REGULATION (EEC) No 426/73 OF THE COUNCIL

of 5 February 1973

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

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 on signature of the Agreement [1] between the European Economic Community and Spain at Luxembourg on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, in particular Malaga wines; whereas a 50 % reduction in the Common Customs Tariff duties applicable to Malaga wines originating in Spain and imported in containers holding two litres or less should de granted for 1973 up to a Community tariff quota of 15 000 hectolitres;

Whereas the Community tariff quota concerned should be opened;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products, especially as regards observance of the reference price; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and of a certificate, issued by the recognized Spanish authorities and endorsed by the Spanish customs, stating the recognized designation of origin of these wines, within the framework of the methods of administrative cooperation existing between the Community and Spain;

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 State's imports from Spain 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 Malaga wines on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the last 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 during the last three years represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	2·8	2	16·7
Benelux	13·9	17·2	25·9
France	5·5	2	21·3
Italy	77·8	78·8	36·1

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	49
Benelux	23
France	6
Italy	22;

[1] OJ No L 182, 16. 8. 1970, p. 2.

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 80 % 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, it is important that 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 as and 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 of the initial share 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. During the period from 1 January 1973 to 31 December 1973, the Common Customs Tariff duties in respect of Malaga wines originating in Spain shall be partially suspended at the levels shown below within the framework of a Community tariff quota of 15 000 hectolitres:

CCT heading No	Description of goods	Rates (in u.a./hl)
ex 22.05 C III b) 1	Wine from Malaga	8·50
ex 22.05 C IV b)	Wine from Malaga, imported in containers holding two litres or less	9·50

2. The Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Spain, shall be applicable.

3. The inclusion of Malaga wines in the Community tariff quota referred to in paragraph 1 shall be conditional upon observance of the reference price applying to them and to production of a certificate corresponding to one of the specimens annexed hereto, issued by the recognized Spanish authorities, stating the recognized designation of origin of these wines; this certificate shall be endorsed by the Spanish customs authorities under the same conditions as movement certificate A.E.1.

Article 2

1. The Community Tariff quota referred to in Article 1 is divided into two instalments.

2. A first instalment, amounting to 12 000 hectolitres of this quota shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1973 shall consist of the following amounts:

Germany	5 880 hl
Benelux	2 760 hl
France	720 hl
Italy	2 640 hl.

3. The second instalment of the quota to 3 000 hectolitres, shall make up the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % 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 % 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 the provisions of 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 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return 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 10 October 1973, notify the Commission of the total imports of the products concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the share 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 15 October 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 measures necessary 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 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 Member States shall charge imports of the products concerned against their shares in so far as the products have been presented for Customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports from Malta 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 the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

ANNEX

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

No .....

CERTIFICATE OF DESIGNATION OF ORIGIN

I, the undersigned, ...

of the Consejo Regulador of the designation of origin .....

certify:

1. that .....

declares on his own responsibility that he is exporting the following wines:

Packages		Description of goods	Litres	Weight	
Marks and numbers	Number			gross	net

Place of departure ..... shipped by .....

to ..... at .....

2. that according to the documents produced and those in the possession of this council, the abovementioned wines were produced in the region of '.....' and are entitled to use the registered designation of origin '.....'.

Endorsement of the Customs office of export:

....., ... 19.....
(Place) (Date)

For the Consejo Regulador

.....

(Seal)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

N° .....

CERTIFICAT DE L'APPELLATION D'ORIGINE

Le soussigné, ...

du Consejo Regulador de l'appellation d'origine .....

certifie :

1. que .....

déclare sous sa responsabilité qu'il exporte les vins ci-après :

Colis		Désignation des marchandises	Litres	Poids	
Marques et numéros	Nombre			brut	net

Lieu de départ ..... expédié par .....

à la destination de ..... à .....

2. qu'au vu des documents présentés et de ceux en possession de ce conseil, les vins susmentionnés ont été produits dans la région de « ..... » et ont le droit d'utiliser l'appellation contrôlée d'origine « ..... ».

Visa du bureau de douane d'exportation :

....., le ..... 19.....
(Lieu) (Date)

Pour le Consejo Regulador

.....

(Sceau)

ANHANG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

Nr. .....

BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG

Der Unterzeichnete .....

vom Consejo Regulador für Ursprungsbezeichnung .....

bestätigt:

1. **daß** .....

in eigener Verantwortung erklärt, daß er die nachstehenden Weine ausführt:

Packstücke		Warenbezeichnung	Liter	Gewicht	
Zeichen und Nummern	Anzahl			brutto	netto

Verladeort ..... Verladen auf .....

bestimmt für ..... in .....

2. daß gemäß den vorgelegten und den dem Rat schon vorliegenden Dokumenten die vorstehend aufgeführten Weine im Gebiet „.....“ erzeugt wurden und Anspruch auf die Ursprungsbezeichnung „.....“ haben.

Sichtvermerk des Ausfuhrzollamtes:

....., den ..... 19.....
(Ort) (Datum)

Für den Consejo Regulador

.....

(Siegel)

ALLEGATO

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

N. .....

CERTIFICATO DI DENOMINAZIONE DI ORIGINE

Il sottoscritto, ...

del Consejo Regulador della denominazione di origine .....

attesta:

1. che .....

dichiara sotto la sua responsabilità che esporta i vini qui appresso indicati:

Collo		Designazione delle merci	Litri	Peso	
Marche e numeri	Numero			lordo	netto

Luogo di partenza ..... spedito da .....

a destinazione di ..... a .....

2. che, secondo i documenti presentati e quelli in possesso di questo consiglio, i vini di cui sopra sono stati prodotti nella regione di «.....» e hanno il diritto di utilizzare la denominazione controllata di origine «.....».

Visto dell'ufficio di dogana di esportazione:

....., addì ..... 19.....
(Luogo) (Data)

Per il Consejo Regulador

.....

(Timbro)

BIJLAGE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

Nr. .....

CERTIFICAAT VAN BENAMING VAN OORSPRONG

Ondergetekende, ...

van de Consejo Regulador voor de benaming van oorsprong .....

bevestigt:

1. dat .....

onder eigen verantwoordelijkheid verklaart dat hij de hierna volgende wijnen uitvoert:

Collis		Omschrijving	Liter	Gewicht	
Merken en nummers	Aantal			bruto	netto

Plaats van inlading ..... verzonden door .....

bestemd voor ..... in .....

2. dat volgens de ingediende en bij deze raad voorgelegde documenten de voornoemde wijnen geproduceerd zijn in de streek „.....” en gerechtigd zijn de benaming van oorsprong „.....” te voeren.

Visum van het douanekantoor van uitvoer:

....., ... 19.....
(plaats) (datum)

Voor de Consejo Regulador

.....

(zegel)

BILAG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

Nr. .....

CERTIFIKAT FOR OPRINDELSESBETEGNELSE

Undertegnede .....

af Consejo Regulador for oprindelsesbetegnelse .....

bekræfter:

1. at .....

erklærer under ansvar at han eksporterer følgende vine:

Antal pakker		Varebetegnelse	Liter	Vægt	
Mærker og numre	Antal			brutto	netto

Afskibningssted ..... afskibet af .....

bestemmelsessted ..... i .....

2. at i følge de foreviste og de allerede i rådets besiddelse værende dokumenter er de ovenfor nævnte vine fremstillet i distriktet »..... « og har tilladelse til at bruge oprindelsesnavnet »..... «.

Eksporttoldkontorets stempel:

..... , den ..... 19.....
(Sted) (Dato)

For Consejo Regulador

.....

(Segl)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

Nº .....

CERTIFICADO DE LA DENOMINACIÓN DE ORIGEN

El que suscribe, ...

del Consejo Regulador de la Denominación de Origen .....

certifica:

1. Que .....

declaran ante él y bajo su responsabilidad que expiden la siguiente partida de vinos:

Bultos		Denominación	Litros	Pesos	
Marcás y numeros	Numeros			bruto	neto

Lugas de salida ..... enviado por .....

con destino a ..... de .....

2. Que de acuerdo con los documentos que me exhiben y antecedentes que obran en poder de este consejo, los vinos cuya relación antecede fueron producidos en la Zona «.....» y pueden en derecho utilizar esta denominación de origen «.....».

Visado de la Aduana de salida :

....., ... 19.....
(Lugar) (Fecha)

Por el Consejo Regulador

.....

(Selos)