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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3788/85

of 20 December 1985

amending, on account of the accession of Spain and Portugal, certain regulations in the oils and fats sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, on account of the accession of Spain and Portugal, certain technical adjustments should be made to the following Regulations in the oils and fats sector,

- Council Regulation (EEC) No 2164/70 of 27 October 1970 on imports of olive oil from Spain ⁽¹⁾, as amended by Regulation (EEC) No 2277/71 ⁽²⁾,
- Council Regulation (EEC) No 154/75 of 21 January 1975 on the establishment of a register of olive cultivation in the Member States producing olive oil ⁽³⁾, as last amended by Regulation (EEC) No 3453/80 ⁽⁴⁾,
- Council Regulation (EEC) No 3089/78 of 19 December 1978 laying down general rules in respect of aid for the consumption of olive oil ⁽⁵⁾, as amended by Regulation (EEC) No 2762/80 ⁽⁶⁾,
- Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules concerning the production refund for olive oil used in the manufacture of certain preserved foods ⁽⁷⁾, as last amended by Regulation (EEC) No 3176/84 ⁽⁸⁾,
- Council Regulation (EEC) No 1590/83 of 14 June 1983 on the determination of areas planted with olive trees qualifying for aid for the production of olive oil ⁽⁹⁾,

— Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid on the production of olive oil and of aid to olive oil producer organizations ⁽¹⁰⁾,

— Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil ⁽¹¹⁾,

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the Community may adopt, before accession, the measures referred to in Article 396 of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2164/70 shall be repealed with effect from 1 March 1986.

Article 2

Regulation (EEC) No 154/75 shall be amended as follows:

1. in Article 1 (2), the third subparagraph shall be replaced by the following:

‘The periods referred to in points (a) and (b) shall run from:

- 1 November 1982 with regard to the establishment of a register of olive cultivation in Greece,
- 1 November 1986 with regard to the establishment of a register of olive cultivation in Spain and Portugal.’;

2. the following paragraph shall be inserted in Article 3:

‘2b. The competent authorities of Spain and Portugal which are responsible for paying the production aid referred to in Article 5 of Regulation No 136/66/EEC shall, when making payment, reduce the amount of such aid by 0,96 ECU per 100 kg. This deduction shall apply to aid in respect of the marketing years 1986/1987 to 1989/1990.’

⁽¹⁾ OJ No L 238, 29. 10. 1970, p. 3.

⁽²⁾ OJ No L 241, 27. 10. 1971, p. 2.

⁽³⁾ OJ No L 19, 24. 1. 1975, p. 1.

⁽⁴⁾ OJ No L 360, 31. 12. 1980, p. 15.

⁽⁵⁾ OJ No L 369, 29. 12. 1978, p. 12.

⁽⁶⁾ OJ No L 287, 30. 10. 1980, p. 2.

⁽⁷⁾ OJ No L 78, 30. 3. 1979, p. 2.

⁽⁸⁾ OJ No L 298, 16. 11. 1984, p. 4.

⁽⁹⁾ OJ No L 163, 22. 6. 1983, p. 39.

⁽¹⁰⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽¹¹⁾ OJ No L 208, 3. 8. 1984, p. 11.

Article 3

Regulation (EEC) No 3089/78 shall be amended as follows:

1. in Article 9:

- (a) the following third subparagraph shall be added to paragraph 1:

'The security applicable when olive oil is released into free circulation in Spain and Portugal shall be the same as that applicable in the rest of the Community.'

- (b) the following second subparagraph shall be added to paragraph 2:

'In cases where, from 1 March 1986 to 31 October 1995, the olive oil in question is exported to Spain or Portugal from the Community as constituted on 31 December 1985, the party concerned must also prove that the accession compensatory amount actually applied to such trade was that applicable to oils originating in non-member countries.'

2. the second subparagraph of Article 11 shall be replaced by the following:

'It shall be applicable from 1 January 1979. However, Articles 1, 2 and 3 shall apply to Spain and Portugal only with effect from 1 January 1991.'

Article 4

Regulation (EEC) No 591/79 shall be amended as follows:

1. Article 4 (1) shall be replaced by the following:

'1. Subject to Article 6, the amount of the refund shall be the arithmetic mean of the variable component of the levies applied to the import of olive oils falling within subheading 15.07 A II a) of the Common Customs Tariff during the two months preceding the month in which the refund is implemented, adjusted in Spain and Portugal respectively by the accession compensatory amount applicable to imports into each of these Member States from non-member countries.'

However, where the olive oil used in the manufacture of preserved products has been produced in the Community, the refund shall be the mean, referred to above, plus the amount of the consumption aid valid on the day of implementation of the refund.

In the case of Spain and Portugal the increase shall apply only with effect from 1 January 1991. As from that date the increase shall be the same as that applied in the other Member States and the amount of the resulting refund shall be adjusted by the difference between the intervention prices applicable in the Community as constituted on 31 December 1985 and those applicable in Spain and Portugal respectively.'

2. in Article 5:

- (a) the second subparagraph of paragraph 1 shall be replaced by the following:

'The production refund fixed in accordance with the first subparagraph shall be adjusted, in Spain and Portugal respectively, by the accession

compensatory amounts applicable to imports into each of these Member States from non-member countries.'

- (b) paragraph 2 shall be replaced by the following:

'2. However, where the olive used in the manufacture of preserved products has been produced in the Community, the amount determined pursuant to the first subparagraph of paragraph 1 shall be increased by the amount of the consumption aid valid on the day of implementation of the refund.'

In the case of Spain and Portugal, the increase shall apply only with effect from 1 January 1991. As from that date the increase shall be the same as that applied in the other Member States and the amount of the resulting refund shall be adjusted by the difference between the intervention prices applicable in the Community as constituted on 31 December 1985 and those applicable in Spain and Portugal respectively.'

Article 5

Article 1 of Regulation (EEC) No 1590/83 shall be replaced by the following:

'Article 1

1. Aid for the production of olive oil shall be granted to each olive grower only in respect of areas planted with olive trees

- in France and Italy as at 31 October 1978,
- in Greece as at 1 January 1981,
- in Spain, as at 1 January 1984,

and having been the subject:

- (a) in Italy, of the cultivation declaration for the 1980/1981 marketing year or, if no such declaration exists, of the last declaration available;
- (b) in France, of the latest cultivation declaration available preceding the 1982/1983 marketing year;
- (c) in Greece, of the cultivation declaration for the 1980/1981 or 1981/1982 marketing year;
- (d) in Spain, of the cultivation declaration for the 1986/1987 or 1987/1988 marketing year.

In the case of Portugal, aid shall be granted only in respect of the quantities which may be produced on areas planted with olive trees actually producing as at 1 January 1984 and having been the subject of the cultivation declaration for the 1986/1987 or 1987/1988 marketing year.

However, where areas planted with olive trees existing on the dates mentioned in the preceding subparagraphs were not the subject of the cultivation declaration in question, the production aid shall be granted in respect of those areas only on condition that the party concerned submits a supplementary cultivation declaration to the competent national authorities before 30 June 1984 or, in the case of Spain and Portugal, 30 June 1988.

2. Where new olive trees have been planted in France and Italy since 31 October 1978, in Greece since 1 January 1981 or in Spain and Portugal since 1 January 1984, under an olive-plantation restructuring project for an individual holding or specific area of production only, the aid shall also be granted in respect of the areas concerned, provided that:

- the restructuring project has been approved by the competent authorities of the Member States concerned;
- in each area which undergoes restructuring, the total area planted with olive trees as a result of the restructuring does not exceed the area planted, in France and Italy, as at 31 October 1978, in Greece, as at 1 January 1981 or in Spain and Portugal, as at 1 January 1984.

In the case of Portugal, the quantity which may be produced after restructuring must not exceed that which may be produced on the areas planted with olive trees actually producing as at 1 January 1984.'

Article 6

Regulation (EEC) No 2261/84 shall be amended as follows:

1. Article 1 shall be replaced by the following:

Article 1

As from the 1984/1985 marketing year, the general rules laid down in this Regulation shall apply to the granting of the production aid for olive oil referred to in Article 5 of Regulation No 136/66/EEC. However they shall not apply to Spain and Portugal until the start of the 1986/1987 marketing year.';

2. in Article 3 (1), the second indent shall be replaced by the following:

- a copy of the declaration submitted for the purpose of compiling the olive-cultivation register. As regards Greece, Spain and Portugal and until the olive-cultivation register has been compiled in those Member States, this declaration may be replaced by that referred to in Article 1 (1) of Regulation (EEC) No 1590/83.';

3. in Article 13 (3), the first subparagraph shall be replaced by the following:

'3. During the 1984/1985 and 1985/1986 marketing years, the Member States concerned may grant provisional approval to the mill involved as soon as an application for approval containing the information referred to in paragraph 1 has been submitted. This option shall be extended to the 1986/1987 marketing year for Spain and Portugal.'

Article 7

Regulation (EEC) No 2262/84 shall be amended as follows:

Article 1 (5) shall be replaced by the following:

'5. Over a period of three years from 1 November 1984, the following percentages of the agency's actual expenditure shall be chargeable to the general budget of the European Communities:

- 100 % for the first two years, up to a maximum of 14 million ECU for the agency set up in Italy and 7 million ECU for the agency set up in Greece,
- 50 % for the third year.

In the case of Spain and Portugal, 100 % of the agency's actual expenditure during the period from 1 March 1986 to 31 October 1987, shall be covered, up to a maximum of 7 million ECU for Spain and 3,5 million ECU for Portugal.

Member States may, under conditions to be determined in accordance with the procedure provided for in Article 38 for Regulation No 136/66/EEC, cover part of the expenditure to be borne by them by a deduction from the Community aid granted for olive oil.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt by 1 January 1987 the method for financing the expenditure in question as from the 1987/1988 marketing year.'

Article 8

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 2789/85

of 20 December 1985

adapting Regulations (EEC) No 1837/80 and (EEC) No 1985/82 in the sheepmeat and goatmeat sector by virtue of the accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas, by virtue of the accession of Spain and Portugal, Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1312/85 ⁽²⁾, and Council Regulation (EEC) No 1985/82 of 19 July 1982 on transitional measures in respect of imports of sheepmeat and goatmeat originating in certain third countries qualifying for preferential treatment ⁽³⁾ should be adapted;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the measures referred to in Article 396 of the Act of Accession may be adopted before accession, entering into force subject to and on the date of entry into force of the said Treaty,

Article 1

Regulation (EEC) No 1837/80 is hereby amended as follows:

1. in Article 4 (1), 'regions 1 and 3' shall be replaced by 'regions 1, 3 and 7'.
2. in Article 7 (2) 'regions 1 and 3' shall be replaced by 'regions 1, 3 and 7'.

Article 2

Article 1 (2) of Regulation (EEC) No 1985/82 shall be deleted.

Article 3

Subject to the entry into force of the Treaty of Accession of Spain and Portugal, this Regulation shall enter into force on 1 January 1986.

It shall apply from 1 March 1986.

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

Done at Brussels, 20 December 1985

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 22.

⁽³⁾ OJ No L 215, 23. 7. 1982, p. 9.

COUNCIL REGULATION (EEC) No 3790/85

of 20 December 1985

adapting, on account of the accession of Spain, Regulation (EEC) No 985/68 laying down
general rules for intervention on the market in butter and cream

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and Portugal,
and in particular Article 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (3) (b) of Regulation (EEC) No
985/68 ⁽¹⁾, as last amended by Regulation (EEC) No
3521/83 ⁽²⁾, defines the grading of butter which may be
bought in by the intervention agencies of different Member
States; whereas, pursuant to Article 396 of the Act of
Accession, the aforesaid provision should be adapted so as to
introduce grading for Spanish butter;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession
of Spain and Portugal, the institution of the European
Communities may, before accession, adopt the measures

referred to in Article 396 of the Act, such measures entering
into force subject to, and on the date of, the entry into force
of the Treaty.

HAS ADOPTED THIS REGULATION:

Article 1

The following indent shall be added to Article 1 (3) (b) of
Regulation (EEC) No 985/68:

‘— Product made entirely from pasteurized cows’ milk or
cream as regards Spanish butter.’

Article 2

This Regulation shall enter into force on 1 January 1986
subject to the entry into force of the Treaty of Accession of
Spain and Portugal.

It shall apply from 1 March 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1983, p. 4.

COUNCIL REGULATION (EEC) No 3791/85

of 20 December 1985

adapting certain Regulations relating to the eggs and poultry sector consequent upon the accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas pursuant to Article 396 of the Act of Accession, adaptations should be made in the eggs and poultry sector consequent upon the accession of Spain and Portugal to Council Regulation (EEC) No 2772/75 of 29 October 1975 on marketing standards for eggs⁽¹⁾, as last amended by Regulation (EEC) No 3341/84⁽²⁾, and to Council Regulation (EEC) No 2782/75 of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks⁽³⁾, as last amended by Regulation (EEC) No 3485/80⁽⁴⁾;

Whereas, according to Article 2 (3) of the Accession Treaty, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act of Accession, such measures entering into force only subject to and on the date of entry into force of the said Treaty; whereas, pursuant to Article 261 of the Act of Accession, the application of the measures relating to Portugal must be postponed until the end of the first stage,

HAD ADOPTED THIS REGULATION:

Article 1

1. The following indents shall be added to the second

subparagraph of Article 17 (2) of Regulation (EEC) No 2772/75:

‘— PERIODO DE EMBALAGE DE ... AL ...’,

‘— PERÍODO DE EMBALAGEM DE ... A ...’.

2. The following indents shall be added to the first subparagraph of Article 17 (3) of Regulation (EEC) No 2772/75:

‘— EMBALADO EL ...’,

‘— EMBALADO EM ...’.

Article 2

1. In Article 5 (3) of Regulation (EEC) No 2782/75, the terms, ‘huevo para incubar, ovos para incubação’ shall be inserted after the terms ‘uova de cova’.

2. In Article 6 of Regulation (EEC) No 2782/75 the terms, “para incubar”, “para incubação” shall be inserted after the term ‘cova’.

Article 3

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Accession Treaty of Spain and Portugal.

It shall apply from 1 March 1986, except as regards the amendments in Portuguese, application of which shall be postponed until the end of the first stage referred to in Article 260 of the Act of Accession.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 56.

⁽²⁾ OJ No L 312, 30. 11. 1984, p. 7.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 100.

⁽⁴⁾ OJ No L 365, 31. 12. 1980, p. 1.

COUNCIL REGULATION (EEC) No 3792/85

of 20 December 1985

laying down the arrangements applying to trade in agricultural products between Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal (hereinafter referred to as the 'Act') and in particular Articles 88 (1) and 256 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the Joint Declaration attached to the Act, each of the new Member States shall apply in principle with respect to the other, the provisions and transitional mechanisms provided for in the Act under the arrangements applicable to their respective trade with the Community as constituted on 31 December 1985; whereas these arrangements are to be introduced taking into account, in the context of temporary measures, the existence of a classic transition and a transition by stages in the case of Portugal and the existence of a phase of verification of convergence in the fruit and vegetable sector in the case of Spain;

Whereas, however, with regard to cereals and rice, products of first-stage processing in the cereals and rice sector, wine and tomato-based products, the arrangements applicable to trade between the new Member States are to be adopted in accordance with the additional guidelines agreed within the negotiating conference;

Whereas in the wine sector in particular, with a view to facilitating the gradual liberalization of the market, provision should be made that the quantitative restrictions on mutual trade during the first stage be replaced from the start of the second stage by the supplementary trade mechanism;

Whereas, with regard to the other products subject to the supplementary trade mechanism between each of the new Member States and the Community as constituted on 31 December 1985, it is desirable to provide for the possibility of extending the said mechanism to imports into Spain; whereas in the case of Portugal, on the other hand, the mechanism should be extended automatically to include imports from Spain in view of production conditions in Portugal;

Whereas, under Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Articles 91 and 258 of the Act,

Article 1

This Regulation lays down the arrangements to apply between 1 March 1986 and 31 December 1995 to trade in agricultural products between Spain and Portugal.

Article 2

In the case of products subject to customs duties on import from third countries into the Community as constituted on 31 December 1985:

1. duties on products imported into Spain from Portugal shall be progressively abolished in the manner set out in point 1 of Article 75 of the Act, without prejudice to points 4 and 5 thereof;
2. duties on imports into Portugal from Spain of:
 - products subject to classic transition under Article 235 of the Act shall be progressively abolished in the manner set out in point 1 (b), (c) and (d) of the Act, without prejudice to point 4 thereof;
 - products subject to transition by stages under Article 259 of the Act shall be abolished in the manner set out in Article 268 (1) and (2) (b) of the Act, without prejudice to Article 268 (4) thereof.

However, in the case of the liqueur wines referred to in the first indent of the second subparagraph of Article 268 (3), customs duties on imports into Portugal shall be progressively abolished in accordance with the following timetable:

- on 1 March 1986, each duty shall be reduced to 87,5 % of the basic duty,
- on 1 January 1987, each duty shall be reduced to 75 % of the basic duty,
- on 1 January 1988, each duty shall be reduced to 62,5 % of the basic duty,
- on 1 January 1989, each duty shall be reduced to 50 % of the basic duty,
- on 1 January 1990, each duty shall be reduced to 37,5 % of the basic duty,
- on 1 January 1991, each duty shall be reduced to 25 % of the basic duty,

- on 1 January 1992, each duty shall be reduced to 12,5 % of the basic duty,
 - on 1 January 1993, all duty shall be abolished.
3. for the purpose of points 1 and 2, the basic duty shall be the duty actually applied on 1 January 1985 to products originating in Spain and Portugal and traded between them.

However:

- in the case of liqueur wines subject in trade between Spain and Portugal to tariff quotas at a reduced level of duty under national arrangements prior to accession, the basic duties shall be those actually applied under such quotas. Quotas applied under national arrangements prior to accession shall be abolished with effect from 1 March 1986;
- in the case of prepared or preserved tomatoes, the basic duties shall be those specified for Spain in point 3 of Article 75 and Annex VIII of the Act.
- in the case of oilseeds and oleaginous fruit falling within subheading 12.01 B of the Common Customs Tariff and products falling within heading No 12.02 and subheading 23.04 of the Common Customs Tariff, the basic duties in Spain shall be those defined under point 3 of Article 75 of the Act.

Article 3

The compensatory amounts to apply in trade between the new Member States shall be based on the compensatory amounts fixed for each of them in their trade with the Community as constituted on 31 December 1985:

- with effect from 1 March 1986 in the case of products subject to classic transition in Spain and Portugal;
- with effect from the start of the second stage in the case of products subject to classic transition in Spain and transition by stages in Portugal.

The following provisions of the Act shall apply:

- points 2, 4, 5 and 6 of Article 72 and Article 74 (1),
- points 2, 4, 5 and 6 of Article 240 and Article 242 (1).

The compensatory amounts shall be levied by the importing Member State or granted by the exporting Member State.

Article 4

In the case of products subject to classic transition in Spain and transition by stages in Portugal, the following shall apply subject to Articles 8 and 9 of this Regulation:

1. During the first stage, the Kingdom of Spain shall apply, *mutatis mutandis*,
 - to imports from Portugal the arrangements applied to Portugal by the Community as constituted on 31 December 1985 under Article 272 of the Act, subject to Article 2 of this Regulations.
 - to exports to Portugal the arrangements applied to Portugal by the Community as constituted on 31 December 1985 under Article 275 of the Act.
2. During the second stage, the Kingdom of Spain shall apply in its trade with Portugal, *mutatis mutandis*, the arrangements applied to Portugal by the Community as constituted on 31 December 1985, subject to Articles 2 and 3 of this Regulation.
3. During the first stage, the Portuguese Republic shall apply in its trade with Spain the arrangements, for both imports and exports, resulting from Article 267 of the Act, subject to point 4 of this Article and to Article 2 of this Regulation.
4. During the first stage, Articles 269 (1), 270 and 271 of the Act shall apply *mutatis mutandis* to Portugal's trade with Spain.

However, up to the end of the first stage the Portuguese Republic may impose quantitative restrictions on imports from Spain of the products listed in Annex I as follows:

- (a) The said quantitative restrictions shall consist of annual quotas opened without discrimination between economic operators.

The initial quota in 1986 for each product, expressed as the case may be in terms of volume or in ECU, shall be fixed at:

- either 1 % of the average of Portugal's annual production during the last three years before accession for which statistics are available,
- or the average of Portugal's imports over the last three years before accession for which statistics are available, where this volume or amount is greater.

However, in respect of the products listed in Annex II hereto,

- the first indent of the preceding subparagraph shall not apply;
- where the result of the second indent of the preceding subparagraph would be the fixing of

an initial quota 10 % less than the initial quota to be fixed for the same products coming from the Community as constituted on 31 December 1985 the initial quota to be applied by the Portuguese Republic with regard to the Kingdom of Spain shall be at least 10 % of the initial quota to be fixed when coming from the other Member States.

The minimum rate of increase of the quotas shall be 15 % at the beginning of each year with respect to the quotas expressed in terms of value and 10 % at the beginning of each year with respect to the quotas expressed in terms of volume.

Each increase shall be added to the existing quota, with the next increase being calculated from the new total obtained.

The quota for the period from 1 March to 31 December 1986 shall be equal to the initial quota less one-sixth.

- (b) Quotas as calculated under (a) shall be added to the quotas determined under Article 269 of the Act. Point (d) of Article 269 (2) thereof shall apply to the combined quotas so calculated.

5. During the second stage, the Portuguese Republic shall apply in its trade with Spain, *mutatis mutandis*, the arrangements applied with respect to the Community as constituted on 31 December 1985, subject to Articles 2 and 3 of this Regulation.

Article 5

1. Should imports into Spain from Portugal show, or show signs of, a significant increase, it may be decided under the procedure provided for in Article 38 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾ or, where relevant, the equivalent Articles of the other Regulations introducing common organizations of agricultural markets, to make the products referred to in Article 81 (2) (b) (bb) and (dd) of the Act subject to the supplementary trade mechanism, hereinafter referred to as 'the STM'.

Where the preceding subparagraph becomes operative, Articles 83, 84 and 85 of the Act shall apply *mutatis mutandis*, the 'guide' quantities referred to in Article 84 being increased in such a way as to ensure that harmonious evolution of traditional imports from Portugal.

2. In the case of imports into Portugal from Spain, the STM shall apply to the products listed in Annex XXII to the Act and, from the start of the second stage, to the products contained in the list to be drawn up under Article 286 (2) of the Act. Articles 249 to 252 of the Act shall apply *mutatis mutandis*.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

Article 6

1. Until 31 December 1990, the system of quantitative control referred to in Article 94 of the Act shall apply on the Spanish domestic market to imports into Spain from Portugal of the products referred to in Article 1 (2) of Regulation No 136/66/EEC under:

- point (a) thereof, excluding soya beans falling within subheading ex 12.01 B of the Common Customs Tariff,
- point (b) thereof, excluding products falling within subheadings 15.17 B II and 23.04 B of the Common Customs Tariff.

2. Until 31 December 1990, the system of quantitative control referred to in Article 292 of the Act shall apply to imports into Portugal from Spain of oilseeds and oleaginous fruit, meal from which the oil has not been extracted and all vegetable oils, except olive oil, intended for human consumption on the Portuguese domestic market.

3. Articles 93 (4) and 291 (4) of the Act shall apply *mutatis mutandis* to trade between Spain and Portugal.

4. Articles 95 (3) and 293 (3) of the Act shall apply *mutatis mutandis* to oilseeds produced in Spain and processed in Portugal or produced in Portugal and processed in Spain.

Article 7

Under the tendering procedures initiated by Portugal under point (b) of Article 320 (2) of the Act, tenders relating to cereals and rice originating in Spain shall be adjusted by:

- the difference between the market price in the Community and the world market price, amended by the compensatory amount applying under Article 72 of the Act,
- a flat-rate preference factor equal to 5 ECU per tonne.

The minimum quantity referred to in point (c) of Article 320 (2) of the Act shall be increased by 0,5 % of the total quantity of the products concerned imported into Portugal.

The quantity which Portugal is required to buy from other Member States shall in total be the minimum quantity as increased in accordance with the preceding subparagraph.

Article 8

In trade between Spain and Portugal during the first stage, the importing Member State shall collect a levy on products deriving from primary processing in the cereals and rice

sectors, as covered, respectively, by Regulation (EEC) No 2727/75 ⁽¹⁾ and No 1418/76 ⁽²⁾, to consist of two components:

- (a) a variable component reflecting the effect on the cost price of such products of the difference in price for the basic products as between Spain and Portugal;
- (b) a fixed component equivalent to that applied from 1 March 1986 by the importing state to imports from the Community as constituted on 31 December 1985.

From the start of the second stage, the fixed component shall be progressively reduced as follows:

- on 1 January 1991, to 83,3 % of the initial amount,
- on 1 January 1992, to 66,6 % of the initial amount,
- on 1 January 1993, to 49,9 % of the initial amount,
- on 1 January 1994, to 33,2 % of the initial amount,
- on 1 January 1995, to 16,5 % of the initial amount,
- on 1 January 1996 the fixed component shall be abolished.

Article 9

1. In the case of products covered by Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽³⁾, the Kingdom of Spain and the Portuguese Republic may apply in mutual trade, until the end of the first stage, quantitative restrictions on imports of the following:

CCT heading No	Description
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: ex B. Wine other than that referred to in A in bottles with 'mushroom' stoppers held in place by ties or fastenings; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C: — Wine put up other than in bottles with 'mushroom' stoppers held in place by ties or fastenings, with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C:

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 1.

CCT heading No	Description
22.05 (Cont'd)	C. Other: I. Of an actual alcoholic strength by volume not exceeding 13 % vol II. Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol

2. (a) The quantitative restrictions referred to in paragraph 1 shall consist of annual quotas opened without discrimination between economic operators.

The initial quota for 1986 in each product, in volume terms, is hereby fixed in respect of the importing Member State at:

- either 0,1 % of average annual production in the importing Member State during the three years prior to accession for which statistics are available;
- or the average level of imports from the exporting new Member State during the three years prior to accession for which statistics are available, where this volume is greater.

- (b) The minimum rate of progressive increase of the quotas shall be 10 % at the beginning of each year.

Each increase shall be added to the existing quota, with the next increase being calculated from the new total.

- (c) The quota for the period from 1 March to 31 December 1986 shall be equal to the initial quota less one-sixth.

- (d) Where imports into Spain during two consecutive years are less than 90 % of the annual quota, the quantitative restrictions in force in Spain shall be abolished.

- (e) In respect of Portugal, the quota resulting under points (a), (b) and (c) shall be added to the quota pursuant to Article 269 of the Act. Point (d) of Article 269 (2) thereof shall apply to the total quota so calculated.

3. During the second stage, the products referred to in paragraph 1 shall be subject to the STM as defined in

- Articles 81, 82, 83 and 85 of the Act, in the case of Spain,

- Articles 249 to 252 of the Act, in the case of Portugal.

Article 10

In the case of the products covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾:

1. During the phase of verification of convergence referred to in Article 131 of the Act, the Kingdom of Spain shall apply the arrangements set out in Article 136 of the Act to both imports and exports in its trade with Portugal, subject to point 2 below and Article 2 of this Regulation.

2. During the said first phase, Articles 137 (1), 138, 139 and 142 of the Act shall apply *mutatis mutandis* to trade between Spain and Portugal.

However, until 31 December 1989 the Kingdom of Spain may apply quantitative restrictions to imports from Portugal of the products listed in Annex III.

3. During the second phase, should imports into Spain from Portugal show or be likely to show a significant increase, it may be decided under the procedure provided for in Article 33 of Regulation (EEC) No 1035/72 to make one or more of the products referred to in point (b) (cc) of Article 81 (2) of the Act subject to the STM.

Should the preceding subparagraph be applicable, Articles 81, 82, 83 and 85 of the Act shall apply *mutatis mutandis*.

4. During the first stage, the Portuguese Republic shall apply to both imports and exports in its trade with Spain the arrangements set out in Article 267 of the Act, subject to point 5 below and to Article 2 of this Regulation.

5. During the first stage, Articles 269 (1), 270 and 271 of the Act shall apply *mutatis mutandis* to trade between Spain and Portugal.

However, until the end of the first stage the Portuguese Republic may apply quantitative restrictions to imports from Spain of the products listed in Annex IV.

6. During the second stage, imports into Portugal from Spain of the products contained in the list to be drawn up under Article 286 (2) of the Act shall be subject to the STM. Articles 249 to 252 of the Act shall apply *mutatis mutandis*.

Article 11

1. The quantitative restrictions referred to in Article 10 (2) and (5) shall be annual quotas opened without discrimination between economic operators as follows:

(a) the initial quota for 1986 in each product, in volume terms, shall be fixed at:

- either 0,6 % of the average annual production of the importing Member State during the last three years prior to accession for which statistics are available.
- or the average level of imports from the exporting new Member State over the last three years prior to accession for which statistics are available, where this volume is greater.

(b) the minimum rate of progressive increase of the quotas shall be 10 % at the beginning of each year.

Each increase shall be added to the existing quota, with the next increase being calculated from the new total.

(c) The quota for the period from 1 March to 31 December 1986 shall be equal to the initial quota less one-sixth.

(d) Quotas as calculated under (a), (b) and (c) shall be added to the quotas determined under Articles 137 and 269 of the Act. Articles 137 (3) (d) and 269 (2) (d) thereof shall apply to the combined quotas so calculated.

2. Under the quantitative restrictions referred to in Article 10 (2), imports into Spain of the products listed in Annex V hereto shall be governed by a timetable giving the import quantities which are defined as a proportion of each year's quota.

Article 12

In the case of imports into Portugal of agricultural products originating in the Canary Islands which are listed in Annex A to Protocol No 2 attached to the Act, Article 4 (1) of the said Protocol shall apply *mutatis mutandis* subject to Article 2 of this Regulation.

Article 13

1. The detailed rules implementing this Regulation shall be drawn up under the procedure provided for in Article 38 of Regulation No 136/66/EEC or, where relevant, the equivalent Articles of the other Regulations introducing common organizations of the market.

The implementing rules applying to:

- live pigs, pure-bred breeding animals, falling within subheading 01.03 A I of the Common Customs Tariff shall be drawn up under the procedure provided for in Article 24 of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾ by the Management Committee set up under that Regulation;
- other eggs falling within subheading 04.05 A II of the Common Customs Tariff shall be drawn up under the procedure provided for in Article 17 of Council

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽¹⁾ OJ No L 282, 1. 1. 1975, p. 1.

Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾ by the Management Committee set up under that Regulation;

- new potatoes falling within subheading 07.01 A II of the Common Customs Tariff and avocados falling within subheading 08.01 D of the Common Customs Tariff shall be drawn up under the procedure provided for in Article 33 of Regulation (EEC) No 1035/72 by the Management Committee set up under that Regulation.

2. The detailed rules referred to in paragraph 1 shall include fixing the initial quotas referred to in Articles 4, 9 and 10 of this Regulation.

Article 14

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

ANNEX I

CCT heading No	Description
01.03	Live swine A. Domestic species
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls: A. Of a weight not exceeding 185 g: ex I. Turkeys and geese — Turkeys ex II. Other — Hens
02.01	Meat and edible offals of the animals falling within Heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: III. Of swine: a) Of domestic swine B. Offals: II. Other: c) Of domestic swine
04.04	Cheese and curd: D. Processed cheese, not grated or powdered, of a fat content, by weight: E. Other: I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter: b) Exceeding 47 % but not exceeding 72 %: ex 1. Cheddar: — of the 'Ilha' type ex 2. Other: — of the 'Holland' type
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not: A. Eggs in shell, fresh or preserved: I. Poultry eggs: a) Eggs for hatching: ex 1. Of turkeys or geese — Of turkeys ex 2. Other: — Of hens II. Other eggs
11.08	Starches; inulin: A. Starches I. Maize starch
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted: A. Lard and other pig fat: II. Other

ANNEX II

CCT heading No	Description
01.03	Live swine A. Domestic species
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls: A. Of a weight not exceeding 185 g: ex I. Turkeys and geese — Turkeys ex II. Other — Hens
02.01	Meat and edible offals of the animals falling within Heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: III. Of swine: a) Of domestic swine B. Offals: II. Other: c) Of domestic swine
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not: A. Eggs in shell, fresh or preserved: I. Poultry eggs: a) Eggs for hatching: ex 1. Of turkeys or geese — of turkeys
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted: A. Lard and other pig fat: II. Other

ANNEX III

CCT heading No	Description
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts: I. Cauliflowers G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. Carrots and turnips — Carrots ex H. Onions, shallots and garlic: — Onions and garlic M. Tomatoes
08.02	Citrus fruit, fresh or dried: A. Oranges B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: ex II. Other: — Mandarins (including tangrines and satsumas) C. Lemons
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes
08.06	Apples, pears and quinces, fresh: A. Apples B. Pears
08.07	Stone fruit, fresh: A. Apricots ex B. Peaches, including nectarines — Peaches

ANNEX IV

CCI heading No	Description
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts: I. Cauliflowers: ex a) From 15 April to 30 November: — From 1 to 30 November ex b) From 1 December to 14 April: — From 1 December to 31 March ex H. Onions, shallots and garlic: — Onions, from 1 August to 30 November — Garlic, from 1 August to 31 December M. Tomatoes: ex I. From 1 November to 14 May — From 1 December to 14 May ex II. From 15 May to 31 October — From 15 May to 31 May
08.02	Citrus fruit, fresh or dried: A. Oranges I. Sweet oranges, fresh: a) From 1 April to 30 April b) From 1 May to 15 May ex c) From 16 May to 15 October — From 16 May to 31 August ex d) From 16 October to 31 March — From 1 February to 31 March II. Other: ex a) From 1 April to 15 October — From 1 April to 31 August ex b) From 16 October to 31 March — From 1 February to 31 March B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: ex II. Other: — Mandarins, including tangerines and satsumas from 1 November to 31 March ex C. Lemons: — From 1 June to 31 October
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex b) From 15 July to 31 October — From 15 August to 30 September
08.06	Apples, pears and quinces, fresh: A. Apples: II. Other: ex b) From 1 January to 31 March — From 1 to 31 March ex c) From 1 April to 31 July — From 1 April to 30 June

CCT heading No	Description
08.06 (continued)	B. Pears: II. Other: ex a) From 1 January to 31 March — From 1 February to 31 March b) From 1 April to 15 July c) From 16 July to 31 July ex d) From 1 August to 31 December — From 1 to 31 August
08.07	Stone fruit, fresh: ex A. Apricots: — From 15 June to 15 July ex B. Peaches, including nectarines: — Peaches, from 1 May to 30 September

ANNEX V

CCT heading No	Description	Quantity expressed as a percentage of the annual quota
08.06	Apples, pears and quinces, fresh: A. Apples: ex I. Cider apples in bulk from 16 September to 15 December: — from 16 September to 30 November II. Other: ex a) from 1 August to 31 December: — from 1 September to 30 November B. Pears ex I. Perry pears in bulk from 1 August to 31 December: — from 1 August to 16 December II. Other: c) from 16 July to 31 July ex d) from 1 August to 31 December: — from 1 August to 16 December	15 % 25 %
08.07	Stone fruits, fresh: ex A. Apricots: — from 1 May to 31 July ex B. Peaches, including nectarines: — Peaches from 15 June to 15 September	25 % 25%

COUNCIL REGULATION (EEC) No 3793/85**of 20 December 1985****amending, on account of the accession of Spain, Regulation (EEC) No 2727/75 on the common organization of the market in cereals**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

may adopt, before accession, the measures referred to in Article 396 of the Act of Accession,

Having regard to the Treaty of Accession of Spain and Portugal, and in particular Article 396 thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Whereas Regulation (EEC) No 2727/75 ⁽¹⁾, as last amended by the Act of Accession, provides, in the case of Greece and Italy, for the possibility of introducing special measures in July to support the development of the market in common wheat of breadmaking quality in relation to the reference price for the next marketing year; whereas this possibility should be extended to Spain;

In the second subparagraph of Article 8 (2) of Regulation (EEC) No 2727/75, the words 'in Spain' are inserted before the words 'in Greece'.

Article 2

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community

This Regulation shall enter into force on 1 March 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

COUNCIL REGULATION (EEC) No 3794/85

of 20 December 1985

amending Regulation (EEC) No 2742/75 with regard to production refunds applicable in Spain in the cereals sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by the Act of Accession, provides for the granting of a production refund in the starches sector in order that the starch industry might obtain the basic products it requires at a lower price than that which would result from the application of the rules of the common organization of the markets in the products in question;

Whereas, on account of the accession of Spain, provision should be made in accordance with Article 396 of the Act of Accession for the production refunds paid in Spain to be adjusted on the basis of the compensatory amounts fixed pursuant to Article 72 of the Act of Accession, applying to the basic products;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act of Accession,

Article 1

Regulation (EEC) No 2742/75 is hereby amended as follows:

1. The following paragraph 4 shall be added to Articles 1 and 4:

'4. The production refunds referred to in the preceding paragraphs shall be adjusted in Spain by the accession compensatory amount applicable to the product in respect of which the refund is fixed.'

2. The following subparagraph is added to Article 2:

'The production refund referred to in the first subparagraph shall be adjusted in Spain on the basis of the accession compensatory amount applicable to potato starch.'

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

COUNCIL REGULATION (EEC) No 3795/85
of 20 December 1985

adapting, on account of the accession of Spain and Portugal, Regulation (EEC) No 1674/72
laying down general rules for granting and financing aid for seed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAD ADOPTED THIS REGULATION:

Having regard to the Treaty of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas, on account of the accession of Spain and Portugal, adaptations should be made, in accordance with Article 396 of the Act of Accession, to Regulation (EEC) No 1674/72 ⁽¹⁾, as last amended by Regulation (EEC) No 1659/81 ⁽²⁾;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act of Accession,

Article 1

The following paragraph shall be added to Article 1 of Regulation (EEC) No 1674/72:

'3. Throughout the duration of the derogations referred to in Article 344 (1) of the Act of Accession, aid shall also be granted for basic and certified seed produced in Portugal and in respect of which a decision is taken pursuant to Article 344 (3) of that Act.'

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

⁽¹⁾ OJ No L 177, 4. 8. 1972, p. 1.

⁽²⁾ OJ No L 166, 24. 6. 1981, p. 1.

COUNCIL REGULATION (EEC) No 3796/85

of 20 December 1985

amending Regulation (EEC) No 3103/76 as regards the list of regions producing durum wheat
in which aid for such wheat is to be granted in Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Spain and
Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 10 of Regulation (EEC) No 2727/75 ⁽¹⁾, aid is granted for the production of durum wheat only in areas of the Community where this production constitutes a traditional and important part of agricultural production; whereas aid is also granted, in the case of Member States where production is traditional, for less-favoured areas; whereas, in view of these criteria, the areas of production in Spain in which aid for the production of durum wheat is to be granted should therefore be determined, in accordance with Article 396 of the Act of Accession;

Whereas, Council Regulation (EEC) No 3103/76 of 16 December 1976 on aid for durum wheat ⁽²⁾ as last amended by Regulation (EEC) No 1455/82 ⁽³⁾, established regions producing durum wheat in which aid for such wheat is granted;

Whereas, pursuant to Article 2(3) of the Treaty of Accession, the institutions of the Community may adopt before

accession the measures referred to in Article 396 of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

The following is hereby added to the list of regions appearing in the Annex of Regulation (EEC) No 3106/76:

‘SPAIN

- Comunidad Autonoma: Andalucia,
- Provincia: Burgos,
- Mountain and hill-farming areas and less-favoured areas covered by Directive 75/268/EEC ⁽⁴⁾.

⁽⁴⁾ OJ No L 128, 19. 5. 1975, p. 1.’

Article 2

This Regulation shall enter into force on 1 March 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

It shall apply from the 1986/1987 marketing year.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

⁽¹⁾ OJ No L 281, 1. 11. 1985, p. 1.

⁽²⁾ OJ No L 351, 21. 12. 1976, p. 1.

⁽³⁾ OJ No L 164, 14. 6. 1982, p. 1.

COUNCIL REGULATION (EEC) No 3797/85
of 20 December 1985

laying down detailed rules concerning quantitative restrictions on imports into Portugal from third countries of certain agricultural products subject to the system of transition by stages

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, hereinafter referred to as 'Act' and in particular Article 258 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 280 of the Act stipulates that Portugal may maintain, until 31 December 1995, quantitative restrictions on imports from third countries of the products referred to in Annex XXVI to the Act; whereas the Council must determine detailed rules for the application of such quantitative restrictions;

Whereas Portugal may maintain, until the end of the first stage, quantitative restrictions on imports from the Community as constituted on 31 December 1985 for the same products;

Whereas the quantitative restrictions must not have the effect that the Community products are treated less favourably than products from third countries;

Whereas this Regulation is intended to apply to third countries as a whole, and without prejudice to the protocols to be concluded with the preferential third countries in accordance with Article 366 of the Act or to the transitional measures referred to in Article 367 thereof; whereas it should nevertheless be specified that the quantities or values of the quantitative restrictions fixed in compliance with these Articles will be included in those fixed for third countries as a whole pursuant to this Regulation;

Whereas pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal the institutions of the Community may adopt before accession the measures referred to in Article 258 of the Act,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantitative restrictions on imports into Portugal from third countries of the products referred to in Annex XXVI of the Act shall consist of annual quotas made available without discrimination to economic operators.

2. The original quota for 1986 for each product, expressed, as appropriate, in volume or, in exceptional cases, in ECU, shall be fixed:

- either at a percentage of annual average Portuguese production in the three years preceding accession for which statistics are available; the percentage for each product being fixed in Annex I to this Regulation,
- or at the average of Portuguese imports in the three years preceding accession for which statistics are available, where the latter criterion yields the higher volume or amount.

However, in respect of the products referred to in Annex II to this Regulation,

- the first indent of the first subparagraph shall not apply;
- where the effect of the second indent of the first subparagraph would be the establishment of an original quota of zero, this quota shall be at least 10% of the original quota fixed for the same products from the Community as constituted on 31 December 1985.

3. The minimum rate of increase in the quotas shall be fixed, in accordance with the procedure laid down in Article 3 (1), at least in respect of each year of the second stage.

The minimum rate of increase may vary, in particular according to product.

The minimum rate of increase shall be fixed taking into account:

- the patterns of trade,
- the state of bilateral or multilateral negotiations.

4. For the period 1 March to 31 December 1986, the quota applicable shall be the same as the original quota minus one sixth thereof.

However, where quantitative restrictions do not apply throughout a calendar year, special provisions for the possible reduction of the original quota shall be adopted in accordance with the procedure laid down in Article 3 (1).

5. With regard to the preferential countries, where the protocols referred to in Article 366 of the Act or, failing these, autonomous measures adopted pursuant to Article 367 thereof, make provision for quantitative restrictions, the

quantities or the values resulting from the application of the abovementioned provisions shall be fixed before the quantities or values are fixed for the other third countries, in accordance with paragraph 2.

Article 2

1. A quota fixed for a product from third countries may not exceed the quota fixed for the same product from the Community as constituted on 31 December 1985.

2. Where the Portuguese Republic authorizes imports of a product from third countries in quantities, expressed in volume or in value, exceeding that fixed in the quota, the quota applicable to the import of that product from the Community must be increased by a quantity matching at least the amount by which the quota fixed for imports from third countries is exceeded.

Article 3

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, or, as appropriate, in the corresponding articles of the other regulations on the common organization of agricultural markets.

The detailed rules of application relating to:

- live swine, falling under subheading 01.03 A I of the Common Customs Tariff shall be adopted according to the procedure laid down in Article 24 of Regulation (EEC) No 2759/75 of the Council of 29 October 1985 on the common organization of the market in pigmeat⁽²⁾, the Management Committee set up by that Regulation being competent;
- eggs, falling under subheading 04.05 A II of the Common Customs Tariff shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75 of the Council of 29 October 1975 on the common organization of the market in eggs⁽³⁾, the Management Committee set up by that Regulation being competent.

They shall include:

- (a) for each product, the establishment of the original quota,
- (b) the reports to be made by Portugal to the Commission.

2. The detailed rules of application referred to in paragraph 1 may include staggering of the imports over the year.

Article 4

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty concerning the Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 49.

ANNEX I

CCT heading No	Description	%
04.04	Cheese and curd: D. Processed cheese, not grated or powdered, of a fat content, by weight E. Other: I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter: b) Exceeding 47 % but not exceeding 72 %: ex 1. Cheddar: — of the 'Ilha' type ex 2. Other: — of the 'Holland' type	2 %
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts: I. Cauliflowers: ex a) From 15 April to 30 November: — From 1 to 30 November ex b) From 1 December to 14 April: — From 1 December to 31 March ex H. Onions, shallots and garlic: — Onions, from 1 August to 30 November — Garlic, from 1 August to 31 December M. Tomatoes: ex I. From 1 November to 14 May: — From 1 December to 14 May ex II. From 15 May to 31 October: — From 15 May to 31 May	0,1 to 0,5 %
08.02	Citrus fruit, fresh or dried: A. Oranges: I. Sweet oranges, fresh: a) From 1 April to 30 April b) From 1 May to 15 May ex c) From 16 May to 15 October: — From 16 May to 31 August ex d) From 16 October to 31 March: from 1 February to 31 March II. Other: ex a) From 1 April to 15 October: — From 1 April to 31 August ex b) From 16 October to 31 March: — From 1 February to 31 March B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: ex II. Other: — Mandarins (including tangerines and satsumas), from 1 November to 31 March ex C. Lemons: — From 1 June to 31 October	0,1 to 0,5 %

CCT heading No	Description	%
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex b) From 15 July to 31 October: — From 15 August to 30 September	0,5 %
08.06	Apples, pears and quinces, fresh: A. Apples: II. Other: ex b) From 1 January to 31 March: — From 1 March to 31 March ex c) From 1 April to 31 July: — From 1 April to 30 June B. Pears: II. Other: ex a) From 1 January to 31 March: — From 1 February to 31 March b) From 1 April to 15 July c) From 16 July to 31 July ex d) From 1 August to 31 December: — From 1 August to 31 August	0,5 %
08.07	Stone fruit, fresh: ex A. Apricots: — From 15 June to 15 July ex B. Peaches, including nectarines: — From 1 May to 30 September	0,5 %
11.08	Starches; inulin: A. Starches: I. Maize starch	0,3 %
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: ex B. Wine other than that referred to in A, in bottles with 'mushroom' stoppers held in place by ties or fastenings; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C: — Wine put up other than in bottles with 'mushroom' stoppers held in place by ties or fastenings with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C C. Other: I. Of an actual alcoholic strength by volume not exceeding 13 % vol II. Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol	0,1 %

ANNEX II

CCT heading No	Description
01.03	Live swine: A. Domestic species
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls: A. Of a weight not exceeding 185 g: ex I. Turkeys and geese: — Turkeys ex II. Other: — Hens
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: III. Of swine: a) Of domestic swine B. Offals: II. Other: c) Of domestic swine
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not: A. Eggs in shell, fresh or preserved: I. Poultry eggs: a) Eggs for hatching: ex 1. Of turkeys or geese: — of turkeys ex 2. Other: — of hens II. Other eggs
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted: A. Lard and other pig fat: II. Other

COUNCIL REGULATION (EEC) No 3798/85

of 20 December 1985

laying down detailed rules governing quantitative restrictions on imports into Spain of certain fruit and vegetables from third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, hereinafter referred to as the 'Act', and in particular Article 91 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 144 of the Act lays down that the Kingdom of Spain may maintain quantitative restrictions on imports of certain fruit and vegetables from third countries until 31 December 1989; whereas the Council must determine detailed rules for the application of the said quantitative restrictions;

Whereas the Kingdom of Spain may maintain, until the same date, quantitative restrictions on imports of the same products from the Community as constituted at 31 December 1985;

Whereas the quantitative restrictions in question must not result in Community products being treated less favourably than products from third countries;

Whereas this Regulation is intended to apply to all third countries, without prejudice moreover to the protocols to be concluded with preferential third countries in accordance with Article 179 of the Act or to the transitional measures referred to in Article 180 of the Act; whereas it should be stipulated, however, that the volumes of the quantitative restrictions fixed pursuant to the said Articles will be included in those fixed for all third countries under the terms of this Regulation;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 91 of the Act,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantitative restrictions on imports into Spain from third countries of the fruit and vegetables referred to in Article 144 of the Act and listed in the Annex to this Regulation shall consist of annual quotas opened without discrimination between economic operators.

2. The initial quota in 1986 for each product is hereby fixed within a range of between 0,1 and 0,5 % of the average

Spanish production expressed in volume over the last three years prior to accession for which statistics are available.

3. The minimum rate of increase of the quotas shall be fixed in accordance with the procedure laid down in Article 3.

The minimum rate of increase may differ according to the product concerned.

The minimum rate of increase shall be fixed in the light of, in particular,

— trade flows,

— the state of bilateral and multilateral negotiations.

4. From 1 March to 31 December 1986 the quota to be applied shall be equal to the initial quota, less one sixth.

However, where quantitative restrictions do not apply throughout an entire calendar year, special provisions, possibly involving a reduction of the initial quota, shall be adopted in accordance with the procedure laid down in Article 3 (1).

5. In the case of preferential countries, where the protocols referred to in Article 179 of the Act or, failing that, the autonomous measures taken by virtue of Article 180 thereof provide for quantitative restrictions, the quantities resulting from the application of the aforesaid provisions shall be fixed before the quantities for the other third countries, in accordance with the provisions of paragraph 2.

Article 2

1. That quota fixed for a product from a third country may not be greater than the quota fixed for the same product from the Community as constituted at 31 December 1985.

2. Should the Kingdom of Spain authorize imports of a product from third countries in a quantity greater than that fixed in the quota, the quota applicable to imports of the same product from the Community shall be increased by a quantity which is at least equal to the amount by which the quota for imports from third countries is exceeded.

Article 3

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 33 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾.

2. The detailed rules referred to in paragraph 1 shall include in particular:

(a) the fixing of the initial quota for each product,

(b) the information to be communicated by Spain to the Commission.

They may provide for a staggering of imports over the year.

Article 4

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

ANNEX

CCT heading No	Description
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts: I. Cauliflowers G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. carrots and turnips: — carrots ex H. onions, shallots and garlic: — onions and garlic M. Tomatoes
08.02	Citrus fruit, fresh or dried: A. Oranges B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: ex II. Other: — mandarins (including tangerines and satsumas) C. Lemons
08.04	Grapes, fresh or dried: A. Fresh I. Table grapes
08.06	Apples, pears and quinces, fresh: A. Apples B. Pears
08.07	Stone fruit, fresh: A. Apricots ex B. Peaches, including nectarines: — Peaches

COUNCIL REGULATION (EEC) No 3799/85

of 20 December 1985

amending, on account of the accession of Spain, Regulation (EEC) No 43/81 establishing the list of representative markets for pigmeat in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas Article 4 (2) of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 2966/80 ⁽²⁾, makes provision for a system of representative markets for the determination of a Community market price for pig carcasses;

Whereas Council Regulation (EEC) No 43/81 ⁽³⁾ established a list of representative markets for pigmeat, each Member State forming a representative market within the meaning of the aforesaid Regulation;

Whereas, pursuant to Article 396 of the Act of Accession, that list of representative markets should be extended following the accession of Spain; whereas in Spain prices paid to producers are determined either by quotation centres or by the major slaughterhouses;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act of Accession; whereas, pursuant to Article 261 of the Act, application of the measures relating to Portugal is postponed until the end of the first stage,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 43/81 is hereby extended as follows:

'11. The following group of quotation centres:

Ebio, Mercolérída, Mercorelez, Segovia, Segura, Silleda;

and

the following group of markets:

Murcia, **Barcelona**, Burgos, Fuenteovejuna, Lugo, Pozuelo de Alarcón, Alhama de Murcia, Mollerusa, Calamocha, Segovia, Olvega.'

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 3, 1. 1. 1981, p. 15.

COUNCIL REGULATION (EEC) No 3800/85
of 20 December 1985

**adapting, on account of the accession of Spain and Portugal, Regulation (EEC) No 1696/71 on
the common organization of the market in hops**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Article 17 (6) of Regulation (EEC) No 1696/71 shall be replaced by the following:

Having regard to the proposal from the Commission,

'6. The time for carrying out the action referred to in Article 8 shall be limited to a period of ten years from the date of entry into force of this Regulation and, for Greece, Spain and Portugal, to a period of five years from the date of accession.'

Whereas, on account of the accession of Spain and Portugal, Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾, should be adapted in accordance with Article 396 of the Act of Accession of Spain and Portugal;

Article 2

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in the said Article 396,

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 1.

COUNCIL REGULATION (EEC) No 3801/85

of 20 December 1985

fixing the basic duties levied on imports into Spain of certain products in the oils and fats sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 91 thereof,

Having regard to the proposal from the Commission,

Whereas Article 75 (3) of the Act of Accession provides that, for products falling within heading 12.01 B, 12.02 and 23.04 B of the Common Customs Tariff, subject under the previous national arrangements to the levy on import into Spain of the so-called 'regulatory' or 'variable compensatory' duties, the basic duty will be fixed at a level representative of the 1984/1985 marketing years;

Whereas account is taken of the average level of such duties and of the prices of the products concerned in the 1984/1985 marketing year;

Whereas, under Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 91 of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

For the products mentioned below, the basic duties in respect of which Spain shall apply successive reductions as provided for in Article 75 (1) (c) and (2) (b) of the Act of Accession shall be those indicated in respect of each.

CCT Heading No	Description	Rate of duty (%)		
		Community at as present constituted	Portugal	Third countries
12.01	Oil seeds and oleaginous fruit, whole or broken:			
	B. Other:			
	— Cotton seed	6,8	6,8	6,8
	— Groundnuts, sesamum seed, safflower seed, and sunflower seed	4,1	4,1	4,1
	— Soya beans, copra, palm nuts and kernels, cruci feros oilseeds and oleaginous fruit	exempt	exempt	exempt
	— Caster seed	1,6	0,8	4,1
12.02	— Other	0,5	0,2	1,4
	Flours or meals of oilseeds or oleaginous fruit, non-defatted (excluding mustard flour):			
	A. of soya beans	2,3	2,3	2,3
	B. other:			
	— Linseed or cotton seed	14	14	14
23.04	— Other	2,3	2,3	2,3
	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils:			
	B. other:			
	— Residues resulting from the extraction of cotton oil:	3,7	2,7	5
	— Of sunflower	10,7	10,3	11,8
	— Other	0,7	0,3	1,8

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

COUNCIL REGULATION (EEC) No 3802/85

of 20 December 1985

adjusting, on account of the accession of Spain, Regulation (EEC) No 1357/80 in the beef and veal sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas, on account of the accession of Spain, it is necessary to adjust Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining suckler cows⁽¹⁾, as last amended by Regulation (EEC) No 1198/82⁽²⁾;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities

may adopt, before accession, the measures referred to in Article 396 of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

The following indent shall be inserted after the fifth indent in the Annex to Regulation (EEC) No 1357/80: 'Frisona spagnola'.

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

*For the Council**The President*

R. STEICHEN

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 1.⁽²⁾ OJ No L 140, 20. 5. 1982, p. 28.

COUNCIL REGULATION (EEC) No 3803/85

of 20 December 1985

laying down the provisions enabling the origin of Spanish red table wines to be determined and their commercial movements to be followed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 125 of the Act of Accession provides that during the period 1 March 1986 to 31 December 1989, the Kingdom of Spain is authorized to allow in its territory the coupage of wine suitable for yielding white table wine or of a white table wine with wine suitable for yielding red table wine; whereas the product of such coupage may circulate only in Spanish territory; whereas during the same period Spanish red table wines may form the subject of trade with the other Member States or be exported to third countries, only on the condition that they do not result from coupage as referred to above;

Whereas, in order to enable the arrangements referred to above to be applied properly, Spanish rosé table wines should be treated in the same way as Spanish red table wines;

Whereas the Joint Declaration attached to the Act of Accession lays down the guidelines to be adopted to determine the origin and follow the commercial movements of Spanish table wines which have not been subject to coupage as referred to above; whereas, in accordance with these guidelines, the accompanying document should be used as established by Regulation (EEC) No 1153/75 of the Commission of 30 April prescribing the form of accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers⁽¹⁾, as last amended by Regulation (EEC) No 3203/80⁽²⁾;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community may adopt before accession the measures referred to in Article 396 of the Act,

HAD ADOPTED THIS REGULATION:

Article 1

1. Spanish red table wine may form the subject of trade with the other Member States or be exported to third countries, only on condition that they do not result from coupage of wine suitable for yielding white table wine or of a white table wine with wine suitable for yielding red table wine or with a red table wine.
2. The Kingdom of Spain shall appoint one or more competent administrative bodies authorized to ensure that red table wines produced in Spain do not result from coupage as referred to in paragraph 1 and shall forward their names and addresses to the Commission.
3. For the purposes of the application of paragraph 1, each competent body appointed by Spain shall guarantee the origin of Spanish red table wine by affixing a stamp preceded by the words 'wine not resulting from red/white coupage' in box 23 'RESERVED FOR THE COMPETENT AUTHORITIES' on the V.A.1 form accompanying wine products as laid down by Regulation (EEC) No 1153/75.

Article 2

For the purposes of this Regulation, Spanish rosé table wines shall be treated in the same way as Spanish red table wines.

Article 3

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

⁽¹⁾ OJ No L 113, 1. 5. 1975, p. 1.

⁽²⁾ OJ No L 333, 11. 12. 1980, p. 18.

COUNCIL REGULATION (EEC) No 3804/85

of 20 December 1985

drawing up the list of areas under vines in certain Spanish regions where table wines may have an actual alcoholic strength which is lower than Community requirements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 91 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 126 of the Act of Accession provides that table wines coming from certain areas under vines on 1 January 1985 in certain regions of Spain may, until the end of 1995, have an actual alcoholic strength of not less than 7 % vol;

Whereas, to ensure compliance with the objectives of the common organization of the market, it is necessary to make provision that the said areas are not extended and that only wines coming from these areas may have an actual alcoholic strength which is lower than Community requirements;

whereas, in order to do this, the list of these areas should be drawn up by province;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 91 of the Act of Accession.

HAS ADOPTED THIS REGULATION:

Article 1

Only table wines coming from areas under vines in Spain on 1 January 1985 and listed in the Annex hereto may, until 31 December 1995, have an actual alcoholic strength of not less than 7 % vol.

Article 2

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

ANNEX

List of the areas referred to in Article 126 of the Act of Accession of Spain and Portugal.

1. *Asturias, Cantabria, Vizcaya and Guipúzcoa:*

all the areas under vines on 1 January 1985.

2. *Galicia:*

the areas under vines on 1 January 1985 in the following communes of the provinces of La Coruña, Pontevedra and Orense, broken down as follows:

La Coruña

Bergondo	14,00 ha
Betanzos	67,15 ha
Paderne	21,14 ha
Coiros	0,69 ha

Teo	106,60 ha
Boqueijón	102,75 ha
Touro	73,64 ha

Pontevedra

Guardia (La)	7,40 ha
Oya	13,41 ha
Rosal	184,60 ha
Tomino	145,22 ha
Tuy	296,78 ha

Orense

Castrelo de Mino	530,31 ha
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COUNCIL REGULATION (EEC) No 3805/85

of 20 December 1985

adapting, on account of the accession of Spain and Portugal, certain Regulations relating to the wine sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, on account of the accession of Spain and Portugal, certain technical adaptations have to be made to the following Regulations in the wine sector:

- Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3307/85 ⁽²⁾,
- Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions ⁽³⁾, as last amended by Regulation (EEC) No 3311/85 ⁽⁴⁾,
- Council Regulation (EEC) No 340/79 of 5 February 1979 determining the types of table wines ⁽⁵⁾,
- Council Regulation (EEC) No 347/79 of 5 February 1979 on general rules for the classification of vine varieties ⁽⁶⁾, as last amended by the Act of Accession of Greece,
- Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must ⁽⁷⁾, as last amended by Regulation (EEC) No 2633/85 ⁽⁸⁾,
- Council Regulation (EEC) No 355/79 of 5 February 1979 laying down general rules for the description and presentation of wines and grape musts ⁽⁹⁾, as last amended by Regulation (EEC) No 1898/85 ⁽¹⁰⁾,
- Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and

defined in item 13 of Annex II to Regulation (EEC) No 337/79 ⁽¹¹⁾, as last amended by Regulation No 3310/85 ⁽¹²⁾,

- Council Regulation (EEC) No 460/79 of 5 March 1979 on direct cooperation between the competent bodies in the Member States regarding the downgrading of quality wines produced in specified regions ⁽¹³⁾, as last amended by the Act of Accession of Greece,
- Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making ⁽¹⁴⁾, as last amended by Regulation (EEC) No 2687/84 ⁽¹⁵⁾,
- Council Regulation (EEC) No 3309/85 of 18 November 1985 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines ⁽¹⁶⁾;

Whereas Article 268 (2) (a) of the Act of Accession of Spain and Portugal provides that, for quality liqueur wines produced in specified regions, coming from Portugal, the Community of Ten shall reduce its basic duties in three instalments as from 1 March 1986; whereas it is therefore necessary to derogate from the second subparagraph of Article 261 (2) so that the definition of liqueur wines contained in Annex I, Chapter XIV, (e) to the said Act is applicable as from that same date;

Whereas pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/79 is hereby amended as follows:

1. the second subparagraph of Article 4 (1) (c) shall be replaced by the following:

'Where the application of the aforementioned rules results in the number of average prices to be used being less than eight in the case of table wine of type R I, less than seven in the case of wine of type R II and less than

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 320, 29. 11. 1985, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽⁴⁾ OJ No L 320, 29. 11. 1985, p. 21.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 60.

⁽⁶⁾ OJ No L 54, 5. 3. 1979, p. 75.

⁽⁷⁾ OJ No L 54, 5. 3. 1979, p. 97.

⁽⁸⁾ OJ No L 251, 20. 9. 1985, p. 3.

⁽⁹⁾ OJ No L 54, 5. 3. 1979, p. 99.

⁽¹⁰⁾ OJ No L 179, 11. 7. 1985, p. 1.

⁽¹¹⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽¹²⁾ OJ No L 320, 29. 11. 1985, p. 19.

⁽¹³⁾ OJ No L 58, 9. 3. 1979, p. 1.

⁽¹⁴⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽¹⁵⁾ OJ No L 255, 25. 9. 1984, p. 1.

⁽¹⁶⁾ OJ No L 320, 29. 11. 1985, p. 9.

eight in the case of wine of type A I, the eight, seven and eight lowest prices respectively shall be used. However, if the total number of average prices established is lower than the said figures, all the average prices established shall be used.';

2. Article 15 (3) shall be replaced by the following:

'3. During any wine-growing year, the quantity of table wine covered by the measures referred to in paragraph 1 or paragraph 2 may not exceed 5 million hectolitres and, from the 1986/1987 year, 6,2 million hectolitres.';

3. in Article 30c (1), the second subparagraph shall be replaced by the following:

'The abovementioned statement:

(a) shall be drawn up for the following geographical units:

- in Germany: the wine-growing regions defined in accordance with Article 3 of Regulation (EEC) No 338/79;
- in France: the departments;
- in Italy: the provinces;
- in Greece: the "nomoi";
- in Spain: the provinces and regions;
- in Portugal: the regions;
- in the other Member States concerned: their entire national territory;

(b) shall be broken down as specified in Article 2 (2) (B) of Regulation (EEC) No 357/79.';

4. Article 30f shall be replaced by the following:

'Article 30f

By way of derogation from Articles 30 (1) and 30b (3), rights for new vine planting on areas intended for the production of quality wines psr acquired by 1 May 1984 in the Community of Ten and by 31 December 1985 in Spain may be exercised:

- until 31 August 1984, and in Spain until 31 August 1986, without restriction;
- from 1 September 1984, and in Spain from 1 September 1986, subject to confirmation from the Member State concerned. Such confirmation may concern only quality wines psr for which an authorization has been granted by the Commission according to the procedure provided for in Article 67.';

5. in Article 31 (3), (a) shall be replaced by the following:

'(a) vine varieties belonging, on 31 December 1976, to varieties temporarily authorized, must be carried out:

- before 31 December 1979 in the case of varieties obtained from interspecific crossings (direct producer hybrids),

- before 31 December 1983 in the case of other varieties.

The dates given above shall be postponed, for Greece, until 31 December 1984, and, for Spain, until 31 December 1990 and 31 December 1992 respectively.';

6. in Article 40, the second subparagraph of paragraph 2 shall be replaced by the following:

'The quantity of wine normally produced shall be determined from:

- the quantities produced during a reference period to be determined antedating the 1980/1981 wine-growing year, or, for Spain, antedating the 1984/1985 wine-growing year;
- the quantities of wine put to traditional uses.'

7. in Article 41, the first subparagraph of paragraph 6 shall be replaced by the following:

'6. The buying-in price for 1985/1986, 1986/1987 and 1987/1988 of the table wines to be delivered for compulsory distillation shall be fixed according to the quantities to be distilled and:

- where the total quantity for distillation is equal to or less than 10 million hectolitres or, from the 1986/1987 wine-growing year, 12,5 million hectolitres, it shall be equal to 50 % of the guide price of each of the types of table wines;
- where the total quantity for distillation is more than 10 or, respectively, 12,5 million hectolitres, it shall be equal to the percentage of the guide price of each of the types of table wines which results from the weighted average of the percentage referred to in the first indent applied to the first 10 million or, respectively, the first 12,5 million hectolitres, and 40 % of the guide price of each of the types of table wines, applied to the quantities exceeding those levels.'

8. In Article 44, paragraph 2 (b) shall be replaced by the following:

'(b) 300 milligrams per litre for:

- wines qualifying for the description "Spätlese", in accordance with Community provisions;
- quality white wines psr entitled to the registered designations of origin Bordeaux supérieur, Graves de Vayres, Côtes de Bordeaux St-Marcaire, Premières Côtes de Bordeaux, Ste-Foy Bordeaux, Côtes de Bergerac (whether or not followed by the

description "Côtes de Saussignac"), Haut Montravel Côtes de Montravel, Rosette;

- quality white wines psr entitled to the registered designations of origin Allela, La Mancha, Navarra, Penedés, Rioja, Rueda, Tarragona e Valencia;.

9. Article 45 (1) shall be replaced by the following:

- '1. The volatile acid content may not exceed:
- 18 milliequivalents per litre for partially fermented grape must;
 - 18 milliequivalents per litre for white and rosé wines and, until 31 December 1989 at the latest, for the products of a "coupage" of white wine with red wine on Spanish territory;
 - 20 milliequivalents per litre for red wines.'

10. in Article 49, paragraph 2, (a) shall be replaced by the following:

- (a) where such grapes belong to:
- varieties obtained from interspecific crossings (direct producer hybrids), until 31 December 1979 and, in Spain, until 31 December 1990;
 - other varieties, until 31 December 1983, provided that such varieties have been classified as temporarily authorized before 31 December 1976 and, in Spain, until 31 December 1992;.

11. in Annex II, the following shall be added to point 12, as amended by point (e) of Chapter XIV of Annex I to the Act of Accession:

'This point shall apply from 1 March 1986 in the Community as constituted on 1 January 1986.'

Article 2

The following shall be added to Article 16 (2) of Regulation (EEC) No 338/79:

- (f) Spain:
- "Denominación de origen" and "Denominación de origen calificada";
- (g) Portugal, from the start of the second stage:
- "Denominação de origem", "Denominação de origem controlada" and "Indicação de proveniência regulamentada".

Article 3

Regulation (EEC) No 340/79 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

Article 1

The types of red table wine shall be as follows:

- (a) red table wine, other than that referred to under (c), with an actual alcoholic strength by volume of not less than 10 % vol and not more than 12 % vol; it shall be known as "type R I";
- (b) red table wine, other than that referred to under (c), with an actual alcoholic strength by volume of not less than 12,5 % vol and not more than 15 % vol; it shall be known as "type R II";
- (c) red table wine from vine varieties of the "Portugieser" type; it shall be known as "type R III".

2. in Article 2, point (a) shall be replaced by the following:

- '(a) white table wine, other than that referred to under (b) and (c), with an actual alcoholic strength by volume of not less than 10 % vol and not more than 13 % vol; it shall be known as "type A I".'

Article 4

The following is hereby added to Article 3 (1) of Regulation (EEC) No 347/79:

- the province and the region for the Kingdom of Spain,
- the region for the Portuguese Republic.'

Article 5

Article 2 (3) of Regulation (EEC) No 354/79 is hereby replaced by the following:

- '3. This Regulation shall not apply to the following liqueur wines:
- port, Madeira and Setúbal muscatel falling within subheadings 22.05 C III a) 1 and b) 1 and C IV a) 1 and b) 1 of the Common Customs Tariff,
 - Tokay (Aszu and Szamorodni) falling within subheadings 22.05 C III a) 1 and b) 2 and C IV a) 1 and b) 2 of the Common Customs Tariff and Boberg liqueur wine accompanied by a certificate of designation or origin.'

Article 6

Regulation (EEC) No 355/79 is hereby amended as follows:

1. in Article 2:

- (a) the following shall be added to paragraph 1:
- '(f) in the case of table wines obtained in Spain by mixing red wines with white wines, the words "vino tinto de mezcla" in Spanish territory.'

(b) paragraph 2 (a) shall be replaced by the following:

‘(a) a statement as to whether the wine is red, rosé or white or, in the case of Spain, a mixture of red table wine and white table wine;’;

(c) paragraph 3 (i) shall be replaced by the following:

‘(i) the words:

- “Landwein” for table wines originating in Germany and in the province of Bolzano in Italy;
- “vin de pays” for table wines originating in France or in Luxembourg;
- “vino tipico” for table wines originating in Italy, including the province of Bolzano;
- “ονομασία κατά παράδοση (appellation traditionnelle)”, “οίνος τοπικός (vin de pays)”, for table wines originating in Greece;
- “vino de la tierra” for table wines originating in Spain;
- “vinho de mesa regional” from the beginning of the second stage for table wines originating in Portugal;

provided that the producer Member States concerned have laid down rules for the use of these descriptions.

These rules shall provide that these terms be used in conjunction with a specific geographical reference and reserved for table wines meeting certain production requirements, particularly as regards vine varieties, minimum natural alcoholic strength by volume and organoleptic characteristics.

For table wines marketed in their territory and described in accordance with the preceding subparagraph, Member States may authorize the replacement of the words referred to in the first subparagraph by the corresponding words in one or more of their official languages.’

2. in the first subparagraph of 4 (3), the first indent shall be replaced by the following:

— either with the name of a production area of another table wine to which the Member State concerned has ascribed one of the terms “Landwein”, “vin de pays”, “vino tipico”, “ονομασία κατά παράδοση (appellation traditionnelle)”, “οίνος τοπικός (vin de pays)”, “vino de la tierra” or, from the beginning of the second stage, “vinho de mesa regional”;

3. in Article 9:

(a) paragraph 1 (a) and (b) shall be replaced by the following:

‘(a) the words “table wine” or, for table wines produced in Spain by mixing red table wine and white table wine, the words “vino tinto de mezcla”;

(b) a statement as to whether the wine is red, rosé or white or, in the case of Spain, a mixture of red table wine and white table wine;’;

(b) paragraph 2 (e) shall be replaced by the following:

‘(e) as appropriate, the terms “Landwein”, “vin de pays”, “vino tipico”, “ονομασία κατά παράδοση (appellation traditionnelle)”, “οίνος τοπικός (vin de pays)”, “vino de la tierra” and, from the beginning of the second stage, “vinho de mesa regional”, or corresponding terms in an official Community language;’.

4. the second subparagraph of Article 13 (6) shall be replaced by the following:

‘Indication of one of the specific traditional expressions referred to in Article 16 (2) (a), (b), (c), (e) or (f) of Regulation (EEC) No 338/79 may only be given in the official language of the Member State of origin. The same shall apply from the beginning of the second stage as regards indication of one of the specific traditional expressions referred to in Article 16 (2) (g) of the aforementioned Regulation.’

Article 7

Regulation (EEC) No 358/79 is hereby amended as follows:

1. the Annex shall be replaced by the following:

‘ANNEX

List of the varieties of vine from which quality sparkling wines of the aromatic type may be obtained:

Aleatico N,
Brachetto N,
Clairette,
Freisa N,
Gewürztraminer,
Girò N,
Huxelrebe,
Macabeu, Bourboulenc,
Malvasia de Sitges,
Malvasia Grossa B,
Malvasia de Rioja B,
Mauzac blanc and rosé,
Monica N,
Μοσχοφιλερο (Moscofilero),
Muscats (all),
Perle,
Prosecco,
Scheurebe.’;

2. with effect from 1 September 1986, the term ‘Picpoul’ shall be inserted in the Annex after the term ‘Perle’.

Article 8

Article 3 (2) of Regulation (EEC) No 460/79 shall be replaced by the following:

‘2. Each Member State shall notify the Commission, by 30 April 1979 at the latest, of the names and addresses

of the bodies authorized to downgrade a quality wine psr.

This notification shall be given by the Hellenic Republic on the date of its accession and by the Kingdom of Spain by 1 March 1986 at the latest.

The Commission shall publish the names and addresses of the competent bodies in conjunction with the detailed rules of application.'

Article 9

The following subparagraph is hereby added to Article 24 (1) of Regulation (EEC) No 2179/83:

'The date referred to in the second subparagraph shall be postponed, in the case of Spain, until 1 March 1986 and, in the case of Portugal, until the first day of the second stage.'

Article 10

The first subparagraph of Article 5 (3) of Regulation (EEC) No 3309/85 is hereby replaced by the following:

'3. Product type as determined by the residual sugar content referred to in Article 3 (1) (c) shall be indicated by one of the following terms understandable in the Member State or third country of destination in which the product is offered for direct human consumption:

- "extra brut" or "extra herb":
if the residual sugar content is between 0 and 6 g/l;
- "brut" or "herb":
if the residual sugar content is less than 15 g/l;
- "extra dry" or "extra trocken":
if the residual sugar content is between 12 and 20 g/l;
- "sec", "trocken", "secco" or "asciutto", "dry", "tør", "ξηρός" or "seco":
if the residual sugar content is between 17 and 35 g/l;
- "demi-sec", "halbtrocken", "abboccato", "medium-dry", "halvtør", "ημίξηρος", "semi seco" or, from the beginning of the second stage, "meio seco":
if the residual sugar content is between 33 and 50 g/l;
- "doux", "mild", "dolce", "sweet", "sød", "γλυκύς", "dulce" or, from the beginning of the second stage, "doce":
if the residual sugar content is more than 50 g/l.'

Article 11

This Regulation shall enter into force on 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

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

Done at Brussels, 20 December 1985.

For the Council
The President
R. STEICHEN

COUNCIL REGULATION (EEC) No 3806/85

of 20 December 1985

opening, allocating and providing for the administration of Community tariff quotas for tomatoes, cucumbers and aubergines falling within heading ex 07.01 of the Common Customs Tariff and originating in the Canary Islands (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal ⁽¹⁾, and in particular Article 4 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, according to Article 4 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession, tomatoes, cucumbers, and aubergines falling within heading ex 07.01 of the Common Customs Tariff and originating in the Canary Islands qualify on the import into the customs territory of the Community for reduced duties in the limits of annual Community tariff quotas; whereas, the quota volumes amount to:

- 165 645 tonnes for tomatoes falling within subheading 07.01 M
- 28 663 tonnes for cucumbers falling within subheading 07.01 P I and
- 3 819 tonnes for aubergines falling within subheading 07.01 T II;

Whereas, when the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption from customs duties and are not subject to compliance with the reference price; whereas, when the said products are imported into Portugal, the quota duties applicable are to be calculated on the basis of

the relevant provisions of the Act of Accession; whereas, when the said products are released for free circulation in the remainder of the customs territory of the Community, they qualify for the progressive reduction of customs duties according to the same timetable and under the same conditions as those provided for in Article 75 of the Act of Accession, provided that the reference prices are complied with; whereas, to qualify for the tariff quota, the products in question have to comply with certain marking and labelling conditions designed to prove their origin; whereas, according to the relevant provisions of the Act of Accession, tariff measures take effect only from 1 March 1986; whereas the tariff quotas in question should therefore be opened for the period 1 March to 31 December 1986;

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 principles mentioned above, 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 true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports of the products concerned originating in the Canary Islands over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, imports into each of the Member States were as follows (in tonnes):

Member States	- 07.01 M - tomatoes			- 07.01 P I - cucumbers			- 07.01 T II - aubergines		
	1982	1983	1984	1982	1983	1984	1982	1983	1984
Benelux	49 105	50 379	56 131	11 690	6 567	13 515	1 652	1 347	2 702
Denmark	119	70	35	33	51	86	—	—	—
Germany	1 824	3 009	2 449	166	260	313	67	108	104
Greece	—	—	—	—	—	—	—	—	—
Spain	average of 16 858			average of 217			average of 445		
France	1 336	773	582	52	7	8	160	43	37
Ireland	—	24	39	—	2	6	—	—	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	89 038	90 748	100 701	16 711	16 942	18 930	1 173	1 226	1 501

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

Whereas in the last three years the products in question were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas, under these circumstances, in the first phase, initial shares should be allocated to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports actually take place in the latter; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs tariff;

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial shares and any additional requirements which might arise in the other Member States;

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 circumstances, be fixed at 80 % respectively 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 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 latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff 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 of its members;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt before the accession the measures referred to in Article 4 of Protocol No 2 annexed to the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 31 December 1986 Community tariff quotas shall be opened in the Community for the following products originating in the Canary Islands within the limits indicated below:

CCT heading No	Description	Quota volume (tonnes)
07.01	Vegetables, fresh or chilled:	
	M. Tomatoes	165 645
	P. Cucumbers and gherkins:	
	I. Cucumbers	28 663
	T. Other:	
	II. Aubergines	3 819

2. (a) Where the said products are imported into that part of Spain which is included in the customs territory of the Community, they shall qualify for exemption from customs duties and are not subject to compliance with the reference price.
- (b) Within the limits of these tariff quotas, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.
- (c) Where the said products are released for free circulation in the remainder of the customs territory of the Community, the quota duties indicated below for each of the tariff subheadings shall be applied:

CCT heading No	quota duty
07.01 M:	
— From 1 March to 14 May	9,9 %, subject to a minimum of 1,8 ECU per 100 kg net
— From 15 May to 31 October	16,2 %, subject to a minimum of 3,1 ECU per 100 kg net
— From 1 November to 31 December	9,9 %, subject to a minimum of 1,8 ECU per 100 kg net
07.01 P I:	
— From 1 March to 15 May	14,4 %
— From 16 May to 31 October	18,0 %
— From 1 November to 31 December	14,4 %
07.01 T II:	14,4 %

On import, the said products shall be subject to compliance with the reference prices on the same terms as the same products coming from the part of Spain included in the customs territory of the Community.

3. (a) Without prejudice to the other provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quotas unless, when they are presented to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.
- (b) The third and fourth subparagraphs of Article 9 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1631/84⁽²⁾, shall not apply to products covered by this Regulation.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each tariff quota shall be allocated among certain Member States; the respective shares which, subject to Article 5, shall be valid until 31 December 1986, shall amount to the quantities indicated below:

(a) tomatoes of subheading 07.01 M:

Benelux	41 470 tonnes,
Germany	2 000 tonnes,
Spain	13 530 tonnes,
France	720 tonnes,
United Kingdom	74 780 tonnes;

(b) cucumbers of subheading 07.01 P I:

Benelux	8 460 tonnes,
Denmark	50 tonnes,
Germany	210 tonnes,
Spain	190 tonnes,
United Kingdom	14 020 tonnes;

(c) Aubergines of subheading 07.01 T II:

Benelux	1 520 tonnes,
Germany	75 tonnes,
Spain	350 tonnes,
France	65 tonnes,
United Kingdom	1 040 tonnes.

3. The second instalment of each quota, i.e. respectively

— 33 145 tonnes for tomatoes of subheading 07.01 M

— 5 733 tonnes for cucumbers of subheading 07.01 P I
and

— 769 tonnes for aubergines of subheading 07.01 T II shall constitute the corresponding Community reserve.

4. If an importer notifies the imminent import of the product in question into the other Member States and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the corresponding reserve where Article 5 has been 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 10 % 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 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 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

The Member States shall return to the reserve, not later than 1 October 1986, such unused portion of their initial share as, on 15 September 1986, 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.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 24.

The Member States shall notify the Commission, not later than 1 October 1986 of the total quantities of the products in question imported up to 15 September 1986 and charged against the tariff 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, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1986, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take every measure 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 tariff quota.

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

Done at Brussels, 30 December 1985.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. Member States shall charge imports of the products in question their shares as and when the products are entered with the customs authorities for free circulation.

The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged against shares under the conditions provided for in paragraph 3.

Article 8

At the Commission's request, 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 to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

It shall apply from 1 March 1986.

For the Council
The President
R. STEICHEN

COUNCIL REGULATION (EEC) No 3807/85

of 20 December 1985

opening, allocating and providing for the administration of Community tariff quotas for new potatoes and avocados falling within subheadings 07.01 A II and 08.01 D of the Common Customs Tariff and originating in the Canary Islands (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal ⁽¹⁾, and in particular Article 4 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, according to Article 4 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession, new potatoes and avocados falling within subheading 07.01 A II and 08.01 D respectively of the Common Customs Tariff and originating in the Canary Islands qualify, on import into the customs territory of the Community, for reduced duties within the limits of annual Community tariff quotas; whereas the quota volumes amount to:

- 6 642 tonnes for new potatoes falling within subheading 07.01 A II,
- and
- 2 060 tonnes for avocados falling within subheading 08.01 D;

Whereas, when the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption from customs duties and are not subject to compliance with the reference price; whereas, when the said products are imported into Portugal, the quota duties applicable are to be calculated on the basis of

the relevant provisions of the Act of Accession; whereas, when the said products are released for free circulation in the remainder of the customs territory of the Community, they qualify for the progressive reduction of customs duties according to the same timetable and under the same conditions as those provided for in Article 75 of the Act of Accession; whereas, to qualify for the tariff quota, the products in question have to comply with certain marking and labelling conditions designed to prove their origin; whereas, according to the relevant provisions of the Act of Accession, tariff measures take effect only from 1 March 1986; whereas the tariff quotas in question should therefore be opened for the period 1 March to 31 December 1986;

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 principles mentioned above, 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 true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports of the products concerned originating in the Canary Islands over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, imports into each of the Member States were as follows (in tonnes):

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

Member States	- 07.01 A II - new potatoes			- 08.01 D - avocados		
	1982	1983	1984	1982	1983	1984
Benelux	38	4	61	13	16	13
Denmark	—	93	226	—	—	—
Germany	—	—	4	8	2	6
Greece	—	—	—	—	—	—
Spain	average of 818			average of 1 351		
France	—	23	—	94	112	97
Ireland	—	—	—	—	—	—
Italy	—	—	—	—	—	—
Portugal	—	—	—	—	—	—
United Kingdom	3 536	6 754	6 728	373	723	671

Whereas in the last three years the products in question were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas, under these circumstances, in the first phase, initial shares should be allocated to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports actually take place in the latter; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs tariff;

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial shares and any additional requirements which might arise in the other Member States;

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 circumstances, be fixed at 80 % respectively 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 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 latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff 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 of its members;

Whereas pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt, before accession, the measures referred to in

Article 4 of Protocol No 2 annexed to the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 March to 30 June 1986 a Community tariff quota of 6 642 tonnes shall be opened in the Community for new potatoes falling within subheading 07.01 A II of the Common Customs Tariff and originating in the Canary Islands.
- (b) From 1 March to 31 December 1986 a Community tariff quota of 2 060 tonnes shall be opened in the Community for avocados falling within subheading 08.01 D of the Common Customs Tariff and originating in the Canary Islands.
2. (a) Where the said products are imported into that part of Spain which is included in the customs territory of the Community, they shall qualify for exemption from customs duties and are not subject to compliance with the reference price.
- (b) Within the limits of these tariff quotas, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.
- (c) Where the said products are released for free circulation in the remainder of the customs territory of the Community, the quota duties indicated below for each of the tariff subheadings shall be applied:

CCT heading No	Quota duty
07.01 A II:	
— from 1 March to 15 May	13,1 %
— from 16 May to 30 June	18,3 %
08.01 D	3,5 %

3. Without prejudice to the other provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quotas unless, when they are presented to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each tariff quota shall be allocated among certain Member States; the respective shares which, subject to Article 5, shall be valid:

- until 30 June 1986 for new potatoes,
- until 31 December 1986 for avocados,

shall amount to the quantities indicated below:

(a) new potatoes of subheading 07.01 A II:

Benelux	25 tonnes,
Denmark	85 tonnes,
Spain	660 tonnes,
United Kingdom	4 540 tonnes,

(b) avocados of subheading 08.01 D:

Benelux	10 tonnes,
Germany	5 tonnes,
Spain	1 085 tonnes,
France	80 tonnes,
United Kingdom	470 tonnes.

3. The second instalment of each quota, i.e. respectively:

- 1 332 tonnes for new potatoes of subheading 07.01 A II,
- and
- 410 tonnes for avocados of subheading 08.01 D,

shall constitute the corresponding Community reserve.

4. If an importer notifies the imminent import of the product in question into the other Member States and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If 90 % or more of a Member States' initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the corresponding reserve where Article 5 has been 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 10 % 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 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 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 the end of the period defined in Article 1.

Article 5

The Member States shall return to the reserve not later than:

- 15 May 1986 with regard to new potatoes,
- and
- 1 October 1986 with regard to avocados,

the unused portion of their initial share which, on 1 May 1986 and 15 September 1986 respectively, 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.

The Member States shall notify the Commission, not later than 15 May 1986 and 1 October 1986 respectively, of the total quantities of the products in question imported up to 1 May 1986 and 15 September 1986 respectively and charged against the tariff 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, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 20 May 1986 and 5 October 1986 respectively, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take every measure 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 tariff quota.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the products in question against their shares as and when the products are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged against shares under the conditions provided for in paragraph 3.

Article 8

At the Commission's request, 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 to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

It shall apply from 1 March 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 3808/85
of 20 December 1985

opening, allocating and providing for the administration of a Community tariff quota for certain live plants falling within subheadings ex 06.01 A, 06.02 A II and ex 06.02 D of the Common Customs Tariff and originating in the Canary Islands (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal ⁽¹⁾, and in particular Article 4 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 4 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession, certain live plants falling within subheadings ex 06.01 A, 06.02 A II and ex 06.02 D of the Common Customs Tariff, originating in the Canary Islands, may be imported into the Community within the limits of a Community tariff quota at reduced duties; whereas the quota volume amounts to 3 446 tonnes; whereas for 1986 the duties to be applied within the limits of the tariff quota are equal to 87,5 % of the duties of the Common Customs Tariff; whereas, however, when the products in question are imported into that part of Spain which is included in the customs territory of the Community they shall qualify for exemption from customs duties; whereas, when the products are imported into Portugal, the quota duties applicable must be calculated on the basis of the provisions referred to in the Act of Accession; whereas, to benefit from the tariff quota, the products in question must comply with certain marking and labelling conditions designed to prove their origin; whereas, according to the abovementioned Article 4, the tariff preference provided for takes effect only from 1 March 1986; whereas this Community tariff quota should be opened for the period from 1 March to 31 December 1986;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to reflect as accurately as possible the true trend of the market of the products in question, such allocation should be in proportion to the requirements of the Member States calculated by reference to the statistics of imports of the said products originating in the Canary Islands over a representative period and also to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community, of the products concerned, originating in the Canary Islands:

Member States	1982	1983	1984
Benelux	6,3	8,6	10,7
Denmark	—	0,3	0,1
Germany	4,8	4,2	4,5
Greece	—	—	—
Spain	78,9	78,5	77,2
France	0,3	0,4	0,4
Ireland	—	—	—
Italy	1,6	0,7	1,7
United Kingdom	8,1	7,3	5,4
Portugal	—	—	—

Whereas, in view of these factors, and of market forecasts for the products in question, the initial quota shares may in a first phase be fixed approximately at the following percentages:

Benelux	8,9
Denmark	0,1
Germany	3,2
Greece	0,1
Spain	78,9
France	0,4
Ireland	0,1
Italy	1,4
Portugal	0,1
United Kingdom	6,8

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 shared among the Member States and the second constituting a reserve to cover at a later date the requirements of those Member States having 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 present circumstances be fixed at 80 % of the quota;

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 should draw an additional share from the reserve; whereas this must be

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

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 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 latter must be in a position to monitor the extent to which the quota volume has been used up and to 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 a 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 concerning the administration of the

quota shares allocated to that economic union may be carried out by any of its members;

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community may adopt, before accession, the measures referred to in Article 4 of Protocol No 2 annexed to the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 31 December 1986, the Common Customs Tariff duties in respect of the following products originating in the Canary Islands shall be partially suspended at the levels indicated for each of them within the limits of a Community tariff quota of 3 446 tonnes:

CCT heading No	Description	NIMEXE-Code	Rate of duty
06.01	Bulbs, tubers, tuberous roots corms, crowns and rhizomes, dormant, in growth or in flower:		
	ex A. Dormant:		
	— Other than hyacinths, narcissi, tulips and gladioli	06.02-19	7 %
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips:		
	A. Unrooted cuttings and slips:		
	II. Other	06.02-19	7,4 %
	ex D. Other:		
	— Roses (all the species Rosa), neither budded nor grafted:		
	— With stock of a diameter of 10 mm or less	06.02-61	11,3 %
	— Other	06.02-65	11,3 %
	— Other than mycelium (spawn of mushrooms and other edible fungi), rhododendrons, azaleas, vegetable and strawberry plants:		
	— Outdoor plants:		
	— Trees, shrubs and bushes other than fruit trees and bushes and forest trees:		
	— Rooted cuttings and growing plants	06.02-81	11,3 %
	— Other	06.02-83	11,3 %
	— Other:		
	— Perennial plants	06.02-92	11,3 %
	— Other	06.02-93	11,3 %
	— Indoor plants:		
	— Rooted cuttings and growing plants, excluding cacti	06.02-94	11,3 %
	— Other than flowering plants with buds or flowers, excluding cacti	06.02-99	11,3 %

The products qualify, however, within the limits of this tariff quota for exemption from customs duties when they are imported into that part of Spain which is included in the customs territory of the Community.

Within the limits of this tariff quota the Portuguese Republic applies customs duties calculated according to the relevant

provisions of the Act of Accession and the Regulations relating thereto.

2. Without prejudice to the provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quota unless, when they are presented to the authorities responsible for the

import formalities for the purposes of release into free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

Article 2

1. A first instalment amounting to 2 750 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1986, shall be as follows:

	(tonnes)
Benelux	244
Denmark	3
Germany	88
Greece	3
Spain	2 172
France	10
Ireland	3
Italy	40
Portugal	3
United Kingdom	187

2. The second instalment of 696 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or 90 % 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 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 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 31 December 1986.

Article 5

The Member States shall return to the reserve, not later than 1 October 1986, such unused portion of their initial share which, on 15 September 1986, 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.

The Member States shall, not later than 1 October 1986, notify the Commission of the total quantities of the products in question up to 15 September 1986 and charged against the tariff 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 Member States in accordance with 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 October 1986, of the amount in the reserve after quantities have been returned pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State which makes such last drawing.

Article 7

1. The Member States shall take every measure 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 products in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal. It shall apply from 1 March 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 3809/85

of 20 December 1985

opening, allocating and providing for the administration of Community tariff quotas for beans (of the species *Phaseolus*) onions and sweet peppers falling within heading ex 07.01 of the Common Customs Tariff and originating in the Canary Islands (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal ⁽¹⁾, and in particular Article 4 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, according to Article 4 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession, beans, onions and sweet peppers falling within heading ex 07.01 of the Common Customs Tariff and originating in the Canary Islands qualify on import into the customs territory of the Community for reduced duties within the limits of annual Community tariff quotas; whereas the quota volumes amount to:

- 1 219 tonnes for beans (of the species *Phaseolus*) of subheading 07.01 F II,
- 5 348 tonnes for onions of subheading ex 07.01 H and,
- 160 605 tonnes for sweet peppers of subheading 07.01 S;

Whereas where the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption of customs duties; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated on the basis of

the provisions belonging to the Act of Accession; whereas, when the said products are released for free circulation in the remainder of the customs territory of the Community, they shall qualify for the progressive reduction of customs duties according to the same timetable and under the same conditions as those provided for in Article 75 of the Act of Accession; whereas, to qualify for the tariff quota, the products in question have to comply with certain marking and labelling conditions designed to prove their origin; whereas, according to the relevant provisions in the Act of Accession, the tariff measures take effect only from 1 March 1986; whereas the tariff quotas in question should therefore be opened for the period 1 March to 31 December 1986;

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 principles mentioned above, 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 true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports of the products concerned originating in the Canary Islands over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, imports into each of the Member States were as follows (in tonnes):

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

Member States	— 07.01 F II — beans (of the species <i>Phaseolus</i>)			— ex 07.01 H — onions			— 07.01 S — sweet peppers		
	1982	1983	1984	1982	1983	1984	1982	1983	1984
Benelux	216	418	338	1 349	—	31	9 430	7 781	8 716
Denmark	—	—	—	—	—	—	171	34	6
Germany	19	14	18	736	—	24	1 386	443	426
Greece	—	—	—	—	—	—	—	—	—
Spain	average of 723			average of 4 488			average of 279		
France	—	—	—	—	—	—	9	8	30
Ireland	—	—	—	—	—	—	—	1	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	41	116	309	308	—	133	7 548	6 137	6 851

Whereas in the last three years the products in question were only imported regularly by certain Member States and not at all or only occasionally by the other Member States; whereas, under these circumstances, in the first phase, initial shares should be allocated to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports take place in the latter; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quotas should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial shares and any additional requirements which might arise in the other Member States; 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 circumstances, be fixed at 80 % respectively 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 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 latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff 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 of its members,

Whereas, according to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the Community institutions may adopt, before accession, the measures referred to in

Article 4 of Protocol No 2 annexed to the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 31 December 1986, Community tariff quotas shall be opened in the Community for the following products, originating in the Canary Islands and within the limits indicated below:

CCT heading No	Description	Quota volume (tonnes)
07.01	Vegetables, fresh or chilled:	
	F. Leguminous vegetables, shelled or unshelled:	
	II. Beans (of the species <i>Phaseolus</i>)	1 219
	H. Onions, shallots and garlic:	
	— Onions	5 348
	S. Sweet peppers	16 605

2. (a) Where the said products are imported into that part of Spain which is included in the customs territory of the Community, they shall qualify for exemption from customs duties.
- (b) Within the limits of these quotas the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.
- (c) Where the said products are released for free circulation in the remainder of the customs territory of the Community, the quota duties indicated below for each of the tariff subheadings shall be applicable:

CCT heading No	Quota duty
07.01 F II:	
— From 1 March to 30 June	11,8 % subject to a minimum of 1,8 ECU per 100 kg net
— From 1 July to 30 September	15,4 % subject to a minimum of 1,8 ECU per 100 kg net
— From 1 October to 31 December	11,8 % subject to a minimum of 1,8 ECU per 100 kg net
ex 07.01 H:	10,9 %
07.01 S:	5,7 %

3. (a) Without prejudice to the provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quotas unless, when they are presented to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

(b) The provisions of the third and fourth subparagraphs of Article 9 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1631/84 ⁽²⁾, shall not apply to products covered by this Regulation.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each tariff quota shall be shared among certain Member States; the respective shares which, subject to Article 5, shall be valid until 31 December 1986, shall amount to the quantities indicated below:

(a) beans (of the species *Phaseolus*) falling within subheading 07.01 F II:

Benelux	260 tonnes,
Germany	15 tonnes,
Spain	580 tonnes,
United Kingdom	120 tonnes;

(b) onions falling within subheading ex 07.01 H:

Benelux	370 tonnes,
Germany	200 tonnes,
Spain	3 595 tonnes,
United Kingdom	115 tonnes;

(c) sweet peppers falling within subheading 07.01 S:

Benelux	6 920 tonnes,
Denmark	50 tonnes,
Germany	600 tonnes,
Spain	240 tonnes,
United Kingdom	5 470 tonnes.

3. The second instalment of each quota, i.e. respectively

- 244 tonnes for beans (of the species *Phaseolus*) falling within subheading 07.01 F II,
- 1 068 tonnes for onions falling within subheading ex 07.01 H and
- 3 325 tonnes for sweet peppers falling within subheading 07.01 S shall constitute the corresponding Community reserve.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 24.

4. If an importer notifies the imminent import of the product in question into the other Member States and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the corresponding reserve where Article 5 has been 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 10 % 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 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 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

The Member States shall return to the reserve, not later than 1 October 1986 such unused portion of their initial share as, on 15 September 1986 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.

The Member States shall notify the Commission, not later than 1 October 1986 of the total quantities of the products in

question imported up to 15 September 1986 and charged against the tariff 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, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1986 of the amount in each reserve after quantities have been returned there to pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take every measure 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 tariff quota.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports of the products concerned, originating in the Canary Islands, entered with the customs authorities accompanied by statements of release for free circulation.

Article 8

At the Commission's request, 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 to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal. It shall apply from 1 March 1986.

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

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 3810/85
of 20 December 1985

opening, allocating and providing for the administration of Community tariff quotas for fresh flowers falling within subheading 06.03 A of the Common Customs Tariff and originating in the Canary Islands (1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal ⁽¹⁾, and in particular Article 4 of Protocol No 2 annexed hereto,

Having regard to the proposal from the Commission,

Whereas according to Article 4 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession fresh flowers falling within subheading 06.03 A of the Common Customs Tariff, originating in the Canary Islands, may be imported into the Community within the limits of Community tariff quotas at reduced duties; whereas the quota volumes amount for roses, carnations, orchids, gladioli and chrysanthemums to 85 460 000 pieces and for the other flowers to 597 tonnes; whereas for 1986 the duties to be applied in the limits of these tariff quotas are equal to 87,5 % of the duties of the Common Customs Tariff; whereas, however, when the products in question are imported into that part of Spain which is included in the customs territory of the Community they will qualify for exemption from customs duties;

Whereas when the products are imported into Portugal, the quota duties applicable must be calculated on the basis of the provisions referred to in the Act of Accession; whereas to benefit from the tariff quota the products in question must comply with certain marking and labelling conditions to prove their origin; whereas according to the abovementioned Article 4 the tariff measure provided for only takes effect from 1 March 1986; whereas these Community tariff quotas should be opened for the period from 1 March to 31 December 1986;

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 principles mentioned above, 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 true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States calculated by reference to the statistics for imports of the said products originating in

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

Whereas, during the last three years for which statistics are available, the corresponding imports into each of the Member States represent the following percentages of the imports into the Community of the products in question originating in the Canary Islands:

— Roses, carnations, orchids, gladioli and chrysanthemums:

Member States	1982	1983	1984
Benelux	6,4	6,2	5,9
Denmark	—	—	—
Germany	36,6	36,6	25,2
Greece	—	—	—
Spain	46,5	43,0	61,5
France	4,4	3,7	1,1
Ireland	—	—	—
Italy	0,3	0,9	0,4
Portugal	—	—	—
United Kingdom	5,8	9,6	5,9

— Other flowers:

Member States	1982	1983	1984
Benelux	37,4	44,2	25,2
Denmark	—	—	—
Germany	9,7	14,0	7,1
Greece	—	—	—
Spain	51,8	40,1	66,9
France	0,3	0,6	—
Ireland	—	—	—
Italy	0,8	1,1	0,8
Portugal	—	—	—
United Kingdom	—	—	—

Whereas, in view of these factors and of the foreseeable market trends of the products in questions initial shares of the quota volumes may be fixed in a first phase approximately at the following percentage:

¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

Member States	Roses, carnations, orchids, gladioli and chrysanthemums	Other flowers
Benelux	6,0	33
Denmark	0,1	1
Germany	31,0	9
Greece	0,1	1
Spain	52,6	51
France	2,6	1
Ireland	0,1	1
Italy	0,5	1
Portugal	0,1	1
United Kingdom	6,9	1

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the 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 circumstances, be fixed at 80 % respectively 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 use 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 latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff 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 of its members;

Whereas pursuant to Article 2 (3) of the Act of Accession of Spain and Portugal the institutions of the Community may

adopt before accession the measures referred to in Article 4 of Protocol No 2 annexed to the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March until 31 December 1986 Community tariff quotas shall be opened within the indicated limits in the Community for the following products originating in the Canary Islands:

CCT heading No	Description	Quota volumes
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared: ex A. Fresh: — Roses, carnations, orchids, gladioli, and chrysanthemums	85 460 000 pieces
	ex A. Fresh: — Other flowers	597 tonnes

2. Within the limits of these tariff quotas the following quota duties shall apply to these products

— from 1 March to 31 May:	14,8 %,
— from 1 June to 31 October:	21,0 %,
— from 1 November to 31 December:	14,8 %.

The products qualify, however, within the limits of these tariff quotas for exemption from customs duties when they are imported into that part of Spain which is included in the customs territory of the Community.

Within the limits of these tariff quotas, Portugal shall apply customs duties calculated according to the provisions in question of the Act of Accession and the Regulations relating thereto.

3. Without prejudice to the provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quotas unless, at the time of their presentation to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

The words used on the packaging to indicate the origin must be 'Canary Islands' or the equivalent thereof in another official Community language.

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. A first instalment of each Community tariff quota mentioned in Article 1 shall be shared among the Member States; the shares, which, subject to Article 5, shall be valid until 31 December 1986, shall be as follows:

Member States	- ex 06.03 A - roses, carnations, gladioli, orchids and chrysanthemums (in pieces)	- ex 06.03 A - other flowers (in tonnes)
Benelux	4 100 000	158
Denmark	70 000	5
Germany	21 200 000	43
Greece	70 000	5
Spain	35 980 000	244
France	1 780 000	5
Ireland	70 000	5
Italy	340 000	5
Portugal	70 000	5
United Kingdom	4 720 000	5

3. The second instalment of each quota, i.e. 17 060 000 pieces and 117 tonnes respectively, shall constitute the corresponding reserves.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the corresponding reserve where Article 5 has been 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 10 % 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 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 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1986.

Article 5

The Member States shall return to the reserve, not later than 1 October 1986 such unused portion of their initial share as, on 15 September 1986, 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.

The Member States shall notify the Commission, not later than 1 October 1986 of the total quantities of the products in question imported up to 15 September 1986 and charged against the tariff 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, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1986 of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making 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 tariff quota.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge the imports of the products concerned against their shares as and when the

products are entered with customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, 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 to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Act of Accession of Spain and Portugal.

It shall apply from 1 March 1986.

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For the Council

The President

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