DECISION No 2/85 OF THE EEC-AUSTRIA JOINT COMMITTEE
‘Community Transit’
of 5 December 1985

on the Spanish and Portuguese texts of the Agreement between the European Economic
Community and the Republic of Austria on the application of the rules on Community transit,
and amending the Appendices thereto

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit, and in particular Article 16 (3) (a) and (c) thereof,

Whereas, on their accession to the Community, the Kingdom of Spain and the Portuguese Republic will be bound by the abovementioned agreement;

Whereas it should be specified that the texts of the Agreement in Spanish and Portuguese are as authentic as those in Danish, Dutch, English, French, German, Greek and Italian;

Whereas the rules on Community transit have been amended by the acts relating to the conditions of accession of the Kingdom of Spain and the Portuguese Republic and to the adaptation of the Treaties;

Whereas certain provisions of these rules have also been amended; whereas these rules feature in the Appendices to the Agreement; whereas the Appendices should therefore be adapted accordingly,

HAS DECIDED AS FOLLOWS:

The Spanish and Portuguese texts of the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit, appearing in an Annex to the present Decision, are as authentic as those in Danish, Dutch, English, French, German, Greek and Italian.

The Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit is hereby amended as follows:

Article 13 (1) shall be replaced by the following:

‘1. The provisions set out in square brackets in Appendices I and II listed below shall not apply:

Article 1 (4) and (5); Article 2 (2), second subparagraph; Articles 3, 4 and 10; Article 12 (1), last sentence; Article 22 ( 1 ), last sentence; Article 26 (2); Article 29; Article 30 (3); Article 32 (1), second subparagraph and (3); Article 39 (1), last sentence; Article 41; Article 44 (1) and (2); Article 47; Article 48 (2); Articles 50 to 53 and 55 to 61;

Article 1 (3), (6), first sentence, and (9); Article 2 (5) (d) and (11); Article 4; Article 7 (3); Articles 10 to 14; Article 15 (2); Article 22; Article 24 (5), second subparagraph, last sentence; Articles 27 to 34; Article 35 (a); Article 42 (2) and (4); Article 50 (a); Article 50 (i) (2), (3), (3a), second subparagraph, second sentence and (5); Article 51; Article 54, second subparagraph; Article 61a to f; Article 68 (1); Article 68a to d; Article 74.

However, the provisions of Articles 4,41,44 (1 ) and (2), 47, and 50 to 53 of Appendix I, and those of Article 24 (5), second subparagraph, last sentence, Articles 27 to 34, Article 35 (a), Article 42 (2) and (4), Article 50 (a), Article 50 (i) (2), (3), (3a), second subparagraph, second sentence and (5), Article 51, Article 54, second subparagraph, Article 68 (1), Articles 68 a to d and Article 74 of Appendix II shall continue to apply in the Member States.’

Appendix I of the Agreement is hereby amended as follows:

1. The following shall be added to footnote (1), page 1:

‘— Regulation (EEC) No 3813/81 of 15 December 1981,

— Regulation (EEC) No 3617/82 of 17 December 1982,

— The Act of Accession of the Kingdom of Spain,

— The Act of Accession of the Portuguese Republic.’

1. In Article 57 (2), the word ‘forty-five’ shall be replaced by ‘fifty-four’.

Appendix II of the Agreement shall be amended as follows:

1. The following shall be added to footnote (1), page 1:

‘— Regulation (EEC) No 3298/80 of 18 December 1980,

— Regulation (EEC) No 1664/81 of 23 June 1981,

— Regulation (EEC) No 2105/81 of 16 July 1981,

— Regulation (EEC) No 3220/81 of 11 November 1981,

— Regulation (EEC) No 1499/82 of 11 June 1982,

— Regulation (EEC) No 1482/83 of 8 June 1983,

— Regulation (EEC) No 1209/85 of 3 May 1985,

— The Act of Accession of the Kingdom of Spain,

— The Act of Accession of the Portuguese Republic.’

1. Article 1 (3) shall be replaced by the following:

[‘3. The forms to be completed as the special Community transit document, hereinafter referred to as “Control Copy T No 5”, as proof that the goods have been used for a specific purpose and/or have arrived at a prescribed destination shall conform, except as regards the dimensions of the boxes wholly or partly delineated by dotted lines, to the specimens in Annexes VI, VI A and VI B. The Control Copy T No 5 shall be issued and used in accordance with the provisions of Articles 10 to 13a.’]

1. Article 2 (4) shall be replaced by the following:

‘4. The paper referred to in paragraphs 1, 2 and 3 shall be white, except for the loading lists referred to in Article 1(2), for which the colour of the paper may be left to the choice of the user.’

1. The following subparagraph shall be added to Article 2 (5):

[‘(d) 297x420 mm for the loading lists T5, the specimen for which is shown in Annex VI B, a tolerance in the length of - 5 or +8 mm being allowed.’]

1. Article 2 (11) shall be replaced by the following:

[‘11. The provisions of paragraphs 2, 4, 5 (a), 6 first and second paragraphs, 9 and 10 second and third subparagraphs, shall apply also to Control Copy T No 5.

However, the guilloche patterned background referred to in paragraph 2 shall be blue for the front and back of the original to Control Copy T No 5 and for the front of the original of continuation sheet *T5bis* and of the loading list T5.’]

1. Article 10 shall be replaced by the following:

*[‘Article 10*

Proof that the conditions prescribed by a Community measure as to the use and/or destination of goods imported into, exported from, or moving within the Community have been complied with shall be furnished by production of Control Copy T No 5.

A Control Copy T No 5 is a completed Form T5, accompanied, if necessary, by one or more forms T5 *bis,* in the circumstances referred to in Article 10a, or by one or more loading lists T5, in the circumstances referred to in Articles 10b and 10c.’]

1. The following Articles shall be inserted after Article 10:

*[‘Article 10a*

1. The competent customs authorities of each Member State may allow undertakings established in their territory to supplement a Control Copy T No 5 with one or more continuation sheets T5 *bis* in cases where all the forms relate to a single consignment of goods, which are loaded on one single means of transport, and are destined for a single consignee and a single use and/or destination.
2. Where continuation sheets T5*bis* are used, the undertaking given by the person concerned in box 108 of the Control Copy T No 5 is to be worded as follows: “The person concerned, represented by . . . , hereby undertakes to ensure the declared use and/or destination of the goods described above and in the continuation sheet(s) *T5 bis* attached”.
3. The number of continuation sheets T5 *bis* used and their printed serial numbers shall be shown in box 107 of the Control Copy T No 5 which they accompany. The registration number of the Control Copy T No 5 shall be shown in the box for registration particulars of each continuation sheet T5*bis*.]

*[Article 10b*

1. The competent customs authorities of each Member State may allow undertakings established in their territory to supplement a Control Copy T No 5 with one or more loading lists T5 giving the particulars normally shown in boxes 41,43, 49 and 100 to 103 and 105 of form T5, provided that all the forms relate to a single consignment of goods, which are loaded on one single means of transport, and are destined for a single consignee and a single use and/or destination.