

**DECISION No 4/92 OF THE EEC-SAN MARINO COOPERATION COMMITTEE**

of 22 December 1992

concerning certain methods of administrative cooperation for implementation of the Interim Agreement and the procedure for forwarding goods to the Republic of San Marino

(93/104/EEC)

THE COOPERATION COMMITTEE,

Having regard to the Interim Agreement between the European Economic Community and the Republic of San Marino, and in particular Articles 7 (3) (a), (c) and 13 (8) thereof,

Whereas Article 3 (3) (c) of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit<sup>(1)</sup> stipulates that the procedure for internal Community transit may apply to the movement of Community goods in cases in which a Community provision has expressly provided for the application of that procedure;

Whereas, in accordance with the terms of the Agreement, it is necessary to determine, firstly, the procedure for forwarding goods to San Marino, referred to in Article 7 (3) of the Agreement and, secondly, the methods of administrative cooperation necessary for the proper functioning of the Agreement;

Whereas, in the light of experience gained in the Community with regard to methods of administrative cooperation and the forwarding of goods within Community territory, it is appropriate, in the present case, to take as a guide the methods employed in the Community to ensure the free movement of goods within the Community;

Whereas the provisions adopted by this Decision may, moreover, be reviewed by the Cooperation Committee in the light of the situation obtaining on 1 January 1993, and also by the Contracting Parties if the Agreement itself is reviewed,

HAS DECIDED AS FOLLOWS:

TITLE I

GENERAL

*Article 1*

1. For the purposes of implementing the Agreement concluded between the EEC and the Republic of San Marino the competent authorities of the Member States

shall cooperate in applying the rules of the Community transit procedure, without prejudice to the special provisions laid down below.

2. Where this Decision is applied, guarantee documents and certificates must bear the words Republic of San Marino.

TITLE II

MOVEMENT OF GOODS

— to San Marino from Community offices provided with authorization by the Agreement with San Marino

*Article 2*

1. Where goods specified in Article 1 and bound for San Marino are released for free circulation at one of the customs offices listed in Annex I to the Agreement, a T 2 SM or T 2L SM document shall be issued, as appropriate.

2. Where a T 2 SM document is issued, the Community transit operation shall end at the customs office at the point of exit from Community.

3. T 2L SM documents shall be issued in triplicate, *inter alia* for the purposes of furnishing evidence of the arrival in San Marino of the goods concerned.

4. Pursuant to paragraph 3, the original and a copy of the T 2L SM document shall be delivered to the person concerned and the second copy shall be retained at the office of departure.

The customs office which issues a T 2L SM document in triplicate shall endorse each copy with one of the following phrases:

- Rilasciato in tre esemplari
- Délivré en trois exemplaires.

The person concerned shall present to the competent authorities of San Marino the original and the copy given to him, both duly stamped.

<sup>(1)</sup> OJ No L 262, 26. 9. 1990, p. 1.

5. The competent authorities of San Marino shall stamp and return to the office of departure, as appropriate:

- control copy No 5 of the T 2 SM document;
- a copy of the T 2L SM document.

— from the Community to San Marino

#### *Article 3*

In order to prove that goods dispatched to San Marino are in free circulation within the Community:

- control copy No 4 of document T 2 duly stamped by the customs authorities at the customs office of departure,

or

- the original T 2L, T 2L ES or T 2L PT,

or

- a document having equivalent effect,

must be submitted to the competent authorities of San Marino.

#### TITLE III

#### MOVEMENT OF GOODS FROM SAN MARINO TO THE COMMUNITY

#### *Article 4*

1. Where goods are presented to the competent authorities of San Marino with a view to their being forwarded to the Community, those authorities shall issue a T 2 or T 2L document or a document having equivalent effect,

which will be submitted to the Community office of import in order to furnish evidence that they are in free circulation in San Marino.

2. Where goods which were previously brought into San Marino under the cover of a T 2 ES or T 2 PT, T 2L ES or T 2L PT document or a document having equivalent effect are presented to the competent authorities of San Marino with a view to their being forwarded to the Community, those authorities shall draw up a T 2L ES or T 2L PT document or a document having equivalent effect, making reference to the document which accompanied the goods at the time of their arrival in San Marino. This document ( T 2L ES or T 2L PT) must be submitted to the Community office of import.

#### TITLE IV

#### FINAL PROVISION

#### *Article 5*

This Decision shall enter into force on 1 January 1993, and shall be applicable from 1 April 1993. Transitional provisions shall be adopted for the period between 1 January and 31 March 1993, in line with the summary of the conclusions of the first meeting of the EEC-San Marino Cooperation Committee.

Done at Brussels, 22 December 1992.

*For the Cooperation Committee*

*The Chairman*

Pietro GIACOMINI