COMMISSION DECISION

of 21 March 1977

authorizing the French Republic to apply protective measures in trade within the Community in wines falling within CCT subheading 22.05 C, coming from Greece

(Only the French text is authentic)

(77/259/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 French Republic on 8 March 1977 for authorization under the first paragraph of Article 115 of the Treaty to apply protective measures in intra-Community trade in wines falling within subheading 22.05 C of the Common Customs Tariff coming from Greece and put into free circulation in another Member State,

Whereas Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine [1], as last amended by Regulation (EEC) No 2842/76 [2], liberalized imports of these products from third countries and provided for their free movement within the Community;

Whereas, however under the Agreement creating an Association between the European Economic Community and Greece [3], and in particular under 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 and without quantitative restrictions into the Benelux countries, they are in the other Member States 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 the Member States cannot under present circumstances introduce such methods of cooperation as would obviate the need for protective measures;

Whereas the French Republic should therefore be authorized temporarily to take the necessary protective measures;

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

Whereas this Decision should cease to apply 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 28 April 1977,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is hereby authorized to levy, on imports of wines falling within subheading 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 applied to imports of the wine concerned coming direct from Greece and the customs duties levied on the same wine when it is put into free circulation in the Community.

Article 2

For wines in respect of which the relevant Member States have 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 referred to in Article 1 shall be calculated on the customs duty applicable in the relevant Member State on that tariff quota.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 327, 26. 11. 1976, p. 2.
(3) OJ No 26, 18. 2. 1963, p. 294/63.

Article 3

The French Republic shall inform the Commission without delay of all measures taken under this Decision.

Article 4

This Decision shall apply only until the entry into force of a common tariff arrangement for imports of wine from Greece, and in any event not later than 28 April 1977.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 21 March 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President