

COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(78) 581 final

Brussels, 3 November 1978

Proposal for a
COUNCIL REGULATION (EEC)
on the procedure for applying the European unit of account (EUA)
to legal acts adopted in the customs field

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. On 6 October 1976 the Commission sent to the Council a proposal for a regulation on the procedure for applying the European unit of account (EUA) to legal acts adopted by the Institutions of the European Communities (1).
2. With regard to this draft regulation, the European Parliament (2), the Economic and Social Committee (3) as well as the Court of Auditors have given opinions required by the Treaties.
3. After numerous discussions with the different departments of the Council, on 24 July 1978 the Permanent Representatives' Committee sent the forementioned text of the draft regulation to the European Parliament with a view to possible concerted action. At the present time, Parliament has not yet made known whether it intends calling for such action. However, according to information received, it appears that any such concerted action need not apply to Article 15 of the draft regulation in question.
4. This Article 15 lays down provisions which regulate the transition from the UA to the EUA in the Customs field as from 1.1.1979. In accordance with the Council Resolution of 27 June 1974 concerning measures to be taken with a view to simplifying the task of customs administrations(4) legal acts relating to tariff matters must be published in the Official Journal of the European Communities at least six weeks before the date fixed for their implementation. This being the case, it is necessary to dissociate the contents of Article 15, mentioned above, from the body of the draft regulation on the procedure for applying the EUA to legal acts taken by the Institutions of the European Communities, in such a manner as to ensure its timely coming into force.
5. The attached draft regulation contains in its entirety the considerations and the Articles relating to the customs sector which appear in the draft regulation in question in paragraph 1 above.

(1) O.J. No. C 271 of 17.11.1976, p. 5

(2) O.J. No. C 83 of 4.4.1977, p. 33

(3) O.J. No. C 56 of 7.3.1977, p. 70

(4) O.J. No. C 79 of 8.7.1974, p. 1

proposal for Council Regulation (EEC)
on the procedure for applying the
European unit of account (EUA) to legal
acts adopted in the customs field

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 28, 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament (1),

Having regard to the Opinion of the Economic and Social Committee (2),

Whereas the unit of account used in the legal acts taken in the customs field is as defined in General Rule C 3 shown in Part I, Section I of the Annex to Council Regulation (EEC) No 2500/77 of 7 November 1977 amending Regulation (EEC) No 950/68 on the Common Customs Tariff (3);

Whereas this unit of account, being related to a given weight of fine gold, is no longer consistent with the monetary agreements concluded by the Member States; whereas it must therefore be redefined within a reasonable time; whereas in view of organizational requirements in this field the deadline for such redefinition may be set at 1 January 1979;

Whereas the European unit of account as defined in Article 10 of the financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (4) may justifiably replace the unit of account used in the legal acts taken in the customs field; whereas, however, having regard to the special characteristics of the organization in the customs field, it is necessary to make provision for special measures for the conversion of the EUA into national currencies;

(1) O.J. No C 83 of 4.4.1977, p. 33

(2) O.J. No C 56 of 7.3.1977, p. 70

(3) O.J. No L 289 of 14.11.1977, p. 1

(4) O.J. No L 356 of 31.12.1977, p. 1

Whereas the Council should revise the sums expressed in certain regulations on the tariff applicable to goods contained in travellers' personal baggage, on the importation free of Common Customs Tariff duties of educational, scientific or cultural materials and on minor importations of a non-commercial nature, so as to adjust them to changes in the economic situation in the various Member States; whereas owing to such changes it may under some circumstances be necessary to retain the sums expressed in national currencies should such revision not take place within the periods laid down;

Whereas transitional provisions are required to ensure the smoothest possible transition to the EUA from the unit of account previously applicable;

Whereas the opinion of the Court of Auditors has been obtained,

HAS ADOPTED THIS REGULATION :

Article 1

The European unit of account (EUA) to which reference is made in the legal acts laid down in Article 2 shall be as defined in Article 10 of the Financial Regulation of 21 December 1977, applicable to the general budget of the European Communities .

Article 2

1. In all the provisions governing the matters referred to in paragraph 2 the amounts in units of account shall be regarded as being expressed in EUA as from 1 January 1979 with the exception of amounts to be converted on the basis of the representative rates.

Until that date they shall continue to be expressed in the unit of account defined in Regulation (EEC) No 2500/77 and shall be converted in accordance with the rules in force before 1 January 1978.

The amounts provided for in:

- Council Regulation (EEC) No 1544/69 of 23 July 1969 on the tariff applicable to goods contained in travellers' personal luggage (1).

(1) O.J. No L 191 of 5.8.1969, p. 1

- Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Council Regulation (EEC) No 1798/75 on the importation, free of Common Customs Tariff duties, of educational, scientific or cultural materials (1) and
- as regards minor importations of a non-commercial nature, the Annex, Part I, Section II, B to Regulation (EEC) No 2500/77

shall be reviewed before 1 January 1979 by the Council, acting on a proposal from the Commission, in accordance with the appropriate provisions in order to avoid their being reduced in national currencies.

If by 1 January 1979 the Council has not taken the appropriate measures for the revision of the amounts expressed in units of account in the abovementioned Regulations, the Member States which should reduce the amounts in national currencies in pursuance of the first subparagraph above may retain them unchanged.

Before 1 January 1979 renegotiations will be entered into where necessary with the third countries concerned in respect of amounts expressed in units of account in international agreements.

2. The value of the EUA in national currencies for the purposes of determining the classification of goods or the customs duty applicable under the Common Customs Tariff, including suspensions of customs duties, tariff quotas (with the exception of those expressed in terms of value in the context of generalized preferences), ceilings and anti-dumping duties and the value in national currencies adopted for the customs arrangements applicable to goods imported by private persons shall be fixed once a year. The rates to be applied shall be those obtaining on the first working day of October, with effect from 1 January of the following year.

An appropriate solution will be found separately for the tariff quotas expressed in terms of value in the context generalized preferences when the generalized system of tariff preferences is adopted for 1979.

(1) O.J. No L 316 of 6.12.1975, p. 17

3. For a transitional period ending on 31 December 1979 and for the goods falling within Chapter 22 (except wine - heading 22.05), heading 24.01, Chapter 69, subheading 85.25 A and heading 91.01 of the Common Customs Tariff, the conversion rate for the unit of account applicable on 1 January 1978 pursuant to Regulation (EEC) No 2500/77 will be aligned on that for the EUA in two successive stages, i.e. on 1 January 1979 and 1 January 1980.
4. The adjustment of amounts expressed in units of account in provisions on customs matters other than those referred to in paragraph 2, together with their conversion into EUA and the detailed rules for establishing their value in national currency, shall be the subject of special provisions.

Article 3

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,
For the Council
The President

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