Changes to legislation: *Commission Regulation (EC) No 402/2006 is up to date with all changes known to be in force on or before 28 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EC) No 402/2006 of 8 March 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance)

COMMISSION REGULATION (EC) No 402/2006

of 8 March 2006

amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code[(1)], and in particular Article 247 thereof,

Whereas:

(1) In the light of experience gained since Commission Regulation (EC) No 89/97 of 20 January 1997 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(2)] entered into force, it is necessary to specify the methods to be used for determining the net weight of fresh bananas. These methods should include the weighing of fresh bananas, to establish their net weight, and the drawing up of banana weighing certificates attesting that weight, by economic operators authorised by customs authorities. The net weight of fresh bananas should be established for each consignment of fresh bananas delivered by any means of transport.

(2) To give sufficient time to Member States and economic operators to prepare for the authorisation of weighers, the measures concerning the weighing of fresh bananas and the drawing up of banana weighing certificates should apply from 1 June 2006.

(3) For imports of certain electronic circuits covered by Chapters 84 and 85 of the Combined Nomenclature, countervailing duties have been imposed by Council Regulation (EC) No 1480/2003 of 11 August 2003 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea[(3)]. With a view to ensuring the uniform application of these countervailing duties, it is necessary to have a specific rule of origin for the products covered by the said Regulation.

(4) Commission Regulation (EEC) No 2454/93[(4)] should therefore be amended accordingly.

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(5) The measures provided for by this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is amended as follows:

1. after Article 290, the following text is inserted:
CHAPTER 1aProvisions concerning bananas;

2. Article 290a is replaced by the following:

Article 290a

For the purposes of this Chapter, and of Annexes 38b and 38c, the following definitions shall apply:

(a) “authorised weigher” means any economic operator authorised by a customs office for the purpose of weighing fresh bananas;

(b) “applicant's records” means any documents related to the weighing of fresh bananas;

(c) “net weight of fresh bananas” means the weight of the bananas themselves without packing materials and packing containers of any kind;

(d) “consignment of fresh bananas” means the consignment comprising the total quantity of fresh bananas loaded on a single means of transport and shipped by a single exporter to one or more consignees;

(e) “place of unloading” means any place where a consignment of fresh bananas can be unloaded or removed to under a customs procedure, or in the case of containerised traffic, where the container is offloaded from the ship, or aircraft, or other principal means of transport or where the container is unpacked.;

3. the following Article 290b is inserted:

Article 290b

1 Any customs office shall grant the status of authorised weigher, on application, to an economic operator involved in the importation, carriage, storage or handling of fresh bananas, provided that the following conditions are fulfilled:

a the applicant offers all the necessary guarantees for the proper conduct of the weighing;

b the applicant has at his disposal appropriate weighing equipment;

c the applicant’s records enable the customs authorities to carry out effective checks.

The customs office shall refuse the status of authorised weigher if the applicant has seriously or repeatedly infringed the customs legislation.

The authorisation shall be limited to the weighing of fresh bananas carried out at the place supervised by the authorising customs office.

2 The authorising customs office shall withdraw the status of authorised weigher if the holder no longer fulfils the conditions set out in paragraph 1.;

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4. the following Article 290c is inserted:

Article 290c

1 For the purposes of checking the net weight of fresh bananas imported into the Community falling within CN code 0803 00 19, declarations for release for free circulation shall be accompanied by a banana weighing certificate stating the net weight of the consignment of the fresh bananas concerned, by type of packaging and origin.

The banana weighing certificates shall be drawn up by authorised weighers, in accordance with the procedure set out in Annex 38b and in the form corresponding to the specimen provided in Annex 38c.

Under conditions to be laid down by the customs authorities such certificates may be provided to the customs authorities in electronic form.

2 The authorised weigher shall give the customs authorities advance notice of the weighing of a consignment of fresh bananas for the purpose of drawing up a banana weighing certificate, giving details of the type of packaging, the origin and the time and place of weighing.

3 Customs offices shall verify the net weight of fresh bananas entered on banana weighing certificates, on the basis of risk analysis, by checking at least 5 % of the total number of banana weighing certificates presented each year, either by being present at the weighing of the representative samples of the bananas by the authorised weigher or by weighing those samples themselves, in accordance with the procedure set out in points 1, 2 and 3 of Annex 38b.;

5. the following Article 290d is inserted:

Article 290d

The Member States shall communicate to the Commission the list of authorised weighers and any subsequent changes thereto.

The Commission shall forward such information to the other Member States.;

6. Annex 11 is amended in accordance with Annex I to this Regulation.

7. Annex 38b is replaced by the text set out in Annex II to this Regulation.

8. Annex 38c is inserted in accordance with Annex III to this Regulation.

Article 2

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

However, points 4, 7 and 8 of Article 1 shall apply from 1 June 2006.

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

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Done at Brussels, 8 March 2006.

For the Commission

László KOVÁCS

Member of the Commission