

COMMISSION IMPLEMENTING REGULATION (EU) No 1225/2011

of 28 November 2011

for the purposes of Articles 42 to 52, 57 and 58 of Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty

(codification)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty ⁽¹⁾,

Whereas:

(1) Commission Regulation (EEC) No 2290/83 of 29 July 1983 laying down provisions for the implementation of Articles 50 to 59b, 63a and 63b of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

This Regulation lays down provisions for the implementation of Articles 42 to 52, 57 and 58 of Regulation (EC) No 1186/2009.

CHAPTER II

GENERAL PROVISIONS

SECTION 1

Obligations on the part of the establishment or organisation to which the goods are consigned

Article 2

1. The admission free of import duties of educational, scientific and cultural materials referred to in Article 43, 44(1) and 45 of Regulation (EC) No 1186/2009, hereinafter

⁽¹⁾ OJ L 324, 10.12.2009, p. 23.

⁽²⁾ OJ L 220, 11.8.1983, p. 20.

⁽³⁾ See Annex II.

referred to as 'goods', shall entail the following obligations on the part of the establishment or organisation to which the goods are consigned:

(a) to dispatch the goods in question directly to the declared place of destination;

(b) to account for them in its inventory;

(c) to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

In addition, in the case of goods referred to in Articles 44(1) and 45 of Regulation (EC) No 1186/2009, it shall entail the obligation on the part of the establishment or organisation to which the goods are consigned to use those goods exclusively for non-commercial purposes within the meaning of point (b) of Article 46 of that Regulation.

2. Heads of establishments or organisations to which the goods are consigned, or their authorised representatives, shall furnish the competent authorities with a statement declaring that they are aware of the various obligations listed in paragraph 1 and including an undertaking to comply with them.

The competent authorities may require that the statement referred to in the first subparagraph be produced for each import, or for several imports, or for all the imports to be carried out by the establishment or organisation to which the goods are consigned.

SECTION 2

Provisions to be applied where the goods are lent, hired out or transferred

Article 3

1. Where the first subparagraph of Article 48(2) of Regulation (EC) No 1186/2009 is applied, the establishment or organisation to which goods are lent, hired out or transferred shall, from the date of receipt of the goods, comply with the same obligations as those set out in Article 2 of this Regulation.

2. Where the establishment or organisation to which the goods are lent, hired out or transferred is situated in a Member State other than that in which the establishment that lent, hired out or transferred the goods is situated, upon the dispatch of such goods the competent customs office of the Member State of dispatch shall issue a T 5 control copy in accordance with the rules laid down in Articles 912a to 912g of Commission Regulation (EEC) No 2454/93 ⁽¹⁾ in order to ensure that such goods are put to a use entitling them to continue to qualify for admission free of import duties.

For this purpose, the T 5 control copy shall include, in box 104 under the heading 'other', one of the entries listed in Annex I.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to the loan, hire or transfer of spare parts, components or specific accessories for scientific instruments or apparatus, and to tools for the maintenance, control, calibration or repair of scientific instruments or apparatus, which have been admitted free of import duties under Article 45 of Regulation (EC) No 1186/2009.

CHAPTER III

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EDUCATIONAL, SCIENTIFIC OR CULTURAL MATERIALS IN ACCORDANCE WITH ARTICLE 43 OF REGULATION (EC) No 1186/2009

Article 4

In order to obtain admission free of import duties of goods in accordance with Article 43 of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

Such application shall be accompanied by all information which the competent authority considers necessary for the purpose of determining whether the conditions laid down for granting admission free of import duties are fulfilled.

CHAPTER IV

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SCIENTIFIC INSTRUMENTS AND APPARATUS UNDER ARTICLES 44 AND 46 OF REGULATION (EC) No 1186/2009

Article 5

For the purposes of point (a) of Article 46 of Regulation (EC) No 1186/2009, the objective technical characteristics of a scientific instrument or apparatus shall be understood to

mean those characteristics resulting from the construction of that instrument or apparatus or from adjustments to a standard instrument or apparatus which make it possible to obtain high-level performances above those normally required for industrial or commercial use.

Where it is not possible to establish clearly on the basis of its objective technical characteristics whether an instrument or apparatus is to be regarded as a scientific instrument or apparatus, reference shall be made to the use of the instrument or apparatus for which admission free of import duties is requested. If this examination shows that the instrument or apparatus in question is used for scientific purposes, it shall be deemed to be of a scientific nature.

Article 6

1. In order to obtain admission free of import duties of a scientific instrument or apparatus under Article 44(1) of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

2. The application referred to in paragraph 1 shall contain the following information relating to the instrument or apparatus in question:

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, its presumed Combined Nomenclature classification and the objective technical characteristics on the basis of which the instrument or apparatus is considered to be scientific;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier;
- (c) the country of origin of the instrument or apparatus;
- (d) the place where the instrument or apparatus is to be used;
- (e) the precise use for which the instrument or apparatus is intended;
- (f) the price of the instrument or apparatus or its value for customs purposes;
- (g) the quantity of the instrument or apparatus in question.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the instrument or apparatus shall be furnished with the application.

Article 7

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision on applications under Article 6 in all cases.

Article 8

Authorisations for admission free of import duties shall be valid for a period of six months.

The competent authorities may, however, set a longer period in the light of the particular circumstances of each case.

CHAPTER V

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SPARE PARTS, COMPONENTS, SPECIFIC ACCESSORIES AND TOOLS UNDER ARTICLE 45 OF REGULATION (EC) No 1186/2009

Article 9

For the purpose of Article 45(a) of Regulation (EC) No 1186/2009 specific accessories means those articles specially designed for use with a specific scientific instrument or apparatus for the purpose of improving its performance and scope.

Article 10

In order to obtain admission free of import duties under Article 45 of Regulation (EC) No 1186/2009, either of spare parts, components or specific accessories, or of tools, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

This application shall be accompanied by all data deemed necessary by the competent authority for the purpose of determining whether the conditions laid down in Article 45 of Regulation (EC) No 1186/2009 are fulfilled.

Article 11

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision in respect of the application referred to in Article 10.

Article 12

Article 8 shall apply *mutatis mutandis* to authorisations for admission free of import duties issued under Article 45 of Regulation (EC) No 1186/2009.

CHAPTER VI

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF MEDICAL INSTRUMENTS OR APPARATUS UNDER ARTICLES 57 AND 58 OF REGULATION (EC) No 1186/2009

Article 13

1. In order to obtain admission free of import duties of instruments or apparatus under Articles 57 and 58 of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

2. The application referred to in paragraph 1 shall contain the following information relating to the instrument or apparatus in question:

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, and its presumed classification in the Combined Nomenclature;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier;
- (c) the country of origin of the instrument or apparatus;
- (d) the place where the instrument or apparatus is to be used;
- (e) the use to which the instrument or apparatus is to be put.

3. In the case of a gift, the application shall also include:

- (a) the name or business name and address of the donor;
- (b) a declaration by the applicant to the effect that:
 - (i) the donation of the instrument or apparatus in question does not conceal any commercial intent on the part of the donor;
 - (ii) the donor is in no way associated with the manufacturer of the instruments or apparatus whose admission free of import duties is requested.

Article 14

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision on applications in all cases.

Article 15

Articles 13 and 14 shall apply *mutatis mutandis* to spare parts, components, specific accessories and tools to be used for the maintenance, checking, calibration or repair of instruments or apparatus admitted free of import duties pursuant to Article 57(2)(a) and (b) of Regulation (EC) No 1186/2009.

Article 16

Article 8 shall apply *mutatis mutandis*.

CHAPTER VII

COMMUNICATION OF INFORMATION TO THE COMMISSION AND THE MEMBER STATES*Article 17*

1. Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds EUR 5 000 and in respect of which it has authorised or refused admission free of import duties under Articles 7, 11 or 14.

The list shall give the precise trade description of the goods referred to in the first subparagraph and the eight-figure Combined Nomenclature code. It shall also include the name of the manufacturer or manufacturers, the country or countries of origin and the price or customs value of the goods concerned.

2. The lists referred to in paragraph 1 shall be sent during the first and third quarters of each year and shall contain particulars of those goods whose admission free of import duties has been authorised or refused during the preceding six months.

3. The Commission shall forward these lists to the other Member States.

Article 18

In order to ensure the uniform application of Union provisions, the lists referred to in Article 17 shall be examined periodically by the Customs Code Committee.

CHAPTER VIII

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EQUIPMENT UNDER ARTICLES 51 AND 52 OF REGULATION (EC) No 1186/2009*Article 19*

1. In order to obtain admission free of import duties of equipment under Articles 51 and 52 of Regulation (EC) No 1186/2009, the heads of the scientific research establishments or organisations based outside the Union or their authorised representatives shall submit an application to the competent authority of the Member State in which the scientific research establishment or organisation based in the Union is situated.

2. The application referred to in paragraph 1 shall contain the following information:

- (a) a copy of the scientific cooperation agreement between research establishments situated in the Union and in third countries;
- (b) the precise trade description of the equipment as well as the quantity and value thereof and, where appropriate, its presumed classification in the Combined Nomenclature;
- (c) the country of origin and of consignment of the equipment;
- (d) the place where the equipment is to be used;
- (e) the use for which the equipment is intended and the duration of its use.

Article 20

1. Where the competent authority of a Member State in which the establishment or organisation based in the Union is situated receives an application for the admission free of import duties of equipment as defined by Article 51 of Regulation (EC) No 1186/2009, the application and related information shall be sent to the Commission so that it can be examined within the Customs Code Committee before a decision is taken by the said competent authority.

For the purposes of this examination, additional information shall be sent to the Commission on request.

2. The competent authority referred to in paragraph 1 shall inform the Commission of the decision it has taken concerning admission free of import duties.

Article 21

Article 8 shall apply *mutatis mutandis*.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

CHAPTER IX

FINAL PROVISIONS*Article 22*

Regulation (EEC) No 2290/83 is repealed.

Article 23

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, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Entries referred to in Article 3(2)

- ‘Стоки на ЮНЕСКО: продължаването на митническите освобождавания подлежи на спазване на член 48, параграф 2, първа алинея от Регламент (ЕО) № 1186/2009’;
- ‘Objeto UNESCO: se mantiene la franquicia subordinada al respeto del artículo 48, apartado 2, primer párrafo, del Reglamento (CE) n. 1186/2009’;
- ‘Zboží UNESCO: zachování osvobození za předpokladu splnění podmínek čl. 48 odst. 2 prvního pododstavce nařízení (ES) č. 1186/2009’;
- ‘UNESCO-varer: Fortsat fritagelse betinget af overholdelse af artikel 48, stk. 2, første afsnit, i forordning (EF) nr. 1186/2009’;
- ‘UNESCO-Gegenstand: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 48 Absatz 2 erster Unterabsatz der Verordnung (EG) Nr. 1186/2009’;
- ‘UNESCO kaup: impordimaksudest vabastamise jätkamine, tingimusel et täidetakse määruse (EÜ) nr 1186/2009 artikli 48 lõike 2 esimest lõiku’;
- ‘Αντικείμενο UNESCO: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 48 παράγραφος 2 πρώτο εδάφιο του κανονισμού (ΕΚ) αριθ. 1186/2009’;
- ‘UNESCO goods: continuation of relief subject to compliance with the first subparagraph of Article 48(2) of Regulation (EC) No 1186/2009’;
- ‘Objet UNESCO: maintien de la franchise subordonné au respect de l'article 48, paragraphe 2, premier alinéa, du règlement (CE) n° 1186/2009’;
- ‘Oggetto UNESCO: è mantenuta la franchigia a condizione che venga rispettato l'articolo 48, paragrafo 2, primo comma del regolamento (CE) n. 1186/2009’;
- ‘UNESCO preces: atbrīvojuma turpmāka piemērošana atkarīga no atbilstības Regulas (EK) Nr. 1186/2009 48. panta 2. punkta pirmajai daļai’;
- ‘UNESCO prekės: atleidimo nuo muitų taikymo pratėsimas laikantis Reglamento (EB) Nr. 1186/2009 48 straipsnio 2 dalies pirmosios pastraipos nuostatų’;
- ‘UNESCO-árúk: a vámmentesség fenntartása az 1186/2009/EK rendelet 48. cikke (2) bekezdésének első albekezdésében foglalt feltételek teljesítése esetén’;
- ‘Oggetti tal-UNESCO: tkomplija ta' ħelsien mid-dazju sugġetta għal osservanza ta' l-ewwel subparagrafu ta' l-Artikolu 48(2) tar-Regolament (KE) Nru 1186/2009’;
- ‘UNESCO-voorwerp: handhaving van de vrijstelling is afhankelijk van de nakoming van artikel 48, lid 2, eerste alinea, van Verordening (EG) nr. 1186/2009’;
- ‘Towary UNESCO: kontynuacja zwolnienia z zastrzeżeniem zachowania warunków określonych w art. 48 ust. 2 akapit pierwszy rozporządzenia (WE) nr 1186/2009’;
- ‘Objectos UNESCO: é mantida a franquia desde que seja respeitado o n.º 2, primeiro parágrafo do artigo 48.º do Regulamento (CE) n.º 1186/2009’;
- ‘Articole UNESCO: menținerea scutirii este condiționată de respectarea prevederilor articolului 48 alineatul (2) primul paragraf din Regulamentul (CE) Nr. 1186/2009’;
- ‘Tovar UNESCO: nadálej oslobodený, pokiaľ spĺňa podmienky ustanovené v článku 48 odseku 2 prvom pododseku nariadenia (ES) č. 1186/2009’;

- 'Blago UNESCO: ohranitev oprostive v skladu s prvim pododstavkom člena 48(2) Uredbe (ES) št. 1186/2009';
- 'UNESCO-tavarat: tullittomuus jatkuu, edellyttäen että asetuksen (EY) N:o 1186/2009 48 artiklan 2 kohdan ensimmäisen alakohdan ehtoja noudatetaan';
- 'UNESCO-varor: Fortsatt tullfrihet under förutsättning att villkoren i artikel 48.2 första stycket i förordning (EG) nr 1186/2009 uppfylls'.

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 2290/83
(OJ L 220, 11.8.1983, p. 20)

Commission Regulation (EEC) No 1745/85
(OJ L 167, 27.6.1985, p. 21)

Point I.19 of Annex I to the 1985 Act of Accession
(OJ L 302, 15.11.1985, p. 139)

Commission Regulation (EEC) No 3399/85
(OJ L 322, 3.12.1985, p. 10)

only Article 1 point 4

Commission Regulation (EEC) No 3893/88
(OJ L 346, 15.12.1988, p. 32)

Commission Regulation (EEC) No 1843/89
(OJ L 180, 27.6.1989, p. 22)

Commission Regulation (EEC) No 734/92
(OJ L 81, 26.3.1992, p. 15)

Point XIII A.II.5 of Annex I to the 1994 Act of Accession
(OJ C 241, 29.8.1994, p. 274)

Point 19.B.2 of Annex II to the 2003 Act of Accession
(OJ L 236, 23.9.2003, p. 772)

Commission Regulation (EC) No 1792/2006
(OJ L 362, 20.12.2006, p. 1)

only point 11.B.2 of the Annex

ANNEX III

Correlation Table

Regulation (EEC) No 2290/83	This Regulation
Article 1	Article 1
Article 2(1), first subparagraph, introductory phrase	Article 2(1), first subparagraph, introductory phrase
Article 2(1), first subparagraph, first indent	Article 2(1), first subparagraph, point (a)
Article 2(1), first subparagraph, second indent	Article 2(1), first subparagraph, point (b)
Article 2(1), first subparagraph, third indent	Article 2(1), first subparagraph, point (c)
Article 2(1), second subparagraph	Article 2(1), second subparagraph
Article 2(2)	Article 2(2)
Article 3(1)	Article 3(1)
Article 3(2), first subparagraph	Article 3(2), first subparagraph
Article 3(2), second subparagraph, introductory phrase	Article 3(2), second subparagraph
Article 3(2), second subparagraph, list of entries	Annex I
Article 3(3)	Article 3(3)
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 12	Article 9
Article 13	Article 10
Article 14	Article 11
Article 15	Article 12
Article 15a	Article 13
Article 15c	Article 14
Article 15d	Article 15
Article 15e	Article 16
Article 16	Article 17
Article 18	Article 18
Article 18a	Article 19

Regulation (EEC) No 2290/83	This Regulation
Article 18b	Article 20
Article 18c	Article 21
Article 19	—
—	Article 22
Article 20	Article 23
—	Annex II
—	Annex III