REGULATION (EEC) No 1253/73 OF THE COUNCIL

of 14 May 1973

on imports of the wine product exported under the label of 'Cyprus sherry', originating in and coming from Cyprus, and the introduction of subsidies for similar wine products produced in the Community as originally constituted and exported to Ireland and the United Kingdom

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the exchange of letters referred to in Article 12 of the Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus following the Accession of new Member States to the European Economic Community [1] makes provision for special interim treatment of the wine product exported under the label of 'Cyprus sherry' and intended for direct human consumption, which involves the non-application of countervailing charges on imports of this wine into Ireland and the United Kingdom, up to a maximum annual quota of 200 000 hectolitres;

Whereas the primary aim of this arrangement is to avoid a sudden disruption of traditional exports of this wine product to Ireland and the United Kingdom following the enlargement of the Community; whereas in the medium term this arrangement is designed, on the one hand, to allow Cyprus to introduce legislation on wine production which will ensure that the wine product in question will be produced under conditions corresponding to those required by Community regulations for similar Community products and, on the other, to allow the Community to examine the classification of the wine product in question with a view to reaching a decision on the definitive import treatment to be accorded to it; whereas the Government of Cyprus has undertaken to introduce the legislation specified above not later than 1 September 1973;

Whereas, in these circumstances, imports of the wine product in question into Ireland and the United Kingdom should be exempt from the countervailing charge provided for in the first subparagraph of Article 9 (3) of Council Regulation (EEC) No 816/70 [2] of 28 April 1970, laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 2680/72 [3], for a period allowing the Community to establish whether or not the legislation enacted by Cyprus pursuant to its commitment is in conformity with Community legislation and, if it is, to extend the import treatment provided for in this Regulation, so that in can be applied, as appropriate, to the marketing of the 1974 harvest, which should take place in the first half of 1975;

Whereas the provisional rules laid down in the Protocol confine this measure to imports into Ireland and the United Kingdom; whereas exports to other Member States of the wine product thus imported must therefore be prohibited; whereas the amount of 200 000 hectolitres should be divided between the two Member States concerned on the basis of traditional imports; whereas allowance must be made for the period of application envisaged, ie 1 February to 31 December 1973; whereas therefore an amount of 185 000 hectolitres would be appropriate, this amount to include imports already effected on the basis of Commission Regulation (EEC) No 456/73 [4] of 31 January 1973 on interim measures for the importation into the Community of wine exported as 'Cyprus sherry' originating in and coming from Cyprus and Commission Regulation (EEC) No 1176/73 of 4 May 1973 extending the interim measures for the importation into the Community of wine exported as 'Cyprus sherry' originating in and coming from Cyprus, provided in Regulation (EEC) No 456/73 [5];

Whereas the exceptional exemption from the countervailing charge for the wine in question must not have the effect of facilitating imports of that wine product into Ireland and the United Kingdom at the expense of similar wine products originating in the Com-

[1] See p. 88 of this Official Journal.

[2] OJ No L 99, 5. 5. 1970, p. 1.
[3] OJ No L 289, 21. 12. 1972, p. 1.
[4] OJ No L 53, 26. 2. 1973, p. 12.
[5] OJ No L 119, 5. 5. 1973, p. 13.

munity as originally constituted; whereas some of these Community wine products could be ousted from the markets of these Member States by 'Cyprus sherry'; whereas, to avoid causing an imbalance in the conditions of competition on the markets of these Member-States between wine products exported under the label of 'Cyprus sherry' and similar wine products produced in the Community as originally constituted, provision should be made for the payment of a subsidy on exports of the latter wine products to these Member States, this subsidy being based on the difference, on the markets of these States, between the prices of these wine products and the price of 'Cyprus sherry';

Whereas these subsidies will be necessary for as long as the exceptional measures for 'Cyprus sherry' apply;

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 February to 31 December 1973, the countervailing charge provided for in the first subparagraph of Article 9 (3) of Regulation (EEC) No 816/70 shall not be levied on imports into Ireland and the United Kingdom of the wine product exported under the label of 'Cyprus sherry' originating in and coming from Cyprus up to a maximum amount of 185 000 hectolitres. This amount shall include quantities already imported free of countervailing charge pursuant to Regulation (EEC) No 456/73 and Regulation (EEC) No 1176/73.

Article 2

1. The amount of 185 000 hectolitres fixed in Article 1 shall be divided into two quotas, the one of 1 400 hectolitres for Ireland and the other of 183 600 hectolitres for the United Kingdom.

2. The extent to which the quotas of these Member States have been used up shall be assessed on the basis of imports of the product in question passed through customs under cover of declarations that it has been released for consumption.

3. The Member States concerned shall inform the Commission at regular intervals of imports from Cyprus actually set off against their quotas.

Article 3

Wine products imported into the United Kingdom and into Ireland free of countervailing charge, pursuant to Article 1, may not be exported to other Member States.

Article 4

1. Subsidies shall be granted in respect of exports effected from 1 February 1973 to Ireland and the United Kingdom of wine products produced in the Community as originally constituted which are similar to the wine product exported under the label of 'Cyprus sherry'.

2. The subsidies referred to in paragraph 1 shall be calculated on the basis of the difference, on the markets of the Member States referred to in paragraph 1, between the prices of these Community wine products and the price of the wine product exported under the label of 'Cyprus sherry'.

Article 5

Detailed rules for the application of this Regulation, in particular those concerning the amount of the subsidy and the Community wine products eligible for aid, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24 on the progressive establishment of a common organization of the market in wine [1].

Article 6

The treatment provided for in this Regulation shall apply until 31 December 1973. However, if, before 1 September 1973, the Republic of Cyprus enacts legislation on wine production which is in conformity with Community rules applicable to products similar to the product specified in Article 1, the Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall take all necessary steps to ensure that this treatment is extended in accordance with the terms of the exchange letters annexed to the Protocol laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus following the Accession of new Member States to the European Economic Community.

Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

---

[1] OJ No 30, 20. 4. 1962, p. 989/62.

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

Done at Brussels, 14 May 1973.

For the Council

The President

R. VAN ELSLANDE