II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 June 1973

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands to postpone raising their customs tariff duties to the level of those of the Common Customs Tariff as regards manufactured tobacco falling within tariff subheadings Nos 24.02 A, B, C and D

(Only the French and Dutch texts are authentic)

(73/281/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 26 thereof;

Having regard to the letter of 15 February 1973 by which the Grand Duchy of Luxembourg, acting on behalf of the Benelux countries, requested authorization to postpone raising their customs tariff duties on manufactured tobacco falling within subheadings Nos 24.02 A, B, C and D;

Whereas, pursuant to the Council Decision of 26 July 1966 [1], the Benelux states should have applied the Common Customs Tariff duties to manufactured tobacco coming from third countries at full rate from 1 July 1968;

Whereas, in view of the tax system in force in the Benelux states, implementation of the Common Customs Tariff duties would have involved a substantial increase in the total tax burden on manufactured tobacco coming from third countries and would thus have caused a considerable increase in the sales price to consumers; whereas this would have impeded importation of manufactured tobacco from third countries to the Benelux States;

Whereas the consequences specified above cannot be avoided by means of a general reduction in excise duties on the relevant products since such a reduction would have series implications for budgetary revenue; whereas it can therefore be accepted that the Benelux States are faced with special difficulties;

Whereas the Council has adopted a Directive [2] on taxes other than turnover taxes affecting the consumption of manufactured tobacco whose object is the progressive harmonization of existing duties on these products; whereas, although the difficulties facing the Benelux countries could be removed by implementation of that Directive, this will not be the case during the period from 1 July 1973 to 30 June 1974 which forms the first stage of the harmonization which is the object of the Directive; whereas it is also highly possible that, at a subsequent stage, the Council will make substantial changes to the Common Customs Tariff duties on the relevant products; whereas application of a measure of derogation such as the authorization provided for by Article 26 of the Treaty can be granted only for a limited period; whereas the period of validity of the authorization granted under Article 26 should therefore be limited to 30 June 1974;

[1] OJ No 165, 21. 9. 1966, p. 2971/66.

[2] OJ No L 303, 31. 12. 1972, p. 1.

Whereas in view of the nature of the difficulties faced by the Member States in question, this decision should apply only to products imported from third countries into those Member States for direct consumption ;

Whereas imports of manufactured tobacco covered by this Decision and imports which may be effected under other authorization do not represent, for the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, more than 5 % of the total value of the imports from third countries in the course of the last year for which statistics are available ;

HAS ADOPTED THIS DECISION :

Article 1

From 1 July 1973 to 30 June 1974, the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized to postpone raising their customs tariff duties to the level of those of the Common Customs Tariff for manufactured tobacco falling within subheadings Nos 24.02 A, B, C and D, imported from third countries into the said Member States for direct consumption.

Article 2

This decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 29 June 1973.

For the Commission

The President

François-Xavier ORTOLI