



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.12.2007  
COM(2007) 866 final

**COMMUNICATION FROM THE COMMISSION**

**concerning the Presidency compromise prolonging an existing derogation on beer imports for Finland**

## COMMUNICATION FROM THE COMMISSION

### concerning the Presidency compromise prolonging an existing derogation on beer imports for Finland

The present memorandum concerns the replacement of Directive 69/169/EEC on the harmonisation of provisions laid down by law regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel.<sup>1</sup> To this effect a new text had been proposed by the Commission in 2006 [COM(2006)76 final]

Given that the adoption and application of the new rules has been delayed, the actual Presidency compromise foresees to prolong an existing derogation contained in Directive 69/169/EEC. According to this derogation, Finland can apply to beer a maximum quantitative limit of 16 litres. In view of the imminent expiry of this derogation, on 31 December 2007, the Presidency suggests to include into the draft text a clause prolonging the said derogation from 1 January 2008 until 1 December 2008 (Article 17 of the Presidency compromise; attached)

The Commission's initial proposal foresaw (as the Presidency compromise) a quantitative limit for beer common to all Member States, namely of 16 liters. Thus, that proposal was limited to a common rule and did not provide for an extension of a derogation applicable to a single Member State under Directive 69/169/EEC. Therefore, the prolongation of the said derogation is at present not covered by a proposal on the part of the Commission.

However, without this quantitative limit, in practice private travellers would be entitled to import on average 200 litres beer from Russia into Finland. The current Directive does not contain a quantitative limit for beer although this product is highly taxed in some Member States, such as Finland, but is very cheaply available in some third countries, absent a comparable level of taxation. From 1 December 2008 onwards, the new directive, in accordance with the latest version of the Presidency compromise, will apply providing a general quantitative limit of 16 litres for beer (as proposed by the Commission).

It is therefore proposed at this stage:

- to decide that the Commission's initial proposal be modified to the effect that it also provides for a prorogation of the time limit in Article 5, paragraph 9, of Directive 69/169/EEC until 30 November 2008.
- to authorise Commissioner Kovács to communicate this modification to the Council.

---

<sup>1</sup> OJ L 133 of 4.6.1969, p. 6.