COMMISSION DECISION

of 19 December 1973

authorizing the Federal Republic of Germany to postpone the application of duties in the Common Customs Tariff to certain vinegars

(Only the German text is authentic)

(74/40/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Whereas, in its telex of 23 November 1973, the Federal Republic of Germany applied for authorization to postpone the application of the Common Customs Tariff to products falling within heading No 22.10 B of the Common Customs Tariff;

Whereas, under Article 23 (3) of the Treaty the Member States should apply the Common Customs Tariff in its entirety as from 1 January 1970, especially to vinegar and substitutes for vinegar other than wine, wine vinegar being subject to common organization of the market under Regulation (EEC) No 816/70 [1] of 28 April 1970 laying down additional provisions for the common organization of the market in wine;

Whereas, however, the Federal Republic of Germany was authorized, by the Commission Decision of 22 December 1972 [2], to continue throughout 1973 to apply to the products contained in the Annex the duties which it applied on 31 December 1969;

Whereas, on account of the danger of an increase in imports from third countries and for lack of a common organization of the market in these products, the application of the duties in the Common Customs Tariff as from 1 January 1974 will increase the difficulties which already exist in Germany; whereas these are sensitive agricultural products to which Article 44 of the Treaty has had to be applied; whereas, pending the setting up of such an organization of the market, the Federal Republic of Germany must be authorized to apply to the products in question when imported from third countries, as from 1 January 1974, the duties applicable on 31 December 1969;

Whereas the application of a derogatory measure such as the authorization provided for in Article 26 of the Treaty may be granted for a limited period only; whereas, consequently, the period of validity of the authorization granted under Article 26 must be limited to the date of application of measures concerning the common organization of the market in the products in question, and to 31 December 1974 at the latest;

Whereas imports of products of this type from non-member countries into Germany do not represent more than 5 % of the total value of its imports from third countries referred to above in the course of the latest year for which statistical data are available,

HAS ADOPTED THIS DECISION:

Article 1

From 1 January 1974 until the application of measures concerning the common organization of the market in the products in question, and until 31 December 1974 at the latest, the Federal Republic of Germany is authorized to continue to apply to the products referred to in the Annex the customs duties which it applied on 1 January 1957, with the differences between them and the duties in the

[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 303, 31. 12. 1972, p. 50.

Common Customs Tariff being reduced in accordance with Article 23 (1) (c) of the Treaty.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 December 1973.

For the Commission
The President
François-Xavier ORTOLI

ANNEX

CCT heading No	Description of goods
22.10	Vinegar and substitutes for vinegar: B. Other, in containers holding: I. 2 litres or less II. More than 2 litres