REGULATION (EEC) No 2178/74 OF THE COMMISSION

of 20 August 1974

amending Regulation (EEC) No 1143/74 as regards the documents to be produced in order to obtain the subsidies for Community wine products similar to the wine product exported under the label of 'Cyprus Sherry'

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to 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 wine products 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 1532/74 [3], and in particular Article 29 (3) thereof;

Whereas Article 4 of Commission Regulation (EEC) No 1143/74 [4] 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 prescribes a time limit of six months following the completion of the customs formalities on consignment for the presentation of the application for subsidy; whereas this time limit is not sufficient for shipments consigned before the date of entry into force of that Regulation;

Whereas Article 4 (1) of the said Regulation laid down certain conditions that must be fulfilled before the subsidy can be obtained; whereas one of the conditions is the presentation of a copy of the accompanying document provided for in Commission Regulation (EEC) No 1769/72 [5], 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 1199/74 [6]; whereas for the purposes of applying this provision Regulation (EEC) No 1143/74 prohibited recourse to Article 13 (2) of Regulation (EEC) No 1769/72;

Whereas, however, Regulation (EEC) No 1143/74 is applicable with retrospective effect from 1 January 1974 and whereas between that date and the date of its entry into force consignors have as a rule made use of the facility provided for in Article 13 (2) of Regulation (EEC) No 1769/72; whereas it is therefore expedient to provide that in such cases the accompanying document may be replaced by any other appropriate document to be determined by the Member States concerned;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (1) of Regulation (EEC) No 1143/74 is replaced by the following:

'1. To obtain payment of the subsidy, the consignor must, within six months following completion of the customs formalities on consignment, or in the case of wine consigned before the date of entry into force of this Regulation, within six months following its entry into force, present to the competent authority 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, which copy may in the case of wine consigned before 1 June 1974 and in respect of which pursuant to Article 13 (2) of Regulation (EEC) No 1769/72 no accompanying document is required be replaced by any other appropriate document to be determined by the Member States concerned, 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.

(1) OJ No L 359, 28. 12. 1973, p. 33.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 166, 21. 6. 1974, p. 1.
(4) OJ No L 126, 8. 5. 1974, p. 12.
(5) OJ No L 191, 21. 8. 1972, p. 1.
(6) OJ No L 131, 14. 5. 1974, p. 14.

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

Article 2

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, 20 August 1974.

For the Commission

The President

François-Xavier ORTOLI