

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 380 final

Brussels, 25 July 1975

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(75) 380 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 amended 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 1976, when the second stage of the results of negotiations carried out pursuant to Article XXIV, Paragraph 6, of the GATT enters 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 a 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 1975, the present proposal calls for the following observations :

A. AMENDMENTS ARISING OUT OF INTERNATIONAL OBLIGATIONS

- I. Amendments arising out of the implementation of the negotiations carried out pursuant to Article XXIV, Paragraph 6, of the GATT (Decision of 20 July 1974)

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

II. With regard to subheadings 78.01 A II (Unwrought lead, other) and 79.01 A (Unwrought zinc), negotiations are proceeding in GATT (Art. XXVIII, Paragraph 1). As soon as they finish and the new consolidated rates of duty are known, these rates will be inserted into Annex II of this draft Regulation providing, however, that the negotiations have been approved and that the associated concluding formalities have been discharged. Until then, nothing has been put in the conventional duty column.

B. AUTONOMOUS AMENDMENTS

I. Amendments arising from other Community Acts

These are tariff amendments arising from certain Regulations on common organisation of markets already in force or entering into force on 1 January 1976.

These amendments affect the following Chapters :

- (a) Chapter 4 (Regulations Nos 467/75, 656/75 and 823/75) ;
- (b) Chapter 22 (Regulation No 678/75).

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, which sometimes vary with the language, mainly affect :

- Chapter 27 : - Additional Notes 1 B and 1 H ;
- headings and subheadings 27.07, 27.07 B, 27.07 D, 27.10, 27.13
- 28.40 B, 31.05 A II a)
- Chapter 38 : - Note 1 (a) (2) ;
- 38.11
- Chapter 40 : Note 4 a)
- 47.01
- Chapter 48, Additional Note (see comments in item III below)
- 71.09, 73.36
- Section XVII, Additional Note
- Chapter 89 : - Additional Note 3 ;
- 89.04
- 92.12

III. Comments

(a) Chapter 48, Additional Note

In the Annex to this draft Regulation it is proposed, in regard to this Note, that the watermark criterion should not apply in the period ending 30 June 1976.

All the Member States were agreed on this point at the consultations held in the Commission. Some delegations (in particular those of Germany and the Netherlands) reserved the right, however, to renew the matter in the light of market trends and to give their final verdicts at the meeting in September of the Economic Questions Group.

(b) Section XVII - New Additional Note

In response to a request from Germany, repeated again this year, several discussions have been held in the Commission concerning the extension of the split consignment arrangements applicable to the machinery falling within Section XVI to the vehicles, aircraft and vessels falling within Section XVII. Failing an agreement covering the complete range of goods falling within Section XVII, extension of these arrangements to some of the equipment falling within this Section was envisaged, and the United Kingdom delegation proposed recently that the arrangements should be extended to cover the goods falling within headings Nos 86.10 (Railway and tramway track fixtures and fittings), 88.05 (Ground flying trainers, etc.), 89.03 (Certain special vessels) and 89.05 (Floating structures other than vessels). However, it emerged that this proposal had to be studied in depth and the delegations of Benelux, France and Italy wished to be given until September to reconsider the matter. If an appropriate agreement were reached, the following Additional Note 2 would be inserted in Section XVII :

"2. The provisions of General Rule A 2 (a) are also applicable, at the request of the declarant and subject to conditions stipulated by the competent authorities, to goods falling within headings Nos 86.10, 88.05, 89.03 and 89.05 imported in split consignments".

The present Additional Note would become Additional Note 1. 3

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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 Articles XXIV Paragraph 6 and XXVIII
Paragraph 1 of the General Agreement on Tariffs and Trade, as concluded by the
Council decisions of 20 July 1974 and 1975, respectively, the European
Economic Community has undertaken to reduce or amend customs duties for various
products on 1 January 1976 ; 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⁽¹⁾ of 28 June 1968 on the Common Customs Tariff, as
last amended by Regulation (EEC) No /75⁽²⁾, the conventional duties appli-
cable to those products from 1 January 1976 ;

Whereas for certain headings or Chapter Notes it is necessary to introduce amend-
ments 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 amend customs duties ;

Whereas it is therefore appropriate to include in this Regulation all the amendments
resulting from Regulations adopted under the common agricultural policy ;

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

Whereas it is appropriate, for the sake of clarity, to bring the whole of the Common Customs Tariff up to date ; whereas, for this purpose, it is necessary to collect in a single text not only the parts which are amended as from 1 January 1976 but also the parts which have already been amended and those which remain unchanged ;

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

Whereas this Regulation does not apply to products covered by 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 Schedule 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 1976.

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

Done at

For the Council
The President

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