

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 545 final
Brussels, 09.12.1994

94/0279 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

establishing transitional measures for trade
between the Republic of Austria,
the Republic of Finland and the Kingdom of Sweden, on the one hand
and the African, Caribbean and Pacific States
on the other

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Commission, acting on a mandate from the Council, has opened negotiations with the ACP countries for the conclusion of a protocol for the accession of Austria, Finland and Sweden to the fourth ACP-EEC Convention. In accordance with Articles 76, 102 and 128 of the Act of Accession, that protocol must enter into force on the day of accession, namely on 1 January 1995.

Given the limited time available, however, it is very unlikely that the protocol could actually enter into force on 1 January next year. Autonomous Community measures are therefore needed to fill the legal vacuum that would be created if there were, on the date of accession, no legal act providing for the application to the new Member States of the fourth Lomé Convention's trade provisions.

Furthermore, Article 72 of the Act of Accession allows Austria, until 1 January 1996 to maintain, in respect of the other Member States, the customs duties and licensing arrangements applied on the date of its accession to certain spirituous beverages. In consequence, and by virtue of the principle - reiterated in Article 171 of the fourth ACP-EEC Convention - that non-member countries may not enjoy more favourable treatment than Member States, transitional measures are needed to ensure equal treatment in trade relations between the ACP countries and Austria.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to articles 76 (2), 102 (2) and 128 (2) of the Act of Accession, the European Community and the ACP States opened negotiations for the conclusion of a protocol to adapt the fourth ACP-EEC Convention to take account of the accession of Austria, Finland and Sweden to the European Union;

Whereas Articles 76 (3), 102 (3) and 128 (3) of the Act of Accession provide that if such a protocol has not been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession;

Whereas it appears that the protocol will not be concluded by the specified date and that, in these conditions, autonomous transitional measures must be taken in order for the new Member States to apply the trade provisions of the Fourth ACP-EEC Convention as from 1 January 1995;

Whereas Article 72 of the Act of Accession allows Austria to maintain, until 1 January 1996, the customs duties and licensing arrangements it applies on the date of its accession to certain spirituous beverages and undenatured ethyl alcohol, in respect of other Member States;

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1995 until the entry into force of the protocol referred to in Articles 76, 102 and 128 of the Act of Accession or until 31 December 1995, whichever is earlier, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall apply the same arrangements to imports of products originating in the ACP States as are applied by the other Member States of the Community.

Article 2

Until 1 January 1996, the Republic of Austria may maintain the customs duties and licensing arrangements which it applied on the date of its accession to spirituous beverages and undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol. falling within heading 22.08 of the HS. Any such licensing arrangements must be applied in a non-discriminatory manner.

Article 3

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

It shall apply with effect from 1 January 1995.

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

Done at Brussels,

ISSN 0254-1475

COM(94) 545 final

DOCUMENTS

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03 11 02

Catalogue number : CB-CO-94-572-EN-C

ISBN 92-77-83016-6

Office for Official Publications of the European Communities
L-2985 Luxembourg