

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 185 final

Brussels, 29 April 1976.

Proposal for a

REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of Community tariff quotas for certain wines of designation of origin, falling within heading No ex 22.05 of the Common Customs Tariff, originating in Algeria (1976/77).

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

- 1.1 The Agreements to be concluded between the European Economic Community and the People's Democratic Republic of Algeria provides in Article 20 for the opening of an annual Community tariff quota for the dutyfree importation into the Community of certain wines of designation of origin falling within subheading ex 22.05 C of the CCT originating in Algeria. The volume of the quota fixed for the first year is 250 000 hectolitres, 190 000 hl thereof for wines in bulk and 60 000 hl for wines in bottles. In order to qualify for this system the wines in bulk must be put up in accordance with a series of requirements, while the wines in bottles must be in containers holding 2 litres or less.
- 1.2 Pending entry into force of this Agreement the Interim Agreement on trade in goods between the EEC and Algeria provides for the anticipatory application of this tariff measure probably entering into effect on 1 July 1976. Accordingly the tariff quota in question has to be opened for a first period from 1 July 1976 until 30 June 1977.
- 2.1 The Regulation makes provision - as is usual - for the division of each of the quota volumes into two instalments, the first of which is allocated by shares amongst all Member States, while the second constitutes a reserve. The allocation of the first instalment is usually based on the statistical data of the last three years and estimates for the period in question.
- 2.2 In this case, however, neither Community nor national statistical data split up by the types of the wines in question are available and no estimates can be put forward. In these circumstances initial shares should be established for taking into account the possibilities of consumption of these wines in each of the Member States.
3. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described above should be approved.

Proposal for a

COUNCIL REGULATION (EEC) No ... /76

of

opening, allocating and providing for the administration of
Community tariff quotas for certain wines of designation
of origin, falling within subheading No ex 22.05 of the Common
Customs Tariff, originating in Algeria (1976/77)

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,

Whereas the Agreement between the European Economic Community and the People's
Democratic Republic of Algeria signed on 1976 stipulates in Article
20 that certain wines of designated origin, falling within subheading ex 22.05
of the Common Customs Tariff originating in Algeria shall be imported into the
Community free of customs duties within the limits of an annual Community tariff
quota; whereas the volume for the first period of the quota is 250 000 hectolitres
of which 190 000 hectolitres are for wines in bulk, and 60 000 hectolitres for wines
in bottles; Whereas wines in bulk must be put up in accordance with certain
conditions; Whereas wines in bottles must be in containers holding a maximum of
2 litres; Whereas the ruling prices for the wines when imported into the Community
must be at any given moment equal to the Community reference prices for them;
Whereas these wines shall be accompanied by a certificate of designation of origin
in accordance with the form annexed to the Agreement in question;

Whereas pending entry into force of this Agreement, the Interim Agreement on trade
in goods between the European Economic Community and Algeria (1) provides in
Article 13 for the anticipatory application of this tariff measure probably with
effect from 1 July 1976; whereas the Community tariff quotas in question should
therefore be opened for the first period from 1 July 1976 until 30 June 1977;

Whereas Regulation (EEC) No 2506/75 laying down special rules for the impor-
tation of products in the wine-growing sector originating in certain third countries
has introduced the idea of a free-at-frontier reference price representing the
reference price less customs duties actually levied;

(1) OJ No L of, p. ...

(2) OJ No L 256 of 2.10.1975, p. 2.

Whereas it is in particular necessary to ensure that all Community importers have equal and uninterrupted access to the abovementioned quotas, and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas, having regard to the principles mentioned above, the Community nature of the quotas can be observed by allocating the Community tariff quota among the Member States; whereas, in order to reflect most 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 both to the statistics of each State's imports from Algeria over a representative reference period and to the economic outlook for the quota period concerned;

Whereas in this case, however, neither Community nor national statistical data broken down by the types of wines in question are available and no adequate estimates for imports can be put forward; whereas in these circumstances an allocation of the quota volumes into initial quota shares should be provided for, taking into account the possibilities of consumption of these wines in the markets of each Member State;

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

Whereas the initial shares of the Member States may be used up at different times; whereas, in view of this, in order to avoid deserting supplies, any Member State which has almost used up one of its initial shares should draw a supplementary share from the relevant reserve; whereas this must be done by each Member State as each one of its supplementary share is almost used up, as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this method 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 volume has 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 jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by one of its members.

HAS ADOPTED THIS REGULATION :

Article 1

1. For the period 1 July 1976 to 30 June 1977 Community tariff quotas shall be opened for the following products originating in Algeria, within the limits listed below :

CCT heading No	Description of goods	Quota volume
22.05	<p>Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol :</p> <p>C. Other :</p> <p>- Of an actual alcoholic strength not exceeding 15° :</p> <p>wines of designated origin listed below :</p> <p>AIN BESEEM-BOUIRA, MEDEA, COTEAUX DU ZACCAR, DAHRA, COTEAUX DE MASCARA, MONTS DE TESSALAH, COTEAUX DE TLEMGEN</p> <p>- in containers holding 2 litres or less</p> <p>- in containers holding more than 2 litres</p>	<p>60 000 hectolitres</p> <p>190 000 hectolitres</p>

2. Within these tariff quotas the Common Customs Tariff duties applicable to these wines shall be totally suspended. The new Member States shall apply the duties calculated in accordance with the relevant provisions of the Interim Agreement on Trade in Goods between the European Economic Community and Algeria, and the Act of Accession.
3. In order to benefit from these tariff quotas, the prices fixed for such wines listed in Regulation (EEC) N° 2506/75 and imported into the Community, shall be not less than their free-at-frontier reference prices at any given time.
4. The wines in containers holding more than 2 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) they must be completely filled;
 - (c) the means of closing the containers must be such that they cannot be tampered with and must ensure that they cannot be handled during transportation or storage except under the supervision of the authorities of Algeria or of the Member States of the Community;
 - (d) each container must be labelled in such a way as to permit identification of the quality of wine it contains;
 - (e) the wine in question may only be transported in containers of a capacity not exceeding 25 hectolitres.
5. Each of these wine, when imported, shall be accompanied by a certificate of designated origin, issued by the relevant Algerian authority, in accordance with the form annexed to this Regulation.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two tranches.
2. A first tranche of each quota shall be divided among the Member States; the shares which, are valid up to 30 June 1977, subject to Article 5, amount to the following quantities :

(in hectolitres)

Member States	<u>Wines of designated origin in containers holding</u>	
	two litres or less	more than two litres
Benelux	5.000	15.000
Denmark	3.000	10.000
Germany	6.000	20.000
France	6.000	20.000
Ireland	2.000	5.000
Italy	3.000	10.000
United Kingdom	5.000	15.000
Total	30 000	95 000

3. The second tranche of each quota, 2 000 and 30 000 hectolitres respectively, shall be held as the relevant reserve.

Article 3

1. If 90% or more of one of a Member State's initial shares, as specified in Article 2, or of that share minus the portion returned to the relevant reserve where Article 5 is 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, where necessary rounded up to the next unit in so far as permitted by the amount of the reserve.
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 15% of its initial share, where necessary the next unit in so far as permitted by the amount of the reserve.

3. If, after one or other of its second share has been used up, 90% or more of the third share drawn by a Member State has been 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, a Member State may draw shares lower than those fixed in these paragraphs if there are grounds for believing that those fixed might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each supplementary share drawn pursuant to Article 3 shall be valid until 30 June 1977.

Article 5

Member States shall return to the reserve, not later than 1 April 1977, the unused portion of their initial share which, on 15 March 1977, 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, not later than 1 April 1977, notify the Commission of the total imports of the products concerned effected under the Community quotas up to and including 15th March 1977 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 as account of the shares opened by Member States pursuant to Articles 2 and 3 and shall as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

.../...

It shall inform the Member States, not later than 5 April 1977, of the state of each reserve after amounts have been returned these to pursuant to Article 5.

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

Article 7

1. Member States shall take all measures necessary to ensure that when supplementary shares drawn pursuant to Article 3, are opened in such away that imports may be charged without interruption against their accumulated shares in the Community
2. Member States shall ensure that importers established in their territory have free access to the shares allocated to them.
3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.
4. The extent to which a Member State has used up its determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

The Member States and the Commission shall collaborate closely in order to ensure that the provisions of this Regulations are observed.

.../...

Article 10

This Regulation shall enter into force on 1 July 1976.

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

Done at Brussels,

For the Council
The President

BILAG - ANHANG - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

<p>1. Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:</p>	<p>2. Nummer — Nummer — Nummer — Nummer — Numéro — Numero — Nummer</p>	<p align="center">00000</p>	
<p>4. Modtager — Empfänger — Consignee — Destinataire — Destinataro — Geadresseerde:</p>	<p>3. Nom de l'organisme garantissant la dénomination d'origine.</p>		
<p>6. -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. Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:</p>	<p>7. Nom de la dénomination d'origine.</p>		
<p>9. 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. Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht</p>	<p>11. Liter Liter Litres Litres Litri Liter</p>	
Empty space for details			
<p>12. - Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):</p>			
<p>13. 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. Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane</p>	<p align="right">oversættelse se nr. 15 — Übersetzung siehe Nr. 15 — see the translation under No 15 — Voir traduction au n° 15 — Vedast traduzione al n. 15 — Zie voor vertaling nr. 15.</p>		

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i _____ området og ifølge algerisk lovgivning er berettiget til oprindelsesbetegnelse: » _____ «.

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 algerischem 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 Algerian 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 algérienne, 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 algerina, 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 algerische wetgeving de benaming van oorsprong „_____“ erkend wordt.

De aan deze wijn toegevoegde alcohol is alcohol, uit wijn gewonnen.

16. (1)

(1) Ruimte voorbehoudt exportlandets 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.