from third countries or are obtained at the exhibition from goods imported in bulk from those countries;
- (b) are exclusively distributed free of charge to the public at the exhibition for use or consumption by the persons to whom they have been offered;
- (c) are identifiable as advertising samples of low unitary value;
- (d) are not easily marketable and, where appropriate, are packaged in such a way that the quantity of the item involved is lower than the smallest quantity of the same item actually sold on the market;
- (e) in the case of foodstuffs and beverages not packaged as mentioned in (d), are consumed on the spot at the exhibition;
- (f) in their total value and quantity, are appropriate to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 97

The relief referred to in Article 95 (1) (b) shall be limited to goods which are:

- (a) consumed or destroyed at the exhibition; and
- (b) are appropriate, in their total value and quantity, to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 98

The relief referred to in Article 95 (1) (d) shall be limited to printed matter and articles for advertising purposes which:

- (a) are intended exclusively to be distributed free of charge to the public at the place where the exhibition is held;
- (b) in their total value and quantity, are appropriate to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 99

The relief referred to in Article 95 (1) (a) and (b) shall not be granted for:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) fuels, whether solid, liquid or gaseous.

- completely destroyed or rendered commercially valueless on completion of examination, analysis or testing, or
- surrendered to the State without causing it any expense, where this is possible under national law, or
- in duly justified circumstances, exported outside the customs territory of the Community.

TITLE XXI

GOODS IMPORTED FOR EXAMINATION, ANALYSIS OR TEST PURPOSES

Article 100

Subject to Articles 101 to 106, goods which are to undergo examination, analysis or tests to determine their composition, quality or other technical characteristics for purposes of information or industrial or commercial research shall be admitted free of import duties.

Article 101

Without prejudice to Article 104, the relief referred to in Article 100 shall be granted only on condition that the goods to be examined, analyzed or tested are completely used up or destroyed in the course of the examination, analysis or testing.

Article 102

Goods used in examination, analysis or tests which in themselves constitute sales promotion operations shall not enjoy relief.

Article 103

Relief shall be granted only in respect of the quantities of goods which are strictly necessary for the purpose for which they are imported. These quantities shall in each case be determined by the competent authorities, taking into account the said purpose.

Article 104

1. The relief referred to in Article 100 shall cover goods which are not completely used up or destroyed during examination, analysis or testing, provided that the products remaining are, with the agreement and under the supervision of the competent authorities:

2. For the purposes of paragraph 1, 'products remaining' means products resulting from the examination, analysis or tests or goods not actually used.

Article 105

Save where Article 104 (1) is applied, products remaining at the end of the examinations, analyses or tests referred to in Article 100 shall be subject to the relevant import duties at the rate applying on the date of completion of the examinations, analyses or tests, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

However, the interested party may, with the agreement and under the supervision of the competent authorities, convert products remaining to waste or scrap. In this case, the import duties shall be those applying to such waste or scrap at the time of conversion.

Article 106

The period within which the examinations, analyses or tests must be carried out and the administrative formalities to be completed in order to ensure the use of the goods for the purposes intended shall be determined by the competent authorities.

TITLE XXII

CONSIGNMENTS SENT TO ORGANIZATIONS PROTECTING COPYRIGHTS OR INDUSTRIAL AND COMMERCIAL PATENT RIGHTS

Article 107

Trademarks, patterns or designs and their supporting documents, as well as applications for patents for invention or the like, to be submitted to the bodies competent to deal with the protection of copyrights or

the protection of industrial or commercial patent rights, shall be admitted free of import duties.

TITLE XXIII

TOURIST INFORMATION LITERATURE

Article 108

Without prejudice to Articles 50 to 59, the following shall be admitted free of import duties:

- (a) documentation (leaflets, brochures, books, magazines, guidebooks, posters whether or not framed, unframed photographs and photographic enlargements, maps whether or not illustrated, window transparencies, and illustrated calendars) intended to be distributed free of charge and the principal purpose of which is to encourage the public to visit foreign countries, in particular in order to attend cultural, tourist, sporting, religious or trade or professional meetings or events, provided that such literature contains not more than 25 % of private commercial advertising matter, excluding all private commercial advertising for Community firms, and that the general nature of its promotional aims is evident;
- (b) foreign hotel lists and yearbooks published by the official tourist agencies, or under their auspices, and timetables for foreign transport services, where such literature is intended to be distributed free of charge and contains not more than 25 % of private commercial advertising, excluding all private commercial advertising for Community firms;
- (c) reference material supplied to accredited representatives or correspondents appointed by official national tourist agencies and not intended for distribution, viz. yearbooks, lists of telephone or telex numbers, hotel lists, fairs catalogues, specimens of craft goods of negligible value, and literature on museums, universities, spas or other similar establishments.

TITLE XXIV

MISCELLANEOUS DOCUMENTS AND ARTICLES

Article 109

The following shall be admitted free of import duties:

- (a) documents sent free of charge to the public services of Member States;
- (b) publications of foreign governments and publications of official international bodies intended for distribution without charge;
- (c) ballot papers for elections organized by bodies set up in third countries;
- (d) objects to be submitted as evidence or for like purposes to the courts or other official agencies of the Member States;
- (e) specimen signatures and printed circulars concerning signatures sent as part of customary exchanges of information between public services or banking establishments;
- (f) official printed matter sent to the central banks of the Member States;
- (g) reports, statements, notes, prospectuses, application forms and other documents drawn up by companies registered in a third country and sent to the bearers or subscribers of securities issued by such companies;
- (h) recorded media (punched cards, sound recordings, microfilms, etc.) used for the transmission of information sent free of charge to the addressee, in so far as duty-free admission does not give rise to abuses or to major distortions of competition;
- (i) files, archives, printed forms and other documents to be used in international meetings, conferences or congresses, and reports on such gatherings;
- (j) plans, technical drawings, traced designs, descriptions and other similar documents imported with a view to obtaining or fulfilling orders in third countries or to participating in a competition held in the customs territory of the Community;
- (k) documents to be used in examinations held in the customs territory of the Community by institutions set up in third countries;

- (l) printed forms to be used as official documents in the international movement of vehicles or goods, within the framework of international conventions;
- (m) printed forms, labels, tickets and similar documents sent by transport undertakings or by undertakings of the hotel industry in a third country to travel agencies set up in the customs territory of the Community;
- (n) printed forms and tickets, bills of lading, way-bills and other commercial or office documents which have been used;
- (o) official printed forms from third country or international authorities, and printed matter conforming to international standards sent for distribution by third country associations to corresponding associations located in the customs territory of the Community;
- (p) photographs, slides and stereotype mats for photographs, whether or not captioned, sent to press agencies or newspaper or magazine publishers.

TITLE XXV

ANCILLARY MATERIALS FOR THE STOWAGE AND PROTECTION OF GOODS DURING THEIR TRANSPORT

Article 110

The various materials such as rope, straw, cloth, paper and cardboard, wood and plastics which are used for the stowage and protection — including heat protection — of goods during their transport from a third country to the customs territory of the Community, not normally reusable, shall be admitted free of import duties.

TITLE XXVI

LITTER, FODDER AND FEEDINGSTUFFS FOR ANIMALS DURING THEIR TRANSPORT

Article 111

Litter, fodder and feedingstuffs of any description put on board the means of transport used to convey animals

from a third country to the customs territory of the Community for the purpose of distribution to the said animals during the journey shall be admitted free of import duties.

TITLE XXVII

FUEL AND LUBRICANTS PRESENT IN LAND MOTOR VEHICLES

Article 112

1. Subject to the provisions of Articles 113 to 115:

- (a) fuel contained in the standard tanks of private and commercial motor vehicles and motor cycles entering the customs territory of the Community;
- (b) fuel contained in portable tanks carried by private motor vehicles and motor cycles, with a maximum of 10 litres per vehicle and without prejudice to national provisions on the holding and transport of fuel;

shall be admitted free of import duties.

2. For the purposes of paragraph 1:

- (a) 'commercial motor vehicle' means any motorized road vehicle which by its type of construction and equipment is designed for and capable of transporting, whether for payment or not:

- more than nine persons including the driver,
- goods,

and any road vehicle for a special purpose other than transport as such;

- (b) 'private motor vehicle' means any motor vehicle not covered by the definition set out in (a);

- (c) 'standard tanks' means the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation of a refrigeration system.

Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel shall also be considered to be standard tanks.

Article 113

Member States may limit the application of the relief in respect of fuel contained in the standard tanks of commercial motor vehicles to 200 litres per vehicle per journey.

Article 114

Member States may limit the amount of duty-free fuel allowed in the case of:

- commercial motor vehicles engaged in international transport into their frontier zone to a maximum depth of 25 km as the crow flies, provided such journeys are made by persons residing in the frontier zone,
- private motor vehicles belonging to persons residing in the frontier zone specified in Article 49 (2).

Article 115

Fuel admitted duty-free under Articles 112 to 114 may not be used in a vehicle other than that in which it was imported nor be removed from that vehicle and stored, except during necessary repairs to that vehicle, nor be transferred, whether for a consideration or free of charge, by the person benefiting from the relief.

Non-compliance with the preceding paragraph shall give rise to application of the import duties relating to the products in question at the rate in force on the date of such non-compliance, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 116

The relief referred to in Article 112 shall also apply to the lubricants present in the motor vehicles and required for their normal operation during the journey in question.

TITLE XXVIII

MATERIALS FOR THE CONSTRUCTION, UPKEEP OR ORNAMENTATION OF MEMORIALS TO, OR CEMETERIES FOR, WAR VICTIMS

Article 117

Goods of every description, imported by organizations authorized for this purpose by the competent authorities, to be used for the construction, upkeep or ornamentation of cemeteries and tombs of, and memorials to, war victims of third countries who are buried in the Community, shall be admitted free of import duties.

TITLE XXIX

COFFINS, FUNERARY URNS AND ORNAMENTAL FUNERARY ARTICLES

Article 118

1. The following shall be admitted free of import duties:
 - (a) coffins containing bodies and urns containing the ashes of deceased persons, as well as the flowers, funeral wreaths and other ornamental objects normally accompanying them;
 - (b) flowers, wreaths and other ornamental objects brought by persons resident in third countries attending a funeral or coming to decorate graves in the customs territory of the Community, provided these importations do not reflect, by either their nature or their quantity, any commercial intent.

CHAPTER II

RELIEF FROM EXPORT DUTIES

TITLE I

CONSIGNMENTS OF NEGLIGIBLE VALUE

Article 119

Consignments dispatched to their consignee by letter or parcel post and containing goods of a total value not exceeding 10 ECU may be exported free of export duties.

TITLE II

DOMESTICATED ANIMALS EXPORTED AT THE TIME OF TRANSFER OF AGRICULTURAL ACTIVITIES FROM THE COMMUNITY TO A THIRD COUNTRY

Article 120

1. Domesticated animals forming the livestock of an agricultural undertaking which has ceased to operate in

the Community and transfers its activities to a third country may be exported free of export duties.

2. The relief referred to in paragraph 1 shall be limited to domesticated animals in numbers appropriate to the nature and size of the agricultural undertaking.

TITLE III

PRODUCTS OBTAINED BY AGRICULTURAL PRODUCERS FARMING ON PROPERTIES LOCATED IN THE COMMUNITY

Article 121

1. Agricultural or stock-farming products obtained in the customs territory of the Community on properties adjacent to a third country, operated, in the capacity of owner or lessee, by persons having their principal undertaking in a third country adjoining the customs territory of the Community, may be exported free of export duties.

2. To benefit from the provisions of paragraph 1, products obtained from domesticated animals must be derived from animals originating in the third country in question or satisfying the requirements for free circulation there.

Article 122

The relief referred to in Article 121 (1) shall be limited to products which have not undergone any treatment other than that which normally follows their harvest or production.

Article 123

Relief shall be granted only for products brought into the third country in question by the agricultural producer or on his behalf.

TITLE IV

SEEDS EXPORTED BY AGRICULTURAL PRODUCERS FOR USE ON PROPERTIES LOCATED IN THIRD COUNTRIES

Article 124

Seeds for use on properties located in a third country adjacent to the customs territory of the Community and operated, in the capacity of owner or lessee, by persons having their principal undertaking in the said customs territory in the immediate proximity of the third country in question may be exported free of export duties.

Article 125

The relief referred to in Article 124 shall be limited to the quantities of seeds required for the purpose of operating the property.

It shall be granted only for seeds exported directly from the customs territory of the Community by the agricultural producer or on his behalf.

TITLE V

FODDER AND FEEDINGSTUFFS ACCOMPANYING ANIMALS DURING THEIR EXPORTATION

Article 126

Fodder and feedingstuffs of any description put on board the means of transport used to convey animals from the customs territory of the Community to a third country for the purpose of distribution to the said animals during the journey may be exported free of export duties.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 127

1. Subject to paragraph 2, the provisions of Chapter I shall apply both to goods declared for free circulation coming directly from third countries and to goods

declared for free circulation after having been subject to another customs procedure.

2. The cases in which duty-free admission may not be granted for goods declared for free circulation after

having been subject to another customs procedure shall be determined in accordance with the procedure referred to in Article 143 (2) and (3).

Article 128

Where relief from import duties is granted conditional upon goods being put to a particular use by the recipient, only the competent authorities of the Member State in whose territory the said goods are to be put to such a use may grant this relief.

Article 129

The competent authorities of the Member States shall take all appropriate measures to ensure that goods placed in free circulation, where relief from import duties is granted conditional upon goods being put to a particular use by the recipient, may not be used for other purposes without the relevant import duties being paid, unless such alternative use is in conformity with the conditions laid down by this Regulation.

Article 130

Where the same person simultaneously fulfils the conditions required for the grant of relief from import or export duties under different provisions of this Regulation, the provisions in question shall apply concurrently.

Article 131

Where this Regulation provides that the granting of relief shall be subject to the fulfilment of certain conditions, the person concerned shall, to the satisfaction of the competent authorities, furnish proof that these conditions have been met.

Article 132

In the event of duty-free importation or exportation being granted within the limit of an amount determined in ECU, Member States may round-off, upwards or downwards, the sum arrived at by converting that amount into the national currency.

Member States may also maintain, unamended, the exchange value in national currency of the amount determined in ECU if, at the time of the annual adjustment referred to in the first subparagraph of Article 2 (2) of Council Regulation (EEC) No 2779/78 of 23 November 1978 applying the European unit of

account (EUA) to legal acts adopted in the customs sphere ⁽¹⁾, the conversion of this amount leads, before the rounding-off provided for in the preceding paragraph, to an alteration of less than 5 % in the exchange value expressed in national currency.

Article 133

1. Nothing in this Regulation shall prevent the Member States from granting:

- (a) relief pursuant to the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 or other consular conventions, or the New York Convention of 16 December 1969 on special missions;
- (b) relief under the customary privileges accorded by virtue of international agreements or headquarters agreements to which either a third country or an international organization is a contracting party, including the relief granted on the occasion of international meetings;
- (c) relief under the customary privileges and immunities accorded in the context of international agreements concluded by all the Member States and setting up a cultural or scientific institute or organization under international law;
- (d) relief under the customary privileges and immunities accorded in the context of cultural, scientific or technical cooperation agreements concluded with third countries;
- (e) special relief introduced under agreements concluded with third countries and providing for common measures for the protection of persons or of the environment;
- (f) special relief introduced under agreements concluded with adjacent third countries, justified by the nature of the frontier-zone trade with the countries in question.

2. Where an international convention not covered by any of the categories referred to in paragraph 1, to which a Member State intends to subscribe, provides for the grant of relief, that Member State shall submit a request to the Commission for the application of such relief, supplying the Commission with all the necessary information.

⁽¹⁾ OJ No L 333, 30. 11. 1978, p. 5.

A decision shall be taken on such a request in accordance with the procedure laid down in Article 143 (2) and (3).

3. The supply of information as specified in paragraph 2 shall not be required where the international convention in question provides for the grant of relief not exceeding the limits set under Community law.

Article 134

1. Member States shall notify the Commission of the customs provisions contained in international conventions and agreements of the type referred to in Article 133 (1) (b), (c), (d), (e) and (f) and (3) concluded after the entry into force of this Regulation.

2. The Commission shall forward to the other Member States the texts of the conventions and agreements notified to it in accordance with paragraph 1.

Article 135

The provisions of this Regulation shall not preclude retention:

- (a) by Greece of the special status accorded to Mount Athos as guaranteed by Article 105 of the Greek Constitution;
- (b) by France of the relief resulting from the Convention of 22 and 23 November 1867 between that country and the Andorra Valleys.

Article 136

1. Until the establishment of Community provisions in the fields in question, Member States may grant special relief:

- (a) to armed forces which are stationed in the territory of a Member State without serving under its flag, in pursuance of international agreements;
- (b) to third-country airlines in pursuance of bilateral agreements based on reciprocity.

2. Until the establishment of Community provisions in the field in question, this Regulation shall not preclude the retention by Member States of relief granted to:

- (a) merchant-navy seamen;

- (b) workers returning to their country after having resided for at least six months outside the customs territory of the Community on account of their occupation.

Article 137

1. Until the establishment of Community provisions in the field in question, Member States may apply special relief granted on imports of instruments and apparatus used in medical research, establishing medical diagnoses or carrying out medical treatment.

2. The relief referred to in paragraph 1 shall be limited to instruments and apparatus which are donated to health authorities, hospital departments or research institutions approved by the competent authorities of the Member States to receive such articles duty-free, or which are purchased by such health authorities, hospitals or research institutions entirely with funds provided by a charitable or philanthropic organization or with voluntary contributions, always provided that it is established that:

- (a) equivalent instruments and apparatus are not being manufactured in the Community;
- (b) the donation of the instruments or apparatus in question does not conceal any commercial intent on the part of the donor.

3. The relief shall also apply to:

- (a) spare parts, components or accessories specifically for instruments or apparatus, provided that these spare parts, components or accessories are imported at the same time as such instruments and apparatus, or if imported subsequently, that they can be identified as being intended for instruments or apparatus previously admitted duty-free;
- (b) tools to be used for the maintenance, checking, calibration or repair of instruments or apparatus, provided that these tools are imported at the same time as such instruments and apparatus, or if imported subsequently, that they can be identified as being intended for instruments or apparatus previously admitted duty-free.

Article 138

For the purposes of the application of the relief referred to in Article 137, Member States shall proceed as follows:

- (a) When the competent authority of a Member State is considering duty-free admission for apparatus or instruments as defined in Article 137 (1), it shall consult the other Member States.
- (b) If, within two months, no reply is received by the consulting authority, the latter shall consider that no instruments or apparatus equivalent to those forming the subject of the application for relief are manufactured in the Member States consulted and that these Member States have no comments to make on the possible commercial nature of the operation.
- (c) Where the two-months period proves insufficient for the authority consulted, the latter shall inform the consulting authority and at the same time state the period within which a final reply may be expected from it. Such period may not, however, exceed two months.
- (d) If, at the end of the consultation procedure provided for in (a) to (c), the consulting authority finds that the conditions referred to in Article 137 (2) (a) and (b) are met and that no Member State has argued that the matter is of special importance to its industrial interests or provides any cause for concern in the commercial sphere, it shall grant the relief. Otherwise, it shall refuse it.
- (e) Each Member State shall forward to the Commission a list of instruments, apparatus, spare parts, components, accessories and tools whose customs value is more than 3 000 ECU and the duty-free import of which it has authorized. This list shall be forwarded during the first half of each year and shall cover the items concerned which have given rise to an authorization for duty-free admission in the course of the previous year.
The Commission shall forward these lists to the Member States.
- (f) Before 1 July 1986, the Commission shall make a report to the Council accompanied by proposals for amendments which it considers necessary
- (b) the provisions in force concerning the stores of vessels, aircraft and international trains;
- (c) provisions on relief introduced by other Community Acts.

Article 140

1. The following shall be repealed with effect from the date of entry into force of this Regulation:

- (a) Council Regulation (EEC) No 1544/69 of 23 July 1969 on the tariff treatment applicable to goods contained in travellers' personal luggage ⁽²⁾, as last amended by Regulation (EEC) No 3313/81 ⁽³⁾;
- (b) Council Regulation (EEC) No 1410/74 of 4 June 1974 on the tariff treatment applicable to goods imported for free circulation in the event of disasters occurring in the territory of one or more Member States ⁽⁴⁾;
- (c) Council Regulation (EEC) No 1818/75 of 10 July 1975 on the agricultural levies, compensatory amounts and other import charges applicable to agricultural products and to certain goods resulting from their processing, contained in travellers' personal baggage ⁽⁵⁾;
- (d) Regulation (EEC) No 1798/75, as last amended by Regulation (EEC) No 608/82 ⁽⁶⁾;
- (e) Council Regulation (EEC) No 1990/76 of 22 July 1976 on the customs treatment applicable to goods imported for testing ⁽⁷⁾;
- (f) Council Regulation (EEC) No 3060/78 of 19 December 1978 providing exemption from import duties for goods in small consignments of a non-commercial character from third countries ⁽⁸⁾, as amended by Regulation (EEC) No 3313/81 ⁽⁹⁾;
- (g) Council Regulation (EEC) No 1028/79 of 8 May 1979 on the importation free of Common Customs

Article 139

This Regulation shall apply without prejudice to:

- (a) Council Regulation (EEC) No 754/76 of 25 March 1976 on the customs treatment applicable to goods returned to the customs territory of the Community ⁽¹⁾;

⁽¹⁾ OJ No L 89, 2. 4. 1976, p. 1.

⁽²⁾ OJ No L 191, 5. 8. 1969, p. 1.

⁽³⁾ OJ No L 334, 21. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 150, 7. 6. 1974, p. 4.

⁽⁵⁾ OJ No L 185, 16. 7. 1975, p. 3.

⁽⁶⁾ OJ No L 74, 18. 3. 1982, p. 4.

⁽⁷⁾ OJ No L 219, 12. 8. 1976, p. 14.

⁽⁸⁾ OJ No L 366, 28. 12. 1978, p. 1.

⁽⁹⁾ OJ No L 334, 21. 11. 1981, p. 1.

Tariff duties of articles for the use of handicapped persons ⁽¹⁾.

2. References to the Regulations listed in paragraph 1 shall be construed as references to this Regulation.

Article 141

1. A Committee on Duty-Free Arrangements, hereinafter called 'the Committee', is hereby set up. It shall consist of representatives of the Member States, with a representative of the Commission as chairman.

2. The Committee shall adopt its own rules of procedure.

Article 142

The Committee shall examine such matters relating to the implementation of this Regulation as are put to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 143

1. The measures necessary for the implementation of this Regulation, with the exception of the following Titles and Articles:

— Chapter I, Titles V, XIV, XIX, XXII, XXIII, XXV, XXVI, XXVIII and XXIX;

— Chapter II, Titles II, IV and V;

— Chapter III, Articles 133 (1) and 135,

shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a majority of 45 votes, the votes of the Member States

being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal on the measures to be taken.

The Council shall act by a qualified majority.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 144

The reference made in the following Regulations to the Committee provided for in Article 7 of Regulation (EEC) No 1798/75 shall be replaced by a reference to the Committee provided for in Article 141 of this Regulation:

(a) Article 15 of Regulation (EEC) No 754/76;

(b) Article 25 of Council Regulation (EEC) No 1430/79 of 2 July 1979 on the repayment or remission of import or export duties ⁽²⁾;

(c) Article 10 of Council Regulation (EEC) No 1697/79 of 24 July 1979 on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties ⁽³⁾.

Article 145

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1984.

⁽¹⁾ OJ No L 134, 31. 5. 1979, p. 8.

⁽²⁾ OJ No L 175, 12. 7. 1979, p. 1.

⁽³⁾ OJ No L 197, 3. 8. 1979, p. 1.

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

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

ANNEX I

A. Books, publications and documents

CCT heading No	Description
37.05	Plates, unperforated film and perforated film (other than cinematographic film), exposed and developed, negative or positive: ex A. Microfilms of books, children's picture books and drawing or painting books, school exercise books (workbooks), crossword-puzzle books, newspapers and periodicals, printed documents or reports of a non-commercial character, and of loose illustrations, printed pages and reproduction proofs for the production of books ex B. Reproduction films for the production of books
49.03	Children's picture books and painting books
49.11	Other printed matter, including printed pictures and photographs: ex B. Other: — Loose illustrations, printed pages and reproduction proofs to be used for the production of books, including microcopies of such articles ⁽¹⁾ — Microcopies of books, children's picture books and drawing or painting books, school exercise books (workbooks), crossword-puzzle books, newspapers and periodicals and of documents or reports of a non-commercial character ⁽¹⁾ — Catalogues of books and publications, being books and publications offered for sale by publishers or booksellers established outside the territory of the European Communities — Catalogues of films, recording or other visual and auditory materials of an educational, scientific or cultural character — Maps, charts and diagrams of interest in scientific fields such as geology, zoology, botany, mineralogy, palaeontology, archaeology, ethnology, meteorology, climatology and geophysics, and meteorological and geophysical diagrams — Posters for the promotion of tourism and tourist publications, brochures, guidebooks, timetables, pamphlets and like publications; whether or not illustrated, including those published by private concerns, designed to encourage the public to travel outside the territory of the European Communities, including microcopies of such articles ⁽¹⁾ — Publications, designed to encourage the public to study outside the territory of the European Communities, including microcopies of such publications ⁽¹⁾ — Architectural, industrial or engineering plans and designs and reproductions thereof — Bibliographical information material for distribution free of charge ⁽¹⁾

⁽¹⁾ The exemption shall not, however, apply to articles in which the advertising covers more than 25 % of the surface. In the case of publications and posters for the promotion of tourism, this percentage applies only to private commercial publicity.

CCT heading No	Description
ex 90.21	Instruments, apparatus or models, designed solely for demonstrational purposes (for example, in education or exhibition) unsuitable for other uses: — Maps and charts in relief of interest in scientific fields such as geology, zoology, botany, mineralogy, paleontology, archaeology, ethnology, meteorology, climatology and geophysics and meteorological and geophysical diagrams

B. Visual and auditory materials of an educational, scientific or cultural character.

The articles listed in Annex II (A) produced by the United Nations or any of its specialized agencies.

ANNEX II

A. Visual and auditory materials of an educational, scientific or cultural character

CCT heading No	Description	Beneficiary establishments or organizations
37.04	Sensitized plates and film, exposed but not developed, negative or positive: A. Cinematograph film: ex II. Other positives of an educational, scientific or cultural character	
ex 37.05	Plates, unperforated film and perforated film (other than cinematograph film), exposed and developed, negative or positive, of an educational, scientific or cultural character	
37.07	Cinematograph film, exposed and developed, whether or not incorporating sound track or consisting only of sound track, negative or positive: B. II. Other positives: ex a) Newsreels (with or without sound track) depicting events of current news value at the time of importation, and imported up to a limit of two copies of each subject for copying purposes ex b) Other: — Archival film material (with or without sound track) intended for use in connection with newsreel films — Recreational films particularly suited for children and young people — Other films of educational, scientific or cultural character	All organizations (including broadcasting and television organizations), institutions or associations approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods
49.11	Other printed matter, including printed pictures and photographs: ex B. Other: — Microcards or other information storage media required in computerized information and documentation services, of an educational, scientific or cultural character — Wall charts designed solely for demonstration and education	
ex 90.21	Instruments, apparatus or models designed solely for demonstrational purposes (for example, in education or exhibition), unsuitable for other uses: — Patterns, models and wall charts of an educational, scientific or cultural character, designed solely for demonstration and education — Mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae	

CCT heading No	Description	Beneficiary establishments or organizations
92.12	Gramophone records and other sound or similar recordings, matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording: ex B. Recorded: — Of an educational, scientific or cultural character	All organizations (including broadcasting and television organizations), institutions or associations approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods
Various	— Holograms for laser projection — Multi media kits — Materials for programmed instruction, including materials in kit form with the corresponding printed materials	

B. Collectors' pieces and works of art of an educational, scientific or cultural character

CCT heading No	Description	Beneficiary establishments or organizations
Various	Collectors' pieces and works of art, not intended for sale	Galleries, museums and other institutions approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods

ANNEX III

CCT heading No	Description
49.11	Other printed matter, including printed pictures and photographs: ex B. Other, printed in relief for the blind and partially sighted

ANNEX IV

CCT heading No	Description
48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: ex F. Other: — Braille paper
48.15	Other paper and paperboard, cut to use or shape: ex B. Other: — Braille paper
ex 66.02	Walking sticks (including climbing sticks and seat sticks), canes, whips, riding crops and the like: — White canes for the blind and partially sighted
84.51	Typewriters, other than typewriters incorporating calculating mechanisms, cheque-writing machines: ex A. Typewriters: — Adapted for the use of the blind and partially sighted
ex 84.53	Automatic data-processing machines and units thereof, magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included: — Equipment for the mechanical production of braille and recorded material for the blind and partially sighted
ex 90.13	Optical appliances and instruments (but not including lighting appliances other than searchlights or spotlights, not falling within any other heading of this Chapter), lasers other than laser diodes: — Television enlargers for the blind and partially sighted
90.19	Orthopaedic appliances, surgical belts, trusses and the like; splints and other fracture appliances, artificial limbs, eyes, teeth and other artificial parts of the body, hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability: ex B. II. Other: — Electronic orientator and obstacle detector appliances for the blind and partially sighted
ex 90.21	Instruments, apparatus or models designed solely for demonstrational purposes (for example, in education or exhibitions, unsuitable for other uses): — Teaching aids and apparatus specifically designed for the use of the blind and partially sighted
ex 91.01	Pocket watches, wrist watches and other watches, including stop-watches: — Braille watches with cases other than of precious metals

CCT heading No	Description
92.11	Gramophones, dictating machines and other sound recorders or reproducers, including record-players and tape decks, with or without sound-heads, television image and sound recorders or reproducers: ex A. II. Sound reproducers: — Record-players and cassette players specially designed or adapted for the blind and partially sighted
92.12	Gramophone records and other sound or similar recordings, matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound of similar recordings: ex B. II. a) 2. Other: — Talking books b) 2. Other: — Talking books — Magnetic tapes and cassettes for the production of braille and talking books
97.04	Equipment for parlour, table and funfair games for adults or children (including billiard tables and pintables and table-tennis requisites): ex C. Other: — Table games and accessories specially adapted for the use of the blind and partially sighted — Electronic reading machines for the blind and partially sighted — All other articles specially designed for the education, scientific or cultural advancement of the blind and partially sighted

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 28 March 1983

determining the scope of Article 14 (1) (d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods

(83/181/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, pursuant to Article 14 (1) (d) of Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽⁴⁾, Member States shall, without prejudice to other Community provisions and under conditions which they shall lay down for the purpose *inter alia* of preventing any possible evasion, avoidance or abuse, exempt final importation of goods qualifying for exemption from customs duties other than as provided for in the Common Customs Tariff or which would qualify therefore if they were imported from a third country;

Whereas, in accordance with Article 14 (2) of the abovementioned Directive, the Commission is required to submit to the Council proposals designed to lay down Community tax rules clarifying the scope of the exemptions referred to in paragraph 1 of the said Article and detailed rules for their implementation;

Whereas, while it is deemed desirable to achieve the greatest possible degree of uniformity between the system for customs duties and that for value added tax, account should be taken, nevertheless, in applying the latter system, of the differences as regards objective and structure between customs duties and value added tax;

Whereas arrangements for value added tax should be introduced that differ according to whether goods are imported from third countries or from other Member States and to the extent necessary to comply with the objectives of tax harmonization; whereas the exemptions on importation can be granted only on condition that they are not liable to affect the conditions of competition on the home market;

Whereas certain reliefs at present applied in the Member States stem from conventions with third countries or with other Member States which, given their purpose, concern only the signatory Member States; whereas it is not expedient to define at Community level conditions for granting such reliefs;

⁽¹⁾ OJ No C 171, 11. 7. 1980, p. 8.

⁽²⁾ OJ No C 50, 9. 3. 1981, p. 106.

⁽³⁾ OJ No C 300, 18. 11. 1980, p. 11.

⁽⁴⁾ OJ No L 145, 13. 6. 1977, p. 1.

whereas the Member States concerned need merely be authorized to retain them,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The scope of the exemptions from value added tax referred to in Article 14 (1) (d) of Directive 77/388/EEC and the rules for their implementation referred to in Article 14 (2) of that Directive shall be defined by this Directive. In accordance with the aforesaid Article, the Member States shall apply the exemptions laid down in this Directive under the conditions fixed by them in order to ensure that such exemptions are correctly and simply applied and to prevent any evasion, avoidance or abuses.

2. For the purposes of this Directive:

(a) 'imports' means imports as defined in Article 7 of 77/388/EEC and the entry for home use after being subject to one of the systems provided for in Article 16 (1) (A) of the said Directive or a system of temporary admission or transit;

(b) 'personal property' means any property intended for the personal use of the persons concerned or for meeting their household needs.

The following, in particular, shall constitute 'personal property':

- household effects,
- cycles and motor-cycles, private motor vehicles and their trailers, camping caravans, pleasure craft and private aeroplanes.

Household provisions appropriate to normal family requirements, household pets and saddle animals shall also constitute 'personal property'.

The nature or quantity of personal property shall not reflect any commercial interest, nor shall they be intended for an economic activity within the meaning of Article 4. of Directive 77/388/EEC. However, portable instruments of the applied or liberal arts, required by the person concerned for the pursuit of his trade or profession, shall also constitute personal property;

(c) 'household effects' means personal effects, household linen and furnishings and items of equipment intended for the personal use of the persons concerned or for meeting their household needs;

(d) 'alcoholic products' means products (beer, wine, aperitifs with a wine or alcohol base, brandies, liqueurs and spirituous beverages, etc.) falling within heading Nos 22.03 to 22.09 of the Common Customs Tariff;

(e) 'Community' means the territory of the Member States where Directive 77/388/EEC applies.

TITLE I

IMPORTATION OF PERSONAL PROPERTY BELONGING TO INDIVIDUALS COMING FROM COUNTRIES SITUATED OUTSIDE THE COMMUNITY

Chapter I

Personal property of natural persons transferring their normal place of residence from a third country to the Community

Article 2

Subject to Articles 3 to 10, exemption from VAT on importation shall be granted on personal property imported by natural persons transferring their normal place of residence from outside the Community to a Member State of the Community.

Article 3

Exemption shall be limited to personal property which:

- (a) except in special cases justified by the circumstances, has been in the possession of and, in the case of non-consumable goods, used by the person concerned at his former normal place of residence for a minimum of six months before the date on which he ceases to have his normal place of residence outside the Community;
- (b) is intended to be used for the same purpose at his new normal place of residence.

The Member States may in addition make exemption conditional upon such property having borne, either in the country of origin or in the country of departure, the customs and/or fiscal charges to which it is normally liable.

Article 4

Exemption may be granted only to persons whose normal place of residence has been outside the Community for a continuous period of at least 12 months.

However, the competent authorities may grant exceptions to this rule provided that the intention of the person concerned was clearly to reside outside the Community for a continuous period of at least 12 months.

Article 5

Exemption shall not be granted in respect of:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) commercial means of transport;
- (d) articles for use in the exercise of a trade or profession, other than portable instruments of the applied or liberal arts.

Vehicles intended for mixed use for commercial or professional purposes may also be excluded from exemption.

Article 6

Except in special cases, exemption shall be granted only in respect of personal property entered for permanent importation within 12 months of the date of establishment, by the person concerned, of his normal place of residence in the Member State of importation.

The personal property may be imported in several separate consignments within the period referred to in the preceding paragraph.

Article 7

1. Until 12 months have elapsed from the date of the declaration for its final importation, personal property which has been imported exempt from tax may not be lent, given as security, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Any loan, giving as security, hiring out or transfer before the expiry of the period referred to in paragraph 1 shall entail payment of the relevant value added tax on the goods concerned, at the rate applying on the date of such loan, giving as security, hiring out or transfer, on the basis of the type of goods and the customs value ascertained or accepted on that date by the competent authorities.

Article 8

1. By way of derogation from the first paragraph of Article 6, exemption may be granted in respect of personal property permanently imported before the person concerned establishes his normal place of residence in the Member State of importation, provided that he undertakes actually to establish his normal place of residence there within a period of six months. Such undertaking shall be accompanied by a security, the form and amount of which shall be determined by the competent authorities.

2. Where use is made of the provisions of paragraph 1, the period laid down in Article 3 shall be calculated from the date of importation into the Member State concerned.

Article 9

1. Where, owing to occupational commitments, the person concerned leaves the country situated outside the Community where he had his normal place of residence without simultaneously establishing his normal place of residence in the territory of a Member State, although having the intention of ultimately doing so, the competent authorities may authorize exemption in respect of the personal property which he transfers into the said territory for this purpose.

2. Exemption in respect of the personal property referred to in paragraph 1 shall be granted in accordance with the conditions laid down in Articles 2 to 7, on the understanding that:

- (a) the periods laid down in Article 3 (a) and the first paragraph of Article 6 shall be calculated from the date of importation;
- (b) the period referred to in Article 7 (1) shall be calculated from the date when the person concerned actually establishes his normal place of residence in the territory of a Member State.

3. Exemption shall also be subject to an undertaking from the person concerned that he will actually establish his normal place of residence in the territory of a Member State within a period laid down by the competent authorities in keeping with the circumstances. The latter may require this undertaking to be accompanied by a security, the form and amount of which they shall determine.

Article 10

The competent authorities may derogate from Articles 3 (a) and (b), 5 (c) and (d) and 7 when a person has to transfer his normal place of residence from a country situated outside the Community to the territory of a Member State as a result of exceptional political circumstances.

Chapter II

Goods imported on the occasion of a marriage

Article 11

1. Subject to Articles 12 to 15, exemption shall be granted in respect of trousseaux and household effects, whether or not new, belonging to a person transferring his or her normal place of residence from a country outside the Community to the territory of a Member State on the occasion of his or her marriage.

2. Exemption shall also be granted in respect of presents customarily given on the occasion of a marriage which are sent to a person fulfilling the conditions laid down in paragraph 1 by persons having their normal place of residence in a country situated outside the Community. The exemption shall apply to presents of a unit value of not more than 200 ECU. Member States may, however, grant exemption for more than 200 ECU provided that the value of each exempt present does not exceed 1 000 ECU.

3. The Member State may make exemption of the goods referred to in paragraph 1 conditional on their having borne, either in the country of origin or in the country of departure, the customs and/or fiscal charges to which they are normally liable.

Article 12

The exemption referred to in Article 11 may be granted only to persons:

- (a) whose normal place of residence has been outside the Community for a continuous period of at least 12 months. However, derogations from this rule may be granted provided that the intention of the person concerned was clearly to reside outside the Community for a continuous period of at least 12 months;
- (b) who produce evidence of their marriage.

Article 13

No exemption shall be granted for alcoholic products, tobacco or tobacco products.

Article 14

1. Save in exceptional circumstances, exemption shall be granted only in respect of goods permanently imported:

— not earlier than two months before the date fixed for the wedding (in this case exemption may be made subject to the lodging of appropriate security, the form and amount of which shall be determined by the competent authorities), and

— not later than four months after the date of the wedding.

2. Goods referred to in Article 11 may be imported in several separate consignments within the period referred to in paragraph 1.

Article 15

1. Until 12 months have elapsed from the date of the declaration for their final importation, goods which have been imported exempt from tax may not be lent, given as security, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Any loan, giving as security, hiring out or transfer before the expiry of the period referred to in paragraph 1 shall entail payment of the relevant value added tax on the goods concerned, at the rate applying on the date of such loan, giving as security, hiring out or transfer, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Chapter III

Personal property acquired by inheritance

Article 16

Subject to Articles 17 to 19, exemption shall be granted in respect of personal property acquired by inheritance by a natural person having his normal place of residence in a Member State.

Article 17

Exemption shall not be granted in respect of:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) commercial means of transport;

- (d) articles for use in the exercise of a trade or profession, other than portable instruments of the applied or liberal arts, which were required for the exercise of the trade or profession of the deceased;
- (e) stocks of raw materials and finished or semi-finished products;
- (f) livestock and stocks of agricultural products exceeding the quantities appropriate to normal family requirements.

Article 18

1. Exemption shall be granted only in respect of personal property permanently imported not later than two years from the date on which the person becomes entitled to the goods (final settlement of the inheritance).

However, this period may be extended by the competent authorities on special grounds.

2. The goods may be imported in several separate consignments within the period referred to in paragraph 1.

Article 19

Articles 16 to 18 shall apply *mutatis mutandis* to personal property acquired by inheritance by legal persons engaged in a non-profitmaking activity who are established in the territory of a Member State.

TITLE II

SCHOOL OUTFITS, SCHOLASTIC MATERIALS AND OTHER SCHOLASTIC HOUSEHOLD EFFECTS

Article 20

1. Exemption shall be granted in respect of outfits, scholastic materials and household effects representing the usual furnishings for a student's room and belonging to pupils or students coming to stay in a Member State for the purposes of studying there and intended for their personal use during the period of their studies.

2. For the purposes of this Article:

- (a) pupil or student means any person enrolled in an educational establishment in order to attend full-time the courses offered therein;
- (b) outfit means underwear and household linen as well as clothing, whether or not new;

- (c) scholastic materials means articles and instruments (including calculators and typewriters) normally used by pupils or students for the purposes of their studies.

Article 21

Exemption shall be granted at least once per school year.

TITLE III

IMPORTS OF NEGLIGIBLE VALUE

Article 22

Member States may allow exemptions on imports of goods of a total value not exceeding 22 ECU.

Article 23

Exemption shall not apply to the following:

- (a) alcoholic products;
- (b) perfumes and toilet waters;
- (c) tobacco or tobacco products.

TITLE IV

CAPITAL GOODS AND OTHER EQUIPMENT IMPORTED ON THE TRANSFER OF ACTIVITIES

Article 24

1. Without prejudice to the measures in force in the Member State with regard to industrial and commercial policy, and subject to Articles 25 to 28, Member States may allow exemption, on admission, for imports of capital goods and other equipment belonging to undertakings which definitively cease their activity in the country of departure in order to carry on a similar activity in the Member State into which the goods are imported and which, in accordance with Article 22 (1) of Directive 77/388/EEC, have given advance notice to the competent authorities of the Member State of importation of the commencement of such activity.

Where the undertaking transferred is an agricultural holding, its livestock shall also be exempt on admission.

2. For the purposes of paragraph 1:

- 'activity' means an economic activity as referred to in Article 4 of Directive 77/388/EEC,
- 'undertaking' means an independent economic unit of production or of the service industry.

Article 25

1. The exemption referred to in Article 24 shall be limited to capital goods and equipment which:

- (a) except in special cases justified by the circumstances, have actually been used in the undertaking for a minimum of 12 months prior to the date on which the undertaking ceased to operate in the country of departure;
- (b) are intended to be used for the same purposes after the transfer;
- (c) are to be used for the purposes of an activity not exempted under Article 13 of Directive 77/388/EEC;
- (d) are appropriate to the nature and size of the undertaking in question.

2. However, Member States may exempt capital goods and equipment imported from another Member State by charitable or philanthropic organizations at the time of the transfer of their principal place of business to the Member State of importation.

Such exemption shall, however, be granted only on condition that at the time when they were acquired the capital goods and equipment in question were not exempt under Article 15 (12) of Directive 77/388/EEC.

3. Pending entry into force of the common rules referred to in the first subparagraph of Article 17 (6) of Directive 77/388/EEC, Member States may exclude from the exemption, in whole or in part, capital goods in respect of which they have availed themselves of the second subparagraph of that paragraph.

Article 26

No exemption shall be granted to undertakings established outside the Community and the transfer of which into the territory of a Member State is consequent upon or is for the purpose of merging with, or being absorbed by, an undertaking established in the Community, without a new activity being set up.

Article 27

No exemption shall be granted for:

- (a) means of transport which are not of the nature of instruments of production or of the service industry;
- (b) supplies of all kinds intended for human consumption or for animal feed;
- (c) fuel and stocks of raw materials or finished or semi-finished products;
- (d) livestock in the possession of dealers.

Article 28

Except in special cases justified by the circumstances, the exemption referred to in Article 24 shall be granted only in respect of capital goods and other equipment imported before the expiry of a period of 12 months from the date when the undertaking ceased its activities in the country of departure.

TITLE V

IMPORTATION OF CERTAIN AGRICULTURAL PRODUCTS AND PRODUCTS INTENDED FOR AGRICULTURAL USE

Chapter I

Products obtained by Community farmers on properties located in a State other than the State of importation

Article 29

1. Subject to Articles 30 and 31, agricultural, stock-farming, bee-keeping, horticultural and forestry products from properties located in a country adjoining the territory of the Member State of importation which are operated by agricultural producers having their principal undertaking in that Member State and adjacent to the country concerned shall be exempt on admission.

2. To be eligible under paragraph 1, stock-farming products must be obtained from animals reared, acquired or imported in accordance with the general tax arrangements applicable in the Member State of importation.

3. Pure-bred horses, not more than six months old and born outside the Member State of importation of an

animal covered in that State and then exported temporarily to give birth, shall be exempt on admission.

Article 30

Exemption shall be limited to products which have not undergone any treatment other than that which normally follows their harvest or production.

Article 31

Exemption shall be granted only in respect of products imported by the agricultural producer or on his behalf.

Article 32

This Chapter shall apply *mutatis mutandis* to the products of fishing or fish-farming activities carried out in the lakes or waterways bordering the territory of the Member State of importation by fishermen established in that Member State and to the products of hunting activities carried out on such lakes or waterways by sportsmen established in that Member State.

Chapter II

Seeds, fertilizers and products for the treatment of soil and crops

Article 33

Subject to Article 34, seeds, fertilizers and products for the treatment of soil and crops, intended for use on property located in a Member State adjoining a country situated outside the Community or another Member State and operated by agricultural producers having their principal undertaking in the said country situated outside the Community or Member State adjacent to the territory of the Member State of importation shall be exempt on admission.

Article 34

1. Exemption shall be limited to the quantities of seeds, fertilizers or other products required for the purpose of operating the property.

2. It shall be granted only for seeds, fertilizers or other products introduced directly into the importing

Member State by the agricultural producer or on his behalf.

3. Member States may make exemption conditional upon the granting of reciprocal treatment.

TITLE VI

IMPORTATION OF THERAPEUTIC SUBSTANCES, MEDICINES, LABORATORY ANIMALS AND BIOLOGICAL OR CHEMICAL SUBSTANCES

Chapter I

Laboratory animals and biological or chemical substances intended for research

Article 35

1. The following shall be exempt on admission:

(a) animals specially prepared and sent free of charge for laboratory use;

(b) biological or chemical substances:

— which are imported free of charge from the territory of another Member State, or

— which are imported from countries outside the Community subject to the limits and conditions laid down in Article 60 (1) (b) of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty ⁽¹⁾.

2. The exemption referred to in paragraph 1 shall be limited to animals and biological or chemical substances which are intended for:

— either public establishments principally engaged in education or scientific research, including those departments of public establishments which are principally engaged in education or scientific research,

— or private establishments principally engaged in education or scientific research and authorized by the competent authorities of the Member States to receive such articles exempt from tax.

⁽¹⁾ See page 1 of this Official Journal.

Chapter II

Therapeutic substances of human origin and blood-grouping and tissue-typing reagents

Article 36

1. Without prejudice to the exemption provided for in Article 14 (1) (a) of Directive 77/388/EEC and subject to Article 37, the following shall be exempted:

- (a) therapeutic substances of human origin;
- (b) blood-grouping reagents;
- (c) tissue-typing reagents.

2. For the purposes of paragraph 1:

- 'therapeutic substances of human origin' means human blood and its derivatives (whole human blood, dried human plasma, human albumin and fixed solutions of human plasma protein, human immunoglobulin and human fibrinogen),
- 'blood-grouping reagents' means all reagents, whether of human, animal, plant or other origin used for blood-type grouping and for the detection of blood incompatibilities,
- 'tissue-typing reagents' means all reagents whether of human, animal, plant or other origin used for the determination of human tissue-types.

Article 37

Exemption shall be limited to products which:

- (a) are intended for institutions or laboratories approved by the competent authorities, for use exclusively for non-commercial medical or scientific purposes;
- (b) are accompanied by a certificate of conformity issued by a duly authorized body in the country of departure;
- (c) are in containers bearing a special label identifying them.

Article 38

Exemption shall include the special packaging essential for the transport of therapeutic substances of human origin or blood-grouping or tissue-typing reagents and

also any solvents and accessories needed for their use which may be included in the consignments.

Chapter III

Pharmaceutical products used at international sports events

Article 39

Pharmaceutical products for human or veterinary medical use by persons or animals participating in international sports events shall, within the limits necessary to meet their requirements during their stay in the Member State of importation, be exempt on admission.

TITLE VII

GOODS FOR CHARITABLE OR PHILANTHROPIC ORGANIZATIONS

Article 40

Member States may impose a limit on the quantity or value of the goods referred to in Articles 41 to 55, in order to remedy any abuse and to combat major distortions of competition.

Chapter I

Goods imported for general purposes

Article 41

1. Subject to Articles 42 to 44, the following shall be exempt on admission:

- (a) basic necessities obtained free of charge and imported by State organizations or other charitable or philanthropic organizations approved by the competent authorities for distribution free of charge to needy persons;
- (b) goods of every description sent free of charge, by a person or organization established in a country other than the Member State of importation, and without any commercial intent on the part of the sender, to State organizations or other charitable or philanthropic organizations approved by the competent authorities, to be used for fund-raising at occasional charity events for the benefit of needy persons;

- (c) equipment and office materials sent free of charge, by a person or organization established in a country other than the Member State of importation, and without any commercial intent on the part of the sender, to charitable or philanthropic organizations approved by the competent authorities, to be used solely for the purpose of meeting their operating needs or carrying out their stated charitable or philanthropic aims.

2. For the purposes of paragraph 1 (a) 'basic necessities' means those goods required to meet the immediate needs of human beings, e.g. food, medicine, clothing and bed-clothes.

Article 42

Exemption shall not be granted in respect of:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) coffee and tea;
- (d) motor vehicles other than ambulances.

Article 43

Exemption shall be granted only to organizations accounting procedures of which enable the competent authorities to supervise their operations and which offer all the guarantees considered necessary.

Article 44

1. Exempt goods may not be put out by the organization entitled to exemption for loan, hiring out or transfer, whether for a consideration or free of charge, for purposes other than those laid down in Article 41 (1) (a) and (b), unless the competent authorities have been informed thereof in advance.

2. Should goods and equipment be lent, hired out or transferred to an organization entitled to benefit from exemption pursuant to Articles 41 and 43, the exemption shall continue to be granted provided that the latter uses the goods and equipment for purposes which confer the right to such exemption.

In other cases, loan, hiring out or transfer shall be subject to prior payment of value added tax at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and equipment and the value ascertained or accepted on that date by the competent authorities.

Article 45

1. Organizations referred to in Article 41 which cease to fulfil the conditions giving entitlement to exemption, or which are proposing to use goods and equipment exempt on admission for purposes other than those provided for by that Article, shall so inform the competent authorities.

2. Goods remaining in the possession of organizations which cease to fulfil the conditions giving entitlement to exemption shall be liable to the relevant import value added tax at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and equipment and the value as ascertained or accepted on that date by the competent authorities.

3. Goods used by the organization benefiting from the exemption for purposes other than those provided for in Article 41 shall be liable to the relevant import value added tax at the rate applying on the date on which they are put to another use on the basis of the type of goods and equipment and the value as ascertained on that date by the competent authorities.

Chapter II

Articles imported for the benefit of handicapped persons

Article 46

1. Articles specially designed for the education, employment or social advancement of blind or other physically or mentally handicapped persons shall be exempt on admission where:

- (a) they are imported by institutions or organizations that are principally engaged in the education of or the provision of assistance to handicapped persons and are authorized by the competent authorities of the Member States to receive such articles exempt from tax; and
- (b) they are donated to such institutions or organizations free of charge and with no commercial intent on the part of the donor.

2. Exemption shall apply to specific spare parts, components or accessories specifically for the articles in question and to the tools to be used for the maintenance, checking, calibration and repair of the said articles, provided that such spare parts, components, accessories or tools are imported at the

same time as the said articles or, if imported subsequently, that they can be identified as being intended for articles previously exempt on admission or which would be eligible to be so exempt at the time when such entry is requested for the specific spare parts, components or accessories and tools in question.

3. Articles exempt on admission may not be used for purposes other than the education, employment or social advancement of blind or other handicapped persons.

Article 47

1. Goods exempt on admission may be lent, hired out or transferred, whether for a consideration or free of charge, by the beneficiary institutions or organizations on a non-profitmaking basis to the persons referred to in Article 46 with whom they are concerned, without payment of value added tax on importation.

2. No loan, hiring out or transfer may be effected under conditions other than those provided for in paragraph 1 unless the competent authorities have first been informed.

Should an article be lent, hired out or transferred to an institution or organization itself entitled to benefit from this exemption, the exemption shall continue to be granted, provided the latter uses the article for purposes which confer the right to such exemption.

In other cases, loan, hiring out or transfer shall be subject to prior payment of value added tax, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Article 48

1. Institutions or organizations referred to in Article 46 which cease to fulfil the conditions giving entitlement to exemption, or which are proposing to use articles exempt on admission for purposes other than those provided for by that Article shall so inform the competent authorities.

2. Articles remaining in the possession of institutions or organizations which cease to fulfil the conditions giving entitlement to exemption shall be liable to the relevant

import value added tax at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

3. Articles used by the institution or organization benefiting from the exemption for purposes other than those provided for in Article 46 shall be liable to the relevant import value added tax at the rate applying on the date on which they are put to another use on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Chapter III

Goods imported for the benefit of disaster victims

Article 49

1. Subject to Articles 50 to 55, goods imported by State organizations or other charitable or philanthropic organizations approved by the competent authorities shall be exempt on admission where they are intended:

- (a) for distribution free of charge to victims of disasters affecting the territory of one or more Member States; or
- (b) to be made available free of charge to the victims of such disasters, while remaining the property of the organizations in question.

2. Goods imported by disaster-relief agencies in order to meet their needs during the period of their activity shall also benefit upon admission from the exemption referred to in paragraph 1 under the same conditions.

Article 50

No exemption shall be granted for materials and equipment intended for rebuilding disaster areas.

Article 51

Granting of the exemption shall be subject to a decision by the Commission, acting at the request of the Member State or States concerned in accordance with an emergency procedure entailing the consultation of the other Member States. This decision shall, where necessary, lay down the scope and the conditions of the exemption.

Pending notification of the Commission's decision, Member States affected by a disaster may authorize the suspension of any import value added tax chargeable on

goods imported for the purposes described in Article 49, subject to an undertaking by the importing organization to pay such tax if exemption is not granted.

Article 52

Exemption shall be granted only to organizations the accounting procedures of which enable the competent authorities to supervise their operations and which offer all the guarantees considered necessary.

Article 53

1. The organizations benefiting from the exemption may not lend, hire out or transfer, whether for a consideration or free of charge, the goods referred to in Article 49 (1) under conditions other than those laid down in that Article without prior notification thereof to the competent authorities.

2. Should goods be lent, hired out or transferred to an organization itself entitled to benefit from exemption pursuant to Article 49, the exemption shall continue to be granted, provided the latter uses the goods for purposes which confer the right to such exemption.

In other cases, loan, hiring out or transfer shall be subject to prior payment of value added tax, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Article 54

1. The goods referred to in Article 49 (1) (b), after they cease to be used by disaster victims, may not be lent, hired out or transferred, whether for a consideration or free of charge, unless the competent authorities are notified in advance.

2. Should goods be lent, hired out or transferred to an organization itself entitled to benefit from exemption pursuant to Article 49 or, if appropriate, to an organization entitled to benefit from exemption pursuant to Article 41 (1) (a), the exemption shall continue to be granted, provided such organizations use them for purposes which confer the right to such exemption.

In other cases, loan, hiring out or transfer shall be subject to prior payment of value added tax, at the rate

applying on the date of the loan, hiring out or transfer, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Article 55

1. Organizations referred to in Article 49 which cease to fulfil the conditions giving entitlement to exemption, or which are proposing to use the goods exempt on admission for purposes other than those provided for by that Article shall so inform the competent authorities.

2. In the case of goods remaining in the possession of organizations which cease to fulfil the conditions giving entitlement to exemption, when these are transferred to an organization itself entitled to benefit from exemption pursuant to this chapter or, if appropriate, to an organization entitled to benefit from exemption pursuant to Article 41, the exemption shall continue to be granted, provided the organization uses the goods in question for purposes which confer the right to such exemptions. In other cases, the goods shall be liable to the relevant import value added tax at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

3. Goods used by the organization benefiting from the exemption for purposes other than those provided for in this chapter shall be liable to the relevant import value added tax at the rate applying on the date on which they are put to another use, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

TITLE VIII

IMPORTATION IN THE CONTEXT OF CERTAIN ASPECTS OF INTERNATIONAL RELATIONS

Chapter I

Honorary decorations or awards

Article 56

On production of satisfactory evidence to the competent authorities by the persons concerned, and provided the operations involved are not in any way of a commercial character, exemption shall be granted in respect of:

- (a) decorations conferred by the government of a country other than the Member State of importation on persons whose normal place of residence is in the latter State;

- (b) cups, medals and similar articles of an essentially symbolic nature which, having been awarded in a country other than the Member State of importation to persons having their normal place of residence in the latter State as a tribute to their activities in fields such as the arts, the sciences, sport or the public service or in recognition of merit at a particular event, are imported by such persons themselves;

- (c) cups, medals and similar articles of an essentially symbolic nature which are given free of charge by authorities or persons established in a country other than the Member State of importation, to be presented in the territory of the latter State for the same purposes as those referred to in (b).

Chapter II

Presents received in the context of international relations

Article 57

Without prejudice, where relevant, to the provisions applicable to the international movement of travellers, and subject to Articles 58 and 59, exemption shall be granted in respect of goods:

- (a) imported by persons who have paid an official visit in a country other than that of their normal residence and who have received such goods on that occasion as gifts from the host authorities;
- (b) imported by persons coming to pay an official visit in the Member State of importation and who intend to offer them on that occasion as gifts to the host authorities;
- (c) sent as gifts, in token of friendship or goodwill, by an official body, public authority or group carrying on an activity in the public interest which is located in a country other than the Member State of importation, to an official body, public authority or group carrying on an activity in the public interest which is located in the Member State of importation and approved by the competent authorities to receive such goods exempt from tax.

Article 58

No exemption shall be granted for alcoholic products, tobacco or tobacco products.

Article 59

Exemption shall be granted only:

- where the articles intended as gifts are offered on an occasional basis,
- where they do not, by their nature, value or quantity, reflect any commercial interest,
- if they are not used for commercial purposes.

Chapter III

Goods to be used by monarchs or heads of State

Article 60

Exemption from tax, within the limits and under the conditions laid down by the competent authorities, shall be granted in respect of:

- (a) gifts to reigning monarchs and heads of State;
- (b) goods to be used or consumed by reigning monarchs and heads of State of another State, or by persons officially representing them, during their official stay in the Member State of importation. However, exemption may be made subject, by the Member State of importation, to reciprocal treatment.

The provisions of the preceding subparagraph are also applicable to persons enjoying prerogatives at international level analogous to those enjoyed by reigning monarchs or heads of State.

TITLE IX

IMPORTATION OF GOODS FOR THE PROMOTION OF TRADE

Chapter I

Samples of negligible value

Article 61

1. Without prejudice to Article 65 (1) (a), samples of goods which are of negligible value and which can be

used only to solicit orders for goods of the type they represent shall be exempt on admission.

2. The competent authorities may require that certain articles, to qualify for exemption on admission, be rendered permanently unusable by being torn, perforated, or clearly and indelibly marked, or by any other process, provided such operation does not destroy their character as samples.

3. For the purposes of paragraph 1, 'samples of goods' means any article representing a type of goods whose manner of presentation and quantity, for goods of the same type or quality, rule out its use for any purpose other than that of seeking orders.

Chapter II

Printed matter and advertising material

Article 62

Subject to Article 63, printed advertising matter such as catalogues, price lists, directions for use or brochures shall be exempt on admission provided that they relate to:

- (a) goods for sale or hire, or
- (b) transport, commercial insurance or banking services offered

by a person established outside the Member State of importation.

Article 63

The exemption referred to in Article 62 shall be limited to printed advertisements which fulfil the following conditions:

- (a) printed matter must clearly display the name of the undertaking which produces, sells or hires out the goods, or which offers the services to which it refers;
- (b) each consignment must contain no more than one document or a single copy of each document if it is made up of several documents. Consignments comprising several copies of the same document may nevertheless be granted exemption provided their total gross weight does not exceed one kilogram;

- (c) printed matter may not be the subject of grouped consignments from the same consignor to the same consignee.

Article 64

Articles for advertising purposes, of no intrinsic commercial value, sent free of charge by suppliers to their customers which, apart from their advertising function, are not capable of being used shall also be exempt on admission.

Chapter III

Goods used or consumed at a trade fair or similar event

Article 65

1. Subject to Articles 66 to 69, the following shall be exempt on admission:

- (a) small representative samples of goods intended for a trade fair or similar event;
- (b) goods imported solely in order to be demonstrated or in order to demonstrate machines and apparatus displayed at a trade fair or similar event;
- (c) various materials of little value, such as paints, varnishes and wallpaper, which are to be used in the building, fitting-out and decoration of temporary stands at a trade fair or similar event, which are destroyed by being used;
- (d) printed matter, catalogues, prospectuses, price lists, advertising posters, calendars, whether or not illustrated, unframed photographs and other articles supplied free of charge in order to advertise goods displayed at a trade fair or similar event.

2. For the purposes of paragraph 1, 'trade fair or similar event' means:

- (a) exhibitions, fairs, shows and similar events connected with trade, industry, agriculture or handicrafts;
- (b) exhibitions and events held mainly for charitable reasons;
- (c) exhibitions and events held mainly for scientific, technical, handicraft, artistic, educational or cultural or sporting reasons, for religious reasons or for reasons of worship, trade union activity or tourism, or in order to promote international understanding;

- (d) meetings of representatives of international organizations or collective bodies;
- (e) official or commemorative ceremonies and gatherings;

but not exhibitions staged for private purposes in commercial stores or premises to sell goods.

Article 66

The exemption referred to in Article 65 (1) (a) shall be limited to samples which:

- (a) are imported free of charge as such or are obtained at the exhibition from goods imported in bulk;
- (b) are exclusively distributed free of charge to the public at the exhibition for use or consumption by the persons to whom they have been offered;
- (c) are identifiable as advertising samples of low unitary value;
- (d) are not easily marketable and, where appropriate, are packaged in such a way that the quantity of the item involved is lower than the smallest quantity of the same item actually sold on the market;
- (e) in the case of foodstuffs and beverages not packaged as mentioned in (d), are consumed on the spot at the exhibition;
- (f) in their total value and quantity, are appropriate to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 67

The exemption referred to in Article 65 (1) (b) shall be limited to goods which are:

- (a) consumed or destroyed at the exhibition, and
- (b) are appropriate, in their total value and quantity, to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 68

The exemption referred to in Article 65 (1) (d) shall be limited to printed matter and articles for advertising purposes which:

- (a) are intended exclusively to be distributed free of charge to the public at the place where the exhibition is held;
- (b) in their total value and quantity, are appropriate to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.

Article 69

The exemption referred to in Article 65 (1) (a) and (b) shall not be granted for:

- (a) alcoholic products;
- (b) tobacco or tobacco products;
- (c) fuels, whether solid, liquid or gaseous.

TITLE X

GOODS IMPORTED FOR EXAMINATION, ANALYSIS OR TEST PURPOSES

Article 70

Subject to Articles 71 to 76, goods which are to undergo examination, analysis or tests to determine their composition, quality or other technical characteristics for purposes of information or industrial or commercial research shall be exempt on admission.

Article 71

Without prejudice to Article 74, the exemption referred to in Article 70 shall be granted only on condition that the goods to be examined, analyzed or tested are completely used up or destroyed in the course of the examination, analysis or testing.

Article 72

No exemption shall be granted in respect of goods used in examination, analysis or tests which in themselves constitute sales promotion operations.

Article 73

Exemption shall be granted only in respect of the quantities of goods which are strictly necessary for the purpose for which they are imported. These quantities

shall in each case be determined by the competent authorities, taking into account the said purpose.

Article 74

1. The exemption referred to in Article 70 shall cover goods which are not completely used up or destroyed during examination, analysis or testing, provided that the products remaining are, with the agreement and under the supervision of the competent authorities:

- completely destroyed or rendered commercially valueless on completion of examination, analysis or testing, or
- surrendered to the State without causing it any expense, where this is possible under national law, or
- in duly justified circumstances, exported outside the territory of the Member State of importation.

2. For the purposes of paragraph 1, 'products remaining' means products resulting from the examinations, analyses or tests or goods not actually used.

Article 75

Save where Article 74 (1) is applied, products remaining at the end of the examinations, analyses or tests referred to in Article 70 shall be subject to the relevant import value added tax, at the rate applying on the date of completion of the examinations, analyses or tests, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

However, the interested party may, with the agreement and under the supervision of the competent authorities, convert products remaining to waste or scrap. In this case, the import duties shall be those applying to such waste or scrap at the time of conversion.

Article 76

The period within which the examinations, analyses or tests must be carried out and the administrative formalities to be completed in order to ensure the use of the goods for the purposes intended shall be determined by the competent authorities.

TITLE XI

MISCELLANEOUS EXEMPTIONS

Chapter I

Consignments sent to organizations protecting copyrights or industrial and commercial patent rights

Article 77

Trademarks, patterns or designs and their supporting documents, as well as applications for patents for invention or the like, to be submitted to the bodies competent to deal with the protection of copyrights or the protection of industrial or commercial patent rights shall be exempt on admission.

Chapter II

Tourist information literature

Article 78

The following shall be exempt on admission:

- (a) documentation (leaflets, brochures, books, magazines, guidebooks, posters, whether or not framed, unframed photographs and photographic enlargements, maps, whether or not illustrated, window transparencies, and illustrated calendars) intended to be distributed free of charge and the principal purpose of which is to encourage the public to visit foreign countries, in particular in order to attend cultural, tourist, sporting, religious or trade or professional meetings or events, provided that such literature contains not more than 25 % of private commercial advertising and that the general nature of its promotional aims is evident;
- (b) foreign hotel lists and yearbooks published by official tourist agencies, or under their auspices, and timetables for foreign transport services, provided that such literature is intended for distribution free of charge and contains not more than 25 % of private commercial advertising;
- (c) reference material supplied to accredited representatives or correspondents appointed by official national tourist agencies and not intended

for distribution, i.e. yearbooks, lists of telephone or telex numbers, hotel lists, fairs catalogues, specimens of craft goods of negligible value, and literature on museums, universities, spas or other similar establishments.

Chapter III

Miscellaneous documents and articles

Article 79

The following shall be exempt on admission:

- (a) documents sent free of charge to the public services of Member States;
- (b) publications of foreign governments and publications of official international bodies intended for distribution without charge;
- (c) ballot papers for elections organized by bodies set up in countries other than the Member State of importation;
- (d) objects to be submitted as evidence or for like purposes to the courts or other official agencies of the Member States;
- (e) specimen signatures and printed circulars concerning signatures sent as part of customary exchanges of information between public services or banking establishments;
- (f) official printed matter sent to the central banks of the Member States;
- (g) reports, statements, notes, prospectuses, application forms and other documents drawn up by companies with headquarters outside the Member State of importation and sent to the bearers or subscribers of securities issued by such companies;
- (h) recorded media (punched cards, sound recordings, microfilms, etc.) used for the transmission of information sent free of charge to the addressee, in so far as exemption does not give rise to abuses or to major distortions of competition;
- (i) files, archives, printed forms and other documents to be used in international meetings, conferences or congresses, and reports on such gatherings;
- (j) plans, technical drawings, traced designs, descriptions and other similar documents imported with a view to obtaining or fulfilling orders in a country other than the Member State of importation or to participating in a competition held in that State;
- (k) documents to be used in examinations held in the Member State of importation by institutions set up in another country;
- (l) printed forms to be used as official documents in the international movement of vehicles or goods, within the framework of international conventions;
- (m) printed forms, labels, tickets and similar documents sent by transport undertakings or by undertakings of the hotel industry located in a country other than the Member State of importation to travel agencies set up in that State;
- (n) printed forms and tickets, bills of lading, way-bills and other commercial or office documents which have been used;
- (o) official printed forms from national or international authorities, and printed matter conforming to international standards sent for distribution by associations of countries other than the Member State of importation to corresponding associations located in that State;
- (p) photographs, slides and stereotype mats for photographs, whether or not captioned, sent to press agencies to newspaper or magazine publishers;
- (q) articles listed in the Annex to this Directive which are produced by the United Nations or one of its specialized agencies whatever the use for which they are intended;
- (r) collectors' pieces and works of art of an educational, scientific or cultural character which are not intended for sale and which are imported by museums, galleries and other institutions approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods. The exemption is granted only on condition that the articles in question are imported free of charge or, if they are imported against payment, that they are not supplied by a taxable person.

Chapter IV

Ancillary materials for the stowage and protection of goods during their transport*Article 80*

The various materials such as rope, straw, cloth, paper and cardboard, wood and plastics which are used for the stowage and protection — including heat protection — of goods during their transport to the territory of a Member State, shall be exempt on admission, provided that:

- (a) they are not normally re-usable; and
- (b) the consideration paid for them forms part of the taxable amount as defined in Article 11 of Directive 77/388/EEC.

Chapter V

Litter, fodder and feedingstuffs for animals during their transport*Article 81*

Litter, fodder and feedingstuffs of any description put on board the means of transport used to convey animals to the territory of a Member State for the purpose of distribution to the said animals during the journey shall be exempt on admission.

Chapter VI

Fuel and lubricants present in land motor vehicles*Article 82*

1. Subject to Articles 83 to 85, the following shall be exempt on admission:

- (a) fuel contained in the standard tanks of private and commercial motor vehicles and motor cycles;
- (b) fuel contained in portable tanks carried by private motor vehicles and motor cycles, with a maximum of 10 litres per vehicle and without prejudice to national provisions on the holding and transport of fuel.

2. For the purposes of paragraph 1:

- (a) 'commercial motor vehicle' means any motorized road vehicle which by its type of construction and equipment is designed for and capable of transporting, whether for payment or not:

- more than nine persons including the driver,
 - goods,
- and any road vehicle for a special purpose other than transport as such;

- (b) 'private motor vehicle' means any motor vehicle not covered by the definition in (a);
- (c) 'standard tanks' means the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation of a refrigeration system.

Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel shall also be considered to be standard tanks.

Article 83

Member States may limit application of the exemption in respect of fuel contained in the standard tanks of commercial motor vehicles to 200 litres per vehicle per journey.

Article 84

Member States may limit the amount of fuel exempt on admission in the case of:

- (a) commercial motor vehicles engaged in international transport
 - from third countries to their frontier zone, to a maximum depth of 25 km as the crow flies,
 - from another Member State to their frontier zone, to a maximum depth of 15 km as the crow flies,

where such transport consists of journeys made by persons residing in that zone;
- (b) private motor vehicles belonging to persons residing in the frontier zone, to a maximum depth of 15 km as the crow flies, contiguous with a third country.

Article 85

Fuel exempt on admission may not be used in a vehicle other than that in which it was imported nor be removed from that vehicle and stored, except during necessary repairs to that vehicle, or transferred for a consideration or free of charge by the person granted the exemption.

Non-compliance with the preceding paragraph shall give rise to application of the import value added tax relating to the products in question at the rate in force on the date of such non-compliance, on the basis of the type of goods and the value ascertained or accepted on that date by the competent authorities.

Article 86

The exemption referred to in Article 82 shall also apply to lubricants carried in motor vehicles and required for their normal operation during the journey in question.

Chapter VII

Goods for the construction, upkeep or ornamentation of memorials to, or cemeteries for, war victims

Article 87

Exemption from tax shall be granted in respect of goods imported by organizations authorized for that purpose by the competent authorities, for use in the construction, upkeep or ornamentation of cemeteries and tombs of, and memorials to, war victims of a country other than the Member State of importation who are buried in the latter State.

Chapter VIII

Coffins, funerary urns and ornamental funerary articles

Article 88

The following shall be exempt on admission:

- (a) coffins containing bodies and urns containing the ashes of deceased persons, as well as the flowers, funeral wreaths and other ornamental objects normally accompanying them;
- (b) flowers, wreaths and other ornamental objects brought by persons resident in a Member State other than that of importation, attending a funeral or coming to decorate graves in the territory of a Member State of importation provided these importations do not reflect, by either their nature or their quantity, any commercial intent.

TITLE XII

GENERAL AND FINAL PROVISIONS

Article 89

Where this Directive provides that the granting of an exemption shall be subject to the fulfilment of certain conditions, the person concerned shall, to the satisfaction of the competent authorities, furnish proof that these conditions have been met.

Article 90

1. The exchange value in national currency of the ECU to be taken into consideration for the purposes of this Directive shall be fixed once a year. The rates to be applied shall be those obtaining on the first working day in October and shall take effect on 1 January the following year.

2. Member States may round off the amounts in national currency arrived at by converting the amounts in ECU.

3. Member States may continue to apply the amounts of the exemptions in force at the time of the annual adjustment provided for in paragraph 1, if conversion of the amounts of the exemptions expressed in ECU leads, before the rounding-off provided for in paragraph 2, to an alteration of less than 5 % in the exemption expressed in national currency.

Article 91

No provision of this Directive shall prevent Member States from continuing to grant:

- (a) the privileges and immunities granted by them under cultural, scientific or technical cooperation agreements concluded between them or with third countries;
- (b) the special exemptions justified by the nature of frontier traffic which are granted by them under frontier agreements concluded between them or with countries outside the Community.

Article 92

Until the establishment of Community exemptions upon importation, Member States may retain the exemptions granted to:

- (a) merchant-navy seamen;
- (b) workers returning to their country after having resided for at least six months outside the importing Member State on account of their occupation.

Article 93

1. Member States shall bring into force the measures necessary to comply with this Directive with effect from 1 July 1984.

2. Member States shall inform the Commission of the measures which they adopt to give effect to this Directive, indicating, where the case arises, those

measures which they adopt by simple reference to identical provisions of Regulation (EEC) No 918/83.

Article 94

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

ANNEX

Visual and auditory materials of an educational, scientific or cultural character

CCT heading No	Description
37.04	Sensitized plates and film, exposed but not developed, negative or positive: A. Cinematograph film: ex II. Other positives, of an educational, scientific or cultural character
ex 37.05	Plates, unperforated film and perforated film (other than cinematograph film), exposed and developed, negative or positive, of an educational, scientific or cultural character
37.07	Cinematograph film, exposed and developed, whether or not incorporating sound track or consisting only of sound track, negative or positive: B. II. Other positives: ex a) Newsreels (with or without sound track) depicting events of current news value at the time of importation, and imported up to a limit of two copies of each subject for copying purposes ex b) Other: — Archival film material (with or without sound track) intended for use in connection with newsreel films — Recreational films particularly suited for children and young people — Other films of an educational, scientific or cultural character
49.11	Other printed matter including printed pictures and photographs: ex B. Other: — Microcards or other information storage media required in computerized information and documentation services, of an educational, scientific or cultural character — Wall charts designed solely for demonstration and education
ex 90.21	Instruments, apparatus or models, designed solely for demonstrational purposes (for example, in education or exhibition), unsuitable for other uses: — Patterns, models and wall charts of an educational, scientific or cultural character, designed solely for demonstration and education — Mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae
92.12	Gramophone records and other sound or similar recordings, matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording: ex B. Recorded: — Of an educational, scientific or cultural character

CCT heading No	Description
Various	— Holograms for laser projection — Multi-media kits — Materials for programmed instruction, including materials in kit form, with the corresponding printed materials

COUNCIL DIRECTIVE

of 28 March 1983

on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another

(83/182/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

• Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the freedom of movement of Community residents within the Community is hampered by the taxation arrangements applied to the temporary importation of certain means of transport for private or business use;

Whereas the elimination of the obstacles resulting from these taxation arrangements is particularly necessary if an economic market having features similar to those of a domestic market is to be established;

Whereas it must be possible in certain cases to establish definitely whether or not a person is in fact resident in a given Member State;

Whereas it appears desirable in a first stage to limit the scope of this Directive concerning certain means of transport to those acquired or imported in accordance with the general conditions of taxation in force on the domestic market of a Member State.

HAS ADOPTED THIS DIRECTIVE:

*Article 1**Scope*

1. Member States shall, under the conditions laid down below, exempt temporary imports from another

Member State of motor-driven road vehicles (including their trailers), caravans, pleasure boats, private aircraft, bicycles, tricycles and saddle-horses from:

- turnover tax, excise duties and any other consumption tax,
- the taxes listed in the Annex hereto.

2. The exemption referred to in paragraph 1 shall also apply to the normal spare parts, accessories and equipment imported with these means of transport.

3. Commercial vehicles shall be excluded from the exemption referred to in paragraph 1.

4. (a) The scope of this Directive shall not extend to the temporary importation of private vehicles, caravans, pleasure boats, private aircraft, bicycles and tricycles for private use which have not been acquired or imported in accordance with the general conditions of taxation in force on the domestic market of a Member State and/or which are subject by reason of their exportation to any exemption from or refund of turnover tax, excise duty or any other consumption tax.

For the purposes of this Directive, means of transport acquired under the conditions referred to in Article 15 (10) of Directive 77/388/EEC ⁽⁴⁾ shall be deemed to have satisfied the general conditions of taxation in force on the domestic market of a Member State; however, Member States may deem means of transport acquired under the conditions referred to in the third indent of the said point 10 not to have satisfied these conditions.

(b) The Council, acting unanimously on a proposal from the Commission, shall, before 31 December 1985, adopt Community rules on the grant of exemption to the means of transport referred to in the first paragraph of (a) above, taking into account the need to avoid cases of double taxation and the need to ensure normal, full taxation of means of transport for private use.

⁽¹⁾ OJ No C 267, 21. 11. 1975, p. 8.

⁽²⁾ OJ No C 53, 8. 3. 1976, p. 37.

⁽³⁾ OJ No C 131, 12. 6. 1976, p. 50.

⁽⁴⁾ OJ No L 145, 13. 6. 1977, p. 1.

*Article 2***Definitions**

For the purpose of this Directive:

- (a) 'commercial vehicle' means any road vehicle which, by its design or equipment, is suitable for and intended for transporting, whether for payment or not:
 - more than nine persons, including the driver,
 - goods,
 as well as any road vehicle for special use other than transport as such;
- (b) 'private vehicle' means any road vehicle, including its trailer, if any, other than those referred to in subparagraph (a);
- (c) 'business use' of a means of transport means the use thereof in the direct exercise of an activity carried out for consideration or financial gain;
- (d) 'private use' means any use other than business use.

*Article 3***Temporary importation of certain means of transport for private use**

Where a private vehicle, caravan, pleasure boat, private aircraft, tricycle or bicycle is imported temporarily, the item imported shall be exempt from the taxes specified in Article 1 for a period, continuous or otherwise, of not more than six months in any 12 months, provided that:

- (a) the individual importing such goods:
 - (aa) has his normal residence in a Member State other than the Member State of temporary importation;
 - (bb) employs the means of transport in question for his private use;
- (b) the said means of transport is not disposed of or hired out in the Member State of temporary importation or lent to a resident of that State. However, private vehicles belonging to a car-hire firm having its head office in the Community may be re-hired to non-residents with a view to being re-exported, if they are in the country as a result of a hire contract which ended in that country. They

may also be returned by an employee of the car-hire firm to the Member State where they were originally hired, even if such employee is resident in the Member State of temporary importation.

*Article 4***Temporary importation of private vehicles for business use**

1. A private vehicle imported temporarily for business use shall be exempt from the taxes specified in Article 1, provided that:

- (a) the individual importing the private vehicle:
 - (aa) has his normal residence in a Member State other than the Member State of temporary importation;
 - (bb) does not use the vehicle within the Member State of temporary importation in order to carry passengers for hire or material reward of any kind, or for the industrial and/or commercial transport of goods, whether for reward or not;
- (b) the private vehicle is not disposed of, hired out or lent in the Member State of temporary importation;

- (c) the private vehicle has been acquired or imported in accordance with the general conditions of taxation in force on the domestic market of the Member State of normal residence of the user and is not subject by reason of its exportation to any exemption from or refund of turnover tax, excise duty or any other consumption tax.

This condition shall be presumed to be satisfied if the private vehicle bears a standard registration plate of the Member State of registration, all types of temporary plate being excluded.

However, in the case of private vehicles registered in a Member State where the issue of standard registration plates is not conditional upon compliance with the general conditions of taxation in force on the domestic market, users shall be required to produce any appropriate evidence as proof of payment of consumption taxes.

2. The exemption provided for in paragraph 1 shall apply for a period, whether continuous or not, of:

- seven months in any 12, in the case of private vehicles imported by one of the commercial

intermediaries referred to in Article 3 of Directive 64/224/EEC ⁽¹⁾,

— six months in any 12 in all other cases.

(c) the said horses are not hired out, lent, or disposed of to a third party in the Member State of temporary importation, or used for purposes other than that of the excursion.

Article 5

Specific cases of temporary importation of private vehicles

1. Private vehicles imported temporarily shall be exempt from the taxes referred to in Article 1 in the following cases:

- (a) where a private vehicle registered in the country of normal residence of the user is used regularly for the journey from his residence to his place of work in an undertaking in the territory of another Member State, and vice versa. Exemptions under this head shall not be subject to any time limit;
- (b) where a student uses a private vehicle registered in the Member State of his normal residence in the territory of another Member State in which the student is residing for the sole purpose of pursuing his studies.

2. Grant of the exemptions provided for in paragraph 1 shall be subject to the sole condition that the provisions of Article 4 (1) (a), (b) and (c) are satisfied.

Article 6

Exemption for the temporary importation of saddle-horses on horse-riding excursions

Saddle-horses imported temporarily into a Member State shall be exempt for three months from the taxes specified in Article 1, provided that:

- (a) the said horses enter the territory of the Member State of temporary importation for the purposes of and/or in the course of horse-riding excursions by their riders. Member States may exclude from this exemption the importation by their residents of horses carried on board means of transport;
- (b) exemption is requested not later than the time of entry into the territory of the Member State of temporary importation. Where exemption is requested before temporary importation, the rider may be exempted from the requirement to enter the territory of the Member State of temporary importation via a frontier post;

Article 7

General rules for determining residence

1. For the purposes of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

2. Individuals shall give proof of their place of normal residence by any appropriate means, such as their identity card or any other valid document.

3. Where the competent authorities of the Member State of importation have doubts as to the validity of a statement as to normal residence made in accordance with paragraph 2, or for the purpose of certain specific controls, they may request any additional information or evidence.

Article 8

Supplementary rules for determination of residence in the case of business use of a private vehicle

In exceptional cases where, despite the supply of the additional information referred to in Article 7 (3) to the competent authorities of the Member State of importation, serious doubts still remain, temporary importation of a private vehicle for business use may be made conditional upon payment of a security.

However, when the user of the vehicle produces evidence that he has his normal residence in another

⁽¹⁾ OJ No 56, 4. 4. 1964, p. 869/64.

Member State, the authorities of the Member State of temporary importation shall refund the security within two months following the date on which the evidence is produced.

Article 9

Special arrangements

1. Member States may maintain and/or introduce more liberal arrangements than those provided for in this Directive. In particular, they may, at the request of the importer, permit temporary importation for a period longer than those referred to in Articles 3 and 4 (2). In the latter event, Member States may levy the taxes mentioned in the Annex for periods exceeding those laid down by this Directive. Member States may also permit the private vehicles referred to in the second sentence of Article 3 (b) to be re-hired to a resident of the Member State of importation with a view to their re-exportation.

2. Member States may under no circumstances apply, in pursuance of this Directive, tax exemptions within the Community which are less favourable than those which they would grant in respect of means of transport originating in a third country.

3. The Kingdom of Denmark is authorized to maintain the rules applying in that country in connection with normal residence according to which any person, including a student, in respect of the case referred to in Article 5 (1) (b), is regarded as having his normal residence in Denmark if he lives there for a year or 365 days in a period of 24 months.

However, to avoid double taxation:

- where, as a result of the application of these rules, a person is considered to have two residences, the normal residence of that person is situated where his spouse and children live,
- in similar cases, the Kingdom of Denmark shall consult with the other Member State concerned to decide which of the two residences should be used for the purposes of taxation.

Before a period of three years has elapsed, the Council, on the basis of a report by the Commission, will re-examine the derogation covered by this paragraph and, if necessary, will adopt measures, on a proposal

from the Commission based on Article 99 of the Treaty, to ensure the abolition of the derogation.

4. Member States shall inform the Commission of the arrangements referred to in paragraph 1 at the same time as they fulfil the obligations laid down in Article 10. The Commission shall subsequently communicate these arrangements to the other Member States.

Article 10

Final provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1984. They shall forthwith inform the Commission thereof.

2. Where the practical application of this Directive gives rise to difficulties, the competent authorities of the Member States concerned shall take the necessary decisions by mutual agreement, particularly in the light of the Conventions and Community Directives on mutual assistance.

3. Member States shall see to it that they communicate to the Commission the texts of the main subsequent provisions of national law which they adopt in the field governed by this Directive.

4. Every two years the Commission shall, after consulting the Member States, submit to the Council and the European Parliament a report on the application of this Directive in the Member States, with particular reference to the concept of 'normal residence', and shall propose the necessary Community provisions to bring about the establishment of a uniform system in all the Member States.

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

ANNEX

List of taxes referred to in the second indent of Article 1(1)

BELGIUM

- Taxe de circulation sur les véhicules automobiles
(Arrêté royal du 23 novembre 1965 portant codification des dispositions légales relatives aux taxes assimilées aux impôts sur les revenus — Moniteur belge du 18 janvier 1966)
- Verkeersbelasting op de autovoertuigen
(Koninklijk Besluit van 23 november 1965 houdende codificatie van de wettelijke bepalingen betreffende de met de inkomstenbelastingen gelijkgestelde belastingen — Belgisch Staatsblad van 18 januari 1966)

DENMARK

- Vægtafgift af motorkøretøjer (Bekendtgørelse Nr. 658 af 28. december 1977)

FEDERAL REPUBLIC OF GERMANY

- Kraftfahrzeugsteuer (Kraftfahrzeugsteuergesetz — 1979)
Kraftfahrzeugsteuer (Durchführungsverordnung — 1979)

GREECE

- Τέλη κυκλοφορίας (Ν. 2367/53 ως ισχύει σήμερα)

FRANCE

- Taxe différentielle sur les véhicules à moteur
(Loi n° 77-1467 du 30 décembre 1977)
- Taxe sur les véhicules d'une puissance fiscale supérieure à 16 CV immatriculés dans la catégorie des voitures particulières
(Loi de finances 1979 — Article 1007 du code général des impôts)

IRELAND

- Motor vehicle excise duties
(Finance (Excise Duties) (Vehicles) Act 1952 as amended, and Section 94, Finance Act 1973 as amended)

ITALY

- Tassa sulla circolazione degli autoveicoli
(TU delle leggi sulle tasse automobilistiche approvato con DPR n. 39 del 5 febbraio 1953 e successive modificazioni)

LUXEMBOURG

- Taxe sur les véhicules automoteurs
Loi allemande du 23 mars 1935 (Kraftfahrzeugsteuergesetz) maintenue en vigueur par l'arrêté grand-ducal du 26 octobre 1944, modifiée par la loi du 4 août 1975 et les règlements grand-ducaux du 15 septembre 1975 et du 31 octobre 1975

NETHERLANDS

- Motorrijtuigenbelasting (wet op de motorrijtuigenbelasting 21 juli 1966, Stb 332 — wet van 18 december 1969/Stb 548)

UNITED KINGDOM

- Vehicle excise duty (Vehicles (Excise) Act 1971)

COUNCIL DIRECTIVE

of 28 March 1983

on tax exemptions applicable to permanent imports from a Member State of the personal property of individuals

(83/183/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in order that the people of the Member States become more aware of the existence of the European Community, further measures to benefit private individuals should be taken in order to create conditions in the Community similar to those in a domestic market;

Whereas, in particular, the tax obstacles to the importation by private individuals of personal property into one Member State from another Member State are such as to hinder the free movement of persons within the Community; whereas, therefore, these obstacles should be eliminated as far as possible by the introduction of tax exemptions;

Whereas these tax exemptions may apply only to imports of goods which are not of a commercial or speculative nature; whereas the application of the exemptions should therefore be made subject to limits and conditions,

HAS ADOPTED THIS DIRECTIVE:

TITLE I

GENERAL PROVISIONS

Article 1

Scope

1. Every Member State shall, subject to the conditions and in the cases hereinafter set out, exempt personal

property imported permanently from another Member State by private individuals from turnover tax, excise duty and other consumption taxes which normally apply to such property.

2. Specific and/or periodical duties and taxes connected with the use of such property within the country, such as for instance motor vehicle registration fees, road taxes and television licences, are not covered by this Directive.

Article 2

Conditions relating to property

1. For the purposes of this Directive, 'personal property' means property for the personal use of the persons concerned or the needs of their household. Such property must not, by reason of its nature or quantity, reflect any commercial interest, nor be intended for an economic activity within the meaning of Article 4 of Directive 77/388/EEC ⁽⁴⁾. However, the tools or instruments necessary to the person concerned for the exercise of his trade or profession shall also be treated as personal property.

2. The exemption for which Article 1 makes provision shall be granted for personal property:

(a) which has been acquired under the general conditions of taxation in force in the domestic market of one of the Member States and which is not the subject, on the grounds of exportation, of any exemption or any refund of turnover tax, excise duty or any other consumption tax. For the purposes of this Directive, the goods acquired under the conditions referred to in Article 15 (10) of Directive 77/388/EEC shall be deemed to have met these conditions;

(b) of which the person concerned has had the use, in the Member States from which it is being exported, for a period of at least:

— six months before the change of residence in the case of motor-driven vehicles (including their

⁽¹⁾ OJ No C 267, 21. 11. 1975, p. 11.

⁽²⁾ OJ No C 53, 8. 3. 1976, p. 39.

⁽³⁾ OJ No C 131, 12. 6. 1976, p. 49.

⁽⁴⁾ OJ No L 145, 13. 6. 1977, p. 1.

trailers), caravans, mobile homes, pleasure boats and private aircraft,

- three months before the change of residence or the setting up of a secondary residence in the case of other property.

However, for the goods referred to in the second sentence of (a), Member States may increase the above periods to 12 months.

3. The competent authorities shall demand proof that the conditions in paragraph 2 have been satisfied in the case of motor-driven vehicles (including their trailers), caravans, mobile homes, pleasure boats and private aircraft. In the case of other property, they shall demand such proof only where there are grave suspicions of fraud.

Article 3

Import conditions

The importation of the property may be carried out at one or more times within the periods laid down in Articles 7, 8, 9 and 10 respectively.

Article 4

Obligations subsequent to importation

The property imported shall not be disposed of, hired out or lent during the period of 12 months following its importation free of duty, except in circumstances duly justified to the satisfaction of the competent authorities of the Member State of importation.

Article 5

Specific conditions for certain types of property

1. Member States may provide that the goods listed in Article 4 (1) of Directive 69/169/EEC ⁽¹⁾, as last amended by Directive 82/443/EEC ⁽²⁾, may be imported free of duty only up to the quantities laid down in that Article for travel between Member States.

2. The exemption on the importation of riding horses, motor-driven road vehicles (including trailers), caravans, mobile homes, pleasure boats and private aircraft shall

be granted only if the private individual transfers his normal residence to the Member State of importation.

Article 6

General rules for determining residence

1. For the purposes of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

2. Individuals shall give proof of their place of normal residence by any appropriate means, such as their identity card or any other valid document.

3. Where the competent authorities of the Member State of importation have doubts as to the validity of a statement as to normal residence made in accordance with paragraph 2, or for the purpose of certain specific controls, they may ask for any information they require or for additional proof.

TITLE II

IMPORTATION OF PERSONAL PROPERTY IN CONNECTION WITH A TRANSFER OF NORMAL RESIDENCE

Article 7

1. The exemption for which Article 1 makes provision shall be granted, subject to the conditions laid down in Articles 2 to 5, in respect of personal property imported by a private individual when transferring his normal residence.

2. The last of the property must be imported not later than 12 months after the transfer of the normal residence.

⁽¹⁾ OJ No L 133, 4. 6. 1969, p. 6.

⁽²⁾ OJ No L 206, 14. 7. 1982, p. 35.

TITLE III

IMPORTATION OF PERSONAL PROPERTY IN
CONNECTION WITH THE FURNISHING OR
RELINQUISHMENT OF A SECONDARY RESIDENCE

Article 8

1. The exemption for which Article 1 makes provision shall be granted, subject to the conditions laid down in Articles 2 to 5, for personal property imported by a private individual to furnish a secondary residence.

This exemption shall be granted only where:

- (i) the person concerned is the owner of the secondary residence or is renting it for a period of at least 12 months;
- (ii) the property imported corresponds to the normal furniture of the secondary residence.

2. The exemption shall also be granted, subject to the conditions mentioned in paragraph 1, where, following the relinquishment of a secondary residence, property is imported to the normal residence or to another secondary residence, provided that the property in question has actually been in the possession of the person concerned, and that he has had the use of it, for a period of at least 12 months.

The last of the property must be imported not later than 12 months after the secondary residence has been relinquished.

Article 4 shall not apply where property is re-imported.

TITLE IV

IMPORTATION OF PROPERTY ON MARRIAGE

Article 9

1. By derogation from the second indent of Article 2 (2) (b), but without prejudice to the other provisions contained in Articles 2 to 5, any person shall on marrying be entitled to exemption from the taxes referred to in Article 1 when importing into the Member State to which he intends to transfer his normal residence personal property which he acquired or which came into his possession less than three months previously, provided that:

- (a) such importation takes place within a period beginning two months before the marriage date

envisaged and ending four months after the actual marriage date;

- (b) the person concerned provides evidence that his marriage has taken place or that the necessary preliminary formalities for the marriage have been put in hand.

2. Exemption shall also be granted in respect of presents customarily given on the occasion of a marriage which are sent to a person fulfilling the conditions laid down in paragraph 1 by persons having their normal place of residence in a Member State other than that of importation. The exemption shall apply to presents of a unit value not exceeding 200 ECU. Member States may, however, grant exemption where 200 ECU is exceeded, provided that the value of each present exempted does not exceed 1 000 ECU.

3. Member States may make the granting of such exemption dependent on the provision of an adequate guarantee, where property is imported before the date of the marriage.

4. Where the individual fails to provide proof of his marriage within four months of the date given for such marriage, the taxes shall be due on the date of importation.

TITLE V

IMPORTATION OF THE PERSONAL PROPERTY OF A
DECEASED PERSON, ACQUIRED BY INHERITANCE

Article 10

1. By way of derogation from Articles 2 (2) and (3) and 4 and 5 (2), but without prejudice to the other provisions contained in Articles 2, 3 and 5, any private individual who acquires by inheritance (*causa mortis*) the ownership or the beneficial ownership of personal property of a deceased person which is situated within a Member State shall be entitled to exemption from the taxes referred to in Article 1 when importing such property into another Member State in which he has a residence, provided that:

- (a) such individual provides the competent authorities of the Member State with a declaration issued by a notary or other competent authority in the Member State of exportation that the property he is importing was acquired by inheritance;
- (b) the property is imported not more than two years after the date on which such individual enters into possession of the property.

TITLE VI

FINAL PROVISIONS

Article 11

1. Until the entry into force of the Community tax rules adopted pursuant to Article 14 (2) of Directive 77/388/EEC, Member States shall endeavour to reduce as far as possible the formalities for imports by private individuals within the limits and subject to the conditions laid down in this Directive and shall endeavour to avoid importation formalities entailing controls which result in substantial unloading and reloading at the frontier.

2. Member States may retain and/or introduce more liberal conditions for granting tax exemptions than those laid down in this Directive, with the exception of those laid down in Article 2 (2).

3. Without prejudice to Article 2 (2), Member States may not, by virtue of this Directive, apply within the Community tax exemptions less favourable than those which they accord to imports by private individuals of personal property from third countries.

Article 12

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to

comply with this Directive by 1 January 1984 at the latest. They shall forthwith inform the Commission thereof. However, the Hellenic Republic may retain its taxation system currently in force, provided that double taxation is avoided, until the common VAT system is introduced.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive, and in particular any resulting from the application of the provisions of Article 11 (2) and (3). The Commission shall inform the other Member States of the latter provisions.

3. Every two years the Commission shall, after consulting the Member States, send the Council and the European Parliament a report on the implementation of this Directive in the Member States.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL
