REGULATION (EEC) No 1681/73 OF THE COUNCIL

of 18 June 1973

opening, allocating and providing for the administration of a Community tariff quota for Setubal muscatel wines, falling within subheading ex 22.05 of the Common Customs Tariff, originating in Portugal

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 ;

Whereas Article 4 of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic [1] provides that customs duties on imports into the Community of Setubal muscatel wines originating in Portugal, falling within subheadings Nos ex 22.05 C III a) 1, ex 22.05 C III a) 2 aa), ex 22.05 C IV a) 1 and ex 22.05 C IV a) 2 aa) of the Common Customs Tariff are to be reduced by 30 % up to a total annual tariff quota of 3 000 hl ; whereas, however, under Article 6 of Protocol No 8 and Article 59 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties [2], the first quota period is to run only from 1 July to 31 December 1973, and the reduction in duties is limited to 20 % ; whereas this reduction applies, in the case of the Community as originally constituted, to the Common Customs Tariff duties and, in the case of the new Member States, to such duties as these Member States apply at any given moment to imports from third countries ; 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 to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates 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 principles mentioned above, the Community nature of the quota 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 States'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 few 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 represent the following percentages of the imports into the Community from Portugal of the products concerned :

	1969	1970	1971
Germany	33·1	39·8	12·1
Benelux	38·8	20·7	6·3
France	—	—	0·1
Italy	—	—	0·1
Denmark	9·6	14·5	28·6
Ireland	7·0	7·9	17·5
United Kingdom	11·5	17·1	35·3

Whereas imports from Portugal of wines of the categories specified at present enjoy exemption from customs duties in Denmark ; whereas the application of Article 6 of the abovementioned Protocol No 8 involves a zero duty ; whereas, therefore, there is no reason in this case to make provision for the participation by Denmark in the allocation of the Community tariff quotas in question ; whereas it is nevertheless necessary to make provision for the possibility of Denmark, in the course of the quota period, effecting an accelerated alignment with the Common Customs Tariff under Article 59 (4) of the Act of Accession ; whereas the possibility for this Member State to draw a share from the reserve if necessary enables this possible development to be taken into account ;

[1] **OJ No** L 301, 31. 12. 1972, p. 165.
[2] OJ No L 73, 27. 3. 1972, p. 14.

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 :

Germany	36·0
Benelux	31·4
France	1·2
Italy	1·2
Ireland	10·5
United Kingdom	19·7

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount 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 to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 90 % of the quota amount ;

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 its initial quota share should draw an additional quota share from the 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 amount is used and inform Member States thereof ;

Whereas, if, at a specified date in the quota period, a considerable balance 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 the Community quota 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 July 1973 to 31 December 1973, a Community tariff quota of 3 000 hl shall be opened within the European Economic Community for Setubal muscatel wines originating in Portugal, falling within subheadings Nos ex 22.05 C III a) 1, ex 22.05 C III a) 2 aa), ex 22.05 C IV a) and ex 22.05 C IV a) 2 aa) of the Common Customs Tariff.

2. The Common Customs Tariff duties applicable to wines imported within this tariff quota shall be suspended at the rates listed below :

CCT heading No	Rate of duty
ex 22.05 C III a) 1	10·8 u.a./hl
ex 22.05 C III a) 2 aa)	8·8 u.a./hl
ex 22.05 C IV a) 1	11·6 u.a./hl
ex 22.05 C IV a) 2 aa)	9·6 u.a./hl

3. The customs duties to be applied to these wines by Ireland and the United Kingdom shall be such duties as those States apply at any given moment to imports from third countries, less 20 %.

4. These tariff quotas shall be allocated and administered as provided hereunder.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment, amounting to 2 700 hectolitres, shall be shared among the Member States ; the shares which, subject to Article 5, shall be valid until 31 December 1973 shall consist of the following amounts :

	(in hectolitres)
Germany	970
Benelux	850
France	30
Italy	30
Ireland	290
United Kingdom	530

3. The second instalment, amounting to 300 hectolitres, shall constitute the reserve.

4. If Denmark effects an accelerated alignment with the Common Customs Tariff as regards wines of the categories specified in Article 1, it may, if necessary draw an appropriate share from the reserve, to the extent that the amounts still available in this reserve so allow. Denmark shall take the necessary steps to inform importers of this possibility.

Article 3

1. If 90 % or more of the initial share 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 its initial share 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 its second share 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 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 November 1973, a Member State has not used up its initial share, it shall, not later than 30 November 1973, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 30 November 1973, notify the Commission of the total imports of the products concerned effected up to 15 November 1973 inclusive and charged against the Community quota and, where appropriate, the proportion of their initial shares that is being returned to the 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 reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 December 1973, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the 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 quota.

2. The Member States shall guarantee to importers of the products concerned established in their territory free access to the shares allocated to them.

3. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports originating in Portugal and presented for Customs clearance under cover of declarations that they have been made available for consumption.

Article 8

Member States shall inform the Commission at regular intervals 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

This Regulation shall enter into force on 1 July 1973.

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

Done at Luxembourg, 18 June 1973.

For the Council

The President

A. LAVENS