

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 297 final

Brussels, 2 June 1980

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 950/68 on the Common Customs Tariff

(submitted to the Council by the Commission)

COM(80) 297 final

EXPLANATORY MEMORANDUM

1. The agreement concluded in 1979 as a result of the multilateral trade negotiations within the GATT concerning trade in civil aircraft lays down that the relief from duty for goods intended for use in civil aircraft shall also apply to such products when they are to be used in ground flying trainers.
However, the relevant subheadings of the CCT refer only to goods "for use in civil aircraft".
2. The purpose of this proposal for a draft regulation is to better reflect the intention of this agreement by adding a subparagraph 3 to paragraph B of the Preliminary Provisions, Section II, of the Annex "Common Customs Tariff" of Council Regulation (EEC) No 950/68.
3. Moreover, this draft regulation aims, as far as the tariff is concerned, at a correct and efficient administration of the agreements and arrangements concluded between the Community and a number of third countries by introducing an Additional Note to Chapters 60 and 61 respectively of the Annex "Common Customs Tariff" of Regulation (EEC) No 950/68, as well as modifying in the aforesaid Annex, in the Danish version only, the texts of tariff subheadings 60.05 A II b) 4 ff), 60.05 A II b) 4 gg), 61.01 B V c) and 61.02 B II e) 3.
4. In order that the publication of these amendments may be made as early as possible, the Commission requests the Council to deal with this draft proposal for a regulation at one of its forthcoming meetings.

Proposal
for a
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, under Agreements signed with third countries, and in particular pursuant to the Geneva Protocol (1979) and the Additional Protocol to the Geneva Protocol (1979) annexed to the Agreement on trade in civil aircraft, signed at the end of the multilateral trade negotiations 1973-1979, the Community has undertaken to eliminate certain customs duties on 'civil aircraft' defined in Article 1, paragraph 1.2 of that Agreement; whereas, in consequence, appropriate provisions were introduced on 1 January 1980, in Section II paragraph B of the Preliminary Provisions of the Annex headed "Common Customs Tariff" to Council Regulation (EEC) No 950/68 (1), as last amended by Regulation (EEC) No (2);

Whereas it is advisable to specify in those provisions that they shall also apply to parts of ground flying trainers for civil use which fall within headings other than 88.05;

Whereas, in order to ensure uniform application of the Common Customs Tariff, it is necessary to define "suits and co-ordinate suits" of knitted or crocheted fabric or of fabric other than knitted or crocheted, falling respectively within subheadings 60.05 A II b) 4 ff) and 61.01 B V c), and "suits and co-ordinate suits; and costumes" of knitted or crocheted fabric or of fabric other than knitted or crocheted, falling respectively within subheadings 60.05 A II b) 4 gg) and 61.02 B II e) 3; whereas, moreover, the Danish text of the aforementioned tariff subheadings must be amended,

(1) OJ No L 172, 22.7.1968, p.1

(2) OJ No L

HAS ADOPTED THIS REGULATION:

Article 1

The Annex headed "Common Customs Tariff" to Council Regulation (EEC) No 950/68 is hereby amended as follows:

1. The following subparagraph 3 shall be added to Part I Section II paragraph B:

"3. For the application of paragraph 1, second indent, the expression "for use in civil aircraft" in all relevant subheadings (1) includes goods for use in ground flying trainers for civil use."

2. The following Additional Note shall be inserted in Chapter 60:

"Additional Note

Without prejudice to the application of the provisions of General Rule 3 (b) for the interpretation of the nomenclature of the Common Customs Tariff:

A. For the purposes of tariff subheading 60.05 A II b) 4 ff) "suits and co-ordinate suits" are considered to be sets of two or three knitted or crocheted garments comprising:

a) one of the following garments covering the lower part of the body:
- trousers,
- shorts, and

b) one or two of the following garments covering the upper part of the body:
- jacket or blazer,
- windcheater, waister jacket and the like,
- shirt,
- jersey, pullover, slip-over, waistcoat, twinset, cardigan or jumper,
- tunic or other outer garment of tariff subheading 60.05 A II b) 4 ll.

All the components of a suit or co-ordinate suit must be of corresponding sizes and must be matched or co-ordinated as regards cut, material, colours, patterns or trimmings in such a way as to indicate clearly that they have been designed to be worn together by the same person.

If a shirt forms the only upper garment of such a set it must furthermore have the same structure (same yarn, same knit) as the garment covering the lower part of the body.

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The term "suits and co-ordinate suits" also covers sets of jackets or blazers and trousers or shorts which neither match nor co-ordinate but whose corresponding sizes indicate clearly that they are intended to be worn together by the same person.

- B. For the purposes of tariff subheading 60.05 A II b) 4 gg) "suits and co-ordinate suits, and costumes" are considered to be sets of two or three knitted or crocheted garments comprising:
- a) one of the following garments covering the lower part of the body:
 - trousers,
 - shorts,
 - skirt or divided skirt, and
 - b) one or two of the following garments covering the upper part of the body:
 - jacket or blazer,
 - windcheater, waister jacket and the like,
 - blouse or shirt-blouse,
 - jersey, pullover, slip-over, waistcoat, twinset, cardigan or jumper,
 - tunic or other outer garment of tariff subheading 60.05 A II b) 4 ll).

All the components of a suit, co-ordinate suit or costume must be of corresponding sizes and must be matched or co-ordinated as regards cut, material, colours, patterns or trimmings in such a way as to indicate clearly that they have been designed to be worn together by the same person.

If a blouse or shirt-blouse forms the only upper garment of such a set it must furthermore have the same structure (same yarn, same knit) as the garment covering the lower part of the body.

The term "suits and co-ordinate suits, and costumes" also covers sets of jackets or blazers and trousers, shorts, skirts or divided skirts which neither match nor co-ordinate but whose corresponding sizes indicate clearly that they are intended to be worn together by the same person.

3. The following Additional Note shall be inserted in Chapter 61:

"Additional Note

Without prejudice to the application of the provisions of General Rule 3 (b) for the interpretation of the nomenclature of the Common Customs Tariff:

- A. For the purposes of tariff subheadings 61.01 B V c) "suits and co-ordinate suits" are considered to be sets of two or three garments (other than knitted or crocheted garments) comprising:
- a) one of the following garments covering the lower part of the body:
 - trousers,
 - shorts, and
 - b) one or two of the following garments covering the upper part of the body:
 - jacket or blazer,
 - windcheater, waister jacket and the like,
 - shirt,
 - waistcoat, tunic or other outer garment of tariff subheading 61.01 B V g).

All the components of a suit or co-ordinate suit must be of corresponding sizes and must be matched or co-ordinated as regards cut, material, colours, patterns or trimmings in such a way as to indicate clearly that they have been designed to be worn together by the same person.

If a shirt forms the only upper garment of such a set it must furthermore have the same structure (same yarn, same weave, etc) as the garment covering the lower part of the body.

The term "suits and co-ordinate suits" also covers sets of jackets or blazers and trousers or shorts which neither match nor co-ordinate but whose corresponding sizes indicate clearly that they are intended to be worn together by the same person.

- B. For the purposes of tariff subheading 61.02 B II e) 3 "suits and co-ordinate suits, and costumes" are considered to be sets of two or three garments (other than knitted or crocheted garments) comprising:
- a) one of the following garments covering the lower part of the body:
 - trousers,
 - shorts,
 - skirt or divided skirt, and
 - b) one or two of the following garments covering the upper part of the body:
 - jacket or blazer,
 - windcheater, waister-jacket and the like,
 - blouse or shirt-blouse,
 - waistcoat, tunic or other outer garment of tariff subheading 61.02 B II e) 9.

All the components of a suit, co-ordinate suit or costume must be of corresponding sizes and must be matched or co-ordinated as regards cut, material, colours, patterns or trimmings in such a way as to indicate clearly that they have been designed to be worn together by the same person.

If a blouse or shirt-blouse forms the only upper garment of such a set it must furthermore have the same structure (same yarn, same weave, etc) as the garment covering the lower part of the body.

The term "suits and co-ordinate suits, and costumes" also covers sets of jackets or blazers and trousers, shorts, skirts or divided skirts which neither match nor co-ordinate but whose corresponding sizes indicate clearly that they are intended to be worn together by the same person.

4. In the Danish version the wording of subheadings 60.05 A II b) 4 ff) and 61.01 B V c) on the one hand, and subheadings 60.05 A II b) 4 gg) and 61.02 B II e) 3 on the other hand, shall be replaced respectively by the following:

Tariff subheadings 60.05 A II b) 4 ff) and 61.01 B V c)

"Habitter og kombinerede sæt (undtagen skisæt), til mænd og drenge".

Tariff subheadings 60.05 A II b) 4 gg) and 61.02 B II e) 3

"Dragter og kombinerede sæt (undtagen skisæt), til kvinder, piger og småbørn".

Article 2

This Regulation shall enter into force on 1 July 1980.

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

Done at Brussels,

For the Council
The President