

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)

## TITLE IV

### TRADE WITH THIRD COUNTRIES

#### CHAPTER I

##### Common provisions

###### *Article 70*

##### General principles

- 1 Save as otherwise provided for in this Regulation, the rates of duty in the Common Customs Tariff shall apply to the products covered by this Regulation.
- 2 Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:
  - a the levying of any charge having equivalent effect to a customs duty;
  - b the application of any quantitative restriction or measure having equivalent effect.

###### *Article 71*

##### Combined Nomenclature

The general rules for the interpretation of the Combined Nomenclature and the special rules for its application shall apply to the classification of products covered by this Regulation. The tariff nomenclature resulting from the application of this Regulation including, as the case may be, the definitions and categories in Annexes I and IV shall be included in the Common Customs Tariff.

#### CHAPTER II

##### Import and export licences

###### *Article 72*

##### Import and export licences

- 1 It may be decided, in accordance with the procedure referred to in Article 113(1), that imports into the Community or exports from the Community of one or more of the products falling under CN codes 2009 61, 2009 69 and 2204 shall be subject to the presentation of an import or export licence.

2 When applying paragraph 1, account shall be taken of the need for licences for the management of the markets concerned and, in particular, in the case of import licences, for monitoring the imports of the products in question.

#### *Article 73*

### **Issue of licences**

Import and export licences shall be issued by Member States to any applicant, irrespective of his place of establishment in the Community, unless a Council Regulation or any other act of the Council provides otherwise, and without prejudice to measures taken for the application of Chapter IV.

#### *Article 74*

### **Validity of licences**

Import and export licences shall be valid throughout the Community.

#### *Article 75*

### **Security**

1 Save as otherwise provided for in accordance with the procedure referred to in Article 113(1), import and export licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence.

2 Except in cases of *force majeure*, the security shall be forfeited in whole or in part if the import or export is not carried out, or is carried out only partially, within the period of validity of the licence.

#### *Article 76*

### **Special security**

1 For juice and musts falling under CN codes 2009 61, 2009 69 and 2204 30 for which the application of the Common Customs Tariff duties depends on the import price of the product, the actual amount of that price shall be verified either by checking every consignment or by using a flat-rate import value calculated by the Commission on the basis of price quotations for the same products in the countries of origin.

Should the declared entry price of the consignment be higher than the flat-rate import value, if such applies, increased by a margin adopted in accordance with the procedure referred to in Article 113(1) that may not exceed the flat-rate value by more than 10 %, a security must be lodged equal to the import duties determined on the basis of the flat-rate import value.

If the entry price of the consignment is not declared, the application of Common Customs Tariff shall be dependent on the flat-rate import value or on the application, under conditions to be determined in accordance with the procedure referred to in Article 113(1), of the relevant provisions of customs legislation.

2 Should derogations by the Council referred to in points B.5 or C of Annex VI be applied to imported products, importers shall lodge a security for those products with the designated customs authorities at the time of release for free circulation. The security shall be released on presentation by the importer of proof, to the satisfaction of the customs authorities of the Member State of release for free circulation, that the musts were made into grape juice, used in other products outside the wine sector or, if vinified, have been appropriately labelled.

#### *Article 77*

### **Implementing measures**

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1).

Those measures may in particular include:

- (a) the setting of criteria for determining which control method is to be applied;
- (b) the factors that are to enter into the calculation of flat-rate import values;
- (c) the level of securities referred to in Articles 75 and 76 and rules governing the release thereof;
- (d) where applicable, the list of products in respect of which import or export licences are required;
- (e) where applicable, the conditions under which import or export licences shall be issued and their term of validity.

## CHAPTER III

### **Safeguard and inward and outward processing**

#### *Article 78*

### **Safeguard measures**

1 Safeguard measures against imports into the Community shall be taken by the Commission, subject to paragraph 3 of this Article, in accordance with Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries<sup>(1)</sup> and Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports<sup>(2)</sup>.

2 Save as otherwise provided for pursuant to any other act of the Council, safeguard measures against imports into the Community provided for in international agreements concluded in accordance with Article 300 of the Treaty shall be taken by the Commission in accordance with paragraph 3 of this Article.

3 Measures referred to in paragraphs 1 and 2 may be taken by the Commission at the request of a Member State or on its own initiative. If the Commission receives a request from a Member State, it shall take a decision thereon within five working days following receipt of the request.

The Member States shall be notified of such measures, which shall be immediately applicable.

Decisions taken by the Commission pursuant to paragraphs 1 and 2 may be referred to the Council by any Member State within five working days of the date on which they were notified. The Council shall meet without delay. It may, acting by qualified majority, amend or repeal the decisions in question within one month following the date on which they were referred to the Council.

4 Where the Commission considers that any safeguard measure taken in accordance with paragraphs 1 or 2 should be revoked or amended, it shall proceed as follows:

- a where the measure was enacted by the Council, the Commission shall propose to the Council that it be revoked or amended. The Council shall act by a qualified majority;
- b in all other cases, Community safeguard measures shall be revoked or amended by the Commission.

#### *Article 79*

#### **Additional import duties**

1 An additional import duty shall apply to imports, subject to the rate of duty laid down in Article 70(1), of grape juice and grape must where marked with a special safeguard clause indication (SSG) in the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations, in order to prevent or counteract adverse effects on the market of the Community which may result from those imports, if:

- a the imports are made at a price below the level notified by the Community to the WTO;  
or
- b the volume of imports in any year exceeds a certain level.

The volume referred to in (b) shall be based on market access opportunities defined, where applicable, as imports as a percentage of the corresponding domestic consumption during the three previous years.

2 Additional import duties shall not be imposed where the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

3 For the purposes of paragraph 1(a), import prices shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked against the representative prices for the product on the world market or on the Community import market for that product.

#### *Article 80*

#### **Suspension of inward and outward processing arrangements**

1 Where the Community market is disturbed or is liable to be disturbed by inward or outward processing arrangements, it may be decided, at the request of a Member State or on the Commission's initiative and in accordance with the procedure referred to in Article 113(1), to suspend fully or partially the use of inward or outward processing arrangements for the products covered by this Regulation. If the Commission receives a request from a Member State, a decision thereon shall be taken within five working days following receipt of the request.

The Member States shall be notified of such measures, which shall be immediately applicable.

Measures decided pursuant to the first subparagraph may be referred to the Council by any Member State within five working days of the date on which they were notified. The Council shall meet without delay. It may, acting by qualified majority, amend or repeal the measures in question within one month following the date on which they were referred to the Council.

2 To the extent necessary for the proper functioning of the common organisation of the wine market, the use of inward or outward processing arrangements for the products covered by this Regulation may be fully or partially prohibited by the Council, acting in accordance with the procedure laid down in Article 37(2) of the Treaty.

#### *Article 81*

### **Implementing measures**

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1).

## CHAPTER IV

### **Rules applying to imports**

#### *Article 82*

### **Import requirements**

1 Save as otherwise provided for, in particular in agreements concluded pursuant to Article 300 of the Treaty, the provisions concerning designations of origin and geographical indications and labelling set out in Chapters III and IV of Title III of this Regulation, where applicable, as well as Article 25(2) of this Regulation shall apply to products falling under CN codes 2009 61, 2009 69 and 2204 which are imported into the Community.

2 Save as otherwise provided in agreements concluded pursuant to Article 300 of the Treaty, products referred to in paragraph 1 of this Article shall be produced in accordance with oenological practices recommended and published by the OIV or authorised by the Community pursuant to this Regulation and its implementing measures.

3 The importation of the products referred to in paragraph 1 shall be subject to the presentation of:

- a a certificate evincing compliance with the provisions referred to in paragraphs 1 and 2, to be drawn up by a competent body, included on a list to be made public by the Commission, in the country from which the product comes;
- b an analysis report drawn up by a body or department designated by the country from which the product comes, in so far as the product is intended for direct human consumption.

### *Article 83*

#### **Tariff quotas**

1 Tariff quotas for imports of products covered by this Regulation resulting from agreements concluded in accordance with Article 300 of the Treaty or from any other act of the Council shall be opened and administered in accordance with the procedure referred to in Article 113(1) of this Regulation.

2 Tariff quotas shall be administered in a manner which avoids any discrimination between the operators concerned, by applying one of the following methods or a combination of them or another appropriate method:

- a a method based on the chronological order of the lodging of applications (first come, first served principle);
- b a method of distribution in proportion to the quantities requested when the applications were lodged (simultaneous examination method);
- c a method based on taking traditional trade patterns into account (traditional/new arrival method).

3 The method of administration adopted for the management of tariff quotas shall, where appropriate, give due weight to the supply requirements of the Community market and the need to safeguard the equilibrium of that market.

### *Article 84*

#### **Implementing measures**

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1).

Those measures may in particular include:

- (a) details on the import requirements;
- (b) guarantees covering the nature, provenance and origin of the product;
- (c) recognition of the document used for verifying the guarantees referred to in (b).

---

**Status:** This is the original version (as it was originally adopted).

---

- (1) OJ L 67, 10.3.1994, p. 89. Regulation as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1).
- (2) OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).