



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.11.2007  
COM(2007) 728 final

2007/0254 (ACC)

Proposal for a

**COUNCIL REGULATION**

**Amending Regulation 1207/2001 on procedures to facilitate the issue or the making out in the Community of proofs of origin and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Council Regulation (EC) 1207/2001 lays down the provisions and procedures allowing the suppliers to indicate the origin of the products supplied to exporters, on the basis of which the exporters are able to issue proofs of origin correctly. In order to ensure that the non-originating materials used in the Community to manufacture a Community originating product are properly identified, Annexes III and IV should be amended.

- **General context**

The proposed amendments reflects a practical difficulty, which arose in one of the Member States, when it was necessary to indicate the non-originating materials on the supplier's declaration along with the originating ones and there was no possibility to indicate in the meaning of which free trade agreement the originating status of the products should be considered. A reference to the cumulation applied with any of the Pan-Euro-Med partners was also missing in Annexes III and IV.

- **Existing provisions in the area of the proposal**

Council Regulation (EC) No 1207/2001 of 11 June 2001 on procedures to facilitate the issue of movement certificates EUR.1, the making-out of invoice declarations and forms EUR.2 and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries and repealing Regulation (EEC) No 3351/83.

Council Regulation (EC) No 1617/2006 of 24 October 2006 amending Regulation (EC) No 1207/2001 as regards the consequences of the introduction of the system of pan-Euro-Mediterranean cumulation of origin .

Corrigendum to Council Regulation (EC) No 1207/2001 of 11 June 2001 on procedures to facilitate the issue of movement certificates EUR.1, the making out of invoice declarations and forms EUR.2 and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries and repealing Regulation (EEC) No 3351/83.

- **Consistency with the other policies and objectives of the Union**

Not applicable.

### 2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Not relevant.

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

The amendment proposed are legal instruments necessary for the correct application of the suppliers' declarations in the Community and consequently ensuring that the preferential proofs of origin are issued in the Community in a correct way.

If the amendment proposed is not introduced, the practical difficulties of some traders will continue and the issuing of preferential proofs of origin can be disturbed.

### 3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

To introduce an amendment which ensures a correct use of preferential proofs of origin.

- **Legal basis**

Article 133 EC

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

The measure proposed is necessary and adequate for the correct issue of preferential proofs of origin in the Community.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason(s).

The proposal concerns the amendment of an existing instrument.

### 4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

### 5) ADDITIONAL INFORMATION

- **Simplification**

Not applicable.

- **Repeal of existing legislation**

Not applicable.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Whereas:

- (1) Council Regulation (EC) No 1207/2001 of 11 June 2001 on procedures to facilitate the issue or the making out in the Community of proofs of origin and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries<sup>2</sup>, lays down provisions to support the correct issue or making out of proofs of origin in relation to exports of products from the Community in the context of its preferential trade relations with certain third countries.
- (2) Annexes III and IV of the Regulation 1207/2001 should be amended in order to ensure a correct indication of origin of materials used in the manufacture in the Community of originating products.
- (3) Regulation (EC) 1207/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1207/2001 is amended as follows:

1. Annex III is replaced by the text in Annex I to this Regulation.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ L 165, 21.6.2001, p. 1 as amended by Regulation (EC) No 1617/2006 (OJ L 300, 31.10.2006, p. 5).

2. Annex IV is replaced by the text in Annex II to this Regulation.

*Article 2*

Supplier's declarations for products not having preferential origin status made before the date of entry into force of this Regulation shall remain valid.

*Article 3*

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

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

Done at Brussels,

*For the Council*  
*The President*

**ANNEX I**

ANNEX III

**Supplier's declaration for products not having preferential origin status**

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

**DECLARATION**

I, the undersigned, supplier of the goods covered by the annexed document, declare that:

1. The following materials which do not have a preferential originating status have been used in the Community to produce these goods:

Description of goods supplied <sup>1</sup>	Description of non-originating materials used	HS heading of non-originating materials used <sup>2</sup>	Value of non-originating materials used <sup>3</sup>
			Total:

2. All the other materials used in the Community to produce these goods originate in ...  
...<sup>4</sup> and satisfy the rules of origin governing preferential trade with .....<sup>5</sup>, and

I declare that:<sup>6</sup>

- Cumulation applied with .....(name of the country/countries)
- No cumulation applied

I undertake to make available to the customs authorities any further supporting documents they require

.....<sup>7</sup>

.....<sup>8</sup>

.....<sup>9</sup>

1 When the invoice, delivery note or other commercial document to which the declaration is annexed relates to a variety of goods, or goods not incorporating the same proportion of non-originating materials, the supplier must clearly differentiate between them.

Example:

The document covers different models of electric motor of heading 8501 to be used in the manufacture of washing machines of heading 8450. The nature and value of the non-originating materials used in the manufacture of the motors vary from one model to another. The models must be listed separately in column 1 and the information in the other columns must be given for each, so that the manufacturer of the washing machines can correctly assess the originating status of each of his products depending on the type of motor it incorporates.

2 To be completed only where relevant.

Example:

The rule for garments of ex Chapter 62 allows the use of non-originating yarn. Thus if a French garment manufacturer uses fabric woven in Portugal from non-originating yarn, the Portuguese supplier need only enter "yarn" as non-originating materials in column 2 of his declaration, - the HS heading and value of the yarn are irrelevant.

A firm manufacturing wire of HS heading 7217 from non-originating iron bars must enter "iron bars" in column 2. If the wire is to be incorporated in a machine for which the rule of origin sets a percentage limit on the value of non-originating materials used, the value of the bars must be entered in column 4.

3 "Value" means the customs value of the materials at the time of import or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Community.

For each type of non-originating material used, specify the exact value per unit of the goods shown in column 1.

4 The Community, country, group of countries or territory from which the materials originate.

5 Country, group of countries or territory concerned.

6 To be completed where necessary, only for goods having preferential originating status in the context of preferential trade relations with one of the countries referred to in Articles 3 and 4 of the relevant origin protocol, with which pan-Euro-Mediterranean cumulation of origin is applicable.

7 Place and date.

8 Name and function, name and address of company.

9 Signature.

**ANNEX II**

ANNEX IV

**Long-term supplier's declaration for products not having preferential origin status**

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

**DECLARATION**

I, the undersigned, supplier of the goods covered by this document, which are regularly sent to .....<sup>1</sup>, declare that:

1. The following materials which do not have a preferential originating status have been used in the Community to produce these goods:

Description of goods supplied <sup>2</sup>	Description of non-originating materials used	HS heading of non-originating materials used <sup>3</sup>	Value of non-originating materials used <sup>4</sup>
			Total:

2. All the other materials used in the Community to produce these goods originate in ... ..<sup>5</sup> and satisfy the rules of origin governing preferential trade with .....<sup>6</sup>, and

I declare that:<sup>7</sup>

- Cumulation applied with .....(name of the country/countries)
- No cumulation applied

This declaration is valid for all further shipments of these products dispatched from ..... to.....<sup>8</sup>.

I undertake to inform ..... immediately if this declaration is no longer valid.

I undertake to make available to the customs authorities any further supporting documents they require.

.....<sup>9</sup>

.....<sup>10</sup>

.....<sup>11</sup>

1 Customer's name and address.

2 When the invoice, delivery note or other commercial document to which the declaration is annexed relates to a variety of goods, or goods not incorporating the same proportion of non-originating materials, the supplier must clearly differentiate between them.

Example:

The document covers different models of electric motor of heading 8501 to be used in the manufacture of washing machines of heading 8450. The nature and value of the non-originating materials used in the manufacture of the motors vary from one model to another. The models must be listed separately in column 1 and the information in the other columns must be given for each, so that the manufacturer of the washing machines can correctly assess the originating status of each of his products depending on the type of motor it incorporates.

3 To be completed only where relevant.

Example:

The rule for garments of ex Chapter 62 allows the use of non-originating yarn. Thus if a French garment manufacturer uses fabric woven in Portugal from non-originating yarn, the Portuguese supplier need only enter "yarn" as non-originating materials in column 2 of his declaration, - the HS heading and value of the yarn are irrelevant.

A firm manufacturing wire of HS heading 7217 from non-originating iron bars must enter "iron bars" in column 2. If the wire is to be incorporated in a machine for which the rule of origin sets a percentage limit on the value of non-originating materials used, the value of the bars must be entered in column 4.

4 "Value" means the customs value of the materials at the time of import or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Community.

For each type of non-originating material used, specify the exact value per unit of the goods shown in column 1.

5 The Community, country, group of countries or territory from which the materials originate.

6 Country, group of countries or territory concerned.

7 To be completed where necessary, only for goods having preferential originating status in the context of preferential trade relations with one of the countries referred to in Articles 3 and 4 of the relevant origin protocol, with which pan-Euro-Mediterranean cumulation of origin is applicable.

8 Give the dates. The period should not exceed 12 months.

9 Place and date.

10 Name and function, name and address of company.

11 Signature.