

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 2 final.

Brussels, 13 January 1977.

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration
of Community tariff quotas for certain wines of designation
of origin, falling within heading ex 22.05 of the Common
Customs Tariff, originating in Morocco (1977/1978)

(submitted to the Council by the Commission)

COM(77) 2 final.

EXPLANATORY MEMORANDUM

- 1.1 The Interim Agreement between the European Economic Community and the Kingdom of Morocco provides in Article 14 for the opening of an annual Community tariff quota of 50 000 hl for the dutyfree importation into the Community of certain wines of designation of origin falling within subheading ex 22.05 C of the CCT originating in Morocco. These wines must be put up in containers holding two litres or less. The Community has, however, declared itself willing to apply the above-mentioned provisions for a period of one year and for a volume not exceeding 20 000 hl to wine exported in bulk. The wines in bulk must be put up in accordance with a series of requirements.
- 1.2 On the basis of the exchange of letters provided for in the Agreement in question the above-mentioned tariff reduction shall be applied from 1 April 1977. Accordingly the tariff quota in question has to be opened for an initial period from 1 April 1977 until 31 March 1978.
- 2.1 The Regulation makes provision - as is usual - for the division of each of the quota volumes into two instalments, the first of which is allocated by shares amongst all Member States, while the second constitutes a reserve. The allocation of the first instalment is usually based on the statistical data of the last three years and estimates for the period in question.
- 2.2 In this case, however, neither Community nor national statistical data split up by the types of the wines in question are available and no estimates can be put forward. In these circumstances initial shares should be established for taking into account the possibilities of consumption of these wines in each of the Member States.
3. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described above should be approved.

COUNCIL REGULATION (EEC) No ...

of

opening, allocating and providing for the administration of Community tariff quotas for certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Morocco (1977/1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas the Interim Agreement between the European Economic Community and the Kingdom of Morocco (2) signed on 27 April 1976 stipulates in Article 14 that certain wines having a registered designation of origin falling within subheading ex 22.05 C of the Common Customs Tariff originating in Morocco shall be imported into the Community free of customs duties within the limits of an annual Community tariff quota of 50 000 hectolitres ; whereas these wines must be put up in containers holding two litres or less; whereas, however, the Community has declared itself willing to apply the above-mentioned provisions for a period of one year and for a volume not exceeding 20 000 hectolitres to wine exported in bulk; whereas the wines in bulk must be put up in accordance with a series of requirements;

whereas the import prices for the wines must at any given moment be not less than the Community reference prices for them; whereas these wines must be accompanied by a certificate of designation of origin in accordance with the model given in Annex D to the Agreement in question;

Whereas on the basis of an exchange of letters provided for in Article 14 of the Agreement and signed on ... (3) the tariff reduction shall apply from 1 April 1977; whereas the Community tariff quota in question should therefore be opened for an initial period from 1 April 1977 until 31 March 1978;

.../...

(1) OJ No ...

(2) OJ No L 141, 28.5.1976, p. 98

(3) OJ No ...

Whereas 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 (1), introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas it is in particular necessary to ensure equal and uninterrupted access for all Community importers to the abovementioned quotas, and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into the Member States until the quotas have been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports of the said products from **Morocco over a representa-** tive reference period and to the economic outlook for the quota period concerned;

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each of the types of wines in question are available and no reliable estimates of future imports can be made; whereas in these circumstances the quota volumes should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

(1) OJ No L 256, 2. 10. 1975, p. 2.

Whereas, to take into account import trends for the products concerned in the various Member States, each of the quota amounts should be divided into two instalments, the first being allocated among the Member States and the second held as a reserve intended to cover at a later date the requirements of Member States who have used up their initial share; whereas, in order to guarantee some degree of security to importers in each Member State, the first instalment of the Community quotas should be fixed at a level which could, in the present circumstances, be 50% of each of the quota volumes;

Whereas the initial shares of the Member States may not be used up at the same rate; whereas in order to take this into account and avoid disruption, any Member State which has used up almost all of one of its initial shares should draw a supplementary share from the relevant reserve; whereas this should be done by each Member State each time one of its supplementary shares is almost used up; and so on as many times as the reserve allows; whereas the initial and supplementary shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volumes have been used up and inform the Member States thereof;

Whereas, if at a given date in the quota period a Member State has a considerable quantity of one of its initial shares left over, it is essential that it should return a significant proportion thereof to the relevant reserve, to prevent a part of one or other of the Community quotas remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of the shares allocated to the abovementioned Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1
April 1977 to March 1978

1. For the period from 1 / 1977 to 31 / 1978 Community tariff quotas shall be opened for the following products originating in Morocco, within the limits set out below:

| CCT heading No | Description | Quota volume |
|----------------|---|--|
| 22.05 | Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: — Wines entitled to one of the following designations of origin: Bercane, Sais, Beni M'tir, Guerrouane, Zemmour, Zennata, of an actual alcoholic strength not exceeding 15°: — In containers holding two litres or less — In containers holding more than two litres | 30 000 hl 20 000 hl |

2. Within these tariff quotas the Common Customs Tariff duties applicable to these wines shall be totally suspended. The new Member States shall apply duties calculated in accordance with the relevant provisions of the Interim Agreement and of the Act of Accession.

3. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

4. Wine in containers holding more than two litres must be put up in accordance with the following requirements:

- (a) the containers must be suitable for transporting wine and be used solely for that purpose;
- (b) the containers must be completely filled;
- (c) the means of closing the containers must be such that they cannot be tampered with and must ensure that they cannot be the subject of operations during transportation or storage other than those carried out under the supervision of the authorities of or of the Member States; Morocco
- (d) each container must be labelled in such a way as to permit identification of the quality wine it contains;
- (e) the wine in question may be transported only in containers of a capacity not exceeding 25 hectolitres.

5. Each of these wines, when imported, shall be accompanied by a certificate of designation of origin, issued by the relevant authority, in accordance with the model annexed to this Regulation.

 Moroccan

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid up to

31 March 1978, shall be as follows:

(in hectolitres)

| Member States | Wines having a registered designation of origin in containers holding: | |
|----------------|--|----------------------|
| | two litres or less | more than two litres |
| Benelux | 2 500 | 1 670 |
| Denmark | 1 500 | 1 000 |
| Germany | 3 000 | 2 000 |
| France | 3 000 | 2 000 |
| Ireland | 1 000 | 660 |
| Italy | 1 500 | 1 000 |
| United Kingdom | 2 500 | 1 670 |
| Total | 15 000 | 10 000 |

3. The second instalment of each quota, amounting to 15 000 and 10 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90% or more of one of a Member State's initial shares, as specified in Article 2 (2), or of that share less the portion returned to the relevant reserve where Article 5 has been applied, has been used up, that Member State shall, without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

2. If, after one or other of its initial shares has been used up, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1 draw a third share equal to 7.5% of its initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

3. If, after one or other of its second shares has been used up, 90% or more of the third share drawn by a Member State has been used up, that Member State shall in accordance with paragraph 1, draw a fourth share equal to the third.

This process shall continue to apply until the reserves are used up.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares than those fixed in these paragraphs if there is reason to believe that those fixed might not be used up. They shall inform

the Commission of their reasons for applying this paragraph.

Article 4

Each additional share drawn pursuant to Article 3 shall be valid until 31 March 1978.

Article 5

February
January

Member States shall return to the reserve, not later than 1 / 1978, the unused portion of their initial share which, on 15 / 1978, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion might not be used in full.

February
January

Member States shall notify the Commission, not later than 1 / 1978, of the total imports of the products concerned effected under the Community quotas up to and including 15 / 1978 and, where appropriate, the proportion of each of their initial shares that they are returning to each of the reserves.

Article 6

The Commission shall keep account of the shares opened by Member States pursuant to Articles 2 and 3 and shall inform each State of the extent to which the reserve has been used up as soon as it has been notified.

February

The Commission shall notify the Member States, not later than 5 / 1978, of the state of each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that the drawing which uses up a reserve is limited to the balance available, and to this end, shall specify the amount thereof to the Member State making the final drawing.

Article 7

1. Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares in the Community quotas.

2. Member States shall ensure that importers of the products concerned established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels,

For the Council

| | | |
|---|---|---|
| 1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur: | 2. الرقم - Nummer - Nummer - Number - Numéro - Numero - Nummer | 00000 |
| 4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinatario - Geadresseerde: | 3. (Ursprungsbezeichnung garantierende Stelle) | |
| 6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel: | 5. شهادة التسمية الاصلية CERTIFIKAT FOR ØPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG | |
| 8. مكان الافراغ - Losningssted - Entladungsort - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing: | 7. (Ursprungsbezeichnung) | |
| 9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli | 10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht | 11. لترات Liter Liter Litres Litres Litri Liter |
| | | |
| 12. لترات (بالحروف) - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) - Liter (voluit): | | |
| 13. تأشيرة الهيئة المرسله - Påtegning fra udstedende organ - Bescheinigung der erteilenden Stelle - Certificate of the issuing authority - Visa de l'organisme émetteur - Visto dell'organismo emittente - Visum van de instantie van afgifte: | | |
| 14. تأشيرة الجمارك - Toldstedets attest - Sichtvermerk der Zollstelle - Customs stamp - Visa de la douane - Visto della dogana - Visum van de douane | (Oversættelse se nr. 15 - Übersetzung siehe Nr. 15 - see the translation under No 15 - Voir traduction au n° 15 - Vedi traduzione al n. 15 - Zie voor vertaling nr. 15) | |

Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i området og ifølge marokkansk lovgivning er berettiget til oprindelsesbetegnelse: ».....«.

Alkohol tilsat denne vin er alkohol fremstillet af vin.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk gewonnen wurde und ihm nach marokkanischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.

We hereby certify that the wine described in this certificate is wine produced within the wine district of and is considered by Moroccan legislation as entitled to the designation of origin „.....“.

The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de et est reconnu, suivant la loi marocaine, comme ayant droit à la dénomination d'origine «.....».

L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ed è riconosciuto, secondo la legge marocchina come avente diritto alla denominazione di origine «.....».

L'alcole aggiunto a questo vino è alcole di origine vinica.

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van en dat volgens de Marokkaanse wetgeving de benaming van oorsprong „.....“ erkend wordt.

De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (*)

يحتفظ بهذه الخانة لبيانات أخرى من الدولة المصدر

- (*) Bank forbeholdt eksportlandets andre angivelser.
- (*) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.
- (*) Space reserved for additional details given in the exporting country.
- (*) Case réservée pour d'autres indications du pays exportateur.
- (*) Spazio riservato per altre indicazioni del paese esportatore.
- (*) Nummer is voor andere gegevens van het land van uitvoer.