COUNCIL REGULATION (EEC) No 2842/76

of 23 November 1976

amending Annex IV to Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine, and the Common Customs Tariff, as regards the exchange rate applicable to customs duties on certain wines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas General Rule C 3 in Section 1 of Part 1 of the Annex to Council Regulation (EEC) No 950/68 of 28 June 1968 on the Common Customs Tariff (2), as last amended by Regulation (EEC) No 2829/76 (3), provides that the unit of account by reference to which certain specific customs duties are expressed or the scope of certain headings or subheadings is defined has a value of 0·88867088 gramme of fine gold ;

Whereas Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (4), as last amended by Regulation (EEC) No 2543/73 (5), allows measures to be taken which derogate from the principle of a par value for the conversion of one currency into another ; whereas representative rates have been adopted in the agricultural sector under these provisions ;

Whereas Regulation (EEC) No 1167/76, by amending Annex IV to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (6), and the Common Customs Tariff, provided that notwithstanding the abovementioned General Rule C 3 the representative rate applicable in respect of certain wines must be used when converting the customs duties fixed in units of account into national currencies ; whereas in respect of other wines General Rule C 3 remains applicable ;

Whereas application of two different exchange rates in respect of wines falling within subheading 22.05 C of the Common Customs Tariff may lead to distortion in competition between imported wines ; whereas this situation should be remedied as a matter of urgency ; whereas this could be done by using the same exchange rate for such wines when converting the customs duties expressed in units of account into national currencies ; whereas in this case the exchange rate fixed in accordance with Regulation No 129 should be used ;

Whereas Annex IV to Regulation (EEC) No 816/70, as last amended by Regulation (EEC) No 2829/76, amends the Common Customs Tariff,

HAS ADOPTED THIS REGULATION :

Article 1

In Annex IV to Regulation (EEC) No 816/70 the table concerning subheadings 22.05 C III and 22.05 C IV shall be replaced by the table in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 December 1976.

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

Done at Brussels, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE

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(1) Opinion delivered on 19 November 1976 (not yet published in the Official Journal).
(2) OJ No L 172, 22. 7. 1968, p. 1.
(3) OJ No L 326, 25. 11. 1976, p. 1.
(4) OJ No 106, 30. 10. 1962, p. 2553/62.
(5) OJ No L 263, 19. 9. 1973, p. 1.
(6) OJ No L 99, 5. 5. 1970, p. 1.

ANNEX

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05	C. Other :		
	I. and II. (unchanged)		
	III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding :		
	a) Two litres or less :		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (b)	15 u.a. per hl (c)	13·5 u.a. per hl (c)
	2. Other	17 u.a. per hl (a) (c)	—
	b) More than two litres :		
	1. Port, Madeira, sherry and Setubal muscatel (b)	12 u.a. per hl (c)	11 u.a. per hl (c)
	2. Tokay (Aszu and Szamorodni) (b)	12 u.a. per hl (c)	—
	3. Other	14 u.a. per hl (a) (c)	—
	IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding :		
	a) Two litres or less :		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (b)	16 u.a. per hl (c)	14·5 u.a. per hl (c)
	2. Other	19 u.a. per hl (a) (c)	19 u.a. per hl (c)
	b) More than two litres :		
	1. Port, Madeira, sherry and Setubal muscatel (b)	13 u.a. per hl (c)	12 u.a. per hl (c)
	2. Tokay (Aszu and Szamorodni) (b)	13 u.a. per hl (c)	—
	3. Other	19 u.a. per hl (a) (c)	19 u.a. per hl (c)
	V. (unchanged)		

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.
(b) Entry under this subheading is subject to conditions to be determined by the competent authorities.
(c) The exchange rate to be applied in converting into national currencies the unit of account in which the customs duty is expressed shall, notwithstanding General Rule C 3 contained in Part I, Section 1, be the representative rate applicable to wine, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30. 10. 1962, p. 2553/62).