

# Official Journal

## of the European Communities

ISSN 0378 - 6978

L 373

Volume 31

31 December 1988

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 4235/88 of 21 December 1988 amending Regulation (EEC) No 918/83 setting up a Community system of reliefs from duty ..... 1
- ★ Council Regulation (EEC) No 4236/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for certain wines and sparkling wines, originating in Austria ..... 3
- ★ Council Regulation (EEC) No 4237/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3588/88 opening and providing for the administration of a Community tariff quota for certain oils and fats of marine animals originating in Norway (1989) ..... 5
- ★ Council Regulation (EEC) No 4238/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3589/88 opening, allocating and providing for the administration of a Community tariff quota for fillets of certain cod and of fish of the species *Boreogadus saida*, originating in Norway (1989) ..... 7
- ★ Council Regulation (EEC) No 4239/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3590/88 opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved fish, originating in Norway (1989) ..... 11
- ★ Council Regulation (EEC) No 4240/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3585/88 opening and providing for the administration of a Community tariff quota for concentrated pear juice originating in Austria (1989) ... 15
- ★ Council Regulation (EEC) No 4241/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3584/88 opening and providing for the administration of a Community tariff quota for table cherries, excluding Morello cherries, originating in Switzerland (1989) ..... 17

|                                                                                                                                                                                                                                                                                                                   |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ Council Regulation (EEC) No 4242/88 of 21 December 1988 repealing and replacing Regulation (EEC) No 3587/88 opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden (1989)                                                       | 19 |
| ★ Council Regulation (EEC) No 4243/88 of 21 December 1988 opening, allocating and providing for the administration of unilateral tariff quotas for coffee, unroasted and not freed of caffeine, and cocoa beans, whole or broken, raw or roasted falling within CN codes 0901 11 00 and 1801 00 00 (1989)         | 25 |
| ★ Council Regulation (EEC) No 4244/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for new potatoes, fresh tomatoes and peas and immature beans, prepared or preserved, originating in Morocco (1989)                                                              | 29 |
| ★ Council Regulation (EEC) No 4245/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Israel (1989)                                                                                                                  | 32 |
| ★ Council Regulation (EEC) No 4246/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for certain fisheries products originating in the Canary Islands (1989)                                                                                                         | 35 |
| ★ Council Regulation (EEC) No 4247/88 of 21 December 1988 opening and providing for the administration of a Community tariff quota for boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries (1989) | 46 |
| ★ Council Regulation (EEC) No 4248/88 of 21 December 1988 opening, allocating and providing for the administration of Community tariff quotas for certain petroleum products refined in Spain and certain woven fabrics of cotton coming from Spain (1989)                                                        | 48 |
| ★ Council Regulation (EEC) No 4249/88 of 21 December 1988 on export arrangements for certain types of non-ferrous metal waste and scrap                                                                                                                                                                           | 53 |
| ★ Council Regulation (EEC) No 4250/88 of 21 December 1988 amending Regulation (EEC) No 822/87 on the common organization of the market in wine                                                                                                                                                                    | 55 |
| ★ Council Regulation (EEC) No 4251/88 of 21 December 1988 amending Regulation (EEC) No 354/79 laying down general rules for the import of wines, grape juice and grape must                                                                                                                                       | 58 |
| ★ Council Regulation (EEC) No 4252/88 of 21 December 1988 on the preparation and marketing of liqueur wines produced in the Community                                                                                                                                                                             | 59 |

## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EEC) No 4235/88

of 21 December 1988

amending Regulation (EEC) No 918/83 setting up a Community system of reliefs from duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas international cooperation in the field of scientific research is rapidly expanding; whereas such contacts, which are of considerable importance to the world both now and in the future, should be encouraged;

Whereas one form scientific cooperation takes is for research establishments based in a Member State to place their installations, often the result of considerable investment, at the disposal of researchers from other countries, including third countries; whereas this enables them to carry out joint research programmes in the context of cooperation agreements concluded between research establishments in various countries; whereas, in order to complete their work successfully, researchers require certain equipment which they import for long-term use in Community research establishments;

Whereas, owing to the length of the periods for which the equipment is used, such imports do not qualify for the Community temporary import arrangements introduced by Regulation (EEC) No 3599/82<sup>(1)</sup>, as last amended by Regulation (EEC) No 1620/85<sup>(2)</sup>;

Whereas the research in question is of a non-commercial nature; whereas the equipment imported is not intended to improve the Community establishments' own installations which serve as a framework for the abovementioned cooperation agreements; whereas the equipment imported remains the property of a natural or legal person resident in a third country; whereas the situations referred to are exceptional and not covered by Articles 52 to 59 of

Regulation (EEC) No 918/83<sup>(3)</sup>, as last amended by Regulation (EEC) No 1315/88<sup>(4)</sup>; whereas specific measures should therefore be introduced for granting relief from import duties,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Articles are hereby inserted in Regulation (EEC) No 918/83:

*Article 59a*

1. Equipment imported for non-commercial purposes by or on behalf of a scientific research establishment or organization based outside the Community shall be admitted free of import duties.
2. The relief shall be granted provided the equipment:
  - (a) is intended for use by or with the agreement of the members or representatives of the establishments and organizations referred to in paragraph 1 in the context and within the limits of scientific cooperation agreements the purpose of which is to carry out international scientific research programmes in scientific research establishments based in the Community and approved for that purpose by the competent authorities of the Member States;
  - (b) remains the property of a natural or legal person resident outside the Community during its stay in the customs territory of the Community.
3. Within the meaning of this Regulation:
  - equipment is taken to mean instruments, apparatus, machines and their accessories including spare parts and tools specially designed for their maintenance,

<sup>(1)</sup> OJ No L 376, 31. 12. 1982, p. 1.

<sup>(2)</sup> OJ No L 155, 14. 6. 1985, p. 54.

<sup>(3)</sup> OJ No L 105, 23. 4. 1983, p. 1.

<sup>(4)</sup> OJ No L 123, 17. 5. 1988, p. 2.

inspection, calibration or repair, used for the purpose of scientific research,

- equipment intended for use for the purpose of scientific research carried out for non-profit making purposes is considered to be 'imported for non-commercial purposes'.

#### *Article 59b*

1. Equipment referred to in Article 59a which has been admitted duty-free in accordance with the conditions laid down in the said Article may not be lent, hired out or transferred, whether for a consideration or free of charge, without prior notification to the competent authorities.

2. Should equipment be lent, hired out or transferred to an establishment or organization entitled to benefit from relief pursuant to Article 59a, the relief shall continue to be granted provided the establishment or organization uses the equipment for purposes which confer the right to such relief.

In other cases, and without prejudice to the application of Articles 52 and 53, loan, hiring out or transfer shall be subject to prior payment of import duties, at the rate applying on the date of the loan, hiring out or transfer, on the basis of the type of equipment and the customs value ascertained or accepted on that date by the competent authorities.

3. Establishments or organizations referred to in Article 59a (1) which no longer fulfil the conditions to

qualify for relief or which are proposing to use equipment admitted duty-free for purposes other than those provided for by that Article shall so inform the competent authorities.

4. Equipment used by establishments or organizations which cease to fulfil the conditions giving entitlement to relief shall be liable to the relevant import duties at the rate applying on the date on which those conditions cease to be fulfilled, on the basis of the type of article and the customs value ascertained or accepted on that date by the competent authorities.

Without prejudice to Articles 52 and 53, equipment used by the establishment or organization benefiting from the relief for purposes other than those provided for in Article 59a shall be liable to the relevant import duties calculated as applicable on the date on which it is put to another use, on the basis of the type of equipment and the customs value ascertained or accepted on that date by the competent authorities.'

#### *Article 2*

This Regulation shall enter into force on 1 January 1989.

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4236/88

of 21 December 1988

opening and providing for the administration of Community tariff quotas for certain wines and sparkling wines, originating in Austria

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 to the Commission,

Whereas in accordance with the Agreement with Austria regarding reciprocal establishment of tariff quotas for certain quality wines, the Community is committed to fully suspend the customs duties applicable to quality wines and sparkling wines, originating in Austria complying with the 1985 Wine Law of the Republic of Austria, presented in containers not exceeding two litres, within the limits of annual tariff quotas of 85 000 and 2 000 hectolitres respectively; whereas this Agreement also provides for entry into force of these measures on 1 January 1989 for a period covering the first half of 1989 at volumes corresponding to 50 % of annual amounts, the duties applicable in Spain and Portugal in connection with those quotas being equal to those applied by Member States with respect to the Community as composed at 31 December 1985; whereas it is necessary therefore to open for the period 1 January to 30 June 1989 the Community tariff quotas in question at the amounts of 42 500 and 1 000 hectolitres respectively;

Whereas it is in particular necessary to allow all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid

down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas it is necessary not to allocate the quotas among the Member States but to allow them to draw against the quota volumes such quantities as they may need under the conditions and according to a procedure to be specified; 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 quotas are being used up 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, all transactions concerning the administration of shares levied by that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 January to 30 June 1989, the custom duties applicable on importation of the following products originating in Austria shall, without prejudice to Article 3, be suspended at levels and within the limits of tariff quotas as indicated with respect to each product:

| Order No | CN Code                                                                           | Description                                                                                 | Volume of quota (hl) | Quota duty (%) |
|----------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------|----------------|
| 09.0803  | ex 2204 21 25<br>ex 2204 21 29<br>ex 2204 21 35<br>ex 2204 21 39<br>ex 2204 21 49 | Quality wines presented in containers of a capacity not exceeding two litres                | 42 500               | 0              |
| 09.0805  | ex 2204 10 19<br>ex 2204 10 90                                                    | Sparkling quality wines, and presented in containers of a capacity not exceeding two litres | 1 000                | 0              |

2. Within the limits of the tariff quotas referred to in paragraph 1 the Kingdom of Spain and the Portuguese Republic shall apply the same duties as those they apply to similar products of the Community as composed at 31 December 1985.

3. Admission under the tariff quotas referred to in paragraph 1 shall be reserved to wines accompanied by a

document VI 1 or an extract VI 2, completed in accordance with the provisions of Regulation (EEC) No 3590/85 <sup>(1)</sup>.

Document VI 1 must include in Box 15 one of the following endorsements, certified by the competent Austrian organization:

<sup>(1)</sup> OJ No L 345, 20. 12. 1985, p. 20.

'This is to certify that the wines referred to in this document are quality sparkling wines <sup>(1)</sup> originating in Austria and in conformity with the 1985 Wine Law of the Republic of Austria.

<sup>(1)</sup> Delete whichever entry is not applicable.'

Furthermore, the wines in question shall remain subject to observance of the free-at-frontier reference price. In order that these wines benefit from the tariff quotas, Article 54 of Regulation (EEC) No 822/87 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2964/88 <sup>(2)</sup>, must be complied with.

#### Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective 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 drawing requests, with 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, 21 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.

#### 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 quotas.

2. Each Member State shall ensure that importers of the products 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 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 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 actually charged against the quotas.

#### Article 6

Member States and the Commission shall cooperate closely in order 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  
V. PAPANDREOU

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 269, 29. 9. 1988, p. 5.

## COUNCIL REGULATION (EEC) No 4237/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3588/88 opening and providing for the administration of a Community tariff quota for certain oils and fats of marine animals originating in Norway (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 Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of an Exchange of Letters was concluded and approved by Decision 86/557/EEC <sup>(1)</sup>;

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at a reduced rate of duty for certain oils and fats of marine animals, other than whale oil and sperm oil, originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3588/88 <sup>(2)</sup> should be repealed and replaced by this Regulation;

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

however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it 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 a procedure to be determined; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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

HAS ADOPTED THIS REGULATION:

## Article 1

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

| Order No | CN code                                         | Description                                                                                                                                | Amount of tariff quota (tonnes) | Rate of duty (%) |
|----------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------|
| 09.0701  | ex 1504 20 10<br>ex 1504 30 19<br>ex 1516 10 90 | Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg originating in Norway | 1 000                           | 8,5              |

2. Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply duties

calculated in accordance with the relevant provisions laid down by the 1985 Act of Accession.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 76.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 13.

European Economic Community and the Kingdom of Norway shall be applicable.

#### *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 (1) has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member 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 States 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 declarations, 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*

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

#### *Article 7*

Regulation (EEC) No 3588/88 is hereby repealed.

#### *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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4238/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3589/88 opening, allocating and providing for the administration of a Community tariff quota for fillets of certain cod and of fish of the species *Boreogadus saida*, originating in Norway (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 Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of an Exchange of Letters, was concluded and approved by Decision 86/557/EEC <sup>(1)</sup>;

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at zero duty for fillets of certain cod and of fish of the species *Boreogadus saida*, originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3589/88 <sup>(2)</sup> should be repealed and replaced by this Regulation;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the quota should be applied consistently to all imports until the quota is used up; whereas, in the light of these principles, allocation of the tariff quota among the Member States would seem to preserve the Community nature of the quota; whereas, in order to correspond as closely as possible to the actual development of the market in the said product, the allocation should reflect proportionately the requirements of the Member States calculated with reference to statistics of imports from Norway during a representative reference period and to the economic outlook for the quota year in question;

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

| Member States  | (tonnes) |       |       |       |
|----------------|----------|-------|-------|-------|
|                | 1984     | 1985  | 1986  | 1987  |
| Benelux        | 0        | 0     | 1     | 0     |
| Denmark        | 72       | 10    | 2     | 21    |
| Germany        | 0        | 0     | 0     | 0     |
| Greece         | 0        | 11    | 0     | 0     |
| Spain          | 37       | 0     | 0     | 14    |
| France         | 58       | 8     | 19    | 24    |
| Ireland        | 0        | 0     | 0     | 0     |
| Italy          | 4 589    | 2 691 | 2 354 | 1 390 |
| Portugal       | 0        | 0     | 0     | 0     |
| United Kingdom | 0        | 0     | 0     | 0     |
|                | 4 756    | 2 720 | 2 376 | 1 449 |

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

Whereas, for 1989, maintenance of the quotas for the Member States is necessary bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota;

Whereas in view of these factors, of market forecasts for the products in question, and of the effective use of the quotas opened for 1986 to 1988, the initial percentage shares of the quota volume can be expressed approximately as follows:

|         |       |
|---------|-------|
| Denmark | 0,50  |
| Greece  | 0,18  |
| Spain   | 0,21  |
| France  | 0,79  |
| Italy   | 98,32 |

Whereas, to allow for import trends for the products concerned, the quota volume should be divided into two

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 76.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 15.

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; whereas, to afford importers some degree of certainty, the first part of the tariff quota should be set at a high level, which in this case could be 54 % of the quota volume;

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

Whereas if, during the quota period, the Community reserve is almost totally used up, it is essential that Member States

return to the said reserve the whole of the unused proportion of their initial quota and of any drawings made, 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 measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January to 31 December 1989 the customs duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown herewith:

| Order No | CN code       | Description                                                                                                                                                                          | Quota volume (tonnes) | Rate of duty (%) |
|----------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0709  | ex 0305 30 19 | Fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> , and fish fillets of the species <i>Boreogadus saida</i> , dried, salted or in brine, originating in Norway | 3 000                 | 0                |

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply duties of 3,4 % and 0 % respectively.

2. Imports of the products in question shall not be eligible under the tariff quota referred to in paragraph 1 unless the free-at-frontier-price, which is determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3759/87 <sup>(2)</sup>, is at least equal to the reference price set or to be set by the Community for the product or categories of products under consideration.

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

#### Article 2

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

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 359, 21. 12. 1987, p. 1.

2. The first part of this quota shall be allocated among certain Member States. The quota shares shall, subject to Article 5, be valid until 31 December 1989, and shall be as follows:

|         | (in tonnes) |
|---------|-------------|
| Denmark | 8           |
| Greece  | 3           |
| Spain   | 3           |
| France  | 13          |
| Italy   | 1 593       |

3. The second part of the quota, amounting to 1 380 tonnes, shall constitute the reserve.

4. If an importer indicates that a consignment of the products in question is to be imported into a Member State not included in the initial allocation and applies to use 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 reserve so permits.

#### Article 3

1. If a Member State has used 90 % or more of its initial share as specified in Article 2 (2), it shall forthwith,

by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 5 % of the initial share.

3. If, after one of its second shares has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

#### *Article 4*

Without prejudice to Article 5, additional shares drawn pursuant to Article 3 shall be valid until 31 December 1989

#### *Article 5*

1. Once at least 80 % of the reserve of the tariff quota, 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 request for drawing, with the indication of the date of acceptance of the said declarations, 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 period laid down 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 the whole of the quantities which have not been used, by that date, within the meaning of Article 7 (3) and (4).

#### *Article 6*

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2, 3 and 5 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

#### *Article 7*

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Articles 3 and 5 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 product in question have free access to the shares allocated to them.

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

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

#### *Article 8*

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

#### *Article 9*

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

#### *Article 10*

Regulation (EEC) No 3589/88 is hereby repealed.

#### *Article 11*

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

---

## COUNCIL REGULATION (EEC) No 4239/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3590/88 opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved fish, originating in Norway (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

(tonnes)

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

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of an Exchange of Letters was concluded and approved by Council Decision 86/557/EEC <sup>(1)</sup>;

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at reduced rates of duty for certain prepared or preserved fishery products originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3590/88 <sup>(2)</sup> should be repealed and replaced by this Regulation;

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

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

| Member States  | 1985  | 1986  | 1987  |
|----------------|-------|-------|-------|
| Benelux        | 11    | 4     | 4     |
| Denmark        | 7     | 2     | 7     |
| Germany        | 22    | 3     | 21    |
| Greece         | 0     | 0     | 0     |
| Spain          | 3     | 1     | 1     |
| France         | 1 604 | 1 354 | 1 273 |
| Ireland        | 0     | 0     | 0     |
| Italy          | 106   | 309   | 0     |
| Portugal       | 0     | 0     | 0     |
| United Kingdom | 354   | 161   | 124   |
|                | 2 107 | 1 834 | 1 430 |

Whereas, during the years under consideration, the products in question were imported only by certain Member States and there were no such imports into the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the tariff quota upon imports into those States of the products concerned being notified; whereas these arrangements for allocation will also enable the uniform application of the Common Customs Tariff to be ensured;

Whereas, for 1989, maintenance of the quotas for the Member States is necessary bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota;

Whereas in view of these factors, of market forecasts for the products in question and of the effective use of the quotas opened for 1986 to 1988, the initial percentage shares of the quota volume can be expressed approximately as follows:

|                |       |
|----------------|-------|
| Benelux        | 0,40  |
| Denmark        | 0,34  |
| Germany        | 0,86  |
| France         | 78,77 |
| Italy          | 7,73  |
| United Kingdom | 11,90 |

Whereas, to accommodate any changes in imports for these products, the quota volume should be divided into two

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 76.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 18.

instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 54 % of the quota;

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

Whereas if, during the quota period, the Community reserve is almost totally used up, it is essential that Member

States return to the said reserve the whole of the unused proportion of their initial quota and of any drawings made, 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 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 on imports of the following products, originating in Norway, shall be suspended at the level and within the limit of the Community tariff quota shown herewith:

| Order No | CN code       | Description                                                                                                                                                                                                                                                    | Quota volume (tonnes) | Rate of duty (%) |
|----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0711  | ex 1604 13 90 | Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:<br>Other:<br>– Sardinella, brisling or sprats, not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen | 400                   | 10               |
|          | ex 1604 19 99 | Other, not including smoked saithe                                                                                                                                                                                                                             |                       |                  |
|          | ex 1604 20 90 | Fish other than herring and smoked saithe                                                                                                                                                                                                                      |                       |                  |

Under this tariff quota, the Kingdom of Spain and the Portuguese Republic shall charge duties of 11,9 % and 20 % respectively.

European Economic Community and the Kingdom of Norway, shall be applicable.

2. Imports of the products in question shall not qualify for the tariff quota referred to in paragraph 1 unless the free-at-frontier-price, which is determined by the Member States according to Article 21 of Council Regulation (EEC) 3796/81 of 29 December 1981 on the common organization of the market in fishery products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3759/87 <sup>(2)</sup>, is at least equal to the reference price where such a price has been fixed by the Community for the product or categories of products under consideration.

#### Article 2

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

2. A first instalment of this quota shall be allocated among certain Member States. The respective shares, which, subject to Article 5, shall be valid until 31 December 1989, shall be as follows:

(in tonnes)

|                |     |
|----------------|-----|
| Benelux        | 1   |
| Denmark        | 1   |
| Germany        | 2   |
| France         | 170 |
| Italy          | 17  |
| United Kingdom | 25  |

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 359, 21. 12. 1987, p. 1.

3. The second instalment of the quota, being 184 tonnes, shall constitute the reserve.

4. If an importer notifies the imminent import of the products in question into a Member State which does not participate in the initial allocation and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

#### *Article 3*

1. If a Member State has used 90 % or more of one of its initial shares as specified in Article 2 (2), it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 5 % of the initial share.

3. If, after one of its second shares has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

#### *Article 4*

Without prejudice to Article 5, additional shares drawn pursuant to Article 3 shall be valid until 31 December 1989.

#### *Article 5*

1. Once at least 80 % of the reserve of the tariff quota, 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 declarations, 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 period laid down 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 the whole of the quantities which have not been used, by that date, within the meaning of Article 7 (3) and (4).

#### *Article 6*

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2, 3 and 5 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

#### *Article 7*

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Articles 3 and 5 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 product in question have free access to the shares allocated to them.

3. Member States shall charge imports of the product in question against their shares as and when the products

are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports of the products in question, entered with the customs authorities for free circulation.

*Article 8*

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

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

Done at Brussels, 21 December 1988.

*Article 9*

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

*Article 10*

Regulation (EEC) No 3590/88 is hereby repealed.

*Article 11*

This Regulation shall enter into force on 1 January 1989.

*For the Council*  
*The President*  
V. PAPANDREOU

---

## COUNCIL REGULATION (EEC) No 4240/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3585/88 opening and providing for the administration of a Community tariff quota for concentrated pear juice originating in Austria (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 Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria was concluded on 22 July 1972; whereas following the accession of Spain and Portugal to the Community an Agreement in the form of an Exchange of Letters was concluded with that country and adopted by Decision 86/555/EEC<sup>(1)</sup>;

Whereas the said Agreement provides in particular for the opening of a 2 000-hectolitre Community tariff quota at a reduced rate of duty for concentrated pear juice originating in Austria; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3585/88<sup>(2)</sup> should be repealed and replaced by this Regulation;

Whereas it is necessary in particular, to ensure to all Community importers equal and uninterrupted access to the said quota and the consistent application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient

accuracy, it 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 conditions and according to a procedure to be determined; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is essential 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, all transactions concerning the administration of shares levied by that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 January to 31 December 1989 the duty applicable to imports of the following products shall be suspended at the level and within the limits of a Community tariff quota as shown herewith:

| Order No | CN code                  | Description                                     | Amount of tariff quota (in hl) | Rate of duty (in %)                |
|----------|--------------------------|-------------------------------------------------|--------------------------------|------------------------------------|
| 09.0801  | 2009 80 11<br>2009 80 19 | Concentrated pear juice, originating in Austria | 2 000                          | 30 + AGR<br>possibly<br>applicable |

2. 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 laid down by the Act of Accession.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 57.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 3

the European Economic Community and the Republic of Austria, shall apply.

#### 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 (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 declarations, 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 actually charged against the quota.

#### Article 6

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

#### Article 7

Regulation (EEC) No 3585/88 is hereby repealed.

#### 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, 21 December 1988.

For the Council  
The President  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4241/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3584/88 opening and providing for the administration of a Community tariff quota for table cherries, excluding Morello cherries, originating in Switzerland (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 Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Swiss Confederation was concluded on 22 July 1972; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of an Exchange of Letters was concluded and approved by Council Decision 86/559/EEC <sup>(1)</sup>;

Whereas the Agreement in the form of an Exchange of Letters provides for the opening of a Community tariff quota at zero duty for table cherries, excluding Morello cherries, originating in Switzerland; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3584/88 <sup>(2)</sup> should be repealed and replaced by this Regulation;

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, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it 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 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 quota is used up 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 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 duty applicable to imports of the following product 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 tariff quota (tonnes) | Rate of duty (%) |
|----------|-----------------------------|-----------------------------------------------------------------------|---------------------------------|------------------|
| 09.0901  | 0809 20 10<br>ex 0809 20 90 | Table cherries excluding Morello cherries, originating in Switzerland | 1 000                           | 0                |

2. Within the limit of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs

duties calculated in accordance with the relevant provisions of the Act of Accession.

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 98.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 1.

3. The Protocol on the definition of the concept of originating products and on methods of administrative

cooperation annexed to the Agreement between the European Economic Community and the Swiss Confederation shall apply.

#### *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 (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 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 declarations, 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 for 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 collaborate closely in order to ensure that this Regulation is complied with.

#### *Article 7*

Regulation (EEC) No 3584/88 is hereby repealed.

#### *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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4242/88

of 21 December 1988

repealing and replacing Regulation (EEC) No 3587/88 opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden (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 Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Sweden was concluded on 22 July 1972; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of an Exchange of Letters was concluded and approved by Decision 86/558/EEC <sup>(1)</sup>;

Whereas the said Agreement provides for the opening of Community tariff quotas at a reduced rate of duty or at zero duty for certain fishery products originating in

Sweden; whereas, therefore, the tariff quotas in question should be opened for the period 1 January to 31 December 1989;

Whereas the system of administering the tariff quota should be adjusted and therefore Regulation (EEC) No 3587/88 <sup>(2)</sup> should be repealed and replaced by this Regulation;

Whereas equal and continuous access to the quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports until the quotas are exhausted; whereas, in the light of these principles, allocation of the tariff quotas among the Member States would seem to preserve the Community nature of the quotas; whereas, in order to correspond as closely as possible to the real trend of the market, the allocation should reflect the requirements of the Member States based on statistics of imports from Sweden during a representative reference period and on the economic outlook for the quota year in question;

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

(tonnes)

| Member States  | Cod, saithe, haddock, fresh or chilled |        |        | Fillets of cod, fresh or frozen |      |      | Caviar substitutes |      |      |
|----------------|----------------------------------------|--------|--------|---------------------------------|------|------|--------------------|------|------|
|                | 1985                                   | 1986   | 1987   | 1985                            | 1986 | 1987 | 1985               | 1986 | 1987 |
| Benelux        | 189                                    | 182    | 65     | 24                              | 9    | 0    | 0                  | 0    | 1    |
| Denmark        | 20 288                                 | 18 568 | 16 934 | 392                             | 270  | 6    | 19                 | 1    | 1    |
| Germany        | 413                                    | 32     | 54     | 128                             | 43   | 171  | 6                  | 22   | 14   |
| Greece         | 0                                      | 0      | 0      | 0                               | 0    | 0    | 7                  | 4    | 14   |
| Spain          | 2 021                                  | 742    | 1 417  | 985                             | 276  | 0    | 5                  | 5    | 4    |
| France         | 158                                    | 170    | 212    | 24                              | 4    | 0    | 23                 | 5    | 39   |
| Ireland        | 0                                      | 0      | 0      | 0                               | 0    | 0    | 0                  | 0    | 0    |
| Italy          | 0                                      | 0      | 0      | 0                               | 0    | 0    | 0                  | 0    | 2    |
| Portugal       | 0                                      | 0      | 207    | 0                               | 0    | 0    | 0                  | 0    | 0    |
| United Kingdom | 516                                    | 454    | 401    | 0                               | 0    | 2    | 0                  | 0    | 0    |
|                | 23 585                                 | 20 168 | 19 290 | 1 553                           | 602  | 179  | 60                 | 37   | 75   |

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 89.

<sup>(2)</sup> OJ No L 314, 22. 11. 1988, p. 8.

(tonnes)

| Member States  | Prepared or preserved herring |      |      | Other prepared or preserved fish |      |      | Shrimps and prawns |      |      |
|----------------|-------------------------------|------|------|----------------------------------|------|------|--------------------|------|------|
|                | 1985                          | 1986 | 1987 | 1985                             | 1986 | 1987 | 1985               | 1986 | 1987 |
| Benelux        | 10                            | 15   | 12   | 66                               | 52   | 41   | 17                 | 0    | 0    |
| Denmark        | 30                            | 70   | 98   | 58                               | 59   | 189  | 10                 | 31   | 0    |
| Germany        | 64                            | 68   | 37   | 34                               | 36   | 32   | 9                  | 10   | 7    |
| Greece         | 0                             | 0    | 0    | 0                                | 0    | 0    | 0                  | 0    | 0    |
| Spain          | 0                             | 7    | 10   | 3                                | 3    | 1    | 1                  | 3    | 8    |
| France         | 1                             | 23   | 16   | 1                                | 6    | 0    | 3                  | 1    | 19   |
| Ireland        | 0                             | 0    | 0    | 0                                | 0    | 0    | 0                  | 0    | 0    |
| Italy          | 0                             | 0    | 0    | 0                                | 0    | 0    | 62                 | 58   | 50   |
| Portugal       | 0                             | 0    | 0    | 0                                | 0    | 0    | 0                  | 3    | 0    |
| United Kingdom | 9                             | 14   | 8    | 2                                | 0    | 1    | 12                 | 16   | 1    |
|                | 114                           | 197  | 181  | 164                              | 156  | 265  | 104                | 122  | 85   |

Whereas during the years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the tariff quotas when notification is given of imports into those States of the products concerned; whereas these arrangements for allocation will also ensure uniform application of the duties of the Common Customs Tariff;

Whereas, for 1989, maintenance of quotas for the Member States is necessary, bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota;

Whereas, in view of these factors, of market forecasts for the products in question and of the actual use of the quotas opened, for 1986 to 1988, the initial percentage shares of the quota can be expressed approximately as follows:

(tonnes)

| Member States  | Cod, saithe haddock | Fillets of cod | Caviar substitutes | Prepared herring | Other prepared fish | Shrimps and prawns |
|----------------|---------------------|----------------|--------------------|------------------|---------------------|--------------------|
| Benelux        | 0,69                | 1,41           | 0,74               | 7,52             | 27,18               | 5,47               |
| Denmark        | 88,50               | 28,62          | 14,81              | 40,24            | 52,30               | 9,97               |
| Germany        | 0,79                | 14,65          | 14,81              | 34,35            | 17,44               | 8,36               |
| Greece         | —                   | —              | 15,56              | —                | —                   | —                  |
| Spain          | 6,63                | 54,03          | 6,67               | 3,46             | 1,20                | 3,86               |
| France         | 0,86                | 1,20           | 45,93              | 8,13             | 1,37                | 7,40               |
| Ireland        | —                   | —              | —                  | —                | —                   | —                  |
| Italy          | —                   | —              | 1,48               | —                | —                   | 54,66              |
| Portugal       | 0,36                | —              | —                  | —                | —                   | 0,96               |
| United Kingdom | 2,17                | 0,09           | —                  | 6,30             | 0,51                | 9,32               |

Whereas, to allow for the trends of imports of the products concerned in the various Member States, the quota volumes 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, the first part of the tariff quotas should be set at a level which in this case could be 54 % of each quota volume;

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

Whereas if, during the quota period, the Community reserve is almost totally used up, it is essential that Member States return to the said reserve the whole of the unused proportion of their initial quota and of any drawings made, in order to avoid one part of the Community tariff quotas remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the 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 of the following products originating in Sweden shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

| Order No | CN code       | Description                                                                                                                                  | Quota volume (tonnes) | Rate of duty (%) |
|----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0601  | 0302          | Fish, fresh or chilled, excluding fish fillets and other fish meat falling within CN code 0304:                                              | 3 500                 | 0                |
|          |               | — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:                                   |                       |                  |
|          | ex 0302 50 10 | — Of the species <i>Gadus morhua</i>                                                                                                         |                       |                  |
|          |               | — Other fish, excluding livers and roes:                                                                                                     |                       |                  |
|          | 0302 62 00    | — — Haddock ( <i>Melanogrammus aeglefinus</i> )                                                                                              |                       |                  |
|          | 0302 63 00    | — — Coalfish ( <i>Pollachius virens</i> )                                                                                                    |                       |                  |
| 09.0603  | 0304          | Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:                                                          | 1 500                 | 0                |
|          | 0304 10       | — Fresh or chilled:                                                                                                                          |                       |                  |
|          |               | — — Fillets:                                                                                                                                 |                       |                  |
|          |               | — — — Other:                                                                                                                                 |                       |                  |
|          | ex 0304 10 31 | — — — — Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and of fish of the species <i>Boreogadus saida</i> : |                       |                  |
|          |               | — Of the species <i>Gadus morhua</i>                                                                                                         |                       |                  |
| 09.0605  | 1604          | Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:                                                           | 250                   | 0                |
|          |               | — Fish, whole or in pieces, but not minced:                                                                                                  |                       |                  |
|          | 1604 12       | — — Herrings:                                                                                                                                |                       |                  |
|          | 1604 12 90    | — — — Other:                                                                                                                                 |                       |                  |

| Order No | CN code       | Description                                                                             | Quota volume (tonnes) | Rate of duty (%) |
|----------|---------------|-----------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0607  | 1604 13       | — — Sardines, sardinella and brisling or sprats:                                        | 200                   | 0                |
|          | 1604 13 90    | — — — Other                                                                             |                       |                  |
|          | 1604 19       | — — Other:                                                                              |                       |                  |
|          |               | — — — Other:                                                                            |                       |                  |
|          | 1604 19 99    | — — — — Other                                                                           |                       |                  |
|          | 1604 20       | — Other prepared or preserved fish:                                                     |                       |                  |
|          | 1604 20 90    | — — Of other fish                                                                       |                       |                  |
| 09.0609  | 1604 30       | — Caviar and caviar substitutes:                                                        | 60                    | 0                |
|          | 1604 30 90    | — — Caviar substitutes                                                                  |                       |                  |
| 09.0611  | 1605          | Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:           | 120                   | 7,5              |
|          | ex 1605 20 00 | — Shrimps and prawns:                                                                   |                       |                  |
|          |               | — — Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety |                       |                  |

2. Within the limits of the tariff quotas laid down in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply the duties shown in the following table:

| Order No | (%)   |          |
|----------|-------|----------|
|          | Spain | Portugal |
| 09.0601  | 0     | 0        |
| 09.0603  | 0     | 0        |
| 09.0605  | 6,9   | 15       |
| 09.0607  | 6,9   | 15       |
| 09.0609  | 6,9   | 15       |
| 09.0611  | 6,8   | 15,8     |

3. Imports of the products in question may not be charged against the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States pursuant to Article 21 of Regulation (EEC)

No 3796/81 <sup>(1)</sup>, is at least equal to the reference price, if such a price has been fixed by the Community for the products in question.

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

#### Article 2

1. The tariff quotas laid down in Article 1 (1) shall be divided into two parts.

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

| Member States  | (tonnes)         |                  |                  |                  |                  |                  |
|----------------|------------------|------------------|------------------|------------------|------------------|------------------|
|                | Order No 09.0601 | Order No 09.0603 | Order No 09.0605 | Order No 09.0607 | Order No 09.0609 | Order No 09.0611 |
| Benelux        | 13               | 11               | 10               | 29               | 1                | 4                |
| Denmark        | 1 673            | 232              | 54               | 56               | 4                | 6                |
| Germany        | 15               | 119              | 46               | 19               | 4                | 5                |
| Greece         | —                | —                | —                | —                | 5                | —                |
| Spain          | 125              | 437              | 5                | 1                | 2                | 3                |
| France         | 16               | 10               | 11               | 2                | 15               | 5                |
| Italy          | —                | —                | —                | —                | 1                | 35               |
| Portugal       | 7                | —                | —                | —                | —                | 1                |
| United Kingdom | 41               | 1                | 9                | 1                | —                | 6                |
|                | 1 890            | 810              | 135              | 108              | 32               | 65               |

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

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

- for order No: 09.0601: 1 610 tonnes,
- for order No: 09.0603: 690 tonnes,
- for order No: 09.0605: 115 tonnes,
- for order No: 09.0607: 92 tonnes,
- for order No: 09.0609: 28 tonnes,
- for order No: 09.0611: 55 tonnes,

shall constitute the reserve.

4. If an importer gives notification of imminent imports of one of the products in question into a Member State not participating in the original allocation and applies to take advantage of 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 reserve so permits.

#### Article 3

1. If a Member State used 90 % or more of one of its initial shares as specified in Article 2 (2), it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 5 % of the initial share.

3. If, after one of its second share has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

#### Article 4

Without prejudice to Article 5, additional shares drawn pursuant to Article 3 shall be valid until 31 December 1989.

#### Article 5

1. Once at least 80 % of the reserve of the tariff quota, 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 declarations, 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 period laid down 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 the whole of the quantities which have not been used, by that date, within the meaning of Article 7 (3) and (4).

#### Article 6

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2, 3 and 5 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

#### Article 7

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 and 5 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 quotas shares allocated to them.

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 imports of the products concerned entered with the customs authorities for free circulation.

*Article 8*

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

*Article 9*

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

*Article 10*

Regulation (EEC) No 3587/88 is hereby repealed.

*Article 11*

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, 21 December 1988.

*For the Council*

*The President*

V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4243/88

of 21 December 1988

opening, allocating and providing for the administration of unilateral tariff quotas for coffee, unroasted and not freed of caffeine, and cocoa beans, whole or broken, raw or roasted falling within CN codes 0901 11 00 and 1801 00 00 (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas in the context of the accession negotiations, and in order to take into account the traditional trade flows between Spain and Latin America, the Community proposed that, for the first three years of the transitional period, duty-free unilateral tariff quotas be opened of 40 000 tonnes for coffee; unroasted and not freed of caffeine, falling within subheading 09.01 A I a) of the Common Customs Tariff and of 10 000 tonnes for cocoa beans, whole or broken, falling within heading No 18.01 of the Common Customs Tariff; whereas these quotas should be opened for their third year of application, namely for the period 1 January to 31 December 1989;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the Nomenclature of Goods for the External Trade Statistics of the Community and Statistics of Trade between Member

States; whereas in order to accommodate specific Community rules, this nomenclature has been expanded into an integrated tariff of the European Communities (TARIC); whereas, with effect from that date, the combined nomenclature and, where appropriate, the TARIC code numbers, should be used for the description of the products covered by this Regulation.

Whereas, in particular, equal and continuous access to the quotas should be ensured for all importers, and the rate of duty for the tariff quotas should be applied consistently to all imports until the quotas are used up; whereas, in the light of these principles, arrangements for the utilization of the tariff quotas based on an allocation among Member States would seem to be consistent with the Community nature of the quotas; whereas, to correspond as closely as possible to the actual trend in the market in the products in question, allocation of the quotas should be in proportion to the requirements as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota year in question;

Whereas, during the last three years for which statistics are available, imports into Member States from third countries which do not benefit from an equivalent tariff preference are as follows:

| Member States  | Coffee, unroasted and not freed of caffeine |           |          | Cocoa, beans, whole or broken |          |          |
|----------------|---------------------------------------------|-----------|----------|-------------------------------|----------|----------|
|                | 1984                                        | 1985      | 1986     | 1984                          | 1985     | 1986     |
| Benelux        | 161 876                                     | 148 039   | 123 203  | 31 406                        | 50 518   | 31 511   |
| Denmark        | 41 793                                      | 42 169    | 37 830   | 24                            | 27       | 10       |
| Germany        | 320 451                                     | 587 445   | 363 398  | 45 393                        | 63 706   | 58 885   |
| Greece         | 22 025                                      | 19 765    | 12 077   | 2 682                         | 2 708    | 3 032    |
| Spain          | (117 191)                                   | (121 083) | (86 692) | (37 823)                      | (38 923) | (15 998) |
| France         | 103 137                                     | 111 283   | 100 175  | 2 785                         | 5 355    | 5 767    |
| Ireland        | 191                                         | 163       | 162      | 0                             | 0        | 0        |
| Italy          | 129 333                                     | 163 912   | 118 964  | 2 874                         | 3 851    | 3 444    |
| Portugal       | 11 175                                      | 12 382    | 15 831   | 115                           | 115      | 23       |
| United Kingdom | 46 058                                      | 46 098    | 39 204   | 6 242                         | 6 782    | 8 673    |

Whereas, on the basis of the available data, and taking into account the special nature of the quotas, the initial percentage shares of the quota volumes can be expressed as follows:

| Member States  | Coffee | Cocoa |
|----------------|--------|-------|
| Benelux        | 0,78   | 1,69  |
| Denmark        | 0,22   | 0,01  |
| Germany        | 2,29   | 2,49  |
| Greece         | 0,10   | 0,12  |
| Spain          | 95,00  | 95,00 |
| France         | 0,56   | 0,20  |
| Ireland        | 0,01   | 0,01  |
| Italy          | 0,74   | 0,14  |
| Portugal       | 0,07   | 0,01  |
| United Kingdom | 0,23   | 0,32  |

Whereas, to take account of the possible import trends for the products concerned, the quota volumes 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; whereas, to give importers some degree of certainty, the first part of the Community tariff quotas should be set at a high level, which in this case could be about 99 % of the quota volumes;

Whereas initial shares may be used up at different rates; whereas, to avoid any break in the continuity of supplies on this account, it should be provided that any Member State which has almost used up its initial share should

draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this form of administration requires close cooperation between the Member States and the Commission, and the latter must be able to monitor the extent to which the quotas have been used up and to inform the Member States accordingly;

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

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January to 31 December 1989, the customs duties applicable to imports of the following products shall be suspended at the level indicated and within the limits of Community tariff quotas as shown herewith:

| Order No | CN code    | Description                                  | Quota volume (tonnes) | Rate of duty (%) |
|----------|------------|----------------------------------------------|-----------------------|------------------|
| 09.2733  | 0901 11 00 | Coffee, unroasted and not freed of caffeine  | 40 000                | 0                |
| 09.2735  | 1801 00 00 | Cocoa beans, whole or broken, raw or roasted | 10 000                | 0                |

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

#### Article 2

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

2. A first part of 39 500 and 9 900 tonnes respectively shall be allocated among the Member States; the shares shall, subject to Article 5, be valid from 1 January to 31 December 1989 and shall be as follows:

| Member States  | CN code 0901 11 00 | CN code 1801 00 00 |
|----------------|--------------------|--------------------|
| Benelux        | 308                | 167                |
| Denmark        | 87                 | 1                  |
| Germany        | 904                | 247                |
| Greece         | 38                 | 12                 |
| Spain          | 37 525             | 9 405              |
| France         | 223                | 20                 |
| Ireland        | 1                  | 1                  |
| Italy          | 293                | 14                 |
| Portugal       | 28                 | 1                  |
| United Kingdom | 93                 | 32                 |

3. The second part of 500 and 100 tonnes respectively, shall constitute the corresponding reserve.

#### *Article 3*

1. If a Member State has used 90 % or more of one of its initial shares as specified in Article 2 (2), or of that share less any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If a Member State, after exhausting one or the other of its initial shares, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up where necessary to the next whole number.

3. If a Member State, after exhausting one or the other of its second shares, has used 90 % or more of the third share drawn by it, that Member State shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

This process shall apply until each of the reserves is used up.

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

#### *Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1989.

#### *Article 5*

Member States shall, not later than 1 October 1989 return to the reserve the unused portion of each of their initial shares which, on 15 September 1989, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1989, notify the Commission of the total quantities of the products in question imported up to and including 15 September 1989

and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

#### *Article 6*

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 the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 October 1989, inform the Member States of the amount still in the reserves, following any return of shares pursuant to Article 5.

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

#### *Article 7*

1. 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 of the Community quota.

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

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

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

#### *Article 8*

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

#### *Article 9*

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

#### *Article 10*

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

---

## COUNCIL REGULATION (EEC) No 4244/88

of 21 December 1988

opening and providing for the administration of Community tariff quotas for new potatoes, fresh tomatoes and peas and immature beans, prepared or preserved, 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 1 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco <sup>(1)</sup> provides for the opening of Community tariff quotas for imports into the Community of:

- 39 000 tonnes of new potatoes falling within CN code ex 0701 90 51 for the period 1 January to 31 March,
- 86 000 tonnes of fresh tomatoes falling within CN code 0702 00 10 for the period 15 November to 30 April, and
- 8 700 tonnes of peas and immature beans falling within CN codes 2004 90 50, 2005 40 00 and 2005 59 00 for the period 1 January to 31 December,

originating in Morocco;

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, 243 and 268 of the Act of Accession of Spain and Portugal; whereas the quota duties for 1989 are equal to 60 % of the basic duties for fresh tomatoes and 50 % of the basic duty for new potatoes and peas and immature beans; whereas, however, Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down arrangements for Spain's and Portugal's trade with Morocco <sup>(2)</sup> provides that those Member States are to postpone application of the preferential arrangements for products covered by Regulation (EEC) No 1035/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2238/88 <sup>(4)</sup>, until 31 December 1989 and 31 December 1990 respectively;

Whereas this Regulation therefore only applies to the Community as constituted on 31 December 1985 with regard

to fresh tomatoes, whereas it applies to the Community as at present constituted with regard to new potatoes and peas and immature beans, prepared or preserved;

Whereas taking into account the fact that for fresh tomatoes Morocco benefits during the periods from 15 November to 31 December 1988 and from 1 March to 30 April 1989 from a lower customs duty compared with Spain and Portugal, this tariff quota should be opened for the period 1 January to 28 February 1989;

Whereas the volume of this quota should therefore, by virtue of the *pro rata temporis* clause, for this period be fixed at 31 556 tonnes;

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

Whereas equal and continuous access to the quotas 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 quotas are exhausted; whereas, however, the quotas should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to a procedure to be laid down; 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 share levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The customs duties applicable to imports into the Community of the following products originating in Morocco shall be suspended for the periods and at the levels indicated and within the limits of the Community tariff quotas as shown below:

<sup>(1)</sup> OJ No L 224, 13. 8. 1988, p. 18.

<sup>(2)</sup> OJ No L 287, 20. 10. 1988, p. 1.

<sup>(3)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(4)</sup> OJ No L 198, 26. 7. 1988, p. 1.

| Order No | CN code                                | Description                                                                                                                    | Volume of the tariff quota | Quota duty (%)                   | Applicable in                                |
|----------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------|----------------------------------------------|
| 09.1115  | ex 0701 90 51                          | New potatoes:<br>From 1 January to 31 March 1989                                                                               | 39 000                     | 7,5                              | Community as at present constituted          |
| 09.1117  | ex 0702 00 10                          | Tomatoes, fresh or chilled:<br>From 1 January to 28 February 1989                                                              | 31 556                     | 3,3<br>MIN ECU 0,6<br>100 kg/net | Community as constituted at 31 December 1985 |
| 09.1119  | 2004 90 50<br>2005 40 00<br>2005 59 00 | Peas ( <i>Pisum sativum</i> ) immature beans otherwise prepared and/or preserved than by vinegar or acetic acid, frozen or not | 8 700                      | 12                               | Community as at present constituted          |

2. Within the limits of the tariff quotas referred to in paragraph 1 for new potatoes and peas and immature beans, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 3189/88.

#### Article 2

The tariff quotas 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 products 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 quotas for such times as the balance of the tariff quotas so permits.

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

#### Article 6

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

---

## COUNCIL REGULATION (EEC) No 4245/88

of 21 December 1988

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in 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 Articles 1 and 2 of the Fourth Additional Protocol to the Cooperation Agreement between the European Economic Community and the State of Israel <sup>(1)</sup>, provide for the opening of Community tariff quotas for imports into the Community of:

- 17 000 tonnes of new potatoes falling within CN code ex 0701 90 51,
- 450 tonnes of Chinese cabbages falling within CN code ex 0704 90 90,
- 250 tonnes of 'iceberg' lettuce falling within CN code ex 0705 11 90,
- 7 400 tonnes of sweet peppers falling within CN code 0709 60 10,
- 6 400 tonnes of fresh lemons falling within CN code 0805 30 10, and
- 2 800 tonnes of peeled tomatoes falling within CN code 2002 10 00,

originating in Israel;

Whereas, within the limits of those tariff quotas, customs duties are to be dismantled over the same periods and at the same rates as provided for in Articles 75, 243 and 268 of the Act of Accession of Spain and Portugal; whereas the quota duties for 1989 are equal to 63,6 % of the duties applicable to sweet peppers and Chinese cabbages to 60 % of the duties applicable to iceberg lettuce, to 55,6 % of the duties applicable to fresh lemons and to 50 % of the duties applicable to peeled tomatoes and new potatoes; whereas, however, Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down arrangements for Spain and Portugal's trade with Israel <sup>(2)</sup> provides that those Member

States are to postpone application of the preferential agreements for products in the fruit and vegetable sector covered by Regulation (EEC) No 1035/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2238/88 <sup>(4)</sup>, until 31 December 1989 and 31 December 1990 respectively; whereas the provisions of this Regulation concerning the tariff quotas for the products of this Regulation therefore apply only to the Community as constituted on 31 December 1985; whereas the Community tariff quotas in question should therefore be opened for 1989;

Whereas equal and continuous access to the quotas 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 quotas are exhausted; whereas, however, the quotas should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to a procedure to be laid down; 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 share levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The customs duties applicable to imports into the Community of the following products originating in Israel shall be suspended for the periods and at the levels indicated and within the limits of the Community tariff quotas as shown below:

<sup>(1)</sup> OJ No L 327, 30. 11. 1987, p. 36.

<sup>(2)</sup> OJ No L 396, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(4)</sup> OJ No L 198, 26. 7. 1988, p. 1.

| Order No | CN code       | Description                                                                                            | Volume of tariff quota (tonnes) | Tariff quota duty (%)           | Applicability                                       |
|----------|---------------|--------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|-----------------------------------------------------|
| 09.1309  | ex 0701 90 51 | New potatoes from 1 January to 31 March 1989                                                           | 17 000                          | 7,5                             | In the Community as at present constituted          |
| 09.1311  | ex 0704 90 90 | Chinese cabbages from 1 November to 31 December 1989                                                   | 450                             | 9,5                             | In the Community as constituted on 31 December 1985 |
| 09.1313  | ex 0705 11 90 | Iceberg lettuce ( <i>Lactuca sativa</i> L, var. <i>capitata</i> ), from 1 November to 31 December 1989 | 250                             | 7,8<br>MIN ECU 0,9<br>100 kg/br | In the Community as constituted on 31 December 1985 |
| 09.1303  | 0709 60 10    | Sweet peppers from 1 January to 31 December 1989                                                       | 7 400                           | 4,0                             | In the Community as constituted on 31 December 1985 |
| 09.1315  | ex 0805 30 10 | Fresh lemons, from 1 January to 31 December 1989                                                       | 6 400                           | 4,4                             | In the Community as constituted on 31 December 1985 |
| 09.1307  | ex 2002 10 00 | Peeled tomatoes from 1 January to 31 December                                                          | 2 800                           | 9,0                             | In the Community as at present constituted          |

2. Within the limits of the tariff quotas referred to in paragraph 1 for new potatoes and peeled tomatoes, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 4162/87.

#### 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 the products covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quotas, 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 quotas, 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 quotas.

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 such products are entered with the customs authorities under cover of declarations of entry into 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 6*

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

*Article 5*

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

*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, 21 December 1988.

*For the Council*

*The President*

V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4246/88

of 21 December 1988

opening and providing for the administration of Community tariff quotas for certain fisheries  
products originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 3 of Protocol 2 thereto,

Having regard to the proposal from the Commission,

Whereas Article 3 of Protocol 2 and Article 10 of Protocol 3 to the Act of Accession provide that, within the limits of annual Community tariff quotas, fisheries products listed in the Annex and originating in the Canary Islands or Ceuta and Melilla are to qualify for reductions in duties when imported into the customs territory of the Community with the exception of Spain; whereas this tariff preference applies only to products which have been imported during 1982, 1983 or 1984; whereas there is no trade in the said products originating in Ceuta and Melilla and thus no need to open quotas for these products originating in those territories; whereas, calculated on the basis of the abovementioned Article 3, the quota volumes for these products originating in the Canary Islands are as follows:

- 604 tonnes of certain products falling within CN code ex 0301, ex 0302, ex 0303 or ex 0304,
- 3 429 tonnes of certain products falling within CN code ex 0306 or ex 0307,
- 539 tonnes of certain products falling within CN codes 1604 11 00 to 1604 30 90, and
- 227 tonnes of products falling within CN code 2301 20 00;

Whereas there are no imports of the other products;

Whereas the products imported under these quotas are to qualify for the progressive reduction in customs duties according to the same timetable and under the same conditions as provided for in Article 173 of the Act of Accession, provided the reference prices are observed; whereas, by virtue of Regulation (EEC) No 3482/88 <sup>(1)</sup>, the customs duty applicable to the import into the Community of Ten, of prepared or preserved sardines of the species *Sardina pilchardus*, coming from Spain, shall be subject to a flat-rate reduction of five points; whereas, however, where the products concerned are imported into Portugal, the duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession;

Whereas, by Council Regulation (EEC) No 839/88 of 28 March 1988 totally suspending certain customs duties applicable by the Community as constituted on 31 December 1985 to imports from Spain and Portugal <sup>(2)</sup>, the collection of customs duties applicable in the Community of Ten pursuant to the Act of Accession of Spain and Portugal to fishery products, imported from Spain and Portugal, shall be totally suspended as soon as they fall to the level of 2 % or less;

Whereas it is possible that for certain products indicated in the Annex to this Regulation the Community adopts a more favourable tariff regime to that currently applicable, in the framework of quotas or tariff suspensions; whereas it is appropriate, in the context, to grant to products originating in the Canary Islands treatment as favourable as that given to the same products from that part of Spain included in the customs territory of the Community, as is provided for in Article 3 of Protocol 2 of the Act of Accession;

Whereas equal and continuous access to the said quotas 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 quotas are exhausted; whereas these quotas should not be allocated among the Member States, without prejudice to the drawing against the quota volumes 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 shares levied by that economic union may be carried out by any one of its members,

<sup>(1)</sup> OJ No L 306, 11. 11. 1988, p. 1.

<sup>(2)</sup> OJ No L 87, 31. 3. 1988, p. 1.

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January to 31 December 1989 the customs duties applicable to imports into the Community with the exception of Spain of the products originating in the Canary Islands listed in the Annex shall be suspended at the levels indicated and within the limits of the Community tariff quotas shown.

Within the limits of these tariff quotas the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession.

2. In order to qualify for these tariff quotas the products concerned must observe the reference prices which apply to them.

3. In whatever state the fisheries products referred to in this Article are presented, to the exclusion of flours, meals and pellets, of fish, crustaceans or molluscs, falling within CN code ex 2301 20 00, they shall not qualify for the tariff quotas unless, when they are presented to the authorities responsible for the import formalities with a view to their entry for free circulation in the customs territory of the Community, they are presented in packagings which bear in a clearly visible and perfectly legible form:

- the words 'Origin: Canary Islands' or 'Origin: Ceuta and Melilla' or the equivalent thereof in another official Community language printed in Roman type at least 20 millimetres high, and
- the net weight in kilograms of the fish contained in the packagings.

In addition, the immediate packings of pre-packaged foodstuffs falling within CN codes 1604 11 00 to 1604 30 90 must bear the words 'Made in the Canary Islands' or 'Made in Ceuta and Melilla' or the equivalent thereof in another official Community language in a clearly visible, perfectly legible and indelible form.

This paragraph shall apply without prejudice to the specific rules contained in Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish <sup>(1)</sup>, and Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps of the genus '*Crangon*' spp. <sup>(2)</sup>, as last amended by Regulation (EEC) No 3940/87 <sup>(3)</sup>.

4. In case of modification or full or partial suspension of the customs duties applicable to the third countries for one of the products indicated in the Annex to this Regulation, the duties applicable to this product originating in the Canary Islands must automatically be equal to those applicable to the

same product coming from that part of Spain included in the customs territory of the Community.

#### 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 quotas, 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 quotas 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 provision:

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 declarations, 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).

<sup>(1)</sup> OJ No L 20, 28. 1. 1976, p. 29.

<sup>(2)</sup> OJ No L 20, 28. 1. 1976, p. 35.

<sup>(3)</sup> OJ No L 373, 31. 12. 1987, p. 6.

*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 the goods are entered with the customs authorities for free circulation.
4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 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*

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## ANNEX

| Order No | CN code    | Description                                                                                                                                               | Amount of<br>tariff quota<br>(tonnes) | Rate of<br>duty<br>(%) |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------|
| 1        | 2          | 3                                                                                                                                                         | 4                                     | 5                      |
| 09.0405  | 0301       | Live fish:                                                                                                                                                | 604                                   |                        |
|          |            | – Other live fish:                                                                                                                                        |                                       |                        |
|          | 0301 91 00 | – – Trout ( <i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i> )                           |                                       | 6                      |
|          | 0301 92 00 | – – Eels ( <i>Anguilla</i> spp.)                                                                                                                          |                                       | 0                      |
|          | 0301 93 00 | – – Carp                                                                                                                                                  |                                       | 4                      |
|          | 0301 99    | – – Other:                                                                                                                                                |                                       |                        |
|          |            | – – – Freshwater fish:                                                                                                                                    |                                       |                        |
|          | 0301 99 11 | – – – – Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )                       |                                       | 0                      |
|          | 0302       | Fish, fresh or chilled, excluding fish fillets and other fish meat of code 0304:                                                                          |                                       |                        |
|          |            | – Salmonidae, excluding livers and roes:                                                                                                                  |                                       |                        |
|          | 0302 11 00 | – – Trout ( <i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i> )                           |                                       | 6                      |
|          | 0302 12 00 | – – Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )                           |                                       | 0                      |
|          |            | – Flat fish (Pleuronectidae, Bothidae, Cynoglossidae, Soleidae, Scophthalmidae and Citharidae), excluding livers and roes:                                |                                       |                        |
|          | 0302 21    | – – Halibut ( <i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus stenolepis</i> ):                                  |                                       |                        |
|          | 0302 21 10 | – – – Lesser or Greenland halibut ( <i>Reinhardtius hippoglossoides</i> )                                                                                 |                                       | 0                      |
|          | 0302 21 30 | – – – Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )                                                                                               |                                       | 4                      |
|          | 0302 21 90 | – – – Pacific halibut ( <i>Hippoglossus stenolepis</i> )                                                                                                  |                                       | 7,5                    |
|          | 0302 22 00 | – – Plaice ( <i>Pleuronectes platessa</i> )                                                                                                               |                                       | 7,5                    |
|          | 0302 23 00 | – – Sole ( <i>Solea</i> spp.)                                                                                                                             |                                       | 7,5                    |
|          | 0302 29 00 | – – Other                                                                                                                                                 |                                       | 7,5                    |
|          |            | – Tunas (of the genus <i>Thunnus</i> ), skipjack or stripe-bellied bonito ( <i>Euthynnus (Katsuwonus) pelamis</i> ), excluding livers and roes:           |                                       |                        |
|          | 0302 31    | – – Albacore or longfinned tunas ( <i>Thunnus alalunga</i> ):                                                                                             |                                       |                        |
|          | 0302 31 90 | – – – Other                                                                                                                                               |                                       | 11                     |
|          | 0302 32    | – – Yellowfin tunas ( <i>Thunnus albacares</i> ):                                                                                                         |                                       |                        |
|          | 0302 32 90 | – – – Other                                                                                                                                               |                                       | 11                     |
|          | 0302 33    | – – Skipjack or stripe-bellied bonito:                                                                                                                    |                                       |                        |
|          | 0302 33 90 | – – – Other                                                                                                                                               |                                       | 11                     |
|          | 0302 39    | – – Other:                                                                                                                                                |                                       |                        |
|          | 0302 39 90 | – – – Other                                                                                                                                               |                                       | 11                     |
|          | 0302 40    | – Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), excluding livers and roes:                                                                |                                       |                        |
|          | 0302 40 90 | – – From 16 June to 14 February                                                                                                                           |                                       | 7,5                    |
|          | 0302 50    | – Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:                                                |                                       |                        |
|          | 0302 50 10 | – – Of the species <i>Gadus morhua</i>                                                                                                                    |                                       | 6                      |
|          | 0302 50 90 | – – Other cod                                                                                                                                             |                                       | 6                      |
|          |            | – Other fish, excluding livers and roes:                                                                                                                  |                                       |                        |
|          | 0302 61    | – – Sardines ( <i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella ( <i>Sardinella</i> spp.), brisling or sprats ( <i>Sprattus sprattus</i> ): |                                       |                        |
|          | 0302 61 10 | – – – Sardines of the species <i>Sardina pilchardus</i>                                                                                                   |                                       | 11,5                   |

| 1                   | 2             | 3                                                                                                                                                                           | 4               | 5    |
|---------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|
| 09.0405<br>(cont'd) | 0302 61 30    | - - - Sardines of the genus <i>Sardinops</i> ; sardinella ( <i>Sardinella</i> spp.)                                                                                         | 604<br>(cont'd) | 7,5  |
|                     |               | - - - Brisling or sprats ( <i>Sprattus sprattus</i> ):                                                                                                                      |                 |      |
|                     | 0302 61 99    | - - - - From 16 June to 14 February                                                                                                                                         |                 | 6,5  |
|                     | 0302 62 00    | - - Haddock ( <i>Melanogrammus aeglefinus</i> )                                                                                                                             |                 | 7,5  |
|                     | 0302 63 00    | - - Coalfish ( <i>Pollachius virens</i> )                                                                                                                                   |                 | 7,5  |
|                     | 0302 64       | - - Mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> ):                                                                         |                 |      |
|                     | 0302 64 90    | - - - From 16 June to 14 February                                                                                                                                           |                 | 7,5  |
|                     | 0302 65       | - - Dogfish and other sharks:                                                                                                                                               |                 |      |
|                     | 0302 65 10    | - - - Dogfish ( <i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)                                                                                                      |                 | 4    |
|                     | 0302 65 90    | - - - Other                                                                                                                                                                 |                 | 4    |
|                     | 0302 66 00    | - - Eels ( <i>Anguilla</i> spp.)                                                                                                                                            |                 | free |
|                     | 0302 69       | - - Other:                                                                                                                                                                  |                 |      |
|                     |               | - - - Freshwater fish:                                                                                                                                                      |                 |      |
|                     | 0302 69 11    | - - - - Carp                                                                                                                                                                |                 | 4    |
|                     |               | - - - Saltwater fish:                                                                                                                                                       |                 |      |
|                     |               | - - - - Fish of the genus <i>Euthynnus</i> , other than the skipjack or stripe-bellied bonitos ( <i>Euthynnus (Katsuwonus) pelamis</i> ) mentioned in code 0302 33:         |                 |      |
|                     | 0302 69 25    | - - - - - Other                                                                                                                                                             |                 | 11   |
|                     |               | - - - - Redfish ( <i>Sebastes</i> spp.):                                                                                                                                    |                 |      |
|                     | 0302 69 31    | - - - - - Of the species <i>Sebastes marinus</i>                                                                                                                            |                 | 4    |
|                     | 0302 69 33    | - - - - - Other                                                                                                                                                             |                 | 4    |
|                     | 0302 69 35    | - - - - Fish of the species <i>Boreogadus saida</i>                                                                                                                         |                 | 6    |
|                     | 0302 69 41    | - - - - Whiting ( <i>Merlangus merlangus</i> )                                                                                                                              |                 | 7,5  |
|                     | 0302 69 45    | - - - - Ling ( <i>Molva</i> spp.)                                                                                                                                           |                 | 7,5  |
|                     | 0302 69 51    | - - - - Alaska pollack ( <i>Theragra chalcogramma</i> ) and pollack ( <i>Pollachius pollachius</i> )                                                                        |                 | 7,5  |
|                     | 0302 69 55    | - - - - Anchovies ( <i>Engraulis</i> spp.)                                                                                                                                  |                 | 7,5  |
|                     | 0302 69 61    | - - - - Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)                                                                                                          |                 | 7,5  |
|                     | 0302 69 65    | - - - - Hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.)                                                                                                               |                 | 7,5  |
|                     | ex 0302 69 65 | - - - - Silver hake ( <i>Merluccius bilinearis</i> )                                                                                                                        |                 | 4    |
|                     | 0302 69 71    | - - - - Megrin ( <i>Lepidorhombus</i> spp.)                                                                                                                                 |                 | 7,5  |
|                     | 0302 69 75    | - - - - Ray's bream ( <i>Brama</i> spp.)                                                                                                                                    |                 | 7,5  |
|                     | 0302 69 81    | - - - - Monkfish ( <i>Lophius</i> spp.)                                                                                                                                     |                 | 7,5  |
|                     | 0302 69 85    | - - - - Blue whiting ( <i>Micromesistius poutassaou</i> or <i>Gadus poutassou</i> )                                                                                         |                 | 7,5  |
|                     | 0302 69 95    | - - - - Other                                                                                                                                                               |                 | free |
|                     | 0302 70 00    | - Livers and roes                                                                                                                                                           |                 | 5    |
|                     | 0303          | Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:                                                                                                |                 |      |
|                     | 0303 10 00    | - Pacific salmon ( <i>Oncorhynchus</i> spp.), excluding livers and roes and salmon, frozen and headless, for the processing industry for manufacture into pastes or spreads |                 | 0    |
|                     |               | - Other Salmonidae, excluding livers and roes:                                                                                                                              |                 |      |
|                     | 0303 21 00    | - - Trout ( <i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gillae</i> )                                            |                 | 6    |
|                     | 0303 22 00    | - - Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )                                                                                         |                 | 0    |
|                     |               | - Flat fish (Pleuronectidae, Bothidae, Cynoglossidae, Soleidae, Scophthalmidae and Citharidae), excluding livers and roes:                                                  |                 |      |
|                     | 0303 31       | - - Halibut ( <i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus stenolepis</i> ):                                                    |                 |      |
|                     | 0303 31 10    | - - - Lesser or Greenland halibut ( <i>Reinhardtius hippoglossoides</i> )                                                                                                   |                 | free |

| 1                   | 2             | 3                                                                                                                                                         | 4               | 5    |
|---------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|
| 09.0405<br>(cont'd) | 0303 31 30    | — — — Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )                                                                                               |                 | 4    |
|                     | 0303 31 90    | — — — Pacific halibut ( <i>Hippoglossus stenolepis</i> )                                                                                                  |                 | 7,5  |
|                     | 0303 32 00    | — — Plaice ( <i>Pleuronectes platessa</i> )                                                                                                               |                 | 7,5  |
|                     | 0303 33 00    | — — Sole ( <i>Solea</i> spp.)                                                                                                                             |                 | 7,5  |
|                     | 0303 39       | — — Other:                                                                                                                                                |                 |      |
|                     | 0303 39 10    | — — — Flounder ( <i>Platichthys flesus</i> )                                                                                                              |                 | 7,5  |
|                     | 0303 39 90    | — — — Other                                                                                                                                               |                 | 7,5  |
|                     |               | — Tunas (of the genus <i>Thunnus</i> ), skipjack or stripe-bellied bonito ( <i>Euthynnus (Katsuwonus) pelamis</i> ), excluding livers and roes:           |                 |      |
|                     | 0303 41       | — — Albacore or longfinned tunas ( <i>Thunnus alalunga</i> ):                                                                                             |                 |      |
|                     | 0303 41 90    | — — — Other                                                                                                                                               |                 | 11   |
|                     | 0303 42       | — — Yellowfin tunas ( <i>Thunnus albacares</i> ):                                                                                                         |                 |      |
|                     | 0303 42 90    | — — — Other                                                                                                                                               |                 | 11   |
|                     | 0303 43       | — — Skipjack or stripe-bellied bonito:                                                                                                                    |                 |      |
|                     | 0303 43 90    | — — — Other                                                                                                                                               |                 | 11   |
|                     | 0303 49       | — — Other:                                                                                                                                                |                 |      |
|                     | 0303 49 90    | — — — Other                                                                                                                                               |                 | 11   |
|                     | 0303 50       | — Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), excluding livers and roes:                                                                |                 |      |
|                     | 0303 50 90    | — — From 16 June to 14 February                                                                                                                           |                 | free |
|                     | 0303 60       | — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:                                                |                 |      |
|                     | 0303 60 11    | — — Of the species <i>Gadus morhua</i>                                                                                                                    |                 | 6    |
|                     | 0303 60 19    | — — Of the species <i>Gadus ogac</i>                                                                                                                      |                 | 7,5  |
|                     | 0303 60 90    | — — Of the species <i>Gadus macrocephalus</i>                                                                                                             |                 | 7,5  |
|                     |               | — Other fish, excluding livers and roes:                                                                                                                  |                 |      |
|                     | 0303 71       | — — Sardines ( <i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella ( <i>Sardinella</i> spp.), brisling or sprats ( <i>Sprattus sprattus</i> ): | 604<br>(cont'd) |      |
|                     | 0303 71 10    | — — — Sardines of the species <i>Sardina pilchardus</i>                                                                                                   |                 | 11,5 |
|                     | 0303 71 30    | — — — Sardines of the genus <i>Sardinops</i> ; sardinella ( <i>Sardinella</i> spp.)                                                                       |                 | 7,5  |
|                     |               | — — — Brisling or sprats ( <i>Sprattus sprattus</i> ):                                                                                                    |                 |      |
|                     | 0303 71 99    | — — — — From 16 June to 14 February                                                                                                                       |                 | 7,5  |
|                     | 0303 72 00    | — — Haddock ( <i>Melanogrammus aeglefinus</i> )                                                                                                           |                 | 7,5  |
|                     | 0303 73 00    | — — Coalfish ( <i>Pollachius virens</i> )                                                                                                                 |                 | 7,5  |
|                     | 0303 74       | — — Mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> ):                                                       |                 |      |
|                     |               | — — — Of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :                                                                               |                 |      |
|                     | 0303 74 19    | — — — — From 16 June to 14 February                                                                                                                       |                 | 10   |
|                     | 0303 74 90    | — — — Of the species <i>Scomber australasicus</i>                                                                                                         |                 | 7,5  |
|                     | 0303 75       | — — Dogfish and other sharks:                                                                                                                             |                 |      |
|                     | 0303 75 10    | — — — Dogfish ( <i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)                                                                                    |                 | 4    |
|                     | 0303 75 90    | — — — Other                                                                                                                                               |                 | 4    |
|                     | 0303 76 00    | — — Eels ( <i>Anguilla</i> spp.)                                                                                                                          |                 | 0    |
|                     | 0303 77 00    | — — Sea bass ( <i>Dicentrarchus labrax</i> , <i>Dicentrarchus punctatus</i> )                                                                             |                 | 7,5  |
|                     | 0303 78       | — — Hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.):                                                                                                |                 |      |
|                     | 0303 78 10    | — — — Hake of the genus <i>Merluccius</i>                                                                                                                 |                 | 7,5  |
|                     | ex 0303 78 10 | — — — Silver hake ( <i>Merluccius bilinearis</i> )                                                                                                        |                 | 4    |
|                     | 0303 78 90    | — — — Hake of the genus <i>Urophycis</i>                                                                                                                  |                 | 7,5  |
|                     | 0303 79       | — — Other:                                                                                                                                                |                 |      |
|                     |               | — — — Freshwater fish:                                                                                                                                    |                 |      |

| 1                   | 2             | 3                                                                                                                                                                                       | 4               | 5    |
|---------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|
| 09.0405<br>(cont'd) | 0303 79 11    | — — — — Carp                                                                                                                                                                            |                 | 4    |
|                     |               | — — — — Saltwater fish:                                                                                                                                                                 |                 |      |
|                     |               | — — — — Fish of the genus <i>Euthynnus</i> , other than the skipjack or<br>stripebelled bonitos ( <i>Euthynnus</i> ( <i>Katsuwonus</i> ) <i>pelamis</i> )<br>mentioned in code 0303 43: |                 |      |
|                     | 0303 79 31    | — — — — Other                                                                                                                                                                           |                 | 11   |
|                     |               | — — — — Redfish ( <i>Sebastes</i> spp.):                                                                                                                                                |                 |      |
|                     | 0303 79 35    | — — — — — Of the species <i>Sebastes marinus</i>                                                                                                                                        |                 | 4    |
|                     | 0303 79 37    | — — — — — Other                                                                                                                                                                         |                 | 4    |
|                     | 0303 79 41    | — — — — Fish of the species <i>Boreogadus saida</i>                                                                                                                                     |                 | 6    |
|                     | 0303 79 45    | — — — — Whiting ( <i>Merlangus merlangus</i> )                                                                                                                                          |                 | 7,5  |
|                     | 0303 79 51    | — — — — Ling ( <i>Molva</i> spp.)                                                                                                                                                       |                 | 7,5  |
|                     | 0303 79 55    | — — — — Alaska pollack ( <i>Theragra chalcogramma</i> ) and pollack<br>( <i>Pollachius pollachius</i> )                                                                                 |                 | 7,5  |
|                     |               | — — — — Fish of the species <i>Orcynopsis unicolor</i> :                                                                                                                                |                 |      |
|                     | 0303 79 63    | — — — — — From 16 June to 14 February                                                                                                                                                   |                 | 10   |
|                     | 0303 79 65    | — — — — Anchovies ( <i>Engraulis</i> spp.)                                                                                                                                              |                 | 7,5  |
|                     | 0303 79 71    | — — — — Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)                                                                                                                      |                 | 7,5  |
|                     | 0303 79 73    | — — — — Megrim ( <i>Lepidorhombus</i> spp.)                                                                                                                                             |                 | 7,5  |
|                     | 0303 79 75    | — — — — Ray's bream ( <i>Brama</i> spp.)                                                                                                                                                |                 | 7,5  |
|                     | 0303 79 81    | — — — — Monkfish ( <i>Lophius</i> spp.)                                                                                                                                                 |                 | 7,5  |
|                     | 0303 79 83    | — — — — Blue whiting ( <i>Micromesistius poutassou</i> or <i>Gadus<br/>poutassou</i> )                                                                                                  |                 | 7,5  |
|                     | 0303 79 99    | — — — — Other                                                                                                                                                                           |                 | 7,5  |
|                     | 0303 80 00    | — Livers and roes                                                                                                                                                                       |                 | 5    |
|                     | 0304          | Fish fillets and other fish meat (whether or not minced), fresh, chilled or<br>frozen:                                                                                                  | 604<br>(cont'd) |      |
|                     | 0304 10       | — Fresh or chilled:                                                                                                                                                                     |                 |      |
|                     |               | — — Fillets:                                                                                                                                                                            |                 |      |
|                     |               | — — — Of freshwater fish:                                                                                                                                                               |                 |      |
|                     | 0304 10 11    | — — — — Of trout ( <i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> ,<br><i>Salmo aguabonita</i> , <i>Salmo gillae</i> )                                              |                 | 6    |
|                     | 0304 10 13    | — — — — Of Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon<br>( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )                                               |                 | 0    |
|                     | ex 0304 10 19 | — — — — Fillets of eels and carps                                                                                                                                                       |                 | free |
|                     |               | — — — Other:                                                                                                                                                                            |                 |      |
|                     | 0304 10 31    | — — — — Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus<br/>macrocephalus</i> ) and of fish of the species <i>Boreogadus<br/>saida</i>                                      |                 | 9    |
|                     | 0304 10 39    | — — — — Other                                                                                                                                                                           |                 | 9    |
|                     |               | — — Other fish meat (whether or not minced):                                                                                                                                            |                 |      |
|                     | ex 0304 10 91 | — — — Fish meat other than fillets of trout, salmon, eels and carps                                                                                                                     |                 | free |
|                     | 0304 10 99    | — — — Other                                                                                                                                                                             |                 | free |
|                     | 0304 20       | — Frozen fillets:                                                                                                                                                                       |                 |      |
|                     |               | — — Of freshwater fish:                                                                                                                                                                 |                 |      |
|                     | 0304 20 11    | — — — Of trout ( <i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo<br/>aguabonita</i> , <i>Salmo gillae</i> )                                               |                 | 6    |
|                     | 0304 20 13    | — — — Of Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon<br>( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )                                                 |                 | 0    |
|                     | ex 0304 20 19 | — — — Of eels and carps                                                                                                                                                                 |                 | free |
|                     |               | — — Of cod ( <i>Gadus morhua</i> , <i>Gadus macrocephalus</i> , <i>Gadus ogac</i> ) and<br>of fish of the species <i>Boreogadus saida</i> :                                             |                 |      |
|                     | 0304 20 21    | — — — Of cod of the species <i>Gadus macrocephalus</i>                                                                                                                                  |                 | 7,5  |
|                     | 0304 20 29    | — — — Other                                                                                                                                                                             |                 | 7,5  |

| 1                   | 2             | 3                                                                                                                                                             | 4 | 5    |
|---------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---|------|
| 09.0405<br>(cont'd) | 0304 20 31    | — — Of coalfish ( <i>Pollachius virens</i> )                                                                                                                  |   | 7,5  |
|                     | 0304 20 33    | — — Of haddock ( <i>Melanogrammus aeglefinus</i> )                                                                                                            |   | 7,5  |
|                     |               | — — Of redfish ( <i>Sebastes</i> spp.):                                                                                                                       |   |      |
|                     | 0304 20 35    | — — — Of the species <i>Sebastes marinus</i>                                                                                                                  |   | 6    |
|                     | 0304 20 37    | — — — Other                                                                                                                                                   |   | 6    |
|                     | 0304 20 41    | — — Of whiting ( <i>Merlangus merlangus</i> )                                                                                                                 |   | 7,5  |
|                     | 0304 20 43    | — — Of ling ( <i>Molva</i> spp.)                                                                                                                              |   | 7,5  |
|                     | 0304 20 45    | — — Of tuna (of the genus <i>Thunnus</i> ) and of fish of the genus <i>Euthynnus</i>                                                                          |   | 9    |
|                     |               | — — Of mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> ) and of fish of the species <i>Orcynopsis unicolor</i> : |   |      |
|                     | 0304 20 51    | — — — Of mackerel of the species <i>Scomber australasicus</i>                                                                                                 |   | 7,5  |
|                     | 0304 20 53    | — — — Other                                                                                                                                                   |   | 7,5  |
|                     |               | — — Of hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.):                                                                                                 |   |      |
|                     | 0304 20 57    | — — — Of hake of the genus <i>Merluccius</i>                                                                                                                  |   | 7,5  |
|                     | 0304 20 59    | — — — Of hake of the genus <i>Urophycis</i>                                                                                                                   |   | 7,5  |
|                     |               | — — Of dogfish and other sharks:                                                                                                                              |   |      |
|                     | 0304 20 61    | — — — Of dogfish ( <i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)                                                                                     |   | 7,5  |
|                     | 0304 20 69    | — — — Of other sharks                                                                                                                                         |   | 7,5  |
|                     | 0304 20 71    | — — Of plaice ( <i>Pleuronectes platessa</i> )                                                                                                                |   | 7,5  |
|                     | 0304 20 73    | — — Of flounder ( <i>Platichthys flesus</i> )                                                                                                                 |   | 7,5  |
|                     | 0304 20 75    | — — Of herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> )                                                                                            |   | 7,5  |
|                     | 0304 20 79    | — — Of megrim ( <i>Lepidorhombus</i> spp.)                                                                                                                    |   | 7,5  |
|                     | 0304 20 81    | — — Of Ray's beam ( <i>Brama</i> spp.)                                                                                                                        |   | 7,5  |
|                     | 0304 20 83    | — — Of monkfish ( <i>Lophius</i> spp.)                                                                                                                        |   | 7,5  |
|                     | 0304 20 99    | — — Other                                                                                                                                                     |   | 7,5  |
|                     | 0304 90       | — Other:                                                                                                                                                      |   |      |
|                     | 0304 90 10    | — — Fish meat other than fillets, frozen, of trout, salmon, eels and carps                                                                                    |   | free |
|                     |               | — — Other:                                                                                                                                                    |   |      |
|                     |               | — — — Of herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ):                                                                                         |   |      |
|                     | 0304 90 25    | — — — — From 16 June to 14 February                                                                                                                           |   | free |
|                     | ex 0304 90 31 | — — — Of redfish ( <i>Sebastes</i> spp.)                                                                                                                      |   | 4    |
|                     |               | — — — Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and of fish of the species <i>Boreogadus saida</i> :                    |   |      |
|                     | 0304 90 35    | — — — — Of cod of the species <i>Gadus macrocephalus</i>                                                                                                      |   | 7,5  |
|                     | 0304 90 38    | — — — — Of cod of the species <i>Gadus morhua</i>                                                                                                             |   | 6    |
|                     | 0304 90 39    | — — — — Other                                                                                                                                                 |   | 7,5  |
|                     | 0304 90 41    | — — — Of coalfish ( <i>Pollachius virens</i> )                                                                                                                |   | 7,5  |
|                     | 0304 90 45    | — — — Of haddock ( <i>Melanogrammus aeglefinus</i> )                                                                                                          |   | 7,5  |
|                     |               | — — — Of hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.):                                                                                               |   |      |
|                     | 0304 90 47    | — — — — Of hake of the genus <i>Merluccius</i>                                                                                                                |   | 7,5  |
|                     | ex 0304 90 47 | — — — — Of the genus <i>Merluccius bilinearis</i>                                                                                                             |   | 4    |
|                     | 0304 90 49    | — — — — Of hake of the genus <i>Urophycis</i>                                                                                                                 |   | 7,5  |
|                     | 0304 90 51    | — — — Of megrim ( <i>Lepidorhombus</i> spp.)                                                                                                                  |   | 7,5  |
|                     | 0304 90 55    | — — — Of Ray's bream ( <i>Brama</i> spp.)                                                                                                                     |   | 7,5  |
|                     | 0304 90 57    | — — — Of monkfish ( <i>Lophius</i> spp.)                                                                                                                      |   | 7,5  |
|                     | 0304 90 59    | — — — Of blue whiting ( <i>Micromesistius poutassou</i> or <i>Gadus poutassou</i> )                                                                           |   | 7,5  |
|                     | ex 0304 90 99 | — — — Fish meat, other than frozen fillets, of species mentioned in this Regulation under code 0303                                                           |   | free |

604  
(cont'd)

| 1       | 2          | 3                                                                                                                                                                                                                                        | 4     | 5    |
|---------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|
| 09.0407 | 0306       | Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine:<br>— Frozen: |       |      |
|         | 0306 11 00 | — — Rock lobster and other sea crawfish ( <i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.)                                                                                                                               |       | 6,2  |
|         | 0306 12    | — — Lobsters ( <i>Homarus</i> spp.):                                                                                                                                                                                                     |       |      |
|         | 0306 12 10 | — — — Whole                                                                                                                                                                                                                              |       | free |
|         | 0306 12 90 | — — — Other                                                                                                                                                                                                                              |       | free |
|         | 0306 13    | — — Shrimps and prawns:                                                                                                                                                                                                                  |       |      |
|         | 0306 13 10 | — — — Of the family Pandalidae                                                                                                                                                                                                           |       | 6    |
|         | 0306 13 30 | — — — Shrimps of the genus <i>Crangon</i>                                                                                                                                                                                                |       | 9    |
|         | 0306 13 90 | — — — Other                                                                                                                                                                                                                              |       | 9    |
|         | 0306 14    | — — Crabs:                                                                                                                                                                                                                               |       |      |
|         | 0306 14 10 | — — — Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i>                                                                                                                     |       | 4    |
|         | 0306 14 30 | — — — Crabs of the species <i>Cancer pagurus</i>                                                                                                                                                                                         |       | 7,5  |
|         | 0306 14 90 | — — — Other                                                                                                                                                                                                                              |       | 7,5  |
|         | 0306 19    | — — Other:                                                                                                                                                                                                                               |       |      |
|         | 0306 19 10 | — — — Freshwater crayfish                                                                                                                                                                                                                |       | 7,5  |
|         | 0306 19 30 | — — — Norway lobsters ( <i>Nephrops norvegicus</i> )                                                                                                                                                                                     |       | 6    |
|         | 0306 19 90 | — — — Other                                                                                                                                                                                                                              |       | 6    |
|         |            | — Not frozen:                                                                                                                                                                                                                            |       |      |
|         | 0306 21 00 | — — Rock lobster and other sea crawfish ( <i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.)                                                                                                                               |       | 6,2  |
|         | 0306 22    | — — Lobsters ( <i>Homarus</i> spp.):                                                                                                                                                                                                     |       |      |
|         | 0306 22 10 | — — — Live                                                                                                                                                                                                                               |       | free |
|         |            | — — — Other:                                                                                                                                                                                                                             |       |      |
|         | 0306 22 91 | — — — — Whole                                                                                                                                                                                                                            | 3 429 | free |
|         | 0306 22 99 | — — — — Other                                                                                                                                                                                                                            |       | free |
|         | 0306 23    | — — Shrimps and prawns:                                                                                                                                                                                                                  |       |      |
|         | 0306 23 10 | — — — Of the family Pandalidae                                                                                                                                                                                                           |       | 6    |
|         |            | — — — Shrimps of the genus <i>Crangon</i> :                                                                                                                                                                                              |       |      |
|         | 0306 23 31 | — — — — Fresh, chilled or cooked by steaming or by boiling in water                                                                                                                                                                      |       | 9    |
|         | 0306 23 39 | — — — — Other                                                                                                                                                                                                                            |       | 9    |
|         | 0306 23 90 | — — — Other                                                                                                                                                                                                                              |       | 9    |
|         | 0306 24    | — — Crabs:                                                                                                                                                                                                                               |       |      |
|         | 0306 24 10 | — — — Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i>                                                                                                                     |       | 4    |
|         | 0306 24 30 | — — — Crabs of the species <i>Cancer pagurus</i>                                                                                                                                                                                         |       | 7,5  |
|         | 0306 24 90 | — — — Other                                                                                                                                                                                                                              |       | 7,5  |
|         | 0306 29    | — — Other:                                                                                                                                                                                                                               |       |      |
|         | 0306 29 10 | — — — Freshwater crayfish                                                                                                                                                                                                                |       | 7,5  |
|         | 0306 29 30 | — — — Norway lobsters ( <i>Nephrops norvegicus</i> )                                                                                                                                                                                     |       | 6    |
|         | 0306 29 90 | — — — Other                                                                                                                                                                                                                              |       | 6    |
|         | 0307       | Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine:                          |       |      |
|         | 0307 10    | — Oysters:                                                                                                                                                                                                                               |       |      |
|         | 0307 10 90 | — — Other                                                                                                                                                                                                                                |       | 9    |
|         |            | — Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> :                                                                                                                               |       |      |
|         | 0307 21 00 | — — Live, fresh or chilled                                                                                                                                                                                                               |       | 4    |

| 1                   | 2             | 3                                                                                                                                                                                                      | 4                 | 5    |
|---------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------|
| 09.0407<br>(cont'd) | 0307 29       | - - Other:                                                                                                                                                                                             |                   |      |
|                     | 0307 29 10    | - - - Coquilles St. Jacques ( <i>Pecten maximus</i> ), frozen                                                                                                                                          |                   | 4    |
|                     | 0307 29 90    | - - - Other                                                                                                                                                                                            |                   | 4    |
|                     |               | - Mussels ( <i>Mytilus</i> spp., <i>Perna</i> spp.):                                                                                                                                                   |                   |      |
|                     | 0307 31       | - - Live, fresh or chilled:                                                                                                                                                                            |                   |      |
|                     | 0307 31 10    | - - - <i>Mytilus</i> spp.                                                                                                                                                                              |                   | 3,7  |
|                     | 0307 31 90    | - - - <i>Perna</i> spp.                                                                                                                                                                                |                   | 4    |
|                     | 0307 39       | - - Other:                                                                                                                                                                                             |                   |      |
|                     | 0307 39 10    | - - - <i>Mytilus</i> spp.                                                                                                                                                                              |                   | 3,7  |
|                     | 0307 39 90    | - - - <i>Perna</i> spp.                                                                                                                                                                                |                   | 4    |
|                     |               | - Cuttlefish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.) and squid ( <i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.): |                   |      |
|                     | 0307 41       | - - Live, fresh or chilled:                                                                                                                                                                            |                   |      |
|                     | 0307 41 10    | - - - Cuttlefish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.)                                                                                                           |                   | 4    |
|                     |               | - - - Squid ( <i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.):                                                                                        |                   |      |
|                     | 0307 41 91    | - - - - <i>Loligo</i> spp., <i>Ommastrephes sagittatus</i>                                                                                                                                             |                   | 3    |
|                     | 0307 41 99    | - - - - Other                                                                                                                                                                                          |                   | 4    |
|                     | 0307 49       | - - Other:                                                                                                                                                                                             |                   |      |
|                     |               | - - - Frozen:                                                                                                                                                                                          |                   |      |
|                     |               | - - - - Cuttlefish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.):                                                                                                        |                   |      |
|                     | 0307 49 11    | - - - - - Of the genus <i>Sepiola</i> other than <i>Sepiola rondeleti</i>                                                                                                                              |                   | 4    |
|                     | 0307 49 19    | - - - - - Other                                                                                                                                                                                        |                   | 4    |
|                     |               | - - - - - Squid ( <i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.):                                                                                    |                   |      |
|                     |               | - - - - - <i>Loligo</i> spp.:                                                                                                                                                                          | 3 429<br>(cont'd) |      |
|                     | 0307 49 31    | - - - - - - <i>Loligo vulgaris</i>                                                                                                                                                                     |                   | 3    |
|                     | 0307 49 33    | - - - - - - <i>Loligo pealei</i>                                                                                                                                                                       |                   | 3    |
|                     | 0307 49 39    | - - - - - - Other                                                                                                                                                                                      |                   | 3    |
|                     | 0307 49 51    | - - - - - <i>Ommastrephes sagittatus</i>                                                                                                                                                               |                   | 3    |
|                     | 0307 49 59    | - - - - - Other                                                                                                                                                                                        |                   | 4    |
|                     |               | - - - Other:                                                                                                                                                                                           |                   |      |
|                     | 0307 49 71    | - - - - Cuttlefish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.)                                                                                                         |                   | 4    |
|                     |               | - - - - Squid ( <i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.):                                                                                      |                   |      |
|                     | 0307 49 91    | - - - - - <i>Loligo</i> spp., <i>Ommastrephes sagittatus</i>                                                                                                                                           |                   | 3    |
|                     | 0307 49 99    | - - - - - Other                                                                                                                                                                                        |                   | 4    |
|                     |               | - Octopus ( <i>Octopus</i> spp.):                                                                                                                                                                      |                   |      |
|                     | 0307 51 00    | - - Live, fresh or chilled                                                                                                                                                                             |                   | 4    |
|                     | 0307 59       | - - Other:                                                                                                                                                                                             |                   |      |
|                     | 0307 59 10    | - - - Frozen                                                                                                                                                                                           |                   | 4    |
|                     | 0307 59 90    | - - - Other                                                                                                                                                                                            |                   | 4    |
|                     |               | - Other:                                                                                                                                                                                               |                   |      |
|                     | ex 0307 91 00 | - - Molluscs, live, fresh or chilled                                                                                                                                                                   |                   | free |
|                     | 0307 99       | - - Other:                                                                                                                                                                                             |                   |      |
|                     |               | - - - Frozen:                                                                                                                                                                                          |                   |      |
|                     | 0307 99 11    | - - - - <i>Illex</i> spp.                                                                                                                                                                              |                   | 4    |
|                     | 0307 99 13    | - - - - Striped venus and other species of the family Veneridae                                                                                                                                        |                   | 4    |
|                     | ex 0307 99 19 | - - - - Other molluscs                                                                                                                                                                                 |                   | 4    |
|                     | ex 0307 99 90 | - - - Other molluscs                                                                                                                                                                                   |                   | 4    |

| 1             | 2          | 3                                                                                                                                                           | 4   | 5    |
|---------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------|
| 09.0409       | 1604       | Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:<br>— Fish, whole or in pieces, but not minced:                           |     |      |
|               | 1604 11 00 | — — Salmon                                                                                                                                                  |     | 2,7  |
|               | 1604 12    | — — Herrings:                                                                                                                                               |     |      |
|               | 1604 12 10 | — — — Fillets, raw, coated with batter or breadcrumbs, deep frozen                                                                                          |     | 7,5  |
|               | 1604 12 90 | — — — Other                                                                                                                                                 |     | 10   |
|               | 1604 13    | — — Sardines, sardinella and brisling or sprats:                                                                                                            |     |      |
| ex 1604 13 10 |            | — — — Sardines, of the species <i>Sardina pilchardus</i>                                                                                                    |     | 10,9 |
|               |            | — — — Other sardines                                                                                                                                        |     | 10,9 |
|               | 1604 13 90 | — — — Other                                                                                                                                                 |     | 10   |
|               | 1604 14    | — — Tunas, skipjack and Atlantic bonito ( <i>Sarda</i> spp.):                                                                                               |     |      |
|               | 1604 14 10 | — — — Tunas and skipjack                                                                                                                                    |     | 12   |
|               | 1604 14 90 | — — — Atlantic bonito ( <i>Sarda</i> spp.)                                                                                                                  |     | 12,5 |
|               | 1604 15    | — — Mackerel:                                                                                                                                               |     |      |
|               | 1604 15 10 | — — — Of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>                                                                                   |     | 12,5 |
|               | 1604 15 90 | — — — Of the species <i>Scomber australasicus</i>                                                                                                           |     | 10   |
|               | 1604 16 00 | — — Anchovies                                                                                                                                               |     | 12,5 |
|               | 1604 19    | — — Other:                                                                                                                                                  |     |      |
|               | 1604 19 10 | — — — Salmonidae, other than salmon                                                                                                                         | 539 | 3,5  |
|               | 1604 19 30 | — — — Fish of the genus <i>Euthynnus</i> , other than skipjack ( <i>Euthynnus (Katsuwonus) pelamis</i> )                                                    |     | 12   |
|               | 1604 19 50 | — — — Fish of the species <i>Ocrynopsis unicolor</i>                                                                                                        |     | 12,5 |
|               |            | — — — Other:                                                                                                                                                |     |      |
|               | 1604 19 91 | — — — — Fillets, raw, coated with batter or bread/crums, deep frozen                                                                                        |     | 7,5  |
|               | 1604 19 99 | — — — — Other                                                                                                                                               |     | 10   |
|               | 1604 20    | — Other prepared or preserved fish:                                                                                                                         |     |      |
|               | 1604 20 10 | — — Of salmon                                                                                                                                               |     | 2,7  |
|               | 1604 20 30 | — — Of Salmonidae, other than salmon                                                                                                                        |     | 3,5  |
|               | 1604 20 40 | — — Of anchovies                                                                                                                                            |     | 12,5 |
| ex 1604 20 50 |            | — — Of sardines of the species <i>Sardina pilchardus</i>                                                                                                    |     | 10,9 |
| ex 1604 20 50 |            | — — Other sardines                                                                                                                                          |     | 10,9 |
| ex 1604 20 50 |            | — — Of bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , fish of the species <i>Ocrynopsis unicolor</i>                |     | 12,5 |
|               | 1604 20 70 | — — Of tunas, skipjack or other fish of the genus <i>Euthynnus</i>                                                                                          |     | 12   |
|               | 1604 20 90 | — — Of other fish                                                                                                                                           |     | 10   |
|               | 1604 30    | — Caviar and caviar substitutes:                                                                                                                            |     |      |
|               | 1604 30 10 | — — Caviar (sturgeon roe)                                                                                                                                   |     | 15   |
|               | 1604 30 90 | — — Caviar substitutes                                                                                                                                      |     | 15   |
|               | 2301       | Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves: |     |      |
| ex 2301 20 00 |            | — Flours, meals and pellets, of fish or of crustaceans, molluscs                                                                                            | 227 | free |

## COUNCIL REGULATION (EEC) No 4247/88

of 21 December 1988

opening and providing for the administration of a Community tariff quota for boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community currently depends on imports from third countries for its supplies of boysenberries; whereas it is in the Community's interest to suspend partially the customs duty on the products in question within the limits of a Community tariff quota of an appropriate volume; whereas, in order not to harm the prospects for increasing fruit production within the Community, while at the same time making adequate supplies available to user industries, the tariff quota should be limited to 1 500 tonnes and opened for the period 1 January to 31 December 1989 at a duty of 15 %;

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 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 duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

| Order No | CN code       | Description                                                                                                                                                         | Volume of quota (tonnes) | Rate of duty (%) |
|----------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------|
| 09.2729  | ex 0811 90 90 | Boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries | 1 500                    | 15               |

2. Within the limits of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with the relevant provision of the Act of Accession.

3. Checks that the products are used for the prescribed specific purpose shall be carried out in accordance with the relevant Community provisions.

*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 (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 declarations, 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*

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4248/88

of 21 December 1988

opening, allocating and providing for the administration of Community tariff quotas for certain petroleum products refined in Spain and certain woven fabrics of cotton coming from Spain (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 30 and 31 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 30 and 31 of the Act of Accession, the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products are to be phased out within the limits of Community tariff quotas of:

- 1 424 000 tonnes of certain petroleum products falling within Chapter 27 of the combined nomenclature, refined in that part of Spain which is included in this customs territory of the Community, and
- 2 013 tonnes of certain woven fabrics of cotton falling within Chapter 52 of the combined nomenclature, coming from Spain;

Whereas, on 1 January 1989, the duties in question will be reduced to 47,5% of the basic duties; whereas the basic duties to be adopted are those laid down by Council Regulation (EEC) No 4161/87 of 22 December 1987 laying down, consequent on the entry into force of the combined nomenclature, the basic duties to be adopted within the Community as constituted on 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal <sup>(1)</sup>;

Whereas Council Regulation (EEC) No 839/88 of 28 March 1988 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and

Portugal <sup>(2)</sup> totally suspends the collection of customs duties applicable in the Community of Ten to the said products imported from Spain as soon as they fall to the level of 2% or less; whereas it is therefore appropriate, for the purpose of determining the duties applicable to the products in question, to open Community tariff quotas for the said products for the period 1 January to 31 December 1989 at the rates of duty shown in the table in Article 1;

Whereas Article 1 of Protocol 3 to the Act of Accession lays down special arrangements for imports into Portugal of the products in question coming from Spain; whereas the Community tariff quotas accordingly apply only to the Community as constituted on 31 December 1985;

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 this can best be achieved, while preserving the Community nature of the quotas, by allocating them among the Member States; whereas in order to correspond as closely as possible to the real trend of the market for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products coming from Spain during a representative reference period and on the economic outlook for the quota period in question;

Whereas during the last three years for which statistics are available the corresponding imports into each Member State were as follows:

(tonnes)

| Member State   | Certain petroleum products falling within Chapter 27 of the combined nomenclature |         |         | Certain woven fabrics of cotton falling within Chapter 52 of the combined nomenclature |       |       |
|----------------|-----------------------------------------------------------------------------------|---------|---------|----------------------------------------------------------------------------------------|-------|-------|
|                | 1985                                                                              | 1986    | 1987    | 1985                                                                                   | 1986  | 1987  |
| Benelux        | 13 794                                                                            | 347 936 | 404 873 | 225                                                                                    | 23    | 458   |
| Denmark        | 72                                                                                | 14 055  | 5 880   | 50                                                                                     | 34    | 100   |
| Germany        | 6 293                                                                             | 362 533 | 235 958 | 148                                                                                    | 51    | 667   |
| Greece         | 244                                                                               | 87      | 25 850  | —                                                                                      | 8     | 10    |
| France         | 296 450                                                                           | 560 176 | 334 737 | 1 279                                                                                  | 1 268 | 1 649 |
| Ireland        | 16 967                                                                            | 822 132 | 379 945 | 59                                                                                     | 14    | 63    |
| Italy          | 81 421                                                                            | 191 110 | 67 820  | 408                                                                                    | 36    | 593   |
| United Kingdom | 191 587                                                                           | 949 602 | 900 900 | 436                                                                                    | 72    | 342   |

<sup>(1)</sup> OJ No L 395, 31. 12. 1987, p. 1.

<sup>(2)</sup> OJ No L 87, 31. 3. 1988, p. 1.

Whereas in view of these data and of market forecasts for the products in question, in particular those supplied by certain Member States, the initial percentage shares of the quotas could be approximately as follows:

| Member State   | Petroleum products | Woven fabrics of cotton |
|----------------|--------------------|-------------------------|
| Benelux        | 12,35              | 8,84                    |
| Denmark        | 0,32               | 2,31                    |
| Germany        | 9,74               | 10,85                   |
| Greece         | 0,42               | —                       |
| France         | 19,18              | 52,56                   |
| Ireland        | 19,63              | 1,80                    |
| Italy          | 5,48               | 12,99                   |
| United Kingdom | 32,88              | 10,65                   |

Whereas, for 1989, maintenance of the quotas for the Member States is necessary bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota;

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; 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 quota volume for petroleum products and 60 % of the quota volume for woven fabrics of cotton;

Whereas the initial shares of the Member States may be used up at different rates; whereas in order to avoid any break in the continuity of supplies on this account, a Member State

which has almost used up one of its initial shares should draw an additional share from the corresponding reserve; whereas this process should be repeated whenever such additional or subsequent shares near depletion, as many times as the reserve allows; whereas each initial or additional share must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the extent to which the quotas are used and inform the Member States accordingly;

Whereas if, during the quota period, the Community reserve is almost totally used up, it is essential that Member States return to the said reserve the whole of the unused portion of their initial quota and of any drawings made, 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 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 as constituted on 31 December 1985 of the following petroleum products refined in that part of Spain which is included in the customs territory of the Community and the following woven fabrics of cotton coming from Spain shall be totally suspended within the limits of the Community tariff quotas as shown below:

| Order No | CN code    | Description                                                                                                                                                                                                                                                                                                                                                         | Volume of tariff quota (tonnes) | Rate of duty (%) |
|----------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------|
| 09.0313  | 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:<br>— Light oils:<br>— — For other purposes:<br>— — — Special spirits: | 1 424 000                       |                  |
|          | 2710 00 21 | — — — — White spirit                                                                                                                                                                                                                                                                                                                                                |                                 | 0                |
|          | 2710 00 25 | — — — — Other                                                                                                                                                                                                                                                                                                                                                       |                                 | 0                |
|          |            | — — — — Other:                                                                                                                                                                                                                                                                                                                                                      |                                 |                  |
|          |            | — — — — — Motor spirit:                                                                                                                                                                                                                                                                                                                                             |                                 |                  |
|          |            |                                                                                                                                                                                                                                                                                                                                                                     |                                 |                  |

| Order No            | CN code    | Description                                                                                                                                                                                                                 | Volume of tariff quota (tonnes) | Rate of duty (%) |
|---------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------|
| 09.0313<br>(cont'd) | 2710 00 31 | — — — — — Aviation spirit                                                                                                                                                                                                   | 1 424 000<br>(cont'd)           | 0                |
|                     |            | — — — — — Other, with a lead content:                                                                                                                                                                                       |                                 |                  |
|                     | 2710 00 33 | — — — — — Not exceeding 0,013 g/l                                                                                                                                                                                           |                                 | 0                |
|                     | 2710 00 35 | — — — — — Exceeding 0,013 g/l                                                                                                                                                                                               |                                 | 0                |
|                     | 2710 00 37 | — — — — Spirit type jet fuel                                                                                                                                                                                                |                                 | 0                |
|                     | 2710 00 39 | — — — — Other light oils                                                                                                                                                                                                    |                                 | 0                |
|                     |            | — Medium oils:                                                                                                                                                                                                              |                                 |                  |
|                     |            | — — For other purposes:                                                                                                                                                                                                     |                                 |                  |
|                     |            | — — — Kerosene:                                                                                                                                                                                                             |                                 |                  |
|                     | 2710 00 51 | — — — — Jet fuel                                                                                                                                                                                                            |                                 | 0                |
|                     | 2710 00 55 | — — — — Other                                                                                                                                                                                                               |                                 | 0                |
|                     | 2710 00 59 | — — — Other                                                                                                                                                                                                                 |                                 | 0                |
|                     |            | — Heavy oils:                                                                                                                                                                                                               |                                 |                  |
|                     |            | — — Lubricating oils; other oils:                                                                                                                                                                                           |                                 |                  |
|                     | 2710 00 99 | — — — For other purposes                                                                                                                                                                                                    |                                 | 0                |
|                     | 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: |                                 |                  |
|                     |            | — Petroleum jelly:                                                                                                                                                                                                          |                                 |                  |
|                     | 2712 10 90 | — — Other                                                                                                                                                                                                                   |                                 | 0                |
| 09.0315             | 5208       | Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m <sup>2</sup>                                                                                                           | 2 013                           | 0                |
|                     | 5209       | Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m <sup>2</sup>                                                                                                               |                                 | 0                |
|                     | 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 <sup>2</sup>                                                            |                                 | 0                |
|                     | 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 <sup>2</sup>                                                                |                                 | 0                |
|                     | 5212       | Other woven fabrics of cotton                                                                                                                                                                                               |                                 | 0                |

## Article 2

(tonnes)

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

2. The first part of each tariff quota, amounting to 768 960 tonnes and 1 210 tonnes respectively, shall be allocated among certain Member States; the quota shares, which shall be valid until 31 December 1989, shall be as follows:

|                |          |
|----------------|----------|
| Benelux        | 94 967   |
| Denmark        | 2 460    |
| Germany        | 74 896   |
| Greece         | 3 230    |
| France         | 147 487  |
| Ireland        | 150 947  |
| Italy          | 42 139   |
| United Kingdom | 252 834; |

(a) certain petroleum products falling within Chapter 27 of the combined nomenclature, refined in that part of Spain which is included in the customs territory of the Community;

(b) certain woven fabrics of cotton falling within Chapter 52 of the combined nomenclature:

(tonnes)

|                |     |
|----------------|-----|
| Benelux        | 105 |
| Denmark        | 27  |
| Germany        | 130 |
| Greece         | 10  |
| France         | 635 |
| Ireland        | 20  |
| Italy          | 155 |
| United Kingdom | 128 |

3. The second part of each quota, namely:

- 655 040 tonnes of petroleum products falling within Chapter 27 of the combined nomenclature, and
- 803 tonnes of woven fabrics of cotton falling within Chapter 52 of the combined nomenclature respectively,

shall constitute the corresponding Community reserve.

#### Article 3

1. If a Member State has used 90 % or more of an initial quota share as specified in Article 2 (2) or of an initial share less any portion returned to the corresponding reserve pursuant to Article 5, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If, after an initial quota share has been used up, a Member State has used 90 % or more of its second share as well, it shall forthwith, using the procedure provided for in paragraph 1 and to the extent that the reserve so permits, draw a third share equal to 5 % of the initial share, rounded up where necessary to the next whole number.

3. If, after one of its second shares has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

#### Article 4

Without prejudice to Article 5, each additional share drawn pursuant to Article 3 shall be valid until 31 December 1989.

#### Article 5

1. Once at least 80 % of the reserve 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 of 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 declarations, 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 period laid down 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 the whole of the quantities which have not been used, by that date, within the meaning of Article 7 (4).

#### Article 6

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.

#### Article 7

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 shares of the Community tariff quotas.

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

3. Member States shall charge imports of woven fabrics of cotton against their quota shares as and when the products are entered with the customs authorities under cover of a declaration of release for free circulation. The extent to which the quota shares of the Member States in respect of woven fabrics of cotton have been used up shall be measured on the basis of the imports charged against their quota shares.

4. The extent to which the quota shares of the Member States in respect of petroleum products have been used up shall be measured on the basis of the quantities of the products in question imported under cover of a declaration of release for free circulation.

#### *Article 8*

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

#### *Article 9*

Member States shall inform the Commission, at its request, of imports actually charged against the quotas.

#### *Article 10*

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4249/88

of 21 December 1988

on export arrangements for certain types of non-ferrous metal waste and scrap

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2603/69 of 20 December 1969 establishing common rules for exports <sup>(1)</sup>, as last amended by Regulation (EEC) No 1934/82 <sup>(2)</sup>, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas <sup>(3)</sup>, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas, Regulation (EEC) No 3951/87 <sup>(4)</sup> made exports of aluminium and lead waste and scrap subject for 1988 to production of a prior export licence to be issued by the appropriate authorities of the Member States according to procedures to be laid down; whereas these arrangements expire on 31 December 1988; whereas it is advisable to retain them for 1989 with a view to following closely the trend of exports of the products concerned;

Whereas exports of zinc waste and scrap should, moreover, be subject to the same procedure;

Whereas Community refiners are continuing to experience supply difficulties over the whole spectrum of copper materials; whereas these difficulties derive in particular from the current imbalance of tariff and non-tariff measures on the world copper market; whereas the quota system in force in 1988 under Regulation (EEC) No 3951/87 should, therefore, be maintained in 1989 for exports of copper ash and residues and copper waste and scrap;

Whereas the estimate of requirements is a satisfactory criterion for the allocation of quotas by exporters towards third countries;

Whereas the measures provided for in this Regulation apply only to exports from the customs territory of the Community of goods fulfilling the conditions laid down in Articles 9 and 10 of the Treaty;

Whereas the provisions relating to the monitoring of intra-Community trade laid down in Commission Regulation (EEC) No 1062/87 of 27 March 1987 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure <sup>(5)</sup> apply only if the measures introducing export restrictions provide for their application;

Whereas the committee set up by Regulation (EEC) No 2603/69 has been consulted,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Between 1 January and 31 December 1989 exports from the customs territory of the Community of aluminium waste and scrap falling within CN code 7602 00 00 and lead waste and scrap falling within CN code 7802 00 00 and zinc waste and scrap falling within CN code 7902 00 00 which fulfil the conditions laid down in Articles 9 and 10 of the Treaty shall be subject to production of an export licence. The licence shall be issued free of charge, for such quantities as are requested, subject to paragraphs 2 and 3.

2. The export licence shall be issued within not more than 15 working days of the date of the application, on presentation by the applicant of a sales contract for the entire quantity applied for.

The licence shall be valid for two months.

3. In the case of zinc waste and scrap, the export licence shall also state, by way of additional information, whether the operation specifically concerns zinc alloy scrap resulting from the non-ferrous heavy-metal component of the fragmentation of disused equipment (motor vehicles, domestic electrical appliances).

*Article 2*

Community export quotas shall be established as follows for 1989:

<sup>(1)</sup> OJ No L 324, 27. 12. 1969, p. 25.

<sup>(2)</sup> OJ No L 211, 20. 7. 1982, p. 1.

<sup>(3)</sup> OJ No L 124, 8. 6. 1970, p. 1.

<sup>(4)</sup> OJ No L 371, 30. 12. 1987, p. 6.

<sup>(5)</sup> OJ No L 107, 22. 4. 1987, p. 1.

| (tonnes)   |                                              |          |
|------------|----------------------------------------------|----------|
| CN code    | Description                                  | Quantity |
| ex 2620    | Ash and residues of copper and copper alloys | 28 500   |
| ex 7404 00 | Waste and scrap of copper and copper alloys  | 41 430   |

*Article 3*

The quotas specified in Article 2 shall be allocated according to the estimate of requirements.

*Article 4*

Temporary exports of the goods referred to in Article 2 shall be charged against the exportation quota.

However, a decision allowing goods not to be charged using the outward processing arrangements provided for by

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

Done at Brussels, 21 December 1988.

Regulation (EEC) No 2473/86 <sup>(1)</sup> may be taken under the procedure set out in Article 11 (2) and (3) of Regulation (EEC) No 1023/70.

*Article 5*

Title III of Regulation (EEC) No 223/77 shall apply to the movement within the Community of the products listed in Article 2.

*Article 6*

The Council shall decide in due time, and in any case before 1 January 1990, on the measures to be taken regarding the export of the products listed in Articles 1 and 2 after this Regulation has expired.

*Article 7*

This Regulation shall enter into force on 1 January 1989 and shall expire on 31 December 1989.

*For the Council*  
*The President*  
V. PAPANDREOU

<sup>(1)</sup> OJ No L 212, 2. 8. 1986, p. 1.

## COUNCIL REGULATION (EEC) No 4250/88

of 21 December 1988

amending Regulation (EEC) No 822/87 on the common organization of the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,Having regard to the opinion of the European Parliament <sup>(2)</sup>,Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas it appears necessary that Regulation (EEC) No 822/87 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2964/88 <sup>(5)</sup>, should be amended with regard to its provisions on liqueur wines produced in the Community, in particular in order to adapt the definition of these wines in view of the traditional ways of preparing them;

Whereas it is desirable, in addition, having regard to oenological practices, to provide for recognition of the traditional use of caramel alone for colouring the aforementioned wines,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 822/87 is hereby amended as follows:

1. in Article 67 (7), 'also called "vino dulce natural",' is deleted;
2. the following is added to Article 70 (1):
  - '(c) for liqueur wines intended for direct human consumption:
    - they have an actual alcoholic strength by volume of not less than 15 % vol and not more than 22 % vol.';
3. Annex I is amended as follows:
  - (a) in point 4, 'also called "vino dulce natural":' is deleted;
  - (b) point 14 is replaced by the following:
    - '14. Liqueur wine: the product:
      - A. obtained in the Community;
      - B. having:
        - an actual alcoholic strength by volume of not less than 15 % vol and not more than 22 % vol,

<sup>(1)</sup> OJ No C 87, 2. 4. 1987, p. 15.

<sup>(2)</sup> OJ No C 318, 30. 11. 1987, p. 55.

<sup>(3)</sup> OJ No C 232, 31. 8. 1987, p. 14.

<sup>(4)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(5)</sup> OJ No L 269, 29. 9. 1988, p. 5.

- an overall alcoholic strength by volume of not less than 17,5 % vol, except for certain quality liqueur wines produced in specified regions (quality liqueur wines psr) appearing on a list to be drawn up;

C. obtained:

(a) from:

- grape must in fermentation, or
- wine, or
- a combination of the above products, or
- in the case of certain quality liqueur wine psr to be determined, grape must or a mixture thereof with wine,  
all these products being required, in the case of liqueur wines and quality liqueur wines psr:
- to be derived from vine varieties which shall be selected from among those referred to in Article 69, and
- with the exception of certain quality liqueur wines psr appearing on a list to be drawn up, to have an initial natural alcoholic strength by volume of not less than 12 % vol;

(b) and by addition:

(i) individually or in combination:

- of neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength by volume of not less than 96 % vol,
- of wine or dried grape distillate, having an actual alcoholic strength by volume of not less than 52 % vol and not more than 86 % vol;

(ii) together with one or more of the following products where appropriate:

- concentrated grape must,
- a combination of one of the products referred to in (i) with a grape must referred to in the first and fourth indents in (a);

(iii) for certain quality liqueur wines psr appearing on a list to be drawn up:

- either of products listed in (i), individually or in combination,
- or of one or more of the following products:
  - wine alcohol or dried grape alcohol with an actual alcoholic strength by volume of not less than 95 % vol and not more than 96 % vol,
  - spirits distilled from wine or from grape marc, with an actual alcoholic strength by volume of not less than 52 % vol and not more than 86 % vol,
  - spirits distilled from dried grapes, with an actual alcoholic strength by volume of not less than 52 % vol and of less than 94,5 % vol,
- together with one or more of the following products, where appropriate:
  - partially fermented grape must obtained from raisined grapes,

- concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,
- concentrated grape must,
- a combination of one of the products listed in the second indent with a grape must referred to in the first and fourth indents in (a);

4. Annex VI is hereby amended as follows:

(a) the title of paragraph 1 is replaced by the following:

- ‘1. Oenological practices and processes which may be applied to fresh grapes, grape must, partially fermented grape must, partially fermented grape must obtained from raisined grapes, concentrated grape must and new wine still in fermentation:’;

(b) the introductory words of paragraph 3 are replaced by the following:

- ‘3. Oenological practices and processes which may be applied to partially fermented grape must intended for direct human consumption as such, wine suitable for producing table wine, table wine, sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, liqueur wine and quality wines psr:’;

(c) the following is added to the list in paragraph 3:

- ‘(z)a addition of caramel to reinforce the colour of liqueur wines and quality liqueur wines psr.’

*Article 2*

This Regulation shall enter into force on 1 September 1989.

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

Done at Brussels, 21 December 1988.

*For the Council*

*The President*

V. PAPANDREOU

## COUNCIL REGULATION (EEC) No 4251/88

of 21 December 1988

amending Regulation (EEC) No 354/79 laying down general rules for the import of wines,  
grape juice and grape must

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,Having regard to Council Regulation (EEC) No 822/87 of  
16 March 1987 on the common organization of the market  
in wine <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 4250/88 <sup>(2)</sup>, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (2) and the second subparagraph of Article  
1a of Regulation (EEC) No 354/79 <sup>(3)</sup>, as last amended by  
Regulation (EEC) No 3805/85 <sup>(4)</sup>, sets out the facilities of  
import for wine products originating in third countries which  
offer specific guarantees through the provision of a certificate  
of origin and conformity as well as an analysis report;  
whereas, Article 16 (2) of the said Regulation limits the said  
facilities to a trial period of three years expiring 31 December

1988; whereas, taking into account the time necessary to  
examine the implementation of a future regime, it would be  
appropriate to extend the period mentioned above by one  
month,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1b (2) of Regulation (EEC) No 354/79 is hereby  
replaced by the following:

'2. The provisions referred to in Article 1 (2) and  
the second subparagraph of Article 1a shall apply from  
1 January 1986 to 31 January 1989.'

*Article 2*

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, 21 December 1988.

*For the Council*  
*The President*  
V. PAPANDREOU

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> See page 55 of this Official Journal.

<sup>(3)</sup> OJ No L 54, 5. 3. 1979, p. 97.

<sup>(4)</sup> OJ No L 367, 31. 12. 1985, p. 39.

## COUNCIL REGULATION (EEC) No 4252/88

of 21 December 1988

on the preparation and marketing of liqueur wines produced in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas at present there are no Community provisions governing the conditions under which liqueur wines are prepared and marketed; whereas, in view of the economic importance of such products, common provisions need to be adopted in this area in order to enhance the operation of the wine market as a whole;

Whereas Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(4)</sup>, as last amended by Regulation (EEC) No 4250/88 <sup>(5)</sup>, comprises rules concerning the preparation and marketing of table wines; whereas those rules should be supplemented by adopting corresponding provisions for all liqueur wines produced in the Community; whereas, as far as quality liqueur wines produced in specified regions (quality liqueur wines psr) are concerned, account must be taken of the fact that these are quality wines psr and must therefore conform to Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions <sup>(6)</sup>;

Whereas liqueur wines should be made subject to a system of rules governing production, preparation, marketing and controls, together with common rules, which, while maintaining quality distinctions, enables distortions of competition to be avoided, the free circulation of such products to be facilitated and the consumer to be protected;

Whereas such a measure will help to guide the consumer in his choice by providing him in particular with the assurance that each product presented meets specific quality requirements; whereas it is thereby likely to protect the interests of the producer, to encourage intra-Community trade, to increase demand and therefore to ensure the increased disposal of wine products;

Whereas all liqueur wines and the products used in their preparation must be made subject to minimum quality requirements; whereas provision should accordingly be made for their minimum characteristics;

Whereas additional provisions should also be laid down on the analytical characteristics of the products used for the preparation of liqueur wines where wine distillate or dried grapes are used;

Whereas, in order to avoid the use of sucrose in the sweetening of liqueur wines, the use of rectified concentrated grape must should be permitted in addition to that of concentrated grape must;

Whereas the process of preparing liqueur wines requires operators to keep a wide range of raw materials and in particular of spirits which may be used in particular for the manufacture of artificial wine; whereas provision should consequently be made for better controls on such activity and in particular, in order to avoid such manufacture, for a declaration of such activity to be submitted to the competent authority by operators and to require them to keep registers recording the entry and use of products put into service;

Whereas, in order to take account of certain traditional practices, it is appropriate that, by way of derogation, for the quality liqueur wines psr 'Malaga' and 'Jerez-Xérès-Sherry', sweetening should also be allowed by means of concentrated grape must or partially fermented grape must obtained from raisined grapes of the Pedro Ximénez variety, coming from the 'Montilla-Moriles' specified region;

Whereas, in view of the traditional practices contributing towards the reputation of port quality liqueur wine psr, the geographical ascription in question should be recognized by way of a derogation, in respect of that designation only, as covering a different delimited area from that in which the raw materials used were produced;

Whereas certain quality liqueur wines psr which are subject to special production rules are marketed with traditional specific names; whereas a Community framework should therefore be established to define these products;

Whereas however, the names 'vin doux naturel', 'οίνος φυσικός γλυκός', 'vino dulce natural', 'vino dolce naturale' and 'vinho doce natural' are connected with preparation traditions which vary from one Member State to another; whereas it is therefore necessary, to avoid all confusion, to provide that these names are used only in the language of the country in which they are produced, while allowing them to be accompanied by additional information in a language

<sup>(1)</sup> OJ No C 87, 2. 4. 1987, p. 10 and OJ No C 11, 16. 1. 1988, p. 7.

<sup>(2)</sup> OJ No C 318, 30. 11. 1987, p. 55.

<sup>(3)</sup> OJ No C 232, 31. 8. 1987, p. 14.

<sup>(4)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(5)</sup> See page 55 of this Official Journal.

<sup>(6)</sup> OJ No L 84, 27. 3. 1987, p. 59.

understood by the final consumer or, for the name 'vin doux naturel' as traditionally regulated in Greece, by the name 'οἶνος φυσικός γλυκὺς' when the wine is a 'vin doux naturel' produced and circulating in that Member State;

Whereas the preparation of certain quality liqueur wines psr calls for a special process of ageing under flor; whereas it should accordingly be defined;

Whereas, in order to preserve the special qualitative features of quality liqueur wines psr, Member States should be allowed to apply additional or more stringent rules governing the production, preparation, ageing and circulation of quality liqueur wines psr, account being taken of traditional practices,

HAS ADOPTED THIS REGULATION:

#### TITLE

#### General provisions

##### Article 1

This Regulation lays down rules for the preparation and marketing of liqueur wines as defined in point 14 of Annex I to Regulation (EEC) No 822/87.

'Quality liqueur wines produced in specified regions' (quality liqueur wines psr) means wines which meet the definition of liqueur wine in point 14 of Annex I to Regulation (EEC) No 822/87 and in Regulation (EEC) No 823/87 and the specific provisions laid down in this Regulation.

##### Article 2

The descriptions 'liqueur wine' and 'quality liqueur wine produced in a specified region' or 'quality liqueur wine psr' shall be used only for the products referred to in Article 1.

##### Article 3

1. For the preparation of the wines referred to in Article 1, the following products shall be used:

- grape must in fermentation, or
- wine, or
- mixtures of products referred to in the preceding indents, or
- grape must or a mixture thereof with wine, for certain quality liqueur wines psr appearing on a list to be drawn up.

2. Furthermore, the following shall be added:

(a) in the case of liqueur wines and quality liqueur wines psr other than those referred to in (b):

- the products below, either individually or in combination:
  - neutral alcohol obtained from the distillation of products of the wine sector, including dried grapes, having an alcoholic strength of not less than 96 % vol and displaying the characteristics specified by Community provisions;
  - wine distillate or dried grape distillate with an alcoholic strength of not less than 52 % vol, and not more than 86 % vol, and displaying the characteristics specified in Annex I,
- together with one or more of the following products, where appropriate:
  - concentrated grape must,
  - the product obtained from combining one of the products listed in the first indent with a grape must referred to in the first or fourth indents of paragraph 1;

(b) as regards certain quality liqueur wines psr appearing on a list to be drawn up:

- either the products listed in (a), first indent, individually or in combination,
- or one or more of the following products:
  - wine alcohol or dried grape alcohol with an alcoholic strength of not less than 95 % vol and not more than 96 % vol and with the characteristics specified by Community provisions, or, in the absence of the latter, by the relevant national provisions,
  - spirits distilled from wine or from grape marc with an alcoholic strength of not less than 52 % vol and not more than 86 % vol and displaying the characteristics specified by Community provisions or, in the absence of the latter, by the relevant national provisions,
  - spirits distilled from dried grapes with an alcoholic strength of not less than 52 % vol and less than 94,5 % vol and displaying the characteristics specified by the Council provisions or, in the absence thereof, by the relevant national provisions,
- together with one or more of the following products, where appropriate:
  - partially fermented grape must obtained from raisined grapes,

- concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,
- concentrated grape must,
- the product obtained from combining one of the products listed in the second indent with a grape must referred to in the first or fourth indents of paragraph 1.

#### Article 4

1. The products referred to in Article 3 (1) and used for preparing liqueur wines and quality liqueur wines psr may have undergone, where appropriate, only the oenological practices and processes referred to in Title II of Regulation (EEC) No 822/87 or in Annex VI thereto.

However:

- the increase in natural alcoholic strength by volume may be due only to the use of the products referred to in Article 3 (2);
- in the case of products intended for the preparation of the 'vino generoso' referred to in Article 14 or of the 'vino generoso de licor' referred to in Article 16, and where this is a traditional practice, the use of calcium sulphate may be authorized by the Member State concerned, provided that the sulphate content of the product so treated is not more than 2,5 g/l, expressed as potassium sulphate. Moreover, these products may undergo additional acidification by means of tartaric acid up to a maximum limit of 1,5 g/l.

2. Before 1 April 1995 the Commission shall submit to the Council a report, drawn up in the light of experience, on the use of calcium sulphate referred to in the second indent of the second subparagraph of paragraph 1 and on the additional acidification derived from the use of this product, together with, if appropriate, proposals on which the Council shall act before 1 September 1995.

#### Article 5

Without prejudice to any provisions of a more restrictive nature which the Member States may adopt for liqueur wines and quality liqueur wines psr prepared within their territory, such products shall be authorized to undergo the oenological practices and processes referred to in Annex VI to Regulation (EEC) No 822/87.

The following are also authorized:

- (a) sweetening, where the products used have not been enriched with concentrated grape must, by means of:

- concentrated grape must or rectified concentrated grape must, provided that the increase in the total alcoholic strength by volume of the wine in question is not more than 3 % vol,
- concentrated grape must or rectified concentrated grape must or partially fermented grape must, obtained from raisined grapes, for the 'vino generoso de licor' referred to in Article 16 and provided that the increase in the total alcoholic strength by volume of the wine in question is not more than 8 % vol, and without prejudice to Article 20,
- concentrated grape must or rectified concentrated grape must for Madeira quality liqueur wines psr and provided that the increase in the total alcoholic strength by volume of the wine in question is not more than 8 % vol.

Sweetening must be the subject of a declaration and the keeping of a register as provided for in the Community provisions adopted in implementation of Regulation (EEC) No 822/87;

- (b) the addition of alcohol, distillate or spirits, as referred to in Article 3, in order to compensate for losses due to evaporation during ageing;
- (c) ageing in vessels at a temperature not exceeding 50 ° C, for Madeira quality liqueur wines psr.

#### Article 6

1. Without prejudice to any provisions of a more restrictive nature which the Member States may adopt for liqueur wines and quality liqueur wines psr prepared within their territory, the total sulphur dioxide content of such wines, when released to the market for direct human consumption, may not exceed:

- 150 mg/l where the residual sugar content is less than 5 g/l,
- 200 mg/l where the residual sugar content is more than 5 g/l.

2. Before 1 April 1990, the Commission shall submit to the Council a report, drawn up in the light of experience, on the maximum sulphur dioxide contents of liqueur wines and quality liqueur wines psr together, if appropriate, with proposals on which the Council shall act by a qualified majority before 1 September 1990.

#### Article 7

The vine varieties from which the products referred to in Article 3 (1) are produced, used for the preparation of liqueur wines and quality liqueur wines psr, shall be selected from those referred to in Article 69 of Regulation (EEC) No 822/87.

*Article 8*

All producers of liqueur wines or quality liqueur wines psr shall be required to make a declaration of such activity to the competent authority of the Member State in whose territory the wine in question is prepared.

Without prejudice to Article 71 of Regulation (EEC) No 822/87, all producers of liqueur wine or quality liqueur wine psr shall be required to keep goods inwards and stock utilization registers for the use of products listed in Article 3.

*Article 9*

Without prejudice to provisions adopted pursuant to Article 72 (1) of Regulation (EEC) No 822/87, when a liqueur wine or a quality liqueur wine psr is put on the market in a container of a nominal volume of not more than 60 litres, the container must be labelled with an indication of the description of the product together, where applicable, with the name of the specified region; this also applies to labelled containers of a nominal volume of more than 60 litres.

In addition, the above product must move under cover of commercial or official documents accompanying them, which shall contain the information referred to in the first subparagraph.

## TITLE II

## Provisions on liqueur wines

*Article 10*

The natural alcoholic strength by volume of the products referred to in Article 3 (1) used for the preparation of a liqueur wine may not be less than 12 % vol.

## TITLE III

## Provisions on quality liqueur wines produced in specified regions

*Article 11*

1. The products referred to in Article 3 (1) and the concentrated grape must or the partially fermented grape must obtained from raisined grapes referred to in Article 3 (2) used for the preparation of a quality liqueur wine psr must be obtained from the specified region of which the quality liqueur wine psr in question bears the name.

However, for the quality liqueur wines psr 'Malaga' and 'Jerez-Xérès-Sherry' the concentrated grape must or,

pursuant to Article 67 (7) of Regulation (EEC) No 822/87, the partially fermented grape must from raisined grapes, as referred to in Article 3 (2), obtained from the Pedro Ximénez vine variety may come from the Montilla-Moriles specified region.

2. The operations referred to in Articles 4 and 5 for the preparation of quality liqueur wines psr may be performed only within the specified region referred to in paragraph 1.

However, as regards the quality liqueur wine psr for which the designation 'Porto' is reserved for the product prepared from grapes obtained from the region delimited as the 'Douro', the additional manufacturing and ageing processes may take place either in the aforementioned delimited region or in Vila Nova de Gaia — Porto.

*Article 12*

Without prejudice to any provisions of a more restrictive nature which the Member States may adopt for quality liqueur wines psr prepared within their territory:

- (a) the natural alcoholic strength by volume of the products referred to in Article 3 (1) used for the preparation of a quality liqueur wine psr may not be less than 12 % vol.

However, some quality liqueur wines psr on a list to be drawn up may be obtained from:

- grape must with a natural alcoholic strength by volume of not less than 10 % vol in the case of quality liqueur wines psr obtained by the addition of spirit obtained from wine or grape marc with a registered designation of origin, possibly from the same holding;
- or from fermenting grape must or, in the case of the second sub-indent below, from wine with an initial natural alcoholic strength by volume of not less than:
  - 11 % vol in the case of quality liqueur wines psr obtained by the addition of neutral alcohol or of a distillate of wine with an actual alcoholic strength by volume of not less than 70 % vol, or of spirit of vinous origin.
  - 10,5 % vol in the case of the 'vino generoso' referred to in Article 14 and the 'vino generoso de licor' referred to in Article 16, prepared from white grape must,
  - 9 % vol in the case of a quality liqueur wine psr, the production of which is traditional and customary in accordance with the national laws which made express provision for such a wine;

- (b) the actual alcoholic strength by volume of a quality liqueur wine psr may not be less than 15 % vol or more than 22 % vol;
- (c) the total alcoholic strength by volume of a quality liqueur wine psr may not be less than 17,5 % vol.

However, the total alcoholic strength by volume may be less than 17,5 % vol, but not less than 15 % vol, for certain quality liqueur wines psr on a list to be drawn up where national laws applicable thereto before 1 January 1985 expressly so provide.

#### Article 13

1. The specific, traditional names 'οίνος φυσικός γλυκός', 'vino dulce natural', 'vino dolce naturale', and 'vinho doce natural' shall be used only for quality liqueur wines psr:

- obtained from harvests at least 85 % of which are of the vine varieties listed in Annex II,
- derived from musts with an initial natural sugar content of at least 212 g per litre,
- obtained by adding alcohol, distillate or spirits, as referred to in Article 3, to the exclusion of any other enrichment.

2. In so far as is necessary to conform to traditional production practices, Member States may, for quality liqueur wines psr produced within their territory, stipulate that the specific traditional name 'vin doux naturel' is used only for quality liqueur wines psr which are:

- made directly by producers harvesting the grapes and exclusively from their harvests of muscat, grenache, maccabeo or malvasia grapes: however, harvests may be included which have been obtained from vineyards that are also planted with vine varieties other than the four indicated above provided these do not constitute more than 10 % of the total stock,
- obtained within the limit of a yield per hectare of 40 hl of grape must, any greater yield resulting in the entire harvest ceasing to be eligible for the description 'vin doux naturel',
- derived from a grape must with an initial natural sugar content of at least 252 grams per litre,
- obtained, to the exclusion of any other enrichment, by the addition of alcohol of vinous origin amounting in pure alcohol to a minimum of 5 % of the volume the grape must in fermentation used and a maximum represented by the lower of the following two proportions:
  - either 10 % of the volume of the abovementioned grape must used, or

- 40 % of the total alcoholic strength by volume of the finished product represented by the sum of the actual alcohol strength and the equivalent of the potential alcohol strength calculated on the basis of 1 % vol of pure alcohol for 17,5 grams of residual sugar per litre.

3. The names referred to in paragraphs 1 and 2 may not be translated; however:

- they may be accompanied by an explanatory note in a language understood by the final consumer,
- in the case of products produced in Greece in accordance with paragraph 2 and in circulation within the territory of that Member State, the name 'vin doux naturel' may be accompanied by the name 'οίνος φυσικός γλυκός'.

#### Article 14

1. The specific traditional name 'vino generoso' shall be used only for dry quality liqueur wines psr developed under flor and

- obtained only from white grapes obtained from the Palomino de Jerez, Palomino fino, Pedro Ximénez, Verdejo, Zalema and Garrido Fino vine varieties,
- released to the market after they have been matured for an average of two years in oak barrels.

Development under flor as referred to in the first paragraph means the biological process which, occurring when a film of typical yeasts develops spontaneously at the free surface of the wine after total alcoholic fermentation of the must, gives the product specific analytic and organoleptic characteristics.

2. The name referred to in paragraph 1 may not be translated. However, it may be accompanied by an explanatory note in a language understood by the final consumer.

#### Article 15

The specific traditional name 'vinho generoso' shall be used only for the quality liqueur wines psr 'Porto', 'Madeira', 'Moscatel de Setubal' and 'Carcavelos' in association with the respective registered designation of origin.

#### Article 16

1. The specific traditional name 'vino generoso de licor' shall be used only for the quality liqueur wine psr:

- obtained from 'vino generoso', as referred to in Article 14, or from wine under flor capable of producing such a 'vino generoso', to which either partially fermented grape must obtained from raisined grapes or concentrated grape must has been added,
- released to the market after it has been matured for an average of two years in oak barrels.

2. The name referred to in paragraph 1 may not be translated. However, it may be accompanied by an explanatory note in a language understood by the final consumer.

#### Article 17

In addition to the provisions provided for in this Regulation, producer Member States may, taking into account fair and traditional practices, lay down any additional or more stringent characteristics concerning declarations of activity or conditions governing production, preparation, ageing and release to the market for quality liqueur wines psr as referred to in this Title and prepared within their territory.

### TITLE IV

#### Final and transitional provisions

#### Article 18

The methods of analysis required for the application of this Regulation shall be those referred to in Article 74 of Regulation (EEC) No 822/87.

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

Done at Brussels, 21 December 1988.

#### Article 19

The Member States and the Commission shall notify each other of the information required for the application of this Regulation.

#### Article 20

By way of derogation from the second indent of (a) of Article 5, 'vino generoso de licor' may be sweetened by means of sucrose until 31 December 1990.

#### Article 21

Liqueur wines the conditions of preparation or certain analytical characteristics of which do not comply with this Regulation but are in accordance with the national laws previously in force may be held with a view to sale, released to the market and exported until stocks are exhausted.

#### Article 22

Detailed rules for the application of this Regulation, and in particular those relating to Article 8, shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

This same procedure shall apply for adopting the lists of quality liqueur wines psr referred to in Articles 3 and 12.

#### Article 23

This Regulation shall enter into force on 1 September 1989.

*For the Council*

*The President*

V. PAPANDREOU

---

*ANNEX I***Characteristics of the distillate referred to in Article 3 (2) (a) first indent, second sub-indent**

- |                                                                                |                                                      |
|--------------------------------------------------------------------------------|------------------------------------------------------|
| 1. Organoleptic characteristics:                                               | No extraneous flavour detectable in the raw material |
| 2. Alcoholic strength by volume:                                               |                                                      |
| minimum                                                                        | 52 % vol                                             |
| maximum                                                                        | 86 % vol                                             |
| 3. Total quantity of volatile substances other than ethyl and methyl alcohols: | More than 125 g/hl alcohol at 100 % vol              |
| 4. Maximum methyl alcohol content:                                             | 200 g/hl alcohol at 100 % vol                        |
- 

*ANNEX II***List of vine varieties referred to in Article 13**

Muscats — Grenache — Maccabéo — Malvoisies — Mavrodophne — Assirtiko — Liatiko — Garnacha tintorera — Monastrell — Pedro Ximenez — Albarola — Aleatico — Bosco — Cannonau — Corinto nerô — Girò — Monica — Nasco — Primitivo — Vermentino — Zibibbo.

---