

## NOTE:

- Any information concerning the availability of the standards can be obtained either from the European standardisation organisations or from the national standardisation bodies <sup>(1)</sup> of which the list is annexed to Directive 98/34/EC <sup>(2)</sup> of the European Parliament and Council amended by Directive 98/48/EC <sup>(3)</sup>.
- Publication of the references in the *Official Journal of the European Communities* does not imply that the standards are available in all the Community languages.
- Further harmonised standards for pressure equipment have been published in previous editions of the *Official Journal of the European Communities* <sup>(4)</sup>. A complete updated list can be found on the Europa-server in the Internet at:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/equippre.html>

<sup>(1)</sup> <http://www.cenorm.be/aboutcen/whatis/membership/members.htm>.

<sup>(2)</sup> OJ L 204, 21.7.1998, p. 37.

<sup>(3)</sup> OJ L 217, 5.8.1998, p. 18.

<sup>(4)</sup> OJ C 227, 10.8.1999, p. 14.

**Communication from the Commission to the Council and the European Parliament setting out conditions, in the context of preferential tariff arrangements, for informing economic operators and Member State administrations of cases of reasonable doubt as to the origin of goods**

(2000/C 348/03)

(Text with EEA relevance)

## 1. INTRODUCTION

In its communication COM(1997) 402 of 23 July 1997 the Commission set out an action plan for changing the way in which preferential tariff arrangements are administered.

Among the measures proposed (second subparagraph of paragraph 9(3)(2)) was the more systematic use of an early warning system for importers in cases of reasonable doubt as to the origin of goods covered by such arrangements. Basically, the Commission will inform economic operators when such cases come to its attention.

The information will be published in such a way that operators and Member States' customs administrations can take the necessary action — the former to safeguard their own economic interests; the latter to protect the financial interests of the Community.

In publishing the information, the Commission will bear in mind the need not to interfere with any ongoing enquiries, whether at national or Community level, in connection with preferential arrangements.

Note that just because there has been no notification of reasonable doubt concerning a particular country or product this does not necessarily mean that there is no problem. In particular, this is without prejudice to specific measures such as import guarantees, which may be required from time to time in individual cases. Operators must therefore continue at all times to be extremely vigilant in operating the arrangements, especially when it comes to preferential certificates of origin.

## 2. CASES WHERE INFORMATION FROM THE COMMISSION IS NEEDED

The main circumstances liable to give rise to reasonable doubt as to origin are as follows (non-exhaustive list) <sup>(1)</sup>:

<sup>(1)</sup> Where the explanatory notes to Protocol 4 of the Europe Agreements (OJ C 90, 31.3.1999, p. 6) refer to 'reasonable doubt', this concerns only individual cases where, mainly for reasons of form, doubt may occasionally arise as to the goods' real origin. Similarly, measures to suspend tariff preferences that are taken by the Commission under provisions applying to certain autonomous arrangements (Generalised System of Preferences, arrangements for imports originating in Albania, or for those originating in Bosnia and Herzegovina and Croatia, Council Regulations (EC) Nos 2820/98 of 21 December 1998, 1763/1999 of 29 July 1999, 6/2000 of 17 December 1999) concern cases beyond 'reasonable doubt': there is actual evidence of false declarations of origin.

- a lack of initial administrative cooperation (failure to provide names and addresses of customs or government authorities responsible for issuing and checking certificates of origin, or specimens of stamps used to authenticate the certificates),
- a lack, or inadequate quality, of administrative cooperation in checking certificates of origin,
- general economic information that casts doubt on whether a particular product or country is capable of satisfying the origin criteria (e.g. lack of a fabric industry in a country exporting large quantities of clothing, or of a fishing fleet where there are large exports of fish products — unless cumulation of origin is possible),
- administrative structures for managing preferential arrangements in beneficiary countries found to be inadequate,
- goods systematically imported from several different sources in countries other than that entitled to the preferences,
- a rapid increase, without satisfactory explanation, in imports of sensitive goods covered by several indicators of a risk of fraud at the same time (e.g. shoes exported from a region where among neighbouring countries, some but not all are subject to anti-dumping duties, enjoy liberalised trade or qualify for tariff preferences),
- findings of fraud, particularly as a result of enquiries in third countries entitled to tariff preferences.

### 3. FORM AND CONTENT OF THE INFORMATION

The Commission will publish in the *Official Journal of the European Communities* (C series) a notice to importers explaining that there is reasonable doubt as to imports of all or some products originating in a particular country covered by preferential tariff arrangements.

In parallel, this information will be passed on, according to the appropriate procedures, to the competent Member State administrations and to the authorities of the beneficiary country concerned.

### 4. ACTION FOLLOWING PUBLICATION

- 4.1. Once a notice to importers has been published, all documentary evidence of the origin of the goods in question shall be sent to the issuing authorities in the country benefiting from the preference for post-clearance verification, with a statement of the reasons for the request for verification. Pending the results of this verification, all precautionary measures judged necessary by each Member State's customs authorities shall be taken to secure payment of any applicable duties. These measures shall comply with the procedures laid down in the agreement or autonomous preferential arrangements concerned.
- 4.2. The results of the post-clearance verification shall be examined in the appropriate Community-level forum (Council groups, Customs Code Committee, or any other committee).

Depending on the conclusions reached, the Commission shall decide that the reasonable doubt:

- no longer exists, in which case it shall publish a notice to importers to that effect in the *Official Journal of the European Communities* (C series) annulling the earlier notice,
- or
- remains, in which case it shall refer the matter to the Customs Cooperation Committee established by the agreement concerned, or any other appropriate committee; in the case of autonomous preferential arrangements, it shall propose that the Council withdraw, in full or in part, the tariff preferences in question.