

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 2 final

Brussels, 18 January 1979

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration
of a Community tariff quota for certain wines having a
registered designation of origin, falling within subheading
ex 22.05C of the Common Customs Tariff, originating in
Morocco (1979/80)

(submitted to the Council by the Commission)

COM(79) 2 final

EXPLANATORY MEMORANDUM

1. The ^{Cooperation} Agreement between the European Economic Community and the Kingdom of Morocco provides in Article 21 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 different qualities of the wines are specified in the Agreement in the form of an exchange of letters of 12 March 1977.

2. Up to and including 1978, this tariff quota opened by the Community has been valid for a period of 1 April to 31 March. Owing to certain characteristic features inherent in the production and marketing of these wines, however, the bulk of the Community's imports occur from January to April, and setting the expiry date at 31 March has made it extremely difficult to utilize the quotas properly. In order to resolve this problem it is proposed that the expiry date now be set at 30 June of each year from 30 June 1980, and thereafter. The next quota will therefore run for 15 months, and the quota volume will be 125 % of the quantity indicated above.

3. The Regulation makes provision - as is usual - for the division of the quota volume into two instalments, the first of which is allocated by shares amongst all Member States, while the second constitutes ^{the} 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.

4. 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.

5. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described above should be approved.

Proposal for a
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opening, allocating and providing for the administration of ^a Community tariff quota for certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Morocco (1979/80)

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),

Cooperation

Whereas the Agreement between the European Economic Community and the Kingdom of Morocco (2) stipulates in Article 21 that certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Morocco, and being specified in the Agreement in the form of an exchange of letters of 12 March 1977 (3),

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, owing to certain characteristic features inherent in the production and marketing of the products in question, the expiry date for the validity of the tariff quota should hence forward be fixed at 30 June; whereas the tariff quota should therefore be opened for a period from 1 April 1979 to 30 June 1980, and the volume increased to 62 500 hectolitres;

on importation into the Community

Whereas the import price 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 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 (4) introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

(1) OJ No C

(2) OJ No L 264, 27.9.1978, p. 2

(3) OJ No L 65, 11.3.1977, p. 2

(4) OJ No L 256, 2.10.1975, p. 2.

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Morocco over a representative reference period and also to the economic outlook for the quota period in question;

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 volume should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 50% of the quota volume;

Whereas the Member States' initial shares 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 which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff quota from 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, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 April 1979 to 30 June 1980 a Community tariff quota of 62 500 hectolitres shall be opened for the following products originating in Morocco:

| CCT heading No | Description |
|----------------|---|
| 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 : BERKANE, SAIS, BENI M'TIR, GUERROUANE, ZEMMOUR, ZENNATA, of an actual alcoholic strength not exceeding 15% vol, in containers holding two litres or less |

2. Within this tariff quota the Common Customs Tariff duties applicable to these wines shall be totally suspended.

3. The wines in question shall benefit from this tariff quota 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. Each of these wines, when imported, shall be accompanied by a certificate of designation of origin, issued by the relevant Moroccan authority, in accordance with the model annexed to this Regulation.

Article 2

1. The tariff quota laid down in Article 1 shall be divided into two instalments.
2. The first instalment of the quota shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid up to 30 June 1980, shall be as follows:

(in hectolitres)

| | |
|----------------|-------|
| Benelux | 5 200 |
| Denmark | 3 130 |
| Germany | 6 250 |
| France | 6 250 |
| Ireland | 2 090 |
| Italy | 3 130 |
| United Kingdom | 5 200 |

3. The second instalment of the quota, amounting to 31 250 hectolitres, shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit.
2. If, after its initial share has been used up, 90% or more of the second share drawn by a Member State has been used up, then 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.
3. If, after its second share 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 the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 30 June 1980.

Article 5

The Member States shall return to the reserve, not later than 1 April 1980, such unused portion of their initial shares as, on 15 March 1980, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 April 1980, of the total quantities of the products in question imported up to 15 March 1980 and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 April 1980, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

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

Done at Brussels,

Article 7

1. The 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 accumulated shares of the tariff quota.

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

3. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for home use.

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

Article 8

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

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 April 1979.

For the Council

The President

ANNEX

| | | |
|---|---|--|
| 1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur: | 2. الرقم - Nummer - Nummer - Number - Numéro - Numero - Nummer | 00000 |
| 4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinataro - Geadresseerde: | 3. (Name of authority guaranteeing the designation of origin) | |
| 6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel: | 5. شهادة التسمية الاصلية CERTIFIKAT FOR OPRINDELSESBETEGNELSE 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. (Designation of origin) | |
| 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. ليترات Liter Liter Litres Litres Litri Liter |
| | | |
| 12. ليترات (بالحروف) - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) - Liter (voluit): | | |
| 13. تأشيرة الهيئة المرسله - Pâtegning 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. (1)

يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة

(1) Rubrik forbeholdt eksportlandets andre angivelser.

(1) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.

(1) Space reserved for additional details given in the exporting country.

(1) Case réservée pour d'autres indications du pays exportateur.

(1) Spazio riservato per altre indicazioni del paese esportatore.

(1) Ruimte bestemd voor andere gegevens van het land van uitvoer.