I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 280/77

of 8 February 1977

amending Regulation (EEC) No 97/69 on measures to be taken for uniform application of the Nomenclature of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43, 113 and 235 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Article 4 of Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the Nomenclature of the Common Customs Tariff (3), as last amended by the Act of Accession (4), provides that where the Common Customs Tariff makes the inclusion of goods under a particular heading or subheading subject to special conditions, those conditions may be fixed according to the procedure laid down in Article 3 of that Regulation ;

Whereas in the interests of simplification and uniformity the said Article 4 should be extended to all similar cases, whether they result from Council Regulation (EEC) No 950/68 of 28 June 1968 on the Common Customs Tariff (5), as last amended by Regulation (EEC) No 2829/76 (6), or from other Community provisions such as those which relate to :

(a) Community tariff suspensions or quotas,

(b) products covered by the common agricultural policy but not expressly included in the Common Customs Tariff as set out in Regulation (EEC) No 950/68,

(c) international agreements concluded by the European Communities ;

Whereas the said Article 4 should be amended accordingly,

HAS ADOPTED THIS REGULATION :

Article 1

Article 4 of Regulation (EEC) No 97/69 shall be replaced by the following :

'1. Where the Community provisions make the eligibility of goods for a favourable tariff arrangement upon importation, by reason of their nature or end use, subject to conditions, those conditions may be fixed according to the procedure laid down in Article 3.

2. For the purposes of paragraph 1, "favourable tariff arrangement" means any reduction or suspension, whether or not under a tariff quota, of a customs duty or charge having equivalent effect or of an agricultural levy or other import charge provided for under the common agricultural policy or under the specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods resulting from the processing of agricultural products.'

Article 2

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

(1) OJ No C 6, 10. 1. 1977, p. 136.
(2) Opinion delivered on 16. 12. 1976 (not yet published in the Official Journal).
(3) OJ No L 14, 21. 1. 1969, p. 1.
(4) OJ No L 73, 27. 3. 1972, p. 14.
(5) OJ No L 172, 28. 7. 1968, p. 1.
(6) OJ No L 326, 25. 11. 1976, p. 1.

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

Done at Brussels, 8 February 1977.

For the Council

The President

Anthony CROSLAND