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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 4017/86
of 16 December 1986**

on the conclusion of the Agreement on the texts in the Spanish and Portuguese languages of the Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas, consequent upon their accession to the Community, the Kingdom of Spain and the Portuguese Republic are bound by the Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit ⁽¹⁾ signed on 12 July 1977;

Whereas that Agreement has been drawn up in the Danish, Dutch, English, French, German, Greek and Italian languages, all seven texts being equally authentic;

Whereas it is now necessary to give to the texts in the Spanish and Portuguese languages a value equal to that of the other texts referred to above;

Whereas the Agreement on the texts in the Spanish and Portuguese languages of the Agreement of 12 July 1977 should be approved,

Article 1

The Agreement on the texts in the Spanish and Portuguese languages of the Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 2 of the Agreement ⁽²⁾.

Article 3

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

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

Done at Brussels, 16 December 1986.

For the Council
The President
G. HOWE

⁽¹⁾ OJ No L 142, 9. 6. 1977, p. 1.

⁽²⁾ The date of the entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

AGREEMENT

on the texts in the Spanish and Portuguese languages of the Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit

THE EUROPEAN ECONOMIC COMMUNITY,

THE SWISS CONFEDERATION

and

THE REPUBLIC OF AUSTRIA,

WHEREAS the Agreement of 12 July 1977 between the European Economic Community, the Swiss Confederation and the Republic of Austria extended the application of the rules on Community transit to goods traffic through both Swiss territory and Austrian territory;

WHEREAS, from the moment of their accession to the Community, the Kingdom of Spain and the Portuguese Republic are bound by the Agreement of 12 July 1977 and whereas it is necessary to give to the texts in the Spanish and Portuguese languages of the Agreement, which has been drawn up in the Danish, Dutch, English, French, German, Greek and Italian languages, all seven texts being equally authentic, a value equal to that of the other texts referred to,

HAVE AGREED AS FOLLOWS:

Article 1

The contracting parties to the Agreement of 12 July 1977 between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit hereby agree that the texts in the Spanish and Portuguese languages of the Agreement which appears as the Annex to this Agreement shall have equal authenticity with the texts in the Danish, Dutch, English, French, German, Greek and Italian languages.

Article 2

This Agreement shall enter into force on the first day of the month following that in which the contracting parties have notified each other of the completion of the procedures which it necessitates.

Article 3

This Agreement is drawn up in three copies in the Danish, Dutch, English, French, German, Greek, Italian, Spanish and Portuguese languages, all nine texts being equally authentic.

ANNEX

ACUERDO

entre la Comunidad Económica Europea, la Confederación Suiza y la República de Austria sobre la extensión del campo de aplicación de la normativa relativa al tránsito comunitario

LA COMUNIDAD ECONÓMICA EUROPEA,

LA CONFEDERACIÓN SUIZA,

y

LA REPÚBLICA DE AUSTRIA,

DESEOSAS de reducir las formalidades aduaneras que se deberán cumplir al pasar las fronteras los transportes de mercancías que pasen a la vez por el territorio suizo y por el austriaco,

CONSIDERANDO que conviene por lo tanto extender a estos transportes el campo de aplicación de las disposiciones de los acuerdos de tránsito celebrados entre la Comunidad Económica Europea por una parte, y la Confederación Suiza así como la República de Austria por otra.

HAN CONVENIDO LO SIGUIENTE:

Artículo 1

Con arreglo al presente acuerdo, se entenderá:

- a) por «Acuerdo de tránsito CEE-Suiza»: el Acuerdo entre la Comunidad Económica Europea y la Confederación Suiza sobre la aplicación de la normativa relativa al tránsito comunitario, firmado el 23 de noviembre de 1972, incluidas sus enmiendas presentes y futuras;
- b) por «Acuerdo de tránsito CEE-Austria»: el Acuerdo entre la Comunidad Económica Europea y la República de Austria sobre la aplicación de la normativa relativa al tránsito comunitario, firmado el 30 de noviembre de 1972, incluidas sus enmiendas presentes y futuras;
- c) por «Comunidad»: la Comunidad Económica Europea;
- d) por «Estado miembro»: un Estado miembro de la Comunidad.

Artículo 2

La aplicación de las disposiciones de los Acuerdos de tránsito CEE-Suiza y CEE-Austria se extenderá a los transportes de mercancías que se efectúen entre dos puntos situados en la Comunidad y pasen a la vez por el territorio suizo y el austriaco.

Estas disposiciones también podrán aplicarse a cualquier otro transporte de mercancías que pase a la vez por el territorio suizo y por el austriaco.

Artículo 3

1. En el ámbito del artículo 2 del presente Acuerdo y sin perjuicio de las disposiciones del apartado 1 del artículo 13 de los Acuerdos de tránsito CEE-Suiza y CEE-Austria:

- la Confederación Suiza tendrá los mismos derechos y las mismas obligaciones que un Estado miembro respecto a la República de Austria,
- la República de Austria tendrá los mismos derechos y las mismas obligaciones que un Estado miembro respecto a la Confederación Suiza.

2. Para la aplicación del presente Acuerdo, los documentos de fianza establecidos según los modelos anejos a los Acuerdos de tránsito CEE-Suiza y CEE-Austria deberán completarse en consecuencia.

3. En las relaciones entre la Confederación Suiza y la República de Austria, las siguientes disposiciones, que no figuran en el Acuerdo de tránsito CEE-Austria, serán también aplicables:

- a) cuando, para la aplicación de los apartados 1 y 2 del artículo 4 de los Acuerdos de tránsito CEE-Suiza y CEE-Austria, sea necesario incoar un procedimiento sancionador, se efectuará, en cada Estado, con arreglo a las disposiciones legales nacionales aplicables a las infracciones aduaneras;
- b) en los casos previstos en el artículo 4 de los Acuerdos de tránsito CEE-Suiza y CEE-Austria, las administraciones de aduanas de la Confederación Suiza y de la República de Austria facilitarán toda la información de que dispongan, eventualmente previa acción investigadora realizada a petición de la administración de aduanas de la República de Austria o de la Confederación Suiza acerca de las mercancías así como de las personas sobre

las que exista la certeza o la sospecha de haber contravenido la normativa relativa al tránsito comunitario.

Sin embargo, en cuanto a las personas sobre las que no exista certeza ni sospecha de haber contravenido esta normativa, la asistencia administrativa que prevé el artículo 4 mencionado anteriormente podrá, teniendo en cuenta las disposiciones legislativas nacionales que garantizan la protección del secreto industrial, comercial o profesional, limitarse a los elementos que no perjudiquen esta protección;

- c) no podrán expedirse documentos de tránsito comunitario interno para mercancías expedidas de nuevo desde Suiza después de haber estado almacenadas en depósito privado en el sentido de la ley federal suiza sobre aduanas.

Artículo 4

El presente Acuerdo extenderá sus efectos al principado de Liechtenstein mientras éste siga vinculado a la Confederación suiza por un tratado de unión aduanera.

Artículo 5

El presente Acuerdo entrará en vigor el primer día del segundo mes siguiente al que las Partes Contratantes se hayan notificado el cumplimiento de los procedimientos necesarios a tal fin.

Artículo 6

El presente Acuerdo podrá ser denunciado por cada una de las Partes Contratantes mediante un aviso previo de seis meses.

Artículo 7

El presente Acuerdo se redactará en triplicado, en alemán, inglés, danés, francés, italiano y neerlandés, siendo los seis textos auténticos.

ACORDO

entre a Comunidade Económica Europeia, a Confederação Suíça e a República da Áustria sobre a ampliação do âmbito de aplicação da regulamentação relativa ao trânsito comunitário

A COMUNIDADE ECONÓMICA EUROPEIA,

A CONFEDERAÇÃO SUÍÇA e

A REPÚBLICA DA ÁUSTRIA,

DESEJOSAS de simplificar as formalidades aduaneiras a cumprir aquando da travessia das fronteiras pelos transportes de mercadorias que utilizam os territórios suíço e austríaco,

CONSIDERANDO que convém, portanto, estender a estes transportes a âmbito de aplicação das disposições dos Acordos de trânsito concluídos entre a Comunidade Económica Europeia, por um lado, e a Confederação Suíça bem como a República da Áustria, por outro,

ACORDARAM NO SEGUINTE:

Artigo 1º

Na aceção do presente Acordo, entende-se:

a) Por «Acordo de trânsito CEE-Suíça»:

o Acordo entre a Comunidade Económica Europeia e a Confederação Suíça sobre a aplicação da regulamentação relativa ao trânsito comunitário, assinado em 23 de Novembro de 1972, incluindo as suas alterações presentes e futuras;

b) Por «Acordo de trânsito CEE-Áustria»:

o Acordo entre a Comunidade Económica Europeia e a República da Áustria sobre a aplicação da regulamentação relativa ao trânsito comunitário, assinado em 30 de Novembro de 1972, incluindo as suas alterações presentes e futuras;

c) Por «Comunidade»:

a Comunidade Económica Europeia;

d) Por «Estado-membro»:

um Estado-membro da Comunidade.

Artigo 2º

A aplicação das disposições dos Acordos de trânsito CEE-Suíça e CEE-Áustria é ampliada aos transportes de mercadorias que se efectuam entre dois pontos situados na Comunidade e que utilizam o território suíço e o território austríaco.

Estas disposições podem igualmente aplicar-se a todos os outros transportes de mercadorias que utilizam o território suíço e o território austríaco.

Artigo 3º

1. Nos limites do artigo 2º do presente Acordo e sem prejuízo do disposto no nº 1 do artigo 13º dos Acordos de trânsito CEE-Suíça e CEE-Áustria:

— a Confederação Suíça tem os mesmos direitos e as mesmas obrigações que um Estado-membro perante a República da Áustria,

— a República da Áustria tem os mesmos direitos e as mesmas obrigações que um Estado-membro perante a Confederação Suíça.

2. Para a aplicação do presente Acordo, os termos de garantia estabelecidos segundo os modelos anexados aos Acordos de trânsito CEE-Suíça e CEE-Áustria devem ser completados em conformidade.

3. Nas relações entre a Confederação Suíça e a República da Áustria, as disposições seguintes, não contidas no Acordo de trânsito CEE-Áustria, são igualmente aplicáveis:

a) Quando, para aplicação dos nºs 1 e 2 do artigo 4º dos Acordos de trânsito CEE-Suíça e CEE-Áustria, se tornam necessárias investigações criminais, estas efectuam-se, em cada Estado, de acordo com as disposições legais nacionais respeitantes à perseguição das infracções aduaneiras;

b) Nos casos referidos no artigo 4º dos Acordos de trânsito CEE-Suíça e CEE-Áustria, as administrações aduaneiras da Confederação Suíça e da República da Áustria fornecem todas as informações de que disponham, se for caso disso, depois da investigação a que procederam, a pedido das administrações aduaneiras da República da Áustria ou da Confederação Suíça, sobre as próprias mercadorias bem como sobre as pessoas de quem se tem a certeza ou se suspeita de terem infringido a regulamentação relativa ao trânsito comunitário.

Contudo, no que diz respeito às pessoas de quem não se tem a certeza nem a suspeita de terem infringido esta regulamentação, a assistência administrativa prevista pelo artigo 4º já citado pode, tendo em conta as disposições legais nacionais que garantem a protecção de um segredo industrial, comercial ou profissional, ser limitada aos elementos que não prejudiquem esta protecção;

- c) Não podem ser emitidos documentos de trânsito comunitário interno para as mercadorias reexpedidas da Suíça após terem sido colocadas em entreposto privado na acepção da lei federal suíça sobre as alfândegas.

Artigo 4.º

O presente Acordo estende os seus efeitos ao Principado de Liechtenstein enquanto este estiver ligado à Confederação Suíça por um tratado de união aduaneira.

Artigo 5.º

O presente Acordo entra em vigor no primeiro dia do segundo mês seguinte àquele em que as Partes Contratantes

se notificaram mutuamente o cumprimento das formalidades necessárias para esse efeito.

Artigo 6.º

O presente Acordo pode ser denunciado por cada uma das Partes Contratantes mediante pré-aviso de seis meses.

Artigo 7.º

O presente acordo é redigido em triplo exemplar nas línguas alemã, dinamarquesa, francesa, inglesa, italiana e neerlandesa, fazendo fé qualquer dos seis textos.

COUNCIL REGULATION (EEC) No 4018/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for certain polyethylene terephthalate films falling within subheading ex 39.01 C III a) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas the production of polyethylene terephthalate film, having a thickness of not less than 22 and not more than 25 micrometres, is currently insufficient in the Community to meet the requirements of the user industries in the Community; whereas, consequently Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas it is in the Community's interest to suspend partially the Common Customs Tariff duty for the products in question, within the Community tariff quota, of an appropriate volume for a relatively limited period; whereas, in order not to call into question the development prospects of this production in the Community while ensuring an adequate supply to satisfy user industries, it is advisable to limit the benefits of the tariff quota to products used for the manufacture of magnetic cassette tapes, to open this quota free of duty from 1 January to 30 June 1987 and to fix the volume at 850 tonnes;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been

used up; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be specified; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 30 June 1987 the common customs duty applicable on import of the products mentioned below shall be suspended at the level and within the limit of the Community tariff quota indicated for each:

Order No	CCT heading No	Description	Quota volume (tonnes)	Quota duty (%)
09.1939	ex 39.01 C III a)	Polyethylene terephthalate film, having a thickness of not less than 22 and not more than 25 micrometers for use in the manufacture of magnetic cassette tapes	850	0

Within the limit of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions laid down by the Act of Accession of Spain and Portugal.

Control of the use of the products for the particular purpose laid down shall be carried out by applying the relevant Community provisions.

2. If an importer notifies an imminent importation of the product in question in a Member State 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 permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) are

carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 16 December 1986.

For the Council
The President
G. HOWE

COUNCIL REGULATION (EEC) No 4019/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for a certain variety of polyvinylpyrrolidone falling within subheading ex 39.02 C XIV a) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas production in the Community of polyvinylpyrrolidone for pharmaceutical use falling within subheading ex 39.02 C XIV a) of the Common Customs Tariff is currently insufficient to meet the requirements of the processing industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the product in question should be met immediately on the most favourable terms; whereas a nil duty Community tariff quota should therefore be opened within the limits of an appropriate amount for a period from 1 January to 31 July 1987; whereas, in order not to jeopardize the balance of the market for this product, the volume of the Community tariff quota should be fixed at 30 tonnes;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the quota is to cover

requirements which cannot be determined with sufficient accuracy, it seems possible to avoid allocating among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be specified; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1987 the common customs duty applicable on import of the products mentioned below shall be suspended at the level and within the limit of the Community tariff quota indicated for each:

Order No	heading CCT No	Description	Quota volume (tonnes)	Quota duty (%)
09.1931	ex 39.02 C XIV a)	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than or equal to 1,5 % by weight.	30	0

Within the limit of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions laid down by the Act of Accession of Spain and Portugal.

2. If an importer notifies an imminent importation of the product in question in a Member State 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 permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 16 December 1986.

For the Council

The President

G. HOWE

COUNCIL REGULATION (EEC) No 4020/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for certain magnesium grades falling within subheading ex 77.01 A of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas production in the Community of certain extra pure grades of magnesium intended for use in the nuclear industry falling within subheading ex 77.01 A of the Common Customs Tariff is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend on imports from third countries; whereas the Community requirements for the product in question should be met immediately on the most favourable terms; whereas a nil duty Community tariff quota should therefore be opened within the limits of an appropriate amount and for a period until 31 July 1987; whereas, in order not to jeopardize the balance of the market for this product, the volume of the Community tariff quota should be fixed at 300 tonnes;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be specified; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 July 1987, the Common Customs Tariff duty for unwrought magnesium having a purity of not less than 99,95% in the form of billets

containing by weight not more than 0,015% of iron, not more than 0,002% of nickel, not more than 0,005% of lead and not more than 0,006% of manganese, falling within subheading ex 77.01 A of the Common Customs Tariff, for use in the manufacture of raspings for the nuclear fuel industry shall be totally suspended within the limit of a Community tariff quota of 300 tonnes.

2. Within the limit of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions laid down by the Act of Accession.

3. Control of the use of the products for their specifically determined purpose shall be carried out pursuant to the relevant Community provisions.

Article 2

1. If an importer notifies an imminent importation of the product in question in a Member State 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 permits this.

2. The shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 16. December 1986.

For the Council
The President
G. HOWE

COUNCIL REGULATION (EEC) No 4021/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for rosin, including 'brais résineux' obtained from wood falling within subheading ex 38.08 A of the Common Customs Tariff (1987)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas production in the Community of rosin falling within subheading ex 38.08 A of the Common Customs Tariff is currently insufficient to meet the requirements of the processing industries in the Community; whereas, consequently, Community supplies of products of this type currently depend in part on imports from third countries; whereas the most urgent Community requirements for the product in question should be met immediately on the most favourable terms; whereas a nil duty Community tariff quota should therefore be opened within the limits of an appropriate amount; whereas, in order not to jeopardize the balance of the market for this product and to ensure parallel development in outlets for Community production and satisfactory security of supplies for user industries, the volume of the Community tariff quota should be fixed at 8 000 tonnes; whereas, therefore, the tariff quota in question

should be opened on 1 January 1987 and allocated among Member States;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the product in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from non-preferential third countries over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, on the basis of the statistics at present available, imports into the Community of Ten in 1983, 1984 and 1985 of the product concerned, coming from third countries which do not benefit from an equivalent preferential tariff arrangement, have developed as follows and represent the following percentages of total imports into the Community:

Member States	1983		1984		1985	
	tonnes	%	tonnes	%	tonnes	%
Benelux	1 393	20,46	974	18,27	5 822	56,47
Denmark	269	3,95	58	1,09	18	0,17
Germany	1 929	28,34	1 771	33,22	885	8,58
Greece	0	0	3	0,06	2	0,02
Spain	56	0,82	12	0,23	27	0,26
France	814	11,96	31	0,58	1 370	13,29
Ireland	16	0,24	161	3,02	36	0,35
Italy	467	6,86	160	3,00	270	2,62
Portugal	0	0	8	0,15	11	0,11
United Kingdom	1 863	27,37	2 153	40,38	1 869	18,13
	6 807		5 331		10 310	

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1987 the initial shares may be fixed approximately at the following percentages:

Benelux	36.48
Denmark	1.54
Germany	20.42

Greece	0.02
Spain	0.42
France	9.87
Ireland	0.95
Italy	4.00
Portugal	0.08
United Kingdom	26.22

Whereas, in order to take into account import trends for the product concerned in the various Member States, the quota amount 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 which have used up their initial quota share; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota might under the circumstances be fixed at approximately 94 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost 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 remains unused, it is essential that that Member State should return a significant proportion to the 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 measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1987, the Common Customs Tariff duty on the following products shall be suspended at the level and within the limit of a Community tariff quota as shown herewith:

Order No	CCT heading No	Description	Amount of tariff quota (in tonnes)	Rate of duty (in %)
09.2715	ex 38.08 A	Rosin, including 'brais résineux': - obtained from wood	8 000	0

Within the limits of this tariff quota, Spain and Portugal shall apply duties calculated in accordance with the relevant provisions laid down in the Act of Accession of Spain and Portugal.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two instalments.

2. The first instalment, amounting to 7 600 tonnes, shall be shared among the Member States. The shares which, subject to Article 5, shall be valid until 31 December 1987, shall be as follows:

	(tonnes)
Benelux	2 772
Denmark	117
Germany	1 552
Greece	2
Spain	32
France	750
Ireland	72
Italy	304
Portugal	6
United Kingdom	1 993

3. The second instalment of 400 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of any Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the proportion returned to the 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 5 % 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, then, to the extent permitted by the amount of the reserve, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 2,5 % of its initial share.

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 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

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1987.

Article 5

The Member States shall return to the reserve, not later than 1 October 1987, the unused portion of their initial share which, on 15 September 1987, 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 1987, of the total quantities of the products in question imported up to 15 September 1987 and charged against the tariff quotas 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, inform each Member State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1987, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

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

Done at Brussels, 16 December 1986.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, 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 product is entered with 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 under the conditions set in paragraph 3.

Article 8

At the Commission's request, the Member states shall inform it of imports 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 1987.

For the Council

The President

G. HOWE

COUNCIL REGULATION (EEC) No 4022/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for fillets of cod, originating in Norway, falling within subheading 03.02 A II a) of the Common Customs Tariff (1987)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973;

Whereas the aforesaid agreement in particular provides for the opening of a Community tariff quota at zero duty for fillets of cod originating in Norway; whereas therefore the tariff quota in question should be opened for the period 1 January to 31 December 1987;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said products, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from Norway during a representative reference period and according to the economic outlook for the tariff year in question;

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

(in tonnes)

	1983	1984	1985
Benelux	0	0	0
Denmark	12	72	10
Germany	15	0	0
Greece	0	0	11
Spain	17	37	0
France	29	58	8
Ireland	0	0	0
Italy	4 751	4 589	2 691
Portugal	0	0	0
United Kingdom	0	0	0
	4 824	4 756	2 720

Whereas, during the years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quota upon imports into those States of the products concerned being notified; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, taking account of these factors, the initial percentage shares in the quota volume can be set approximately as follows:

Denmark	0,77
Germany	0,12
Greece	0,09
Spain	0,44
France	0,77
Italy	97,81;

Whereas, to take account of the possible import trends for these products, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 80 % of the amount of the quota;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas, each time its additional share is almost used up, a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that such a Member State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining

unused in one Member State while 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 measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1987 the Common Customs Tariff duty on the following products originating in Norway shall be suspended at the level and within the limit of the Community tariff quota shown herewith:

Order No	CCT heading No	Description	Quota volume in tonnes	Rate of duty (%)
09.0709	03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process: A. Dried, salted or in brine II. Fillets: a) of cod (<i>Gadus morhua</i> , <i>Boreogadus saida</i> , <i>Gadus ogac</i>)	3 000	0

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply duties of 5,1 % and 0 % respectively.

2. Imports of the products in question shall not benefit from the tariff quota referred to in paragraph 1 unless the free-at-frontier-price, which is determined by the Member States according to Article 21 of Regulation (EEC) No 3796/81 ⁽¹⁾ as last amended by Regulation (EEC) No 2315/86 ⁽²⁾ is at least equal to the reference price if such a price has been fixed by the Community for the product or categories of products under consideration.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and the Kingdom of Norway, shall be applicable.

Article 2

1. The tariff quota laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment of this quota shall be allocated among certain Member States. The respective shares which, subject to Article 5, shall be valid until 31 December 1987, shall be as follows:

	(in tonnes)
Denmark	18
Germany	3
Greece	2
Spain	11
France	18
Italy	2 348

3. The second instalment of the quota, being 600 tonnes, shall constitute the reserve.

4. If an importer notifies the imminent import of the products in question into a Member State which does not participate in the initial allocation 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 a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any proportion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 202, 25. 7. 1986, p. 1.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1987.

Article 5

Member States shall, not later than 1 October 1987, return to the reserve the unused portion of their initial share which, on 15 September 1987 is in excess of 20% of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1987, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1987 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1987, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the 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 making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

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

3. The Member States shall charge imports of the product in question against their shares as and when the product is 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, the Member State shall inform it of imports actually charged against their shares.

Article 9

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 1987.

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

Done at Brussels, 16 December 1986.

For the Council
The President
G. HOWE

COUNCIL REGULATION (EEC) No 4023/86

of 16 December 1986

opening, allocating and providing for the administration of a Community tariff quota for certain prepared or conserved fish, originating in Norway, falling within subheading 16.04 G II of the Common Customs Tariff (1987)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973;

Whereas the aforesaid agreement in particular provides for the opening of a Community tariff quota at a reduced rate of duty for certain prepared or conserved fishery products originating in Norway; whereas therefore the tariff quota in question should be opened for the period 1 January to 31 December 1987;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said products, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from Norway during a representative reference period and according to the economic outlook for the tariff year in question;

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

(in tonnes)

	1983	1984	1985
Benelux	10	0	11
Denmark	31	41	7
Germany	27	15	22
Greece	0	0	0
Spain	0	0	3
France	2 087	1 690	1 604
Ireland	0	0	0
Italy	0	0	106
Portugal	0	0	0
United Kingdom	795	500	354
	2 950	2 246	2 107

Whereas, during the years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quota upon imports into those States of the products concerned being notified; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, taking account of these factors, the initial percentage shares in the quota volume can be set approximately as follows:

Benelux	0,29
Denmark	1,08
Germany	0,88
France	73,68
Italy	1,45
United Kingdom	22,58;

Whereas, to take account of the possible import trends for these products, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 80 % of the amount of the quota;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas, each time its additional share is almost used up, a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that such a Member State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining

unused in one Member State while 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 measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1987 the Common Customs Tariff duty on the following product originating in Norway shall be suspended at the level and within the limit of the Community tariff quota shown herewith:

Order No	CCT heading No	Description	Quota volume (in tonnes)	Rate of duty (%)
09.0711	16.04	Prepared or preserved fish, including caviar and caviar substitutes: G. Other: ex II. Other, excluding smoked saithe	400	10

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply duties of 12,9 % and 25 % respectively.

2. Imports of the products in question shall not benefit from the tariff quota referred to in paragraph 1 unless the free-at-frontier-price, which is determined by the Member States according to Article 21 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 2315/86 ⁽²⁾, is at least equal to the reference price if such a price has been fixed by the Community for the product or categories of products under consideration.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and the Kingdom of Norway, shall be applicable.

Article 2

1. The tariff quota laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment of this quota shall be allocated among certain Member States. The respective shares, which, subject to Article 5, shall be valid until 31 December 1987, shall be as follows:

	(in tonnes)
Benelux	1
Denmark	3
Germany	3
France	236
Italy	5
United Kingdom	72.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 202, 25. 7. 1986, p. 1.

3. The second instalment of the quota, being 80 tonnes, shall constitute the reserve.

4. If an importer notifies the imminent import of the products in question into a Member State which does not participate in the initial allocation 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 a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any proportion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in

those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1987.

Article 5

Member States shall, not later than 1 October 1987, return to the reserve the unused portion of their initial share which, on 15 September 1987 is in excess of 20% of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1987, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1987 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1987, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the 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 making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

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

3. The Member States shall charge imports of the product in question against their shares as and when the product is 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, the Member States shall inform it of imports actually charged against their shares.

Article 9

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 1987.

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

Done at Brussels, 16 December 1986.

For the Council

The President

G. HOWE

COUNCIL REGULATION (EEC) No 4024/86

of 18 December 1986

opening tariff quotas for the importation into Spain for certain fishery products falling within headings No 03.01, 03.02, 03.03, 16.04 and 23.01 B of the Common Customs Tariff, originating in the Canary Islands, or in Ceuta and Melilla (1987)

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 3 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas Article 3 of Protocol No 2 provides that fishery products falling within headings and subheadings 03.01, 03.02, 03.03, 05.15 A, 16.04, 16.05 and 23.01 B of the Common Customs Tariff, originating in the Canary Islands or in Ceuta and Melilla, shall qualify for duty-free entry into that part of Spain which is included in the customs territory of the Community within the limits of annual Community tariff quotas; whereas this tariff preference applies only to products which have been imported over the years 1982, 1983 and 1984; whereas the quota amounts calculated on the basis of Article 3 cited above amount to:

- 17 596 tonnes for the products of heading No 03.01 excluding subheadings 03.01 A I c) and d), 03.01 A IV, 03.01 B I a) 1, 03.01 B I b) 1, 03.01 B I c) 1 and 03.01 B I o) 1,
- 596 tonnes for products of heading No 03.02,

— 21 387 tonnes for products of heading No 03.03, excluding subheadings 03.03 B I a) and 03.03 B III,

— 10 007 tonnes for products of heading No 16.04 and

— 27 483 tonnes for products of subheading 23.01 B;

Whereas the other products are not imported;

Whereas when the products are imported into that part of Spain included in the Customs territory of the Community they may not be deemed to be in free circulation, within the meaning of Article 10 of the Treaty, if they are reconsigned to another Member State; whereas the tariff quotas in question should therefore be opened for 1987,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1987, the applicable Common Customs duties on the importations of the following products into that part of Spain which is included in the Customs territory of the Community shall be suspended at the levels and within the limits of the Community tariff quotas as shown herewith:

CCT heading No	Description	Quota volume (in tonnes)	Quota duties
ex 03.01	Fish, fresh (live or dead), chilled or frozen, excluding products of subheadings 03.01 A I c) and d), 03.01 A IV, 03.01 B I a) 1, 03.01 B I b) 1, 03.01 B I c) 1 and 03.01 B I o) 1, originating in the Canary Islands or in Ceuta and Melilla	17 596	free
03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process, originating in the Canary Islands or in Ceuta and Melilla	596	free
ex 03.03	Crustaceans or molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water, excluding products of subheadings 03.03 B I a) and 03.03 B III, originating in the Canary Islands or in Ceuta and Melilla	21 387	free
16.04	Prepared or preserved fish, including caviar and caviar substitutes, originating in the Canary Islands or in Ceuta and Melilla	10 007	free
23.01 B	Flours and meals of fish, crustaceans or molluscs; originating in the Canary Islands or in Ceuta and Melilla	27 483	free

2. The products imported into that part of Spain included in the customs territory of the Community under the tariff quotas may not be deemed to be in free circulation within the meaning of Article 10 of the Treaty, if they are reconsigned to another Member State.

3. The products referred to in this Article cannot qualify under the tariff quotas unless, at the time of their presentation to the authorities responsible for import formalities in that part of Spain included in the customs territory of the Community, in whatever form, they are presented in packings bearing the following information in a clearly visible and perfectly legible form:

- the marking, 'Origin: Canary Islands' or 'Origin: Ceuta and Melilla' or a translation thereof in another official Community language printed in Latin characters of a height of not less than 20 millimetres,
- the net weight in kilograms of the fish contained in the packings.

In addition, pre-packaged foodstuffs falling within heading No 16.04 must carry, on each immediate packing, in an easily visible, clearly legible and indelible form the marking 'Made in the Canaries' or 'Made in Ceuta and Melilla', or a translation thereof in another official Community language.

This paragraph shall apply without prejudice to the specific rules laid down by Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish ⁽¹⁾ as last amended by Regulation (EEC) No 3396/85 ⁽²⁾, and by Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps of the genus

Crangon spp. ⁽³⁾, as last amended by Regulation (EEC) No 3118/85 ⁽⁴⁾.

Article 2

1. The Member State in question shall ensure that importers of the products concerned have free access to the tariff quotas referred to in Article 1.

2. The Member State in question shall charge imports of the products concerned against the tariff quotas as and when these products are entered for free circulation.

3. The extent to which the tariff quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 2.

Article 3

At the Commission's request, the Member State in question shall inform it of imports actually charged against the tariff quotas.

Article 4

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

Article 5

This Regulation shall enter into force on 1 January 1987.

This Regulation shall be binding in its entirety and directly applicable in the Member State in question.

Done at Brussels, 18 December 1986.

For the Council

The President

G. HOWE

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽²⁾ OJ No L 322, 3. 12. 1985, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽⁴⁾ OJ No L 297, 9. 11. 1985, p. 3.

COUNCIL REGULATION (EEC) No 4025/86

of 18 December 1986

opening, and providing for the administration of, Community tariff quotas for certain fishery products falling within headings No 03.01, 03.03, 16.04 and subheading 23.01 B of the Common Customs Tariff, originating in the Canary Islands (1987)

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 3 of Protocol No 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas Article 3 of Protocol No 2 and Article 10 of Protocol No 3 annexed to the Act of Accession provide that fishery products falling within heading and subheadings 03.01, 03.02, 03.03, 05.15 A, 16.04, 16.05 and 23.01 B of the Common Customs Tariff, originating in the Canary Islands or in Ceuta and Melilla, shall qualify for reduced duties within the limits of annual Community tariff quotas on importation into the customs territory of the Community, excluding Spain; whereas this tariff preference is only applicable to products which have been imported over the years 1982, 1983 and 1984; whereas there is no pattern of trade in the said products originating in Ceuta and Melilla and thus no need to open quotas for products originating in those territories; whereas for the products originating in the Canary Islands the quota amounts calculated on the basis of Article 3 referred to above amount to:

- 604 tonnes for the products of heading No 03.01 excluding subheadings 03.01 A I c) and d), 03.01 A IV, 03.01 B I a) 1, 03.01 B I b) 1, 03.01 B I c) 1 and 03.01 B I o) 1,
- 3 429 tonnes for products of tariff heading 03.03 excluding subheadings 03.03 B I a) and 03.03 B III,
- 539 tonnes for products of heading No 16.04, and
- 227 tonnes for products of subheading 23.01 B;

Whereas the other products are not imported;

Whereas when the products are imported within the limits of these quotas they shall qualify for a progressive reduction of customs duties in accordance with the same timetable and under the same conditions as those laid down by Article 173 of the Act of Accession and subject to compliance with the reference prices; whereas, however, when the products in question are imported into Portugal, the duties applicable shall be calculated on the basis of the relevant provisions of the Act of Accession; whereas the tariff quotas in question should, therefore, be opened for 1987;

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, in the present case, it seems advisable not to allocate this quota among the Member States, without prejudice to the drawing, against the quota volume, of such quantities as they may need, under the conditions and according to the procedure specified in Article 2; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1987 the common customs duties applicable on the importation of the following products into the Community, with the exception of Spain, shall be suspended at the levels laid down in paragraph 2 and within the limits of the Community tariff quotas as shown herewith:

(in tonnes)			
Order No	CCT heading No	Description	Quota volume
09.0405	ex 03.01	Fish, fresh (live or dead) chilled or frozen, excluding products of subheadings 03.01 A I c) and d), 03.01 A IV, 03.01 B I a) 1, 03.01 B I b) 1, 03.01 B I c) 1 and 03.01 B I o) 1, originating in the Canary Islands	604
09.0407	ex 03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water, excluding products of subheadings 03.03 B I a) and 03.03 B III, originating in the Canary Islands	3 429
09.0409	16.04	Prepared or preserved fish, including caviar and caviar substitutes, originating in the Canary Islands	539
09.0411	23.01 B	Flours and meals, fish, crustaceans or molluscs, originating in the Canary Islands	227

(2) Within the limits of the tariff quotas set out in paragraph 1, the duties set out below for each of the headings and subheadings shall be applicable:

Common Customs Tariff heading and subheading No	Quota duty %
03.01 A I a)	9,0
b)	1,5
II	2,2
III	6,0
B I a) 2	11,2
b 2	9,7
c) 2	16,5
d)	17,2
e), f)	6,0
g) 1	6,0
g) 2	free
h)	9,0
ij), k), l), m), n)	11,2
o) 2	15,0
p), q), r), s), t), u), v), w), x), y)	11,2
II a)	13,5
b) 1, 2, 3	11,2
4	9,0
5, 6	11,2
7	13,5
8, 9, 10, 11, 12, 13, 14, 15, 16, 17	11,2
C	7,5
03.03 A I	9,3
II	free
III a)	6,0
b), c)	11,2
IV a)	9,0
b), c)	13,5
V	9,0
B I b)	13,5
II	5,6
IV a) 1 aa)	4,5
bb)	4,5
cc)	6,0
dd)	6,0

Common Customs Tariff heading and subheading No	Quota duty %
03.03 B IV a) 2, 3, 4, 5, 6	6,0
(cont.) b) 1 aa)	4,5
bb)	4,5
cc)	6,0
dd)	6,0
2	6,0
16.04 A	22,5
B I	4,1
II	5,2
C I	11,2
II	15,0
D	20,4
E	18,0
F	18,7
G I	11,2
II	15,0
23.01 B	1,5

Within the limit of the tariff quotas, Portugal shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession.

3. In order to benefit from the tariff quotas, the products concerned must comply with the reference prices applicable to them.

4. The fishery products covered by this Article may not receive the benefit of the tariff quotas unless, at the time of their presentation, in whatever form, to the authorities responsible for import formalities with a view to their release for free circulation within the Community's customs territory, they are presented in packings bearing the following information in a clearly visible and perfectly legible form:

— the marking 'Origin: Canary Islands' or a translation thereof in another official Community language printed in Latin characters of a height of not less than 20 millimetres,

- the net weight in kilograms of the fish contained in the packings.

In addition, pre-packaged foodstuffs falling within heading No 16.04 must carry, on each immediate packing, in an easily visible, clearly legible and indelible form the marking 'Made in the Canaries' or a translation thereof in another official Community language.

This paragraph shall apply without prejudice of the specific rules laid down by Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish ⁽¹⁾, as last amended by Regulation (EEC) No 3396/85 ⁽²⁾ and by Council Regulation (EEC) No 104/76 of 19 January 1976, laying down common marketing standards for shrimps of the genus *Crangon* spp. ⁽³⁾, as last amended by Regulation (EEC) No 3118/85 ⁽⁴⁾.

Article 2

1. If an importer notifies the imminent import of the product in question into another Member State and requests the benefit of the quotas 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 quota so permits.
2. The drawings made under paragraph 1 shall remain valid until the end of the quota period.

Article 3

1. Member States shall make all provisions necessary to ensure that the drawings they have made under Article 2 (1)

are made in such a way that imports may be charged without interruption against their accumulated shares of the Community quotas.

2. Member States shall ensure that importers of the products in question have free access to the quota as long as the balance of the quota volumes so permits.

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

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 4

At the Commission's request, the Member States shall inform it of imports of the products concerned actually charged against the quotas.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels, 18 December 1986.

For the Council
The President
M. JOPLING

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽²⁾ OJ No L 322, 3. 12. 1985, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽⁴⁾ OJ No L 297, 9. 11. 1985, p. 3.