COUNCIL REGULATION (EEC) No 2384/79

of 29 October 1979

amending both the Common Customs Tariff in respect of wines and Annex V to Regulation (EEC) No 337/79 on the common organization of the market in wine

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 (1),

Having regard to the opinion of the European Parliament (2),

Whereas Council Regulation (EEC) No 652/79 of 29 March 1979 on the impact of the European monetary system on the common agricultural policy (3) provides that amounts fixed in units of account for the purposes of the common agricultural policy shall be expressed in ECU; whereas the customs duties for wines falling within subheading 22.05 C of the Common Customs Tariff are elements of the common price level for imported wines; whereas the customs duties should be expressed in ECU and the exchange rate to be applied for conversion into national currency should be that applicable under the common agricultural policy; whereas Council Regulation (EEC) No 950/68 of 28 June 1968 on the Common Customs Tariff (4), as last amended by Regulation (EEC) No 882/79 (5), should accordingly be amended; whereas the conversion into ECU of the units of account in which the customs duties are fixed should be effected by means of a coefficient of 1·208953; whereas, for practical reasons, the result obtained should be rounded off;

Whereas Annex V to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine (6), as amended by Regulation (EEC) No 1303/79 (7), amends the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

Subheading 22.05 C of both the Annex headed 'Common Customs Tariff' to Regulation (EEC) No 950/68 and Annex V to Regulation (EEC) No 337/79 is hereby replaced by the following:

'Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:		
	C. Other:		
	I. Of an actual alcoholic strength by volume not exceeding 13 % vol, in containers holding:		
	a) Two litres or less	14·5 ECU per hl (a) (b)	—
	b) More than two litres	10·9 ECU per hl (a) (b)	10·9 ECU per hl (b)

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

(b) The exchange rate to be applied in converting into national currencies the ECU in which the customs duty is expressed shall, notwithstanding General Rule C3 contained in Part I, Section I, be the representative rate applicable to wine, if such a rate is fixed for the purpose of the common agricultural policy.

(1) OJ No C 196, 3. 8. 1979, p. 5.
(2) OJ No C 266, 22. 10. 1979, p. 51.
(3) OJ No L 84, 4. 4. 1979, p. 1.
(4) OJ No L 172, 22. 7. 1968, p. 1.
(5) OJ No L 111, 4. 5. 1979, p. 14.
(6) OJ No L 54, 5. 3. 1979, p. 1.
(7) OJ No L 162, 30. 6. 1979, p. 28.

Heading Number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05 *(cont'd)*	II. Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol, in containers holding :		
	a) Two litres or less	16·9 ECU per hl (a) (b)	—
	b) More than two litres	13·3 ECU per hl (a) (b)	13·3 ECU per hl (b)
	III. Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, in containers holding :		
	a) Two litres or less :		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (c)	18·1 ECU per hl (b)	16·3 ECU per hl (b)
	2. Other	20·6 ECU per hl (a) (b)	—
	b) More than two litres :		
	1. Port, Madeira, sherry and Setubal muscatel (c)	14·5 ECU per hl (b)	13·3 ECU per hl (b)
	2. Tokay (Aszu and Szamorodni) (c)	14·5 ECU per hl (b)	—
	3. Other	16·9 ECU per hl (a) (b)	—
	IV. Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol, in containers holding :		
	a) Two litres or less :		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (c)	19·3 ECU per hl (b)	17·5 ECU per hl (b)
	2. Other	23 ECU per hl (a) (b)	23 ECU per hl (b)
	b) More than two litres :		
	1. Port, Madeira, sherry and Setubal muscatel (c)	15·7 ECU per hl (b)	14·5 ECU per hl (b)
	2. Tokay (Aszu and Szamorodni) (c)	15·7 ECU per hl (b)	—
	3. Other	23 ECU per hl (a) (b)	23 ECU per hl (b)
	V. Of an actual alcoholic strength by volume exceeding 22 % vol, in containers holding :		
	a) Two litres or less	1·93 ECU per hl and per % vol + 12·1 ECU per hl (a) (b)	—
	b) More than two litres	1·93 ECU per hl and per % vol (a) (b)	—

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

(b) The exchange rate to be applied in converting into national currencies the ECU in which the customs duty is expressed shall, notwithstanding General Rule C3 contained in Part I, Section I, be the representative rate applicable to wine, if such a rate is fixed for the purpose of the common agricultural policy.

(c) Entry under this subheading is subject to conditions to be determined by the competent authorities.'

Article 2

This Regulation shall enter into force on 16 December 1979.

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

Done at Luxembourg, 29 October 1979.

For the Council

The President

B. LENIHAN