

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 387 final

Brussels, 14 July 1975

Proposal for a

COUNCIL REGULATION (EEC)

laying down special rules for the importation of products in the
wine-growing sector originating in certain third countries

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

This proposal for a Council Regulation endorses the compromise reached at Luxembourg during the Council session of 23/24 June 1975 with regard to new provisions concerning observance of the reference price in the wine-growing sector in the context of the overall approach to the Mediterranean countries.

The proposal lays down the system required to implement the new preferential agreements to be concluded with the Maghreb countries.

To this end it provides for the fixing of free-at-frontier reference prices which must be respected so that imported wines can have the benefit of the advantages set forth in the said agreements. It also makes suitable provision for cases where the undertakings are not fulfilled.

It should be stressed that all the elements of the special agreement in question are not contained in this proposal since Article 9 of Regulation (EEC) No 816/70 already provides a legal basis for the adoption, by means of Commission regulations, of specific measures in the event of failure by non-member countries to observe their undertakings to respect such prices.

Proposal for
COUNCIL REGULATION (EEC) No
of

laying down special rules for the importation of
products in the wine-growing sector originating
in certain third countries.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 43 thereof ;

Having regard to Council Regulation (EEC) No 816/70 (1) of 28 April 1970
laying down additional provisions for the common organization of the market
in wine, at last amended by Regulation (EEC) No 678/75 (2), and in particu-
lar Article 9(5) thereof ;

Having regard to the Commission proposal ;

Having regard to the Opinion of the European Parliament ;

Whereas in accordance with Article 9 of Regulation (EEC) No 816/70 the system
for the importation of wine is based on respect of a reference price ;
whereas to ensure respect of this price, provision has been made for the
possibility of levying a countervailing charge in addition to customs duties ;

./.

(1) OJ No L 99 of 5 May 1970, p. 1

(2) OJ No L 72 of 20 March 1975, p. 43

Whereas certain agreements with non-member countries make provision for certain preferential exemptions from customs duties provided that the reference price is respected ; whereas it has been found necessary to adopt measures making it possible in such cases to ensure the working of the system so that the aims of the system of importation laid down by the common organization of the market in wine shall not be jeopardized ;

Whereas it is appropriate in particular to lay down the necessary measures so that the customs authorities of Member States can implement the agreements with non-member countries ; whereas it is appropriate to specify for the implementation of these agreements the conditions and detailed rules enabling, in case where the reference price is not respected, withdrawal of the tariff concession to be established ; whereas depending on the case in addition to such withdrawal the countervailing charge may be levied, this possibility being provided for by the second paragraph of Article 9(3) of Regulation (EEC) No 816/70 ;

Whereas to ensure that the duty in the Common Customs Tariff or countervailing charge is not reintroduced for any longer than is strictly necessary for the working of the system, it is advisable to provide for a monthly review of the position ;

Whereas the requirement that wine must be accompanied by a document from the exporting country may constitute a useful method of checking that the reference price is respected by countries that have undertaken to adopt the measures necessary to ensure such respect ;

HAS ADOPTED THIS REGULATION :

./.

Article 1

For the purposes of this Regulation, free-at-frontier reference price means the reference price referred to in Article 9 of Regulation (EEC) No 816/70 less customs duties actually levied.

Article 2

1. Any import of wines coming under heading No 22.05 of the Common Customs Tariff originating in non-member countries granted special preferential tariff concessions provided the free-at-frontier reference price is respected, shall in the event of failure to respect this price be subject to payment of the duty in the Common Customs Tariff.

2. Without prejudice to any other methods that may be used to check the reference price, granting of the tariff concessions set forth in the first paragraph shall be subject to presentation of a document issued by the competent authorities of the exporting country certifying that the free-at-frontier reference price has been respected.

3. Member States shall inform the Commission of individual cases of failure to observe the free-at-frontier reference price.

Depending on the number of such cases and without prejudice to any measures that may be adopted on the basis of Article 9 of Regulation (EEC) No 816/70, it may be decided in accordance with the procedure laid down in Article 7 of Regulation No 24 that any future imports originating from one or more non-member countries referred to in the first paragraph that have failed to respect the free-at-frontier reference price shall be subject to the duty in the Common Customs Tariff.

Article 3

Any measures adopted on the basis of Article 9 of Regulation (EEC) No 816/70 and the measure laid down in Article 2(3) of this Regulation shall be the subject of a monthly review in accordance with the procedure laid down in Article 8 of Regulation No 24.

Article 4

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24. These rules shall in particular specify the elements that are to be taken into consideration in establishing the free-at-frontier offer price for each import.
2. The Commission shall fix the free-at-frontier reference price according to the origin of the imported products.

Article 5

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

It shall apply from the first day of the second month following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council,
The President,