

Explanatory note concerning Annex III of the EU-Mexico Agreement (Decision 2/2000 of the EU-Mexico Joint Council)

(2004/C 40/02)

Article 17. Technical reasons

1. 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 the 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,
- tariff classification of the goods at least at a heading (4 digits code) level ⁽¹⁾ is not included in box 8, or in the invoice concerned for the cases referred to in the above paragraph on 'description of goods on a movement certificate EUR.1',
- the movement certificate EUR.1 has not been stamped or signed (i.e. in box 11),
- the movement certificate EUR.1 is endorsed by a non-authorized authority,
- the stamp used is one which has not been notified,
- the movement certificate EUR.1 presented is a copy or photocopy rather than the original,
- the entry in box 2 or 5 refers to a country that does not belong to the Agreement,
- the date set out in box 11 is prior to the date indicated in box 12.

Action to be taken

The document should be marked 'Document not accepted' in one of the official languages of the agreement, stating the reason(s) either on the certificate or on another document made out by the customs authorities. The certificate and where appropriate, the other document, is 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.

Notwithstanding the procedure indicated above, a customs clearance agent or an importer who identifies in the certificate any of the cases specifically listed above or the non-compliance of the requirements established by subparagraph (a) or (c) of the explanatory note relating to Article 16 (Description of goods on movement certificate EUR.1), may return the certificate to the exporter who completed it in order to enable him to add the necessary corrections and have them endorsed by the customs office or the competent governmental authority, in accordance with Note 1 of Appendix III. If it is considered necessary by the customs office, or the competent governmental authority, of the exporting country, a new certificate may be made out in substitution of the certificate returned for correction.

If none of the abovementioned cases has been identified by the customs clearance agent or the importer, the movement certificate EUR.1 is then suitable for presentation to the customs authorities of the importing country.

2. Notwithstanding paragraph 1, minor errors, discrepancies or omissions in the completion of a movement certificate EUR.1, shall not be considered as technical reasons justifying its rejection, as they do not impede the acquisition and appreciation of the relevant information contained in the proof of origin.

By way of example, the following cases shall not be considered as technical reasons for rejection as indicated in paragraph 1:

- typing errors, when there is no doubt about the correctness of the information provided in one or more boxes of a movement certificate EUR.1,
- the information provided exceeds the space available of any individual box,
- one or more boxes are filled using a stamp, provided that all required information is included (e.g. signatures shall be hand-written),

⁽¹⁾ Accordingly, the proof of origin may legitimately contain a more specific tariff classification of the good.

- in the case of goods originating in the Community, boxes 2 and/or 4 include the mention of:
 - only the Community ⁽¹⁾, or
 - both a Member State and the Community ⁽¹⁾,
 - the optional boxes 3, 6, 7 and 10 are not filled,
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- ⁽¹⁾ Any other term referring unequivocally to the Community may also be used such as, *inter alia*, the European Community, the European Union or an abbreviated form like for example EC, EU, etc.
- the unit measure used in box 9 does not correspond to the unit measure indicated in the corresponding invoice (for example: kilos in the movement certificate EUR.1 and square meters in the invoice),
 - there is no information on the export document, as referred to in box 11, where the regulations of the exporting country or territory do not require the inclusion of such information,
 - the date of issue of the movement certificate EUR.1 does not appear on the prescribed line of box 11, but it is however clearly indicated in that box (for example as part of the official stamp used by the competent authorities to endorse the certificate).

Prior notification of a concentration

(Case COMP/M.3365 — Vidacaixa/Santander Central Hispano Previsión)

(2004/C 40/03)

(Text with EEA relevance)

1. On 9 February 2004 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the Spanish undertaking Vidacaixa, Sociedad Anónima de Seguros y Reaseguros ('Vidacaixa'), belonging to Grupo Caifor (Spain) and ultimately controlled by Grupo La Caixa (Spain) and Fortis Group (Belgium and The Netherlands), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the Spain-based undertaking Santander Central Hispano Previsión, Sociedad Anónima de Seguros y Reaseguros ('SCH Previsión'), belonging to Banco Santander Central Hispano, SA (Spain), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Vidacaixa: insurance activities,
 - SCH Previsión: insurance activities.
3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3365 — Vidacaixa/Santander Central Hispano Previsión, to:

European Commission,
Directorate-General for Competition,
Merger Registry,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.