

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 240 final

Brussels, 8 June 1977

PROPOSAL FOR A

REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of Community tariff quotas for port wines, falling within heading ex 22.05 of the Common Customs Tariff, originating in Portugal (1978)

PROPOSAL FOR A

REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of Community tariff quotas for Madeira wines, falling within heading ex 22.05 of the Common Customs Tariff, originating in Portugal (1978)

PROPOSAL FOR A

REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of Community tariff quotas for Setubal muscatel wines, falling within heading ex 22.05 of the Common Customs Tariff, originating in Portugal (1978)

(submitted to the Council by the Commission)

COM(77) 240 final

EXPLANATORY MEMORANDUM

1. Article 4 of Protocol No 8 to the Agreement of 1972 between the European Economic Community and the Portuguese Republic as amended by Article 9 of the Interim Agreement of 1976, provides for the opening of Community tariff quotas for the wines listed below :

| Common Customs Tariff heading No | Description of goods | Annual Total Volume | Rate of reduction |
|---|---|---------------------------|----------------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | Port wines - in containers holding two litres or less | 35,000 hl | 60% |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | Port wines - in containers holding more than two litres | 280 000 hl | 50% |
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | Madeira wines - in containers holding two litres or less | 1 500 hl | 60% |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | Madeira wines - in containers holding more than two litres | 14 500 hl | 50% |
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | Setubal muscatel wines - in containers holding two litres or less | 1 000 hl | 60% |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | Setubal muscatel wines - in containers holding more than two litres | 2 000 hl | 50% |

These wines will remain subject to provision relating to the common organization of the market in wine.

2. In order to meet the Community's obligations to Portugal in 1978 have to be adopted providing for the opening, allocation and administration of Community tariff quotas.

That is the object of the annexed proposals.

.../...

3. The Regulations provide, in the normal way, that each of the volumes shall be divided into two instalments, the first of which is to be allocated among the Member States and the second held as a reserve.

The allocation of the first instalment is usually based on statistics for the three preceding years and on forecasts for the period in question. In the absence of specific Community statistics for these wines the initial quotas have been calculated on the basis of the most recent statistics for Portuguese exports from 1974 to 1976. The Portuguese statistics can in fact be considered to give a rough picture of Community imports of the wines in question.

4. The Member States' experts who participated in the consultative meeting of the "Economic Tariff Problems" Group (13/14 April 1977) expressed agreement in principle to the scheme for allocations of shares proposed by the Commission in the framework of the regulations annexed.

ANNEXES : 3 proposals for Regulations of the Council

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of Community tariff quotas for port wines, falling within heading No ex 22.05 of the Common Customs Tariff, originating in Portugal (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 Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic ⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal, shall be reduced:

- by 60 % in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff, up to a total annual tariff quota of 35 000 hl, and
- by 50 % in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 280 000 hl;

Whereas these wines will remain subject to the provisions governing the common organization of the market in wine;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access

to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States;

Whereas, in order to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Portugal over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of port wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past three years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States for the past three years represent the following percentages of the imports into the Community from Portugal of the products concerned:

| | 1974 | 1975 | 1976 |
|---|------|------|------|
| Port wines: | | | |
| — in receptacles containing two litres or less: | | | |
| — Benelux | 13.4 | 18.8 | 17.8 |
| — Denmark | 4.1 | 6.0 | 6.2 |
| — Germany | 7.2 | 15.3 | 11.0 |
| — France | 27.9 | 29.0 | 36.0 |
| — Ireland | 0.6 | 0.4 | 0.2 |
| — Italy | 29.9 | 16.1 | 18.3 |
| — United Kingdom | 16.9 | 14.4 | 10.5 |

⁽¹⁾ OJ No

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

| | 1974 | 1975 | 1976 |
|--|------|------|------|
| — in receptacles containing more than two litres : | | | |
| — Benelux | 14.0 | 13.4 | 15.7 |
| — Denmark | 4.5 | 5.5 | 7.0 |
| — Germany | 11.0 | 10.4 | 6.4 |
| — France | 41.0 | 39.4 | 46.5 |
| — Ireland | 1.5 | 1.2 | 0.6 |
| — Italy | — | — | — |
| — United Kingdom | 28.0 | 30.1 | 23.8 |

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

| | Port wines in receptacles containing | |
|----------------|--------------------------------------|----------------------|
| | two litres or less | more than two litres |
| Benelux | 16.6 | 14.6 |
| Denmark | 4.8 | 6.6 |
| Germany | 14.9 | 8.7 |
| France | 29.7 | 42.5 |
| Ireland | 0.8 | 0.8 |
| Italy | 18.8 | 0.1 |
| United Kingdom | 14.4 | 26.7 |

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares ; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts ;

Whereas the initial quota shares of the Member States may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve ; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows ; whereas the initial and additional quota shares must be available for use until the

end of the quota period ; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof ;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid 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 shares granted to the abovementioned economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. For the period from 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, and within the limits listed below :

| CCT heading No | Description | Quota amount |
|---|--------------|--------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | } Port wines | 35 000 hl |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | | |
| | } Port wines | 280 000 hl |

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below :

| CCT heading No | Rate of duty |
|---------------------|--------------|
| ex 22.05 C III a) 1 | 5.4 u.a./hl |
| ex 22.05 C IV a) 1 | 5.8 u.a./hl |
| ex 22.05 C III b) 1 | 5.5 u.a./hl |
| ex 22.05 C IV b) 1 | 6.0 u.a./hl |

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 shared among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts:

(in hectolitres)

| | Port wines under subheadings | |
|----------------|--|--|
| | ex 22.05 C III a) I and ex 22.05 C IV a) I | ex 22.05 C III b) I and ex 22.05 C IV b) I |
| Benelux | 5 250 | 36 790 |
| Denmark | 1 500 | 16 630 |
| Germany | 4 690 | 22 000 |
| France | 9 350 | 107 100 |
| Ireland | 250 | 2 000 |
| Italy | 5 920 | 100 |
| United Kingdom | 4 540 | 67 380 |
| Total | 31 500 | 252 000 |

3. The second instalment of each quota, 3 500 hectolitres and 28 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or more of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

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

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

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

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

The Member States shall forward to the Commission, within the 45 days following the publication of this Regulation in the Official Journal of the European Communities, a copy or a photocopy of the provisions they have made in order to apply this Regulation.

Article 11

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels,

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of Community tariff
quotas for Madeira wines, falling within heading No ex 22.05 of the Common
Customs Tariff, originating in Portugal (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 Parlia-
ment⁽¹⁾,

Whereas Article 4 of Protocol 8 to the Agreement
between the European Economic Community and the
Portuguese Republic⁽²⁾, as amended by the Interim
Agreement between the European Economic Commu-
nity and the Portuguese Republic⁽³⁾, provides that
customs duties on imports into the Community of
certain wines originating in Portugal, shall be
reduced:

- by 60 % in the case of the duties applicable to
Madeira wines falling within subheadings ex 22.05
C III a) 1 and ex 22.05 C IV a) 1 of the Common
Customs Tariff, up to a total annual tariff quota of
1 500 hl, and
- by 50 % in the case of the duties applicable to
Madeira wines falling within subheadings ex 22.05
C III b) 1 and ex 22.05 C IV b) 1 of the Common
Customs Tariff up to a total annual tariff quota of
14 500 hl;

Whereas these wines will
remain subject to the provisions governing the
common organization of the market in wine;

⁽¹⁾ OJ No
⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.
⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

Whereas it is in particular necessary to ensure for all
Community importers equal and uninterrupted access
to the abovementioned quotas and uninterrupted
application of the rates laid down for these quotas to
all imports of the products concerned into all Member
States until the quotas have been used up; whereas,
having regard to the principles mentioned above, the
Community nature of the quotas can be respected by
allocating the Community tariff quota among the
Member States;

Whereas, in order to reflect most accurately the actual
development of the market in the products concerned,
such allocation should be in proportion to the needs
of the Member States, assessed by reference both to
the statistics of each State's imports from Portugal
over a representative period and to the economic
outlook for the quota period concerned;

Whereas available Community statistics give no infor-
mation on the situation of Madeira wines on the
markets; whereas, however, Portuguese statistics for
exports of these products to the Community during
the past three years can be considered to reflect
approximately the situation of Community imports;
whereas on this basis the corresponding imports by
each of the Member States for the past three years
represent the following percentages of the imports
into the Community from Portugal of the products
concerned:

| | 1974 | 1975 | 1976 |
|--|------|------|------|
| Madeira wines | | | |
| — in receptacles contain- ing two litres or less: | | | |
| — Benelux | 15.8 | 28.7 | 14.2 |
| — Denmark | 22.5 | 31.5 | 24.6 |
| — Germany | 8.7 | 9.0 | 7.7 |
| — France | 3.4 | 2.5 | 36.1 |
| — Ireland | 0.8 | 1.0 | 1.0 |
| — Italy | 35.4 | 17.3 | 6.9 |
| — United Kingdom | 13.4 | 10.0 | 9.5 |

| | 1974 | 1975 | 1976 |
|--|------|------|------|
| — in receptacles containing more than two litres : | | | |
| — Benelux | 14.8 | 13.6 | 12.4 |
| — Denmark | 16.0 | 10.6 | 14.8 |
| — Germany | 18.1 | 21.4 | 17.5 |
| — France | 40.8 | 46.7 | 43.4 |
| — Ireland | 0.1 | — | 0.1 |
| — Italy | — | — | — |
| — United Kingdom | 10.2 | 7.7 | 11.8 |

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

| | Madeira wines in receptacles containing | |
|----------------|---|----------------------|
| | two litres or less | more than two litres |
| Benelux | 18.4 | 14.0 |
| Denmark | 22.9 | 16.5 |
| Germany | 13.1 | 19.1 |
| France | 3.6 | 40.8 |
| Ireland | 1.1 | 0.1 |
| Italy | 25.8 | 0.1 |
| United Kingdom | 15.1 | 9.4 |

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares ; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts ;

Whereas the initial quota shares of the Member States may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve ; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows ; whereas the initial and additional quota shares must be available for use until the

end of the quota period ; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof ;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid 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 shares granted to the abovementioned economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. For the period from 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, and within the limits listed below :

| CCT heading No | Description | Quota amount |
|---|-----------------|--------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | } Madeira wines | 1 500 hl |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | } Madeira wines | 14 500 hl |

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below :

| CCT heading No | Rate of duty |
|---|----------------------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | 5.4 u.a./hl 5.8 u.a./hl |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | 5.5 u.a./hl 6.0 u.a./hl |

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 shared among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts:

(in hectolitres)

| | Madeira wines under subheadings | |
|----------------|--|--|
| | ex 22.05 C III a) I and ex 22.05 C IV a) I | ex 22.05 C III b) I and ex 22.05 C IV b) I |
| Benelux | 248 | 1 820 |
| Denmark | 309 | 2 150 |
| Germany | 177 | 2 480 |
| France | 50 | 5 300 |
| Ireland | 15 | 15 |
| Italy | 347 | 15 |
| United Kingdom | 204 | 1 220 |
| Total | 1 350 | 13 000 |

3. The second instalment of each quota, 150 hectolitres and 1 500 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or more of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

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

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

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

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

The Member States shall forward to the Commission, within the 45 days following the publication of this Regulation in the Official Journal of the European Communities, a copy or a photocopy of the provisions they have made in order to apply this Regulation.

Article 11

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels,

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of Community tariff quotas for Setubal muscatel wines, falling within heading No ex 22.05 of the Common Customs Tariff, originating in Portugal (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 Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic ⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal, shall be reduced:

- by 60 % in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff, up to a total annual tariff quota of 1 000 hl, and
- by 50 % in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 2 000 hl;

Whereas these wines will

remain subject to the provisions governing the common organization of the market in wine;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States;

Whereas, in order to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Portugal over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of Setubal muscatel wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past three years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States for the past three years represent the following percentages of the imports into the Community from Portugal of the products concerned:

| | 1974 | 1975 | 1976 |
|---|------|------|------|
| Setubal muscatel wines: | | | |
| — in receptacles containing two litres or less: | | | |
| — Benelux | 30 | — | — |
| — Denmark | — | 20 | 83 |
| — Germany | 50 | 80 | — |
| — France | — | — | — |
| — Ireland | — | — | — |
| — Italy | 20 | — | 17 |
| — United Kingdom | — | — | — |

⁽¹⁾ OJ No

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

| | 1974 | 1975 | 1976 |
|--|------|------|------|
| — in receptacles containing more than two litres : | | | |
| — Benelux | 70 | — | — |
| — Denmark | — | — | — |
| — Germany | — | — | — |
| — France | — | — | — |
| — Ireland | — | — | — |
| — Italy | — | — | — |
| — United Kingdom | 30 | — | — |

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

| | Setubal muscatel wines in receptacles containing | |
|----------------|--|----------------------|
| | two litres or less | more than two litres |
| Benelux | 20 | 20 |
| Denmark | 5 | 5 |
| Germany | 20 | 20 |
| France | 20 | 20 |
| Ireland | 5 | 5 |
| Italy | 10 | 10 |
| United Kingdom | 20 | 20 |

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State having used up almost the whole of any one of its initial quota shares should draw an additional quota share from the corresponding reserve; whereas this must be done by each Member State when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the

end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial quota shares remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid 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 shares granted to the abovementioned economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. For the period from 1 January to 31 December 1978, Community tariff quotas shall be opened for products originating in Portugal, and within the limits listed below :

| CCT heading No | Description | Quota amount |
|---|--------------------------|--------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | } Setubal muscatel wines | 1 000 hl |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | } Setubal muscatel wines | 2 000 hl |

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates listed below :

| CCT heading No | Rate of duty |
|---|----------------------------|
| ex 22.05 C III a) 1 ex 22.05 C IV a) 1 | 5.4 u.a./hl 5.8 u.a./hl |
| ex 22.05 C III b) 1 ex 22.05 C IV b) 1 | 5.5 u.a./hl 6.0 u.a./hl |

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 shared among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978 shall consist of the following amounts:

(in hectolitres)

| | Setubal muscatel wines under subheadings | |
|----------------|--|--|
| | ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 | ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 |
| | | |
| Benelux | 180 | 360 |
| Denmark | 45 | 90 |
| Germany | 180 | 360 |
| France | 180 | 360 |
| Ireland | 45 | 90 |
| Italy | 90 | 180 |
| United Kingdom | 180 | 360 |
| Total | 900 | 1 800 |

3. The second instalment of each quota, 100 hectolitres and 200 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2) or 90 % or more of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.
2. If, after one or other of its initial shares has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.
3. If, after one of its second shares has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

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

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community tariff quotas.

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

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Portugal as and when the goods are entered for home use.

Article 8

At the Commission's request Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

The Member States shall forward to the Commission, within the 45 days following the publication of this Regulation in the Official Journal of the European Communities, a copy or a photocopy of the provisions they have made in order to apply this Regulation.

Article 11

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels,

For the Council

The President

FINANCIAL STATEMENT

1. Budget line concerned : Ch. 12 Art. 120

2. Legal basis : Art. 43 and 113 EEC Treaty

3. Title of the tariff measure :

Proposals for Regulations (EEC) of the Council opening, allocating and providing for the administration of Community tariff quotas for port wines, Madeira wines and Setubal muscatel wines falling within subheading ex 22.05 of the CCT, originating in Portugal (1978).

4. Objectives : fulfilment of contractual obligation - Agreement EEC/Portugal -

5. Method of calculation :

- No of CCT : ex 22.05 C III and C IV (4 tariff subheadings)
- Quota volume : 334,000 hl total
- Quota duty rate : reduction of 50% and 60%
- Duty rate CCT : from 11 UA/hl to 14.4 UA/hl

6. Loss of receipts : 1,800,000 UA

