COUNCIL REGULATION (EEC) No 1167/76

of 17 May 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 rates 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 I 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 1165/76 [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 the use of a rate of exchange different from these rates for converting one currency into another could lead to distortion in trade;

Whereas this situation presents a special problem in the case of the system of reference prices applicable to wine;

Whereas, for this product, Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries [6], as amended by Regulation (EEC) No 1166/76 [7], provides that the free-at-frontier reference price shall equal the reference price less customs duties; whereas the same rule should be applied to these amounts, which are fixed in units of account, when they are converted into national currencies, so that the effective level of the offer price after customs clearance can be estimated on a standard basis, both to ensure that the reference price is applied uniformly without any artificial alteration of trade patterns and to allow the third countries concerned to benefit fully from the advantages resulting from the tariff concessions, where appropriate; whereas a rate of exchange fixed in accordance with Regulation No 129 should be applied in this case;

Whereas 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 [8], as last amended by Regulation (EEC) No 1160/76 [9], amends the Common Customs Tariff,

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[1] Opinion delivered on 10 May 1976 (not yet published in the Official Journal).
[2] OJ No L 172, 22. 7. 1968, p. 1.
[3] See page 39 of this Official Journal.
[4] OJ No 106, 30. 10. 1962, p. 2553/62.
[5] OJ No L 263, 19. 9. 1973, p. 1.
[6] OJ No L 256, 2. 10. 1975, p. 2.
[7] See page 41 of this Official Journal.
[8] OJ No L 99, 5. 5. 1970, p. 1.
[9] See page 1 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV 'Amendment to the Common Customs Tariff' to Regulation (EEC) No 816/70 is hereby replaced by the Annex to this Regulation in respect of the table of products falling within subheading 22.05 C.

Article 2

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

It shall apply from 1 July 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

ANNEX

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05	C. Other:		
	I. Of an actual alcoholic strength not exceeding 13°, in containers holding:		
	a) Two litres or less	12 u.a. per hl (a) (c)	—
	b) More than two litres	9 u.a. per hl (a) (c)	9 u.a. per hl (c)
	II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding:		
	a) Two litres or less	14 u.a. per hl (a) (c)	—
	b) More than two litres	11 u.a. per hl (a) (c)	11 u.a. per hl (c)
	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	13·5 u.a. per hl
	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	11 u.a. per hl
	2. Tokay (Aszu and Szamorodni) (b)	12 u.a. per hl	—
	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	14·5 u.a. per hl
	2. Other	19 u.a. per hl (a) (c)	19 u.a. per hl (c)

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05 *(continued)*	C. IV. b) More than two litres:		
	1. Port, Madeira, sherry and Setubal muscatel (b)	13 u.a. per hl	12 u.a. per hl
	2. Tokay (Aszu and Szamorodni) (b)	13 u.a. per hl	—
	3. Other	19 u.a. per hl (a) (c)	19 u.a. per hl (c)
	V. Of an actual alcoholic strength exceeding 22°, in containers holding:		
	a) Two litres or less	1·60 u.a. per hl and per degree +10 u.a. per hl (a) (c)	—
	b) More than two litres	1·60 u.a. per hl and per degree (a) (c)	—

(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).