

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 669 final

Brussels, 3rd November 1980

DRAFT OF COUNCIL REGULATION (EEC)
SIMPLIFYING THE ADOPTION OF TEMPORARY MEASURES DEROGATING
FROM THE APPLICATION OF COMMON CUSTOMS TARIFF DUTIES

(presented by the Commission to the Council)

COM(80) 669 final



EXPLANATORY MEMORANDUM

1. The purpose of the attached draft for a Council regulation is to simplify the adoption and administration of temporary measures derogating from the application of Common Customs Tariff (CCT) duties.
2. Those measures cover all suspensions of Common Customs Tariff duties, including Community tariff quotas and reductions in tariffs under ceiling arrangements which are autonomous (Article 28 of the Treaty). They are restricted to cases where a lack of supply in the Community requires such actions (see Article 1 of this draft Regulation).
3. The need for sectors of the economy to adapt speedily to fluctuating market requirements call for straightforward, flexible and prompt action for implementing and administering the tariff measures in question.
4. The administration of the Common Customs Tariff would be made considerably simpler and more effective if power were to be delegated to the Commission to adopt decisions in that field. It should also be pointed out in this connection that the Member States and the European Parliament have requested simplification on a number of occasions.
5. Simplification must be accompanied by the application of a consistent policy and by close cooperation between the Member States and the Commission. It is especially important that the arrangements adopted establish a consistently thought-out balance between the interests of producers, traders and consumers and the uniform administration of the Common Customs Tariff.
6. The conditions governing the implementation of the measures in question must, however, be clear and straightforward, as desired by the professional circles and the national authorities responsible for implementing them.

It is equally important in this context that the definition of descriptions of goods and their customs classification be as precise as possible in order to prevent implementation of the measures in question causing difficulties when goods are undergoing customs clearance and to ensure compliance with any other requirement imposed by national customs authorities for the correct implementation of the measures in question.

7. In conclusion, a balanced assessment of the economic, social and technical implications of each individual case appears essential. In order to meet those requirements a consultative Group on Economic Tariff Problems should be set up consisting of experts from the national authorities concerned and the relevant Commission departments.
8. When setting up such a Group account should be taken of the experiences of a group which has been in existence as a consultative body since 1961. Since that date, all tariff measures, with certain rare exceptions, have been dealt with by that group before being submitted by the Commission to the Council. The group could be converted into an established Group and the new procedures would be as follows (see Article 1 of the attached draft Regulation):

Within the Group opinions may be expressed on all the draft measures submitted by the Chairman. The Commission may adopt the proposed measures provided that within eight working days after the closure of the consultation no Member State has requested that the matter be referred to the Council.

If such a request is made, the Commission shall not adopt the proposed measures but shall inform the Council accordingly; such information could be accompanied by a Commission draft covering measures to be adopted. The Council shall act unanimously.

Draft of
COUNCIL REGULATION (EEC)

simplifying the adoption
of temporary measures derogating from the application of
Common Customs Tariff duties

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 draft Regulation submitted by the Commission,

Whereas in the case of a lack of supplies on the Community market, measures relating to the temporary total or partial suspension of the Common Customs Tariff duties must be applied as quickly as possible;

Whereas it is appropriate to undertake all possible action to facilitate compliance with the Council Resolution of 27 June 1974 simplifying the task of the customs administrations (1);

Whereas the Common Customs Tariff must be administered in the context of those measures in a consistent and systematic manner by means of a simplified and effective procedure;

Whereas to that end close cooperation must be established between the Member States and the Commission within a consultative group on "Economic Tariff Problems";

Whereas the Commission must be empowered to adopt the measures in question provided that it has consulted the group and that within a period of eight working days no Member State has requested to refer the matter to the Council; acting unanimously;

(1) O.J. No. C 79, 8.7.1974, p.1

Whereas it is advisable to maintain certain specific procedures relating to the Common Agricultural Policy;

HAS ADOPTED THIS REGULATION :

Article 1

1. In order to overcome a lack of supplies on the Community market, any measures necessary for the total or partial suspension of Common Customs Tariff duties shall be adopted in accordance with the procedure laid down in Articles 3 and 4.

2. A lack of supplies within the meaning of paragraph 1 shall occur when Community requirements as regards one or more products cannot be wholly satisfied by Community production for a considerable time.

Article 2

A consultative group on "Economic Tariff Problems" is hereby set up for the purpose of assisting the Commission to adopt the measures set out in Article 1.

The group shall be composed of representatives of the Member States under the chairmanship of a representative of the Commission.

Article 3

The Commission representative shall submit to the group for consultation a draft of the measures envisaged.

The Chairman may, depending on the urgency of the matters referred for examination, fix a period within which opinions may be expressed on such draft.

After the opinions have been expressed the chairman shall declare the consultations closed.

Article 4

1. The Commission may adopt the measures envisaged eight working days after the closure of the consultations if within that period no Member State has requested that the matter be referred to the Council.
2. If such a request is made, the Commission shall not adopt the measures envisaged but shall inform the Council accordingly; such information may be accompanied by a draft of the measures to be adopted. The Council shall act unanimously in respect of such draft.

Article 5

This Regulation shall not affect procedures provided for in the framework of regulations on the common organization of agricultural markets.

Article 6

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council

The President