

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 610 final

Brussels, 17 November 1978

RECOMMENDATION FOR A COUNCIL DECISION

accepting the Customs Co-operation Council Recommendation of 13 June 1978 concerning the amendment of Articles XIV (a) and XVI (d) of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs.

(Submitted by the Commission to the Council)

COM(78) 610 final

EXPLANATORY MEMORANDUM

Subject: Draft proposal for a Council Decision accepting the Customs Co-operation Council Recommendation of 13 June 1978 concerning the amendment of Articles XIV(a) and XVI (d) of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs.

Since 1950, 1951 or 1963, depending on the Member State concerned, 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 Co-operation Council Nomenclature", formed the basis for the Common Customs Tariff.

In order to take account, in particular, of continuing technical progress and the consequent changes in international trade, the Customs Co-operation Council may recommend amendments to the Nomenclature to its Contracting Parties. In order that these amendments to the Nomenclature may take effect in all Contracting States under the most practical conditions for both customs administrations and participants in international trade, the Customs Co-operation Council recommended on 13 June 1978 that the period laid down for the entry into force of these amendments after they have been accepted in accordance with Article XVI (c) of the Convention should be extended from six months, as laid down in Article XVI (d) of the Convention, to one year. Furthermore, since Article XII of the Convention was rescinded by Article 6 of the Protocol of Amendment of 1 July 1955, the Customs Co-operation Council also recommended deletion of the phrase "under paragraph (a) of Article XII" appearing in Article XIV (a). In accordance with the provisions of the Convention, the Belgian Ministry of Foreign Affairs notified the Contracting Parties of the Recommendation on 30 June 1978, with effect from 1 July 1978.

Article XVI of the Convention provides that the amendments in the Recommendation will be deemed to be adopted if no Contracting Party offers an objection within six months of the effective date, i.e., by 31 December 1978. If there are no objections, the amendments in question will enter into force on 1 July 1979.

This new Recommendation having been examined in depth in co-operation with qualified representatives of the Member States within the Committee on Common Customs Tariff Nomenclature, the Commission considers that the Recommendation can be accepted.

RECOMMENDATION FOR A
COUNCIL DECISION

accepting the Customs Co-operation Council Recommendation of 13 June 1978 concerning the amendment of Articles XIV (a) and XVI (d) of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs.

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 Recommendation 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 Co-operation Council may recommend amendments to the Convention to its Contracting Parties; whereas on 13 June 1978 that Council recommended amendments to Articles XIV (a) and ^{XVI}(d) of the Convention;

Whereas, under the Convention, the Belgian Ministry of Foreign Affairs communicates the draft text of every recommended amendment to all Contracting Parties and to the Governments of all other signatory or acceding States and the text is deemed to be accepted if no objection is notified by any Contracting Party within six months from the date of communication; whereas, if no objection is notified, the amendment enters into force six months after the expiry of that period;

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Whereas the Belgian Ministry of Foreign Affairs communicated the text of the Recommendation of 13 June 1978 to the Contracting Parties on 30 June 1978, to take effect from 1 July 1978; whereas, if no objection is notified to all or part of the text, the Recommendation will be deemed to have been accepted at 31 December 1978 and will enter into force on 1 July 1979;

Whereas there is no objection to be made to any part of the Recommendation,
HAS DECIDED AS FOLLOWS:

Sole Article

The Customs Co-operation Council Recommendation of 13 June 1978 concerning the amendment of Articles XIV (a) and XVI (d) of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs is hereby accepted for application as from 1 July 1979.

Done at

For the Council,
The President

