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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

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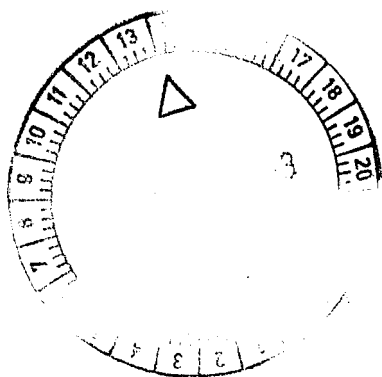
Brussels, 4 July 1983

Proposal for a  
COUNCIL REGULATION (EEC)

on the procedure to facilitate the issue of movement certificates  
EUR 1 and the making out of Forms EUR 2 under the provisions  
governing preferential trade between certain countries  
and the European Economic Community

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(submitted to the Council by the Commission)



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EXPLANATORY NOTE

1. Introduction

In 1973, it was recognized that producers in the Community had to be able to know to what extent the raw materials, semi-finished products or components they bought in from other countries inside the Community (which is one area for origin purposes in the context of the preferential Agreements) qualified the final products they produce to originating status. For this reason, to facilitate the flow of such information across the internal frontiers of the Community, the Council adopted Regulation 1908/73. (1)

The workings of this Regulation have been reviewed after more than 9 years of experience and the system established has been shown to be deficient in a number of respects. This draft Regulation is designed to remedy these deficiencies and for reasons of coherence and clarity it has been found better to suggest the replacement of, rather than the modification of, Regulation 1908/73. However, the basic principles established in 1973 remain the same.

Basically the system of the suppliers' declarations permits exporters of goods to the EFTA countries, Spain, Israel, Cyprus or Malta to apply for the issue of a Movement Certificate, supporting their applications with declarations made out by their suppliers in those cases where they, the exporters, have not themselves carried out all the working or processing required to obtain originating status for the goods.

If the customs authorities have any reason to doubt the validity of a suppliers' declaration, either at the time of export or, more often, when they are required to verify the correctness of a Movement Certificate "a posteriori", they can require the exporter to produce an "Information Certificate" issued by the customs authorities in the Member State where the supplier is situated to confirm the correctness of the suppliers' declaration.

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(1) OJ No. L 197, of 17.7.1973, p. 1

2. The criticisms of Regulation 1908/73

The present scheme suffers mainly from the following :

- a too complicated lay out of both suppliers' declarations and the supporting or control document, the Information Certificate;
- the possibility of revealing Commercial secrets especially in relation to the completion of the Information Certificate;
- the need to provide a separate suppliers' declaration for each and every shipment with no possibility of giving declarations to cover any subsequent shipments; and
- the need to sign every suppliers' declaration in manuscript even when it has been produced by a computer and would be the only document relating to the consignment that would require physical signature.

3. The proposed Regulation

The proposed Regulation has been drawn up in such a way that it is hoped it can be more readily understood and applied. It provides for the suppliers' declarations to be provided either for individual shipments or for longer periods of time, normally up to one year, but with provision for longer periods if the customs authorities permit this under certain conditions.

The Regulation contains, in Annexes I-IV, a model declaration of both an individual shipment type of suppliers' declaration and a long term suppliers' declaration for two separate cases :

- where the goods concerned are already originating, and
- where the goods concerned, although having been worked or processed have not yet obtained originating status.

.../...

The model declarations are accompanied by detailed instructions as to how they should be completed.

The Regulation also provides for a simple information certificate (INF.4) which replaces the present highly complex document which demands much more information to be given than is actually needed in most cases. It is this aspect of the present certificate which arouses fear in the minds of some suppliers of being forced to reveal commercial secrets. The proposed certificate is confined to being a confirmation of the information already given on the suppliers' declaration, duly certified by the customs authorities, but only after carrying out verification controls to see if it is correct.

Provision has also been made, when invoices and suppliers' declarations are established by computer print out, for the declarations not to be physically signed providing that the customs authorities are satisfied that the responsible person can be identified. Provision has been made for Member States to lay down further conditions if they feel it is necessary.

Proposal for a  
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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 the provisions governing preferential trade between certain countries and the European Economic Community provide that the preferential originating status of goods needs to be demonstrated by the presentation of movement certificates EUR 1 or forms EUR 2 at import; whereas these movement certificates EUR 1 are issued by the customs authorities of the Member States on the basis of applications made out by Community exporters and the forms EUR 2 have to be made out by Community exporters ;

Whereas goods may qualify as preferential originating products as a result of working or processing carried out in more than one Member State ;

Whereas it is therefore evident that the information relating to the working or processing carried out in one Member State may be required by a Community exporter in another Member State ;

Whereas goods imported in one Member State may have preferential origin status and be intended either for working or processing in or for reexport in the same state from another Member State; whereas it is thus evident that information relating to their status may have to be transmitted from one Member State to another;

.../...

Whereas the same considerations also apply, mutatis mutandis, to transactions taking place within individual Member States and the procedure established to facilitate the passage of information between firms in different Member States should be extended to cover these transactions;

Whereas experience has demonstrated that the procedure set up under Council Regulation (EEC) No 1908/73 of 4 July 1973 on the procedure to facilitate the issue of movement certificates under the provisions governing trade between the European Economic Community and certain countries<sup>1</sup>, for the use of suppliers' declarations and information certificates needs to be modified and presented more clearly and that the form of suppliers' declarations and the information certificates need to be revised ;

Whereas under the present procedure a suppliers' declaration can only apply to a single consignment of goods, even though over a period of time the supplier supplies goods, whose origin status remains constant, to a particular customer; whereas it is therefore sensible to provide for suppliers' declarations to be made on a long term basis ;

Whereas the requirement for each supplier's declaration, which is normally given on a commercial invoice, to be signed in manuscript has proven burdensome when invoices are prepared using computer systems as it has become widespread commercial practice not to sign invoices in manuscript for commercial ends ; whereas for this reason the requirement for manuscript signature of computer-produced supplier declarations has been waived ;

Whereas experience has also demonstrated the need for adequate customs verification procedures, as provided for by the provisions of Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters<sup>2</sup>,

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(1) OJ No. L 197 of 17.7.1973, p. 1

(2) OJ No. L 144 of 2.6.1981, p. 1



HAS ADOPTED THIS REGULATION :

TITLE I

GENERAL PROVISIONS

Article 1

**Use of suppliers' declarations**

1. Suppliers of goods which are intended subsequently to be exported from the Community either in the same state or after further working or processing, may furnish a declaration concerning the status of the goods supplied in relation to the Communities' preferential origin rules hereinafter referred to as suppliers' declaration.
2. Suppliers' declarations may be used by exporters as supporting evidence to applications made for the issue of movement certificates EUR.1 or may be used as the basis upon which forms EUR.2 can be completed.

Article 2

**Verification**

1. The customs authorities may request the production by the exporter of an information certificate INF 4 to verify the accuracy or authenticity of any supplier's declaration.
2. The customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration or information certificate.

.../...

## TITLE II

### SUPPLIERS' DECLARATIONS

#### Article 3

##### **Provision of suppliers' declarations**

A separate suppliers' declaration shall, except in the cases provided for in Article 4, be given by the supplier for each consignment of goods on the commercial invoice related to that shipment or in an annex to that invoice or on a delivery note or other commercial document related to that shipment which describe the goods concerned in sufficient detail to enable them to be identified.

#### Article 4

##### **Long term suppliers' declarations**

1. When a supplier regularly supplies a particular customer with goods whose origin status is expected to remain constant for considerable periods of time he may provide a single suppliers' declaration to cover subsequent shipments of those goods, hereinafter referred to as long-term suppliers' declaration.
2. A long term suppliers' declaration may normally be given for a period of up to one year from the date of giving the declaration. The customs authorities may lay down the conditions under which longer periods may be used.
3. The supplier shall inform the customer immediately if the long-term suppliers' declaration is no longer valid in relation to the goods supplied.

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## Article 5

### **Form and completion of suppliers' declarations**

1. For products having obtained preferential originating status the suppliers' declarations shall be given in the form prescribed in Annex I, or, for long-term suppliers' declarations, in that prescribed in Annex II.
2. For products which have undergone working or processing in the Community without having obtained preferential originating status the suppliers' declarations shall be given in the form prescribed in Annex III or for long term suppliers' declarations in that prescribed in Annex IV.
3. The rules for making out particular suppliers' declarations are given as footnotes in Annexes I, II, III and IV.
4. Suppliers' declarations may be made out on pre-printed forms.

## Article 6

### **Signatures**

1. Suppliers' declarations shall normally be signed in manuscript.
2. However, where the invoice and the suppliers' declaration are established using electronic data processing methods the suppliers' declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the Member State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.

../...

### TITLE III

#### INFORMATION CERTIFICATES INF 4

##### Article 7

##### **Application for and issue of information certificates**

1. An information certificate INF 4 shall be issued by the appropriate customs office after having taken any steps necessary to verify that the information given on the application made out by the supplier for the issue of an information certificate INF 4 is correct in relation to the goods supplied.
2. The certificate shall be given or sent to the supplier who shall forward it to the buyer or to the customs office which has requested it to be produced.
3. The application form shall be kept by the issuing office for at least two years.

##### Article 8

##### **Form of information certificate**

1. The form of "information certificate INF 4" and "application for the issue of an information certificate" given in Annex V shall be used; it shall be printed in one or more of the official languages of the Community. Information certificates INF 4 shall be made out in one of those languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.

.../...

2. The information certificate INF 4 shall be A4 format (210 x 297 mm), however, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used shall be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m<sup>2</sup>.
3. The Member States may reserve the right to print the forms themselves or may have them printed by printers approved by them. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

#### TITLE IV

#### ADMINISTRATIVE AND TRANSITIONAL PROVISIONS

##### Article 9

##### **Information**

Each Member State shall inform the Commission of the steps taken for the application of this Regulation, and of any significant problems which have arisen in connection with its application. The Commission shall keep the other Member States informed.

##### Article 10

##### **Repeal of previous provisions**

Regulation (EEC) No 1908/73 is hereby repealed.

.../...

## Article 11

### **Transitional provisions**

1. Suppliers' declarations made and information certificates issued before the date of entry into force of this Regulation shall be valid as if Regulation (EEC) No 1908/73 were still in force.
2. The form of information certificate given in Annex II to Regulation (EEC) No 1908/73 may be used for a period of 18 months after the entry into force of this Regulation under the conditions laid down in this Regulation.

## Article 12

### **Entry into force**

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

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

Done at

For the Council

The President









ANNEX IV

LONG TERM DECLARATION FOR PRODUCTS NOT HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods described below  
.....(1) .....(2), which are regularly supplied  
to .....(3) were produced in .....(4) and incorporate  
the following components or materials which do not have Community  
origin for preferential trade :

.....(5), .....(6), .....(7)  
....., ..... , .....  
....., ..... , .....  
.....(8)

This declaration is valid for all further shipments of these products  
despatched from ..... to .....(9), I undertake to inform  
.....(3) immediately if this declaration is no longer valid.

I undertake to make available to the customs authorities, if required,  
evidence in support of this declaration.

.....(10) .....(11)  
.....(12)

Note : The text inside the box, suitably completed in conformity with the footnotes below, constitutes a suppliers' declaration. The footnotes do not have to be reproduced.

- (1) Description.
- (2) Commercial designation as used on invoices, e.g. model number.
- (3) Name of company being supplied.
- (4) The Community or Member State.
- (5) Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- (6) Custom values to be given only if required.
- (7) Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as "3rd Country".
- (8) "and have undergone the following processing in [ ] the Community [ ] [ ] Member State [ ] ....." to be added with a description of the processing carried out if this information is required.
- (9) Insert dates. The periods should not normally, subject to the conditions laid down by the customs authorities, exceed 12 months.
- (10) Place and date.
- (11) Name and function, name and address of company.
- (12) Signature.

# INF 4

No.

INFORMATION CERTIFICATE  
FOR USE IN FACILITATING THE PREFERENTIAL TRADE  
BETWEEN THE EUROPEAN COMMUNITY

and .....  
(Name of country or countries or preferential  
arrangement)

1. Supplier (Full name and address, country)

3. Consignee (Full name and address, country)

### NOTES

- (1) The term "invoice" shall also be taken as including delivery notes or other commercial documents relating to the shipment or shipments concerned and upon which the declaration or declarations concerned were given.
- (2) In the case of long term declarations it is not obligatory to complete this box.
- (3) The goods shown in box no. 6 must be described in accordance with commercial practice and with sufficient details to enable them to be identified.
- (4) Indicate appropriate text.

4. Remarks

5. Invoice(s) no(s) (1)(2)

6. Item number - Marks and numbers - Number and kind of packages - Description of goods supplied (3).

7. Nett mass (Kg)

8. This declaration(s) concerning the origin status of the goods described above in box no. 6 made (4) :

on the invoice(s) (1) shown in box no: 5 and which are attached to this certificate

on my long term declaration of .....  
(date)

is/are correct.

### 9. CUSTOMS CERTIFICATION

Declaration certified Stamp :  
 Customs document (where appropriate) : type :  
 Number :  
 Customs office :  
 Issuing country or territory :  
 Date :  
 Signature :

Place :

Date :

Signature of supplier :

# INF 4

No.

APPLICATION FOR ~~AN~~  
INFORMATION CERTIFICATEFOR USE IN FACILITATING THE PREFERENTIAL TRADE  
BETWEEN THE EUROPEAN COMMUNITYand .....  
(Name of country or countries or preferential  
arrangement)

4. Remarks

5. Invoice(s) no(s) (1)(2)

1. Supplier (Full name and address, country)

3. Consignee (Full name and address, country)

6. Item number - Marks and numbers - Number and kind of packages - Description of  
goods supplied (3).7. Nett mass  
(Kg)8. This declaration(s) concerning the origin status of the goods described above in box no. 6 made <sup>(4)</sup> :on the invoice(s) <sup>(1)</sup> shown in box no: 5 and which are attached to this certificateon my long term declaration of .....  
(date)

is/are correct.

Place :

Date :

Signature of supplier :