

**COMMISSION REGULATION (EEC) No 3388/81**

of 27 November 1981

**laying down special detailed rules in respect of import and export licences in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 3456/80<sup>(2)</sup>, and in particular Articles 16<sup>(3)</sup> and 65 thereof,

Whereas Commission Regulation (EEC) No 3183/80<sup>(3)</sup>, as last amended by Regulation (EEC) No 2646/81<sup>(4)</sup>, laid down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;

Whereas Commission Regulation (EEC) No 2826/79<sup>(5)</sup>, as last amended by Regulation (EEC) No 3204/80<sup>(6)</sup>, laid down special detailed rules for the application of import and export licences in the wine sector;

Whereas experience has shown that administration of the import and export licence system is somewhat cumbersome; whereas it appears possible to remedy that situation and to facilitate the issue of the said licences by relaxing certain rules;

Whereas, in connection with the amendment of the rules in question and for the sake of clarity, all the special detailed implementing rules in respect of import and export licences in the wine sector should be re-drafted;

Whereas Article 16(1) of Regulation (EEC) No 337/79 provides that imports into the Community of any of

the products listed in Article 1 of that Regulation are conditional on the production of an import licence;

Whereas, in order that a check may be kept on the volume of wine exports for which a refund is granted, a licence should be required for such exports;

Whereas it is necessary, in order that the system of import licences may operate correctly, that a certain minimum amount of information should be given in the licences; whereas, for that reason, it is essential that the competent authority issuing the licences be informed by the party concerned of the country of origin or destination of the product; whereas in the light of experience gained it appears advisable to permit one and the same licence to cover the Common Customs Tariff subheadings relating to concentrated grape juice and grape must, unconcentrated grape juice and grape must and wine of fresh grapes;

Whereas the period of validity of the licences must reflect the practices and delivery periods customary in international trade; whereas the period initially specified should therefore be extended by one month;

Whereas the third subparagraph of Article 16(2) of Regulation (EEC) No 337/79 provides that the issue of licences is conditional on the provision of a security, which is forfeited in whole or in part if the transaction is not effected or is only partially effected; whereas in connection with the consolidation of Regulation (EEC) No 2826/79 the amounts of the various securities required should be adjusted;

Whereas the purpose of the export licence is more limited than that of the import licence; whereas it is appropriate to take account of that difference in fixing the amount of the security;

Whereas, in order to take account of changes in the alcoholic strength occurring during prolonged transport, particularly due to loading and unloading, it is necessary to permit a tolerance beyond the margin of error provided for in the analysis method used pursuant to Commission Regulation (EEC) No 2984/78<sup>(7)</sup>;

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 360, 31. 12. 1980, p. 18.

<sup>(3)</sup> OJ No L 338, 13. 12. 1980, p. 1.

<sup>(4)</sup> OJ No L 259, 12. 9. 1981, p. 10.

<sup>(5)</sup> OJ No L 320, 15. 12. 1979, p. 43.

<sup>(6)</sup> OJ No L 333, 11. 12. 1980, p. 20.

<sup>(7)</sup> OJ No L 360, 22. 12. 1978, p. 1.

Whereas, in order to facilitate trade, the quantities initially specified for which no import licence is required should be increased and the exemption extended to export transactions subject to the licensing system ;

Whereas, to enable the Commission to have an overall view of trade trends, Member States should regularly communicate to it information concerning the quantities and products for which they have issued import or export licences ; whereas such communications should be made each month and, as far as imports are concerned, should conform to a uniform model ; whereas, however, in order to ensure proper management of the market in wine, Member States should inform the Commission immediately if the quantities for which import licence applications have been submitted seem to constitute a risk of market disturbance ;

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. All imports into the Community of the products listed in Article 1 (2) (a) and (b) of Regulation (EEC) No 337/79 shall be subject to production of an import licence.

2. All exports from the Community of products in respect of which the exporter claims a refund shall be subject to production of an export licence.

#### *Article 2*

1. Where the subheading of the Common Customs Tariff specifies the alcoholic strength of a product, a tolerance of 0.4 % by volume shall be allowed in relation to that specification for the purposes of the licence.

For the purposes of the preceding subparagraph one of the following entries shall be made in Section 20 of import licences and Section 18 of export licences :

'Tolerance of 0.4 % vol',  
'Tolerance 0,4 % vol',  
'Toleranz 0,4 % vol',  
'Ανοχή 0,4 % vol',  
'Tolérance de 0,4 % vol',  
'Tolleranza di 0,4 % vol',  
'Tolerantie van 0,4 % vol'.

2. Section 14 of the application for an import licence and of the licence itself shall show the country of origin.

Section 13 of the application for an export licence and of the licence itself shall show the country of destination.

3. Section 7 of the application for an import licence and of the licence itself shall contain the following supplementary information :

- (a) the colour of the wine or must ;
- (b) in the case of Riesling or Sylvaner, the type of vine.

4. The applicant may include in one and the same import licence application products falling within more than one tariff subheading, by completing Sections 7 and 8 of the application in one of the following ways as appropriate :

- (a) — Section 7 : concentrated grape juice (including grape must) whose density at 20 °C is not less than 1.24 grams per cubic centimetre, and  
— Section 8 : ex 20.07 ;
- (b) — Section 7 : unconcentrated grape juice (including grape must), and  
— Section 8 : ex 20.07 B I ;
- (c) — Section 7 : wine of fresh grapes, and  
— Section 8 : ex 22.05 C.

The product descriptions and tariff subheadings specified in the application shall also be specified on the import licence.

#### *Article 3*

Licences shall be valid from their day of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3183/80 until the end of the fourth month following that of issue.

#### *Article 4*

1. The rate of the security in respect of import licences shall be as set out in the following table :

CCT heading No	Description	Amount of security (per net weight of volume)
20.07	Fruit juices (including grape must) or vegetable juices, whether or not containing added sugar, but unfermented, and not containing spirit :	
A	Of a specific gravity exceeding 1.33 at 15 °C :	
I	Grape juice (including grape must)	2 ECU/100 kg
B	Of a specific gravity not exceeding 1.33 at 15 °C :	
I	Grape, apple and pear juice (including grape must); mixtures of apple and pear juice :	
a)	Of a value exceeding 22 ECU per 100 kg net weight :	
1	Grape juice (including grape must) :	
aa)	Concentrated	2 ECU/100 kg
bb)	Other	1 ECU/100 kg
b)	Of a value not exceeding 22 ECU per 100 kg net weight :	
1	Grape juice (including grape must) :	
aa)	Concentrated	2 ECU/100 kg
bb)	Other	1 ECU/100 kg
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol	1 ECU/hl
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol (mistel enclosed)	
A	Sparkling wine	2 ECU/hl
B	Wine in bottles with 'mushroom' stoppers held in place by ties or fastenings and wine otherwise put up with an excess pressure of not less than one atmosphere but less than three atmospheres, measured at a temperature of 20 °C	2 ECU/hl
C	Other :	
I	Of an actual alcoholic strength not exceeding 13 % vol	1 ECU/hl
II	Of an actual alcoholic strength exceeding 13 % vol but not exceeding 15 % vol, excluding liqueur wine	1 ECU/hl
III	Of an actual alcoholic strength exceeding 15 % vol but not exceeding 18 % vol, excluding wine fortified for distillation and liqueur wine	1 ECU/hl
IV	Of an actual alcoholic strength exceeding 18 % vol but not exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine	1 ECU/hl
V	Of an actual alcoholic strength exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine	1 ECU/hl
Additional Note 4 (b) to Chapter 22	Wine fortified for distillation	1 ECU/hl
Additional Note 4 (c) to Chapter 22	Liqueur wine	2 ECU/hl

2. The rate of the security in respect of export licences shall be 1 ECU per hectolitre.

*Article 5*

By way of derogation from the third indent of Article 5 (1) of Regulation (EEC) No 3183/80, no licence shall be required or produced for import or export transactions relating to a quantity not exceeding 30 hectolitres or, as appropriate, 3 000 kilograms.

*Article 6*

Before the 15th day of each month Member States shall communicate to the Commission, in accordance with the Annex, the quantities of products in respect of which import licences were issued during the previous calendar month. However, if the quantities in respect of which applications for import licences have been made in a Member State appear to constitute a risk of disturbance for the market, that Member State shall immediately inform the Commission accordingly and shall communicate the quantities concerned, broken down by type of product.

*Article 7*

Before the 15th day of each month the Member States shall communicate to the Commission the quantities of products in respect of which export licences were

issued during the previous calendar month, for each of the countries of destination concerned.

*Article 8*

Regulation (EEC) No 2826/79 is hereby repealed.

*Article 9*

All references in Community instruments to Regulation (EEC) No 2826/79 or Articles thereof shall be construed as references to this Regulation or to the corresponding Articles of this Regulation.

*Article 10*

Upon application by those concerned, securities relating to import licences or export licences applied for before 1 January 1982 shall be released in respect of unused quantities.

*Article 11*

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

It shall apply with effect from 1 January 1982.

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

Done at Brussels, 27 November 1981.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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## ANNEX

MEMBER STATE : .....

## APPLICATION OF ARTICLE 6 OF REGULATION (EEC) No 3388/81

Quantities of products for which import licences have been issued

From ..... to .....

Code	Country of origin	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	Total (hl)
036	Switzerland											
038	Austria											
040	Portugal											
042	Spain											
046	Malta											
048	Yugoslavia											
052	Turkey											
056	USSR											
064	Hungary											
066	Romania											
068	Bulgaria											
204	Morocco											
208	Algeria											
212	Tunisia											
390	South Africa											
400	United States of America											
512	Chile											
528	Argentina											
600	Cyprus											
624	Israel											
800	Australia											
	Other countries											
	All non-member countries (hl)											

The figures in this table refer to the following products :

- Col. 1 : Sparkling wines.
- Col. 2 : Red and rosé wines.
- Col. 3 : White wines other than those referred to under 4.
- Col. 4 : White wines presented for importation as 'Riesling' or 'Sylvaner'.
- Col. 5 : Liqueur wines.
- Col. 6 : Wines fortified for distillation.
- Col. 7 : White grape juice (including grape must).
- Col. 8 : Grape juice (including grape must) other than white.
- Col. 9 : Concentrated grape juice (including concentrated grape must).
- Col. 10 : Other products to be specified in a note.