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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4143/87

of 14 December 1987

concerning the conclusion of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania and adopting provisions for its application

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

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

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

Whereas the Community and Mauritania have negotiated an Agreement, which was initialled on 14 May 1987, on fishing off the coast of Mauritania, which provides for fishing opportunities for fishermen from the enlarged Community in the waters over which Mauritania has sovereignty or jurisdiction;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession, the Council is required to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, in particular with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures need to be determined in this particular case;

Whereas it is in the Community's interest to approve this Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Islamic Republic of Mauritania on

fishing off the coast of Mauritania is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

To take into consideration the interests of the Canary Islands, the Agreement and, to the extent necessary for its implementation, the provisions of the common fisheries policy on the conservation and management of fishery resources shall also apply to vessels sailing under the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (*registros de base*) in the Canary Islands as such recording is defined in Note 6 of Annex I to Council Regulation (EEC) No 570/86 of 24 February 1986 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽³⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 4

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

⁽¹⁾ OJ No C 269, 8. 10. 1987, p. 7.

⁽²⁾ OJ No C 305, 16. 11. 1987.

⁽³⁾ OJ No L 56, 1. 3. 1986, p. 1.

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

Done at Brussels, 14 December 1987.

For the Council

The President

Lars P. GAMMELGAARD

AGREEMENT**between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania**

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community', and

THE ISLAMIC REPUBLIC OF MAURITANIA,

hereinafter referred to as 'Mauritania',

CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good relations between the Community and Mauritania;

CONSIDERING Mauritania's willingness to promote the rational management of its fishery resources by means of closer cooperation links;

RECALLING that, in particular in respect of sea fishing, Mauritania exercises its sovereignty or jurisdiction over a zone extending up to 200 nautical miles from its coast;

TAKING INTO ACCOUNT the fact that both Parties have signed the United Nations Convention on the Law of the Sea;

AFFIRMING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction for the purposes of exploring, exploiting, conserving and managing the living resources thereof must be in accordance with the principles of international law;

AWARE OF the significance of the fisheries sector for the overall balance of the Mauritanian economy in view of Mauritania's new fisheries policy;

DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interests in the sea fishing sector;

DESIROUS of establishing the terms and conditions governing fishing activities of common interest to both parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, in all respects, the fishing activities of vessels flying the flag of the Community, hereinafter referred to as 'Community vessels', in the waters over which Mauritania has sovereignty of jurisdiction in respect of fisheries, hereinafter referred to as 'Mauritania's fishing zone', in accordance with the provisions of the United Nations Convention on the Law of the Sea and other provisions of international law.

Article 2

Mauritania undertakes to authorize Community vessels to fish in Mauritania's fishing zone in accordance with the terms of this Agreement.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels adhere to the provisions of this Agreement and the rules and regulations governing fishing activities in Mauritania's fishing zone in accordance with the provisions of the United Nations Convention on the Law of the Sea and other provisions of international law.

2. The Mauritanian authorities shall notify the Commission of the European Communities in advance of any changes to the said rules and regulations.

3. The measures taken by the Mauritanian authorities to regulate fisheries for the purposes of conservation shall be based on objective and scientific criteria. Without prejudice to agreements concluded between developing countries

within the same geographical area, including reciprocal fisheries agreements, they shall not discriminate against Community vessels.

Article 4

The Parties undertake to concert action, either directly or within international organizations, to ensure the management and conservation of the living resources of the Central East Atlantic, and to facilitate the relevant scientific research.

Article 5

The vessels authorized under this Agreement to fish in Mauritania's fishing zone shall be obliged to forward to the relevant Mauritanian authorities statements of catches in accordance with the arrangements set out in the Annex.

Article 6

In return for the fishing opportunities granted pursuant to Article 2, the Community shall pay compensation to Mauritania, in accordance with the conditions and arrangements stipulated in the Protocol annexed to this Agreement; such compensation shall be without prejudice to the financing received by Mauritania under the Lomé Convention.

Article 7

Should there be any dispute over the interpretation or application of this Agreement, consultations shall be held between the Parties.

Article 8

The Parties agree to consult on questions arising in connection with the implementation and proper working of this Agreement; to this end a joint committee shall be set up to adopt practical measures relating to the application of this Agreement. The Joint Committee shall, *inter alia*:

- supervise the implementation, interpretation and proper working of the Agreement,
- constitute the necessary point of contact in matters of mutual interest regarding the fisheries sector.

The committee shall meet annually and at the request of either Contracting Party, alternately in Mauritania and the Community.

Article 9

Should the Mauritanian authorities decide, as a result of a change in the state of fish stocks, to introduce conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties in order to amend the Annex and the Protocol attached to this Agreement.

Such consultations shall be held in order to reduce the Community's financial contribution in proportion to any reduction of the fishing opportunities provided for in the Protocol.

Article 10

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any question relating to the Law of the Sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in the Treaty and, on the other hand, to the territory of the Islamic Republic of Mauritania.

Article 12

The Annex and the Protocol shall form an integral part of this Agreement and any reference to this Agreement shall include a reference to the Annex and the Protocol.

Article 13

This Agreement shall be concluded for an initial period of three years commencing from the date of its entry into force. Should the Agreement not be terminated by either Party through notice of termination given six months before the expiry of that period of three years, it shall remain in force for additional periods of two years, provided that notice of termination has not been given at least three months before the expiry of each such two-year period.

Should the Agreement be denounced, the Contracting Parties shall enter into negotiations. Before the expiry of the Protocol, negotiations shall take place between the Contracting Parties to determine by mutual agreement the amendments or additions to be made to the Annex or the Protocol.

Article 14

This Agreement, drawn up in duplicate in the Arab, Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date on which it is signed.

ANNEX

Conditions for the pursuit of fishing activities by Community vessels in Mauritania's fishing zone**A. LICENCE APPLICATION AND ISSUING FORMALITIES**

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Mauritania's fishing zone shall be as follows:

- (a) The issuing of a licence is subject to payment by the shipowner of a fee including all national and local taxes except the expenses referred to in (c).
- (b) The Commission of the European Communities shall present to the Mauritanian fisheries authorities, via the delegation of the Commission in Mauritania, an application for each vessel that wishes to fish under this Agreement, drawn up by the owner, at least 20 days before the date of commencement of the period of validity requested. The applications shall be made on the forms provided for that purpose by Mauritania, a specimen of which can be found in Appendix 1. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity.
- (c) Before receiving a licence, each vessel must be presented at the port of Nouadhibou for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 48 hours of the vessel's arrival in port. The expenses incurred shall be borne by the shipowner and may not be higher than those usually paid by other vessels for the same services.
- (d) Licences are issued for a given vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, in a case of *force majeure*, be replaced by a licence issued for another Community vessel having the same characteristics.
- (e) The licence shall be delivered to the master of the vessel or his representative by the Mauritanian authorities. The delegation of the Commission of the European Communities in Mauritania shall be notified of delivery.
- (f) Licences must be held on board at all times.
- (g) The Mauritanian authorities shall specify the bank account and currencies to be used for payment of fees before the entry into force of the Agreement.

B. VALIDITY OF LICENCES AND PAYMENT OF FEES BY SHIPOWNERS**1. Provisions applicable to tuna vessels and surface longliners**

- (a) Licences for these vessels shall be issued for periods of 12 months.
- (b) The fees shall be set at 20 ECU per tonne caught within Mauritania's fishing zone.
- (c) Licences shall be issued following payment to the Mauritanian treasury of a lump sum of 2 000 ECU a year for each pole-and-line tuna vessel and each surface longliner, equivalent to the fees for:
 - 100 tonnes of tuna a year in the case of pole-and-line vessels,
 - 100 tonnes of swordfish a year in the case of surface longliners.

A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Mauritanian authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Mauritanian treasury no later than 31 March of the following year.

The final statement of the fees due shall be drawn up by the Commission of the European Communities following verification of the volume of catch by a specialist scientific body in the region. The final statement shall be communicated to the Mauritanian authorities and notified to the shipowners, who shall have 30 days to acquit their financial obligations.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be recoverable by the shipowner.

Furthermore, ships' masters shall fill in a logbook for each fishing season in Mauritania's fishing zone in accordance with the specimen in Appendix II.

2. Provisions applicable to other vessels

- (a) Licences for these vessels shall be issued for periods of 12 months. They shall be renewable.
- (b) The licence fees to be paid by shipowners, expressed in ECU per GRT per year, are as follows:

1. *Specialized vessels*

- (a) lobster boats 121,
- (b) shrimp boats 138,
- (c) black hake trawlers 71;

2. *Coastal pelagic species*

- pelagic seiners 55,
- non-industrial pelagic seiners 55.

C. STATEMENT OF CATCH

1. All vessels authorized to fish in Mauritania's fishing zone under the Agreement shall be obliged to forward to the Centre National de Recherche Océanographique et des Pêches (CNROP) in Nouadhibou, via the delegation of the Commission of the European Communities at Nouakchott, a statement of their catch made out according to the specimen in Appendix III.

These statements of catch must be drawn up for each month and presented at least once every six months.

2. Should these provisions not be adhered to, Mauritania reserves the right to suspend the licence of the offending vessel until the formality has been complied with. In this case, the delegation of the Commission of the European Communities in Nouakchott shall be informed immediately.

D. SIGNING-ON OF SEAMEN

1. Owners of Community vessels engaged in activities in Mauritania's fishing zone shall employ Mauritanian fishermen and seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing operations at the rates of pay applicable to seamen on Mauritanian vessels.
2. However, for the duration of this Protocol, the percentage of fishermen and seamen actually taken on board may not be lower than 25 %. In this case, shipowners are required to pay compensation to the Mauritanian authorities of 200 ECU/month for each seaman of the number constituting the difference between the 35 % quota and the number of seamen actually employed on board; such compensation shall be used for the training of Mauritanian fishermen.
3. At the request of the Mauritanian authorities, Community vessels shall take on board a fisherman/scientific observer as part of the compulsory percentage taken on board.

The presence of this fisherman/scientific observer may not prejudice fishing operations.

4. The employment contracts of the fishermen shall be drawn up in Mauritania between the shipowners or their representatives and the fishermen in agreement with the Mauritanian fisheries authorities. These contracts shall cover the social security arrangements applicable to the fishermen (including life, accident and sickness insurance).

E. INSPECTION AND MONITORING OF FISHING ACTIVITIES

Any Community vessel fishing in Mauritania's fishing zone shall allow on board and assist in the accomplishment of his duties any Mauritanian official responsible for inspecting and monitoring fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

F. ENTERING AND LEAVING THE FISHING ZONE

Community vessels, except those of less than 150 GRT, fishing in Mauritania's fishing zone under the Agreement, shall radio the date, time and their position to the Nouadhibou radio station (call sign FC5TA) whenever entering or leaving the Mauritanian fisheries zone.

G. FISHING ZONES

The fishing zones to which Community vessels shall have access are the waters referred to in Article 1 of the Agreement beyond the following limits:

- *lobster boats*:
 - three nautical miles from the base lines north of Cap Timiris
 - six nautical miles from the base lines south of Cap Timiris
- *shrimp boats*:
 - six nautical miles from the base lines
- *black hake trawlers*:
 - 12 nautical miles from the base lines
- *pelagic seiners, including non-industrial pelagic seiners*:
 - six nautical miles from the base lines
- *pole-and-line tuna vessels and surface longliners*:
 - three nautical miles from the base lines
- *pole-and-line tuna vessels fishing with live bait*:
 - three nautical miles from the base lines up to 12 nautical miles from the base lines, south of Cap Timiris.

H. BY-CATCH

Vessels fishing shrimp, black hake and coastal pelagic species may not hold on board by-catch amounting to more than 10 % of the total weight of the catch.

I. AUTHORIZED MESH SIZES

Authorized mesh sizes shall be those specified in Mauritanian legislation, namely:

- 40 mm for use on shrimp boats
 - 60 mm for use on vessels fishing black hake
 - 20 mm for use on pelagic seiners, including non-industrial pelagic seiners
 - 8 mm for use on pole-and-line tuna vessels fishing with live bait.
-

*Appendix I***APPLICATION FORM FOR A LICENCE TO FISH IN MAURITANIA'S FISHING ZONE****Applicant**

- Name, first name and/or name of company:
-
- Profession:
- Commercial registration number:
- Address:
-

Vessel

- Name:
 - Registration number:
 - Date and place of construction:
 - Country of registration:
 - External identification:
 - Overall length:
 - Width:
 - Gross registered tonnage:
 - Net registered tonnage:
 - Engine type and horse power:
 - Number of seamen on board:
 - Type of fishing for which authorization is requested:
 - crustaceans, type:
 - black hake:
 - pelagic species:
 - tuna:
 - Gear and mesh used for this fishing:
 -
 - Is this a freezer vessel?
 - If so, specify:
 - total refrigerating capacity:
 - freezer capacity:
 - hold capacity:
 - Period for which licence is requested:
- Date of application:
- Name and signature:
- _____

ICCAT LOGBOOK for TUNA FISHERY

Vessel name	Gross tons	Longline
Flag country	Capacity (M. T.)	Baitboat
Registration No.	Captain	Purse seine
Company or Owner	No. of crew	Trolling
Address	Reporting date	Others

Boat LEFT	month	day	year	port
Boat RETURNED			197	

Page of pages

Date		Area		Effort (Number of Hooks used)	Surf. Water Temp. (°C)		F or W		Longitude		Latitude		N or S		Landing weight (in Kg.)		
Month	Day	Bluefin tuna Thunnus thynnus or maccoyii	Yellowfin tuna Thunnus albacares	Bigeye tuna Thunnus obesus	Albacore Thunnus alalunga	Swordfish Xiphias gladius	Striped marlin White marlin Tetrapturus audax or albidus	Black marlin Makaira indica	Sailfish Istiophorus albicans or platypterus	Skipjack Katsuwonus pelamis	Miscellaneous fishes	Daily total (in weight Kg only)	Bait used				
		number fish	No	No	No	No	No	No	No	No	Sp	Kg					
01																	
02																	
03																	
04																	
05																	
06																	
07																	
08																	
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31																	

Remarks

- Use one sheet per month, and one line per day.
- At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mols 17, Madrid 1, Spain.
- "Day" refers to the day you set the line.
- Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
- The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- All information reported herein will be kept strictly confidential.

Appendix III

CATCH DECLARATION
Fishing gear employed

Name of vessel
.....

Owner:
Consignee:
Licence No:
Engine power:
Gross registered tonnage:

Trawl	Seine	Other gear
Type and No	Type	
Mesh size of codend	Mesh size	
Headline	Length	
Rigging	Net depth	

INFORMATION ON FISHING ACTIVITIES

Date of leaving:		Date of return:			
INFORMATION ON FISHING ACTIVITIES					
Date	Fishing zone	Sounding	Fishing time	Species caught	Total (kg)
1/					
2/					
3/					
4/					
5/					
6/					
7/					
8/					
9/					
10/					
11/					
12/					
13/					
14/					
15/					
16/					
17/					
18/					
19/					
20/					
21/					
22/					
23/					
24/					
25/					
26/					
27/					
28/					
29/					
30/					
31/					

PROTOCOL

setting out fishing opportunities and financial compensation for the period 1 July 1987 to 30 June 1990

Article 1

From 1 July 1987, for a period of three years, the fishing opportunities accorded under Article 2 of the Agreement shall be as follows:

1. *Specialized vessels*

- (a) lobster boats (using pots):
3 500 GRT/month annual average
- (b) shrimp boats:
10 000 GRT/month annual average
- (c) black hake trawlers:
15 000 GRT/month annual average

By way of derogation, Community vessels fishing lobster may use gill nets for a total tonnage of no more than 873 GRT in the first year of the Protocol's application.

2. *Coastal pelagic species*

- (a) pelagic seiners:
2 000 GRT/month annual average
- (b) non-industrial pelagic seiners:
3 500 GRT/month annual average

3. *Highly migratory species*

- (a) pole-and-line tuna vessels:
41 vessels
- (b) surface longliners:
4 vessels

Pole-and-line tuna vessels are also authorized to fish for the live bait needed for their fishing season, subject to the restrictions (zones and mesh) set out in the Annex.

Article 2

1. The amount of the compensation referred to in Article 6 of the Agreement shall be set, for the period referred to in Article 1, at 20 250 000 ECU, payable in three annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of Mauritania.

3. The compensation shall be paid into an account opened at a financial institution or any other body designated by Mauritania.

Article 3

Opportunities to fish for demersal species shall be offered to Community vessels should Mauritania decide, taking account of the state of stocks, to re-authorize the fishing of these species by non-national vessels.

In this case, the financial compensation referred to in Article 2 shall be increased proportionally *pro rata temporis*.

Article 4

1. The Community shall also contribute during the period referred to in Article 1 up to 600 000 ECU towards the financing of Mauritanian scientific and technical programmes (equipment, infrastructure, etc.) to improve information on the fishery resources within Mauritania's fishing zone.

2. The competent Mauritanian authorities shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid on each occasion into an account specified by Mauritania.

Article 5

The Community shall facilitate the reception of Mauritanian nationals in establishments in its Member States or in any other country linked to the Community by a cooperation agreement and to that end it shall provide, during the period referred to in Article 1, six five-year study and training awards, equivalent to a total of 30 academic years, in the various fisheries-related scientific, technical and economic disciplines.

Two of those five-year awards, for an amount not exceeding 90 000 ECU, may be converted at Mauritania's request into funding for the organization of seminars on fishing in

Mauritania or for participation in international meetings aimed at improving fisheries knowledge.

Article 6

Failure by the Community to make the payments provided for in this Protocol may lead to the suspension of the fisheries Agreement.

Article 7

The Parties shall encourage cooperation on fisheries matters. They shall encourage the integration of the interests of Community and Mauritanian undertakings through joint ventures for the exploitation of fisheries resources and the processing and marketing of fish products.

COUNCIL REGULATION (EEC) No 4144/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Austria Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Austria Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

For the Council

The President

B. HAARDER

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

DECISION No 2/87 OF THE EEC-AUSTRIA JOINT COMMITTEE

of 13 November 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

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

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Republic of Austria is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

'1. Originating products within the meaning of this Protocol shall, on import into the Community or

Austria, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an "EUR. 1 certificate", or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.'

2. Article 13 is replaced by the following:

'Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as "approved exporter", who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as "LT certificates". The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικόν LT ισχύον μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skírteini gildir til . . .",
 "certificado LT válido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig intil . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Austria.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Austria on customs formalities and the use of customs documents.'

3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.

4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.

5. Annex VI is replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Republic of Austria, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 13 November 1987.

For the Joint Committee

The Chairman

G. WAAS

ANNEX

'ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the
signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.'

COUNCIL REGULATION (EEC) No 4145/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Finland Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾ was signed on 5 October 1973 and entered into force on 1 January 1974;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Finland Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council**The President*

B. HAARDER

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

DECISION No 2/87 OF THE EEC-FINLAND JOINT COMMITTEE

of 16 November 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Finland, signed in Brussels on 5 October 1973,

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Republic of Finland is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

'1. Originating products within the meaning of this Protocol shall, on import into the Community or

Finland, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an "EUR. 1 certificate", or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.'

2. Article 13 is replaced by the following:

'Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as "approved exporter", who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as "LT certificates". The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimiento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικόν ΙΤ ισχύον μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skírteini gildir til . . .",
 "certificado LT válido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig intil . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Finland.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Finland on customs formalities and the use of customs documents.'

- 3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.
- 4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.
- 5. Annex VI is hereby replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Republic of Finland, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 16 November 1987.

For the Joint Committee

The Chairman

P. BENAVIDES

ANNEX

ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the
signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.

COUNCIL REGULATION (EEC) No 4146/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Iceland Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Iceland Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council**The President*

B. HAARDER

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 2.

DECISION No 2/87 OF THE EEC-ICELAND JOINT COMMITTEE

of 30 November 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

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

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

‘1. Originating products within the meaning of this Protocol shall, on import into the Community or

Iceland, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an “EUR. 1 certificate”, or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter’s declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter’s declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.’

2. Article 13 is replaced by the following:

‘Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as “approved exporter”, who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as “LT certificates”. The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimiento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικόν LT ισχύον μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skírteini gildir til . . .",
 "certificado LT válido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig intil . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Iceland.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Iceland on customs formalities and the use of customs documents.'

- 3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.
- 4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.
- 5. Annex VI is replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 30 November 1987.

For the Joint Committee

The Chairman

E. BENEDIKTSSON

ANNEX

'ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the
signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.'

COUNCIL REGULATION (EEC) No 4147/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Norway Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Norway ⁽¹⁾ was signed on 14 May 1973 and entered into force on 1 July 1973;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Norway Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council**The President*

B. HAARDER

⁽¹⁾ OJ No L 171, 27. 6. 1973, p. 2.

DECISION No 2/87 OF THE EEC-NORWAY JOINT COMMITTEE

of 27 October 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Kingdom of Norway, signed in Brussels on 14 May 1973,

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

‘1. Originating products within the meaning of this Protocol shall, on import into the Community or

Norway, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an “EUR. 1 certificate”, or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter’s declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter’s declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.’

2. Article 13 is replaced by the following:

‘Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as “approved exporter”, who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as “LT certificates”. The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικών LT ισχύουν μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skirteini gildir til . . .",
 "certificado LT válido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig intil . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Norway.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Norway on customs formalities and the use of customs documents.'

- 3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.
- 4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.
- 5. Annex VI is replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 27 October 1987.

For the Joint Committee

The Chairman

P. BENAVIDES

ANNEX

ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the
signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.'

COUNCIL REGULATION (EEC) No 4148/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Sweden Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Sweden ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Sweden Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council**The President*

B. HAARDER

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

DECISION No 2/87 OF THE EEC-SWEDEN JOINT COMMITTEE

of 29 October 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

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

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Sweden is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

'1. Originating products within the meaning of this Protocol shall, on import into the Community or

Sweden, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an "EUR. 1 certificate", or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.'

2. Article 13 is replaced by the following:

'Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as "approved exporter", who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as "LT certificates". The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικών LT ισχύουν μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skírteini gildir til . . .",
 "certificado LT válido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig intil . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Sweden.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Sweden on customs formalities and the use of customs documents.'

3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.

4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.

5. Annex VI is replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Sweden, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 29 October 1987.

For the Joint Committee

The Chairman

Stig BRATTSTRÖM

ANNEX

ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.'

COUNCIL REGULATION (EEC) No 4149/87

of 21 December 1987

on the application of Decision No 2/87 of the EEC-Switzerland Joint Committee supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Swiss Confederation ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

Whereas, by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No 2/87 supplementing and amending the said Protocol;

Whereas it is necessary to apply the said Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/87 of the EEC-Switzerland Joint Committee shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council**The President*

B. HAARDER

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 189.

DECISION No 2/87 OF THE EEC-SWITZERLAND JOINT COMMITTEE

of 23 October 1987

supplementing and amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, to provide for further simplification of documentation required as evidence of origin

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972,

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

Whereas, under the simplified procedures, the documentation constituting evidence of originating status can be still further simplified by allowing approved exporters as defined in Article 13 (2) of Protocol 3 to make a declaration of origin on the invoice instead of using an EUR. 1 movement certificate;

Whereas the spread of computerization and the transmission of invoices by means of telecommunications media pose problems as regards the hand-written signature of declarations of origin on invoices;

Whereas it is desirable, so as not to inhibit the expansion of the use of these modern systems for the establishment and transmission of invoices, that the authorizations accorded to approved exporters wishing to use such systems should waive the need for handwritten signature of the origin declarations; whereas exporters accorded such an authorization should, nevertheless, be obliged to comply with the conditions laid down for that purpose by the customs authorities of the exporting country;

Whereas provision should be made for the conditions and procedures relating to the above simplification,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation is hereby amended as follows:

1. Article 8 (1) is replaced by the following:

'1. Originating products within the meaning of this Protocol shall, on import into the Community or

Switzerland, benefit from the Agreement upon submission of one of the following:

- (a) an EUR. 1 movement certificate, hereinafter referred to as an "EUR. 1 certificate", or an EUR. 1 certificate valid for a long term, and invoices referring to such certificate, made out in accordance with Article 13. A specimen of the EUR. 1 certificate is given in Annex V to this Protocol;
- (b) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out in accordance with Article 13;
- (c) an invoice bearing the exporter's declaration as given in Annex VI to this Protocol, made out by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed 4 400 ECU.'

2. Article 13 is replaced by the following:

'Article 13

1. Notwithstanding Articles 9 (1) to (7) and 10 (1), (4) and (5) of this Protocol, a simplified procedure for the issue of the documentation relating to the evidence of origin shall be applicable under the terms of the provisions set out below.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as "approved exporter", who makes frequent shipments for which EUR. 1 certificates may be issued, and who offers to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the goods, not to submit to the customs office in the exporting State at the time of export either the goods or the application for an EUR. 1 certificate relating to those goods, for the purpose of obtaining an EUR. 1 certificate under the conditions laid down in Article 9 (1) to (4) of this Protocol.

3. In addition, the customs authorities may authorize an approved exporter to draw up EUR. 1 certificates, valid for a maximum period of one year from the date of issue, hereinafter referred to as "LT certificates". The authorization shall be granted only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the approved exporter shall immediately inform the customs authorities who gave the authorization.

Where the simplified procedure applies, the customs authorities of the exporting State may prescribe the use of EUR. 1 certificates bearing a distinctive sign by which they may be identified.

4. The authorization referred to in paragraphs 2 and 3 shall stipulate, at the choice of customs authorities, that box 11, "customs endorsement", of the EUR. 1 certificate must:

- (a) either be endorsed beforehand with the stamp of the competent customs office of the exporting State and the handwritten or non-handwritten signature of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex VII to this Protocol: this stamp may be preprinted on the form.

Box 11 "customs endorsement", of the EUR. 1 certificate shall be completed if necessary by the approved exporter.

5. In the cases referred to in paragraph 4 (a), one of the following phrases shall be entered in box 7, "Remarks", of the EUR. 1 certificate: "Simplified procedure", "Forenklet procedure", "Vereinfachtes Verfahren", "Απλουστευμένη διαδικασία", "Procédure simplifiée", "Procedura simplificata", "Vereenvoudigde procedure", "Procedimiento simplificado", "Yksinkertaistettu menettely", "Einföldud afgreidsla", "Forenklet prosedyre", "Procedimento simplificado", "Förenklad procedur". The approved exporter shall if necessary indicate in box 13, "Request for verification", the name and address of the customs authority competent to verify the EUR. 1 certificate.

6. In the case referred to in paragraph 3, the approved exporter shall also enter in box 7 of the EUR. 1 certificate one of the following phrases:

"LT certificate valid until . . ." (date indicated in Arabic numerals),
 "LT-certifikat gyldigt indtil . . .",
 "LT-Certificat gültig bis . . .",
 "Πιστοποιητικό LT ισχύον μέχρι . . .",
 "certificato LT valido fino a . . .",
 "certificat LT valable jusqu'au . . .",
 "LT-skírteini gildir til . . .",
 "certificado LT valido hasta el . . .",
 "LT-certificaat geldig tot en met . . .",
 "LT-Sertifikat gyldig til . . .",
 "LT-todistus voimassa . . . saakka",
 "LT-certifikat giltigt till . . .",
 "certificado LT valido até . . .",

and a reference to the authorization under which the relevant LT certificate has been issued.

The approved exporter shall not be required to refer in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kilograms) or other measure (litres, m³, etc.).

Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 12 (1) and (3), the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may request him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

- (a) when an invoice includes both goods originating in the Community or one of the countries referred to in Article 2 (1) of this Protocol and non-originating goods, the exporter shall distinguish clearly between these two categories;
- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice made by the exporter of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfill the conditions laid down in this Protocol for the acquisition of preferential origin status in trade between the Community and Switzerland.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the import customs office within four months of the date of their being made out by the exporter.

9. In the framework of the simplified procedures, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The customs authorities may authorize an approved exporter to make out invoices bearing the declaration given in Annex VI to this Protocol in place of EUR. 1 certificates.

The declaration made by the approved exporter on the invoice shall be signed in manuscript and must either:

- (a) have a reference to the approved exporter's authorization number, or
- (b) be endorsed by the approved exporter with the special stamp referred to in paragraph 4 (b) which has been approved by the customs authorities of the exporting State. This stamp may be preprinted on the invoice.

12. However, the customs authorities in the exporting State may authorize an approved exporter not to sign the statement in paragraph 8 (b) or the declaration referred to in paragraph 11 given on the invoice, when such invoices are made out and/or transmitted using telecommunications or electronic data-processing methods.

The said customs authorities shall lay down conditions for the implementation of this paragraph, including, if they so require, a written undertaking from the approved exporter, that he accepts full responsibility for such statement and declaration as if they had in fact been signed in manuscript by him.

13. In the authorizations referred to in paragraphs 2, 3 and 11 the customs authorities shall specify in particular:

- (a) the conditions under which the applications for EUR. 1 certificates or for LT certificates are made or under which the declaration concerning the origin of the goods is made on the invoice;
- (b) the conditions under which these applications, as well as a copy of the invoices referring to an LT certificate and of the invoices bearing the exporter's declaration, are kept for at least two years. In the case of LT certificates or invoices referring to an LT certificate, this period shall begin from the date of expiry of validity of the LT certificate. These provisions shall also apply to the EUR. 1 certificates or LT certificates and the invoices referring to an LT certificate, as well as to invoices bearing the exporter's declaration, having served as the basis for the issue of other evidence of origin, used under the conditions laid down in the second subparagraph of Article 9 (3) of this Protocol.

14. The customs authorities in the exporting State may declare certain categories of goods ineligible for

the special treatment provided for in paragraphs 2, 3 and 11.

15. The customs authorities shall refuse the authorizations referred to in paragraphs 2, 3 and 11 to exporters who do not offer all the guarantees which they consider necessary.

The customs authorities may withdraw the authorizations at any time. They must do so where the conditions of approval are no longer satisfied or the approved exporter no longer offers those guarantees.

16. The approved exporter may be required to inform the customs authorities, in accordance with the rules they lay down, of goods to be dispatched by him, so that the competent customs office may make any verification it thinks necessary before the dispatch of the goods.

17. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Switzerland on customs formalities and the use of customs documents.'

- 3. In the first line of Article 14, 'Article 8 (1) (b)' is replaced by 'Article 8 (1) (c)'.
- 4. At the end of Article 15a (3), 'the declaration referred to in Article 8 (1) (b)' is replaced by 'the declarations referred to in Article 8 (1) (b) and (c)'.
- 5. Annex VI is replaced by the Annex to this Decision.

Article 2

The EUR. 2 forms fulfilling the conditions set out in Article 8 (1) (b) and Article 14 of Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation, as in force on 30 June 1987, may continue to be completed and accepted until 30 June 1988.

The provisions of Article 17 of the said Protocol concerning subsequent verification shall also apply to the EUR. 2 forms mentioned in the preceding subparagraph.

Article 3

This Decision shall enter into force on 1 January 1988.

Done at Brussels, 23 October 1987.

For the Joint Committee

The Chairman

P. BENAVIDES

ANNEX

ANNEX VI

Declaration referred to in Article 8 (1) (b) and (c)

I, the undersigned, exporter of the goods covered by this document, declare that, except where otherwise indicated ⁽¹⁾, the goods meet the conditions required to obtain originating status in preferential trade with ⁽²⁾ and that the country of origin of the goods is ⁽²⁾ ⁽³⁾.

.....
(Place and date)

.....
(Signature)

(The signature must be followed by the name of the
signatory in clear script)

⁽¹⁾ When an invoice also includes products not originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland, the exporter must clearly indicate them.

When an invoice also includes products having the status of products originating in Spain within the meaning of Article 24 of the Protocol or in the Canary Islands, Ceuta and Melilla within the meaning of Article 25b of the Protocol, the exporter must clearly indicate them until 31 December 1992 respectively by means of the symbol 'ES' and 'CCM'.

⁽²⁾ The Community, Austria, Finland, Iceland, Norway, Sweden, Switzerland.

⁽³⁾ Reference can be made to a specific column of the invoice in which the country of origin of each product is entered.