COUNCIL REGULATION (EEC) No 2458/78

of 16 October 1978

opening, allocating and providing for the administration of Community tariff quotas for certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Tunisia (1978/79)

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 Article 20 of the Cooperation Agreement between the European Economic Community and the Republic of Tunisia (2), signed on 25 April 1976, and Article 13 of the Interim Agreement between the European Economic Community and the Republic of Tunisia (3), signed on the same date, stipulate that certain wines having a registered designation of origin, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Tunisia, shall be imported into the Community free of customs duties within the limits of an annual Community tariff quota of 50 000 hectolitres; whereas these wines must be put up in containers holding two litres or less; whereas, however, the Community has declared itself willing to apply the abovementioned provisions for the period 1978/79 and for a volume not exceeding 20 000 hectolitres to wine exported in bulk; whereas wines in bulk must be put up in accordance with specific requirements; whereas the import price for the wines must at any given moment be not less than the Community reference prices for them; whereas these wines must be accompanied by a certificate of designation of origin in accordance with the model given in Annex D to the Agreements in question;

Whereas, on the basis of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Tunisia concerning certain wines originating in Tunisia and entitled to a designation of origin (4), the tariff reduction shall apply from 1 November 1978;

Whereas the said Agreement in the form of an exchange of letters provides that the quota shall apply only to wines produced from the 1977 harvest and that the wines in bulk may be transported only in containers of a capacity not exceeding 25 hectolitres; whereas, however, temporarily and for a transitional period, these wines may be transported in containers of a capacity not exceeding 200 hectolitres; whereas the Community tariff quota in question should therefore be opened for the period from 1 November 1978 to 31 October 1979;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries (5), as amended by Regulation (EEC) No 1166/76 (6), introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas it is in particular necessary to ensure equal and uninterrupted access for all Comunity importers to the abovementioned quotas, and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into the Member States until the quotas have been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports of the said products from Tunisia over a representative reference period and to the economic outlook for the quota period concerned;

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each of the types of wines in question are available and no reliable estimates of future imports can be made; whereas in these circumstances the quota volumes should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

(1) OJ No C 239, 9. 10. 1978, p. 61.
(2) OJ No L 265, 27. 9. 1978, p. 2.
(3) OJ No L 141, 28. 5. 1976, p. 195.
(4) See page 2 of this Official Journal.
(5) OJ No L 256, 2. 10. 1975, p. 2.
(6) OJ No L 135, 24. 5. 1976, p. 41.

Whereas, to take into account import trends for the products concerned in the various Member States, each of the quota amounts should be divided into two instalments, the first being allocated among the Member States and the second held as a reserve intended to cover at a later date the requirements of Member States who have used up their initial share; whereas, in order to guarantee some degree of security to importers in each Member State, the first instalment of the Community quotas should be fixed at a level which could, in the present circumstances, be 50 % of each of the quota volumes;

Whereas the initial shares of the Member States may not be used up at the same rate; whereas in order to take this into account and avoid disruption, any Member State which has used almost all of one of its initial shares should draw a supplementary share from the relevant reserve; whereas this should be done by each Member State each time one of its supplementary shares is almost used up, and so on as many times as the reserve allows; whereas the initial and supplementary shares should 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 quota volumes have been used up and inform the Member States thereof;

Whereas, if at a given date in the quota period a Member State has a considerable quantity of one of its initial shares left over, it is essential that it should return a significant proportion thereof to the relevant reserve, to prevent 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 within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 November 1978 to 31 October 1979 Community tariff quotas shall be opened for the following products originating in Tunisia within the limits set out below:

CCT heading No	Description	Quota volume (hectolitres)
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:	
	C. Other:	
	— Wines entitled to one of the following designations of origin:	
	Coteaux de Tebourba, Sidi-Salem, Kelibia, Thibar, Mornag, Grand cru Mornag	
	of an actual alcoholic strength not exceeding 15°:	
	— in containers holding two litres or less	30 000
	— in containers holding more than two litres	20 000

2. Within these tariff quotas the Common Customs Tariff duties applicable to these wines shall be totally suspended.

3. Wines produced from the 1977 harvest shall be accorded the benefit of the tariff quotas referred to in paragraph 1.

4. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

5. Wine in containers holding more than two litres must be put up in accordance with the following requirements:

(a) the containers must be suitable for transporting wine and be used solely for that purpose;

(b) the containers must be completely filled;

(c) the means of closing the containers must be such that they cannot be tampered with and must ensure that no operations can take place during transportation or storage other than those carried out under the supervision of the authorities of either Tunisia or of the Member States;

(d) each container must be labelled in such a way as to permit identification of the quality wine it contains;

(e) the wine in question may be transported only in containers of a capacity not exceeding 200 hectolitres.

6. Each of these wines, when imported, shall be accompanied by a certificate of designation of origin, issued by the relevant Tunisian authority, in accordance with the model annexed to this Regulation and certifying in box 16 that these wines have been produced from the 1977 harvest.

Article 2

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

2. A first instalment of each quota shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid up to 31 October 1979, shall be as follows:

(hectolitres)

Member States	Wines having a registered designation of origin in containers holding:	
	two litres or less	more than two litres
Benelux	2 500	1 670
Denmark	1 500	1 000
Germany	3 000	2 000
France	3 000	2 000
Ireland	1 000	660
Italy	1 500	1 000
United Kingdom	2 500	1 670
Total	15 000	10 000

3. The second instalment of each quota, amounting to 15 000 and 10 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90 % or more of one of a Member State's initial shares, as specified in Article 2 (2), or of that share less the portion returned to the relevant reserve where Article 5 has been applied, has been used up, that Member State shall, without delay, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

2. If, after one or other of its initial shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7·5 % of its initial share, rounded up where necessary to the next whole number, in so far as the amount in the reserve allows.

3. If, after one or other of its second shares has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

This process shall continue to apply until the reserves are used up.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares than those fixed in these paragraphs if there is reason to believe that those fixed might not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each additional share drawn pursuant to Article 3 shall be valid until 31 October 1979.

Article 5

Member States shall return to the reserve, not later than 1 September 1979, the unused portion of their initial share which on 15 August 1979 is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such portion might not be used in full.

Member States shall notify the Commission, not later than 1 September 1979, of the total imports of the products concerned effected under the Community quotas up to and including 15 August 1979, and, where appropriate, the proportion of each of their initial shares that they are returning to each of the reserves.

Article 6

The Commission shall keep account of the shares opened by Member States pursuant to Articles 2 and 3 and shall inform each State of the extent to which the reserve has been used up as soon as it has been notified.

The Commission shall notify the Member States, not later than 5 September 1979, of the state of each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that the drawing which uses up a reserve is limited to the balance available, and to this end shall specify the amount thereof to the Member State making the final drawing.

Article 7

1. Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares in the Community quotas.

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

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports originating in Tunisia and entered for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 November 1978.

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

Done at Luxembourg, 16 October 1978.

For the Council

The President

K. von DOHNANYI

ANNEX

1. المصدر – Eksportør – Ausführer – Exporter – Exportateur – Esportatore – Exporteur:	2. الرقم – Nummer – Nummer – Number – Numéro – Numero – Nummer: 00000
	3. (Name of authority guaranteeing the designation of origin)
4. المرسل اليه – Modtager – Empfänger – Consignee – Destinataire – Destinatario – Geadresseerde:	5. شهادة التسمية الاصلية **CERTIFIKAT FOR OPRINDELSESBETEGNELSE** **BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG** **CERTIFICATE OF DESIGNATION OF ORIGIN** **CERTIFICAT D'APPELLATION D'ORIGINE** **CERTIFICATO DI DENOMINAZIONE DI ORIGINE** **CERTIFICAAT VAN BENAMING VAN OORSPRONG**
6. وسيلة النقل – Transportmiddel – Beförderungsmittel – Means of transport – Moyen de transport – Mezzo di trasporto – Vervoermiddel:	7. (Designation of origin)
8. مكان الافراغ – Losningssted – Entladungsort – Place of unloading – Lieu de déchargement – Luogo di sbarco – Plaats van lossing:	

9. الانواع والارقام ، عدد ونوع الطرود Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. الوزن الخام Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. ليترات Liter Liter Litres Litres Litri Liter

12. (بالحروف) ليترات – Liter (i bogstaver) – Liter (in Buchstaben) – Litres (in words) – Litres (en lettres) – Litri (in lettere) – Liter (voluit):

13. تأشيرة الهيئة المرسلة – Påtegning fra udstedende organ – Bescheinigung der erteilenden Stelle – Certificate of the issuing authority – Visa de l'organisme émetteur – Visto dell'organismo emittente – Visum van de instantie van afgifte:

14. تأشيرة الجمارك – Toldstedets attest – Sichtvermerk der Zollstelle – Customs stamp – Visa de la douane – Visto della dogana – Visum van de douane

(Oversættelse se nr. 15 – Übersetzung siehe Nr. 15 – see the translation under No 15 – Voir traduction au n° 15 – Vedi traduzione al n. 15 – Zie voor vertaling nr. 15)

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i ..... området og ifølge tunesisk lovgivning er berettiget til oprindelsesbetegnelsen: ».....«.
Alkohol tilsat denne vin er alkohol fremstillet af vin.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk ..... gewonnen wurde und ihm nach tunesischem Gesetz die Ursprungsbezeichnung „....." zuerkannt wird.
Der diesem Wein zugefügte Alkohol ist aus Wein gewonnener Alkohol.

We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Tunisian legislation as entitled to the designation of origin '.....'.
The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi tunisienne, comme ayant droit à la dénomination d'origine «.....».
L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di ..... ed è riconosciuto, secondo la legge tunisina, come avente diritto alla denominazione di origine «.....».
L'alcole aggiunto a questo vino è alcole di origine vinica.

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van ..... en dat volgens de Tunesische wetgeving de benaming van oorsprong „....." erkend wordt.
De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (1)

يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة (1)

(1) Rubrik forbeholdt eksportlandets andre angivelser.
(1) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.
(1) Space reserved for additional details given in the exporting country.
(1) Case réservée pour d'autres indications du pays exportateur.
(1) Spazio riservato per altre indicazioni del paese esportatore.
(1) Ruimte bestemd voor andere gegevens van het land van uitvoer.