

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 19 final

Brussels, 25 January 1983

Proposal for a

COUNCIL REGULATION

on the classification of goods under subheading 22.02 A
of the Common Customs Tariff

(submitted to the Council by the Commission)

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COM 19

EXPLANATORY MEMORANDUM

1. It is proposed that the Council should adopt, on the basis of Article 3 paragraph 3 b) of Regulation (EEC) No 97/69, a proposal for a regulation on the classification of goods under subheading 22.02 A of the Common Customs Tariff.
2. The approval of this regulation by the Council is necessary in order to ensure the correct and uniform application of the Nomenclature of the Common Customs Tariff with regard to certain beverages obtained by the fermentation of the wort of malt and hops and having a very low alcoholic content not exceeding 0.5% volume.
3. Lacking the approval of the Nomenclature Committee of the CCT, the Commission has been unable to adopt the proposed measure.

Proposal for a
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subheading 22.02 A of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 (1), as last amended by the Act of Accession of Greece, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas, in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provisions should be adopted concerning the tariff classification of certain beverages, sometimes called "non-alcoholic beers", which are obtained by fermentation of wort of malt and hops and have a very low alcoholic strength not exceeding 0.5% vol. ;

Whereas heading 22.02 of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 (2), as last amended by Council Regulation (EEC) No (3) refers to non-alcoholic beverages, and whereas heading 22.03 refers to beer;

Whereas, in view of their very low alcoholic strength, not exceeding 0.5% vol, such products cannot be regarded as beer falling within heading 22.03;

Whereas, the said products should therefore be classified as non-alcoholic beverages under heading 22.02; whereas, within this heading, it is appropriate to choose subheading 22.02 A;

Whereas, since the Committee on Common Customs Tariff Nomenclature has not given its assent, the Commission is unable to adopt the provisions it had envisaged on the matter under the procedure provided for in Article 3 of Regulation (EEC) No 97/69,

HAD ADOPTED THIS REGULATION:

Article 1

Beverages produced by the fermentation of the wort of malt and hops, having a very low alcoholic strength not exceeding 0.5% vol, and

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(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 172, 22. 7. 1968, p. 1.
(3) OJ No L P.

sometimes called "non-alcoholic beers" shall be classified in the Common Customs Tariff under the following subheading:

22.02 Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07:

A. Not containing milk or milkfats.

Article 2

This Regulation shall enter into force on the twenty-first day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council

The President