COUNCIL DIRECTIVE

of 27 November 1978

on the harmonization of provisions laid down by law, regulation or administrative action in respect of standard exchange of goods exported for repair

(78/1018/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas on 18 December 1975 the Council adopted Directive 76/119/EEC on the harmonization of provisions laid down by law, regulation or administrative action in respect of outward processing (4); whereas these arrangements may be applied only where it is possible for the competent authorities to identify the exported goods as having been incorporated in the compensating products;

Whereas it is economically justifiable in certain limited cases to allow standard exchange arrangements, that is to say the importation with total or partial relief from import duties of replacements for goods exported for the purpose of being repaired, including restoring them to their original condition and putting them in order; whereas, however, standard exchange cannot be allowed unless the goods exported fall within one of the situations referred to in Article 9 (2) of the Treaty;

Whereas, by their very nature, agricultural products or goods resulting from the processing of agricultural products can hardly be repaired; whereas, furthermore, standard exchange is not compatible with the common agricultural policy or with the specific arrangements applicable, pursuant to Article 235 of the Treaty, to goods resulting from the processing of agricultural products; whereas the products and goods subject to that policy or to those arrangements should therefore be excluded from the scope of standard exchange;

Whereas common rules must be laid down in the Member States in respect of standard exchange; whereas these arrangements resemble in their aims and detailed provisions those for outward processing; whereas they should in these circumstances be subject to the same rules as those provided for by Directive 76/119/EEC, except where the present Directive lays down special provisions; whereas these special provisions concern in particular the scope of the arrangements and the right to import replacements (equivalent compensation), including the right to do so before the goods to be repaired are exported; whereas under standard exchange, in order to facilitate control, the triangular system may not be used unless provisions allowing its use are adopted in accordance with the procedure set out in Article 28 (2) and (3) of Directive 69/73/EEC (5);

Whereas it is important to ensure that such rules are applied in a uniform manner and therefore provision should be made for a Community procedure whereby the appropriate implementing provisions may be adopted within a suitable period of time,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive determines the rules which must be incorporated in the provisions laid down by law, regulation or administrative action in Member States in respect of arrangements for standard exchange of goods exported for repair, hereinafter called 'standard exchange arrangements'.

Article 2

1. Standard exchange arrangements means the customs arrangements whereby replacements for goods of whatever kind and whatever origin exported outside the customs territory of the Community for repair, including restoring them to their original condition and putting them in order, may be imported wholly or partly free of import duties. Such goods are hereinafter referred to as 'export goods'.

(1) OJ No C 182, 30. 7. 1977, p. 4.
(2) OJ No C 299, 12. 12. 1977, p. 41.
(3) OJ No C 59, 8. 3. 1978, p. 48.
(4) OJ No L 24, 30. 1. 1976, p. 58.
(5) OJ No L 58, 8. 3. 1969, p. 1.