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REGULATION (EEC) No 1014/70 OF THE COMMISSION
of 29 May 1970
on import licences for wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70¹ of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, and in particular Articles 8 (3) and 35 thereof;

Whereas Article 8 (1) of Regulation (EEC) No 816/70 provides that imports into the Community of any of the products listed in Article 1 of that Regulation are conditional on the submission of an import licence;

Whereas the transfer of the rights and obligations derived from the import licences may give rise to difficulties as regards the application of the provisions of this Regulation and in particular as regards the loss of the deposit; whereas it is therefore advisable to prohibit the transfer of import licences;

Whereas, in view of international trade practice, a certain margin should be allowed in respect of the quantities specified in the licence as regards the use of the licence and the obligation to import;

Whereas it is necessary, in order for the system of import licences to be properly applied, that a certain minimum amount of information should be given in the licences; whereas, for that reason, it is essential for the competent authority issuing the licences to be informed by the importer, within specified time limits, of the country from which the product in question is being exported;

Whereas the period of validity of import licences must be restricted in the light of international trade practice and normal delivery periods;

Whereas, with a view to avoiding any difference in the treatment of Community traders, national administrations should be subject to uniform rules as regards determining the exact date on which applications for the issue of import licences are to be considered as having reached the authority responsible for issuing them; whereas, to that end, it is essential to lay down provisions enabling a specified working day to be clearly defined as the date on which the authority concerned receives an application for the issue of a licence;

Whereas the fourth subparagraph of Article 8 (2) of Regulation (EEC) No 816/70 provides that the issue of licences is conditional on the lodging of a deposit which shall be forfeited in whole or in part if the transaction is not effected; whereas, in order to avoid disturbances in the pattern of trade due to the application of different systems by Member States, rules for applying the deposit and the amount thereof should be specified;

Whereas it is nevertheless necessary to provide adequate measures in cases where importation cannot, for reasons of *force majeure*, take place during the period of validity of the licence;

Whereas, in order to enable the Commission to have an overall view of the trend of imports, it is necessary that it be informed regularly by Member States of the import licences issued;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine;

HAS ADOPTED THIS REGULATION:

Article 1

1. The import licence shall authorise and make obligatory the importation of the net quantity of products as specified during the period of validity of the licence.

¹ OJ No L 99, 5.6.1970, p. 1.

2. If the net quantity imported is less than the net quantity specified in the licence by no more than 5%, the obligation to import shall be considered as having been fulfilled.

If the net quantity imported exceeds the quantity specified in the licence by no more than 5%, that quantity shall be considered as having been imported under that document.

Article 2

The rights and obligations devolving from the licence shall not be transferable.

Article 3

The licence shall be valid from the date of issue until the end of the third month following the month of issue.

Article 4

Until Community import licence forms are drawn up, Member States may use their own printed forms. Such licences, subject to provisions laid down in other Regulations, Directives or Decisions adopted by Community institutions, shall contain all the details listed in Article 5.

Article 5

Each licence shall state:

1. the name and address of the applicant;
2. a description of the product and, in the case of Riesling or Sylvaner, the name of the vine variety together with the number of the sub-heading of the Common Customs Tariff and, at the request of the Member State issuing the licence, the reference number of the nomenclature of goods in the national statistical register for foreign trade. Where the tariff sub-heading specifies the alcoholic strength of the product, a variation of 0.4° from that strength shall be permitted for the purpose of the licence. That variation shall be mentioned in the licence;
3. the colour of the wine or the must;

4. the net quantity of product in hectolitres or, where appropriate, in metric units of weight;
5. the last day of validity of the licence;
6. the exporting third country.

Article 6

1. The following shall be considered as applications for licences lodged on a given day:

- (a) applications lodged at the offices of the competent authority concerned not later than 15.30 hours on that day, if a working day for that authority;
- (b) applications sent by letter or telex received in the above-mentioned offices not later than 15.30 hours on the day in question;
- (c) applications sent by telegram received in those offices not later than 17.00 hours on the day in question provided that the telegram was registered at the transmitting telegraph office not later than 15.30 hours.

2. Applications for licences received on a day other than a working day for the competent authority, or on a working day for it but after the time specified above, shall be considered as having been lodged on the first working day following receipt thereof.

Applications sent by telegram shall be considered as having been submitted on the first working day following the day of reception if the telegram is registered after 15.30 hours at the transmitting telegraph office even though it may reach the competent authority before 17.00 hours.

3. When Summer Time is in force in Italy, the time limits specified in this Article shall be understood in that Member State to be one hour later.

Article 7

1. The issue of a licence for a quantity exceeding 1 hectolitre or, where appropriate, 100 kilogrammes of the products listed in Article 1 (2) of Regulation (EEC) No 816/70 shall be subject to the lodging of a deposit.

The amount of the deposit for each product is set out in the following Table:

CCT heading No	Description of goods	Amount of the deposit
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol.	2.0 u.a. per hl
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: — sparkling wines — liqueur wines — wines fortified for distillation — other wines: 1. Of an actual alcoholic strength not exceeding 13° 2. Of an actual alcoholic strength exceeding 13° but not exceeding 15° 3. Of an actual alcoholic strength exceeding 15° but not exceeding 18° 4. Of an actual alcoholic strength exceeding 18° but not 22°	6.0 u.a. per hl 7.5 u.a. per hl 2.5 u.a. per hl 2.0 u.a. per hl 2.5 u.a. per hl 3.0 u.a. per hl 3.5 u.a. per hl
08.04 A II	Fresh grapes other than table grapes	1.5 u.a. per hl
ex 22.10	Wine vinegars for human consumption	2.0 u.a. per hl
ex 22.07	Piquette	1.0 u.a. per hl
ex 22.09 A	Diluted alcohols of agricultural origin	1.5 u.a. per hl
23.05	Wine lees	1.0 u.a. per hl
	Argol	0.1 u.a. per hl
ex 23.06 A	Grape marcs	1.0 u.a. per 100 kg

2. The deposit, shall be paid in cash or in the form of a guarantee provided by a credit institution satisfying the criteria laid down by the Member State to which the application for a licence is made.

However, if the net quantity imported amounts to less than 5% of the net quantity shown in the licence, the deposit shall be entirely forfeited.

Article 8

1. The deposit shall be returned once a quantity equal to not less than 95% of the net quantity shown in the licence has been imported.

2. Subject to the provisions of Article 9, where the obligation to import has not been fulfilled within the period of validity of the licence, the deposit shall be forfeited for a quantity equal to the difference between:

- (a) 95% of the net quantity shown in the licence; and
- (b) the net quantity actually imported.

Article 9

1. When importation cannot be effected during the period of validity of the licence owing to circumstances deemed to be a case of *force majeure*, the competent authority shall decide, at the request of the party concerned, either that the obligation to import is to be cancelled and that the deposit is not to be forfeited or that the period of validity of the licence is to be extended for the period of time required in view of the circumstances invoked.

2. When a Member State accepts a given circumstance as a case of *force majeure*, it shall inform the Commission thereof forthwith.

3. If a circumstance deemed to be a case of *force majeure* and relating to the country of origin is invoked, such circumstances may be accepted only if the competent authority was notified in time of the country of origin before the circumstance deemed to be a case of *force majeure* occurred. Notification of the country of origin shall be considered as having been made in time if, at the time the notification was given, the case of *force majeure* could not have been foreseen.

4. The importer shall, by means of appropriate documents, supply proof of the circumstance deemed to be a case of *force majeure*.

Article 10

Member States shall notify the Commission, not later than the Wednesday of each week, of the quantities of products for which import licences have been issued during the previous week.

Such information shall be arranged according to exporting countries, to the Common Customs Tariff specifications and, in the case of Riesling or Sylvaner, the name of the vine variety, and, in the case of wine or must, the colour.

Article 11

This Regulation shall enter into force on 1 June 1970.

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

Done at Brussels, 29 May 1970.

For the Commission

The President

Jean REY