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*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 4058/87****of 22 December 1987****opening, allocating and providing for the administration of a Community tariff quota for dried grapes originating in Spain (1988)**

THE COMMISSION 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 75 thereof,

Having regard to the proposal from the Commission,

Whereas, according to Articles 30 and 75 of the Act of Accession, the duties applicable on the import into the Community as constituted on 31 December 1985 of dried grapes falling within codes 0806 20 11 and 0806 20 19 of the combined nomenclature and originating in Spain within the limits of a Community tariff quota of 1 900 tonnes shall be progressively abolished; whereas these duties are to be reduced to 62,5 % of the basic duties on 1 January 1988; whereas, by derogation from Article 30 of the Act of Accession, Council Regulation (EEC) No 443/86 of 24 February 1986 concerning the basic duties to be adopted in 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⁽¹⁾ provides that the basic duties are those which actually have been applied on 1 January 1986; whereas, therefore, to establish the duties applicable on the import of these products, a Community tariff quota should be opened for the period 1 January to 31 December 1988 for 1 900 tonnes of dried grapes originating in Spain and falling within codes 0806 20 11, 0806 20 19, ex 0806 20 91 and ex 0806 20 99 of the combined nomenclature at the duty shown in the table in Article 1;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽²⁾ provides for particular rules for the import into Portugal of the products in question, originating in Spain; whereas, consequently, the Community tariff

quotas are only applicable in the Community as constituted on 31 December 1985;

Whereas from 1 January 1988 the Nomenclature used under the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized System of Commodity Description and Coding System;

Whereas this Regulation should take into account this fact by including the Combined Nomenclature Codes relevant to the products in question;

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

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

Member States	(tonnes)		
	1984	1985	1986
Benelux	2	26	6
Denmark	5	3,1	—
Germany	3	3	4
Greece	—	—	—
Spain	—	—	—
France	80	103	43
Ireland	—	1	1
Italy	7	14,9	6
United Kingdom	—	—	1

⁽¹⁾ OJ No L 50, 28. 2. 1986, p. 9.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

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

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial share and any additional requirements which might arise in the other Member States; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the circumstances, be fixed at 40 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share should draw an additional share from the reserve;

whereas this must be done by each Member State as and when each of its additional share is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1988, on import into the Community as constituted on 31 December 1985, the duty for the following products shall be totally suspended within the limits of a Community tariff quota as follows:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of duty (%)
09.0303		Grapes, fresh or dried	1 900	free
		— Dried:		
		— — In immediate containers of a net capacity not exceeding 2 kg:		
	0806 20 11	— — — Currants		
	0806 20 19	— — — Other		
		— — Other		
	ex 0806 20 91	— — — Currants in immediate containers of a net capacity of 15 kg or less		
	ex 0806 20 99	— — — Other in immediate containers of a net capacity of 15 kg or less		

Article 2

1. A first instalment amounting to 760 tonnes of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1988, shall be as follows:

	(tonnes)
Benelux	86
Denmark	20
Germany	27

France
Italy

558
69

2. The second instalment amounting to 1 140 tonnes shall constitute the reserve.

3. If an importer notifies the imminent import of the product in question into the other Member States and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an

amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or 90 % of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, then that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7,5 % of its initial share.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there are grounds for believing that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

The Member States shall return to the reserve, not later than 1 October 1988, such unused portion of their initial share as, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1988, of the total quantities of the products in question imported up to 15 September 1988

and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.

Article 6

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

It shall inform the Member states not later than 5 October 1988 of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

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

Article 7

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

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHELM

COUNCIL REGULATION (EEC) No 4059/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for
dried figs originating in Spain (1988)

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 75 thereof,

Having regard to the proposal from the Commission,

Whereas, according to Articles 30 and 75 of the Act of Accession, the duties applicable on the import into the Community as constituted on 31 December 1985 of dried figs falling within code ex 0804 20 90 of the combined nomenclature and originating in Spain, within the limits of a Community tariff quota of 200 tonnes shall be progressively abolished; whereas these duties are to be reduced to 62,5 % of the basic duties on 1 January 1988; whereas, by derogation from Article 30 of the Act of Accession, Council Regulation (EEC) No 443/86 of 24 February 1986 concerning the basic duties to be adopted in the Community of Ten for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal⁽¹⁾ provides that the basic duties are those which were actually applied on 1 January 1986; whereas, therefore, to establish the duties applicable on the import of these products, a Community tariff quota should be opened for the period 1 January to 31 December 1988 for 200 tonnes of dried figs originating in Spain and falling within code ex 0804 20 90 of the combined nomenclature at duties as shown in the table in Article 1;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽²⁾ provides for particular rules for the import into Portugal of the products in question, originating in Spain; whereas, consequently, the Community tariff quota is applicable only in the Community as constituted on 31 December 1985;

Whereas from 1 January 1988 the nomenclature used under the Common Customs Tariff will be replaced by the combined nomenclature based on the International

Convention on the Harmonized System of Community Description and Coding system;

Whereas this Regulation should into account this fact by including the combined nomenclature codes as well as well as where appropriate the TARIC codes relevant to the products in question;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, in the present case, it seems advisable not to allocate this quota among the Member States without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedure specified in Article 1 (2); whereas this method of management requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1988 on the import into the Community as constituted on 31 December 1985 the customs duty for the following products, originating in Spain, is suspended at a level and within the limits of a Community tariff quota as follows:

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0301	ex 0804 20 90	Dried figs in immediate packings of a net capacity of 15 kilograms or less	200	1,8

⁽¹⁾ OJ No L 50, 28. 2. 1986, p. 9.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

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

Article 2

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

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

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

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

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987

For the Council

The President

N. WILHELM

COUNCIL REGULATION (EEC) No 4060/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff
quota for new potatoes originating in the Canary Islands (1988)

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, in particular Article 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, by virtue of Article 4 of Protocol 2 annexed to the Act of Accession, new potatoes falling within Codes No 0701 90 51 or 0701 90 59 of the combined nomenclature and originating in the Canary Islands qualify on import into the customs territory of the Community for reduced customs duties within the limits of an annual Community tariff quota of 6 642 tonnes for the period 1 January to 30 June;

Whereas, where the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption from customs duties; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas, where the said products are released for free circulation in the remainder of the customs territory of the Community, they qualify for a progressive reduction of customs duties according to the same timetable and under the same conditions as provided for in Article 75 of the Act of Accession; whereas, to qualify for the tariff quota, the products in question must comply with certain marking and labelling conditions designed to prove their origin; whereas the tariff quota in question should therefore be opened for the period 1 January to 30 June 1988;

Whereas, from 1 January 1988, the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this proposal must take account of that fact by indicating the combined nomenclature codes of the products concerned;

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, 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 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 from the Canary Islands 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, imports into each of the Member States were as follows:

Member States	(tonnes)		
	1984	1985	1986
Benelux	61	21	—
Denmark	226	127	312
Germany	4	—	—
Greece	—	—	—
Spain	818	24	—
France	—	38	—
Ireland	—	—	—
Italy	—	—	—
Portugal	—	—	—
United Kingdom	6 728	6 496	2 531

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

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among certain Member States and the second

held as a reserve to cover any subsequent requirements of Member States which have used up their initial share and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the tariff quota would, in the present circumstances, be 75 % of the 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 its initial share should draw an additional share from the corresponding 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 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 volume has been used up and 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 corresponding reserve in order to prevent part of the Community tariff quota from remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation 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. (a) From 1 January to 30 June 1988 the customs duty applicable to imports into the Community of the following products, originating in the Canary Islands, shall be suspended at the levels indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of the tariff quota	Rate of duty
09.0413	0701 90 51 0701 90 59	New potatoes	6 642 tonnes	— From 1 January to 15 May: 9,3 % — From 16 May to 30 June: 13,1 %

- (b) Where the said products are imported into that part of Spain which is included in the customs territory of the Community, they shall qualify for exemption from customs duties.

- (c) Within the limit of this tariff quota, the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession and the Regulations relating thereto.

allocated among the Member States; the quota shares, valid until 30 June 1988, shall be as follows:

Benelux	25 tonnes,
Denmark	195 tonnes,
Spain	250 tonnes,
United Kingdom	4 510 tonnes.

2. Without prejudice to the other provisions concerning quality standards, products covered by this Regulation may not qualify for the tariff quotas unless, when they are presented to the authorities responsible for the import formalities for release for free circulation in the customs territory of the Community, they are presented in packagings which bear the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

Article 2

1. The first part, amounting to 4 980 tonnes, of the Community tariff quota referred to in Article 1 shall be

2. The second part of the quota, amounting to 1 662 tonnes, shall constitute the reserve.

3. If an importer gives notification of imminent imports of the product in question into the other Member States 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 reserve to permits.

Article 3

1. If a Member State has used 90 % or more of its initial share as specified in Article 2 (1), 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 its 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, draw a third share equal to 5 % of the initial share, rounded up where necessary to the next whole number.

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

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, 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. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 30 June 1988.

Article 5

By 15 May 1988 at the latest Member States must return to the reserve the unused portion of their initial share which, on 1 May 1988, is in excess of 20 % of the initial volume. They may return a greater portion if there is reason to believe that it might not be used.

By 15 May 1988 at the latest Member States must notify the Commission of the total quantities of the products concerned imported on or before 1 May 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

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

Done at Brussels, 22 December 1987.

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 reserve has been used up as soon as it has been notified.

It shall inform the Member States not later than 20 May 1988 of the state of the reserve following any return of quota shares pursuant to Article 5.

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

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 quota.

2. Member States shall ensure that importers of the products concerned have free access to the quota 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 the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

For the Council

The President

N. WILHJELM

COUNCIL REGULATION (EEC) No 4061/87

of 22 December 1987

opening, allocating and providing for the administration of Community tariff
quotas for fresh flowers originating in the Canary Islands (1988)

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 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas by virtue of Article 4 of Protocol 2 to the Act of Accession and Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, fresh flowers falling within codes 0603 10 11 to 0603 10 69 of the combined nomenclature and originating in the Canary Islands qualify on import into the Community for reduced customs duties within the limits of Community tariff quotas; whereas the quota volume for roses, carnations, orchids, gladioli and chrysanthemums is 87 500 000 pieces and that for other flowers is 597 tonnes;

Whereas for 1988 the duties applicable within the limits of those tariff quotas are equal to 62,5 % of the combined nomenclature duties, whereas, however, the products concerned qualify for exemption from import duties on import into that part of Spain which is included in the customs territory of the Community; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas to qualify for the tariff quota the products in question must comply with certain marking and labelling conditions designed to prove their origin;

Whereas, from 1 January 1988 the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the combined nomenclature codes of the products concerned;

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, 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 for the products concerned the allocation should reflect the requirements of the Member States based on statistics of imports of those products originating in the Canary Islands 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 of the Member States represent the following percentages of the imports into the Community of the products concerned originating in the Canary Islands:

— Roses, carnations, orchids, gladioli and chrysanthemums:

Member States	1984	1985	1986
Benelux	5,9	—	22,37
Denmark	—	—	0,03
Germany	25,2	34,3	48,67
Greece	—	—	—
Spain	61,5	46,7	—
France	1,1	1,8	2,74
Ireland	—	—	0,19
Italy	0,4	1,3	1,85
Portugal	—	—	—
United Kingdom	5,9	15,9	24,15

— Other flowers:

Member States	1984	1985	1986
Benelux	25,2	16,5	66,67
Denmark	—	—	—
Germany	7,1	4,8	26,67
Greece	—	—	—
Spain	66,9	76,7	—
France	—	0,5	6,66
Ireland	—	—	—
Italy	0,8	1,3	—
Portugal	—	—	—
United Kingdom	—	0,2	—

Whereas, in view of these factors and of market forecasts for these products, the initial percentage shares of the quota volume can be expressed approximately as follows:

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

Member States	Roses, carnations, orchids, gladioli and chrysanthemums	Other flowers
Benelux	6,0	21,93
Denmark	0,1	—
Germany	31,0	6,35
Greece	0,1	—
Spain	52,6	70,26
France	2,6	—
Ireland	0,1	—
Italy	0,5	1,45
Portugal	0,1	—
United Kingdom	6,9	—

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

Whereas, to allow for the trend of imports of the products concerned in the various Member States, each quota volume should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of those Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be 75 % of each quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota shares should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of a Community quota from remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1988 the customs duties applicable to imports into the Community for the following products originating in the Canary Islands shall be suspended at the levels indicated and within the limits of Community tariff quotas as below:

Order No	CN code	Description	Amount of tariff quota	Rate of duty
09.0431	ex 0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared:	87 500 000 units	From 1 January to 31 May: 10,6 %
		— Fresh:		
	0603 10 11	— — Roses, carnations, orchids, gladioli and chrysanthemums		From 1 June to 31 October: 15 %
	0603 10 13			
	0603 10 15			
	0603 10 21			
	0603 10 25			
	0603 10 51			
	0603 10 53			
	0603 10 55			
09.0433	0603 10 61		597 tonnes	
	0603 10 65			
	0603 10 29	— — Other flowers		From 1 November to 31 December: 10,6 %
	0603 10 69			

(b) Within the limits of these tariff quotas, the said products shall be exempt from customs duties on import into that part of Spain which is included in the customs territory of the Community;

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

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

Article 2

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

2. The first part of each Community tariff quota referred to in Article 1 shall be allocated among the Member States; without prejudice to Article 5, the quota shares shall be valid until 31 December 1988 and shall be as follows:

Member States	— ex 0603 — roses, carnations, gladioli orchids and chrysanthemums (units)	— ex 0603 — other flowers (tonnes)
Benelux	3 937 500	100
Denmark	65 625	—
Germany	20 343 750	30
Greece	65 625	—
Spain	34 518 750	315
France	1 706 250	—
Ireland	65 625	—
Italy	328 125	5
Portugal	65 625	—
United Kingdom	4 528 125	—

3. The second part of each quota, 21 875 000 units and 147 tonnes respectively, shall constitute the corresponding reserve.

4. If an importer gives notification of imminent imports of other flowers into the other Member States 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 reserve so permits.

Article 3

1. If a Member State has used 90 % or more of one of its initial quota 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 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, 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.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

The Member States shall notify the Commission, not later than 1 October 1988, of such unused portion of their initial share as, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1988, of the total quantities of the products in question imported up to 15 September 1988 and charged against the tariff quota and of any quantity of the initial shares returned to the corresponding reserves.

Article 6

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

It shall inform the Member States, not later than 5 October 1988 of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

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

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community tariff quotas.
2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.
3. The Member States shall charge the imports of the products concerned against their quota shares as and

when the products are entered with customs authorities for free circulation.

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 June 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

COUNCIL REGULATION (EEC) No 4062/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff
quota for certain live plants originating in the Canary Islands (1988)

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 4 of Protocol 2 thereto,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 4 of Protocol 2 to the Act of Accession and pursuant to Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, certain live plants falling within codes 0601 10 90, 0602 10 90, 0602 40 11, 0602 40 19, 0602 99 45, 0602 99 49, 0602 99 51, 0602 99 59, 0602 99 70, 0602 99 99 of the combined nomenclature, originating in the Canary Islands, may be imported into the Community at a reduced rate of duty, within an annual Community tariff quota of 4 700 tonnes;

Whereas for 1988 the duties to be applied within limits of the tariff quota amount to 62,5 % of the combined nomenclature duties; whereas, however, the products concerned are exempt from import duties in the part of Spain included in the customs territory of the Community; whereas, for products imported into Portugal, the quota duties applicable are to be calculated on the basis of the relevant provisions of the Act of Accession; whereas in order to qualify for the tariff quota the products concerned must meet certain conditions regarding marking and labelling to provide evidence of origin;

Whereas from 1 January 1988 the Common Customs Tariff nomenclature will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of this fact by indicating the combined nomenclature codes and, where appropriate, the TARIC code numbers of the products concerned;

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 into all the Member States until the quota is exhausted; 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 the allocation should reflect the requirements of the Member States based on statistics of imports of the products concerned from the Canary Islands during a representative reference period and the economic outlook for the quota period in question;

Whereas during the last three years for which complete statistics are available the Member States imports were as follows:

Member State	(in tonnes)		
	1984	1985	1986
Benelux	427	144	529
Denmark	5	5,6	6
Germany	180	219,9	308
Greece	—	—	—
Spain	3 096	3 880	—
France	15	26	35
Ireland	—	—	1
Italy	67	31,3	44
Portugal	—	—	—
United Kingdom	216	177	198

Whereas in view of these factors and of market forecasts for the products the percentage shares of the quota volume can initially be expressed approximately as follows:

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

Whereas, to allow for import trends for the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers in each Member State some

⁽¹⁾ OJ No L 133, 25. 5. 1987, p. 5.

degree of certainty, an appropriate level for the first part of the Community quota would, in the present circumstances, be 75 % of the 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 its initial shares 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 their quota volume has been used up and 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 to the reserve in order to prevent part of the Community tariff quota from remaining unused in one Member State when it could be used in others ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1988 the duty applicable to imports into the Community of the following products shall be suspended at the level indicated and within the limits of a Community tariff quota of 4 700 tonnes :

Order No	CN code	Description	Rate of duty
09.0429	ex 0601	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flowers :	
	0601 10 90	— Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant :	5 %
		— Other than hyacinths, narcissi, tulips and gladioli	
	ex 0602	Other lives plants, including trees, shrubs, bushes, roots, cuttings and slips :	
		— Unrooted cuttings and slips :	5 %
	0602 10 90	— — Other	
	ex 0602 40	— Roses, whether or not budded or grafted	
		— — Roses (all the species <i>Rosa</i>), neither budded nor grafted :	
	ex 0602 40 11	— — — With stock of a diameter not exceeding 10 mm	8,1 %
	ex 0602 40 19	— — — Other	8,1 %
	0602 99	— Other :	
	0602 99 45	— — — — — Rooted cuttings and young plants	8,1 %
	0602 99 49	— — — — — Other	8,1 %
		— — — — — Other outdoor plants :	
	0602 99 51	— — — — — Perennial plants	8,1 %
	0602 99 59	— — — — — Other	8,1 %
		— — — — — Indoor plants :	
	0602 99 70	— — — — — Rooted cuttings and young plants, excluding cacti	8,1 %
	0602 99 99	— — — — — Other than flowering plants with buds or flowers, excluding cacti	8,1 %

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

Within the limits of this tariff quota the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession and the Regulations relating thereto.

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

Article 2

1. A first part amounting to 3 525 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares shall, subject to Article 5, be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Benelux	230
Denmark	3
Germany	82
Greece	3
Spain	2 980
France	9
Ireland	3
Italy	37
Portugal	3
United Kingdom	175

2. The second part, amounting to 1 175 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as specified in Article 2 (1), or of that share less any portion returned to the 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 its 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, draw a third share equal to 5 % of the initial share, rounded up where necessary to the whole number.

3. If, after its second share has been used up, a Member State has used 90 % or more of its third share, it shall, using the same procedures draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, 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

This additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

By 1 October 1988 at the latest Member States must return to the reserve the unused portion of their initial share which, on 15 September 1988, is in excess of 20 %

of the initial volume. They may return a greater portion if there is reason to believe that it might not be used in full.

By 1 October 1988 at the latest Member States must notify the Commission of the total quantities of the products concerned imported on or before 15 September 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

Article 6

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

It shall inform the Member States not later than 5 October 1988 of the state of the reserve following any return of quota shares pursuant to Article 5.

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

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

COUNCIL REGULATION (EEC) No 4063/87

of 22 December 1987

opening, allocating and providing for the administration of Community tariff quotas for tomatoes, cucumbers and aubergines originating in the Canary Islands (1988)

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 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, by virtue of Article 4 of Protocol 2 to the Act of Accession and Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, tomatoes, cucumbers and aubergines falling within subheadings 0702 00 10, 0702 00 90, 0707 00 11, 0707 00 19 or 0709 30 00 of the combined nomenclature and originating in the Canary Islands qualify on import into the customs territory of the Community for reduced duties within the limits of annual Community tariff quotas; whereas the quota volumes are as follows:

- 173 000 tonnes of tomatoes falling within codes 0702 00 10 or 0702 00 90,
- 28 663 tonnes of cucumbers falling within codes 0707 00 11 or 0707 00 19,
- 3 819 tonnes of aubergines falling within code 0709 30 00;

Whereas, where the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption from customs duties and are not subject to observance of the reference price; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas, where the said products are released

for free circulation in the remainder of the customs territory of the Community, they qualify for the progressive reduction of customs duties according to the same timetable and under the same conditions as those provided for in Article 75 of the Act of Accession, provided that the reference prices are observed; whereas, to qualify for the tariff quotas, the products in question have to comply with certain marking and labelling conditions designed to prove their origin; whereas the tariff quotas in question should therefore be opened for 1988;

Whereas, from 1 January 1988, the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the combined nomenclature codes of the products concerned;

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, 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 for the products concerned, the allocation should reflect the requirements of the Member States based on statistics of imports of those products originating in the Canary Islands 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, imports of Member States have developed as shown in the following table:

(tonnes)

Member State	0702 00 10 0702 00 90 Tomatoes			0707 00 11 0707 00 19 Cucumbers			0709 30 00 Aubergines		
	1984	1985	1986	1984	1985	1986	1984	1985	1986
Benelux	56 131	75 188	57 041	13 515	6 000	11 566	2 702	2 352	2 091
Denmark	35	3 605	59	86	1 987	45	—	57	2
Germany	2 449	37 302	2 826	313	2 492	179	104	1 295	110
Greece	—	—	—	—	—	—	—	—	—
Spain	16 858	15 430	—	217	5	—	445	174	—
France	582	7 770	1 944	8	345	211	37	454	40
Ireland	39	21	62	6	2	5	—	—	—
Italy	—	—	3	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	100 701	90 063	95 220	18 930	11 255	15 485	1 501	1 425	1 747

(¹) OJ No L 133, 22. 5. 1987, p. 5.

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

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota volume should be divided into two parts, the first being allocated among certain Member States and the second constituting a reserve to cover the subsequent requirements of those Member States which have used up their initial share and also any additional requirements which might arise in other Member States; whereas, in order to give importers in each Member State a certain degree of security, the first part of the Community quotas should, under the circumstances, be fixed at 75 % respectively of each quota volume;

Whereas, the Member States initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota shares should draw an additional share from the corresponding reserve; whereas this must be done by each member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows;

whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a considerable quantity of one 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 corresponding reserve in order to prevent part of a Community quota from remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1988 the customs duties applicable to imports into the Community of the following products originating in the Canary Islands shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0417	0702 00 10 0702 00 90	Tomatoes, fresh or chilled	173 000	— From 1 January to 29 February: 3,8 % subject to a minimum of 0,7 ECU per 100 kg net — From 1 March to 14 May: 7,7 % subject to a minimum of 1,4 ECU per 100 kg net — From 15 May to 31 October: 12,6 % subject to a minimum of 2,4 ECU per 100 kg net — From 1 November to 31 December: 7,7 % subject to a minimum of 1,4 ECU per 100 kg net
09.0419	0707 00 11 0707 00 19	Cucumbers	28 663	— From 1 January to 15 May: 11,2 % — From 16 May to 31 October: 14 % — From 1 November to 31 December: 11,2 %
09.0421	0709 30 00	Aubergines	3 819	11,2 %

(b) Where the said products are imported into that part of Spain which is included in the customs territory of the Community, they shall qualify for exemption from customs duties and are not subject to compliance with the reference price ;

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

2. On import, the said products shall, in the event of any countervailing duty being applied under Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 3910/87 ⁽²⁾, benefit from a reduction of 6 % of that duty.

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

(b) The third and fourth subparagraphs of Article 9 of Council Regulation (EEC) No 1035/72, shall not apply to products covered by this Regulation.

Article 2

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

2. A first part of each quota shall be allocated among certain Member States ; the quota shares valid until 31 December 1988, shall be as follows :

(a) tomatoes falling within codes 0702 00 10 and 0702 00 90 of the combined nomenclature :

Benelux	39 510 tonnes,
Germany	1 910 tonnes,
Spain	16 400 tonnes,
France	690 tonnes,
United Kingdom	71 240 tonnes ;

(b) cucumbers falling within codes 0707 00 11 or 0707 00 19 of the combined nomenclature :

Benelux	8 080 tonnes,
Denmark	550 tonnes,
Germany	780 tonnes,
Spain	60 tonnes,
France	150 tonnes,
United Kingdom	11 000 tonnes ;

(c) Aubergines falling within code 0709 30 00 of the combined nomenclature :

Benelux	1 405 tonnes,
Germany	310 tonnes,
Spain	120 tonnes,
France	105 tonnes,
United Kingdom	920 tonnes.

3. The second part of each quota shall be as follows and shall constitute the corresponding Community reserve :

— 43 250 tonnes of tomatoes falling within codes 0702 00 10 or 0702 00 90 of the combined nomenclature,

— 7 163 tonnes of cucumbers falling within codes 0707 00 11 or 0707 00 19 of the combined nomenclature,

— 959 tonnes of aubergines falling within code 0709 30 00 of the combined nomenclature.

4. If an importer notifies the imminent import of the product in question into the other Member States 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 reserve so permits.

Article 3

1. If a Member State has used 90 % or more of one of its initial quota 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 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 shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, then that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up where necessary to the next unit.

3. If, after one of its second shares has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

The Member States shall return to the reserve, not later than 1 October 1988, such unused portion of their initial share as, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission not later than 1 October 1988 of the total quantities of the products in question imported up to 15 September 1988 and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1988, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

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

Article 7

1. The Member States shall take every measure necessary to ensure that additional shares drawn pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the tariff quota.

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

COUNCIL REGULATION (EEC) No 4064/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for beans (*Vigna* spp., *Phaseolus* spp.) onions and sweet peppers originating in the Canary Islands (1988)

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 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, by virtue of Article 4 of Protocol 2 annexed to the Act of Accession and Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, beans, onions and sweet peppers falling within codes ex 0708 20 10, ex 0708 20 90, 0703 10 11, 0703 10 19 or 0709 60 10 of the combined nomenclature and originating in the Canary Islands qualify on import into the customs territory of the Community for reduced customs duties within the limits of annual Community tariff quotas; whereas the quota volumes are as follows:

- 1 300 tonnes for beans (*Vigna* spp., *Phaseolus* spp.) falling within codes ex 0708 20 10 or 0708 20 90;
- 8 000 tonnes for onions falling within codes 0703 10 11 or 0703 10 19, and
- 16 605 tonnes for sweet peppers falling within code 0709 60 10.

Whereas, where the said products are imported into that part of Spain which is included in the customs territory of the Community, they qualify for exemption from customs duties; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas, where the said products are released for free circulation in the remainder of the

customs territory of the Community, they qualify for a progressive reduction of customs duties according to the same timetable and under the same conditions as provided for in Article 75 of the Act of Accession; whereas, to qualify for the tariff quota, the products in question must comply with certain marking and labelling conditions designed to prove their origin; whereas the tariff quotas in question should therefore be opened for 1988;

Whereas, from 1 January 1988, the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this proposal must take account of that fact by indicating the combined nomenclature codes and, where appropriate, the TARIC code numbers of the products concerned;

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 the Member States 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 for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products from the Canary Islands 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, imports into each of the Member States were as follows:

(tonnes)

Member State	ex 0708 20 10 ex 0708 20 90 Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)			0703 10 11 0703 10 19 Onions			0709 60 10 Sweet peppers		
	1984	1985	1986	1984	1985	1986	1984	1985	1986
Benelux	338	720	674	31	1 000	120	8 716	13 054	8 263
Denmark	—	2	—	—	61	—	6	1 086	72
Germany	18	62	54	24	566	289	426	5 758	254
Greece	—	—	—	—	—	—	—	—	—
Spain	723	627	—	4 488	14 026	—	279	151	—
France	—	—	—	—	45	17	30	46	1
Ireland	—	—	—	—	—	—	—	—	1
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	309	458	445	133	1 067	1 006	6 851	7 284	8 903

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

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

Whereas, to allow for the trend 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, an appropriate level for the first part of the tariff quotas would, in the present circumstances, be 75 % of the quota volume in the case of beans and sweet peppers and 80 % in the case of onions;

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 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 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 corresponding reserve in order to prevent part of one of the Community tariff quotas from remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1988 the customs duties applicable to imports into the Community of the following products originating in the Canary Islands, shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of duty (%)
09.0423	ex 0708 20 10 ex 0708 20 90	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.): — — from 1 October to 30 June } — — from 1 July to 30 September }	1 300	— From 1 January to 30 June: 9,4 % subject to a minimum of 1,4 ECU per 100 kg net. — From 1 July to 30 September: 12,3 % subject to a minimum of 1,4 ECU per 100 kg net. — From 1 October to 31 December: 9,4 % subject to a minimum of 1,4 ECU per 100 kg net.
09.0425	0703 10 11 0703 10 19	— Onions: — — — Seed } — — — Other }	8 000	8,7 %
09.0427	0709 60 10	— — Sweet peppers	16 605	4,5 %

2. On import, the said products shall, in the event of any countervailing duty being applied under Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3910/87⁽²⁾, benefit from a reduction of 6 % of that duty.

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

(b) The third and fourth subparagraphs of Article 9 of Council Regulation (EEC) No 1035/72, shall not apply to products covered by this Regulation.

Article 2

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

2. The first part of each quota shall be allocated among certain Member States; the quota shares, valid until 31 December 1988 shall be as follows:

(a) Beans (*Vigna* spp., *Phaseolus* spp.) falling within code ex 0708 20 10 and ex 0708 20 90 of the combined nomenclature:

Benelux	240 tonnes,
Germany	15 tonnes,
Spain	610 tonnes,
United Kingdom	110 tonnes;

(b) Onions falling within code 0703 10 11 and 0703 10 19 of the combined nomenclature:

Benelux	340 tonnes,
Germany	185 tonnes,
Spain	5 770 tonnes,
United Kingdom	105 tonnes;

(c) sweet peppers falling within code 0709 60 10 of the combined nomenclature:

Benelux	6 110 tonnes,
Denmark	235 tonnes,
Germany	1 310 tonnes,
Spain	105 tonnes,
United Kingdom	4 690 tonnes.

3. The second part of each quota shall be as follows and shall constitute the corresponding Community reserve:

- 325 tonnes of beans (*Vigna* spp., *Phaseolus* spp.) falling within code ex 0708 20 10 and ex 0708 20 90,
- 1 600 tonnes of onions falling within code 0703 10 11 and 0703 10 19,
- 4 155 tonnes of sweet peppers falling within code 0709 60 10.

4. If an importer gives notification of imminent imports of the products in question into the other Member States 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 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 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 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.

This process shall continue until the reserve is used up.

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

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987.

Article 5

By 1 October 1988 at the latest Member States must return to the reserve the unused portion of their initial share which, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a greater portion if there is reason to believe that it might not be used.

By 1 October 1988 at the latest Member States must notify the Commission of the total quantities of the products concerned imported on or before 15 September 1988 and charged against the Community quotas and of any portion of their initial shares that they are returning to each of the reserves.

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.

It shall inform the Member States not later than 5 October 1988 of the state of each of the reserves following any return of quota shares pursuant to Article 5.

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

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 quota.

2. Member States shall ensure that importers of the products concerned have free access to the quota 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 the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

COUNCIL REGULATION (EEC) No 4065/87

of 22 December 1987

fixing, for 1988, the quotas applicable to imports into Portugal of certain products of the egg and poultrymeat sectors coming from the Community as constituted on 31 December 1985

THE COMMISSION 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 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 269 of the Act of Accession lays down that, during the first stage, the Portuguese Republic may maintain, in the form of quotas, quantitative restrictions on the import of certain products of the egg and poultrymeat sectors coming from the Community as constituted on 31 December 1985;

Whereas Council Regulation (EEC) No 493/86⁽¹⁾, fixed the initial quotas applicable to imports into Portugal of certain products of the egg and poultrymeat sectors coming from the Community as constituted on 31 December 1985; whereas at this stage it is appropriate subject to the definitive figures relating to trade in fowls

of the species *Gallus domesticus* and turkeys falling within codes 0105 11 00 and ex 0105 19 10 of the combined nomenclature, to increase, for 1988, the quotas set for 1987 by Regulation (EEC) No 165/87⁽²⁾ with regard to eggs for hatching of turkeys and of fowls falling within codes ex 0407 00 11 and ex 0407 00 19,

HAS ADOPTED THIS REGULATION:

Article 1

The quotas which the Portuguese Republic may apply to imports of products of the egg and poultrymeat sectors in 1988 coming from the Community as constituted on 31 December 1985 shall be those set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 31.

⁽²⁾ OJ No L 21, 23. 1. 1987, p. 4.

ANNEX

CN code	Description	Quotas for 1988 (1 000 units)
1	2	3
0407 00	Bird's eggs, in shell, fresh, preserved or cooked :	
	— Of poultry :	
	— — For hatching :	
ex 0407 00 11	— — — Of turkeys or geese :	
	— Of turkeys	213
ex 0407 00 19	— — — Other :	
	— Of fowls	2 345

COUNCIL REGULATION (EEC) No 4066/87

of 22 December 1987

fixing, for 1988, the quotas applicable for imports into Portugal of certain pigmeat products from the Community as constituted on 31 December 1985

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 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the initial quotas for 1986 applicable to Portuguese imports from the Community as constituted on 31 December 1985 of certain products in the pigmeat sector have been fixed by Council Regulation (EEC) No 495/86⁽¹⁾; whereas at this stage, and subject to the definitive figures concerning trade in other products in this sector, it is appropriate to increase, for 1988, the quota set by Regulation (EEC) No 4063/86⁽²⁾ for 1987 for meat of swine, fresh, chilled or frozen falling within code 0203 of the combined nomenclature, by the minimum rate of

10 % provided for in Article 269 (2) of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

The quotas for 1988 which the Portuguese Republic may, pursuant to Article 269 of the Act of Accession, apply to imports of products in the pigmeat sector coming from the Community as constituted on 31 December 1985 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 34.

⁽²⁾ OJ No L 371, 31. 12. 1986, p. 7.

ANNEX

CN code	Description	Quota for 1988 (tonnes)
0203	Meat of swine, fresh, chilled or frozen :	4 547
	— Fresh or chilled :	
ex 0203 11	— — Carcases and half-carcases :	
0203 11 10	— — — Of domestic swine	
ex 0203 12	— — Hams (legs), shoulders and cuts (parts) thereof, with bone in :	
	— — — Of domestic swine :	
0203 12 11	— — — — Legs and parts thereof	
0203 12 19	— — — — Shoulders and parts thereof	
ex 0203 19	— — Other :	
	— — — Of domestic swine :	
0203 19 11	— — — — Fore-ends and parts thereof	
0203 19 13	— — — — Loins and parts thereof	
0203 19 15	— — — — Bellies (streaky) and parts thereof	
	— — — — Other :	
0203 19 55	— — — — — Boneless	
0203 19 59	— — — — — Other	
	— Frozen :	
ex 0203 21	— — Carcases and half-carcases :	
0203 21 10	— — — Of domestic swine	
ex 0203 22	— — Hams (legs), shoulders and cuts (parts) thereof, with bone in :	
0203 22 11	— — — — Legs and parts thereof	
0203 22 19	— — — — Shoulders and parts thereof	
ex 0203 29	— — Other :	
	— — — Of domestic swine :	
0203 29 11	— — — — Fore-ends and parts thereof	
0203 29 13	— — — — Loins and parts thereof	
0203 29 15	— — — — Bellies (streaky) and parts thereof	
	— — — — Other :	
0203 29 55	— — — — — Boneless	
0203 29 59	— — — — — Other	

COUNCIL REGULATION (EEC) No 4067/87**of 22 December 1987****fixing, for 1988, the quota applicable to imports into Portugal of oil cake from third countries**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 245 of the Act of Accession states that the Portuguese Republic may, until 31 December 1992, apply quantitative restrictions to the importation from third countries of the products listed in Annex XXI, including oil cake;

Whereas Council Regulation (EEC) No 167/87 of 19 January 1987 fixing, for 1987, the quota applicable to imports into Portugal of oil cake from third countries⁽¹⁾ fixed the initial quota at 126 500 tonnes; whereas this quantity should be increased for 1988 by the minimum rate of 15 % provided for in Article 245 (3) of the Act of Accession;

Whereas this Regulation applies to all third countries, without prejudice, however, to the protocols to be concluded with preferential third countries as provided for in Article 366 of the Act, or to transitional measures as specified in Article 367 thereof; whereas it should, however, be specified that quantities resulting from quan-

titative restrictions fixed as a result of application of these Articles are included in those fixed for third countries by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 January to 31 December 1988, the quota referred to in Article 245 of the Act of Accession, to be applied by the Portuguese Republic to imports from third countries of oil cake falling within subheading 2304 00 00 and 2305 00 00 and heading No 2306, excluding subheadings 2306 90 11 and 2306 90 19, of the combined nomenclature shall be fixed at 145 500 tonnes.

2. As far as preferential countries are concerned, should the protocols specified in Article 366 of the Act of Accession or in their absence, the autonomous measures taken under Article 367 of that Act, lay down quantitative restrictions, such restrictions shall be determined before fixing the quantities for other third countries within the framework arrangements set out in paragraph 1.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

⁽¹⁾ OJ No L 21, 23. 1. 1987, p. 7.

COUNCIL REGULATION (EEC) No 4068/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for certain quality of polyether falling within codes ex 3907 20 19 and ex 3907 20 90 of the combined nomenclature

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 of the Commission,

Whereas the Community currently depends on imports from third countries for its supplies of polyether with polyacrylonitrile chains, whether or not containing styrene, depends at present and temporarily on imports; whereas it is in the Community's interest to fully suspend the normal duty applicable on the product in question, within a Community tariff quota of an appropriate volume; whereas in order not to interfere with the prospects for developing fruit production in the Community and at the same time ensure an adequate supply to satisfy user industries, it is advisable to limit the benefit of the tariff quota to a quantity of 5 000 tonnes and to open the quota for a period up to 31 January 1988;

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

sable not to allocate this quota among the Member States but to allow them to draw against the quota volume such quantities as they may need, under the conditions and according to the procedure specified in Article 1 (2); whereas this method of management requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quota is being used up and inform the Member States thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Until 31 January 1988, the customs duty applicable to imports of the products listed below shall be suspended at the level and within the limits of a Community tariff quota as follows:

Order No	CCT heading No	CN code (1)	Description	Volume of quota	Quota duty
09.2783	ex 39.01 C VII b) 2	ex 3907 20 19 ex 3907 20 90	Polyether with polyacrylonitrile chains, whether or not containing styrene	5 000 tonnes	0 %

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 in the 1985 Act of Accession.

2. If an importer indicates that he is about to import the product in question into a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

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

(1) The numbers indicated in the column 'CN code' will replace those in the 'Common Customs Tariff' column from 1 January 1988.

Article 2

1. Member States shall take all appropriate measures to ensure that they draw from the quota in accordance with Article 1 (2) in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.

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

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

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

Article 3

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

Article 4

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

Article 5

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

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILLHJELM

COUNCIL REGULATION (EEC) No 4069/87**of 22 December 1987****amending Regulation (EEC) No 1981/82 drawing up the list of Community regions, in which production aid for hops is granted only to recognized producer groups**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by Regulation (EEC) No 3800/85 ⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 12 (3) of Regulation (EEC) No 1696/71 provides for the granting of production aid to producers' groups in regions of the Community where the said groups are capable of ensuring that their members receive a fair income and of achieving rational management of supply; whereas those regions are listed in the Annex to Regulation (EEC) No 1981/82 ⁽³⁾;

Whereas scrutiny of the data supplied by Belgium shows that the conditions laid down in Article 12 of Regulation

(EEC) No 1696/71 are fulfilled by a new region; whereas Regulation (EEC) No 1981/82 should therefore be amended as from the 1987 harvest,

HAS ADOPTED THIS REGULATION:

Article 1

The region 'Belgium' is hereby added to the list set out in the Annex to Regulation (EEC) No 1981/82.

Article 2

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

It shall apply as from the 1987 harvest.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 32.

⁽³⁾ OJ No L 215, 23. 7. 1982, p. 3.

COUNCIL REGULATION (EEC) No 4070/87

of 22 December 1987

on the grant of support to transport infrastructure projects

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas at its meeting of 11 November 1986, the Council reached conclusions concerning the objectives, criteria and financial mechanisms of a medium-term programme to improve transport infrastructure;

Whereas a number of eligible projects have been submitted by Member States to use the whole of the appropriations remaining for this purpose in the 1986 and 1987 budgets;

Whereas the ceilings for Community financial support for each project of this Regulation should be fixed by the Commission;

Whereas the methods and procedures for implementing this Regulation should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

Within the limit of the budget appropriations remaining from the 1986 budget and those available under the 1987 budget, and under the conditions set out in Articles 2, 3 and 4, the Community shall provide financial support for transport infrastructure projects by contributing to the cost of the following projects:

1. *Studies preparatory to construction work*

- Scandinavian Link — to assist the development of a number of fixed links,
- Transcity — preparatory work on a project to provide new rail services between the Saar, Luxembourg and France,

- Demonstration project to improve the utilization and safety of motorways,
- High-speed rail links — impact analysis,
- Study of a European combined transport network.

2. *Projects on major transit routes including those to assist transit through non-member States:*

- Road links to the Channel tunnel,
- New railway tunnel on the Brenner rail route,
- Strengthening of the rail link Netherlands/Germany,
- United Kingdom/Ireland road link,
- Works on combined transport routes Germany/Spain,
- Combined transport centre in Verona (traffic through Austria),
- Works on the rail link from Thessaloniki to the Yugoslav frontier.

3. *Links to the Iberian Peninsula:*

- Modernization of the rail line Lisbon-Oporto-Spain (Beira Alta),
- Motorway construction Madrid-Burgos-France,
- Construction of a rail line Lisbon-Madrid-Barcelona (Coslada-Ricla).

4. *Integration of peripheral regions:*

- North-South road in Greece,
- North-South road in Ireland.

Article 2

1. The financial support granted under this Regulation to the projects chosen in accordance therewith may not exceed 25 % of the total cost of each project or of the particular stage of the projects to be supported. The support may be increased to not more than 50 % in the case of studies carried out preparatory to construction work.

2. In no case shall the contributions from the Community budget sources exceed 50 % of the total cost of the project or that part of the project that is assisted.

3. An advance payment of no more than 40 % of the Community contribution may be provided to accelerate the execution of projects.

4. The amount of Community financial contributions to the projects referred to in Article 1 shall be decided on by the Commission in agreement with the Member States involved.

⁽¹⁾ Opinion delivered on 18 December 1987 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 16 December 1987 (not yet published in the Official Journal).

Article 3

1. Where a project which has received financial support has not been carried out as planned, or where the conditions imposed by the provisions governing the measure are not fulfilled, the financial support may be reduced or cancelled by a decision adopted by the Commission.

Any sum paid incorrectly shall be repaid to the Community by the beneficiary within 12 months of the date of notification of such decision.

2. Without prejudice to checks carried out by the Member States in accordance with national laws, regulations or administrative provisions, and without prejudice to Article 206a of the Treaty or to any inspection arranged on the basis of Article 209 (c) of the Treaty, on-the-spot checks or enquiries in respect of projects receiving financial support shall be carried out by the competent authorities of the Member State concerned and by representatives of the Commission, or other persons authorized for the purpose by the latter. The Commission shall determine deadlines for the performance of checks and as preliminary inform the Member State in order to receive all necessary assistance.

3. The purpose of these on-the-spot checks or enquiries relating to operations receiving financial support is to ascertain :

- (a) the conformity of administrative practices with Community rules ;
- (b) the existence of supporting documents and whether they correspond to the projects receiving financial support ;
- (c) the conditions under which operations are executed and checked ;
- (d) the conformity of the projects carried out with the conditions subject to which financial support was granted.

4. The Commission may suspend payment of the financial contribution in respect of an operation if a check reveals irregularities, or a substantial change in the nature or conditions of the project for which the Commission's approval has not been sought.

Article 4

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

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHELM

COMMISSION REGULATION (EEC) No 4071/87**of 22 December 1987**

fixing, for 1988, the quotas applicable for imports into Portugal of certain shell eggs from the Community as constituted on 31 December 1985 and certain detailed rules for the application of the quotas in the eggs and poultrymeat sectors

THE COMMISSION 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 257 thereof,

Having regard to Council Regulation (EEC) No 493/86 of 25 February 1986 fixing for 1986 the initial quotas applicable to Portuguese imports from the Community as constituted on 31 December 1985 of certain egg and poultrymeat products⁽¹⁾, and in particular Article 2 thereof,

Whereas as a result of an error of substance, the correction of which is being considered, the Act of Accession does not provide for the application of quantitative restrictions on imports into Portugal of products falling within subheading 0407 00 30 of the combined nomenclature from the Community as constituted at 31 December 1985; whereas, pending the correction referred to above, Regulation (EEC) No 620/86 of the Commission⁽²⁾, amended by Regulation (EEC) No 1996/86⁽³⁾ lays down such restrictions as transitional measures to apply until 31 December 1987; whereas Council Regulation (EEC) No 4007/87⁽⁴⁾ extended the period referred to in Article 257 of the Act until 31 December 1990; whereas a quota may therefore be fixed for 1988;

Whereas the quota for 1988 should be fixed by applying the minimum rate of increase on 10 % laid down in Article 269 (2)(c) of the Act of Accession to the 1987 quota;

Whereas detailed rules should be laid down for the implementation of these provisions to be analogous to those laid down in Regulation (EEC) No 620/86;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1988 which the Portuguese Republic may apply to imports of shell eggs falling within subheading 0407 00 30 of the combined nomenclature coming from the Community as constituted on 31 December 1985 shall be 1 609 tonnes.

Article 2

Save as otherwise provided in this Regulation, Articles 2 and 3 of Regulation (EEC) No 620/86 apply to the quotas referred to in Article 1 of this Regulation and in Council Regulation (EEC) No 4065/87⁽⁵⁾. However, the second indent of Article 3 (1) of Regulation (EEC) No 620/86 is hereby repealed.

Article 3

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 31.

⁽²⁾ OJ No L 58, 1. 3. 1986, p. 54.

⁽³⁾ OJ No L 171, 28. 6. 1986, p. 28.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽⁵⁾ See page 25 of this Official Journal.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3635/87 of 17 November 1987 applying generalized tariff preferences for 1988 in respect of certain industrial products originating in developing countries

(Official Journal of the European Communities No L 350 of 12 December 1987)

Page 4 :

Ninth recital, last two lines :

for: 'Council Regulations (EEC) No 1445/72 (*) , (EEC) No 3065/75 (*) and (EEC) No 1736/75 (*)',
read: 'Councils Regulation (EEC) No 1736/75 (*) and (EEC) No 3367/87 (*)'.

Footnotes (4) and (5) shall read as follows:

⁽⁴⁾ OJ No L 183, 14. 7. 1975, p. 3.

(⁵) OJ No L 321, 11. 11. 1987, p. 1.

Footnote (6) is deleted.

Page 8, Article 19 (1), last line :

for: '...by Regulation (EEC) No 1736/75,'

read: '...by Regulations (EEC) No 1736/75 and (EEC) No 3367/87.'

Annex I:

Page 16, footnote (e):

read: '... Libya (***).'

Page 23, Order No 10.0630, column (2):

read: 4412

4420 90 10

 $(*)'$

Page 25 :

Order No 10.0710, column (2):

read: '6908'.

Order No 10.0720, column (2):

read: '6911

$$(\cdot)(\cdot)'$$

Page 29, Order No 10.0850, column (4):

read: 'Brazil
South Korea.'

Page 33, Order No 10.0860, column (2), fourth line :

delete: '(*').

Page 38, Order No 10.1030, column (2), penultimate line :

delete: '8504 31 90'.

Page 39, Order No 10.1051, column (4):

insert: 'Hong Kong'.

Page 40, Order No 10.1060, column (2):

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delete: '8527 11 91';
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for: '8528 20 90',

read: '8528 20 99.'

Page 41, Order No 10.1060, column (2), last line :

read: '8529 90 99'.

Page 43, Order No 10.1160, column (2):

— Fourth line :

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read: 'ex 9101 91 00';
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— Fifth line :

delete: '(d)'.

Page 45, Order No 10.1268, column (2):

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read: '9406 00 10'.
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Page 45, Order No 10.1300, column (2):

read: '9503
(d)'.

Annex II:

Page 49, Code Nos ex 2844 30 11 and ex 2844 30 51, second column:

add: 'waste and scrap'.

Page 50:

<i>for:</i>	'ex 4104 21 00 ex 4104 22 90 ex 4104 29 00		Other, of veal',
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<i>read:</i>	'4104 21 00 4104 22 90 4104 29 00		Other'.
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Page 53:

<i>delete:</i>	'2936 25 00 2936 29 30		Vitamins B ₆ and H and their derivatives',
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add: '3102 | Mineral or chemical fertilizers, nitrogenous.

Page 55:

for: '7004 10 91
7004 10 93',

read: '7004 10 30
7004 10 50
7004 10 90'.

Delete: code No 7013.

Page 56, first column:

insert: code No '7326 90 20' after '7326 90 10'

Page 59, 'Hong Kong':

for: '9504 10 00',

read: '9504';

<i>add:</i>	'9506 40 10 9506 40 90		Articles and equipment for table tennis'.
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Page 60, first column:

for: '3102 29 00
3102 30 00
3102 40 00
3102 50 90',

read: '3102 29 10
3102 29 90
3102 30 10
3102 30 90
3102 40 10
3102 40 90'

Page 61:

<i>insert:</i>	'8507 10 91 8507 10 99 8507 20 99		Lead-acid accumulators'.
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Page 64, third column:

read: '676 Burma (2)'.

Page 66:

insert: '676 Burma'.