COUNCIL REGULATION (EC) No 3301/93

of 29 November 1993

opening and providing for the administration of Community tariff quotas for certain wines originating in Hungary and Romania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas in accordance with the agreements in the form of exchanges of letters between the European Community, of the one part, and the Republic of Hungary, and Romania, of the other part, approved by Council Decisions of 23 November 1993 (1), the Community is to open tariff quotas subject to reduced customs duties for certain wines originating in the said countries; whereas access to those quotas shall be confined to the wines in question accompanied by a document issued by a mutually recognized official body certifying that the wines are those covered by the agreement and originating in the countries concerned;

Whereas those quotas should be opened on an annual basis runing from 1 January to 31 December; whereas, since the agreements enter into force after 1 January 1993, the annual quota-volumes should be adjusted *pro rata temporis;*

Whereas it is necessary, in particular, to ensure for all the parties concerned equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rate laid down for the quotas to all imports or re-imports into all Member States of the products meeting the conditions specified until the quotas have been used up;

Whereas the decision to open the tariff quotas should be taken by the Community in compliance with its international obligations; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission, and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and represented by, the Benelux economic union, all transactions concerning the administration of the quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 to 31 December 1993, and without prejudice to paragraph 2, the customs duties applicable on importation of the following products originating in Hungary and Romania shall be suspended at levels and within the limits of tariff quotas as indicated with respect to each product:

(a) *Wines originating in Hungary:*

Order No	CN code (1)	Description (2)	Volume of quota (hl)	Quota duty (% basic)
09.7007	ex 2204 29	Wine of fresh grapes	5 833	80
09.7009	ex 2204 10	Quality sparkling wine, in containers holding not more than 2 litres	208	80
09.7011	ex 2204 21	Quality wine, including wine of superior quality and quality wine bearing the geographical indication 'Tokaj' and wine bearing the name 'Tajbor'	9 583	80

(1) See the Taric codes in the Annex.

(2) Despite the rules for interpreting the combined nomenclature, the description of the products should be taken as a guide only, as the applicability of the preferential arrangements is determined, in the context of this Annex, by the scope of the CN codes. Where ex CN codes are mentioned the applicability of the preferential arrangements is determined on the basis of the CN code and the corresponding description, taken together.

(1) Not yet published in the Official Journal.

(b) *Wines originating in Romania:*

Order No	CN code (1)	Description (2)	Volume of quota (hl)	Quota duty (% basic)
09.7013	ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes, including sparkling wine and liqueur wine	9 167	80

(1) See the Taric codes in the Annex.

(2) Despite the rules for interpreting the combined nomenclature, the description of the products should be taken as a guide only, as the applicability of the preferential arrangements is determined, in the context of this Annex, by the scope of the CN codes. Where ex CN codes are mentioned the applicability of the preferential arrangements is determined on the basis of the CN code and the corresponding description, taken together.

2. Admission under the tariff quotas referred to in paragraph 1 shall be confined to wines accompanied by a document VI 1 or an extract VI 2, completed in accordance with the provisions of Regulation (EEC) No 3590/85 (1). Document VI 1 must include in Box 15 one of the following endorsements, certified by the appropriate Hungarian or Romanian body:

(a) quota No 09.7009:

'This is to certify that the wine referred to in this document is a quality sparkling wine in accordance with Hungarian Law No 36/1970 on wine-growing and implementing Regulation No 40/1977 (MEM), as amended by Regulations No 7/1990 (FM) and No 23/1992 (FM)'.

(b) quota No 09.7011:

'This is to certify that the wine referred to in this document is a quality wine, including wine of superior quality and quality wine bearing the geographical indication "Tokaj" and wine bearing the name "Tajbor" in accordance with Hungarian Law No 36/1970 on wine-growing and implementing Regulation No 40/1977 (MEM), as amended by Regulations No 7/1990 (FM) and No 23/1992 (FM)'.

Furthermore, the wines in question shall remain subject to observance of the free-at-frontier reference prices. In order for these wines to benefit from the tariff quotas, Article 54 of Regulation (EEC) No 822/87 (2) must be complied with.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The drawing requests, with indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. The Commission shall inform the Member State of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continous access to the quotas for as long as the balance of the relevant quota-volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 December 1993.

(1) OJ No L 343, 20. 12. 1985, p. 20. Regulation as last amended by Regulation (EEC) No 2039/88 (OJ No L 179, 9. 7. 1988, p. 29).

(2) OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1566/93 (OJ No L 154, 25. 6. 1993, p. 39).

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

Done at Brussels, 29 November 1993.

For the Council

The President

G. COËME

ANNEX

Taric code

Order No	CN code	Taric code
09.7007	ex 2204 29	2204 29 25*91 2204 29 29*91 2204 29 35*91 2204 29 35*92 2204 29 35*93 2204 29 39*91 2204 29 39*92 2204 29 39*93 2204 29 49*19 2204 29 49*39 2204 29 59*19 2204 29 59*39 2204 29 90*19
09.7009	ex 2204 10	2204 10 19*91 2204 10 90*91
09.7011	ex 2204 21	2204 21 25*94 2204 21 25*95 2204 21 25*99 2204 21 29*95 2204 21 29*96 2204 21 29*99 2204 21 35*11 2204 21 35*19 2204 21 35*94 2204 21 35*95 2204 21 35*96 2204 21 35*99 2204 21 39*11 2204 21 39*19 2204 21 39*94 2204 21 39*95 2204 21 39*96 2204 21 39*99 2204 21 49*19 2204 21 49*29 2204 21 49*91 2204 21 49*99 2204 21 59*19 2204 21 59*39
		2204 21 59*91 2204 21 59*99 2204 21 90*10 2204 21 90*90
09.7013	ex 2204 10	2204 10 19*91 2204 10 19*99 2204 10 90*91 2204 10 90*99
	ex 2204 21	2204 21 25*94 2204 21 25*95 2204 21 29*95 2204 21 29*96 2204 21 35*11 2204 21 35*19 2204 21 35*94 2204 21 35*95 2204 21 35*96 2204 21 39*11 2204 21 39*19 2204 21 39*94 2204 21 39*95 2204 21 39*96 2204 21 49*19 2204 21 49*29 2204 21 59*19 2204 21 59*39 2204 21 90*10
	ex 2204 29	2204 29 25*91 2204 29 29*91 2204 29 35*91 2204 29 35*92 2204 29 35*93 2204 29 39*91 2204 29 39*92 2204 29 39*93 2204 29 49*19 2204 29 49*39 2204 29 59*19 2204 29 59*39 2204 29 90*19