

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1200 final

Brussels, 25 July 1974

Proposal for a

REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 950/68 on the Common Customs Tariff

(submitted to the Council by the Commission)

COM(74) 1200 final

EXPLANATORY MEMORANDUM

In Regulation (EEC) No 950/68 of 28 June 1968 ⁽¹⁾, the Council adopted, as an Annex to that Regulation, the Common Customs Tariff which was in operation on that date, that is to say, taking into account the various Regulations and Decisions then in force as well as Community obligations towards third countries.

Commencing on 1 January 1970, this Regulation has been modified each year by way of an amending Council Regulation in the form of a new Annex comprising the up-dated "Common Customs Tariff".

It will be necessary to take similar action on 1 January 1975, when the results of negotiations carried out pursuant to Article XXIV, Paragraph 6, of the GATT enter into force.

In order that an up-dated legal text may be made available in the official languages of the Community to Member States and all other users, it is proposed that the Council adopt, pursuant to Articles 28 and 113 of the Treaty, the Common Customs Tariff in the form of the Regulation amending Regulation (EEC) No 950/68 of 28 June 1968.

For practical reasons, only those pages of the Common Customs Tariff - in its present version in the Official Journal - which are to be amended are annexed hereto. In the edition to be published in the Official Journal the Common Customs Tariff will, however, be reproduced in its entirety.

In relation to the text in force on 1 January 1974, the present proposal calls for the following observations :

A. AMENDMENTS ARISING OUT OF INTERNATIONAL OBLIGATIONS

These are amendments arising out of the implementation of the negotiations carried out pursuant to Article XXIV, Paragraph 6, of the GATT (Decision

It goes without saying that, before these amendments could be incorporated in the Common Customs Tariff, the results of the above-mentioned negotiations have had to be approved and the concluding formalities carried out.

B. AUTONOMOUS AMENDMENTS

1. Amendments arising out of other Community Acts

These are tariff amendments arising out of Acts already in force or entering into force on 1.1.1975. The Acts are :

(1) OJ No L 172 of 22 July 1968, page 1.

- a) The Act of Accession, which provides in Protocols nos 9, 11, 12, 13, 14 and 15 for quotas, and for the suspension or amendment of the autonomous duties at headings and subheadings 28.20 A, 44.15, 47.01 A II, 48.01 A, 78.01 A and 79.01 A;

It may be mentioned that, as regards unwrought lead (subheading 78.01 A) and unwrought zinc (subheading 79.01 A), there is a divergency as between the texts of Protocols Nos 14 and 15 of the Act of Accession and the Community GATT bindings. In this regard two solutions can be considered : the conclusion or not of the duty deconsolidation procedure between now and the end of the year.

In the former case the Common Customs Tariff text proposed in the Annex should remain unchanged. In the latter, the situation as in the Common Customs Tariff for 1974 should be extended.

- b) Certain Regulations on common organisation of markets affecting the following Chapters :
- Chapter 2 (subheading 02.01 A III a) 6 aa) and bb)) (Regulation No 3158/73)
 - Chapter 4 (subheading 04.04 A 1) (Regulation No 664/74)
 - Chapters 22 (Notes 4 (b) and 5 and subheadings 22.05 C III a) and C IV a) (Regulations Nos 1532/74 and/74).
- c) The Regulation amending Regulation 950/68 (subheadings 85.21 D I and D II) (Regulation No 1616/74).
- d) Council Directive No 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement (Chapter 27 (Note 2), Section XI (Notes 3 (A) (a) and (b)), Chapter 51 (Note 4), Chapter 56 (Notes (c) and (e) and subheadings 84.06 A I and II, 84.08 B I a) and b) and 84.11 A II.

II. Proposed Amendments

The proposed autonomous amendments are few in number and are intended merely to clarify the text and to ensure closer alignment between the various versions of the Common Customs Tariff. These amendments concern Note 2 to Chapter 58 and headings or subheadings 29.35 H I, 68.04, 85.01, 92.12 B I a), 92.12 B II a) and B II b) 1.

All the delegations were agreed on the above-mentioned amendments. The only amendment on which agreement was not forthcoming (reservations by the French and Italian delegations) was that relating to the insertion in Chapter 88 of a new Additional Note as follows :

.../...

"The provisions of General Rule A 2 (a) are also applicable, at the request of the importer and subject to conditions stipulated by the competent authorities, to ground flying trainers of subheading 88.05 A, imported in split consignments."

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 28 and 113 thereof;

Having regard to the proposal from the Commission;

Whereas, under the agreement signed with third countries as a result of the negotiations carried out pursuant to Article XXIV paragraph 6 of the General Agreement on Tariffs and Trade, as concluded by the Council decision of 1974 ⁽¹⁾, the European Economic Community has undertaken to reduce customs duties for various products from 1 January 1975; whereas it is expedient, therefore, in order to ensure uniform application of the Common Customs Tariff, to specify in Council Regulation (EEC) No 950/68 ⁽²⁾ of 28 June 1968 on the Common Customs Tariff, as last amended by Regulation (EEC) No/74 ⁽³⁾, the conventional duties applicable to those products from 1 January 1975;

Whereas for certain headings or Chapter Notes it is necessary to introduce amendments with the object of ensuring uniform application of the Common Customs Tariff;

Whereas, moreover, a certain number of drafting amendments are justified for the purpose of improving the Common Customs Tariff;

Whereas certain Regulations on the common organisation of agricultural markets provide that the tariff nomenclature resulting from their application shall be included in the Common Customs Tariff and/or shall amend customs duties;

Whereas it is therefore appropriate to include in this Regulation all the amendments resulting from the said Regulations;

(1)

(2) OJ No L 172 of 22.7.1968, p. 1

(3)

Whereas it is necessary to amend the text of certain subheadings and Chapter Notes in the Common Customs Tariff to take account of Council Directive No 71/254/EEC ⁽¹⁾ of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement;

Whereas for the sake of clarity the Common Customs Tariff as a whole should be brought up to date; whereas for this purpose a new text should be drawn up including not only those parts which are amended with effect from 1 January 1975 but also those parts which have been previously amended and those which are unchanged;

Whereas, although they form an integral part of the Common Customs Tariff, it seems appropriate not to include in this Regulation temporary tariff amendments and the preferential system resulting from the various Acts adopted by the Community;

Whereas this Regulation does not apply to products falling under the Treaty establishing the European Coal and Steel Community although the nomenclature and the conventional duties for these products are included, for information purposes, in the Table of Duties in order to make the latter easier to understand,

HAS ADOPTED THIS REGULATION :

Article 1

The Annex headed "Common Customs Tariff" to Regulation (EEC) No 950/68 is hereby replaced by the Annex appended to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels

For the Council
The President

(1) OJ No L 243 of 29 October 1971, page 29.

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In the Annex "Common Customs Tariff" heading No 37.02 should read as follows :

37.02 Film in rolls, sensitised, unexposed, perforated or not :

A. Of a width of 35 mm or less :

I. Microfilm; film for radiography and the
graphic arts 20 12.8

II. Other 20 8

B. Of a width of more than 35 mm 20 12.8

