II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 December 1973

authorizing the Italian Republic, the Federal Republic of Germany and the French Republic to apply protective measures in trade within the Community in wines falling within heading No 22.05 C of the Common Customs Tariff coming from Greece

(Only the Italian, German and French texts are authentic)

(74/12/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the applications made by the Italian Republic, the Federal Republic of Germany and the French Republic on 29 October, 19 November and 21 November 1973 respectively for authorization under the first paragraph of Article 115 of the Treaty to apply protective measures in intra-Community trade in wines coming from Greece and put into free circulation in another Member State;

Whereas Regulation (EEC) No 816/70 [1] laying down additional provisions for the common organization of the market in wine, liberalized imports of these products from third countries and provided for their free movement within the Community;

Whereas, however, in accordance with the Agreement creating an association between the European Economic Community and Greece, and in particular with Protocol No 14 thereof, the Member States are to apply different customs duties to wines imported from Greece; whereas although these wines are imported duty-free into the Benelux countries, and are not subject to quantitative restrictions in the other Member States they are generally subject to customs duties or, as the case may be, to tariff quotas at reduced or zero duties, varying from one Member State to another.

Whereas these tariff divergences cause deflections of trade which, if they continue, are likely to hinder the implementation of tariff measures applied by the Member States in respect of Greece;

Whereas it is not possible in present circumstances for the Member States to introduce methods of cooperation such as would obviate the need for protective measures;

Whereas the Italian Republic, the Federal Republic of Germany and the French Republic should therefore be authorized temporarily to take the necessary protectives measures;

Whereas these measures may consist of levying an additional import charge, designed to offset present tariff divergences, while taking account of the tariff quotas opened in favour of Greece;

Whereas the period of validity of this Decision should end upon the entry into force of a common tariff arrangement for imports of the relevant products from Greece, and in any event not later than 31 October 1974,

[1] OJ No L 99, 5. 5. 1970, p. 1.

HAS ADOPTED THIS DECISION :

Article 1

The Italian Republic, the Federal Republic of Germany and the French Republic are authorized to levy, on imports of wines falling within heading No 22.05 C of the Common Customs Tariff, coming from Greece and put into free circulation in another Member State, a countervailing charge of an amount not exceeding the difference between the customs duties which they apply to imports of the wine in question coming direct from Greece and the customs duties which were levied on the same wine when it was released for free circulation in the Community.

Article 2

1. For wines in respect of which the relevant Member State has opened tariff quotas under Protocol No 14 to the Agreement creating an association between the European Economic Community and Greece, and until the relevant tariff quota is used up by imports direct from Greece or passing through another Member State, the charge provided for in Article 1 shall be calculated on the customs duty applicable in the relevant Member State on that tariff quota.

2. However, for wines which are to be used for preparing vermouth, for making vinegar, for distillation or for coupage (industrial wines), imported in the natural state or after vinification, the Federal Republic of Germany may not levy the charge unless total imports of those wines direct from Greece or passing through another Member State have, over the period from 1 November 1973 to 31 October 1974, reached 228 500 hl.

Article 3

The relevant Member States shall without delay inform the Commission of the measures taken under this Decision.

Article 4

This Decision shall be applicable only until the common tariff arrangement for imports of wine from Greece enters into force, and shall not apply after 31 October 1974.

Article 5

This Decision is addressed to the Italian Republic, the Federal Republic of Germany and the French Republic.

Done at Brussels, 3 December 1973.

For the Commission

The President

François-Xavier ORTOLI