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## REGULATION (EEC) No 2766/71 OF THE COMMISSION

of 23 December 1971

supplementing Regulation (EEC) No 1279/71 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 542/69<sup>1</sup> of 18 March 1969 on Community transit, and in particular Article 58 (1) (b) thereof;

Whereas Commission Regulation (EEC) No 1279/71<sup>2</sup> of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods set out rules for the movement of goods within the Community, the exportation of which from the Community is prohibited or subject to restrictions, duty or other charge; whereas these rules should be amplified to include provisions concerning a guarantee for the purpose of enforcing the measures applicable on exportation of goods from the Community;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on Community Transit;

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1279/71 shall be supplemented as follows:

(a) A paragraph 3, worded as follows, shall be added to Article 3:

'3. The customs office referred to in paragraph 1 shall insert in the customs document under cover of which the goods are to be carried one or other of the indications set out in Article 2.'

(b) Articles 4a and 5a, worded as follows, shall be added:

*'Article 4a*

1. Where the measure referred to in Article 1 (2) provides for the giving of a guarantee, such guarantee shall be provided in cases where, according to the information contained in the customs document, the goods referred to in Article 1 (1) moving between two points within the Community are, during transit, to leave the territory of the Community otherwise than by air.

2. The guarantee shall be effected with the customs office at which the formalities required for dispatch of the goods have been completed or with any other body designated for that purpose by the Member State for which that customs office acts, in manner determined by the competent authorities of that Member State. In the case of measures imposing a duty or other charge, the guarantee need not be provided where the goods are carried under the Community transit procedure and a guarantee otherwise than in cash has been given or exemption from the giving of a guarantee is provided for in view of the identity of the principal.'

*'Article 5a*

In cases where the goods referred to in Article 1 (1) and moving in accordance with Article 4a, whether or not by air, do not re-enter the Community within the period prescribed, they

<sup>1</sup> OJ No L 77, 29.3.1969, p. 1.

<sup>2</sup> OJ No L 133, 19.6.1971, p. 32.

shall be treated as having been irregularly exported to a third country from the Member State whence they were dispatched unless it can be proved that they were lost through *force majeure* or accidental circumstances.

*Article 2*

This Regulation shall enter into force on the third day 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 Brussels, 23 December 1971.

*For the Commission*

*The President*

Franco M. MALFATTI

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