COMMISSION REGULATION (EEC) No 135/78

of 25 January 1978

laying down detailed rules for the granting of subsidies for certain liqueur wines produced in the Community and similar to the liqueur wine marketed as 'Cyprus sherry'

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3016/77 of 29 December 1977 opening, allocating and providing for the administration of a Community tariff quota for liqueur wines falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus and marketed under the label of 'Cyprus sherry', and introducing subsidies for similar wine products produced in the Community (1), and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (2), as last amended by Regulation (EEC) No 2560/77 (3), and in particular Article 29 (3) thereof,

Whereas Article 7 (1) of Regulation (EEC) No 3016/77 provides for the granting of subsidies in respect of Community liqueur wines similar to the liqueur wines described on the V.I.1 document as liqueur wines intended for marketing as 'Cyprus sherry', consigned on or before 28 February 1978 by producer Member States to other Member States of the Community which have actually imported such products and marketed them pursuant to the said Regulation (EEC) No 3016/77 ; whereas, according to the information available to the Commission, such products are marketed as Cyprus sherry in two Member States, Ireland and the United Kingdom ; whereas subsidies must therefore be granted for consignments of similar Community liqueur wines to those two Member States ;

Whereas Article 7 (2) of Regulation (EEC) No 3016/77 provides that the amount of the subsidy granted to Community products must be determined on the basis of the difference, on the markets of the importing Member States, between the prices of Community liqueur wines and those of liqueur wines marketed as 'Cyprus sherry' ;

Whereas 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 1153/75 of 30 April 1975 prescribing the form of the accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers (4), as amended by Regulation (EEC) No 2617/77 (5) ; whereas, however, under Article 13 (2) of that Regulation the 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 the present Regulation are to be attained, to prohibit the application of that provision in Member States from which the products in question are consigned ;

Whereas the consignor should also be required to furnish proof that the products concerned have been released to the United Kingdom or Irish markets ; whereas such proof may take the form of the control copy provided for in Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (6), as amended by Regulation (EEC) No 1601/77 (7) ; whereas any further information necessary for control purposes should be given in that document ;

Whereas, since the subsidy is at present to be granted only in respect of consignments to Ireland and the United Kingdom, it is necessary to provide that, where a wine product qualifying for a subsidy is reconsigned to another Member State of the Community or is exported to a non-member country, a sum equal to the amount of the subsidy is to be recovered ; whereas the sums so recovered by Ireland and the United Kingdom should be used to finance intervention measures designed to stabilize the agricultural markets ;

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

(1) OJ No L 355, 31. 12. 1977, p. 38.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 303, 28. 11. 1977, p. 1.
(4) OJ No L 113, 1. 5. 1975, p. 1.
(5) OJ No L 304, 29. 11. 1977, p. 33.
(6) OJ No L 38, 9. 2. 1977, p. 20.
(7) OJ No L 182, 22. 7. 1977, p. 1.

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 liqueur wines qualifying for the subsidy provided for in Article 7 of Regulation (EEC) No 3016/77 shall be those of quality liqueur wines produced in specified regions, consigned to Ireland and the United Kingdom.

Article 2

For products as referréd to in Article 1 in respect of which customs formalities on consignment were completed between 1 January and 28 February 1978, the amount of the subsidy provided for in Article 7 of Regulation (EEC) No 3016/77 shall be :

— 10 units of account per hectolitre for products with an actual alcoholic strength of at least 15° and not more than 18°,

— 15 units of account per hectolitre for products with an actual alcoholic strength of at least 18° and not more than 22°.

Article 3

1. The subsidy shall be granted to the consignors concerned in accordance with the procedure laid down in Article 4.

2. The day on which the 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 to Ireland or the United Kingdom a product of the kind specified in Article 1. 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 consigned.

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

Article 4

1. To obtain payment of the subsidy, the consignor must, within three months of the completion of customs formalities on consignment or, in the case of wine consigned before this Regulation enters into force, within three months of its entry into force, present to the competent authorities of the Member State from which the product was consigned an application for a subsidy accompanied by ;

— a copy of the accompanying document provided for in Regulation (EEC) No 1153/75, it being possible to replace such copy by any other appropriate document specified by the Member States concerned where the wine was consigned before the entry into force of this Regulation and the accompanying document was not required pursuant to Article 13 (2) of Regulation (EEC) No 1153/75, and

— proof from the United Kingdom or Irish customs authorities that the wine products in question have been released to the market in the Member State of destination.

For the purposes of this provision and without prejudice to the provision in the first indent above for the replacement of the accompanying document, the Member State from which the products in question are consigned may not avail itself of the option provided for in Article 13 (2) of Regulation (EEC) No 1153/75.

2. The proof referred to in the preceding paragraph shall be furnished by production of the control copy referred to in Article 10 of Regulation (EEC) No 223/77. Entries shall be made in the following sections of 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,

— Bestemt til overgang til forbrug,

— Für den freien Verkehr bestimmt,

— Destiné à être mis à la consommation,

— Destinato ad essere immesso in consumo,

— Bestemd om in het vrije verkeer te worden gebracht.

Article 5

1. Where customs import formalities are completed in Ireland or the United Kingdom on or after 1 January 1978 in respect of a wine product as referred to in Article 1 and this product is then reconsigned from either of these two Member States to another Member State or exported to a non-member country, an amount shall be charged which is equal to the subsidy applicable on the day of completion of the customs formalities on consignment or export.

The said amount shall be paid by the consignor or exporter not later than the time of completion of the 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. Ireland and the United Kingdom shall enter all sums collected in pursuance of paragraph 1 to the credit of the Guarantee Section of the EAGGF.

3. Ireland and the United Kingdom 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

The Member State from which the wine products are consigned shall, not later than the 15th day of each month, provide the Commission and the Member States of destination with particulars in respect of the preceding month concerning the quantities of products in respect of which subsidies have been granted and the quantities in respect of which applications for subsidies have been received.

Article 7

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

However :

— the provisions of Article 4 (2) shall apply only in respect of products for which customs formalities on consignment are completed on or after the seventh day following the entry into force of this Regulation,

— the provisions of Article 5 (1) shall apply only in respect of products for which customs formalities on reconsignment or export are completed 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, 25 January 1978.

For the Commission

Finn GUNDELACH

Vice-President