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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1489/87

of 26 May 1987

opening, allocating and providing for the administration of Community tariff quotas for tomatoes, cucumbers and aubergines falling within heading No ex 07.01 of the Common Customs Tariff and originating in the Canary Islands (1987)

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 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 of the Common Customs Tariff,
- 28 663 tonnes for cucumbers falling within subheading 07.01 P I of the Common Customs Tariff and
- 3 819 tonnes for aubergines falling within subheading 07.01 T II of the Common Customs Tariff;

Whereas under Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands ⁽²⁾, the quota volume laid down for tomatoes has been increased to 173 000 tonnes;

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 by Regulation (EEC) No 4044/86 ⁽³⁾, as amended by Regulation (EEC) No 914/87 ⁽⁴⁾, the Council has opened for the period 1 January to 31 May 1987 the annual tariff quotas as provided for in the abovementioned Protocol No 2; whereas the tariff quotas in question should therefore be opened for 1987, while taking into account on the one hand the amendment to the quota volume laid down for tomatoes, and on the other hand the necessity to provide for the deduction of quantities imported during the first five months of 1987 under Regulation (EEC) No 4044/86 from the quota volumes opened by this Regulation;

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

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

⁽²⁾ OJ No L 133, 22. 5. 1987, p. 5.

⁽³⁾ OJ No L 377, 31. 12. 1986, p. 8.

⁽⁴⁾ OJ No L 89, 1. 1. 1987, p. 4.

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:

(tonnes)

Member States	— 07.01 M — tomatoes			— 07.01 P I — cucumbers			— 07.01 T II — aubergines		
	1983	1984	1985	1983	1984	1985	1983	1984	1985
Benelux	50 379	56 131	75 188	6 567	13 515	6 000	1 347	2 702	2 352
Denmark	70	35	3 605	51	86	1 987	—	—	57
Germany	3 009	2 449	37 302	260	313	2 492	108	104	1 295
Greece	—	—	—	—	—	—	—	—	—
Spain	average of 16 858		15 430	average of 217		5	average of 445		174
France	773	582	7 770	7	8	345	43	37	454
Ireland	24	39	21	2	6	2	—	—	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	90 748	100 701	90 063	16 942	18 930	11 225	1 226	1 501	1 425

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 about 80 % of each 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,

HAS ADOPTED THIS REGULATION:

Article 1

- (a) Until 31 December 1987, the duties of the Common Customs Tariff applicable on the import into the Community for the following products shall be suspended at the levels and within the limits of Community tariff quotas as follows:

Order No	CCT heading No	Description	Quota volumes (tonnes)	Quota duties
09.0418	07.01 M	Tomatoes, originating in the Canary Islands	173 000	— From 1 June to 31 October: 14,4 %, subject to a minimum of 2,8 ECU per 100 kg net — From 1 November to 31 December: 8,8 %, subject to a minimum of 1,6 ECU per 100 kg net
09.0420	07.01 P I	Cucumbers, originating in the Canary Islands	28 663	— From 1 June to 31 October: 16 % — From 1 November to 31 December: 12,8 %
09.0422	07.01 T II	Aubergines, originating in the Canary Islands	3 819	12,8 %

(b) 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.

(c) 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.

2. On import, the said products shall, in the event of any countervailing duty being applied under 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 1351/86 ⁽²⁾, benefit from a reduction of 4 % of that duty.

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, 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 1987 shall amount to the quantities indicated below:

(a) tomatoes of subheading 07.01 M:

Benelux	41 470 tonnes,
Germany	2 000 tonnes,
Spain	17 208 tonnes,
France	720 tonnes,
United Kingdom	74 780 tonnes;

(b) cucumbers of subheading 07.01 P I:

Benelux	8 640 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.

- 36 822 tonnes for tomatoes of subheading 07.01 M,
 - 5 553 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.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

4. The quantities charged against the shares allocated to the Member States in accordance with Article 2 (2) of Regulation (EEC) No 4044/86 or drawn by those States from the Community reserves constituted under Article 2 (3) of this Regulation shall be deducted from the shares and reserves provided for in this Article.

5. 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 1987.

Article 5

The Member States shall return to the reserve, not later than 1 October 1987, such unused portion of their initial share as, 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 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 1987, 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. 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.

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 June 1987.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

COUNCIL REGULATION (EEC) No 1490/87

of 26 May 1987

opening, allocating and providing for the administration of a Community tariff quota for new potatoes falling within subheading 07.01 A II of the Common Customs Tariff and originating in the Canary Islands (1987)

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 annexed to the Act of Accession, new potatoes falling within subheading 07.01 A II 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 a Community tariff quota of 6 642 tonnes for the period 1 January to 30 June;

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; 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 by Regulation (EEC) No 4045/86 ⁽²⁾, as amended by Regulation (EEC) No 914/87 ⁽³⁾, the Council has opened for the period 1 January to 31 May 1987 the annual tariff quota for new potatoes laid down in the abovementioned Protocol No 2; whereas this tariff quota should be opened for the first half-year of 1987, while taking into account the necessity to provide for the

deduction of quantities imported during the first five months of 1987 under Regulation (EEC) No 4045/86 from the quota volume opened by this Regulation;

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 this 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, 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:

(tonnes)			
Member States	1983	1984	1985
Benelux	4	61	21
Denmark	93	226	127
Germany	—	4	—
Greece	—	—	—
Spain	818	818	24
France	23	—	38
Ireland	—	—	—
Italy	—	—	—
Portugal	—	—	—
United Kingdom	6 754	6 728	6 496

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

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

⁽²⁾ OJ No L 377, 31. 12. 1986, p. 12.

⁽³⁾ OJ No L 89, 1. 4. 1987, p. 4.

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, the 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 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 corresponding reserve; whereas this must be done by each Member State as and when its additional share 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 amount has 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 the 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 share allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) Until 30 June 1987, the customs duties applicable on the import into the Community for the following products shall be suspended at the levels and within the limits of a Community tariff quota as follows:

Order No	CCT heading No	Description	Quota volume	Quota duties
09.0414	07.01 A II	New potatoes, originating in the Canary Islands	6 642 tonnes	From 1 to 30 June: 15,7 %

- (b) 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.
- (c) Within the limits of this tariff quota, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.

2. 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. A first instalment amounting to 5 310 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the shares shall be valid until 30 June 1987 and shall be as follows:

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

2. The second instalment of 1 332 tonnes shall constitute the reserve.

3. 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.

4. The quantities charged against the share allocated to the Member States in accordance with Article 2 (1) of Regulation (EEC) No 4045/86 or drawn by those States from the Community reserve constituted under Article 2 (2) of this Regulation shall be deducted from the shares and from the reserve provided for in this Article.

Article 3

1. If 90 % or more of a Member States' initial share as specified in Article 2 (2), 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 30 June 1987.

Article 5

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 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 6

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 7

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

Article 8

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

Article 9

This Regulation shall enter into force on 1 June 1987.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

COUNCIL REGULATION (EEC) No 1491/87

of 26 May 1987

opening, allocating and providing for the administration of Community tariff quotas for beans (of the species *Phaseolus*), onions and sweet peppers, falling within heading No ex 07.01 of the Common Customs Tariff and originating in the Canary Islands (1987)

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 annexed to the Act of Accession, beans, onions and sweet peppers falling within heading No 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 quota amounting to:

- 1 219 tonnes for beans (of the species *Phaseolus*) of subheading 07.01 F II of the Common Customs Tariff,
- 5 348 tonnes for onions of subheading ex 07.01 H of the Common Customs Tariff,
- 16 605 tonnes for sweet peppers of subheading 07.01 S of the Common Customs Tariff;

Whereas under Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands ⁽²⁾, the quota volumes laid down for beans and onions have been increased (respectively) to 1 300 and 8 000 tonnes;

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 by Regulation (EEC) No 4046/86 ⁽³⁾, as amended by Regulation (EEC) No 914/87 ⁽⁴⁾, the Council has opened for the period 1 January to 31 May 1987 the annual tariff quotas as provided for in the abovementioned Protocol No 2; whereas the tariff quotas in question should be opened for the whole of 1987, while taking into account on the one hand the amendment to the quota volumes laid down for beans and onions, and on the other hand the necessity to provide for the deduction of quantities imported during the first five months of 1987 under Regulation (EEC) No 4046/86 from the quota volumes opened by this Regulation;

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:

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

⁽²⁾ OJ No L 133, 22. 5. 1987, p. 5.

⁽³⁾ OJ No L 377, 31. 12. 1986, p. 8.

⁽⁴⁾ OJ No L 89, 1. 4. 1987, p. 4.

(in tonnes)

Member States	— 07.01 F II — beans (of the species <i>Phaseolus</i>)			— 07.01 H — onions			— 07.01 S — sweet peppers		
	1983	1984	1985	1983	1984	1985	1983	1984	1985
Benelux	418	338	720	—	31	1 000	7 781	8 716	13 054
Denmark	—	—	2	—	—	61	34	6	1 086
Germany	14	18	62	—	24	566	443	426	5 758
Greece	—	—	—	—	—	—	—	—	—
Spain	average of 723		627	average of 4 488		14 026	average of 279		151
France	—	—	—	—	—	45	8	30	46
Ireland	—	—	—	—	—	—	1	—	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	116	309	458	—	133	1 067	6 137	6 851	7 284

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;

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 of one of the shares remains unused in one or another Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of one or another tariff quota from remaining unused in one Member State when it could be used in others;

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, 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 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

HAS ADOPTED THIS REGULATION:

Article 1

1. Until 31 December 1987, the customs duties applicable on the import into the Community for the following products shall be suspended at the levels and within the limits of tariff quotas as follows:

Order No	CCT heading No	Description	Quota volumes (tonnes)	Quota duties
09.0424	07.01 F II	Beans (of the species <i>Phaseolus</i>), originating in the Canary Islands	1 300	— From 1 April to 30 June: 10,6 % subject to a minimum of 1,6 ECU per 100 kg net — From 1 July to 30 September: 13,9 % subject to a minimum of 1,6 ECU per 100 kg net — From 1 October to 31 December: 10,6 % subject to a minimum of 1,6 ECU per 100 kg net
09.0426	ex 07.01 H	Onions, originating in the Canary Islands	8 000	9,8 %
09.0428	07.01 S	Sweet peppers, originating in the Canary Islands	16 605	5,1 %

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.

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 1351/86 ⁽²⁾, shall not apply to products covered by this Regulation.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

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 1987, 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	661 tonnes,
United Kingdom	120 tonnes;

(b) onions falling within subheading ex 07.01 H:

Benelux	370 tonnes,
Germany	200 tonnes,
Spain	6 247 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:

— 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.

4. The quantities charged against the shares allocated to the Member States in accordance with Article 2 (2) of Regulation (EEC) No 4046/86 or drawn by those States from the Community reserves constituted under Article 2 (3) of this Regulation shall be deducted from the shares and reserves provided for in this Article.

5. 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 March 1987.

Article 5

The Member States shall return to the reserve, not later than 1 October 1987, such unused portion of their initial share as 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 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 1987, 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 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 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 June 1987.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

COUNCIL REGULATION (EEC) No 1492/87

of 26 May 1987

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 (1987)

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 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas according to Article 4 of Protocol 2 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 under Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987, concerning certain adjustments to the arrangements applied to the Canary Islands ⁽²⁾, the quota volume laid down for roses, carnations, orchids, gladioli and chrysanthemums has been increased to 87 500 000 pieces;

Whereas for 1987 the duties to be applied in the limits of these tariff quotas are equal to 75 % 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 these Community tariff quotas should be opened for 1987;

Whereas by Regulation (EEC) No 4047/86 ⁽³⁾, as amended by Regulation (EEC) No 914/87 ⁽⁴⁾, the Council has opened for the period 1 January to 31 May 1987

the annual tariff quotas as provided for in the abovementioned Protocol 2; whereas the tariff quotas should be opened for the whole of 1987, while taking into account on the one hand the amendment to the quota volume laid down for roses, carnations, orchids, gladioli and chrysanthemums, and on the other hand the necessity to provide for the deduction of quantities imported during the first five months of 1987 under Regulation (EEC) No 4047/86 from the quota volumes opened by this Regulation;

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	1983	1984	1985
Benelux	6,2	5,9	—
Denmark	—	—	—
Germany	36,6	25,2	34,3
Greece	—	—	—
Spain	43,0	61,5	46,7
France	3,7	1,1	1,8
Ireland	—	—	1,3
Italy	0,9	0,4	—
Portugal	—	—	—
United Kingdom	9,6	5,9	15,9

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

⁽²⁾ OJ No L 133, 22. 5. 1987, p. 5

⁽³⁾ OJ No L 377, 31. 12. 1986, p. 20.

⁽⁴⁾ OJ No L 89, 1. 4. 1987, p. 4.

— other flowers:

Member States	1983	1984	1985
Benelux	44,2	25,2	16,5
Denmark	—	—	—
Germany	14,0	7,1	4,8
Greece	—	—	—
Spain	40,1	66,9	76,7
France	0,6	—	0,5
Ireland	—	—	—
Italy	1,1	0,8	1,3
Portugal	—	—	—
United Kingdom	—	—	0,2

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

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 about 78 or 80 % 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) Until 31 December 1987 the duties of the Common Customs Tariff applicable on the import into the Community for the following products shall be suspended at the levels and within the limits of Community tariff quotas as follows:

Order No	CCT heading No	Description	Quota volumes	Quato duties
09.0432	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 originating in the Canary Islands	87 500 000 pieces	From 1 June to 31 October: 18 % From 1 November to 31 December: 12,7 %
09.0434		ex A. Fresh: — Other flowers originating in the Canary Islands	597 tonnes	

- (b) The products qualify, 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.

(c) 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.
2. 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.

3. The second instalment of each quota, i.e. 19 100 000 pieces and 117 tonnes respectively, shall constitute the corresponding reserves.

4. The quantities charged against the shares allocated to the Member States in accordance with Article 2 (2) of Regulation (EEC) No 4047/86 or drawn by those States from the Community reserves constituted under Article 2 (3) of this Regulation shall be deducted from the shares and reserves provided for in this Article.

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.

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 1987 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

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 1987.

Article 5

The Member States shall notify the Commission, not later than 1 October 1987 such unused portion of their initial share as, 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 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 1987 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 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 June 1987.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

COUNCIL REGULATION (EEC) No 1493/87

of 26 May 1987

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 (1987)

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 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 4 of Protocol 2 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 an annual Community tariff quota of 3 446 tonnes at reduced duties;

Whereas under Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands ⁽²⁾, the quota volume laid down had been increased to 4 700 tonnes;

Whereas for 1987 the duties to be applied within the limits of the tariff quota are equal to 75 % 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 by Regulation (EEC) No 4048/86 ⁽³⁾ as amended by Regulation (EEC) No 914/87 ⁽⁴⁾ the Council has opened for the period 1 January to 31 May 1987 the annual tariff quota provided for in the abovementioned Protocol 2; whereas the tariff quota in question should therefore be opened for the whole of 1987, while taking into account on the one hand the amendment to the quota volume laid down, and on the other hand the necessity to provide for the deduction of quantities imported during the first five months of 1987 under Regulation (EEC) No 4048/86 from the quota volume opened by this Regulation;

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	1983	1984	1985
Benelux	8,6	10,7	3,2
Denmark	0,3	0,1	0,1
Germany	4,2	4,5	4,9
Greece	—	—	—
Spain	78,5	77,2	86,6
France	0,4	0,4	0,6
Ireland	—	—	—
Italy	0,7	1,7	0,7
Portugal	—	—	3,9
United Kingdom	7,3	5,4	—

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	6,50
Denmark	0,08
Germany	2,34
Greece	0,08
Spain	84,53
France	0,27
Ireland	0,08
Italy	1,06
Portugal	0,08
United Kingdom	4,98

Whereas, in order to take into account import trends for the products concerned in the various Member States, the

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

⁽²⁾ OJ No L 133, 22. 5. 1987, p. 25.

⁽³⁾ OJ No L 377, 31. 12. 1986, p. 24.

⁽⁴⁾ OJ No L 89, 1. 4. 1987, p. 4.

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 about 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 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. Until 31 December 1987 the customs duties applicable on the import into the Community for the following products, originating in the Canary Islands, shall be suspended at the levels and within the limits of a Community tariff quota of 4 700 tonnes as follows:

Order No	CCT heading No	Description	NIMEXE-Code	Rate of duty
09.0430	06.01	Bulbs, tubers, tuberous roots corms and rhizomes, dormant, in growth or in flower:		
		ex A. Dormant:		
		— Other than hyacinths, narcissi, tulips and gladioli	06.01-19	6 %
	06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips:		
		A. Unrooted cuttings and slips:		
		II. Other	06.02-19	6 %
		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	9,7 %
		— Other	06.02-65	9,7 %
		— 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	9,7 %
		— Other	06.02-83	9,7 %
		— Other:		
		— Perennial plants	06.02-92	9,7 %
		— Other	06.02-93	9,7 %
		— Indoor plants:		
		— Rooted cuttings and growing plants, excluding cacti	06.02-94	9,7 %
		— Other than flowering plants with buds of flowers, excluding cacti	06.02-99	9,7 %

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 3 756 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 1987, shall be as follows:

	(tonnes)
Benelux	244
Denmark	3
Germany	88
Greece	3
Spain	3 175
France	10
Ireland	3
Italy	40
Portugal	3
United Kingdom	187

2. The second instalment of 944 tonnes shall constitute the reserve.

3. The quantities charged against the shares allocated to the Member States in accordance with Article 2 (1) of Regulation (EEC) No 4048/86 or drawn by those States from the Community reserve constituted under Article 2 (3) of this Regulation shall be deducted from the shares and from the reserve provided for in this Article.

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 10 % 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 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 1987.

Article 5

The Member States shall return to the reserve, not later than 1 October 1987, such 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 it may not be used.

The Member States shall, not later than 1 October 1987 notify the Commission of the total quantities of the products in question up to 15 September 1987 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 1987, 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 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 June 1987.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

COUNCIL REGULATION (EEC) No 1494/87
of 26 May 1987

opening, allocating and providing for the administration of a Community tariff quota for
fresh table grapes falling within subheading ex 08.04 A I a) 2 of the Common Customs
Tariff and 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 Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands ⁽¹⁾, and in particular Articles 5 and 10 thereof,

Having regard to the proposal from the Commission,

Whereas under Article 5 of Regulation (EEC) No 1391/87, fresh table grapes falling within subheading ex 08.04 A I a) 2 of the Common Customs tariff and originating in the Canary Islands shall qualify during the period 1 January to 31 March of each year on import into the customs territory of the Community for reduced duties within the limit of a Community tariff quota of 100 tonnes;

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 of Spain and Portugal; 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 the Act of Accession for the same products and imported from the same countries, 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 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. (a) From 1 January until 31 March 1987 the duty of the Common Customs tariff applicable on the import into the Community for the following products shall be suspended at the level and within the limit of a Community tariff quota as follows:

Order No	CCT heading No	Description	Quota volume (tonnes)	Quota duty
09.0435	ex 08.04	Grapes, fresh or dried: A. Fresh I. Table grapes: a) from 1 November to 14 July: 2. Other	100	7,2 %

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

- (b) 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.
- (c) Within the limit of this tariff quota, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.
2. On import, the said products shall, in the event of any countervailing duty being applied under 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 1351/86 ⁽²⁾, benefit from a reduction of 4 % of that duty.
3. (a) Without prejudice to the other 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.
- (b) The third and fourth subparagraphs of Article 9 of Council Regulation (EEC) No 1035/72 shall not apply to products covered by this Regulation.
4. 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.
5. The shares drawn pursuant to paragraph 4 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 (4) 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 so permits.
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 the 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, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

COUNCIL REGULATION (EEC) No 1495/87

of 26 May 1987

establishing a Community supervision for the imports of certain agricultural products
originating in the Canary Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, and in particular Articles 4, 6 and 10 thereof,

Having regard to the proposal from the Commission,

Whereas in Regulation (EEC) No 1391/87, the Council has decided for certain agricultural products, originating in the Canary Islands a progressive reduction of the customs duties applicable in the limits of reference quantities with the possibility for the Community to replace in future the facilities by a system of tariff quotas if it should appear that under the preferential system imported quantities exceed, during the course of a determined year, the reference quantities laid down, and if simultaneously these imports cause damage on the Community market; whereas the application of such a system demands that the Community is regularly informed of the development of these imports originating in the Canary Islands; whereas it is therefore indicated to submit the imports of these products to a system of supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the reference quantities at Community level, as and when these products are entered with customs authorities for free circulation;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the reference quantities and keep the Member States informed;

1. Until 31 December 1987, imports into the Community of certain goods originating in the Canary Islands shall be subject to Community supervision and to annual reference quantities.

The description of the goods referred to in the preceding subparagraph, their order numbers, their tariff headings and statistical numbers and the levels and periods of application of the reference quantities are indicated in the annexed table.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate.

If the movement certificate is submitted 'a posteriori', the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 3.

3. Member States shall forward to the Commission not later than:

- the 15 June 1987 statements of the amounts set off for the period up to 31 March, 30 April of 31 May 1987.
- the 15th day of each following month statements of the amounts set off during the preceding month, for the product mentioned under order No 17.0001.

Article 2

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

Article 3

This Regulation shall enter into force, on 1 June 1987.

It shall apply from 1 January 1987.

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

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

Done at Brussels, 26 May 1987.

For the Council

The President

P. DE KEERSMAEKER

ANNEX

Order No	CCT heading No	Description	NIMEXE-code	Reference quantity (tonnes)
17.0001	08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mangosteens, fresh or dried, shelled or not: ex D. Avocados., from 1 January to 31 December	08.01-60	2 100
17.0003	ex 08.09	Other fruit, fresh: — Melons weighing 600 grams or less from 1 January to 31 March	ex 08.09-19	100
17.0005		— Kiwis, from 1 January to 30 April	ex 08.09-50	100

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