GENERAL AGREEMENT ON TARIFFS AND TRADE

Committee on Customs Valuation

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INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Supplement

LEGISLATION OF THE EUROPEAN ECONOMIC COMMUNITY

Commission Regulation (EEC) No.1766/85 of 27 June 1985 on the rates of exchange to be used in the determination of customs value.

Commission Regulation (EEC) No.1823/85 of 1 July 1985 amending Regulation (EEC) No.1577/81 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods.

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*English and French only

85-1503

COMMISSION REGULATION (EEC) No 1766/85

of 27 June 1985

on the rates of exchange to be used in the determination of customs value

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (¹), as last amended by Regulation (EEC) No 1055/85 (²), and in particular Articles 9 and 19 thereof,

Whereas for the purposes of implementing Article 9 (1) of Regulation (EEC) No 1224/80 and with a view to uniform application of the Common Customs Tariff, it is desirable that common rules and criteria should be laid down in respect of the rates of exchange to be used in the determination of customs value;

Whereas the rate of exchange to be used should reflect as effectively as possible the current value of the currency in question at the material time for valuation for customs purposes;

Whereas in order to simplify the task of declarants and customs services it is desirable that such rates of exchange should be applicable for specified periods; whereas it is appropriate to take into consideration the procedure whereby the entry form for release for free circulation may be lodged several days before the declarant is in a position to present the goods;

Whereas recourse to a weekly rate of exchange with provision for adjustment in the event of significant exchange rate fluctuations best meets these requirements;

Whereas Article 9 (2) of Regulation (EEC) No 1224/80 lays down certain arrangements for the conversion of currencies to apply where rates of exchange are not published by the competent authorities of the Member States in accordance with paragraph 1 of that Article;

Whereas it is suitable that the competent authorities of the Member States should have discretion in the treatment of currencies for which a rate of exchange is not normally published, provided that the rates of exchange used for these currencies reflect as effectively

as possible their current value in commercial transactions in terms of the currency of the Member States concerned;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Valuation Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

(a) 'rate recorded' shall mean:

— the latest selling rate of exchange recorded for commercial transactions on the most representative exchange market or markets of the Member State concerned, or

— some other description of a rate of exchange so recorded and designated by the Member State as the 'rate recorded' provided that it reflects as effectively as possible the current value of the currency in question in commercial transactions,

(b) 'published' shall mean made generally known in a manner designated by the Member State concerned,

(c) 'currency' shall mean any monetary unit used as a means of settlement between monetary authorities or on the internationl market.

Article 2

1. For the application of Article 9 of Regulation (EEC) No 1224/80, where factors used to determine the customs value of goods are expressed in a currency other than that of the Member State where the valuation is made, the the rate of exchange to be used to determine that value in terms of the currency of the Member State concerned shall be the rate recorded each Wednesday and published on that or the following day.

2. The rate recorded on each Wednesday shall be used during the seven days commencing on the Wednesday of the next week following unless it is superseded by a rate established under the provisions of Article 4.

(¹) OJ No L 134, 31. 5. 1980, p. 1.
(²) OJ No L 112, 25. 4. 1985, p. 50.

3. Where a rate of exchange is not recorded on a Wednesday, or, if recorded, is not published on that or the following day, the last rate recorded for the currency in question published within the preceding 14 days shall be deemed to be the rate recorded on that Wednesday.

Article 3

Where a rate of exchange cannot be established under the provisions of Article 2, the rate of exchange to be used for the application of Article 9 of Regulation (EEC) No 1224/80 shall be designated by the Member State concerned and shall reflect as effectively as possible the current value of the currency in question in commercial transactions in terms of the currency of that Member State.

Article 4

1. Where a rate recorded on a Monday and published on that or the following day differs by 5 % or more from the date established in accordance with Article 2 for entry into use on the Wednesday following it shall replace the latter rate and apply from that Wednesday as the rate to be used for the application of Article 9 of Regulation (EEC) No 1224/80.

2. Where a rate recorded on a Wednesday and published on that or the following day differs by 5 % or more from the rate being used in accordance with the provisions of this Regulation, it shall replace the latter rate and enter into use on the Friday following as the rate to be used for the application of Article 9 of Regulation (EEC) No 1224/80. This replacement rate shall remain in use up to and incuding the Tuesday of the following week.

3. Where, in a Member State, a rate of exchange is not recorded on a Monday or a Wednesday or, if recorded, is not published on that or the following day, the rate recorded shall, for the application of paragraphs 1 and 2 in that Member State, be the rate most recently recorded and published prior to that Monday or Wednesday.

Article 5

This Regulation shall enter into force on 2 October 1985.

It shall apply from 9 October 1985.

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

Done at Brussels, 27 June 1985.

For the Commission
COCKFIELD
Vice-President

COMMISSION REGULATION (EEC) No 1823/85

of 1 July 1985

amending Regulation (EEC) No 1577/81 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes ('), as amended by Regulation (EEC) No 1055/85 (?), and in particular Article 16a (3) thereof,

Whereas Commission Regulation (EEC) No 1577/81 (³), as last amended by Regulation (EEC) No 1012/84 (⁴), established a system of simplified procedures for the determination of the customs value of certain perishable goods ; whereas subsequent experience gained by Member States has demonstrated the need to modify the description of some products of the list of goods set out in Annex I to that Regulation and at the same time to adapt Annex II ;

Whereas the provisions of this Regulation are in accordance with the opinion of the Customs Valuation Committee,

HAS ADOPTED THIS REGULATION :

Article 1

The Annexes to Regulation (EEC) No 1577/81 are replaced by the Annexes to this Regulation.

Article 2

This Regulation shall enter into force on 5 July 1985.

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

Done at Brussels, 1 July 1985.

For the Commission
COCKFIELD
Vice-President

(') OJ No L 134, 31. 5. 1980, p. 1.
(²) OJ No L 112, 25. 4. 1985, p. 50.
(³) OJ No L 154, 13. 6. 1981, p. 26.
(⁴) OJ No L 101, 13. 4. 1984, p. 25.

ANNEX 1

Classification of goods subject to unit values

Head-ing	NIMEXE code	CCT heading No	Description	
			Species	Varieties
1.10	07.01-13 }07.01-15 }	07.01 A II	New potatoes	. .
1.12	ex 07.01-21 }ex 07.01-22 }	ex 07.01 B I	Broccoli	
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	
1.20	07.01-31 }07.01-33 }	07.01 D I	Cabbage lettuce	
1.22	ex 07.01-36	ex 07.01 D II	Endives	
1.28	07.01-41 }07.01-43 }	07.01 F I	Peas	
1.30	07.01-45 }07.01-47 }	07.01 F II	Beans (of the species Phaseolus)	
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	
1.40	ex 07.01-54	ex 07.01 G II	Carrots	
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	
1.70	07.01-67	ex 07.01 H	Garlic	
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	
1.801.80.11.80.2	ex 07.01-71ex 07.01-71	07.01 K	Asparagus	— Green— Other
1.90	07.01-73	07.01 L	Artichokes	
1.100	07.01-75 }07.01-77 }	07.01 M	Tomatoes	
1.110	07.01-81 }07.01-82 }	07.01 P I	Cucumbers	
1.112	07.01-85	07.01 Q II	Chantarelles	
1.118	07.01-91	07.01 R	Fennel	
1.120	07.01-93	07.01 S	Sweet peppers	
1.130	07.01-97	ex 07.01 T II	Aubergines	
1.140	07.01-96	ex 07.01 T I	Courgettes	
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	
2.10	08.01-31	ex 08.01 B	Bananas, fresh	
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	
2.50		08.02 A I	Sweet oranges, fresh	
2.50.1	08.02-0208.02-0608.02-1208.02-16 }			Sanguines and semi-sanguines

Head-ing	NIMEXE code	CCT heading No	Description	
			Species	Varieties
2.50.2	08.02-03 ⎫ 08.02-07 ⎬ 08.02-13 08.02-17 ⎭			Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins
2.50.3	08.02-05 ⎫ 08.02-09 ⎬ 08.02-15 08.02-19 ⎭			others
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh	
2.60.1	08.02-29	ex 08.02 B II		Monreales and Satsumas
2.60.2	08.02-31	ex 08.02 B II		Mandarins and Wilkings
2.60.3	08.02-28	08.02 B I		Clementines
2.60.4	08.02-34 ⎬ 08.02-37	ex 08.02 B II		Tangerines and others
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	
2.80		ex 08.02 D	Grapefruit, fresh	
2.80.1	ex 08.02-70			— white
2.80.2	ex 08.02-70			— pink
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	
2.90	08.04-11 ⎫ 08.04-19 ⎬ 08.04-23 ⎭	08.04 A I	Table grapes	
2.95	08.05-50	08.05 C	Chestnuts	
2.100	08.06-13 ⎫ 08.06-15 ⎬ 08.06-17 ⎭	08.06 A II	Apples	
2.110	08.06-33 ⎫ 08.06-35 ⎬ 08.06-37 08.06-38 ⎭	08.06 B II	Pears	
2.120	08.07-10	08.07 A	Apricots	
2.130	ex 08.07-32	ex 08.07 B	Peaches	
2.140	ex 08.07-32	ex 08.07 B	Nectarines	
2.150	08.07-51 ⎬ 08.07-55	08.07 C	Cherries	
2.160	08.07-71 ⎬ 08.07-75	08.07 D	Plums	
2.170	08.08-11 ⎬ 08.08-15	08.08 A	Strawberries	
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	
2.180	08.09-11	ex 08.09	Water melons	
2.190		ex 08.09	Melons (other than water melons)	
2.190.1	ex 08.09-19			— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral
2.190.2	ex 08.09-19			— other
2.195	ex 08.09-90	ex 08.09	Pomegranates	
2.200	ex 08.09-90	ex 08.09	Kiwis	
2.202	ex 08.09-90	ex 08.09	Khakis	
2.203	ex 08.09-90	ex 08.09	Lychees	

ANNEX II

Marketing centres for the purpose of calculating unit prices by classification heading (NIMEXE code)

Heading	NIMEXE code	Germany				Denmark	France				Ireland		Italy				Netherlands	UK	BLEU	
		Cologne	Frankfurt	Hamburg	Munich	Copenhagen	Le Havre	Marseilles	Perpignan	Rungis	Cork	Dublin	Civitavecchia	Genoa	Leghorn	Milan	Rotterdam	London	Antwerp	Brussels
1.10	07.01-13 / 07.01-15				x			x	x								x	x		
1.12	ex 07.01-21 / ex 07.01-22		x	x				x									x	x		
1.14	07.01-23				x													x		
1.16	ex 07.01-27		x		x			x								x	x	x		x
1.20	07.01-31 / 07.01-33		x		x												x			
1.22	ex 07.01-36	x	x													x	x			x
1.28	07.01-41 / 07.01-43	x	x					x										x		x
1.30	07.01-45 / 07.01-47	x	x		x			x									x			
1.32	ex 07.01-49	x	x					x												x
1.40	ex 07.01-54	x	x					x										x		
1.50	ex 07.01-59		x						x								x	x		
1.60	ex 07.01-63	x	x		x			x	x			x					x	x		
1.70	07.01-67		x				x	x	x											x
1.74	ex 07.01-68				x															x
1.80.1	ex 07.01-71 (Green asparagus)			x													x			
1.80.2	ex 07.01-71 (Other asparagus)		x		x															x
1.90	07.01-73		x						x									x		x
1.100	07.01-75 / 07.01-77	x	x	x	x			x	x	x				x			x	x		x
1.110	07.01-81 / 07.01-82				x				x								x	x		
1.112	07.01-85			x	x															
1.118	07.01-91		x						x											x
1.120	07.01-93		x		x			x	x	x							x	x		x
1.130	07.01-97		x		x			x	x								x			
1.140	07.01-96		x						x											
1.150	ex 07.01-99							x	x								x	x		x
1.160	ex 07.06-90							x	x											x
2.10	08.01-31						x	x			x		x	x	x		x		x	
2.20	ex 08.01-50		x	x																
2.30	ex 08.01-60		x					x		x							x	x		
2.40	ex 08.01-99		x							x							x	x		
2.50.1	08.02-02 / 08.02-06 / 08.02-12 / 08.02-16	x		x		x	x	x	x	x				x			x	x	x	x
2.50.2	08.02-03 / 08.02-07 / 08.02-13 / 08.02-17	x		x	x	x	x	x	x	x				x			x	x	x	x

Heading	NIMEXE code	Germany				Denmark	France				Ireland		Italy				Netherlands	UK	BLEU	
		Cologne	Frankfurt	Hamburg	Munich	Copenhagen	Le Havre	Marseilles	Perpignan	Rungis	Cork	Dublin	Civitavecchia	Genoa	Leghorn	Milan	Rotterdam	London	Antwerp	Brussels
2.50.3	08.02-05) 08.02-09 } 08.02-15 } 08.02-19)	x		x	x	x	x	x	x	x		x					x	x	x	x
2.60.1	08.02-29	x	x			x			x	x							x	x	x	x
2.60.2	08.02-31	x	x			x		x	x	x							x	x	x	x
2.60.3	08.02-28	x	x	x		x	x	x	x	x							x	x	x	x
2.60.4	08.02-34) 08.02-37 }			x	x	x	x	x	x	x							x	x	x	x
2.70	ex 08.02-50	x		x		x	x	x	x	x							x	x	x	x
2.80.1	ex 08.02-70 (Grapefruits, white)			x	x	x	x	x	x	x						x	x	x	x	x
2.80.2	ex 08.02-70 (Grapefruits, pink)			x	x	x	x	x	x	x						x	x	x	x	x
2.81	ex 08.02-90 (Limes, limettes)									x							x			x
2.90	08.04-11) 08.04-19 } 08.04-23)	x	x	x	x				x			x					x	x	x	
2.95	08.05-50		x						x											x
2.100	08.06-13) 08.06-15 } 08.06-17)			x	x	x	x	x	x	x		x				x	x	x	x	x
2.110	08.06-33) 08.06-35 } 08.06-37 } 08.06-38)			x	x	x	x	x	x	x						x	x	x	x	x
2.120	08.07-10		x	x	x				x							x	x		x	
2.130	ex 08.07-32 (Peaches)		x		x			x	x	x							x	x	x	x
2.140	ex 08.07-32 (Nectarines)		x	x	x				x	x							x		x	x
2.150	08.07-51 } 08.07-55 }				x															x
2.160	08.07-71 } 08.07-75 }		x	x	x				x	x							x	x	x	
2.170	08.08-11 } 08.08-15 }		x		x			x	x	x							x			
2.175	08.08-35			x	x															x
2.180	08.09-11		x		x			x	x							x	x			x
2.190.1	ex 08.09-19 (Melons (other than water melons): Amarillo, etc.)		x						x								x	x		x
2.190.2	ex 08.09-19 (Melons (other than water melons): other)		x						x								x	x		x
2.195	ex 08.09-90 (Pomegranates)		x		x				x							x				x
2.200	ex 08.09-90 (Kiwis)	x	x	x				x		x							x	x		x
2.202	ex 08.09-90 (Khakis)			x													x			
2.203	ex 08.09-90 (Lychees)			x													x			x