

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 110 final

Brussels, 14 March 1979

PROPOSAL FOR A COUNCIL REGULATION (EEC)
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 ALGERIA (1979/80)

(presented by the Commission to the Council)

EXPLANATORY MEMORANDUM

- 1.1 The Agreement 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 for the period from 1 July 1979 to 30 June 1980 is fixed by the Agreement and is 450 000 hectolitres of which 150 000 hl is for wines in bulk and 300 000 hl for wines in bottle. In order to qualify for this system the wines in bulk must be put up in accordance with a series of requirements. According to the provisions the wines in bulk may be transported only in containers of a capacity not exceeding 25 hectolitres. However, on account of various difficulties encountered by Algerian exporters, the Community has conceded for the preceding periods of application, to raise this maximum content to 200 hl, as a temporary measure. As the difficulties continue, the Commission proposes the same derogation for the quota period 1979/80. Wines in bottle must be in containers holding 2 litres or less.
- 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)

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 Algeria (1979/80)

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 the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria ⁽²⁾

stipulates in Article 20 that certain wines having a registered designation of origin falling within subheading ex 22.05 C 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 quota volume for the period 1 July 1979 to 30 June 1980 is 450 000 hectolitres, consisting of 150 000 hectolitres of wine in bulk and 300 000 hectolitres of wine in bottles; whereas wine in bulk must be put up in accordance with certain conditions; whereas, however, because of certain difficulties for the transport of wine in bulk, a derogation should be made from the relevant provisions of the Agreement so that the transport may be effected in containers of a capacity not exceeding 200 hectolitres; whereas wine in bottles must be in containers holding a maximum of two litres; whereas the import prices 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 Agreement; whereas the Community tariff quotas in question should therefore be opened for the period concerned;

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 ⁽³⁾ introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

⁽¹⁾ OJ No C

⁽²⁾ OJ NO L 263, 28.9.1978, p. 2

⁽³⁾ OJ NO L 256, 2.10.1975, p. 2.

Whereas it is in particular necessary to ensure for all Community importers 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 above principles, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the actual trend of the market in the products concerned, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of each State's imports of the said products from Algeria over a representative reference period and also to the economic outlook for the quota period in question;

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;

Whereas, in order to take into account import trends for the products concerned in the various Member States, each of the quota volumes should be divided into two instalments, the first being allocated among the Member States and the second constituting a reserve to cover at a later date the requirements of Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quotas should, under the present circumstances, be fixed at 50% of each of the quota volumes;

Whereas the initial quota 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, any Member State which has almost used up its initial quota shares should draw an additional quota share from the corresponding reserve; whereas this must be done by each Member State as and when each of its

additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the Commission must be in a position to monitor 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 substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any Community quota from 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, any operation relating to the administration of the quota 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 July 1979 to 30 June 1980 Community tariff quotas shall be opened for the following products originating in Algeria, within the limits set out below:

CCT heading No	Description	Quota volume <i>(in hl)</i>
22.05	<p>Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:</p> <p>C. Other:</p> <p>— Wines entitled to one of the following designations of origin:</p> <p>AÏN BESSEM-BOUIRA, MEDEA, COTEAUX DU ZACCAR, DAHRA, COTEAUX DE MASCARA, MONTS DU TESSALAH, COTEAUX DE TLEMCEM,</p> <p>of an alcoholic strength by volume not exceeding 15% vol :</p> <p>— In containers holding two litres or less</p> <p>— In containers holding more than two litres</p>	<p>300 000</p> <p>150 000</p>

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

3. 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.

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

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

5. Each of these wines, when imported, shall be accompanied by a certificate of designation of origin, issued by the relevant Algerian authority, in accordance with the model annexed to this Regulation.

- (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 they cannot be the subject of operations during transportation or storage other than those carried out under the supervision of the authorities of Algeria 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;

Article 2

1. The tariff quotas referred to in Article 1 shall be divided into two instalments.

2. A first instalment of each quota shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 30 June 1980, shall be as follows:

(in hl)

Member States	Wines having a registered designation of origin, in containers holding:	
	two litres or less	more than two litres
Benelux	24 900	11 820
Denmark	15 000	7 770
Germany	30 000	15 880
France	30 000	15 880
Ireland	10 200	4 060
Italy	15 000	7 770
United Kingdom	24 900	11 820
Total	150 000	75 000

3. The second instalment of each quota, namely 150 000 and 75 000 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 minus the portion returned to the reserve where Article 5 is applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit.

2. If, after one of its initial shares has been used up, 90% or more of the second share drawn by a Member State has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

3. If, after one 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 the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 30 June 1980.

Article 5

Member States shall return to the reserve, not later than 1 April 1980, such unused portion of their initial share as, on 15 March 1980, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it might not be used.

Each Member State shall, not later than 1 April 1980, notify the Commission of the total quantities of the products concerned imported up to 15 March 1980 inclusive and charged against the Community quotas and of any quantities returned to the reserve.

Article 6

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

It shall, not later than 5 April 1980, inform the Member States of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State which makes 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 accumulated shares / of 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. 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 shares shall be 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 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 July 1979.

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

Done at Brussels,

For the Council
The President

ANNEX

1. المصدر - Eksportør - Ausführer - Exporter - Exportateur - Esportatore - Exporteur:	2. الرقم - Nummer - Nummer - Number - Numéro - Numero - Nummer	00000
4. المرسل اليه - Modtager - Empfänger - Consignee - Destinataire - Destinataro - Geadresseerde:	3. (Name of authority guaranteeing the designation of origin)	
6. وسيلة النقل - Transportmiddel - Beförderungsmittel - Means of transport - Moyen de transport - Mezzo di trasporto - Vervoermiddel:	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	
8. مكان الافراج - Losningssted - Entladungsort - Place of unloading - Lieu de déchargement - Luogo di sbarco - Plaats van lossing:	7. (Designation of origin)	
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. لترات Liter Liter Litres Litres Litri Liter
12. لترات (بالحروف) - Liter (i bogstaver) - Liter (in Buchstaben) - Litres (in words) - Litres (en lettres) - Litri (in lettere) - Liter (voluit):		
13. تأشيرة الهيئة المرسله - 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 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 Algerijnse wetgeving de benaming van oorsprong „.....“ erkend wordt.

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

16. (1)

يحتفظ بهذه الخانة لمعلومات اخرى من الدولة المصدر

(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.

