

COUNCIL REGULATION (EEC) No 3011/77

of 20 December 1977

opening, allocating and providing for the administration of a Community tariff quota for Malaga wines falling within heading No ex 22.05 of the Common Customs Tariff, originating in Spain (1978)

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 between the European Economic Community and Spain⁽²⁾ 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 Malaga wines; whereas, in order to satisfy this undertaking, the Community each year has opened a tariff quota for 15 000 hectolitres, at a duty rate of 50 % of the Common Customs Tariff duties, for Malaga wines in containers holding two litres or less, falling within subheadings ex 22.05 C III a) 2 and ex 22.05 C IV a) 2 originating in Spain; whereas these preferential tariff arrangements were laid down only for imports of these products into the Member States of the Community as originally constituted; whereas, under the Act of Accession, imports of these products into the three new Member States are subject to Common Customs Tariff duties with effect from 1 July 1977; whereas the import arrangements for these products should be uniform throughout the Community; whereas this Community tariff quota should be opened for the year 1978;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products, especially as regards observance of the reference price; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and of a certificate of designation of origin;

Whereas Council Regulation (EEC) No 2506/76 of 29 September 1975 laying down special rules for the

⁽¹⁾ Opinion delivered on 16 December 1977 (not yet published in the Official Journal).

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

importation of products in the wine-growing sector originating in certain third countries⁽³⁾, 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 to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota 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 States'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 Malaga wines on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the last 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 during the past three years represent the following percentages of the imports into the Community from Spain of the products concerned:

Member States	1974	1975	1976
Benelux	34.8	22.3	34.0
Denmark	—	—	—
Germany	41.7	71.1	49.7
France	1.2	2.9	6.6
Ireland	—	—	—
Italy	21.5	2.9	8.6
United Kingdom	0.8	0.8	1.1

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

shares may be fixed approximately at the following percentages :

Benelux	29.1
Denmark	0.1
Germany	54.3
France	3.3
Ireland	0.3
Italy	11.3
United Kingdom	1.0 ;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial shares ; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 80 % of the quota amount ;

Whereas the initial 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 share should draw an additional share from the reserve ; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows ; whereas the initial and additional 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 amount is used and inform Member States thereof ;

Whereas if, at a specified date in the quota period, a considerable balance of the initial share 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 the Community quota's 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, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January until 31 December 1978 the Common Customs Tariff duties in respect of Malaga wines originating in Spain shall be partially suspended at the levels shown below within the limits of a total Community tariff quota of 15 000 hectolitres :

CCT heading No	Description	Rates (in u.a./hl)
ex 22.05 C III (a) 2	Wine from Malaga	8.50
ex 22.05 C IV (a) 2	Wine from Malaga	9.50

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 Malaga wines in the Community tariff quota referred to in paragraph 1 shall be conditional upon observance of the reference price applying to them and to production of a certificate of designation of origin corresponding to the specimen annexed hereto, endorsed by the Spanish customs authorities. This certificate must be in accordance with Article 2 (2) to (4) of Regulation (EEC) No 1120/75.

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.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. A first tranche, amounting to 12 000 hectolitres shall be shared among the Member States ; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows :

Benelux	3 590 hl
Denmark	10 hl
Germany	6 510 hl
France	400 hl
Ireland	10 hl
Italy	1 360 hl
United Kingdom	120 hl.

3. The second tranche of 3 000 hectolitres 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 amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % 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 amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, 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, the Member States 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20 % of their initial amount. They may return a larger portion if there are reasons for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive, and charged against the Community

quota and, where appropriate, the proportion of their initial share that is being returned to the 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 of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in 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 7

1. The Member States shall take all measures necessary 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 quota.

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 extent to which a Member State has used up its share shall be determined on the basis of the imports of the goods in question entered at customs for home use.

Article 8

On receipt of a request from the Commission, 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 1978.

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

Done at Brussels, 20 December 1977.

For the Council

The President

H. SIMONET

BILAG - ANHANG - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

<p>1. Exportador — Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:</p>	<p>2. Número — Nummer — Nummer — Number — Numéro — Numero — Nummer</p>	<p>00000</p>	
<p>4. Destinatario — Modtager — Empfänger — Consignee — Destinataire — Destinatarie — Geadresseerde:</p>	<p>3. Consejo Regulador de la Denominación de origen MÁLAGA</p>		
<p>6. Medio de transporte — Transportmiddel — Beförderungsmittel — Means of transport — Moyen de transport — Mezzo di trasporto — Vervoermiddel:</p>	<p>5. CERTIFICADO DE DENOMINACIÓN DE ORIGEN 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</p>		
<p>8. Lugar de descarga — Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:</p>	<p>7. VINO DI MÁLAGA VIN FRA MALAGA MALAGA-WEIN WINE FROM MALAGA VIN DE MALAGA VINO DI MÁLAGA MALAGAWIJN</p>		
<p>9. Marcas y números, número y naturaleza de los bultos Mærker og numre, kolloenes 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</p>	<p>10. Peso bruto Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht</p>	<p>11. Litros Liter Liter Litres Litres Litri Liter</p>	
<p>12. Litros (en letra) — Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):</p>			
<p>13. Visado del organismo emisor — 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:</p>			
<p>14. Visado de la aduana — Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane</p>	<p>Certifico que el vino cuya descripción antecede es un producto genuino de la zona de Málaga y con derecho a la denominación de origen „MÁLAGA” (vease traducción del nº 15 — oversættelse se nr. 15 — Übersetzung siehe Nr. 15 — see the translation under No 15 — Voir traduction au nº 15 — Vedi traduzione al n. 15 — Zie voor vertaling nr. 15)</p>		

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i Malagaområdet og ifølge spansk lovgivning er berettiget til oprindelsesbetegnelsen: »MALAGA«.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk Malaga gewonnen wurde und ihm nach spanischem Gesetz die Ursprungsbezeichnung „MALAGA“ zuerkannt wird.

We hereby certify that the wine described in this certificate is wine produced within the wine district of Malaga and is considered by Spanish legislation as entitled to the designation of origin 'MALAGA'.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de Malaga et est reconnu, suivant la loi espagnole, comme ayant droit à la dénomination d'origine «MALAGA».

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di Málaga ed è riconosciuto, secondo la legge spagnola, come avente diritto alla denominazione di origine «MÁLAGA».

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van Malaga en dat volgens de Spaanse wetgeving de benaming van oorsprong „MALAGA“ erkend wordt.

16. (1)

(1) Espacio reservado para otras indicaciones del país exportador.

(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.