COUNCIL REGULATION (EEC) No 1082/77

of 25 May 1977

opening, allocating and providing for the administration of a Community tariff quota for wines from fresh grapes and grape must with fermentation arrested by the addition of alcohol falling within heading No 22.05 of the Common Customs Tariff, originating entirely in Greece

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 at the EEC-Greece Association Council meeting on 28 April 1975, the European Economic Community had stated that the basic provisions for the implementation of the common agricultural policy were fixed for the products listed in Article 1 of Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (2), and Greece had stated that it was prepared to harmonize its policy for the products referred to in Article 1 of the said Regulation ;

Whereas by 29 April 1977 the Association Council had not yet fixed the arrangements applicable to trade in the aforementioned products between the Contracting Parties ; whereas therefore both the provisions in Protocol 14 to the EEC-Greece Association Agreement for Greek exports of wines from fresh grapes and grape must with fermentation arrested by the addition of alcohol and the arrangements provided for in Article 37 and in the second paragraph of Protocol 12 to the said Agreement in respect of the products covered by Regulation (EEC) No 816/70, cease to apply in the Community ; whereas, however, the measures laid down in Protocol 6 (2) of the said Agreement continue to apply in the Community unless the Community avails itself of its option of taking different measures under the conditions laid down in Article 36 (1) of the said Agreement ;

Whereas, pending a decision by the Association Council pursuant to Article 35 or 36 (1) of the said Agreement, and in order to avoid any discontinuity which might be harmful to exports to the Community of wine originating entirely in Greece, special import arrangements should be introduced for such products which, while giving preference to imports of such products, continue in addition to comply with the provisions of Regulation (EEC) No 816/70, and in particular those of Article 9 thereof ; whereas a Community tariff quota of 420 000 hectolitres per annum should accordingly be opened at a reduced duty ; whereas for the period 29 April to 31 December 1977 the volume of the quota will accordingly be 284 220 hectolitres ;

Whereas it is in particular necessary to guarantee all importers of the Member States equal and uninterrupted access to the said quota and uninterrupted application of the rate laid down for that quota to all imports into such Member States of the products concerned until the quota has been used up ; whereas having regard to the above principles the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States ; whereas, 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 relating to imports from Greece over a representative period, and to the economic outlook for the quota period concerned ;

Whereas, on the basis of the statistics at present available, imports from Greece into the Member States in 1974, 1975 and 1976 of the product concerned have developed as follows and represent the following percentages of total imports into the Community :

Member States	1974	1975	1976
Benelux	55·02	66·66	73·31
Denmark	0·05	0·11	0·11
Germany	37·04	26·46	22·35
France	6·21	6	3·35
Ireland	0·05	0·02	0·01
Italy	0·14	0·02	0·02
United Kingdom	1·49	0·71	0·85

Whereas, taking into account these figures and the foreseeable development of the market in the product

(1) OJ No C 118, 16. 5. 1977, p. 67.
(2) OJ No L 99, 5. 5. 1970, p. 1.

concerned during 1977, the initial shares in the volume of the quota may be fixed approximately at the following percentages :

Benelux	64·06
Denmark	0·53
Germany	29·89
France	2·67
Ireland	0·36
Italy	0·36
United Kingdom	2·13

Whereas in order to take into account the import trends for the product concerned in the Member States, the quota volume 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, should their initial share be used up ; whereas, in order to ensure a certain degree of security to importers, the first instalment of the Community quota should be determined at a relatively high level, which under present circumstances could be approximately 99 % of the quota volume ;

Whereas the initial shares may be used up fairly quickly ; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share, should draw a supplementary share from the Community reserve ; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows ; whereas the initial and supplementary shares must be valid until the end of the quota period ; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and to inform the Member States thereof ;

Whereas if, at a specified date in the quota period, a considerable quantity of the initial quota share remains in any Member State, it is essential that the Member State should return a certain proportion thereof to the reserve, in order to avoid 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. Until 31 December 1977, a Community tariff quota of 284 220 hectolitres shall be opened in the Community for wine of fresh grapes and grape must with fermentation arrested by the addition of alcohol falling under heading No 22.05 of the Common Customs Tariff, originating entirely in Greece.

Within this tariff quota, the Common Customs Tariff duty shall be reduced to the levels indicated in the table below :

CCT heading No	Description of goods	Rate of duty
22.05	Wine of fresh grapes ; grape must with fermentation arrested by the addition of alcohol :	
	A. Sparkling wine	6 u.a. per hl
	B. Wine in bottles with 'mushroom' stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than 1 atmosphere but less than 3 atmospheres, measured at a temperature of 20 °C	6 u.a. per hl
	C. Other	
	I. Of an actual alcoholic strength not exceeding 13°, in containers holding :	
	(a) 2 litres or less	1·8 u.a. per hl
	(b) More than 2 litres	1·3 u.a. per hl
	II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding :	
	(a) 2 litres or less	2·1 u.a. per hl
	(b) More than 2 litres	1·6 u.a. per hl

CCT heading No	Description of goods	Rate of duty
22.05 C *(cont'd)*	III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding :	
	(a) 2 litres or less :	
	2. Other	2·5 u.a. per hl
	(b) More than 2 litres :	
	3. Other	2·1 u.a. per hl
	IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding :	
	(a) 2 litres or less :	
	2. Other	2·8 u.a. per hl
	(b) More than 2 litres :	
	3. Other	2·8 u.a. per hl
	V. Of an actual alcoholic strength exceeding 22°, in containers holding :	
	(a) 2 litres or less	0·2 u.a. per hl and per degree + 1·5 u.a. per hl
	(b) More than 2 litres	0·2 u.a. per hl and per degree

The new Member States shall apply within this quota the customs duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two instalments.

2. A first instalment, amounting to 281 000 hectolitres, shall be shared among the Member States ; the shares which subject to Article 5 shall be valid until 31 December 1977, shall be as follows :

	— *in hectolitres* —
Benelux	180 000
Denmark	1 500
Germany	84 000
France	7 500
Ireland	1 000
Italy	1 000
United Kingdom	6 000

3. The second instalment of 3 220 hectolitres shall constitute the reserve.

Article 3

1. If 90 % or more of any Member State's initial share, as laid down in Article 2 (2), or 90 % or more of that share less the amount returned to the reserve where Article 5 has been applied, has been exhausted, that Member State shall without delay, by notifying the Commission, 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 % or more of the second share drawn by that Member State has been exhausted, it shall, in the manner provided for in paragraph 1, draw a third share equal to 7·5 % of its initial share.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by that Member State has been used up, it shall, in the manner provided for in paragraph 1, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares 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 their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20 % of the initial amount. They may return a greater 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 1977, notify the Commission of the total imports of the products concerned effected under and charged against the Community quota up to 15 September 1977 inclusive and, where appropriate, of the proportion of their intial shares that they are returning to the reserve.

Article 6

The Member States shall be authorized to divide the shares allocated to them or which they have drawn from the reserve into two parts according to their foreseeable use, reserving one part for wines intended for direct consumption and the other for wines intended for processing.

However, during the marketing year and according to the actual needs which arise, they shall make the necessary adjustments to the original allocations.

Article 7

The Commission shall keep account of the shares 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 notification.

The Commission shall, not later than 5 October 1977, notify the Member States of the state of 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 8

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that charges may be made without interruption against their combined shares of the Community quota.

2. Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them or drawn from the reserve.

3. 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 9

At the request of the Commission, Member States shall inform it of imports of the products in question actually charged against their shares.

Article 10

The Member States and the Commission shall cooperate closely in order to ensure the correct application of this Regulation.

Article 11

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

It shall apply from 29 April 1977.

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

Done at Brussels, 25 May 1977.

For the Council

The President

D. OWEN