

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 11 final

Brussels, 25 January 1982

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Council Regulation (EEC) No 1798/75 on the importation free  
of Common Customs Tariff duties of educational, scientific and cultural  
materials

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(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

1. By a decision of 8 May 1979 (1) the Council on behalf of the Community approved the Protocol known as the Nairobi Protocol, which widens the scope of the Florence Agreement, drawn up under the auspices of UNESCO, on the importation of educational, scientific and cultural materials.
2. Regulation (EEC) No 1798/75 (2) on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials was amended by Regulation (EEC) No 1027/79 (3) to permit the transposition into Community law of the provisions of the Nairobi Protocol.

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(1) OJ No. L 134, 31.5.1979, p. 13

(2) OJ No. L 184, 15.7.1975, p. 1

(3) OJ No. L 134, 31.5.1979, p. 1

3. In the light of the two years' experience acquired in applying Regulation (EEC) No 1798/75 as amended by Regulation (EEC) No 1027/79, it has become apparent that the correct interpretation of the provisions of Annex A (i) to the Nairobi Protocol (1) requires children's picture books to be admitted duty free and such duty-free admission to be thus extended to all products falling within heading 49.03 of the Common Customs Tariff.
4. Since the materials provided for in Annex A to the above mentioned Protocol have been admitted into the Community duty free since 1 January 1980, it is desirable that the draft proposal for a Regulation annexed hereto, the purpose of which is to extend relief from customs duties to children's picture books, be adopted as rapidly as possible .
5. Based on Article 28 of the EEC Treaty, this proposal does not require the Opinion of the European Parliament. Such an Opinion does not, moreover, appear necessary in so far as Parliament has already declared itself in favour of the transposition into Community law of the provisions of the Nairobi Protocol when it was consulted on the draft Regulation which subsequently became Council Regulation (EEC) No 1027/79 (2). The sole purpose of this Regulation is, in fact, to ensure the correct interpretation of that Protocol.

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(1) Text of Annex A to the Nairobi Protocol

Books, publications and documents

(i) Printed books, irrespective of the language in which they are printed and whatever the amount of space given over to illustrations, including the following:

- (a) luxury editions,
- (b) books printed abroad from the manuscript of an author resident in the importing country;
- (c) children's drawing and painting books;
- (d) school exercise books (workbooks with printed texts and blank spaces to be filled in by the pupils;
- (e) crossword puzzle books containing printed texts;
- (f) loose illustrations and printed pages in the form of loose or bound sheets and reproduction proofs or reproduction films to be used for the production of books.

(ii)...

(2) Cf. OJ C 296 of 11.12.1978, p. 57

Proposal for a Council Regulation  
amending Council Regulation (EEC) No 1798/75 on the importation free of Common  
Customs Tariff duties of educational, scientific and cultural materials.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in  
particular Article 28 thereof,

Having regard to the proposal from the Commission (1),

Whereas, by Regulation (EEC) No 1798/75 (2), as last amended by Regulation (EEC)  
No 1028/79 (3), the Council laid down the conditions governing the importation  
free of Common Customs Tariff duties of educational, scientific and cultural material

Whereas the provisions of that Regulation are essentially based on those of the  
Agreement on the importation of educational, scientific and cultural materials drawn  
up under the auspices of the United Nations Educational, Scientific and Cultural  
Organization (UNESCO);

Whereas on 26 November 1976 the 19th General Conference of UNESCO adopted a  
Protocol to that Agreement with a view to extending relief from customs duties to  
certain products hitherto excluded from such relief;

Whereas, by Regulation (EEC) No 1027/79 (4), the Council amended Regulation (EEC)  
No 1798/75 in order to take account of the provisions of that Protocol, to the extent  
compatible with the Community's aims;

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(1) OJ No

(2) OJ No L 184, 15.7.1975, p. 1

(3) OJ No L 134, 31.5.1979, p. 8

(4) OJ No L 134, 31.5.1979, p. 1

Whereas the experience acquired in applying Regulation (EEC) No 1798/75, as amended, has demonstrated that, in order to ensure the correct interpretation of the Protocol in question, it is necessary to extend relief from customs duties to all products coming within heading 49.03 of the Common Customs Tariff;

Whereas it is appropriate to provide for this Regulation to apply with effect from 1 January 1982

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I (A) to Regulation (EEC) No 1798/75, the following text:

'ex. 49.03 Children's picture books and painting books:  
- Children's drawing or painting books'

is hereby replaced by the following:

"49.03 Children's picture books and painting books."

Article 2

This Regulation shall enter into force on 1 April 1982. It shall apply with effect from 1 January 1982.

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

Done at Brussels,

For the Council,

The President