

Official Journal

of the European Communities

ISSN 0378 – 6978

L 371

Volume 31

31 December 1988

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4217/88**of 19 December 1988****opening and providing for the administration of a Community tariff quota for certain prepared and preserved sardines originating in Tunisia (1989)**

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 proposal from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Republic of Tunisia ⁽¹⁾, supplemented by Council Regulation (EEC) No 1080/83 of 18 April 1983 laying down the arrangements applicable to trade between Greece and Tunisia ⁽²⁾ and the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia ⁽³⁾, provides that certain prepared and preserved sardines falling within CN codes ex 1604.13 10 or ex 1604 20 50 originating in Tunisia may be imported into the Community free of duty; whereas the detailed arrangements must be fixed by an Exchange of Letters between the Community and Tunisia; whereas, since that Exchange of Letters has not yet taken place, the Community arrangements which applied in 1988 should be renewed until 31 December 1989; whereas a duty-free Community tariff quota of 100 tonnes should therefore be opened; whereas this tariff quota is to apply from 1 January 1989 either until the conclusion of the Exchange of Letters provided for in Article 18 of the Cooperation Agreement between the European Economic Community and the Republic of Tunisia or until Community import arrangements for the products concerned are applied, but at the latest until 31 December 1989;

Whereas, within the limits of the tariff quota, the Kingdom of Spain and the Portuguese Republic are to apply duties calculated in accordance with Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and

Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other ⁽⁴⁾;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas in this case the quota should not be allocated 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 laid down in Article 1 (2); whereas this method of administration 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 and inform the Member States accordingly;

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 levied to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1989 until the conclusion of the Exchange of Letters referred to in Article 18 of the Cooperation Agreement between the European Economic Community and the Republic of Tunisia or until Community import arrangements are applied, but at the latest until 31 December 1989, the customs duty applicable to imports into the Community of the following products originating in Tunisia shall be suspended at the level indicated and within the limits of Community tariff quota as shown below:

⁽¹⁾ OJ No L 265, 27. 9. 1978, p. 1.

⁽²⁾ OJ No L 120, 6. 5. 1983, p. 1.

⁽³⁾ OJ No L 297, 21. 10. 1987, p. 36.

⁽⁴⁾ OJ No L 250, 1. 9. 1987, p. 1.

Order No	CN code	Description	Amount of quota (tonnes)	Quota duty (%)
09.1201	ex 1604 13 10 ex 1604 20 50	Prepared or preserved fish, caviar and caviar substitutes prepared from fish eggs: — Sardines of the species <i>Sardina pilchardus</i>	100	free

Within the limits of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of Regulation (EEC) No 2573/87.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be

informed by the Commission in accordance with the same procedures.

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the products concerned have free access to the quota for such times as the balance of the tariff quota so permits.

3. Member States shall charge imports of the said products against their drawings as and when the goods are entered with the customs authorities under cover of declarations of entry into 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

COUNCIL REGULATION (EEC) No 4218/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for apricot pulp
originating in Tunisia and Israel (1989)

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 proposal from the Commission,

Whereas the Cooperation Agreements between the European Economic Community on the one hand and the Republic of Tunisia ⁽¹⁾ and the State of Israel ⁽²⁾ on the other hand, as supplemented by the Additional Protocols to those Agreements ⁽³⁾ ⁽⁴⁾, provide for the opening of annual Community tariff quotas for 4 300 tonnes and 150 tonnes respectively of apricot pulp falling within CN code ex 2008 50 91 and originating in those countries;

Whereas, within the limits of these tariff quotas, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas the quota duty applicable in 1989 is to be 50 % of the basic duty; whereas, within the limits of these quotas, Spain and Portugal are to apply customs duties calculated in accordance with Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other ⁽⁵⁾ in respect of Tunisia and Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down arrangements for Spain's and Portugal's trade with Israel and amending Regulations (EEC) No 449/86 and (EEC) No 2573/87 ⁽⁶⁾ in respect of Israel; whereas the Community tariff quotas in question should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of

the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated 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 laid down in Article 2 (1); whereas this method of administration 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 and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community tariff quota 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 share levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1989, the customs duties applicable to imports into the Community of the following products originating in Tunisia or Israel shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Origin	Quota volume (tonnes)	Rate of duty (%)
09.1203	ex 2008 50 91	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	Tunisia	4 300	8,5
09.1001			Israel	150	8,5

⁽¹⁾ OJ No L 265, 27. 9. 1978, p. 1.

⁽²⁾ OJ No L 136, 28. 5. 1975, p. 1.

⁽³⁾ OJ No L 297, 21. 10. 1987, p. 36.

⁽⁴⁾ OJ No L 327, 30. 11. 1988, p. 36.

⁽⁵⁾ OJ No L 250, 1. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 396, 31. 12. 1987, p. 1.

Within the limits of these tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 2573/87 and No 4162/87.

Article 2

1. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the tariff quota as defined in Article 1 has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

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

Done at Brussels, 19 December 1988.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the product concerned have free access to the quotas for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the product concerned against their drawings as and when that product is 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4219/88

of 19 December 1988

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or not, originating in Turkey (1989)

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 proposal from the Commission,

Whereas the Annex to Council Regulation (EEC) No 3721/84 of 18 December 1984 on imports into the Community of agricultural products originating in Turkey ⁽¹⁾, provides that fresh or dried hazelnuts, shelled or not and originating in Turkey shall be admitted on importation into the Community at zero duty within the limits of a Community tariff quota of 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1989;

Whereas the Council adopted Regulation (EEC) No 1059/88 of 28 March 1988 laying down the arrangements applicable to Greece's trade with Turkey ⁽²⁾; whereas, the Council has also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽³⁾; whereas the tariff quota in question applies therefore to the Community as constituted on 31 December 1985.

Whereas equal and continuous access to the quota should be ensured for all importers of the Member States and the rate laid down for the quota should be applied consistently to all imports of the products in question into the said Member States until the quota is exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the

Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, the administrative and technical conditions required for the Community management of quotas for these products originating in Turkey; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods being imported into a Member State which has used up its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up; whereas under these circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so as to reflect as well as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Turkey over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas, on the basis of the currently available statistical data, imports of the product in question from Turkey into the Member States have developed as follows over the years 1985, 1986 and 1987, whereas they represent the following percentages of total imports into the Community from Turkey:

Member State	1985		1986		1987	
	tonnes	%	tonnes	%	tonnes	%
Benelux	5 266	7,10	6 202	8,25	6 903	8,79
Denmark	792	1,07	868	1,15	869	1,10
Germany	47 225	63,65	49 716	66,12	50 513	64,29
Greece	0	0	0	0	0	0
France	9 416	12,69	9 129	12,14	8 845	11,26
Ireland	28	0,03	0	0	20	0,02
Italy	5 206	7,02	3 179	4,23	6 944	8,84
United Kingdom	6 264	8,44	6 099	8,11	4 480	5,70
Total	74 197		75 193		78 574	

⁽¹⁾ OJ No L 343, 31. 12. 1984, p. 6.

⁽²⁾ OJ No L 104, 23. 4. 1988, p. 4.

⁽³⁾ OJ No L 250, 1. 9. 1987, p. 1.

Whereas, in view of these factors and of market forecasts for the products concerned for 1989 and, in particular, the estimates submitted by certain Member States, initial percentage shares can be expressed approximately as follows:

Benelux	8,06
Denmark	1,73
Germany	64,68
France	12,02
Ireland	0,07
Italy	6,05
United Kingdom	7,39

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of these Member States as well as those Member States which do not participate in the initial allocation; whereas to afford importers in each Member State some degree of certainty, the first part of the tariff quota should be set at a relatively high level, which in this case could be approximately 60 % of the quota volume;

Whereas Member States may use up their initial shares at different rates; whereas, to provide for this eventuality and to avoid any break in the continuity of supplies, any Member State which has used up its initial share should draw

additional shares in quantities corresponding to their real requirements, as many times as the reserve allows; whereas this form of administration requires close cooperation between Member States and the Commission and the latter must be able to monitor the extent to which the quota volume has been used up and to inform the Member States accordingly;

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 one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of quota duty (%)
09.0201	0802 21 00 0802 22 00	Fresh or dried hazelnuts, shelled or not, originating in Turkey	25 000	0

2. Imports of the products in question may not be charged against this tariff quota if they already qualify for the same customs duties under other preferential tariff arrangements.

2. This tariff quota shall be allocated and administered in accordance with the following articles.

Article 2

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

2. The first part, amounting to 15 000 tonnes, shall be allocated among the Member States; the quota shares, which subject to Article 4 shall be valid until 31 December 1989, shall be as follows:

	(tonnes)
Benelux	1 209
Denmark	260
Germany	9 702
France	1 803
Ireland	10
Italy	908
United Kingdom	1 108

3. The second part of the quota, amounting to 10 000 tonnes, shall constitute the reserve.

4. If products of the type in question are presented in Greece and supported by a declaration as to entry into free circulation which is accepted by the customs services, the Member State concerned shall inform the Commission and draw a corresponding amount under the conditions laid down in Article 3.

Article 3

If a Member State's initial share as specified in Article 2 (2), has been used up entirely, the following provisions shall apply.

If an importer presents, in a Member State, a declaration as to entry into free circulation comprising a request for preferential treatment for a product covered by this Regulation, and this declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the reserve referred to in Article 2 (3).

Requests to draw on the reserve together with the date of acceptance of the said declaration must be forwarded to the Commission without delay.

Drawings shall be granted by the Commission on the basis of the date of acceptance of goods for entry into free circulation by the customs authorities of the Member State concerned, provided a sufficient amount remains in the reserve.

If a Member State does not use the quantities drawn, it shall return them to the reserve as soon as possible.

If requests for drawings exceed the amount remaining in the reserve, an allocation shall be made *pro rata*. The Member States shall be informed by the Commission in accordance with the same procedure.

Article 4

1. Once at least 80 % of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions laid down in the second and fifth paragraphs of Article 3, if these provisions are not already in effect.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all their initial shares and any drawings which have not been used on that date, within the meaning of Article 6 (3).

Article 5

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

It shall inform the Member States, of the volume of the reserve following any return of quota shares pursuant to Article 4.

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

Done at Brussels, 19 December 1988.

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 final drawing.

Article 6

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

2. Member States shall ensure that importers of the products concerned have free access to the quota shares allocated to them, or which they have levied on the reserve.

3. Member States shall charge imports of the products concerned 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 shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 7

At the request of the Commission, Member States shall inform it of imports of the products in question actually charged against their quota 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 January 1989.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4220/88

of 19 December 1988

suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1989).

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 Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas under Annex 6 to the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional phase referred to in Article 4 of the Agreement establishing an association between the European Economic Community and Turkey ⁽²⁾ and under Article 9 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community ⁽³⁾, which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986 ⁽⁴⁾, the Community must wholly or in part suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary, on a provisional basis, to adjust or supplement some of the advantages provided for in the abovementioned Annex 6; whereas the Community should, therefore, with regard to the products originating in Turkey contained in the list annexed to this Regulation, suspend until 31 December 1989 either the fixed component of the charge applicable to the goods falling within the scope of Regulation (EEC) No 3033/80 or the customs duty applicable to the other products, at the levels indicated for each of them;

Whereas Council adopted Regulation (EEC) No 1059/88 of 28 March 1988 laying down the arrangements applicable to Greece's trade with Turkey ⁽⁵⁾;

Whereas the Council also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽⁶⁾; whereas this Regulation applies therefore to the Community as constituted on 31 December 1985 or to the Community as currently constituted, as appropriate,

Article 1

1. From 1 January until 31 December 1989 the customs duties on imports into the Member States of the products originating in Turkey listed in the Annex shall be those indicated for each of them in the said Annex.

Where this Regulation is applicable in Spain and in Portugal, these Member States shall apply duties calculated in accordance with the relevant provisions set out in Regulation (EEC) No 2573/87.

2. For the purposes of application of this Regulation, 'originating products' shall mean those products which fulfil the conditions laid down in Association Council Decision No 4/72 attached to Regulation (EEC) No 428/73 ⁽⁷⁾, as amended by Decision No 1/75 attached to Regulation (EEC) No 1431/75 ⁽⁸⁾.

The methods of administrative cooperation for ensuring that the products listed in the Annexes benefit from the total or partial suspension shall be those laid down in Association Council Decision No 5/72 attached to Regulation (EEC) No 428/73, as last amended by Decision No 1/83, attached to Regulation (EEC) No 993/83 ⁽⁹⁾.

Article 2

When imports of products qualifying for the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious injury to the Community producers of similar products or directly competitive products, the Common Customs Tariff duties may be partially or wholly re-established for the products in question. These measures may also be taken in the event of serious injury or the threat of serious injury limited to a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide by means of a Regulation to re-establish Common Customs Tariff duties for a limited period.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 217, 29. 12. 1964, p. 3687/64.

⁽³⁾ OJ No L 361, 31. 12. 1977, p. 2.

⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 36.

⁽⁵⁾ OJ No L 104, 23. 4. 1988, p. 4.

⁽⁶⁾ OJ No L 250, 1. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 59, 5. 3. 1973, p. 73.

⁽⁸⁾ OJ No L 142, 4. 6. 1975, p. 1.

⁽⁹⁾ OJ No L 112, 8. 4. 1983, p. 1.

2. Where the Commission has been requested by a Member State to take action it shall take a decision within a maximum period of 10 working days from receipt of the request and shall inform the Member States of the action taken.

Referring the matter to the Council shall not have a suspensory effect. The Council shall meet without delay. It may by a qualified majority amend or annul the measure taken.

3. Any Member State may refer the Commission's action to the Council, within a period of 10 working days following the day of its notification.

Article 4

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

ANNEX

List of products falling within Chapters 1 to 24 originating in Turkey for which there are grounds for total or partial suspension of the Common Customs Tariff

Order No	CN code	Description	Rate of duty	applicable
15.0001	ex 0709 30 00	Vegetables, fresh or chilled: – Aubergines, from 1 to 14 January	9 %	in the Community as constituted at 31 December 1985
15.0003	ex 0714 20 10	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: – Sweet potatoes intended for human consumption ⁽¹⁾	Free	
15.0005	ex 0807 10 10	Melons (including watermelons) and papaws (papayas), fresh: – Watermelons, from 1 November to 31 March	6,5 %	
15.0007	1806 10 10 1806 10 30 1806 10 90	Chocolate and other food preparations containing cocoa: – Cocoa powder, not otherwise sweetened than by the addition of sucrose	3 % + MOB	
15.0009	1806 20 10 1806 20 30 1806 20 50 1806 20 90 1806 31 00 1806 32 10 1806 32 90 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50	Chocolate and chocolate goods, whether or not filled, sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa	9 % + MOB with a max. of 27 % + AD S/Z	in the Community as currently constituted
15.0011	ex 1901 90 90	– Preparation based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad'	Free	
15.0013	ex 1903 00 00	Tapioca, other than tapioca prepared from potato starch Preparations:	2 % + MOB	
15.0015	0710 40 00 0711 90 30 2001 90 30 2004 90 10 2005 80 00 2008 99 85	– – Of maize	3 % + MOB	
15.0017	1904 90 10	– – Of rice	3 % + MOB	in the Community as currently constituted
15.0019	1904 90 90	– – Of other cereals	2 % + MOB	
15.0021		Garpefruit juice: – – Of a density not exceeding 1,33 g/cm ³ at 20 °C		
	2009 20 91	– – – Of a value not exceeding ECU 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	7 %	
15.0023	2009 30 91	Juice of any other single citrus fruit, except lemon juice: – With an added sugar content exceeding 30 % by weight	14 %	

Abbreviations:

MOB = variable component.

AD S/Z = additional duty on sugar.

⁽¹⁾ Entry under this CN code is subject to conditions laid down in the relevant Community provisions.

COUNCIL REGULATION (EEC) No 4221/88

of 19 December 1988

opening and providing for the administration of a Community preferential ceiling for certain petroleum products refined in Turkey and establishing Community surveillance for imports thereof (1989)

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 proposal from the Commission,

Whereas Article 7 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community ⁽¹⁾, which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986 ⁽²⁾, provides for the total suspension of customs duties applicable to certain petroleum products refined in Turkey falling within Chapter 27 of the Common Customs Tariff within the limits of an annual Community tariff quota of 340 000 tonnes; whereas, for the products concerned, a provisional adjustment should be made to those tariff preferences, consisting essentially of substituting for the Community tariff quota a Community ceiling amounting, after successive increases, to 705 000 tonnes, above which the customs duties applicable to third countries may be re-established;

Whereas the Council adopted Regulation (EEC) No 1059/88 of 28 March laying down the arrangements applicable to Greece's trade with Turkey ⁽³⁾; whereas, the Council also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽⁴⁾; whereas the tariff quota in question applies therefore to the current Community;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in Turkey; whereas imports should, therefore, be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceiling at Community level as and when these products are entered with the customs authorities for free circulation; whereas this administrative procedure must make provision for the possible re-establishment of customs tariff duties as soon as the ceiling is reached at Community level;

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceiling and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to re-establish customs tariff duties if the ceiling is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the duties applicable to imports into the Community as it stands at present, of the petroleum products refined in Turkey and indicated in paragraph 2 shall be suspended in full within the limits of a Community ceiling of 705 000 tonnes.

Within the limits of this ceiling, the Kingdom of Spain and the Portuguese Republic shall apply the duties calculated in accordance with Regulation (EEC) No 2573/87.

2. The petroleum products to which paragraph 1 applies shall be the following:

Order No	CN code	Description
13.0010	2710 00	Petroleum oils and oils obtained from bituminous minerals, other than crude preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: — Light oils: — — For other purposes:

⁽¹⁾ OJ No L 361, 31. 12. 1977, p. 2.

⁽²⁾ OJ No L 48, 26. 2. 1986, p. 36.

⁽³⁾ OJ No L 104, 23. 4. 1988, p. 4.

⁽⁴⁾ OJ No L 250, 1. 9. 1987, p. 1.

Order No	CN code	Description
13.0010 (cont'd)		- - - Special spirits:
	2710 00 21	- - - - White spirit
	2710 00 25	- - - - Other
		- - - Other:
		- - - - Motor spirit:
	2710 00 31	- - - - - Aviation spirit:
		- - - - - Other, with a lead content:
	2710 00 33	- - - - - Not exceeding 0,013 g/l
	2710 00 35	- - - - - Exceeding 0,013 g/l
	2710 00 37	- - - - Spirit type jet fuel
	2710 00 39	- - - - Other light oils
		- Medium oils:
		- - For other purposes:
		- - - Kerosene:
	2710 00 51	- - - - Jet fuel
	2710 00 55	- - - - Other
	2710 00 59	- - - Other
		- Heavy oils:
		- - Gas oils:
	2710 00 69	- - - For other purposes
		- - Fuel oils:
	2710 00 79	- - - For other purposes
		- - Lubricating oils; other oils:
	2710 00 95	- - - To be mixed in accordance with the terms of additional note 6 (CN) to this chapter ⁽¹⁾
	2710 00 99	- - - For other purposes
	2711	Petroleum gases and other gaseous hydrocarbons:
	2711 12	- - Propane:
		- - - Other:
	2711 12 99	- - - - For other purposes
	2711 13	- - Butanes:
	2711 13 90	- - - For other purposes
	2712	Petroleum jelly, paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured:
	2712 10	- Petroleum jelly:
	2712 10 10	- - Crude
	2712 10 90	- - Other
	2712 20 00	- Paraffin wax containing by weight less than 0,75 % of oil
	2712 90	- Other:
		- - Other:
		- - - Crude:
	2712 90 39	- - - - For other purposes
	2712 90 90	- - - Other
	2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals:
	2713 90	- Other residues of petroleum oils or of oils obtained from bituminous minerals:
	2713 90 90	- - Other

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

3. Imports of the petroleum products referred to in paragraph 1 shall be subject to Community surveillance.

4. Quantities shall be charged against the ceiling as and when products are entered with the customs authorities for free circulation.

5. The extent to which the ceiling is used up shall be determined at Community level on the basis of the imports charged against it, in the manner specified in paragraph 4.

6. Member States shall inform the Commission, at the intervals and within the time limits specified in Article 3, of imports effected in accordance with the rules referred to in this Article.

Article 2

As soon as the ceiling referred to Article 1 (1) has been reached at Community level, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the collection of the duties normally applicable.

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

Done at Brussels, 19 December 1988.

Article 3

Member States shall send the Commission statements of the quantities charged for the preceding month no later than the 15th day of each month. At the Commission's request, they shall send statements of the quantities charged for periods of ten days, to be forwarded within five clear days of the end of each 10-day period.

Article 4

The Commission shall take all appropriate measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 5

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

It shall apply with effect from 1 January 1989.

For the Council
The President
Th. PANGALOS

COUNCIL REGULATION (EEC) No 4222/88

of 19 December 1988

opening, allocating and providing for the administration of a Community tariff quota for certain wine of designated origin, originating in Algeria (1989)

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 proposal from the Commission,

Whereas Article 20 of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria ⁽¹⁾ as amended by the Additional Protocol to that Agreement ⁽²⁾ provides that certain wine of designated origin falling within CN codes ex 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39 originating in Algeria shall be exempt from customs duties on import into the Community within the limits of a Community tariff quota of 200 000 hectolitres; whereas the wine must be put up in containers holding two litres or less; whereas the wine must be accompanied either by a certificate of designation of origin in accordance with the model given in Annex D to the Agreement or, by way of derogation, by a document VI 1 or a VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85 ⁽³⁾;

Whereas, however, Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other ⁽⁴⁾ provides for the Portuguese Republic to defer until 31 December 1990 the application of the preferential arrangements for the products in question; whereas, consequently this Regulation does not apply to Portugal; whereas the Community tariff quota in question should be opened for 1989;

Whereas the wine in question is subject to compliance with the free-at-frontier reference price; whereas, in order that such wine may benefit from this tariff quota, Article 54 of Regulation (EEC) No 822/87 ⁽⁵⁾ as last amended by Regulation (EEC) No 2964/88 ⁽⁶⁾ must be complied with;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into the Member States until the quota is exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, for the administrative and technical conditions required for the Community management of quotas for these products originating in Algeria; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods from being imported into a Member State which has used up its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up; whereas, under these circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so as to reflect as closely as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Algeria over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each type of wine in question are available and no reliable forecasts of future imports can be made; whereas in these circumstances the quota volumes should be allocated in initial shares, account being taken of the effective utilization of these wines on the markets of the various Member States;

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among 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 and any additional requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, the first part of the tariff quota should be

⁽¹⁾ OJ No L 263, 27. 9. 1978, p. 2.

⁽²⁾ OJ No L 297, 21. 10. 1987, p. 2.

⁽³⁾ OJ No L 343, 20. 12. 1985, p. 20.

⁽⁴⁾ OJ No L 250, 1. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁶⁾ OJ No L 269, 29. 9. 1988, p. 5.

set at a certain level, which in this case could be 40 % of the quota volume;

Whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be able to keep account of quota utilization rates and inform the Member States accordingly;

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 one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duties applicable in the Community, with the exception of Portugal, to imports of the following products shall be suspended at the level and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (hl)	Quota duty (%)
09.1001	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wines entitled to one of the following designations of origin: Aïn Besem-Bouira, Médéa, Coteaux du Zaccar, Dahra, Coteaux de Tlemcen, of an actual alcoholic strength by volume not exceeding 15 % vol, in containers holding two litres or less, originating in Algeria	200 000	free

Within the limit of this tariff quota the Kingdom of Spain shall apply customs duties calculated in accordance with Regulation (EEC) No 2573/87.

2. The wine in question is subject to observance of the free-at-frontier reference price.

The wine in question shall benefit from this tariff quota on condition that Article 54 of Regulation (EEC) No 822/87 is complied with.

3. Each wine, when imported, shall be accompanied either by a certificate of designation of origin, issued by the relevant Algerian authority or, by way of derogation, by a document VI 1 or a VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85, in accordance with the model annexed to this Regulation.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two parts.

2. The first part of the quota amounting to 80 000 hectolitres, shall be allocated among certain Member States; the quota shares, which subject to Article 5, shall be valid up to 31 December 1989, shall be as follows:

	(hectolitres)
Benelux	12 460
Denmark	6 340
Germany	5 870
France	54 300
United Kingdom	1 030

3. The second part of the quota, amounting to 120 000 hectolitres, shall constitute the reserve.

4. If an importer indicates that he is about to import any of the products in question into a Member State which does not participate in the initial allocation or which has exhausted its initial quota and applies to use the corresponding quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

5. Without prejudice to Article 3, the drawings made pursuant to paragraph 4 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for the product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the Community reserve, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the reserve.

If the quantities requested are greater than the available balance of the reserve, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all the quantities which have not been used on that date, within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 3.

It shall ensure that the drawing which uses up a 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 5

1. The Member States shall take all measures necessary to ensure that drawings of shares pursuant to Article 2 (4) and Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

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

3. The Member States shall charge imports of the product against their shares as and when it is entered with the customs authorities for free circulation.

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

Article 6

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

Article 7

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

Article 8

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

1. المصدر — Exporter — Exportateur :	2. الرقم — Number — Numéro :	00000	
4. المرسل إليه — Consignee — Destinataire :	3. (Name of authority guaranteeing the designation of origin — Nom de l'organisme garantissant la dénomination d'origine)		
	5. شهادة التسمية الاصلية CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE		
6. وسيلة النقل — Means of transport — Moyen de transport :	7. (Designation of origin — Nom de la dénomination d'origine)		
8. مكان الانعراج — Place of unloading — Lieu de déchargement :			
9. اعداد ونوع الطرود — Marks and numbers, number and kind of packages — Marques et numéros, nombre et nature des colis :	10. الوزن الخام Gross weight Poids brut	11. لترات Litres Litres	
12. لترات (بالحروف) — Litres (in words) — Litres (en lettres) :			
13. تأشيرة الهيئة المرسله — Certificate of the issuing authority — Visa de l'organisme émetteur :			
14. تأشيرة الجمارك — Customs stamp — Visa de la douane :		(See the translation under No 15 — Voir traduction au n° 15)	

15. We hereby certify that the wine described in this certificate is wine produced within the wine district of and is considered by Algerian legislation as entitled to the designation of origin ''.
The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de et est reconnu, suivant la loi algérienne, comme ayant droit à la dénomination d'origine « ».
L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

16. (!)

يحتفظ بهذه الخانة لمعلومات أخرى من الدولة المصدرة

(!) Space reserved for additional details given in the exporting country.

(!) Case réservée pour d'autres indications du pays exportateur.

COUNCIL REGULATION (EEC) No 4223/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for new potatoes
originating in Egypt (1989)

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 proposal from the Commission,

Whereas Article 1 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt ⁽¹⁾ provides for the opening of Community tariff quotas for imports into the Community of 98 000 tonnes of new potatoes falling within CN code ex 0701 90 51 from 1 January to 31 March, originating in Egypt;

Whereas, within the limits of these tariff quotas, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas the quota duties for 1989 are equal to 50 % of the basic duties;

Whereas within the limits of the said tariff quotas the Kingdom of Spain and the Portuguese Republic are to apply customs duties calculated in accordance with Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽²⁾; whereas Community tariff quotas should therefore be opened for new potatoes from 1 January to 31 March 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing, on the tariff quota, of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration 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 tariff quota is used and inform the Member States accordingly;

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 levied by 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 March 1989, the customs duty applicable to imports into the Community of the following product originating in Egypt shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Serial No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.1705	ex 0701 90 51	New potatoes, from 1 January to 31 March 1989	98 000	7,5

2. Within the limits of the tariff quota the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 2573/87.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 11.

⁽²⁾ OJ No L 250, 1. 9. 1987, p. 1.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such times as the balance of the tariff quota so permits.

3. Member States shall charge imports of the said product against their drawings as and when such product is entered with the customs authorities under cover of declarations of entry into 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4224/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for onions
originating in Egypt (1989)

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 proposal from the Commission,

Whereas Article 1 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt ⁽¹⁾ provides for the opening of Community tariff quotas for imports into the Community of 4 900 tonnes of onions falling within CN code 0712 20 00 from 1 January to 31 December, originating in Egypt;

Whereas, within the limits of this tariff quota, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas the quota duties for 1989 are equal to 50 % of the basic duties;

Whereas the quota duty applicable in 1989 to onions falling within CN code 0712 20 00 is to be 5 % until the *erga omnes* quota of 12 000 tonnes at 10 % provided for in Regulation (EEC) No 4181/88 ⁽²⁾ is exhausted; whereas, if and when the latter is exhausted, a preferential duty of 8 % is to apply;

Whereas within the limits of the said tariff quota, the Kingdom of Spain and the Portuguese Republic are to apply customs duties calculated in accordance with Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽³⁾; whereas the Community tariff quota should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down

for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated 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 laid down in Article 2 (1); whereas this method of administration 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 and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community tariff quota 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 share levied by 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 1989, the customs duties applicable to imports into the Community of the following products originating in Egypt shall be suspended at the level indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.1701	0712 20 00	Onions	4 900	5

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 11.

⁽²⁾ OJ No L 368, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 250, 1. 9. 1987, p. 1.

If and when the *erga omnes* quota opened by Regulation (EEC) No 4181/88 is exhausted, a preferential duty of 8 % shall apply.

2. Within the limits of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 2573/87.

Article 2

1. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the tariff quota as defined in Article 1 has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the product concerned against their drawings as and when that product is entered with the customs authorities 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

COUNCIL REGULATION (EEC) No 4225/88
of 19 December 1988

opening, allocating and providing for the administration of a Community tariff quota for
apricot pulp originating in Morocco (1989)

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 proposal from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco ⁽¹⁾ provides for the opening of an annual Community tariff quota for 8 250 tonnes of apricot pulp falling within CN code ex 2008 50 91 and originating in Morocco;

Whereas, within the limits of that tariff quota, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas the quota duty applicable in 1989 is to be 50 % of the customs duty actually applied in respect of non-member countries; whereas, within the limits of the quota, the Kingdom of Spain and the Portuguese Republic are to apply customs duties calculated in accordance with Council Regulation (EEC) No 3189/88 of 14 October 1988 establishing the arrangements to be applied by Spain and Portugal to trade with Morocco ⁽²⁾; whereas the Community tariff quota in question should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated 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 laid down in Article 2 (1); whereas this method of administration 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 and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community tariff quota 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 share levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1989 the customs duties applicable to imports into the Community of the following product originating in Morocco shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Quota volume (tonnes)	Rate of duty (%)
09.1105	ex 2008 50 91	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	8 250	8,5

Within the limits of this tariff quota, Spain and Portugal shall apply duties calculated in accordance with Regulation (EEC) No 3189/88.

Article 2

1. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 1.
⁽²⁾ OJ No L 287, 20. 10. 1988, p. 1.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the tariff quota as defined in Article 1 has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of

paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the product concerned against their drawings as and when the goods are entered with the customs authorities 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4226/88

of 19 December 1988

opening, allocating and providing for the administration of a Community tariff quota for prepared or preserved sardines originating in Morocco (1989)

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 proposal from the Commission,

Whereas Article 4 of Protocol No 1 to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco ⁽¹⁾ states that prepared or preserved sardines falling within CN code ex 1640 13 10 or ex 1604 20 50 and originating in Morocco shall be imported duty-free into the Community within the limits of a Community tariff quota of 17 500 tonnes (net weight); whereas, in order to ensure a regular flow to the Community market under this quota, the quantities destined for that market may not exceed 60 % of the total volume of the quota in the first half of the year and may not exceed 35 % in the first quarter of the year; whereas at the end of each of these periods the quantities of the products in question which have been allocated to the Member States and remain unused by the latter should be returned immediately to the Community reserve;

Whereas, within the limits of the tariff quota, Spain and Portugal shall apply the customs duties calculated according to the provisions of Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco and Syria ⁽²⁾; whereas the Community tariff quota in question should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted;

Whereas, for the period during which this Regulation is to apply, specific administrative and economic circumstances make it necessary to maintain allocation of the quota concerned among Member States; whereas, on the one hand, the administrations concerned will not be in a position to introduce, on 1 January 1989, the conditions essential, from a technical and administrative point of view, for Community administration of this quota; whereas, on the other hand, the prepared and preserved sardines sector is encountering, in certain regions of the Community, economic constraints of a particular nature, bearing in mind notably the importance

which sardine production may have in the fisheries production structure as a whole, thus justifying the fact that the traditional commercial outlets for producers on external markets and, as a matter of priority, on the Community market, should not be adversely affected;

Whereas, however, it appears advisable to provide for a new increase in the Community reserve;

Whereas, bearing in mind the way in which trade has developed traditionally, the allocation maintained among Member States should, in order to correspond as closely as possible to the real trend of the market for the products in question, be carried out on a *pro rata* basis according to the needs of the Member States, calculated on the basis of statistics of imports of the said products from Morocco during a representative reference period and on the economic outlook for the quota periods in question;

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, in 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 tariff quota when imports actually take place; whereas these arrangements for allocation will equally ensure the uniform collection of the duties applicable;

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quota would, in the present circumstances, be 60 % of the quota volume, the second part, 40 % constituting the reserve to which shall also be returned any amounts remaining from the shares allocated when the quota volume was divided up for the first and second quarters of the current year;

Whereas this method of administration calls for close collaboration between the Member States and the

⁽¹⁾ OJ No L 99, 16. 4. 1988, p. 49.

⁽²⁾ OJ No L 287, 20. 10. 1988, p. 1.

Commission and the Commission must, in particular, be in a position to follow the rate at which the quota is exhausted and inform Member States thereof;

HAS ADOPTED THIS REGULATION:

Article 1

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 one of its members,

1. From 1 January to 31 December 1989 the customs duty applicable to imports into the Community of the following products, originating in Morocco, shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Serial No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.1101	ex 1604 13 10 ex 1604 20 50	Prepared or preserved sardines of the type <i>Sardina pilchardus</i>	17 500 (net weight)	0

Within the limits of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with Regulation (EEC) No 3189/88.

State concerned shall inform the Commission and draw a corresponding amount pursuant to Article 3.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two parts.

2. The first part of the quota, 10 500 tonnes, shall be allocated among certain Member States; the quota shares corresponding to the first quarter, the second quarter and the second half of the year respectively shall be as follows:

Member States	1st half-year (60 %)		2nd half-year (40 %)
	1st quarter (35 %)	2nd quarter (25 %)	
Benelux	294	210	335
Denmark	75	54	86
Germany	805	574	920
France	1 638	1 170	1 872
Greece	64	46	73
Ireland	99	71	113
Italy	52	37	60
United Kingdom	648	463	741
	3 675	2 625	4 200

3. The second part of the quota, 7 000 tonnes, divided into 2 450, 1 750 and 2 800 tonnes corresponding to the first quarter, the second quarter and the second half-year respectively, shall constitute the Community reserve.

4. If the products concerned are presented in the other Member States along with a declaration of entry into free circulation accepted by the customs authorities, the Member

5. The Member States referred to in paragraph 2 shall return immediately to the reserve any quantity of the quota shares allocated to them when the quota volumes relating to the first and second quarters were divided up which, on 31 March and 30 June 1989, are unused.

Article 3

If a Member State has used its entire initial share as specified in Article 2 (2), or that share less any portion returned to the reserve pursuant to Article 2 (5) or Article 4, the following provisions shall apply.

If an importer presents in a Member State a declaration of entry into circulation, for a product covered by this Regulation and if this is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the reserve referred to in Article 2 (3).

Requests for drawings, with an indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings shall be granted by the Commission, by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the reserve.

If the quantities requested are greater than the available balance of the reserve, allocation shall be made on a basis

proportionate to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

Article 4

By 1 October 1989 at the latest, Member States must return to the reserve the unused portion of their initial share which, on 15 September 1989, is in excess of 20% of the initial volume. They may return a greater portion if there is reason to believe that it might not be used.

By 1 October 1989 at the latest, Member States must notify the Commission of the total quantities of the products concerned imported on or before 15 September 1989 and charged against the Community quotas and of any portion of their initial shares that they are returning to each of the reserves.

Article 5

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2 and 3 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

It shall inform the Member States not later than 5 October 1989 of the state of each of the reserves following any return of quota shares pursuant to Article 4.

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

Done at Brussels, 19 December 1988.

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 final drawing.

Article 6

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 enable imports to be charged without interruption against their accumulated share of the Community tariff quota.

2. Member States shall ensure that importers of the products concerned have free access to the quota shares allocated to them.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the imports of the products concerned originating in Morocco and entered with the customs authorities for free circulation.

Article 7

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

Article 8

This Regulation shall enter into force on 1 January 1989.

For the Council
The President
Th. PANGALOS

COUNCIL REGULATION (EEC) No 4227/88

of 19 December 1988

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1989)

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 Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta ⁽²⁾, the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1989;

Whereas, since a Protocol as provided for in Articles 179 and 366 of the Act of Accession of Spain and Portugal does not exist, the Community must take the measures referred to in Articles 180 and 367 of that Act; whereas this Regulation applies to the Community as constituted on 31 December 1985,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 products listed in the Annex and originating in Malta shall be imported into

the Community as constituted on 31 December 1985 at the rates of duty indicated in the Annex for each product.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

Where products benefiting from the arrangements provided for in Article 1 are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

Article 3

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within 10 working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

This Regulation shall enter into force on the 1 January 1989.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 61, 14. 3. 1971, p. 3.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

ANNEX (a)

Order No	CN code	Description	Rate of duty
16.0001	0203 11 90 0203 12 90 0203 19 90 0203 21 90 0203 22 90 0203 29 90	Meat of swine, fresh, chilled or frozen	free
16.0003		Other meat and edible meat offal, fresh, chilled or frozen: — Other:	
	0208 90 10	— — Of domestic pigeons	5 %
16.0005	0208 10 90 ex 0208 90 30	Of furred game	free
16.0007	0208 20 00	Frogs' legs	free
16.0009	0208 90 90	Other	free
16.0011	0409 00 00	Natural honey	25 %
16.0023	ex 0603 90 00	Cut flowers, not further prepared than dried	7 %
16.0025	ex 0603 90 00	Cut flowers, dyed, bleached, impregnated or otherwise prepared	15 %
16.0027	0706 90 30	Horse-radish (<i>Cochlearia armoracia</i>)	13 %
16.0029	ex 0709 90 90	Okra	free
16.0031	ex 0710 80 90	Okra	13 %
16.0033	ex 0711 90 70	Okra	free
16.0035	ex 0712 90 90	Horse-radish (<i>Cochlearia armoracia</i>)	free
16.0037	ex 0712 90 90	Okra	7 %
16.0039	0810 20 90 0810 30 90 0810 40 90 ex 0810 90 90	Other berries	5 %
16.0041	1519 13 00 1519 19 00 1519 20 00	Tall oil fatty acids Other Acid oils from refining	free
16.0043		Other prepared or preserved meat, meat offal or blood:	
	1602 20 10	— Goose or duck liver	
16.0045	ex 1602 90 31	Game	8 %
16.0047	ex 1602 90 31	Rabbit	14 %
16.0049	ex 1602 50 90	Prepared or preserved bovine tongue	17 %
16.0051	ex 1602 90 71 ex 1602 90 79	Other, of sheep	18 %
16.0053	ex 1602 90 71	Other, of goats	16 %

Order No	CN code	Description	Rate of duty
16.0055	1602 90 99	Other	16 %
16.0057	2003 20 00	Truffles	14 %
16.0059	ex 2004 90 99 2005 60 00	Asparagus	20 %
16.0061	ex 2004 90 30 2005 30 00	Sauerkraut	15 %
16.0063	ex 2004 90 30 2005 90 30	Capers	12 %
16.0065	ex 2004 90 99 ex 2005 90 90	Other <i>Moringa oleifera</i> (drumsticks)	free
16.0067	ex 2009 80 39	Date juice	free
16.0069	ex 2009 80 39	Fruit falling within heading Nos 0801, 0803, 0804 (except dates and figs), 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0071	ex 2009 80 31	Other fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 30 90, 0810 20 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 % + AGR
	ex 2009 90 21	Mixtures of juices of a value not exceeding ECU 30 per 100 kg net weight: – Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	
16.0073	2009 20 99	Grapefruit juice	7 %
16.0075	ex 2009 30 31	Citrus fruit juices (excluding lemon juices) containing added sugar	13 %
16.0077	ex 2009 30 39	Citrus fruit juices (excluding lemon juices) not containing added sugar	13 %
16.0079	ex 2009 80 80	Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0081	ex 2009 80 80	Other fruit and vegetable juices, containing added sugar, excluding apricot and peach juices	17 %
16.0083	ex 2009 80 95	Other fruit and vegetable juices, not containing added sugar	8 %
	ex 2009 80 99	Of fruit falling within heading Nos 0801, 0803, 0804 (excluding figs) 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	
16.0085	ex 2009 80 99	Other, excluding apricot and peach juices	18 %
16.0087	ex 2009 90 51	Mixtures of juices of a value exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape citrus fruit, pineapple, apple, pear apple, pear, tomato, apricot or peach juice containing added sugar	17 %
16.0089	ex 2009 90 59	Other	18 %
16.0091	2009 20 91	– Grapefruit juice	7 %
16.0095	2009 30 91	– Juice of any other single citrus fruit: – With an added sugar content exceeding 30 % by weight	14 %

Order No	CN code	Description	Rate of duty
16.0097	2009 30 95	– With an added sugar content not exceeding 30 % by weight	14 %
16.0099	2009 30 99	– Not containing added sugar	15 %
16.0101	ex 2009 80 91	Other fruit and vegetable juices with an added sugar content exceeding 30 % by weight: – Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 % + AGR
16.0103	ex 2009 80 91	Other, excluding apricot and peach juices	17 % + AGR
16.0105	ex 2009 80 93	Other fruit and vegetable juices with an added sugar content of 30 % or less, by weight: – Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0107	ex 2009 80 93	Other, excluding apricot and peach juices	17 %
16.0109	2009 80 95 2009 80 99	Other fruit and vegetable juices, not containing added sugar: – Of fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0111	ex 2009 80 99	Other, excluding apricot and peach juices	18 %
16.0113	ex 2009 90 91	Mixtures of juices: – Of a value not exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice with an added content exceeding 30 % by weight	17 % + AGR
16.0115	ex 2009 90 93	With an added sugar content not exceeding 30 % by weight	17 %
16.0117	2009 90 99	Not containing added sugar	18 %
16.0119	2102 10 31 2102 10 39	Yeasts (active or inactive), other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders Bakers' yeast	4 % + MOB
16.0123	2301 20 00	– Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	free

(a) Notwithstanding the rules for interpretation of the combined nomenclature, the wording for the designation of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the application of the CN code.

Abbreviations:

AGR: Levy

MOB: Variable component

COUNCIL REGULATION (EEC) No 4228/88

of 19 December 1988

establishing ceilings and Community surveillance for imports of certain products originating in Malta (1989)

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 proposal from the Commission,

Whereas the provisions of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾, have lapsed; whereas a complementary Protocol which prolongs until 31 December 1990 the duration of the first stage of the Agreement has been signed; whereas, pending the entry into force of the complementary Protocol, the arrangements which the Community applies to trade with Malta within the context of the association with that country should be extended for 1989;

Whereas the Council has adopted Regulation (EEC) No 2357/86 of 24 July 1986 amending Regulation (EEC) No 3555/80, (EEC) No 3394/85 and (EEC) No 3668/85 as regards imports into Greece of certain products originating in Malta ⁽²⁾; whereas, since a Protocol as provided for in Articles 179 and 366 of the Act of Accession of Spain and Portugal does not exist, the Community must take the measures referred to in Articles 180 and 367 of that Act; whereas this Regulation applies to the Community as constituted on 31 December 1985;

Whereas the abovementioned Additional Protocol provides for the total abolition of customs duties in respect of the products to which the Agreement applies; whereas, however, exemption from duties in respect of a number of products is subject to ceilings above which the customs duties applicable to third countries may be reimposed; whereas the ceilings to be applied in 1989 should therefore be determined; whereas those ceilings can be applied only if the Community is regularly informed of imports of the said products originating in Malta; whereas imports of those products should therefore be subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when the products are entered with customs authorities for free circulation; whereas this administrative procedure must provide for the possibility of the applicable

customs duties being reimposed as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take appropriate measures to reimpose customs tariffs if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989, imports into the Community as constituted on 31 December 1985 of the products listed in the Annex and originating in Malta shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, the corresponding CN codes and the ceilings are set out in the Annex.

2. Quantities shall be charged against the ceilings as and when the products are entered with customs authorities for free circulation accompanied by a movement certificate in accordance with the rules contained in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta ⁽³⁾.

Goods may be charged against the ceiling only if the movement certificate is submitted before the date on which customs duties are reimposed.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

Member States shall inform the Commission of imports charged in accordance with the above procedure at the intervals and within the time limits specified in paragraph 4.

⁽¹⁾ OJ No L 304, 29. 11. 1977, p. 2.

⁽²⁾ OJ No L 205, 29. 7. 1986, p. 9.

⁽³⁾ OJ No L 111, 28. 4. 1976, p. 3.

3. As soon as the ceilings have been reached, the Commission may adopt a Regulation reimposing until the end of the calendar year the customs duties applicable to third countries.

4. Member States shall send the Commission not later than the 15th day of each month statements of the quantities charged during the preceding month. If the Commission so requests, they shall provide such statements for periods of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

The Commission, in close cooperation with the Member States, shall take all appropriate measures for the purposes of applying this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

ANNEX

List of products subject to import ceilings in 1989

Order No	CN code	Description	Level of ceiling (tonnes)
11.0010	5204	Cotton sewing thread, whether or not put up for retail sale:	application of ceiling suspended
		– Not put up for retail sale:	
	5204 11 00	– – Containing 85 % or more by weight of cotton	
	5204 19 00	– – Other	
	5205	Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale	
	5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale	
	5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	ex 5604 90 00	– Other: – – Of cotton	
11.0020	5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ²	application of ceiling suspended
	5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ²	
	5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ²	
	5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ²	
	5212	Other woven fabrics of cotton	
	5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5802 or 5806:	
		– Of cotton:	
	5801 21 00	– – Uncut weft pile fabrics	
	ex 5811 00 00	Quilted textile products of cotton in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading No 5810	
	ex 6308 00 00	Sets consisting of woven fabric and yarn, of cotton, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	
11.0030	5506	Synthetic staple fibres, carded, combed or otherwise processed for spinning	application of ceiling suspended
	5507 00 00	Artificial staple fibres, carded, combed or otherwise processed for spinning	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040	5608	Knotted netting of twine, cordage or rope; made-up fishing nets and other made-up nets, of textile materials:	application of ceiling suspended
		– Of man-made textile materials:	
	5608 19	– – Other:	
		– – – Made-up nets:	
		– – – – Of nylon or other polyamides:	
	5608 19 19	– – – – – Other	
		– – – – – Other:	
	5608 19 39	– – – – – Other	
	5608 90 00	– Other	
	6101	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No 6103	
	6102	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No 6104	
	6103	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6104	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted	
	6107	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		– Other:	
	6107 91 00	– – Of cotton	
	6107 92 00	– – Of man-made fibres	
	6107 99 00	– – Of other textile materials	
	6108	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		– Other:	
	6108 91 00	– – Of cotton	
	6108 92 00	– – Of man-made fibres	
	6108 99	– – Of other textile materials:	
	6108 99 10	– – – Of wool or fine animal hair	
	6108 99 90	– – – Of other textile materials	
	6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted:	
	6110 10	– Of wool or fine animal hair:	
		– – Other:	
		– – – Men's or boys':	
	6110 10 31	– – – – Of wool	
	6110 10 39	– – – – Of fine animal hair	
		– – – Women's or girls':	
	6110 10 91	– – – – Of wool	
	6110 10 99	– – – – Of fine animal hair	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 (cont'd)	6110 20	— Of cotton:	application of ceiling suspended
		— — Other:	
	6110 20 91	— — — Men's or boys'	
	6110 20 99	— — — Women's or girls'	
	6110 30	— Of man-made fibres:	
		— — Other:	
	6110 30 91	— — — Men's or boys'	
	6110 30 99	— — — Women's or girls'	
	6110 90	— Of other textile materials:	
	6110 90 10	— — Of flax or ramie	
	6110 90 90	— — Other	
	6111	Babies' garments and clothing accessories, knitted or crocheted:	
	6111 10	— Of wool or fine animal hair:	
	6111 10 90	— — Other	
	6111 20	— Of cotton:	
	6111 20 90	— — Other	
	6111 30	— Of synthetic fibres:	
	6111 30 90	— — Other	
	6111 90 00	— Of other textile materials	
	6112	Track suits, ski suits and swimwear, knitted or crocheted:	
		— Track suits:	
	6112 11 00	— — Of cotton	
	6112 12 00	— — Of synthetic fibres	
	6112 19 00	— — Of other textile materials	
	6112 20 00	— Ski suits	
		— Men's or boys' swimwear:	
	6112 31	— — Of synthetic fibres:	
	6112 31 90	— — — Other	
	6112 39	— — Of other textile materials:	
	6112 39 90	— — — Other	
		— Women's or girls' swimwear:	
	6112 41	— — Of synthetic fibres:	
	6112 41 90	— — — Other	
	6112 49	— — Of other textile materials:	
	6112 49 90	— — — Other	
	6113 00	Garments, made up of knitted or crocheted fabrics of heading No 5903, 5906 or 5907:	
	6113 00 90	— Other	
	6114	Other garments, knitted or crocheted	
	6117	Other made up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories	
	6301	Blankets and travelling rugs:	
	6301 20	— Blankets (other than electric blankets) and travelling rugs, of wool or of fine animal hair:	
	6301 20 10	— — Knitted or crocheted	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 (cont'd)	6301 30	– Blankets (other than electric blankets) and travelling rugs, of cotton:	application of ceiling suspended
	6301 30 10	– – Knitted or crocheted	
	6301 40	– Blankets (other than electric blankets) and travelling rugs, of synthetic fibres:	
	6301 40 10	– – Knitted or crocheted	
	6301 90	– Other blankets and travelling rugs:	
	6301 90 10	– – Knitted or crocheted	
	6302	Bed linen, table linen, toilet linen and kitchen linen:	
	6302 10	– Bed linen, knitted or crocheted:	
	6302 10 10	– – Of cotton	
	6302 10 90	– – Of other textile materials	
	6302 40 00	– Table linen, knitted or crocheted	
	6303	Curtains (including drapes) and interior blinds; curtain or bed valances:	
		– Knitted or crocheted:	
	6303 11 00	– – Of cotton	
	6303 12 00	– – Of synthetic fibres	
	6303 19 00	– – Of other textile materials	
	6304	Other furnishing articles, excluding those of heading No 9404:	
		– Bedspreads:	
	6304 11 00	– – Knitted or crocheted	
		– Other:	
	6304 91 00	– – Knitted or crocheted	
	6305	Sacks and bags, of a kind used for the packing of goods:	
	6305 20 00	– Of cotton	
		– Of man-made textile materials:	
	6305 31	– – Of polyethylene or polypropylene strip or the like	
	ex 6305 39 00	– – Other:	
		– – – Knitted or crocheted	
	ex 6305 90 00	– Of other textile materials:	
		– – Knitted or crocheted	
	6307	Other made up articles, including dress patterns:	
	6307 10	– Floor-cloths, dish-cloths, dusters and similar cleaning cloths:	
	6307 10 10	– – Knitted or crocheted	
	6307 90	– Other:	
	6307 90 10	– – Knitted or crocheted	
11.0050	6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6203	
	6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0050 (cont'd)	6207	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles:	1 461
		– Other:	
	6207 91 00	– – Of cotton	
	6207 92 00	– – Of man-made fibres	
	6207 99 00	– – Of other textile materials	
	6210	Garments, made up of fabrics of heading Nos 5602, 5603, 5903, 5906 or 5907:	
	6210 10	– Of fabrics of heading No 5602 or 5603:	
		– – Of fabrics of heading No 5603:	
	6210 10 91	– – – In sterile packs	
	6210 10 99	– – – Other	
	6210 20 00	– Other garments, of the type described in subheadings 6201 11 to 6201 19	
	6210 40 00	– Other men's or boys' garments	
	6211	Track suits, ski suits and swimwear; other garments:	
		– Swimwear:	
	6211 11 00	– – Men's or boys'	
	6211 20 00	– Ski suits	
		– Other garments, men's or boys':	
	6211 31 00	– – Of wool or fine animal hair	
	6211 32	– – Of cotton:	
	6211 32 10	– – – Industrial and occupational clothing	
	6211 32 90	– – – Other	
	6211 33	– – Of man-made fibres:	
	6211 33 10	– – – Industrial and occupational clothing	
	6211 33 90	– – – Other	
	6211 39 00	– – Of other textile materials	
	6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212:	
	6217 90 00	– Parts	

COUNCIL REGULATION (EEC) No 4229/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for sweet peppers, salad beetroot, dried grapes and certain types of concentrated grape juice originating in Cyprus (1989)

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 proposal from the Commission,

Whereas Articles 18 and 19 of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof ⁽¹⁾, provide for the opening of annual Community tariff quotas for:

- 300 tonnes of sweet peppers falling within CN code 0709 60 10,
- 1 500 tonnes of salad beetroot falling within CN code ex 0709 30 00,
- 1 500 tonnes of dried grapes in immediate containers of a net capacity not exceeding 15 kg falling within CN code 0806 20 11, 0806 20 19, ex 0806 20 91 or ex 0806 20 99, and
- 3 000 tonnes of certain types of concentrated grape juice falling within CN code 2009 60 51, 2009 60 71, ex 2009 60 90 or ex 2204 30 91,

originating in Cyprus;

Whereas, pursuant to Article 18 of the Protocol in question, these quantities are subject to an annual increase of 5 % from the entry into force of the Protocol, and the quotas in 1989 will accordingly be 330 tonnes, 1 650 tonnes, 1 650 tonnes and 3 300 tonnes respectively; whereas, within the limits of these tariff quotas, the customs duties applicable are to be phased out over the same periods and at the same rates as provided for in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽²⁾, provides that for products covered by

Regulation (EEC) No 1035/72 ⁽³⁾ as last amended by Regulation (EEC) No 2238/88 ⁽⁴⁾, those Member States are to postpone application of the preferential arrangements until 31 December 1989 and 31 December 1990 respectively; whereas pursuant to the said Protocol the Portuguese Republic is to postpone application of the preferential arrangements for products covered by Regulation (EEC) No 822/87 on the common organization of the market in wine ⁽⁵⁾ until the start of the second stage; whereas this Regulation therefore only applies:

- to sweet peppers and salad beetroot in the Community as constituted on 31 December 1985,
- to dried grapes in the Community as at present constituted, and
- to concentrated grape juice in the Community excluding Portugal;

Whereas these Community tariff quotas should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated 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 laid down in Article 2 (1); whereas this method of administration 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 and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 36.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 1.

tariff quota remaining unused in one Member State when it could be used in others;

HAS ADOPTED THIS REGULATION:

Article 1

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 share levied by that economic union may be carried out by any one of its members,

1. From 1 January to 31 December 1989 the duties applicable to imports into the Community of the following products originating in Cyprus shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)	Applicability
09.1409	0709 60 10	Sweet peppers	330	3,6	in the Community as constituted at 31 December 1985
09.1411	ex 0706 90 90	Salad beetroot	1 650	6,9	in the Community as constituted at 31 December 1985
09.1413	0806 20 11 0806 20 19 ex 0806 20 91 ex 0806 20 99	Dried grapes, in immediate containers of a net capacity not exceeding 15 kg	1 650	free	in the Community as at present constituted
09.1421	2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:	3 300	22,9 + AD S/Z	in the Community excluding Portugal
		— Grape juice (including grape must):			
		— — Of a density not exceeding 1,33 g/cm ³ at 20 °C:			
		— — — Of a value exceeding ECU 18 per 100 kg net weight:			
	2009 60 51	— — — — Concentrated			
		— — — — Of a value not exceeding ECU 18 per 100 kg net weight:			
		— — — — — With an added sugar content exceeding 30 % by weight:	3 300	22,9 + AD S/Z	in the Community excluding Portugal
	2009 60 71	— — — — — Concentrated			
	ex 2009 60 90	— — — — — Other:			
		— — — — — Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature			
	2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009:	3 300	22,9 + AD S/Z	in the Community excluding Portugal
		— Other grape must:			
		— — Other:			
		— — — Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1 % vol:			
	ex 2204 30 91	— — — Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature			

2. Within the limits of the tariff quota for dried grapes, Spain and Portugal shall apply duties calculated in accordance with the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal to the Community.

3. Within the limits of the tariff quota for concentrated grape juice Spain shall apply duties calculated in accordance with the relevant provisions of the Protocol referred to in paragraph 2.

Article 2

1. If an importer gives notification of imminent imports of the products in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the tariff quota as defined in Article 1 (1) has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the products concerned against their drawings as and when the goods are entered with the customs authorities 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 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4230/88

of 19 December 1988

opening, allocating and providing for the administration of Community tariff quotas for wine of fresh grapes and liqueur wines originating in Cyprus (1989)

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 proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as modified and supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof ⁽¹⁾, provides for the opening of Community tariff quotas for:

- 35 000 hectolitres of certain wines of fresh grapes, in containers holding 2 litres or less, falling within CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39;
- 26 000 hectolitres of certain wines of fresh grapes, in containers holding more than 2 litres, falling within CN code ex 2204 29 25, ex 2204 29 29, 2204 29 35 or ex 2204 29 39; and
- 150 000 hectolitres of certain liqueur wines falling within CN code ex 2204 21 35, ex 2204 21 39, ex 2204 29 35, ex 2204 29 39, ex 2204 21 49, ex 2204 29 49, ex 2204 21 59 or ex 2204 29 59, originating in Cyprus;

Whereas, pursuant to Articles 18 and 19 of the said Protocol, the quantities for all the above products except wine of fresh grapes in containers holding more than 2 litres are subject to an annual increase of 5 % from the entry into force of the Protocol; whereas the quotas in 1989 will accordingly be 38 500 hl, 26 000 hl, and 165 000 hl respectively; whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽²⁾ provides that from its entry into force Spain is to apply a duty reducing the gap between the rate of the basic duty and that of the preferential duty and that Portugal is to postpone application of the preferential arrangements for the products in question until the start of the second stage; whereas these Community tariff quotas should therefore be opened for 1989;

Whereas the wines in question are subject to the free-at-frontier reference price; whereas the said wines qualify for these tariff quotas only if Article 54 of Regulation (EEC) No 822/87⁽³⁾, as last amended by Regulation (EEC) No 2964/88 ⁽⁴⁾, is adhered to;

Whereas liqueur wines, to qualify for the Community tariff quota, must be so designated in the VI 1 document or VI 2 extract provided for in Regulation (EEC) No 3590/85 ⁽⁵⁾,

Whereas Article 21 of the above-mentioned Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the Community and Cyprus lays down that for wine of fresh grapes in containers holding two litres or less falling within CN code 2204 21 25, ex 2204 21 29, 2204 21 35 or ex 2204 29 39, the fixed amount corresponding to the normal packaging costs referred to in Article 53 (1) of the said Regulation (EEC) No 822/87 is to be phased out within the limit of an annual volume of 35 000 hectolitres; whereas the said free-at-frontier price is thereby reduced by a corresponding amount; whereas it is therefore necessary to set up a double notification procedure for the administration of the said volume;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, the administrative and technical conditions required for the Community management of quotas for these products originating in Cyprus; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods from being imported into a Member State which has used up

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 37.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽⁵⁾ OJ No L 343, 20. 12. 1985, p. 20.

its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up; whereas, under the circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so

as to reflect as closely as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Cyprus over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas during the last three years for which statistics are available sales of the said wines on the market of each Member State were as follows:

(hectolitres)

Member States	Wine of fresh grapes						Liqueur wines		
	In containers holding 2 litres or less			In containers holding more than 2 litres					
	1985	1986	1987	1985	1986	1987	1985	1986	1987
Benelux	80,95	266,71	77,54	—	—	—	101,85	14,40	—
Denmark	235,46	526,37	504,96	—	—	—	15,35	28,35	1,80
Germany	260,00	367,00	420,00	178	5 755	8 477	692,00	464,00	383,00
Greece	—	10,00	2,00	—	—	—	—	—	—
Spain	—	—	—	—	—	—	—	—	—
France	—	—	—	—	—	—	—	—	—
Ireland	204,00	116,00	22,00	—	—	—	7,00	21,64	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	4 880,00	3 950,28	4 384,75	21 529	17 776	12 466	27 571,00	38 368,82	59 633,31

Whereas during 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 in these circumstances initial shares should in the first instance be allocated only to the genuine importing Member States, while the others should be guaranteed access to quotas when they actually import the goods; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

Whereas to allow for the trend of imports of the products in question in the various Member States the quotas should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be 54 % of the quotas for wine of fresh grapes in containers holding two litres or less and liqueur wines and 30 % of the quota for other wine of fresh grapes;

Whereas this form of administration requires close collaboration between the Member States and the

Commission, and the Commission must be able to keep account of quota utilization rates and inform the Member States accordingly;

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 one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duties applicable to imports into the Community excluding Portugal of the following products originating in Cyprus shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Quota volume (hl)	Rate of duty
(1)	(2)	(3)	(4)	(5)
09.1415	2204 21 25 ex 2204 21 29	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009:	38 500	2,9 ECU/hl
		– Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:		
		– – In containers holding 2 litres or less:		
		– – – Other:		
		– – – – Of an actual alcoholic strength by volume not exceeding 13 % vol:		
		– – – – – Other:		
		– – – – – White ⁽¹⁾		
		– – – – – Other wine ⁽¹⁾		
		– – – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		– – – – – Other:		
09.1423	2204 21 35 ex 2204 21 39	– – – – – White:	26 000	3,4 ECU/hl
		– Other than liqueur wines of an actual alcoholic strength by volume of 15 % vol ⁽¹⁾		
		– – – – – Other:		
		– Other than liqueur wines of an actual alcoholic strength by volume of 15 % vol ⁽¹⁾		
		– – Other:		
		– – – Other:		
		– – – – Of an actual alcoholic strength by volume not exceeding 13 % vol:		
		– – – – – Other:		
		– – – – – White		
		– – – – – Other wine		
09.1417	2204 29 25 ex 2204 29 29	– – – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:	165 000	8,9 ECU/hl
		– – – – – Other:		
		– – – – – White		
		– – – – – Other wine		
		– Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:		
		– – In containers holding 2 litres or less:		
		– – – Other:		
		– – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		– – – – – Other:		
		– – – – – White:		
09.1417	ex 2204 21 35 ex 2204 21 39	– Liqueur wines of an actual alcoholic strength by volume of 15 % vol	165 000	4,1 ECU/hl
		– – – – – Other:		
		– Liqueur wines of an actual alcoholic strength by volume of 15 % vol		
		– – – – – Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:		
		– – – – – Other:		
		– Liqueur wines		
		– – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
		– – – – – Other:		
		– Liqueur wines		
		– – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
09.1417	ex 2204 21 49 ex 2204 21 59	– – – – – Other:	165 000	5,0 ECU/hl
		– Liqueur wines		
		– – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
		– – – – – Other:		
		– Liqueur wines		
		– – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
		– – – – – Other:		
		– Liqueur wines		
		– – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
		– – – – – Other:		

(1)	(2)	(3)	(4)	(5)
09.1417 (cont'd)		- - Other:	165 000 (cont'd)	
		- - - Other:		
		- - - - Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		- - - - - Other:		
	ex 2204 29 35	- - - - - White:		
		- Liqueur wines of an actual alcoholic strength by volume of 15 %		
	ex 2204 29 39	- - - - - Other:		
		- Liqueur wines of an actual alcoholic strength by volume of 15 %		
		- - - - - Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:		
	ex 2204 29 49	- - - - - Other:		
		- Liqueur wines		3,1 ECU/hl
		- - - - - Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		4,1 ECU/hl
	ex 2204 29 59	- - - - - Other:		5,6 ECU/hl
		- Liqueur wines		

(¹) The reference price for products falling within these CN codes is increased by a fixed amount corresponding to the normal packaging costs, which is being phased out at the rate laid down in Article 21 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the Community and Cyprus, for an annual volume of 35 000 hectolitres.

Within the limits of these tariff quotas, the Kingdom of Spain shall apply duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

2. The wine in question shall be subject to the free-at-frontier reference price. It shall qualify for the tariff quotas only if Article 54 of Regulation (EEC) No 822/87 is adhered to.

3. Liqueur wines shall qualify for the tariff quota only if they are designated as liqueur wines in the VI 1

document or VI 2 extract provided for by Regulation (EEC) No 3590/85.

Article 2

1. The tariff quotas referred to in Article 1 shall be divided into two parts.

3. The first part of each tariff quota, amounting to 20 790 hectolitres, 7 800 hectolitres and 89 100 hectolitres respectively, shall be allocated among certain Member States. The following quota shares shall be valid until 31 December 1989:

Member State	CN codes 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	CN codes 2204 29 25 ex 2204 29 29 2204 29 35 ex 2204 29 39	CN codes ex 2204 21 ex 2204 29
	Wine of fresh grapes in containers holding 2 litres or less	Wine of fresh grapes in containers holding 2 litres or less	Liqueur wines
Benelux	543	—	90
Denmark	1 617	—	46
Germany	1 335	1 703	1 078
Greece	17	—	—
Ireland	432	—	—
United Kingdom	16 846	6 097	87 886

3. The second part of each quota, amounting to:

- 17 710 hectolitres of wine of fresh grapes in containers holding 2 litres or less falling within CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39;
- 18 200 hectolitres of wine of fresh grapes in containers holding more than 2 litres falling within CN code 2204 29 25, ex 2204 29 29, 2204 29 35 or ex 2204 29 39; and
- 75 900 hectolitres of liqueur wines falling within CN code ex 2204 21 or ex 2204 29,

respectively shall constitute the corresponding Community reserve.

4. If an importer indicates that he is about to import any of the products in question into a Member State which does not participate in the initial allocation or which has exhausted its initial quota and applies to use the corresponding quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

5. Without prejudice to Article 3, the drawings made pursuant to paragraph 4 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the Community reserve, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free

circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the reserve.

If the quantities requested are greater than the available balance of the reserve, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all the quantities which have not been used on that date, within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 3.

It shall ensure that the drawing which uses up a 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 5

1. The Member States shall take all measures necessary to ensure that drawings of shares pursuant to Article 2 (4) and Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

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 against their shares as and when they 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 imports charged in accordance with paragraph 3.

Article 6

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

Article 7

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

Article 8

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

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