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Legislation

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I *Acts whose publication is obligatory*

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3078/78

of 18 December 1978

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 and originating in Spain (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, on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, and in particular Malaga wines; whereas, in order to satisfy this undertaking, the Community each year has opened a tariff quota of 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 and 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, owing to certain characteristic features inherent in the production and marketing of the

products in question, the expiry date for the validity of the tariff quota should henceforward be fixed at 30 June; whereas the tariff quota should therefore be opened for the period 1 January 1979 to 30 June 1980, and the volume increased to 22 500 hectolitres;

Whereas these wines remain subject to the provisions governing the common organization of the market in wine, 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 2506/75 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;

Whereas it is in particular necessary to ensure for 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 above principles, the Community nature of the quota 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 Spain over a representative reference period and also to the economic outlook for the quota period in question;

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 45.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

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 past 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	1975	1976	1977
Benelux	22.3	34.0	31.1
Denmark	—	—	—
Germany	71.1	49.7	43.2
France	2.9	6.6	20.2
Ireland	—	—	—
Italy	2.9	8.6	4.1
United Kingdom	0.8	1.1	1.4

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	29.7
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 various Member States, the quota volume 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 quota should, under the present circumstances, be fixed at 80% of the quota volume;

Whereas the Member States' initial shares 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 share must 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 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 volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity 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 the 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. From 1 January 1979 to 30 June 1980, 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 22 500 hectolitres:

(u.a./hl)

CCT heading No	Description	Rate of duty
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 ⁽¹⁾.

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 instalments.

2. A first instalment amounting to 18 000 hectolitres 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:

	(hectolitres)
Benelux	5 350
Denmark	20
Germany	9 770
France	590
Ireland	60
Italy	2 030
United Kingdom	180

3. The second instalment of 4 500 hectolitres shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share 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, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share 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 7.5% of its initial share, rounded up where necessary to the next unit.

3. If, after its second share 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 same conditions, 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, the unused portion of their initial share which, 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 this quantity may not be used.

Each Member State shall, not later than 1 April 1980, notify the Commission of the total quantities of the said goods imported up to 15 March 1980 inclusive and charged against the Community quota, and of any quantities of the initial shares 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 has been notified, inform each State of the extent to which the reserve has been used up.

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

The Commission shall ensure that the drawing which uses up the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State which makes the last drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to

⁽¹⁾ OJ No L 111, 30. 4. 1975, p. 19.

Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the said products 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 with customs authorities for home use.

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 cooperate closely in order to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER

BILAG - ANHANG - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

1. Exportador — Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:	2. Número — Nummer — Nummer — Number — Numéro — Numero — Nummer	00000	
	3. Consejo Regulador de la Denominación de origen MÁLAGA		
4. Destinatario — Modtager — Empfänger — Consignee — Destinataire — Destinatario — Geadresseerde:	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		
	7. VINO DE MÁLAGA VIN FRA MALAGA MALAGA-WEIN WINE FROM MALAGA VIN DE MALAGA VINO DI MALAGA MALAGAWIJN		
6. Medio de transporte — Transportmiddel — Beförderungsmittel — Means of transport — Moyen de transport — Mezzo di trasporto — Vervoermiddel:			
8. Lugar de descarga — Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:			
9. Marcas y números, número y naturaleza de los bultos 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. Peso bruto Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. Litros Liter Liter Litres Litres Litri Liter	
12. Litros (en letra) — Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):			
13. Visado del organismo emisor — Pâtegning 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. Visado de la aduana — Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane	Certifico que el vino cuya descripción antecede es un producto genuino de la zona de Málaga y con derecho a la denominación de origen „MALAGA” (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)		

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

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

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

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

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

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van „.....” en dat volgens de Spaanse wetgeving de benaming van oorsprong „.....” 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.

COUNCIL REGULATION (EEC) No 3079/78

of 18 December 1978

opening, allocating and providing for the administration of a Community tariff quota for wines from Jumilla, Priorato, Rioja and Valdepeñas, falling within heading No ex 22.05 of the Common Customs Tariff and originating in Spain (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, on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, and in particular wines from Jumilla, Priorato, Rioja and Valdepeñas; whereas, in order to satisfy this undertaking, the Community each year has opened a tariff quota of 15 000 hectolitres, at a duty rate of 70% of the Common Customs Tariff duties, for Jumilla, Priorato, Rioja and Valdepeñas wines, in containers holding two litres or less, falling within subheadings ex 22.05 C I a), ex 22.05 C II a) and ex 22.05 C III a) 2 and 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, owing to certain characteristic features inherent in the production and marketing of the products in question, the expiry date for the validity of the tariff quota should henceforward be fixed at 30 June; whereas the tariff quota should therefore be opened for the period 1 January 1979 to 30 June 1980, and the volume increased to 33 000 hectolitres;

Whereas these wines remain subject to the provisions governing the common organization of the market in wine, 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 a certificate of designation of origin;

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;

Whereas it is in particular necessary to ensure for 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 above principles, the Community nature of the quota 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 Spain over a representative reference period and also to the economic outlook for the quota period in question;

Whereas available Community statistics give no information on the situation of wines from Jumilla, Priorato, Rioja and Valdepeñas on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the past 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:

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 45.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

Member States	1975	1976	1977
Benelux	23.0	36.3	32.2
Denmark	2.6	6.0	8.7
Germany	45.0	20.2	16.6
France	9.0	14.2	17.5
Ireland	0.1	0.1	0.3
Italy	3.8	10.1	5.9
United Kingdom	16.5	13.1	18.8

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	34.5
Denmark	6.5
Germany	22.4
France	2.7
Ireland	0.3
Italy	12.6
United Kingdom	21.0

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume 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 quota should, under the present circumstances, be fixed at 80% of the quota volume;

Whereas the Member States' initial shares 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 share must 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 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 volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity 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 the 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. From 1 January 1979 to 30 June 1980, the Common Customs Tariff duties in respect of the following products originating in Spain shall be partially suspended at the levels shown below within the limits of a total Community tariff quota of 33 000 hectolitres:

(u.a./hl)		
CCT heading No	Description	Rate of duty
ex 22.05 C I a)	Wines from Jumilla, Priorato, Rioja and Valdepeñas	8.4
ex 22.05 C II a)	Wines from Jumilla, Priorato, Rioja and Valdepeñas	9.8
ex 22.05 C III a) 2	Wines from Jumilla, Priorato, Rioja and Valdepeñas	11.9

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 these 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 ⁽¹⁾.

⁽¹⁾ OJ No L 111, 30. 4. 1975, p. 19.

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 instalments.

2. A first instalment amounting to 26 400 hectolitres 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:

	(hectolitres)
Benelux	9 100
Denmark	1 710
Germany	5 920
France	710
Ireland	80
Italy	3 330
United Kingdom	5 550

3. The second instalment of 6 600 hectolitres shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share 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, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share 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 7.5% of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

3. If, after its second share 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 same conditions, 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, the unused portion of their initial share which, 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 this quantity may 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 and including 15 March 1980, and charged against the Community quota and of any quantity of the initial shares 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 has been notified, inform each State of the extent to which the reserve has been used up.

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

The Commission shall ensure that the drawing which uses up the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State which makes the last drawing.

Article 7

1. The 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 quota.

2. The Member States shall ensure that importers of the said products 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 with customs authorities for home use.

Article 9

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

Article 8

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

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER

BILAG – ANHANG – ANNEX – ANNEXE – ALLEGATO – BIJLAGE

1. Exportador — Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:	2. Número — Nummer — Nummer — Number — Numéro — Numero — Nummer	00000	
	3. Consejo Regulador de la Denominación de origen JUMILLA/PRIORATO/RIOJA/VALDEPEÑAS		
4. Destinatario — Modtager — Empfänger — Consignee — Destinataire — Destinatario — Geadresseerde:	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		
	7. VINO DE JUMILLA PRIORATO / RIOJA / VALDEPEÑAS VIN FRA JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS JUMILLA-, PRIORATO-, RIOJA-, VALDEPEÑAS-WEIN WINE FROM JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS VIN DE JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS VINO DI JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS JUMILLA-, PRIORATO-, RIOJA- EN VALDEPEÑASWIJN		
6. Medio de transporte — Transportmiddel — Beförderungsmittel — Means of transport — Moyen de transport — Mezzo di trasporto — Vervoermiddel:			
8. Lugar de descarga — Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:			
9. Marcas y números, número y naturaleza de los bultos 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. Peso bruto Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. Litros Liter Liter Litres Litres Litri Liter	
12. Litros (en letra) — Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):			
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:			
14. Visado de la aduana — Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane	Certifico que el vino cuya descripción antecede es un producto genuino de la zona de „JUMILLA/PRIORATO/RIOJA/VALDEPEÑAS” y con derecho a la denominación de origen „.....” (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)		

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

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

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

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

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

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

COUNCIL REGULATION (EEC) No 3080/78

of 18 December 1978

opening, allocating and providing for the administration of a Community tariff quota for sherry, falling within heading No ex 22.05 of the Common Customs Tariff and originating in Spain (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, on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, and in particular sherry; whereas, in order to satisfy this undertaking, the Community has opened each year two tariff quotas, namely:

- 40 000 hectolitres at a duty rate of 40 % of the Common Customs Tariff duties, for sherry in containers holding two litres or less, falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 and originating in Spain, and
- 210 000 hectolitres at a duty rate of 50 % of the Common Customs Tariff duties, for sherry in containers holding more than two litres, falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 and 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, importation 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, owing to certain characteristic features inherent in the production and marketing of the product in question, the expiry date for the validity of the tariff quota should henceforward be fixed at 30 June; whereas the tariff quotas should therefore be opened for

the period 1 January 1979 to 30 June 1980, and the volumes increased to 162 000 and 1 027 000 hectolitres respectively;

Whereas these wines remain subject to the provisions governing the common organization of the wine market; whereas from 1 May 1978 sherry entering the geographical territory of the Community is subject to the system of reference prices applicable to such wines;

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;

Whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and a certificate of designation of origin as provided for in Regulation (EEC) No 1120/75 ⁽⁴⁾;

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 quotas 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 Spain over a representative reference period and also to the economic outlook for the quota period in question;

Whereas available Community statistics give no information on the situation of sherry on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the past few years

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 45.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

⁽⁴⁾ OJ No L 111, 30. 4. 1975, p. 19.

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:

	1975	1976	1977
Sherry:			
— in containers holding two litres or less:			
— Benelux	49.5	62.5	52.5
— Denmark	5.2	5.7	2.8
— Germany	12.0	13.4	18.5
— France	0.3	0.3	0.2
— Ireland	1.3	1.0	1.0
— Italy	1.4	1.2	0.9
— United Kingdom	30.3	15.8	24.1
— in containers holding more than two litres:			
— Benelux	39.9	35.3	20.5
— Denmark	2.9	5.1	3.7
— Germany	2.9	3.4	3.8
— France	0.1	0.1	0.1
— Ireland	0.7	0.9	0.5
— Italy	0.0	0.0	0.0
— United Kingdom	53.5	55.2	71.4

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Member States	Sherry in containers holding:	
	two litres or less	more than two litres
Benelux	53.6	33.5
Denmark	5.1	3.8
Germany	13.2	3.0
France	0.3	0.1
Ireland	2.1	0.8
Italy	2.1	0.1
United Kingdom	23.6	58.7

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 90 % of each of the quota volumes;

Whereas the Member State's initial shares 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 one of its initial shares must draw an additional share from the corresponding 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 quota shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between 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 considerable quantity is left over in one or other Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of the Community quotas 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. From 1 January 1979 to 30 June 1980, the Common Customs Tariff duties in respect of the sherries mentioned below originating in Spain shall be partially suspended at the levels and within the limits of the Community tariff quotas indicated for each of them:

CCT heading No	Description	Rate (u.a./hl)	Quota volume (hl)
ex 22.05 C III a) 1	Sherry	5.4	162 000
ex 22.05 C IV a) 1	Sherry	5.8	
ex 22.05 C III b) 1	Sherry	5.5	1 027 000
ex 22.05 C IV b) 1	Sherry	6.0	

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. Sherry entering the geographical territory of the Community on or after 1 May 1978 must, in order to benefit from these tariff quotas, respect the reference prices applicable to them.

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.

5. The inclusion of sherry in the Community quotas referred to in paragraph 1 shall be conditional upon production of a movement certificate A.E.1 and a certificate of designation of origin as provided for in Regulation (EEC) No 1120/75 endorsed by the Spanish customs authorities.

Article 2

1. Each of the tariff quotas referred to in Article 1 shall be divided into two parts.

(a) The first part of each quota, namely 54 000 and 343 000 hectolitres respectively, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

(hl)

Member States	Sherry falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	28 930	114 770
Denmark	2 760	13 140
Germany	7 130	10 250
France	160	100
Ireland	1 140	2 700
Italy	1 140	40
United Kingdom	12 740	202 000
Total	54 000	343 000

(b) Any quantity remaining on 31 December 1979 of the share of a Member State shall be added on 1 January 1980 to the share allocated to it under paragraph 2 (a) below.

Member States shall notify the Commission by 15 January 1980 at the latest of any quantities remaining on 31 December 1979 of the shares allocated to them under paragraph 1 (a) above.

2. The second part of each quota, namely 108 000 and 684 000 hectolitres respectively, shall be divided into two instalments.

(a) The first instalment of the second part of each quota shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid from 1 July 1979 to 30 June 1980, shall be as indicated below; however, Member States may not use these shares until they have used up the shares allocated to them under paragraph 1.

(hl)

Member States	Sherry falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	52 100	206 280
Denmark	4 920	23 610
Germany	12 830	18 440
France	300	190
Ireland	2 000	4 810
Italy	2 050	60
United Kingdom	23 000	363 110
Total	97 200	616 500

(b) The second instalment of the second part of each quota, namely 10 800 and 67 500 hectolitres respectively, shall constitute the corresponding reserve.

Article 3

1. If 90% or more of one or other of a Member State's initial shares as specified in Article 2 (2) has been used up, that Member State shall without delay by notifying the Commission draw a second share equal to 10% of its initial share, rounded up where necessary to the next unit, to the extent 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 5% of its initial share, rounded up to the next unit.

3. If, after one or other 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 same conditions, draw a fourth share equal to the third.

The 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, the unused portion of their initial shares which, 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 this quantity may not be used.

Each Member State shall, not later than 1 April 1980, notify the Commission of the total quantities of the products in question imported up to 15 March 1980 inclusive and charged against the Community quota and of any quantities of the initial shares 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 has been 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 last drawing.

Article 7

1. The 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. The Member States shall ensure that importers of the products concerned 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 shares shall be determined on the basis of the imports of the products in question entered for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H. D. GENSCHER

COUNCIL REGULATION (EEC) No 3081/78

of 18 December 1978

opening, allocating and providing for the administration of Community tariff quotas for port wines, falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (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 Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic ⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal shall be reduced:

- by 60% in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff, up to a total annual tariff quota of 35 000 hectolitres, and
- by 50% in the case of the duties applicable to port wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 280 000 hectolitres;

Whereas, owing to certain characteristic features inherent in the production and marketing of the product in question, the expiry date for the validity of the tariff quotas should henceforward be fixed at 30 June; whereas the tariff quotas should therefore be opened for the period 1 January 1979 to 30 June 1980, and the volumes increased to 52 500 and 420 000 hectolitres respectively; whereas these wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price;

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 ⁽⁴⁾ 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 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 Portugal over a representative reference period and also to the economic outlook for the quota period in question;

Whereas available Community statistics give no information on the situation of port wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past 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 Portugal of the products concerned:

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

⁽⁴⁾ OJ No L 256, 2. 10. 1975, p. 2.

	1975	1976	1977
Port wines:			
— in containers holding two litres or less:			
— Benelux	18.8	17.8	20.0
— Denmark	6.0	6.2	5.6
— Germany	15.3	11.0	9.2
— France	29.0	36.0	36.3
— Ireland	0.4	0.2	0.5
— Italy	16.1	18.3	16.6
— United Kingdom	14.4	10.5	11.8
— in containers holding more than two litres:			
— Benelux	13.4	15.7	17.1
— Denmark	5.5	7.0	5.2
— Germany	10.4	6.4	8.6
— France	39.4	46.5	47.0
— Ireland	1.2	0.6	0.1
— Italy	—	0.0	—
— United Kingdom	30.1	23.8	22.0

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Member States	Port wines in containers holding:	
	two litres or less	more than two litres
Benelux	16.6	14.6
Denmark	5.7	6.6
Germany	14.9	8.7
France	29.7	42.5
Ireland	0.8	0.2
Italy	18.6	0.1
United Kingdom	13.7	27.3

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 90% 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 considerable quantity of an initial share remains unused in any Member State, it is essential that that Member States should return a significant proportion to the reserve to prevent a part of the 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. From 1 January 1979 to 30 June 1980, Community tariff quotas shall be opened for products originating in Portugal, within the limits set out below:

(hl)

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1	} Port wines	52 500
ex 22.05 C IV a) 1		
ex 22.05 C III b) 1	} Port wines	420 000
ex 22.05 C IV b) 1		

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates set out below:

(u.a./hl)

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4
ex 22.05 C IV a) 1	5.8
ex 22.05 C III b) 1	5.5
ex 22.05 C IV b) 1	6.0

3. The admission of these wines under the Community tariff quotas referred to in paragraph 1 shall be conditional upon observance of the reference price applicable to them.

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 applicable thereto, as specified in Regulation (EEC) No 2506/75, and in subsequent instruments.

Article 2

1. Each of the tariff quotas referred to in Article 1 shall be divided into two parts.

(a) The first part of each quota, namely 17 500 and 140 000 hectolitres respectively, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

(hl)

Member States	Port wines falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	2 905	20 440
Denmark	998	9 240
Germany	2 607	12 180
France	5 197	59 500
Ireland	140	280
Italy	3 255	140
United Kingdom	2 398	38 220
Total	17 500	140 000

(b) Any quantity remaining on 31 December 1979 of the share of a Member State shall be added on 1 January 1980 to the share allocated to it under paragraph 2 (a) below.

Member States shall notify the Commission by 15 January 1980 at the latest of any quantities remaining on 31 December 1979 of the shares allocated to them under paragraph 1 (a) above.

2. The second part of each quota, namely 35 000 and 280 000 hectolitres respectively, shall be divided into two instalments.

(a) A first instalment of the second part of each quota shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid from 1 July 1979 to 30 June 1980, shall be as indicated below; however, Member States may not use these shares until they have used up the shares allocated to them under paragraph 1 above.

(hl)

Member States	Port wines falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	5 250	36 790
Denmark	1 800	16 630
Germany	4 690	22 000
France	9 350	107 100
Ireland	250	500
Italy	5 870	100
United Kingdom	4 290	68 880
Total	31 500	252 000

(b) The second instalment of the second part of each quota, namely 3 500 and 28 000 hectolitres respectively, shall constitute the corresponding reserve.

Article 3

1. If 90% or more of one of the 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 these 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, the unused portion of their initial share which, 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 of the initial shares returned to each 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 last drawing.

Article 7

1. The 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. The Member States shall ensure that importers of the products concerned 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 shares shall be determined on the basis of the imports of the products concerned originating in Portugal as and when the goods are entered with customs authorities for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER

COUNCIL REGULATION (EEC) No 3082/78

of 18 December 1978

opening, allocating and providing for the administration of Community tariff quotas for Madeira wines, falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (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 Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic ⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal shall be reduced:

- by 60% in the case of the duties applicable to Madeira wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff, up to a total annual tariff quota of 1 500 hectolitres, and
- by 50% in the case of the duties applicable to Madeira wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 14 500 hectolitres;

Whereas, owing to certain characteristic features inherent in the production and marketing of the products in question, the expiry date for the validity of the tariff quotas should henceforward be fixed at 30 June; whereas the tariff quotas should therefore be opened for the period 1 January 1979 to 30 June 1980, and the volumes increased to 2 250 and 21 750 hectolitres respectively; whereas these wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price;

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 ⁽⁴⁾ 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 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 Portugal over a representative reference period and also to the economic outlook for the quota period in question;

Whereas available Community statistics give no information on the situation of Madeira wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past 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 Portugal of the products concerned:

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

⁽⁴⁾ OJ No L 256, 2. 10. 1975, p. 2.

	1975	1976	1977
Madeira wines:			
— in containers holding two litres or less:			
— Benelux	28.7	14.2	21.9
— Denmark	31.5	24.6	20.3
— Germany	9.0	7.7	13.3
— France	2.5	36.1	4.5
— Ireland	1.0	1.0	2.9
— Italy	17.3	6.9	23.8
— United Kingdom	10.0	9.5	13.4
— in containers holding more than two litres:			
— Benelux	13.6	12.4	14.5
— Denmark	10.6	14.8	10.7
— Germany	21.4	17.5	21.0
— France	46.7	43.4	41.7
— Ireland	—	0.1	—
— Italy	—	—	—
— United Kingdom	7.7	11.8	12.1

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Member States	Madeira wines in containers holding:	
	two litres or less	more than two litres
Benelux	18.4	14.0
Denmark	22.9	16.5
Germany	13.1	19.1
France	3.6	40.8
Ireland	1.1	0.1
Italy	25.8	0.1
United Kingdom	15.1	9.4

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 90% 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. From 1 January 1979 to 30 June 1980, Community tariff quotas shall be opened for products originating in Portugal, and within the limits set out below:

(hl)

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1	} Madeira wines	2 250
ex 22.05 C IV a) 1		
ex 22.05 C III b) 1	} Madeira wines	21 750
ex 22.05 C IV b) 1		

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates set out below:

(u.a./hl)

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4
ex 22.05 C IV a) 1	5.8
ex 22.05 C III b) 1	5.5
ex 22.05 C IV b) 1	6.0

3. The admission of these wines under the Community tariff quotas referred to in paragraph 1 shall be conditional upon observance of the reference price applicable to them.
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 applicable thereto, as specified in Regulation (EEC) No 2506/75 and in subsequent instruments.

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:

(hl)

Member States	Madeira wines falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	375	2 740
Denmark	460	3 230
Germany	265	3 740
France	75	7 990
Ireland	25	20
Italy	520	20
United Kingdom	305	1 840
Total	2 025	19 580

3. The second instalment of each quota, namely 225 and 2 170 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. The 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 tariff quotas.

2. The Member States shall ensure that importers of the products concerned 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 shares shall be determined on the basis of the imports of the products concerned originating in Portugal and entered with customs authorities for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER

COUNCIL REGULATION (EEC) No 3083/78

of 18 December 1978

opening, allocating and providing for the administration of Community tariff quotas for Setubal muscatel wines, falling within heading No ex 22.05 of the Common Customs Tariff and originating in Portugal (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 Article 4 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as amended by the Interim Agreement between the European Economic Community and the Portuguese Republic ⁽³⁾, provides that customs duties on imports into the Community of certain wines originating in Portugal shall be reduced:

- by 60% in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III a) 1 and ex 22.05 C IV a) 1 of the Common Customs Tariff, up to a total annual tariff quota of 1 000 hectolitres, and
- by 50% in the case of the duties applicable to Setubal muscatel wines falling within subheadings ex 22.05 C III b) 1 and ex 22.05 C IV b) 1 of the Common Customs Tariff up to a total annual tariff quota of 2 000 hectolitres;

Whereas, owing to certain characteristic features inherent in the production and marketing of the products in question, the expiry date for the validity of the tariff quotas should henceforward be fixed at 30 June; whereas the tariff quotas should therefore be opened for the period 1 January 1979 to 30 June 1980, and the volumes increased to 1 500 and 3 000 hectolitres respectively; whereas these wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price;

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 ⁽⁴⁾ 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 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 Portugal over a representative reference period and also to the economic outlook for the quota period in question;

Whereas available Community statistics give no information on the situation of Setubal muscatel wines on the markets; whereas, however, Portuguese statistics for exports of these products to the Community during the past 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 Portugal of the products concerned:

⁽¹⁾ OJ No C 261, 6. 11. 1978, p. 46.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 266, 29. 9. 1976, p. 2.

⁽⁴⁾ OJ No L 256, 2. 10. 1975, p. 2.

	1975	1976	1977
Setubal muscatel wines:			
— in containers holding two litres or less:			
— Benelux	—	—	6
— Denmark	20	83	6
— Germany	80	—	—
— France	—	—	28
— Ireland	—	—	—
— Italy	—	17	—
— United Kingdom	—	—	60
— in containers holding more than two litres:			
— Benelux	—	—	—
— Denmark	—	—	—
— Germany	—	—	—
— France	—	—	—
— Ireland	—	—	—
— Italy	—	—	—
— United Kingdom	—	—	—

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Member States	Setubal muscatel wines in containers holding:	
	two litres or less	more than two litres
Benelux	20	20
Denmark	5	5
Germany	20	20
France	20	20
Ireland	5	5
Italy	10	10
United Kingdom	20	20

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 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 quota should, under the present circumstances, be fixed at 90% of each of the quota volumes;

Whereas the Member States' initial shares 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 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 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. From 1 January 1979 to 30 June 1980, Community tariff quotas shall be opened for products originating in Portugal, and within the limits set out below:

(hl)

CCT heading No	Description	Quota amount
ex 22.05 C III a) 1 ex 22.05 C IV a) 1	} Setubal muscatel wines	1 500
ex 22.05 C III b) 1 ex 22.05 C IV b) 1		
	} Setubal muscatel wines	3 000

2. The Common Customs Tariff duties on wines imported within these tariff quotas shall be suspended at the rates set out below:

(u.a./hl)

CCT heading No	Rate of duty
ex 22.05 C III a) 1	5.4
ex 22.05 C IV a) 1	5.8
ex 22.05 C III b) 1	5.5
ex 22.05 C IV b) 1	6.0

3. The admission of these wines under the Community tariff quota referred to in paragraph 1 shall be conditional upon observance of the reference price applicable to them.

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 applicable thereto, as specified in Regulation (EEC) No 2506/75, and in subsequent instruments.

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:

(hl)

Member States	Setubal muscatel wines falling within subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Benelux	270	540
Denmark	68	135
Germany	270	540
France	270	540
Ireland	67	135
Italy	135	270
United Kingdom	270	540
Total	1 350	2 700

3. The second instalment of each quota, namely 150 hectolitres and 300 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90% or more of the Member State's initial share 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 these 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 may not be used.

Each Member State shall, not later than 1 April 1980, notify the Commission of the total quantities of the products in question imported up to 15 March 1980 inclusive and charged against the Community quotas and of any quantities of the initial shares returned to each 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 Member State of the extent to which the reserve has been used up.

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

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, to this end, shall indicate the amount thereof to the Member State which makes such last drawing.

Article 7

1. The 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 tariff quotas.

2. The Member States shall ensure that importers of the products in question 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 shares shall be determined on the basis of imports of the products in question originating in Portugal and entered with the customs authorities for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER
