Proposal for a Council Regulation (EEC) temporarily suspending import duties on certain weapons and military equipment

COM(88) 502 final

(Submitted by the Commission to the Council on 29 September 1988)

(88/C 265/09)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas in the Single European Act the High Contracting Parties expressed their determination to maintain the technological and industrial conditions necessary for their security and to work to that end both at national level and, where appropriate, within the framework of the competent institutions and bodies;

Whereas the Community is based upon a customs union which requires the application of a common customs tariff in relations with third countries;

Whereas the common customs tariff is designed to provide Community manufacturers with a fair basis for competition amongst themselves and with foreign suppliers and it is essential that the said tariff be applied to all imports of goods from third countries unless specific Community measures provide otherwise;

Whereas it is in the interests of the defence of the Community as a whole that Member States should be enabled to procure for the use of their armed forces the most technologically advanced and suitable weapons and military equipment and that Community manufacturers should be able to meet the greater part of these needs; whereas it is compatible with the interests of the Community that certain of these weapons and equipment may be imported free of import duties; whereas it is appropriate to suspend the charging of import duties on such weapons and equipment and to this end a common list of duty suspensions for weapons and military equipment should be established; whereas uniform measures are required for the purpose of creating the single market;

Whereas it is necessary to lay down conditions for the granting of the benefit of the suspension of duties; whereas a declaration by the competent authority of the Member State for whose forces the weapons or military equipment are destined would constitute an appropriate guarantee that these conditions are fulfilled; whereas the declaration should be given in the form of a certificate; whereas it is appropriate to specify the form which such certificates must take;

Whereas it is necessary that the Member States should provide information on the amount of import duties foregone as a result of the application of this Regulation, having due regard to the requirements of military security;

Whereas it is necessary to provide procedures for the application of this Regulation;

Whereas it is appropriate that the Commission should make a report on the working of this Regulation after an initial period,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the conditions for the suspension of import duties on certain weapons and military equipment imported from third countries.

2. Imports of weapons and military equipment not covered by this Regulation shall continue to be subject to the appropriate duties of the common customs tariff.

Article 2

1. The autonomous duties of the common customs tariff applicable to imports of the goods listed in Annex I shall be suspended at 0 %.

2. Such duties shall also be suspended at 0 % for:

(a) parts, components or sub-assemblies imported for incorporation in or fitting to goods included in the list in Annex I or for the repair, refurbishment or maintenance of such goods;

(b) goods imported for use in the manufacture and testing of goods included in the list in Annex I.

Article 3

1. Entry for free circulation of goods for which the benefit of a duty suspension under the provisions of Article 2 is claimed shall be accompanied by a certificate issued by the competent authority of the Member State for whose armed forces the goods are destined. The certificate shall be in the form set out in Annex II and shall be submitted to the customs authorities of the importing Member State together with the goods to which it refers.

2. The competent authority issuing the certificate shall notify the customs authorities of its Member State of any diversion of goods from military use to civil use.

3. In case of such diversion, the competent authority shall pay the import duties applicable to the goods in question.

Article 4

1. Each Member State shall communicate to the Commission the name of the authority which is competent to issue the certificate referred to in Article 3 together with a specimen of the stamp used by the said authority. The Commission shall forward this information to the customs authorities of the other Member States.

2. Each Member State shall take such measures as may be necessary for the application of this Regulation.

3. Where the goods are entered for free circulation in a Member State other than that in which the certificate was issued, a copy of the certificate shall be forwarded by the customs authorities of the importing Member State to the customs administration of the Member State whose competent authority issued the certificate.

Article 5

1. The Member States shall communicate to the Commission all relevant information concerning the application of this Regulation.

2. They shall also transmit to the Commission no later than three months after the end of each calendar year information on the total amount of import duties foregone in respect of goods imported under the provisions of this Regulation. The information shall be provided in such form as may be necessary to avoid the disclosure of military secrets.

Article 6

The Commission shall, on the basis of the information referred to in Article 5, report to the European Parliament and the Council before 31 December 1990 on the operation of this Regulation and shall make such proposals as it may deem appropriate for the period after the expiry of this Regulation.

Article 7

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

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

ANNEX I

LIST OF WEAPONS AND MILITARY EQUIPMENT ON WHICH IMPORT DUTIES ARE SUSPENDED

CN-code	Description
ex 8710 00 00	Tanks and other armoured fighting vehicles, motorized
8802 11 90	Helicopters, of an unladen weight not exceeding 2 000 kg
8802 12 90	Helicopters, of an unladen weight exceeding 2 000 kg
8802 20 90	Aeroplanes and other aircraft, of an unladen weight not exceeding 2 000 kg
8802 30 90	Aeroplanes and other aircraft, of an unladen weight exceeding 2 000 kg but not exceeding 15 000 kg
8802 40 90	Aeroplanes and other aircraft, of an unladen weight exceeding 15 000 kg
ex 9306 90 10	Bombs, grenades, torpedoes, mines and missiles

ANNEX II

CERTIFICATE FROM COMPETENT AUTHORITY

EUROPEAN COMMUNITY

1. Exporter (Full name and address including country)	**CERTIFICATE FOR MILITARY EQUIPMENT** No ORIGINAL
2. Importer (Full name and address including Member State)	3. ISSUING AUTHORITY (preprinted)
4. Consignee (Full name and address including Member State)	

NOTES

A. The original and a copy of this certificate must be presented in support of the entry for free circulation of the goods.

B. The customs office concerned must keep the copy of this certificate, endorse the original and send it back to the issuing authority.

5. Marks and numbers — Number and kind of packages — General description of goods	6. Commodity code 7. Quantity (1)
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5. Marks and numbers — Number and kind of packages — General description of goods	6. Commodity code 7. Quantity

8. CUSTOMS ENDORSEMENT: Number and date of entry for free circulation: Name of customs office: Place and date: Signature of customs officer: Stamp:	9. Last day of validity	Day	Month	Year
	10. This is to certify that the goods described above are for the exclusive use of the armed forces of ..... (Member State). Place and date: Signature of authorized person: Stamp:			

(1) Gross mass (kg) or number of items.