

**Revised explanatory notes concerning Annex III — Definition of the concept of originating products and methods of administrative cooperation — to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part**

(2005/C 56/05)

**Article 17 — Technical reasons**

A movement certificate EUR.1 may be rejected for 'technical reasons' because it was not made out in the prescribed manner. These are the cases which may give rise to subsequent presentation of a retrospectively-endorsed certificate and they include, by way of example, the following:

- the movement certificate EUR.1 has been made out on a form other than the prescribed one (e.g. no guilloche background, differs significantly from the model in size or colour, no serial number, not printed in one of the officially-prescribed languages),
- one of the mandatory boxes (e.g. Box 4 on the EUR.1) has not been filled in, except for box 8,
- the movement certificate EUR.1 has not been stamped and signed (i.e. in Box 11),
- the movement certificate EUR.1 is endorsed by a non-authorised authority,
- the stamp used is a new one which has not yet been notified,
- the movement certificate EUR.1 presented is a copy or photocopy rather than the original,
- the entry in Box 5 refers to a country that does not belong to the Agreement (e.g. Israel or Cuba).

*Action to be taken:*

The document should be marked 'DOCUMENT NOT ACCEPTED', stating the reason(s), and then returned to the importer in order to enable him to get a new document issued retrospectively. The customs authorities, however, may keep a photocopy of the rejected document for the purposes of post-clearance verification or if they have grounds for suspecting fraud.

**Article 31 — Refusal of preferential treatment without verification**

This covers cases in which the proof of origin is considered inapplicable, *inter alia*, for the following reasons:

- the goods description box (Box 8 on EUR.1) is not filled in or refers to goods other than those presented;
- the proof of origin has been issued by a country which does not belong to the Agreement even if the goods originate in the Community or in Chile (e.g. EUR.1 issued in Israel for products originating in Chile);
- one of the mandatory boxes on the movement certificate EUR.1 bears traces of non-authenticated erasures or alterations (e.g. the boxes describing the goods or stating the number of packages, the country of destination or the country of origin);
- the time limit on the movement certificate EUR.1 has expired for reasons other than those covered by the regulations (e.g. exceptional circumstances), except where the goods were presented before expiry of the time limit;
- the proof of origin is produced subsequently for goods that were initially imported fraudulently;
- Box 4 on the movement certificate EUR.1 names a country not party to the agreement under which preferential treatment is being sought.

*Action to be taken:*

The proof of origin should be marked 'INAPPLICABLE' and retained by the customs authorities to which it was presented in order to prevent any further attempt to use it. Without prejudice to legal actions initiated according to internal legislation, the customs authorities of the importing country shall inform, where it is appropriate to do so, the customs or competent governmental authorities of the country of exportation about the refusal without delay.

**Mentions used in the explanatory notes to Articles 17 and 31**

CZ	DOKUMENT NEAKCEPTOVÁN	NEPOUŽITELNÝ
DA	AFVIST DOKUMENT	UANVENDELIGT
DE	DOKUMENT NICHT ANGENOMMEN	NICHT ANWENDBAR
EE	DOKUMENTI EI AKTSEPTEERITUD	AKTSEPTEERIMATA
EL	ΑΠΟΡΡΙΠΤΕΤΑΙ	ΜΗ ΑΠΟΔΕΚΤΟ
EN	DOCUMENT NOT ACCEPTED	INAPPLICABLE
ES	DOCUMENTO RECHAZADO	INAPLICABLE
HU	NEM ELFOGADOTT OKMÁNY	ALKALMATLAN
FI	ASIAKIRJA HYLÄTTY	EI VOIDA KÄYTTÄÄ
FR	DOCUMENT REFUSÉ	INAPPLICABLE
IT	DOCUMENTO RESPINTO	INAPPLICABILE
NL	DOCUMENT GEWEIGERD	NIET VAN TOEPASSING
LT	DOKUMENTAS NEPRIIMTAS	NETINKAMAS
LV	DOKUMENTS NAV AKCEPTĒTS	NEDERIGS
MT	DOKUMENT MHUX AĊĊETTAT	MHUX APPLIKABBLI
PL	DOKUMENT NIEZAAKCEPTOWANY	NIESTOSOWANY
PT	DOCUMENTO RECUSADO	NÃO APLICÁVEL
SE	EJ GODTAGET DOKUMENT	OANVÄNDBART
SI	DOKUMENT NI SPREJET	NEUSTREZNO
SK	DOKUMENT NEPRIJATÝ	NEPOUŽITELNÝ