REGULATION (EEC) No 3161/75 OF THE COUNCIL

of 24 November 1975

opening, allocating and providing for the administration of a Community tariff quota for Jerez wines, falling within heading No ex 22.05 of the Common Customs Tariff, originating in Spain (1976)

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 (1);

Whereas on the signing of the Agreement (2) 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 Jerez wines; whereas:

— a 60% reduction in the Common Customs Tariff duties applicable to Jerez wines, originating in Spain and imported in containers holding two litres or less should be granted for 1976 up to a Community tariff quota of 40 000 hectolitres; and

— a 50% reduction in the Common Customs Tariff duties applicable to Jerez wines, originating in Spain and imported in containers holding more than two litres should be granted for 1976 up to a Community tariff quota of 210 000 hectolitres;

Whereas the Community tariff quotas in question should be opened for the year 1976, and whereas, however, because of the possibility of implementing other preferential arrangements as a result of a new Agreement between the European Economic Community and Spain, it is necessary to confine the period of validity of these tariff quotas to such period as is not covered by the new Agreement;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and a certificate of designation of origin as provided for in Regulation (EEC) No 1120/75 (3) endorsed by the Spanish customs authorities;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more 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 to both the statistics of each State's imports of the said products from Spain over a representative period and the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of Jerez wines on the markets; whereas, however, Spanish 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 Spain of the products concerned:

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(1) OJ No C 239, 20. 10. 1975, p. 49.
(2) OJ No L 182, 16. 8. 1970, p. 2.
(3) OJ No L 111, 30. 4. 1975, p. 19.

	1972	1973	1974
Jerez wines:			
— in containers holding two litres or less:			
— Germany	14·8	14·6	19·3
— Benelux	76·8	77·3	72·3
— France	1·0	0·9	0·6
— Italy	7·4	7·2	7·8
— in containers holding more than two litres:			
— Germany	5·5	9·2	8·7
— Benelux	94·3	90·6	91·1
— France	0·1	0·1	0·2
— Italy	0·1	0·1	0·0

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

	Jerez wines in containers holding:	
	two litres or less	more than two litres
Germany	17·2	7·8
Benelux	74·0	92·0
France	0·9	0·1
Italy	7·9	0·1

Whereas, in order to take account import trends for products in question in the Member States concerned, the quota amounts should be divided into two instalments, the first instalment being allocated among the same Member States, the second instalment constituting a reserve intended to cover the later requirements of 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 quotas should be fixed in this case at approximately 80% of each of the quota amounts;

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 amounts are 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 one or other of the Community quotas 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1976 until the date of entry into force of a new Agreement between the European Economic Community and Spain, but not later than 31 December 1976, the Common Customs Tariff duties in respect of the following Jerez wines, originating in Spain, shall be partially suspended at the levels or within the limits of the Community tariff quotas indicated for each of them:

CCT heading No	Description	Rate (u.a./hl)	Quota volume (hl)
ex 22.05 C III a) 1	Wines from Jerez	5·4	40 000
ex 22.05 C IV a) 1	Wines from Jerez	5·8	
ex 22.05 C III b) 1	Wines from Jerez	5·5	210 000
ex 22.05 C IV b) 1	Wines from Jerez	6·0	

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 these wines in the Community tariff quota referred to in paragraph 1 shall be conditional upon observance of the reference price applying to them and production of a movement certificate A.E.1 and a certificate of designation of origin as provided for in Regulation (EEC) No 1120/75, endorsed by the Spanish authorities.

Article 2

1. The quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until the end of the period specified in Article 1, shall be as follows:

	Jerez wines under subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Germany	5 500	13 000
Benelux	23 700	154 560
France	300	170
Italy	2 500	170
Total	32 000	168 000

3. The second instalment of each quota, that is 8 000 hectolitres and 42 000 hectolitres respectively, shall constitute 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 reserve is sufficient.

2. If, after one or other of its initial shares have 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 reserve is sufficient.

3. If, after one or other of its second shares have 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 a Member State 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

Each of the additional shares drawn pursuant to Article 3 shall be valid until the end of the period stipulated in Article 1.

Article 5

The Member States shall return to the reserve, not later than 1 October 1976, the unused portion of their initial share which, on 15 September 1976, is in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1976, notify the Commission of the total imports of the products concerned effected up to and including 15 September 1976, and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each 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 State of the extent to which the reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1976, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and for this purpose shall specify the amount thereof to the Member State which makes the last drawing.

Article 7

1. The Member States shall takes 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 quotas.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

On receipt of a request from the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1976.

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

Done at Brussels, 24 November 1975.

For the Council

The President

B. VISENTINI