

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 555 final.

Brussels, 28 October 1976.

Proposal for a  
REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 97/69 on  
measures to be taken for uniform application of the nomenclature  
of the common customs tariff

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(submitted to the Council by the Commission)

COM(76) 555 final.

## EXPLANATORY MEMORANDUM

Article 4 of Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff (1) refers in the following manner to cases where the inclusion of goods under a CCT heading or subheading is subject to special conditions, such as putting the goods concerned to a prescribed end-use or purpose :

"Where Common Customs Tariff makes the inclusion of goods under a particular heading or subheading subject to special conditions, those conditions may be fixed according to the procedure laid down in Article 3"(2).

The reference in the said article to CCT headings or sub-headings is too restrictive, and consequently this article appears inadequate, on its own, to serve as basis for settling cases of goods whose admission to the benefit of a particular tariff regime is made subject to conditions of this nature. Among such cases may be mentioned those of suspension of Community tariff duties or quotas and those of certain products covered by the Common Agricultural Policy or referred to in agreements concluded by the European Communities with third countries. All these cases occur in the same way and it is important to be able to deal with them all alike.

For this purpose, it is necessary to widen the scope of the text of the above-mentioned article.

Consequently, the Commission proposes to the Council that the above-mentioned Article 4 of Regulation (EEC) No 97/69 be amended in such a way as to constitute, without any ambiguity, the basis for the desired regulation in the interests of simplification and uniformity. Such is the object of the proposed regulation amending Regulation (EEC) No 97/69 as set out in the Annex hereto.

The representatives of the national administrations concerned have expressed their agreement on the subject of this amendment within the Committee on Common Customs Tariff Nomenclature.

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

(2) That is to say, according to the procedure to be employed by the Committee set up by the above-mentioned Regulation.

PROPOSAL FOR A COUNCIL REGULATION (EEC) AMENDING REGULATION  
(EEC) No 97/69 ON MEASURES TO BE TAKEN FOR UNIFORM  
APPLICATION OF THE NOMENCLATURE OF THE  
COMMON CUSTOMS TARIFF

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Articles 28, 113 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas Article 4 of Council Regulation (EEC) No 97/69 of 16 January 1969  
on measures to be taken for uniform application of the Nomenclature of  
the Common Customs Tariff (1), as last amended by the Act of Accession (2),  
provides that "where the Common Customs Tariff makes the inclusion of goods  
under a particular heading or subheading subject to special conditions,  
those conditions may be fixed according to the procedure laid down in  
Article 3",

Whereas in the interests of simplification and uniformity the said  
Article 4 should be extended to similar cases, whether they result from  
Council Regulation (EEC) No 950/68 of 28 June 1968 (3), as last amended  
by Regulation (EEC) No 1167/76 (4), or from other Community provisions  
such as those which relate to :

- (a) Community tariff suspensions or quotas,
- (b) products covered by the Common Agricultural Policy but not included in  
the Common Customs Tariff as set out in Regulation (EEC) No 950/68,  
as last amended by Regulation (EEC) No 1167/76 (4)
- (c) international agreements concluded by the European Communities,

Whereas the said Article 4 should be amended accordingly,

HAS ADOPTED THIS REGULATION :

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(1) OJ No L 14, 21.1.69, p. 1  
(2) OJ No L 73, 27.3.72, p. 14  
(3) OJ No L 172, 28.7.68, p. 1  
(4) OJ No L 135, 24.5.76, p. 42

## Article 1

Article 4 of Regulation (EEC) No 97/69 is hereby amended to read as follows :

1. Where Community provisions make the benefit of a favourable tariff arrangement for imported goods, by reason of their nature or end use, subject to special conditions depending on such nature or end use, such conditions may be determined according to the procedure laid down in Article 3.
2. For the purposes of paragraph 1, "favourable tariff arrangement" means any reduction or suspension, whether or not with a tariff quota, of customs duty or charge having effect or of an agricultural levy or other import charge provided for under the Common Agricultural Policy or under the specific arrangements applicable, in pursuance of Article 235 of the Treaty, to certain goods resulting from the processing of agricultural products.

## Article 2

This Regulation shall enter into force on 1 February 1977 .

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

Done at Brussels,

For the Council  
The President