

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 72 final  
Brussels, 16 March 1977

Recommendation for a  
COUNCIL DECISION

concerning the acceptance of the Customs Cooperation  
Council Recommendation of 18 June 1976 to amend the  
Nomenclature for the Classification of Goods in Customs  
Tariffs

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(submitted to the Council by the Commission)

COM(77) 72 final



## EXPLANATORY MEMORANDUM

Subject : Draft Proposal for a Council Decision accepting the Customs Cooperation Council Recommendation dated 18 June 1976 to amend the Nomenclature for the Classification of Goods in Customs Tariffs.

Since 1950, 1951 or 1963, according to the particular Member State, the nine Member States have been Contracting Parties to the Convention on Nomenclature for the Classification of Goods in Customs Tariffs (December 1950). This Nomenclature, known as the "Customs Cooperation Council Nomenclature", is the basis on which the Common Customs Tariff was founded. The Customs Cooperation Council is responsible for the management of its Nomenclature; representatives of the Member States participate in the work of that body after first having coordinated their position in the Committee on Common Customs Tariff Nomenclature, as is laid down in Article 5 of Council Regulation 97/69 of 16 January 1969. (1).

In order to take account, in particular, of continuing technical progress and the consequent changes in international trade, the Customs Cooperation Council may recommend amendments to the Nomenclature to its Contracting Parties (now numbering 37). Recommendations of this nature have already been made in 1960/61 and 1971. They came into force, respectively, on 1 January 1965 and 1 January 1972.

On 18 June 1976, the Customs Cooperation Council again recommended a number of amendments (230) to the Nomenclature. In accordance with the provisions of the Convention, the Belgian Ministry of Foreign Affairs notified the Contracting Parties of the Recommendation on 20 December 1976, with effect from 31 December 1976.

Article XVI of the Convention provides that the amendments comprising the Recommendation will be deemed to have been adopted if no Contracting Party offers an objection within six months of the effective date, that is to say, by 30 June 1977 at the latest. If there are no objections, the amendments concerned will enter into force on 1 January 1978, the date on which customs tariffs must be brought into line with the amended Nomenclature.

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(1) OJ No L 14 of 21 January 1969.

Should there be objections to one or more amendments, even by only one Contracting Party, the amendment or amendments in question will be deemed to have been rejected by all Contracting Parties. After 1 July 1977, the Belgian Ministry of Foreign Affairs will notify the amendments adopted or deemed to have been adopted to all Contracting Parties.

The Recommendation having being examined in depth within the Committee on Common Customs Tariff Nomenclature and the Joint Panel of Government Experts on the Common Customs Tariff in close collaboration with qualified representatives of the Member States, the Commission considers that this Recommendation can be accepted.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the nine Member States are Contracting Parties to the Brussels  
Convention of 15 December 1950 on Nomenclature for the Classification of  
Goods in Customs Tariffs; whereas the Common Customs Tariff is based on  
that Nomenclature;

Whereas the Customs Cooperation Council may recommend amendments to the  
Convention, and therefore to the Nomenclature which forms part thereof,  
to its Contracting Parties; whereas on 18 June 1976 the said Council  
issued a Recommendation to amend the Nomenclature;

Whereas under this Convention the Belgian Ministry of Foreign Affairs  
communicates the text of every draft recommended amendment to all  
Contracting Parties and to the governments of all other signatory or  
acceding States and said text is deemed to have been adopted if it  
encounters no objection from any Contracting Party within  
six months from the date of communication; whereas, if no objection is  
encountered, the amendment enters into force six months after expiry of  
that period and the customs tariffs of all Contracting Parties must be  
aligned on the amended Nomenclature by the end of the latter period;

Whereas the Belgian Ministry of Foreign Affairs communicated the text of  
the Recommendation of 18 June 1976 to the Contracting Parties concerned  
on 20 December 1976, to take effect from 31 December 1976; whereas,  
consequently, the Recommendation will be deemed to have been adopted on  
1 July 1977 if it has meanwhile encountered no objection in whole or in  
part;

Whereas there is no objection to be made to any part of the above-mentioned Recommendation,

HAS ADOPTED THIS DECISION :

Article 1

The Recommendation of 18 June 1976 of the Customs Cooperation Council to amend the Nomenclature for the Classification of Goods in Customs Tariffs is accepted in the name of the Community with a view to its application as from 1 January 1978.

The Commission shall inform the Belgian Ministry of Foreign Affairs by 30 June 1977 at the latest of this acceptance.

Done at ....., on

For the Council  
The President