REGULATION (EEC) No 2506/75 OF THE COUNCIL

of 29 September 1975

laying down special rules for the importation of products in the wine-growing sector originating in certain third countries

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 Council Regulation (EEC) No 816/70 [1] of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 1932/75 [2], and in particular Article 9 (5) thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament [3] ;

Whereas in accordance with Article 9 of Regulation (EEC) No 816/70 the system for the importation of wine is based on respect of a reference price ; whereas to ensure respect of this price, provision has been made for the possibility of levying a countervailing charge in addition to customs duties ;

Whereas certain agreements with third countries similarly make provision for preferential tariff concessions provided that the reference price is respected ; whereas it has been found necessary to adopt measures making it possible in such cases to ensure that the system operates properly so that the aims of the import arrangements laid down by the common organization of the market in wine shall not be jeopardized ;

Whereas in particular the measures enabling the customs authorities of Member States to implement the agreements with third countries should be laid down ; whereas for the implementation of these agreements the conditions and detailed rules enabling, where the reference price is not respected, withdrawal of the tariff concession to be established should be specified ; whereas, depending on the case, in addition to such withdrawal the countervailing charge may be reintroduced, this possibility being provided for by the second subparagraph of Article 9 (3) of Regulation (EEC) No 816/70 ;

Whereas to ensure that withdrawal of the tariff concession or reintroduction of the countervailing charge is not applied for any longer than is strictly necessary for the system to operate properly, it is advisable to provide for a monthly review of the position ;

Whereas the requirement that wine must be accompanied by a document from an exporting country may constitute a useful method of checking that the reference price is respected where that country has undertaken to adopt the measures necessary to ensure such respect,

HAS ADOPTED THIS REGULATION :

Article 1

For the purposes of this Regulation, free-at-frontier reference price means the reference price referred to in Article 9 of Regulation (EEC) No 816/70 less customs duties actually levied.

Article 2

Member States shall inform the Commission of individual cases of failure to observe the free-at-frontier reference price in respect of imports of wine originating in the third countries referred to either in Article 9 (3), second subparagraph of Regulation (EEC) No 816/70 or in Article 3 (1) of this Regulation.

Article 3

1. Any import of wines falling within heading No 22.05 of the Common Customs Tariff and originating in third countries granted preferential tariff concessions, provided the free-at-frontier reference price is respected, shall not be subject to the preferential duty in the event of failure to respect this price.

2. Without prejudice to any other methods that may be used to check the reference price, granting of the tariff concessions referred to in paragraph 1 shall be subject to presentation of a document issued by the competent authorities of the exporting country certifying that the free-at-frontier reference price has been respected.

3. If the cases referred to in Article 2 are significant as regards imports of wines originating in third countries referred to in Article 1 and without prejudice to any measures that may be adopted on the basis of Article 9 of Regulation (EEC) No 816/70, it shall be decided in accordance with the procedure laid down in Article 7 of Regulation No 24 that any future imports originating in these countries that have failed to respect the free-at-frontier reference price shall not be subject to the preferential duty.

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(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 198, 29. 7. 1975, p. 19.
(3) Opinion delivered on 25 September 1975 (not yet published in the Official Journal).

Article 4

Any measures adopted on the basis of Article 9 of Regulation (EEC) No 816/70 and the measure referred to in Article 3 (3) of the present Regulation shall be the subject of a monthly review in accordance with the procedure laid down in Article 8 of Regulation No 24.

Article 5

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24. These rules shall in particular specify the elements that are to be taken into consideration in establishing the free-at-frontier offer price for each import.

2. The Commission shall fix the free-at-frontier reference price according to the origin of the imported products.

Article 6

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

It shall apply from the first day of the second month following the month of 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, 29 September 1975.

For the Council

The President

G. MARCORA