REGULATION (EEC) No 1143/74 OF THE COMMISSION

of 7 May 1974

laying down implementing provisions and fixing the amount of subsidies for wine products similar to the wine product exported under the label of 'Cyprus Sherry' produced in the Community as originally constituted and consigned to Ireland or to the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3576/73 (1) of 28 December 1973 on the extension and modification of the arrangements made by Regulation (EEC) No 1253/73 on the importation 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, and in particular Article 5 thereof;

Having regard to 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 2592/73 (3), and in particular Article 29 (3) thereof;

Whereas Article 4 (1) of Regulation (EEC) No 3576/73 provides for the granting of subsidies in respect of consignments to Ireland or to the United Kingdom of Community wine products which are similar to the wine product exported under the label of 'Cyprus Sherry'; whereas the characteristics of that product are comparable with those of liqueur wines other than quality wines psr produced in the Community;

Whereas Article 4 (2) of Regulation (EEC) No 3576/73 provides that the subsidy granted in respect of the relevant Community wine products is to be calculated on the basis of the difference on the British and Irish markets between the prices of those products and the prices of the wine product exported under the label of 'Cyprus Sherry', and whereas this calculation gives a subsidy of 24 units of account per hectolitre;

Whereas it is necessary, in order to restore the balance between the various sources of supply on the British and Irish markets, to subsidize persons who consign the relevant Community products to those markets;

Whereas it is desirable that in order to obtain the subsidy the consignor should be required to furnish the necessary proof; whereas to this end he should be required when he submits an application for a subsidy to submit also a copy of the accompanying document provided for in Commission Regulation (EEC) No 1769/72 (4) of 26 July 1972 drawing up accompanying documents and determining the obligations of wine producers and traders other than retailers, as last amended by Regulation (EEC) No 374/74 (5); whereas, however, under Article 13 (2) of that Regulation Member States may provide that in the case of certain products and in certain circumstances such document is not required; whereas it is therefore necessary, if the objectives of this Regulation are to be attained, to prohibit the application of that provision in Member States from which the products in question are initially consigned;

Whereas it is also desirable that the consignor should be required to furnish proof that the products concerned have been entered for home use in the United Kingdom or Ireland; whereas proof for this purpose may be furnished by production of the control copy provided for in Commission Regulation (EEC) No 2315/69 (6) of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods, as last amended by Regulation (EEC) No 690/73 (7); whereas whatever further information is necessary for control purposes should be given in that document;

Whereas since subsidies are to be granted only in respect of consignments to Ireland or to the United Kingdom, it is necessary to provide that where a wine product qualifying for a subsidy is re-consigned to another Member State of the Community or is exported to a third country a sum equal to the amount of the subsidy is to be charged; whereas the EAGGF must recover all such sums collected by Ireland and the United Kingdom;

Whereas, in order to enable the Commission and the Member States concerned to keep track of the situation, the Member States should be informed of the quantities in respect of which subsidies have been applied for and of the quantities in respect of which subsidies have been granted;

(1) OJ No L 359, 28. 12. 1973, p. 33.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 269, 26. 9. 1973, p. 1.
(4) OJ No L 191, 21. 8. 1972, p. 1.
(5) OJ No L 42, 14. 2. 1974, p. 5.
(6) OJ No L 295, 12. 11. 1969, p. 14.
(7) OJ No L 66, 3. 3. 1973, p. 23.

Whereas the Management Committee for Wine has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION :

Article 1

The wine products qualifying for the subsidy provided for in Article 4 of Regulation (EEC) No 3576/73 shall be liqueur wines prepared in the Community as originally constituted from grape must or wine produced within the Community, with the exception of quality wines produced in specified regions.

Article 2

The subsidy provided for in Article 4 of Regulation (EEC) No 3576/73 is hereby fixed at 24 units of account per hectolitre.

Article 3

1. The subsidy shall be granted, in accordance with the procedure specified in Article 4, to consignors in the Member States of the Community as originally constituted.

2. The subsidy shall be granted for products in respect of which customs formalities on consignment are completed between 1 January 1974 and 31 December 1974.

3. The day on which customs formalities on consignment are completed shall be the day on which the customs authorities accept the document by which the declarant states his intention to consign a product of the kind specified in Article 1 to Ireland or to the United Kingdom. At the time of such acceptance the products concerned shall be placed under customs control and shall so remain until they leave the territory of the Member State from which they are initially consigned.

The day on which customs formalities on consignment are completed shall be the operative date for determining quantity, nature and characteristics of the product consigned.

Article 4

1. To obtain payment of the subsidy, the consignor must, within six months following the completion of the customs formalities on consignment, present to the competent authorities of the Member State from which the products were initially consigned an application for subsidy accompanied by :

— a copy of the accompanying document provided for in Regulation (EEC) No 1769/72, and

— proof from the British or Irish customs authorities that the wine products in question have been entered for home use in the Member State of destination.

For the purposes of this paragraph no Member State from which such products are initially consigned may avail itself of the power provided for in Article 13 (2) of Regulation (EEC) No 1769/72.

2. The proof required under the preceding paragraph shall be furnished by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.

Special endorsement shall be made in the following sections on the control copy :

(a) sections 101 and 103 ;

(b) section 104, deleting as necessary and inserting one of the following :

'Intended for entry for home use'
'Destiné à être mis à la consommation'
'Für den freien Verkehr bestimmt'
'Destinato ad essere immesso in consumo'
'Bestemd om in het vrije verkeer te worden gebracht'.

The competent customs office in the Member State of destination shall complete the section marked 'Control of use and/or destination'.

Article 5

1. If a wine product coming within Article 1 in respect of which the customs formalities on importation into Ireland or the United Kingdom are completed as from 1 January 1974 is consigned from either of these Member States to another Member State or exported to a third country, an amount equal to the subsidy applicable on the day of completion of the customs formalities on such reconsignment or exportation shall be charged.

The said amount shall be paid by the consignor or exporter not later than at the time of completion of customs formalities.

However no such amount shall be charged if the consignor or exporter furnishes proof that no subsidy has been granted in respect of the product in question.

2. If the arrangements provided for in Regulation (EEC) No 1253/73 are not extended beyond 31 December 1974, the subsidy to be taken into account for the purpose of determining the amount provided for in paragraph 1 shall be the subsidy applicable on 31 December 1974.

3. Ireland and the United Kingdom shall account to the Guarantee Section of the EAGFF for all sums collected in pursuance of paragraph 1.

4. Each of the two aforesaid Member States shall adopt whatever measures are necessary to implement this Article and shall inform the Commission thereof, and of the quantities in respect of which the amount provided for in paragraph 1 has been charged.

Article 6

Every Member State from which the relevant wine products are initially consigned shall, not later than the fifteenth of each month, inform the Commission and the Member States of destination of the quantities of such products in respect of which subsidies have been granted during the preceding month and of the quantities in respect of which applications for subsidy have been received during that month.

Article 7

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

It shall apply with effect from 1 January 1974.

However,

— the dispositions of Article 4 (2) shall only apply in respect of products for which customs formalities on consignment are completed as from the thirtieth day following the entry into force of this Regulation,

— the dispositions of Article 5 (1) shall only apply in respect of products for which customs formalities on reconsignment or exportation are completed as from the third day following the entry into force of this Regulation.

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

Done at Brussels, 7 May 1974.

For the Commission

The President

François-Xavier ORTOLI