

# Official Journal

## of the European Communities

ISSN 0378-6978

L 382

Volume 30

31 December 1987

English edition

## Legislation

### Contents

#### *I Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 4081/87 of 21 December 1987 opening an annual Community tariff quota for unroasted malt of subheading 1107 10 99 of the combined nomenclature, originating in, and coming from, Finland ..... 1
- ★ Council Regulation (EEC) No 4082/87 of 21 December 1987 opening and providing for the administration of a Community tariff quota for table cherries, excluding Morello cherries, falling within codes 0809 20 10 and 0809 20 90 of the combined nomenclature and originating in Switzerland (1988) ..... 2
- ★ Council Regulation (EEC) No 4083/87 of 21 December 1987 opening and providing for the administration of a Community tariff quota for certain oils and fats of marine animals falling within codes ex 1504 20 10, ex 1504 30 19 and ex 1506 10 90 of the combined nomenclature and originating in Norway (1988) ..... 4
- ★ Council Regulation (EEC) No 4084/87 of 21 December 1987 opening, allocating and providing for the administration of a Community tariff quota for frozen peas, falling within codes 0710 21 00 and ex 0710 29 00 of the combined nomenclature and originating in Sweden (1988) ..... 6
- ★ Council Regulation (EEC) No 4085/87 of 21 December 1987 opening, allocating and providing for the administration of a Community tariff quota for fillets of certain cod and of fish of the species *Boreogadus saida*, falling within code 0305 30 19 of the combined nomenclature, originating in Norway (1988) ..... 9
- ★ Council Regulation (EEC) No 4086/87 of 21 December 1987 opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden (1988) ..... 12
- ★ Council Regulation (EEC) No 4087/87 of 21 December 1987 opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved fish, falling within codes ex 1604 13 90, ex 1604 15 90, ex 1604 19 99 and ex 1604 20 90 of the combined nomenclature, originating in Norway (1988) ..... 18

(Continued overleaf)

Contents (continued)

- ★ Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel and Jordan ..... 22
- ★ Council Regulation (EEC) No 4089/87 of 22 December 1987 opening and providing for the administration of a Community tariff quota for sweet, clear-fleshed cherries, marinated in alcohol, falling within code ex 2008 60 39 of the combined nomenclature and intended for the manufacture of chocolate products (1988)..... 24
- ★ Council Regulation (EEC) No 4090/87 of 22 December 1987 amending for the 10th time Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector ..... 26
- ★ Council Regulation (EEC) No 4091/87 of 22 December 1987 amending Regulation (EEC) No 3034/80 fixing the quantities of basic products considered to have been used in the manufacture of goods covered by Regulation (EEC) No 3033/80 ..... 27
- ★ Council Regulation (EEC) No 4092/87 of 22 December 1987 fixing the quota for 1987 that Portugal may apply to certain wines imported from the Community as constituted on 31 December 1985 ..... 39

## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EEC) No 4081/87

of 21 December 1987

opening an annual Community tariff quota for unroasted malt of subheading 1107 10 99 of the combined nomenclature, originating in, and coming from, Finland

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Finland was concluded on 22 July 1972; whereas, following the accession of Spain and Portugal, the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Finland concerning agriculture was approved by Council Decision 86/556/EEC <sup>(1)</sup>;

Whereas the Agreement in the form of an Exchange of Letters provides for an annual quota for unroasted malt of subheading 1107 10 99 of the combined nomenclature, originating in, and coming from, Finland of 2 500 tonnes

at a levy reduction of 100 ECU per tonne; whereas this annual quota should be opened on a permanent basis from 1988 and provision should be made for operational rules for it to be set by an implementing regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 January 1988 the import levy on unroasted malt of subheading 1107 10 99 of the combined nomenclature, originating in, and coming from, Finland shall be reduced by 100 ECU per tonne, within the limit of an annual Community tariff quota of 2 500 tonnes.

*Article 2*

Detailed rules for the application of this Regulation shall be established in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 <sup>(2)</sup>.

*Article 3*

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, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 67.

<sup>(2)</sup> OJ No. L 281 1. 11. 1975, p. 1.

## COUNCIL REGULATION (EEC) No 4082/87

of 21 December 1987

opening and providing for the administration of a Community tariff quota for table cherries, excluding Morello cherries, falling within codes 0809 20 10 and 0809 20 90 of the combined nomenclature and originating in Switzerland (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the Agreement in the form of an Exchange of Letters provides for the opening of a Community tariff quota at zero duty for table cherries, excluding Morello cherries, originating in Switzerland; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the external trade statistics of the Community and statistics of trade between Member States; whereas, in order to accommodate specific Community measures, this nomenclature has been expanded into an integrated tariff of the European Communities (TARIC); whereas, with effect from the abovementioned date, the combined nomenclature and, where appropriate, the TARIC code

numbers should be used for the description of the product covered by this Regulation;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States accordingly;

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

| Order No | CN code                  | Description                                                           | Amount of tariff quota (tonnes) | Rate of duty (%) |
|----------|--------------------------|-----------------------------------------------------------------------|---------------------------------|------------------|
| 09.0901  | 0809 20 10<br>0809 20 90 | Table cherries excluding Morello cherries, originating in Switzerland | 1 000                           | 0                |

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

The Protocol on the definition of the concept of originating products and on methods of administrative cooperation annexed to the Agreement between the European Economic Community and the Swiss Confederation shall apply.

(1) OJ No L 328, 22. 11. 1986, p. 98.

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

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) enable imports to be charged without interruption against their accumulated shares of the Community quota.

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

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

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*

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, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

## COUNCIL REGULATION (EEC) No 4083/87

of 21 December 1987

opening and providing for the administration of a Community tariff quota for certain oils and fats of marine animals falling within codes ex 1504 20 10, ex 1504 30 19 and ex 1516 10 90 of the combined nomenclature and originating in Norway (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at a reduced rate of duty for certain oils and fats of marine animals, other than whale oil and sperm oil, originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the external trade statistics of the Community and Statistics of trade between Member States; whereas this nomenclature has, for the purposes of encompassing specific Community measures, been expanded into an integrated tariff of the European Communities (TARIC); whereas, with effect from the abovementioned date, the combined nomenclature and, where appropriate, the

TARIC code numbers, should be used for the description of the products covered by this Regulation;

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1988, the customs duty applicable to imports of the following products shall be suspended at the level and within the limits of a Community tariff quota as shown herewith:

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

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with the relevant provisions laid down by the 1985 Act of Accession.

(1) OJ No L 328, 22. 11. 1986, p. 76.

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

3. If an importer notifies an imminent importation of the product in question in a Member State and applies to use the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 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 (3) 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 product concerned have access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the 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 of the products concerned 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, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

## COUNCIL REGULATION (EEC) No 4084/87

of 21 December 1987

opening, allocating and providing for the administration of a Community tariff quota for frozen peas, falling within codes 0710 21 00 and ex 0710 29 00 of the combined nomenclature and originating in Sweden (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the said Agreement provides for the opening of a 6 000-tonne Community tariff quota at a reduced rate of duty for frozen peas originating in Sweden, 4 500 tonnes of which are reserved for Spain; whereas therefore, the tariff quota in question should be opened for the period from 1 January to 31 December 1987;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the nomenclature of goods for the external trade statistics of the Community and statistics of trade between Member States; whereas in order to accommodate specific Community measures this nomenclature has been expanded into an integrated tariff of the European Communities (TARIC); whereas, from the date given above, the combined nomenclature and, where appropriate, the TARIC code numbers should be used for the description of the products covered by this Regulation;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports 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 product in question the allocation should reflect the requirements of the Member

States based on statistics of imports of the said products from Sweden during a representative reference period and on the economic outlook for the quota year in question;

Whereas during the last three years for which statistics are available, imports of peas, including chick peas, from Sweden into each of the Member States, other than Spain, were as follows:

| (tonnes)       |        |        |        |
|----------------|--------|--------|--------|
| Member State   | 1984   | 1985   | 1986   |
| Benelux        | 0      | 20     | 0      |
| Denmark        | 254    | 42     | 273    |
| Germany        | 1 432  | 2 567  | 3 475  |
| Greece         | 0      | 272    | 91     |
| France         | 0      | 0      | 0      |
| Ireland        | 0      | 0      | 0      |
| Italy          | 14 527 | 14 879 | 14 643 |
| Portugal       | 282    | 0      | 262    |
| United Kingdom | 647    | 1 160  | 1 499  |
|                | 17 142 | 19 371 | 20 243 |

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

Whereas in view of these factors, the initial percentage shares of the quota volume of the Member States other than Spain can be expressed approximately as follows:

|                |       |
|----------------|-------|
| Benelux        | 0,04  |
| Denmark        | 1,00  |
| Germany        | 13,17 |
| Greece         | 0,64  |
| Italy          | 77,61 |
| Portugal       | 1,72  |
| United Kingdom | 5,82. |

Whereas to allow for the trend of imports of the product concerned, 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

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

requirements of Member States which have used up their initial share; whereas, to afford importers in each Member State some degree of certainty, the first part of the tariff quota should be set at a high level, which in this case could be 98 % of the quota volume;

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

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that the Member State concerned should return a significant proportion thereof to the reserve in order to prevent 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. From 1 January to 31 December 1988 the customs duty applicable to imports of the following products, originating in Sweden, shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

| Order No | CN code                     | Description                       | Amount of quota (tonnes) | Rate of duty (%)                             |
|----------|-----------------------------|-----------------------------------|--------------------------|----------------------------------------------|
| 09.0613  | 0710 21 00<br>ex 0710 29 00 | Frozen peas originating in Sweden | 6 000                    | 4,5 in Spain<br>6 in the other Member States |

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

#### Article 2

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

2. The first part of this quota shall be allocated among certain Member States; the respective shares, which, subject to Article 5, shall be valid until 31 December 1988, shall be as follows:

|                | (in tonnes) |
|----------------|-------------|
| Benelux        | 1           |
| Denmark        | 14          |
| Germany        | 184         |
| Greece         | 9           |
| Spain          | 4 500       |
| Italy          | 1 087       |
| Portugal       | 24          |
| United Kingdom | 81.         |

3. The second part of the quota amounting to 100 tonnes shall constitute the reserve.

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

not covered by the initial allocation 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 its initial share, 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 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 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*

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.

By 1 October 1988 at the latest Member States must notify the Commission of the total quantities of the product 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 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 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 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 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 share of the Community tariff quota.

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

3. Member States shall charge imports of the product 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, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

## COUNCIL REGULATION (EEC) No 4085/87

of 21 December 1987

opening, allocating and providing for the administration of a Community tariff quota for fillets of certain cod and of fish of the species *Boreogadus saida*, falling within code 0305 30 19 of the combined nomenclature, originating in Norway (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at zero duty for fillets of certain cod and of fish of the species *Boreogadus saida*, originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the nomenclature of goods for the external trade statistics of the Community and Statistics of trade between Member States; whereas in order to accommodate specific Community measures this nomenclature been expanded into an integrated tariff of the European Communities (TARIC); whereas, with effect from the abovementioned date, the combined nomenclature and, where appropriate, the TARIC code numbers should be used for the description of the products covered by this Regulation;

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

imports from Norway during a representative reference period and to the economic outlook for the quota year in question;

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

|                | (tonnes) |       |       |       |
|----------------|----------|-------|-------|-------|
|                | 1983     | 1984  | 1985  | 1986  |
| Benelux        | 0        | 0     | 0     | 1     |
| Denmark        | 12       | 72    | 10    | 2     |
| Germany        | 15       | 0     | 0     | 0     |
| Greece         | 0        | 0     | 11    | 0     |
| Spain          | 17       | 37    | 0     | 0     |
| France         | 29       | 58    | 8     | 19    |
| Ireland        | 0        | 0     | 0     | 0     |
| Italy          | 4 751    | 4 589 | 2 691 | 2 354 |
| Portugal       | 0        | 0     | 0     | 0     |
| United Kingdom | 0        | 0     | 0     | 0     |
|                | 4 824    | 4 756 | 2 720 | 2 376 |

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

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

|         |        |
|---------|--------|
| Denmark | 0,85   |
| Greece  | 0,11   |
| Spain   | 0,38   |
| France  | 0,86   |
| Italy   | 97,80. |

Whereas, to allow for import trends for the products concerned, 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 some degree

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

of certainty, the first part of the tariff quota should be set at a high level, which in this case could be 67 % of the quota volume;

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

Whereas if 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 return a significant proportion thereof to the reserve in order to prevent part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

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

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January to 31 December 1988 the customs duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown herewith:

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

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

2. Imports of the products in question shall not be eligible under the tariff quota referred to in paragraph 1 unless the free-at-frontier-price, which is determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81<sup>(1)</sup> as last amended by Regulation (EEC) No 2315/86<sup>(2)</sup> is at least equal to the reference price set or to be set by the Community for the product or categories of products under consideration.

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

#### Article 2

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

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

<sup>(2)</sup> OJ No L 202, 25. 7. 1986, p. 1.

2. The first part of this quota shall be allocated among certain member States. The quota shares shall, subject to Article 5, be valid until 31 December 1988 and shall be as follows:

|         | (in tonnes) |
|---------|-------------|
| Denmark | 17          |
| Greece  | 2           |
| Spain   | 8           |
| France  | 17          |
| Italy   | 1 956.      |

3. The second part of the quota, amounting to 1 000 tonnes, shall constitute the reserve.

4. If an importer indicates that a consignment of the products in question is to be imported into a Member State not included in the initial allocation and applies to use the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

#### Article 3

1. If a Member State has used 90 % or more of its initial share as specified in Article 2 (2), or of that share less any proportion 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 share has been used up, a Member State has used 90 % or more of the second share as well, it shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up where necessary to the next whole number.

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

This process shall apply until the reserve is used up.

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

#### *Article 4*

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

#### *Article 5*

Member States shall, not later than 1 October 1988, 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 are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1988, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1988 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

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

Done at Brussels, 21 December 1987.

#### *Article 6*

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

It shall, not later than 5 October 1988, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

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

#### *Article 7*

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

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

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

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

#### *Article 8*

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

#### *Article 9*

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

#### *Article 10*

This Regulation shall enter into force on 1 January 1988.

*For the Council*

*The President*

B. HAARDER

## COUNCIL REGULATION (EEC) No 4086/87

of 21 December 1987

opening, allocating and providing for the administration of Community tariff quotas for certain fishery products originating in Sweden (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the said Agreement provides for the opening of Community tariff quotas at a reduced rate of duty or at zero duty, for certain fishery products originating in Sweden; whereas, therefore, the tariff quotas in question should be opened for the period 1 January to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs

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

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

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

(tonnes)

| Member State   | Cod, saithe, haddock, fresh or chilled |        |        | Fillets of cod, fresh or frozen |       |      | Caviar substitutes |      |      |
|----------------|----------------------------------------|--------|--------|---------------------------------|-------|------|--------------------|------|------|
|                | 1984                                   | 1985   | 1986   | 1984                            | 1985  | 1986 | 1984               | 1985 | 1986 |
| Benelux        | 81                                     | 189    | 182    | 7                               | 24    | 9    | 0                  | 0    | 0    |
| Denmark        | 23 280                                 | 20 288 | 18 568 | 222                             | 392   | 270  | 1                  | 19   | 1    |
| Germany        | 152                                    | 413    | 32     | 113                             | 128   | 43   | 38                 | 6    | 22   |
| Greece         | 0                                      | 0      | 0      | 0                               | 0     | 0    | 20                 | 7    | 4    |
| Spain          | 3 001                                  | 2 021  | 742    | 997                             | 985   | 276  | 3                  | 5    | 5    |
| France         | 273                                    | 158    | 170    | 42                              | 24    | 4    | 33                 | 23   | 5    |
| Ireland        | 0                                      | 0      | 0      | 0                               | 0     | 0    | 0                  | 0    | 0    |
| Italy          | 0                                      | 0      | 0      | 0                               | 0     | 0    | 0                  | 0    | 0    |
| Portugal       | 37                                     | 0      | 20     | 0                               | 0     | 0    | 0                  | 0    | 0    |
| United Kingdom | 502                                    | 516    | 454    | 0                               | 0     | 0    | 1                  | 0    | 0    |
|                | 27 326                                 | 23 585 | 20 168 | 1 381                           | 1 553 | 602  | 96                 | 60   | 37   |

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

(tonnes)

| Member State   | Prepared or preserved herring |      |      | Other prepared or preserved fish |      |      | Shrimps and prawns |      |      |
|----------------|-------------------------------|------|------|----------------------------------|------|------|--------------------|------|------|
|                | 1984                          | 1985 | 1986 | 1984                             | 1985 | 1986 | 1984               | 1985 | 1986 |
| Benelux        | 11                            | 10   | 15   | 75                               | 66   | 52   | 0                  | 17   | 0    |
| Denmark        | 60                            | 30   | 70   | 78                               | 58   | 59   | 8                  | 0    | 31   |
| Germany        | 177                           | 64   | 68   | 26                               | 34   | 36   | 13                 | 9    | 10   |
| Greece         | 0                             | 0    | 0    | 0                                | 0    | 0    | 1                  | 0    | 0    |
| Spain          | 6                             | 0    | 7    | 2                                | 3    | 3    | 1                  | 1    | 3    |
| France         | 1                             | 1    | 23   | 1                                | 1    | 6    | 37                 | 3    | 1    |
| Ireland        | 0                             | 0    | 0    | 0                                | 0    | 0    | 0                  | 0    | 0    |
| Italy          | 0                             | 0    | 0    | 0                                | 0    | 0    | 41                 | 62   | 58   |
| Portugal       | 0                             | 0    | 0    | 0                                | 0    | 0    | 3                  | 0    | 3    |
| United Kingdom | 10                            | 9    | 14   | 3                                | 2    | 0    | 0                  | 12   | 16   |
|                | 265                           | 114  | 197  | 185                              | 164  | 156  | 104                | 104  | 122  |

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

Whereas, in view of these factors, the initial percentage shares of the quota volumes can be expressed as follows:

(tonnes)

| Member State   | Cod, saithe, haddock | Fillets of cod | Caviar substitutes | Prepared herring | Other prepared fish | Shrimps and prawns |
|----------------|----------------------|----------------|--------------------|------------------|---------------------|--------------------|
| Benelux        | 0,64                 | 1,13           | 0                  | 6,25             | 38,22               | 5,15               |
| Denmark        | 87,41                | 25,00          | 10,88              | 27,78            | 38,62               | 11,82              |
| Germany        | 0,84                 | 8,03           | 34,20              | 53,64            | 19,01               | 9,70               |
| Greece         | 0                    | 0              | 16,06              | 0                | 0                   | 0,30               |
| Spain          | 8,11                 | 63,86          | 6,73               | 2,26             | 1,58                | 1,52               |
| France         | 0,85                 | 1,98           | 31,61              | 4,34             | 1,58                | 12,42              |
| Ireland        | 0                    | 0              | 0                  | 0                | 0                   | 0                  |
| Italy          | 0                    | 0              | 0                  | 0                | 0                   | 48,79              |
| Portugal       | 0,08                 | 0              | 0                  | 0                | 0                   | 1,82               |
| United Kingdom | 2,07                 | 0              | 0,52               | 5,73             | 0,99                | 8,48               |

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

part of the tariff quotas should be set at a level which in this case could be 60 % or 67 % of each quota volume;

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

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

Whereas if, 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 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 duty applicable to imports of the following products originating in Sweden shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

| Order No | CN code                  | Description                                                                                                                                                                              | Quota volume (tonnes) | Rate of duty (%) |
|----------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0601  | 0302                     | Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:                                                                                                   | 3 500                 | 0                |
|          | ex 0302 50 10            | — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:                                                                               |                       |                  |
|          |                          | — Of the species <i>Gadus morhua</i>                                                                                                                                                     |                       |                  |
|          | 0302 62 00<br>0302 63 00 | — Other fish, excluding livers and roes:<br>— Haddock ( <i>Melanogrammus aeglefinus</i> )<br>— Coalfish ( <i>Pollachius virens</i> )                                                     |                       |                  |
| 09.0603  | 0304                     | Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:                                                                                                      | 1 500                 | 0                |
|          | 0304 10                  | — Fresh or chilled:                                                                                                                                                                      |                       |                  |
|          |                          | — Fillets:                                                                                                                                                                               |                       |                  |
|          | ex 0304 10 31            | — Other:<br>— Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and of fish of the species <i>Boreogadus saida</i><br>— Of the species <i>Gadus morhua</i> |                       |                  |
| 09.0605  | 1604                     | Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:                                                                                                       | 250                   | 0                |
|          |                          | — Fish, whole or in pieces, but not minced:                                                                                                                                              |                       |                  |
|          | 1604 12                  | — Herrings:                                                                                                                                                                              |                       |                  |
|          | 1604 12 90               | — Other                                                                                                                                                                                  |                       |                  |
| 09.0607  | 1604 13                  | — Sardines, sardinella and brisling or sprats:                                                                                                                                           | 200                   | 0                |
|          | 1604 13 90               | — Other                                                                                                                                                                                  |                       |                  |
|          | 1604 19                  | — Other:                                                                                                                                                                                 |                       |                  |
|          |                          | — Other:                                                                                                                                                                                 |                       |                  |
|          | 1604 19 99               | — Other                                                                                                                                                                                  |                       |                  |
|          | 1604 20                  | — Other prepared or preserved fish:                                                                                                                                                      |                       |                  |
|          | 1604 20 90               | — Of other fish                                                                                                                                                                          |                       |                  |

| Order No | CN code               | Description                                                                                                                                                                               | Quota volume (tonnes) | Rate of duty (%) |
|----------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0609  | 1604 30<br>1604 30 90 | — Caviar and caviar substitutes:<br>— Caviar substitutes                                                                                                                                  | 60                    | 0                |
| 09.0611  | 1605<br>ex 1605 20 00 | Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:<br>— Shrimps and prawns:<br>— Shelled or frozen, excluding shrimps and prawns of the <i>Crangon</i> variety | 120                   | 7,5              |

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

| Order No | (%)   |          |
|----------|-------|----------|
|          | Spain | Portugal |
| 09.0601  | 0     | 0        |
| 09.0603  | 0     | 0        |
| 09.0605  | 8,6   | 18,8     |
| 09.0607  | 8,6   | 18,8     |
| 09.0609  | 8,6   | 18,8     |
| 09.0611  | 6,6   | 21,6     |

3. Imports of the products in question may not be charged against the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by

the Member States pursuant to Article 21 of Regulation (EEC) No 3796/81 <sup>(1)</sup>, is at least equal to the reference price, if such a price has been fixed by the Community for the products in question.

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

#### Article 2

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

2. The first part of the quota shall be allocated among certain Member States; the respective quota shares, which, subject to Article 5, shall be valid until 31 December 1988, shall be as follows:

| Member States  | (tonnes)         |                  |                  |                  |                  |                  |
|----------------|------------------|------------------|------------------|------------------|------------------|------------------|
|                | Order No 09.0601 | Order No 09.0603 | Order No 09.0605 | Order No 09.0607 | Order No 09.0609 | Order No 09.0611 |
| Benelux        | 13               | 11               | 10               | —                | 52               | 4                |
| Denmark        | 1 836            | 250              | 46               | 4                | 52               | 9                |
| Germany        | 18               | 80               | 89               | 14               | 26               | 8                |
| Greece         | —                | —                | —                | 6                | —                | 1                |
| Spain          | 170              | 639              | 4                | 2                | 2                | 1                |
| France         | 18               | 20               | 7                | 13               | 2                | 10               |
| Italy          | —                | —                | —                | —                | —                | 39               |
| Portugal       | 2                | —                | —                | —                | —                | 1                |
| United Kingdom | 43               | —                | 9                | 1                | 1                | 7                |
|                | 2 100            | 1 000            | 165              | 40               | 135              | 80               |

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

- for Order No: 09.0601: 1 400 tonnes,
- for Order No: 09.0603: 500 tonnes,
- for Order No: 09.0605: 85 tonnes,
- for Order No: 09.0607: 20 tonnes,
- for Order No: 09.0609: 65 tonnes,
- for Order No: 09.0611: 40 tonnes,

shall constitute the reserve.

4. If an importer gives notification of imminent imports of one of the products in question into a

Member State not participating in the original allocation and applies to take advantage of the corresponding quota the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

#### Article 3

1. If a Member State has used 90 % or more of one of one of its initial shares as specified in Article 2 (2), or of that share less any portion returned to the corre-

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

sponding 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 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 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.

#### *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 the reserve.

#### *Article 6*

The Commission shall keep account of the shares drawn by Member States pursuant to Article 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 quotas.

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

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

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

#### *Article 8*

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

#### *Article 9*

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, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

---

## COUNCIL REGULATION (EEC) No 4087/87

of 21 December 1987

opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved fish, falling within codes ex 1604 13 90, ex 1604 15 90, ex 1604 19 99 and ex 1604 20 90 of the combined nomenclature, originating in Norway (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

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

Whereas the said Agreement provides in particular for the opening of a Community tariff quota at reduced rates of duty for certain prepared or preserved fishery products originating in Norway; whereas, therefore, the tariff quota in question should be opened for the period 1 January to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988 onwards, a combined nomenclature of goods which is in line with the requirements of the Common Customs Tariff and of the statistics for the external trade of the Community and of trade between its Member States; whereas, in order to cover at the same time specific Community regulations, the said nomenclature has been enlarged by the establishment of an integrated tariff of the European Communities (TARIC); whereas from this date onwards the combined nomenclature and, where appropriate, the TARIC code numbers, should therefore be used to refer to the products covered by this Regulation;

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

requirements of the Member States calculated with reference to statistics of imports from Norway during a representative reference period and to economic outlook for the relevant quota year;

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

|                | (tonnes) |       |       |
|----------------|----------|-------|-------|
|                | 1984     | 1985  | 1986  |
| Benelux        | 0        | 11    | 4     |
| Denmark        | 41       | 7     | 2     |
| Germany        | 15       | 22    | 3     |
| Greece         | 0        | 0     | 0     |
| Spain          | 0        | 3     | 1     |
| France         | 1 690    | 1 604 | 1 354 |
| Ireland        | 0        | 0     | 0     |
| Italy          | 0        | 106   | 309   |
| Portugal       | 0        | 0     | 0     |
| United Kingdom | 500      | 354   | 161   |
|                | 2 246    | 2 107 | 1 834 |

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

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

|                |        |
|----------------|--------|
| Benelux        | 0,24   |
| Denmark        | 0,81   |
| Germany        | 0,65   |
| France         | 75,13  |
| Italy          | 6,71   |
| United Kingdom | 16,40. |

Whereas, to accommodate any changes in imports for these products, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which

(1) OJ No L 328, 22. 11. 1986, p. 76.

have used up their initial share; whereas to afford importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 67 % of the quota;

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

Whereas, if at a given time in the course of the quota period any substantial quantity of a Member State's

initial share remains unused, it is essential that the Member State concerned return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

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

HAS ADOPTED THIS REGULATION:

### Article 1

1. From 1 January to 31 December 1988, the customs duty on imports of the following products, originating in Norway, shall be suspended at the level and within the limit of the Community tariff quota shown herewith:

| Order No | CN code       | Description                                                                                                                                                               | Quota volume (tonnes) | Rate of duty (%) |
|----------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
| 09.0711  | ex 1604 13 90 | Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:                                                                              | 400                   | 10               |
|          |               | Other:                                                                                                                                                                    |                       |                  |
|          |               | — Sardinella, brisling or sprats, not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen                      |                       |                  |
|          | ex 1604 15 90 | Mackerel of the species <i>Scomber australasicus</i> , not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen |                       |                  |
|          | ex 1604 19 99 | Other, not including smoked saithe                                                                                                                                        |                       |                  |
|          | ex 1604 20 90 | Fish other than herring and smoked saithe                                                                                                                                 |                       |                  |

Under this tariff quota, the Kingdom of Spain and the Portuguese Republic shall charge duties of 12,4 % and 22,5 % respectively.

cooperation, annexed to the Agreement between the European Economic Community and the Kingdom of Norway, shall be applicable.

### Article 2

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

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

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

2. A first instalment of this quota shall be allocated among certain Member States. The respective shares, which, subject to Article 5, shall be valid until 31 December 1988, shall be as follows:

|                | (in tonnes) |
|----------------|-------------|
| Benelux        | 1           |
| Denmark        | 2           |
| Germany        | 2           |
| France         | 203         |
| Italy          | 18          |
| United Kingdom | 44          |

3. The second instalment of the quota, being 130 tonnes, shall constitute the reserve.

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

<sup>(2)</sup> OJ No L 202, 25. 7. 1986, p. 1.

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

#### *Article 3*

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

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

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

This process shall apply until the reserve is used up.

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

#### *Article 4*

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

#### *Article 5*

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

Member States shall, not later than 1 October 1988, notify the Commission of the total quantities of the product in question imported up to and including 15

September 1988 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

#### *Article 6*

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

It shall, not later than 5 October 1988, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

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

#### *Article 7*

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

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

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

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

#### *Article 8*

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

#### *Article 9*

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

#### *Article 10*

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

*For the Council*

*The President*

B. HAARDER

---

## COUNCIL REGULATION (EEC) No 4088/87

of 21 December 1987

fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel and Jordan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the additional Protocols to the Association or Cooperation Agreements between the European Economic Community, on the one hand, and Cyprus, Israel and Jordan, on the other, provide that preferential customs duties shall be applied to imports into the Community of roses and carnations, within the limit of tariff quotas opened for imports of all fresh cut flowers falling within subheading 0603 10 of the combined nomenclature and originating in the said States; whereas these tariff advantages are applicable only to imports which comply with certain price conditions;

Whereas this Regulation should state the price conditions with which imports of roses and carnations must comply in order to qualify for the application of preferential customs duties and should also set both the conditions for suspending the preferential tariff arrangement when these conditions are no longer met and the conditions for its subsequent reintroduction;

Whereas price conditions to be complied with for imported products are determined according to Community producer prices; whereas, in the light of the extremely volatile and short-term fluctuations in the prices of the products in question in the Community, these producer prices should be set for two-week periods, on the basis of the average representative market price during the previous three years, excessive fluctuations being disregarded,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the conditions for application of a preferential customs duty for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations, within the limit of tariff quotas opened annually for imports into the Community of all fresh cut flowers falling within subheading 0603 10 of the combined nomenclature and originating in Cyprus, Israel or Jordan.

*Article 2*

1. For a given product of a given origin, the preferential customs duty shall be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price referred to in Article 3.

The price of the imported product shall be established on representative Community import markets, without deducting the preferential customs duty.

2. The preferential customs duty shall, save in exceptional circumstances, be suspended and the Common Customs Tariff duty imposed for a given product of a given origin;

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets; or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternately above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the imported product have been below that level.

3. The preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full-rate customs duty not deducted) are, in respect of a least 70 % of the quantities for which prices are available on representative Community import markets, equal to, or more than, 85 % of the Community producer price for a period, calculated from the actual date of suspension of preferential customs duty,

— of two successive market days, after suspension under paragraph 2 (a),

— of three successive market days, after suspension under paragraph 2 (b).

In the absence of available price quotations, the preferential customs duty shall be reintroduced if there are no prices for six successive working days from the date the measure was applied.

4. In the case of imports into Spain and Portugal of products originating in the countries mentioned in Article 1:

— the preferential customs duty applicable shall be determined by the special conditions of application of the Agreements between the Community and the countries referred to in Article 1, following the accession of Spain and Portugal,

- during the period when the preferential customs duty is suspended, the customs duty applicable shall be determined by application of Articles 75 and 243 of the Act of Accession of Spain and Portugal.

#### *Article 3*

1. Community producer prices shall be set for each of the four products mentioned in Article 1 and be applicable for two-week periods. Prices shall be set twice a year, before 15 May and before 15 October.

2. For each of the four products the Community price shall correspond to the average producer price recorded on representative producer markets over the corresponding period during the three years preceding the date of price-setting referred to in paragraph 1.

The average price for each representative market shall be determined by excluding prices which, according to procedures to be established, can be considered excessively high or excessively low in relation to the normal fluctuations observed on that market.

#### *Article 4*

On the basis of information given to it periodically by Member States or information which it has itself collected, the Commission shall keep a regular check on the trends both of the price of imports from each country of origin on the import markets and of producer prices on Community markets.

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

Done at Brussels, 21 December 1987.

#### *Article 5*

1. In accordance with the procedure provided for in Article 14 of Regulation (EEC) No 234/68 <sup>(1)</sup>, the Commission shall lay down detailed rules for the implementation of this Regulation, including in particular:

- the definition of the products mentioned in Article 1,
- the list of representative producer markets and representative Community import markets,
- the information to be returned periodically to the Commission by Member States for the purposes of this Regulation.

2. In accordance with the procedure referred to in paragraph 1, the Commission shall:

- (a) fix Community producer prices, as provided for in Article 3;
- (b) suspend the preferential customs duty and re-establish the common customs tariff, or reintroduce the preferential customs duty, as appropriate. However, between the regular meetings of the Management Committee, these measures shall be adopted by the Commission.

#### *Article 6*

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

It shall apply to products originating in each of the three countries concerned as from the date of application of the relevant additional Protocol.

*For the Council*

*The President*

B. HAARDER

---

<sup>(1)</sup> OJ No L 55, 2. 3. 1968, p. 1.

## COUNCIL REGULATION (EEC) No 4089/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for sweet, clear-fleshed cherries, marinated in alcohol, falling within code ex 2008 60 39 of the combined nomenclature and intended for the manufacture of chocolate products (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Community production of sweet, clear-fleshed cherries marinated in alcohol and intended for the manufacture of confectionery (in particular chocolate products) is currently insufficient to meet the requirements of the user industries in the Community; whereas the Community depends to a considerable extent on imports from third countries for its supplies of products of this type; whereas it is in the Community's interest to suspend partially the customs duty for the products in question, within a Community tariff quota of an appropriate volume; whereas, in order not to interfere with the prospects for developing production in the Community and at the same time ensure an adequate supply to satisfy user industries, it is advisable that the tariff quota should cover only products which meet certain criteria relating to use, to open the quota for the period 1 January to 31 December 1988, and to set the volume at 3 000 tonnes, this being the quantity it is necessary to import from third countries during that period, and to set the quota duty at 10 %;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff and the nomenclature of goods for the external trade statistics of the Community and statistics of trade between Member States; whereas, in order to accommodate specific Community rules, this nomenclature has been expanded into an integrated tariff of the European

Communities (TARIC); whereas, with effect from that date, the combined nomenclature and, where appropriate, the TARIC code numbers, should be used for the description of the products covered by this Regulation;

Whereas 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 the 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 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 administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quota is being used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, all transactions concerning the administration of shares 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 the customs duties applicable to imports of the products specified below shall be suspended at the level indicated and within the limits of a Community tariff quota as follows:

| Order No | CN code       | Description                                                                                                                                              | Volume of quota (tonnes) | Rate of duty (%) |
|----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------|
| 09.2713  | ex 2008 60 39 | Sweet, clear-fleshed cherries, marinated in alcohol, of a diameter not exceeding 18,9 mm, stoned, intended for the manufacture of chocolate products (*) | 3 000                    | 10               |

(\*) Checks on their prescribed end-use shall be carried out pursuant to the relevant Community provisions.

Within the limits of this tariff quota, Spain and Portugal 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 applies to use the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

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 they draw from the quota in accordance with Article 1 (2) 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 product concerned 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 product concerned against the amounts they have drawn 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 cooperate 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. WILHJELM

**COUNCIL REGULATION (EEC) No 4090/87****of 22 December 1987****amending for the 10th time Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 3146/87 <sup>(2)</sup>, and in particular Article 25 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pending the adoption of provisions supplementing or harmonizing the definitions of semi-sparkling wines and products falling within heading No 2205 of

the combined nomenclature, the period of validity of the provisions of Article 4 of Regulation (EEC) No 351/79 <sup>(3)</sup>, as last amended by Regulation (EEC) No 225/87 <sup>(4)</sup>, should be extended by one year; whereas, moreover, experience gained shows that such an extension would give rise to no drawbacks,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 4 of Regulation (EEC) No 351/79, '31 December 1987' is replaced by '31 December 1988'.

*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

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

<sup>(2)</sup> OJ No L 300, 23. 10. 1987, p. 4.

<sup>(3)</sup> OJ No L 54, 5. 3. 1979, p. 90.

<sup>(4)</sup> OJ No L 26, 29. 1. 1987, p. 2.

## COUNCIL REGULATION (EEC) No 4091/87

of 22 December 1987

amending Regulation (EEC) No 3034/80 fixing the quantities of basic products considered to have been used in the manufacture of goods covered by Regulation (EEC) No 3033/80

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as amended by Commission Regulation (EEC) No 3743/87 <sup>(2)</sup>, and in particular Article 4 (1) and the second subparagraph of Article 6 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the Commission is a signatory to the International Convention on the Harmonized Commodity Description and Coding System, hereinafter referred to as the 'harmonized system', which is to replace the Convention of 15 December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs;

Whereas a combined nomenclature of goods is to be introduced with effect from 1 January 1988, based on the harmonized system nomenclature, which will satisfy simultaneously the requirements of the Common Customs Tariff and of the statistics of the Community's external trade and of trade between Member States;

Whereas the tariff nomenclature resulting from the application of Regulation (EEC) No 3034/80 <sup>(3)</sup> is contained in the Common Customs Tariff; whereas it is necessary therefore to draw up the descriptions of goods and the tariff numbers appearing in that Regulation in accordance with the terms of the combined nomenclature based on the harmonized system;

Whereas experience has shown that certain quantities of basic products mentioned in Annex I to Regulation (EEC) No 3034/80 must be changed;

Whereas the combined nomenclature does not permit the maintenance, for certain types of goods falling within Chapters 17, 18, 19 and 21, of particulars of their

composition used for calculating the variable component to be charged on importation; whereas, it is necessary therefore that these particulars be drawn up in another way,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3034/80 is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

The quantities of basic products considered to have been used in the manufacture of goods referred to in Article 1 of Regulation (EEC) No 3033/80, hereinafter referred to as "goods", shall be as shown in Annex I hereto in respect of the relevant heading of the Common Customs Tariff; in the case of goods falling within subheadings for which Annex I refers to Annex II, such quantities shall be as shown in Annex II. For these latter goods, an additional code shall apply, composed of the figure 7, followed by three figures, according to the composition of the goods, as shown in Annex III.'

2. Article 2 (a) is replaced by the following:

'(a) "rice" means: "husked rice, long grain".'

3. Article 3 is replaced by the following:

*'Article 3*

Goods falling within CN codes 1704 10 11, 1704 10 19, 1704 10 91 and 1704 10 99, 1903 00 00, 1905 90 20, 2905 44 11 and 2905 44 91, 3505 10 10 and 3505 10 90, 3505 20 10, 3505 20 30, 3505 20 50 and 3505 20 90, 3809 10 10, 3809 10 30, 3809 10 50 and 3809 10 90, 3823 60 11 and 3823 60 91 shall be considered to have been made from maize covered by the production refund provided for in Regulation (EEC) No 2742/75.'

4. Annex I is replaced by the Annex to this Regulation.

5. Annex II becomes Annex IV.

*Article 2*

This Regulation shall enter into force on 1 January 1988.

<sup>(1)</sup> OJ No L 323, 29. 11. 1980, p. 1.

<sup>(2)</sup> OJ No L 352, 15. 12. 1987, p. 29.

<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 7.

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

---

## ANNEX

## ANNEX I

(per 100 kg of goods)

| CN code    | Description                                                                                                                                                                                                                                 | Common wheat | Durum wheat | Rye | Barley | Maize   | Rice | Sugar | Molasses | Skimmed-milk powder (PG 2) | Whole-milk powder (PG 3) | Butter (PG 6) |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|-----|--------|---------|------|-------|----------|----------------------------|--------------------------|---------------|
|            |                                                                                                                                                                                                                                             | kg           | kg          | kg  | kg     | kg      | kg   | kg    | kg       | kg                         | kg                       | kg            |
| (1)        | (2)                                                                                                                                                                                                                                         | (3)          | (4)         | (5) | (6)    | (7)     | (8)  | (9)   | (10)     | (11)                       | (12)                     | (13)          |
| 0403       | Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa: |              |             |     |        |         |      |       |          |                            |                          |               |
| 0403 10    | Yogurt:                                                                                                                                                                                                                                     |              |             |     |        |         |      |       |          |                            |                          |               |
|            | Flavoured or containing added fruit or cocoa:                                                                                                                                                                                               |              |             |     |        |         |      |       |          |                            |                          |               |
|            | In powder, granules or other solid forms, of a milkfat content by weight:                                                                                                                                                                   |              |             |     |        |         |      |       |          |                            |                          |               |
| 51         | Not exceeding 1,5 %                                                                                                                                                                                                                         |              |             |     |        |         |      |       |          | 100                        |                          |               |
| 53         | Exceeding 1,5 % but not exceeding 27 %                                                                                                                                                                                                      |              |             |     |        |         |      |       |          |                            | 100                      |               |
| 59         | Exceeding 27 %                                                                                                                                                                                                                              |              |             |     |        |         |      |       |          | 42                         |                          | 68            |
|            | Other, of a milkfat content by weight:                                                                                                                                                                                                      |              |             |     |        |         |      |       |          |                            |                          |               |
| 91         | Not exceeding 3 %                                                                                                                                                                                                                           |              |             |     |        |         |      |       |          | 9                          |                          | 2             |
| 93         | Exceeding 3 % but not exceeding 6 %                                                                                                                                                                                                         |              |             |     |        |         |      |       |          | 8                          |                          | 5             |
| 99         | Exceeding 6 %                                                                                                                                                                                                                               |              |             |     |        |         |      |       |          | 8                          |                          | 10            |
| 0403 90    | Other:                                                                                                                                                                                                                                      |              |             |     |        |         |      |       |          |                            |                          |               |
|            | Flavoured or containing added fruit or cocoa:                                                                                                                                                                                               |              |             |     |        |         |      |       |          |                            |                          |               |
|            | In powder, granules or other solid forms, of a milkfat content by weight:                                                                                                                                                                   |              |             |     |        |         |      |       |          |                            |                          |               |
| 71         | Not exceeding 1,5 %                                                                                                                                                                                                                         |              |             |     |        |         |      |       |          | 100                        |                          |               |
| 73         | Exceeding 1,5 % but not exceeding 27 %                                                                                                                                                                                                      |              |             |     |        |         |      |       |          |                            | 100                      |               |
| 79         | Exceeding 27 %                                                                                                                                                                                                                              |              |             |     |        |         |      |       |          | 42                         |                          | 68            |
|            | Other, of a milkfat content by weight:                                                                                                                                                                                                      |              |             |     |        |         |      |       |          |                            |                          |               |
| 91         | Not exceeding 3 %                                                                                                                                                                                                                           |              |             |     |        |         |      |       |          | 9                          |                          | 2             |
| 93         | Exceeding 3 % but not exceeding 6 %                                                                                                                                                                                                         |              |             |     |        |         |      |       |          | 8                          |                          | 5             |
| 99         | Exceeding 6 %                                                                                                                                                                                                                               |              |             |     |        |         |      |       |          | 8                          |                          | 10            |
| 0710       | Vegetables (uncooked or cooked by steaming or by boiling in water), frozen:                                                                                                                                                                 |              |             |     |        |         |      |       |          |                            |                          |               |
| 0710 40 00 | Sweet corn ( <i>zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                                       |              |             |     |        | 100 (a) |      |       |          |                            |                          |               |
| 0711       | Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:                                            |              |             |     |        |         |      |       |          |                            |                          |               |
| 0711 90    | Other vegetables; mixtures of vegetables:                                                                                                                                                                                                   |              |             |     |        |         |      |       |          |                            |                          |               |
| 30         | Sweet corn ( <i>zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                                       |              |             |     |        | 100 (a) |      |       |          |                            |                          |               |

(a) Per 100 kilograms of drained sweet potatoes etc., or maize.

| (1)      | (2)                                                                                                                                                                                                             | (3) | (4) | (5) | (6) | (7) | (8)          | (9)    | (10) | (11) | (12) | (13) |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|--------------|--------|------|------|------|------|
| 1517     | Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516: |     |     |     |     |     |              |        |      |      |      |      |
| 1517 10  | Margarine, excluding liquid margarine:                                                                                                                                                                          |     |     |     |     |     |              |        |      |      |      |      |
| 10       | Containing more than 10 % but not more than 15 % by weight of milkfats                                                                                                                                          |     |     |     |     |     |              |        |      |      |      | 15   |
| 1517 90  | Other:                                                                                                                                                                                                          |     |     |     |     |     |              |        |      |      |      |      |
| 10       | Containing more than 10 % but not more than 15 % by weight of milkfats                                                                                                                                          |     |     |     |     |     |              |        |      |      |      | 15   |
| 1704     | Sugar confectionery (including white chocolate), not containing cocoa:                                                                                                                                          |     |     |     |     |     |              |        |      |      |      |      |
| 1704 10  | Chewing gum, whether or not sugar-coated:                                                                                                                                                                       |     |     |     |     |     |              |        |      |      |      |      |
|          | Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):                                                                                                                   |     |     |     |     |     |              |        |      |      |      |      |
| 11       | Gum in strips                                                                                                                                                                                                   |     |     |     |     | 30  |              | 58     |      |      |      |      |
| 19       | Other                                                                                                                                                                                                           |     |     |     |     | 30  |              | 58     |      |      |      |      |
|          | Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):                                                                                                                     |     |     |     |     |     |              |        |      |      |      |      |
| 91       | Gum in strips                                                                                                                                                                                                   |     |     |     |     | 16  |              | 70     |      |      |      |      |
| 99       | Other                                                                                                                                                                                                           |     |     |     |     | 16  |              | 70     |      |      |      |      |
| 1704 90  | Other:                                                                                                                                                                                                          |     |     |     |     |     |              |        |      |      |      |      |
| 30       | White chocolate                                                                                                                                                                                                 |     |     |     |     |     |              | 45     |      |      | 20   |      |
|          | Other:                                                                                                                                                                                                          |     |     |     |     |     |              |        |      |      |      |      |
| 51 to 99 |                                                                                                                                                                                                                 |     |     |     |     |     | See Annex II |        |      |      |      |      |
| 1806     | Chocolate and other food preparations containing cocoa:                                                                                                                                                         |     |     |     |     |     |              |        |      |      |      |      |
| 1806 10  | Cocoa powder, containing added sugar or other sweetening matter:                                                                                                                                                |     |     |     |     |     |              |        |      |      |      |      |
| 10       | Containing no sucrose or containing less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose                                                    |     |     |     |     |     |              | 60 (b) |      |      |      |      |
| 30       | Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose                                                            |     |     |     |     |     |              | 75     |      |      |      |      |
| 90       | Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose                                                                               |     |     |     |     |     |              | 100    |      |      |      |      |

(b) The variable component (MOB) is not chargeable on the importation of products not containing or containing less than 5 % by weight of sucrose (including invert sugar calculated as sucrose) or isoglucose expressed as sucrose.

[illegible]

[illegible]

| (1)        | (2)                                                                                                                                                                                                                                                       | (3) | (4) | (5) | (6) | (7)          | (8) | (9) | (10) | (11) | (12) | (13) |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|--------------|-----|-----|------|------|------|------|
| 2001 90    | Other:                                                                                                                                                                                                                                                    |     |     |     |     |              |     |     |      |      |      |      |
| 30         | Sweet corn ( <i>zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                                                     |     |     |     |     | 100 (a)      |     |     |      |      |      |      |
| 40         | Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch                                                                                                                                                        |     |     |     |     | 40 (a)       |     |     |      |      |      |      |
| 2004       | Other vegetables, prepared or preserved otherwise than by vinegar or acetic acid; frozen:                                                                                                                                                                 |     |     |     |     |              |     |     |      |      |      |      |
| 2004 10    | Potatoes:                                                                                                                                                                                                                                                 |     |     |     |     |              |     |     |      |      |      |      |
| 2004 10 91 | In the form of flour, meal or flakes                                                                                                                                                                                                                      |     |     |     |     | See Annex II |     |     |      |      |      |      |
| 2004 90    | Other vegetables and mixtures of vegetables:                                                                                                                                                                                                              |     |     |     |     |              |     |     |      |      |      |      |
| 10         | Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                                                     |     |     |     |     | 100 (a)      |     |     |      |      |      |      |
| 2005       | Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:                                                                                                                                                              |     |     |     |     |              |     |     |      |      |      |      |
| 2005 20    | Potatoes:                                                                                                                                                                                                                                                 |     |     |     |     |              |     |     |      |      |      |      |
| 2005 20 10 | In the form of flour, meal or flakes                                                                                                                                                                                                                      |     |     |     |     | See Annex II |     |     |      |      |      |      |
| 2005 80 00 | Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                                                     |     |     |     |     | 100 (a)      |     |     |      |      |      |      |
| 2008       | Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included                                                            |     |     |     |     |              |     |     |      |      |      |      |
| 2008 99    | Other:                                                                                                                                                                                                                                                    |     |     |     |     |              |     |     |      |      |      |      |
| 85         | Maize (corn), other than sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )                                                                                                                                                                            |     |     |     |     | 100 (a)      |     |     |      |      |      |      |
| 91         | Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch                                                                                                                                                        |     |     |     |     | 40 (a)       |     |     |      |      |      |      |
| 2101       | Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: |     |     |     |     |              |     |     |      |      |      |      |
| 2101 10    | Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:                                                                                                      |     |     |     |     |              |     |     |      |      |      |      |
|            | Extracts, essences or concentrates:                                                                                                                                                                                                                       |     |     |     |     |              |     |     |      |      |      |      |
|            | Preparations:                                                                                                                                                                                                                                             |     |     |     |     |              |     |     |      |      |      |      |
| 2101 10 99 | Other                                                                                                                                                                                                                                                     |     |     |     |     | See Annex II |     |     |      |      |      |      |
| 2101 20    | Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:                                                                                           |     |     |     |     |              |     |     |      |      |      |      |
| 2101 20 90 | Other                                                                                                                                                                                                                                                     |     |     |     |     | See Annex II |     |     |      |      |      |      |
| 2101 30    | Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:                                                                                                                                                     |     |     |     |     |              |     |     |      |      |      |      |
|            | Roasted chicory and other roasted coffee substitutes:                                                                                                                                                                                                     |     |     |     |     |              |     |     |      |      |      |      |

(a) Per 100 kilograms of drained sweet potatoes etc., or maize.

| (1)        | (2)                                                                                                                                                                                                                             | (3) | (4) | (5) | (6) | (7) | (8)          | (9) | (10) | (11) | (12) | (13) |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|--------------|-----|------|------|------|------|
| 19         | Other<br>Extracts, essences and concentrates of<br>roasted chicory and other roasted coffee<br>substitutes:                                                                                                                     |     |     |     | 137 |     |              |     |      |      |      |      |
| 99         | Other                                                                                                                                                                                                                           |     |     |     | 245 |     |              |     |      |      |      |      |
| 2102       | Yeasts (active or inactive); other single-cell<br>micro-organisms, dead (but not including<br>vaccines of heading No 3002); prepared<br>baking powders:                                                                         |     |     |     |     |     |              |     |      |      |      |      |
| 2102 10    | Active yeasts:                                                                                                                                                                                                                  |     |     |     |     |     |              |     |      |      |      |      |
|            | Bakers' yeast:                                                                                                                                                                                                                  |     |     |     |     |     |              |     |      |      |      |      |
| 31         | Dried                                                                                                                                                                                                                           |     |     |     |     |     |              |     | 425  |      |      |      |
| 39         | Other                                                                                                                                                                                                                           |     |     |     |     |     |              |     | 125  |      |      |      |
| 2105 00    | Ice cream and other edible ice, whether or not<br>containing cocoa:                                                                                                                                                             |     |     |     |     |     |              |     |      |      |      |      |
| 10         | Containing no milk fats or containing less<br>than 3 % by weight of such fats                                                                                                                                                   |     |     |     |     |     |              | 25  |      | 10   |      |      |
|            | Containing by weight of milk fats:                                                                                                                                                                                              |     |     |     |     |     |              |     |      |      |      |      |
| 91         | 3 % or more but less than 7 %                                                                                                                                                                                                   |     |     |     |     |     |              | 20  |      |      | 23   |      |
| 99         | 7 % or more                                                                                                                                                                                                                     |     |     |     |     |     |              | 20  |      |      | 35   |      |
| 2106       | Food preparations not elsewhere specified or<br>included:                                                                                                                                                                       |     |     |     |     |     |              |     |      |      |      |      |
| 2106 10    | Protein concentrates and textured protein<br>substances:                                                                                                                                                                        |     |     |     |     |     |              |     |      |      |      |      |
| 90         | Other                                                                                                                                                                                                                           |     |     |     |     |     | See Annex II |     |      |      |      |      |
| 2106 90    | Other:                                                                                                                                                                                                                          |     |     |     |     |     |              |     |      |      |      |      |
| 10         | Cheese fondues                                                                                                                                                                                                                  |     |     |     |     |     |              |     |      |      | 60   |      |
| 99         | Other                                                                                                                                                                                                                           |     |     |     |     |     | See Annex II |     |      |      |      |      |
| 2202       | Waters, including mineral waters and aerated<br>waters, containing added sugar or other<br>sweetening matter or flavoured, and other<br>non-alcoholic beverages, not including fruit or<br>vegetable juices of heading No 2009: |     |     |     |     |     |              |     |      |      |      |      |
| 2202 90    | Other:                                                                                                                                                                                                                          |     |     |     |     |     |              |     |      |      |      |      |
|            | Other, containing by weight of fat<br>obtained from the products of heading<br>Nos 0401 to 0404:                                                                                                                                |     |     |     |     |     |              |     |      |      |      |      |
| 91         | Less than 0,2 %                                                                                                                                                                                                                 |     |     |     |     |     |              | 10  |      | 8    |      |      |
| 95         | 0,2 % or more but less than 2 %                                                                                                                                                                                                 |     |     |     |     |     |              | 10  |      |      | 6    |      |
| 99         | 2 % or more                                                                                                                                                                                                                     |     |     |     |     |     |              | 10  |      |      | 13   |      |
|            | II. ALCOHOLS AND THEIR<br>HALOGENATED, SULPHONATED,<br>NITRATED OR NITROSATED DE-<br>RIVATIVES:                                                                                                                                 |     |     |     |     |     |              |     |      |      |      |      |
| 2905       | Acyclic alcohols and their halogenated,<br>sulphonated, nitrated or nitrosated derivatives:                                                                                                                                     |     |     |     |     |     |              |     |      |      |      |      |
|            | Other polyhydric alcohols:                                                                                                                                                                                                      |     |     |     |     |     |              |     |      |      |      |      |
| 2905 43 00 | Mannitol                                                                                                                                                                                                                        |     |     |     |     |     |              | 300 |      |      |      |      |
| 2905 44    | D-Glucitol (sorbitol)                                                                                                                                                                                                           |     |     |     |     |     |              |     |      |      |      |      |
|            | In aqueous solution:                                                                                                                                                                                                            |     |     |     |     |     |              |     |      |      |      |      |
| 11         | Containing 2 % or less by weight of<br>mannitol, calculated on the<br>D-glucitol content                                                                                                                                        |     |     |     |     | 172 |              |     |      |      |      |      |

| (1)     | (2)                                                                                                                                                                                                                                                              | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|
| 19      | Other:                                                                                                                                                                                                                                                           |     |     |     |     |     |     | 90  |      |      |      |      |
|         | Other:                                                                                                                                                                                                                                                           |     |     |     |     |     |     |     |      |      |      |      |
| 91      | Containing 2 % or less by weight of manitol, calculated on the D-Glucitol content                                                                                                                                                                                |     |     |     |     | 245 |     |     |      |      |      |      |
| 99      | Other                                                                                                                                                                                                                                                            |     |     |     |     |     |     | 128 |      |      |      |      |
| 3505    | Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:                                                                                                   |     |     |     |     |     |     |     |      |      |      |      |
| 3505 10 | Dextrins and other modified starches:                                                                                                                                                                                                                            |     |     |     |     |     |     |     |      |      |      |      |
| 10      | Dextrins:                                                                                                                                                                                                                                                        |     |     |     |     | 189 |     |     |      |      |      |      |
|         | Other modified starches:                                                                                                                                                                                                                                         |     |     |     |     |     |     |     |      |      |      |      |
| 90      | Other                                                                                                                                                                                                                                                            |     |     |     |     | 189 |     |     |      |      |      |      |
| 3505 20 | Glues:                                                                                                                                                                                                                                                           |     |     |     |     |     |     |     |      |      |      |      |
| 10      | Containing, by weight, less than 25 % of starches or dextrins or other modified starches                                                                                                                                                                         |     |     |     |     | 48  |     |     |      |      |      |      |
| 30      | Containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches                                                                                                                                                        |     |     |     |     | 95  |     |     |      |      |      |      |
| 50      | Containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches                                                                                                                                                        |     |     |     |     | 151 |     |     |      |      |      |      |
| 90      | Containing, by weight, 80 % or more of starches or dextrins or other modified starches                                                                                                                                                                           |     |     |     |     | 189 |     |     |      |      |      |      |
| 3809    | Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordents), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included: |     |     |     |     |     |     |     |      |      |      |      |
| 3809 10 | With a basis of amylaceous substances:                                                                                                                                                                                                                           |     |     |     |     |     |     |     |      |      |      |      |
| 10      | Containing by weight of such substances less than 55 %                                                                                                                                                                                                           |     |     |     |     | 95  |     |     |      |      |      |      |
| 30      | Containing by weight of such substances 55 % or more but less than 70 %                                                                                                                                                                                          |     |     |     |     | 132 |     |     |      |      |      |      |
| 50      | Containing by weight of such substances 70 % or more but less than 83 %                                                                                                                                                                                          |     |     |     |     | 161 |     |     |      |      |      |      |
| 90      | Containing by weight of such substances 83 % or more                                                                                                                                                                                                             |     |     |     |     | 189 |     |     |      |      |      |      |

| (1)     | (2)                                                                                                                                                                                                                                                                                                                   | (3) | (4) | (5) | (6) | (7) | (8) | (9)  | (10) | (11) | (12) | (13) |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|------|------|------|------|------|
| 3823    | Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included: |     |     |     |     |     |     |      |      |      |      |      |
| 3823 60 | Sorbitol other than of subheading 2905 44:                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |      |      |      |      |      |
|         | In aqueous solution:                                                                                                                                                                                                                                                                                                  |     |     |     |     |     |     |      |      |      |      |      |
| 11      | Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content                                                                                                                                                                                                                                    |     |     |     |     | 172 |     |      |      |      |      |      |
| 19      | Other                                                                                                                                                                                                                                                                                                                 |     |     |     |     |     |     | 90   |      |      |      |      |
|         | Other:                                                                                                                                                                                                                                                                                                                |     |     |     |     |     |     |      |      |      |      |      |
| 91      | Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content                                                                                                                                                                                                                                    |     |     |     |     | 245 |     |      |      |      |      |      |
| 99      | Other                                                                                                                                                                                                                                                                                                                 |     |     |     |     |     |     | 128' |      |      |      |      |

## ANNEX II

(per 100 kg of goods)

| Milk fat, milk proteins, sucrose, invert sugar and isoglucose; starch and glucose contents                                  | Skimmed-milk powder (PG 2) | Whole-milk powder (PG 3) | Butter (PG 6) | Sugar | Common wheat | Maize |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------|---------------|-------|--------------|-------|
|                                                                                                                             | kg                         | kg                       | kg            | kg    | kg           | kg    |
| A. Containing no milk fats or containing less than 1,5 % by weight of such fats, and containing by weight of milk proteins: |                            |                          |               |       |              |       |
| 2,5 % or more but less than 6 %                                                                                             | 14                         |                          |               |       |              |       |
| 6 % or more but less than 18 %                                                                                              | 42                         |                          |               |       |              |       |
| 18 % or more but less than 30 %                                                                                             | 75                         |                          |               |       |              |       |
| 30 % or more but less than 60 %                                                                                             | 146                        |                          |               |       |              |       |
| 60 % or more                                                                                                                | 208                        |                          |               |       |              |       |
| Containing 1,5 % or more but less than 3 % by weight of milk fats:                                                          |                            |                          |               |       |              |       |
| Containing no milk proteins or containing less than 2,5 % by weight of such proteins:                                       |                            |                          | 3             |       |              |       |
| Containing by weight of milk proteins:                                                                                      |                            |                          |               |       |              |       |
| 2,5 % or more but less than 6 %                                                                                             | 14                         |                          | 3             |       |              |       |
| 6 % or more but less than 18 %                                                                                              | 42                         |                          | 3             |       |              |       |
| 18 % or more but less than 30 %                                                                                             | 75                         |                          | 3             |       |              |       |
| 30 % or more but less than 60 %                                                                                             | 146                        |                          | 3             |       |              |       |
| 60 % or more                                                                                                                | 208                        |                          | 3             |       |              |       |
| Containing 3 % or more but less than 6 % by weight of milk fats:                                                            |                            |                          |               |       |              |       |
| Containing no milk proteins or containing less than 18 % by weight of such proteins                                         |                            | 20                       |               |       |              |       |
| Containing 18 % or more by weight of milk proteins                                                                          | 72                         | 20                       |               |       |              |       |
| Containing 6 % or more but less than 9 % by weight of milk fats:                                                            |                            |                          |               |       |              |       |
| Containing no milk proteins or containing less than 18 % by weight of such proteins                                         |                            | 32                       |               |       |              |       |
| Containing 18 % or more by weight of milk proteins                                                                          | 60                         | 32                       |               |       |              |       |
| Containing 9 % or more but less than 12 % by weight of milk fats:                                                           |                            |                          |               |       |              |       |
| Containing no milk proteins or containing less than 18 % by weight of such proteins                                         |                            | 43                       |               |       |              |       |
| Containing 18 % or more by weight of milk proteins                                                                          | 49                         | 43                       |               |       |              |       |
| Containing 12 % or more but less than 18 % by weight of milk fats:                                                          |                            |                          |               |       |              |       |
| Containing no milk proteins or containing less than 18 % by weight of such proteins                                         |                            | 63                       |               |       |              |       |
| Containing 18 % or more by weight of milk proteins                                                                          | 29                         | 63                       |               |       |              |       |
| Containing by weight of milk fats:                                                                                          |                            |                          |               |       |              |       |
| 18 % or more but less than 26 %                                                                                             |                            | 81                       | 4             |       |              |       |
| 26 % or more but less than 40 %                                                                                             |                            | 52                       | 29            |       |              |       |
| 40 % or more but less than 55 %                                                                                             |                            |                          | 63            |       |              |       |
| 55 % or more but less than 70 %                                                                                             |                            |                          | 81            |       |              |       |
| 70 % or more but less than 85 %                                                                                             |                            |                          | 99            |       |              |       |
| 85 % or more                                                                                                                |                            |                          | 117           |       |              |       |
| B. Containing by weight of sucrose, invert sugar and/or isoglucose:                                                         |                            |                          |               |       |              |       |
| 5 % or more but less than 30 %                                                                                              |                            |                          |               | 24    |              |       |
| 30 % or more but less than 50 %                                                                                             |                            |                          |               | 45    |              |       |
| 50 % or more but less than 70 %                                                                                             |                            |                          |               | 65    |              |       |
| 70 % or more                                                                                                                |                            |                          |               | 93    |              |       |
| C. Containing by weight of starch and/or glucose:                                                                           |                            |                          |               |       |              |       |
| 5 % or more but less than 25 %                                                                                              |                            |                          |               |       | 22           | 22    |
| 25 % or more but less than 50 %                                                                                             |                            |                          |               |       | 47           | 47    |
| 50 % or more but less than 75 %                                                                                             |                            |                          |               |       | 74           | 74    |
| 75 % or more                                                                                                                |                            |                          |               |       | 101          | 101   |

## ANNEX III

| Milk fat<br>(% by weight)                             | Milk proteins<br>(% by weight) | Starch/Glucose (% by weight) (*)                  |           |            |            |     |          |           |            |            |     |          |           |            |     |          |           |     |          |     |
|-------------------------------------------------------|--------------------------------|---------------------------------------------------|-----------|------------|------------|-----|----------|-----------|------------|------------|-----|----------|-----------|------------|-----|----------|-----------|-----|----------|-----|
|                                                       |                                | ≥0<5                                              |           |            |            |     | ≥5<25    |           |            |            |     | ≥25<50   |           |            |     | ≥50<75   |           |     | ≥75      |     |
|                                                       |                                | Sucrose/Invertsugar/Isoglucose (% by weight) (**) |           |            |            |     |          |           |            |            |     |          |           |            |     |          |           |     |          |     |
|                                                       |                                | ≥0<br><5                                          | ≥5<br><30 | ≥30<br><50 | ≥50<br><70 | ≥70 | ≥0<br><5 | ≥5<br><30 | ≥30<br><50 | ≥50<br><70 | ≥70 | ≥0<br><5 | ≥5<br><30 | ≥30<br><50 | ≥50 | ≥0<br><5 | ≥5<br><30 | ≥30 | ≥0<br><5 | ≥5  |
| ≥0<1,5                                                | ≥0<2,5                         | 000                                               | 001       | 002        | 003        | 004 | 005      | 006       | 007        | 008        | 009 | 010      | 011       | 012        | 013 | 015      | 016       | 017 | 800      | 801 |
|                                                       | ≥2,5<6                         | 020                                               | 021       | 022        | 023        | 024 | 025      | 026       | 027        | 028        | 029 | 030      | 031       | 032        | 033 | 035      | 036       | 037 | 820      | 821 |
|                                                       | ≥6<18                          | 040                                               | 041       | 042        | 043        | 044 | 045      | 046       | 047        | 048        | 049 | 050      | 051       | 052        | 053 | 055      | 056       | 057 | 840      | 841 |
|                                                       | ≥18<30                         | 060                                               | 061       | 062        | 063        | 064 | 065      | 066       | 067        | 068        | 069 | 070      | 071       | 072        | 073 | 075      | 076       | 077 | 860      | 861 |
|                                                       | ≥30<60                         | 080                                               | 081       | 082        | 083        | 084 | 085      | 086       | 087        | 088        | x   | 090      | 091       | 092        | x   | 095      | 096       | x   | x        | x   |
| ≥60                                                   | 810                            | 811                                               | 812       | x          | x          | 815 | 816      | 817       | x          | x          | 830 | 831      | x         | x          | x   | x        | x         | x   | x        | x   |
| ≥1,5<3                                                | ≥0<2,5                         | 100                                               | 101       | 102        | 103        | 104 | 105      | 106       | 107        | 108        | 109 | 110      | 111       | 112        | 113 | 115      | 116       | 117 | 900      | 901 |
|                                                       | ≥2,5<6                         | 120                                               | 121       | 122        | 123        | 124 | 125      | 126       | 127        | 128        | 129 | 130      | 131       | 132        | 133 | 135      | 136       | 137 | 920      | 921 |
|                                                       | ≥6<18                          | 140                                               | 141       | 142        | 143        | 144 | 145      | 146       | 147        | 148        | 149 | 150      | 151       | 152        | 153 | 155      | 156       | 157 | 940      | 941 |
|                                                       | ≥18<30                         | 160                                               | 161       | 162        | 163        | 164 | 165      | 166       | 167        | 168        | 169 | 170      | 171       | 172        | 173 | 175      | 176       | 177 | 960      | 961 |
|                                                       | ≥30<60                         | 180                                               | 181       | 182        | 183        | x   | 185      | 186       | 187        | 188        | x   | 190      | 191       | 192        | x   | 195      | 196       | x   | x        | x   |
| ≥60                                                   | 910                            | 911                                               | 912       | x          | x          | 915 | 916      | 917       | x          | x          | 930 | 931      | x         | x          | x   | x        | x         | x   | x        | x   |
| ≥3<6                                                  | ≥0<18                          | 200                                               | 201       | 202        | 203        | 204 | 205      | 206       | 207        | 208        | 209 | 210      | 211       | 212        | 213 | 215      | 216       | 217 | 220      | 221 |
|                                                       | ≥18                            | 260                                               | 261       | 262        | 263        | 264 | 265      | 266       | 267        | 268        | 269 | 270      | 271       | 272        | 273 | 275      | 276       | x   | 280      | x   |
| ≥6<9                                                  | ≥0<18                          | 300                                               | 301       | 302        | 303        | 304 | 305      | 306       | 307        | 308        | 309 | 310      | 311       | 312        | 313 | 315      | 316       | 317 | 320      | 321 |
|                                                       | ≥18                            | 360                                               | 361       | 362        | 363        | 364 | 365      | 366       | 367        | 368        | 369 | 370      | 371       | 372        | 373 | 375      | 376       | x   | 380      | x   |
| ≥9<12                                                 | ≥0<18                          | 400                                               | 401       | 402        | 403        | 404 | 405      | 406       | 407        | 408        | 409 | 410      | 411       | 412        | 413 | 415      | 416       | 417 | 420      | 421 |
|                                                       | ≥18                            | 460                                               | 461       | 462        | 463        | 464 | 465      | 466       | 467        | 468        | x   | 470      | 471       | 472        | x   | 475      | 476       | x   | x        | x   |
| ≥12<18                                                | ≥0<18                          | 500                                               | 501       | 502        | 503        | 504 | 505      | 506       | 507        | 508        | 509 | 510      | 511       | 512        | 513 | 515      | 516       | 517 | 520      | 521 |
|                                                       | ≥18                            | 560                                               | 561       | 562        | 563        | 564 | 565      | 566       | 567        | 568        | x   | 570      | 571       | 572        | x   | 575      | 576       | x   | x        | x   |
| ≥18<26<br>≥26<40<br>≥40<55<br>≥55<70<br>≥70<85<br>≥85 |                                | 600                                               | 601       | 602        | 603        | 604 | 605      | 606       | 607        | 608        | 609 | 610      | 611       | 612        | 613 | 615      | 616       | 617 | 620      | 621 |
|                                                       |                                | 700                                               | 701       | 702        | 703        | 704 | 705      | 706       | 707        | 708        | x   | 710      | 711       | 712        | x   | 715      | 716       | x   | x        | x   |
|                                                       |                                | 720                                               | 721       | 722        | 723        | x   | 725      | 726       | 727        | 728        | x   | 730      | 731       | 732        | x   | 735      | 736       | x   | x        | x   |
|                                                       |                                | 740                                               | 741       | 742        | x          | x   | 745      | 746       | 747        | x          | x   | 750      | 751       | x          | x   | x        | x         | x   | x        | x   |
|                                                       |                                | 760                                               | 761       | 762        | x          | x   | 765      | 766       | x          | x          | x   | 770      | 771       | x          | x   | x        | x         | x   | x        | x   |
|                                                       |                                | 780                                               | 781       | x          | x          | x   | 785      | 786       | x          | x          | x   | x        | x         | x          | x   | x        | x         | x   | x        | x   |
|                                                       |                                |                                                   |           |            |            |     |          |           |            |            |     |          |           |            |     |          |           |     |          |     |
|                                                       |                                |                                                   |           |            |            |     |          |           |            |            |     |          |           |            |     |          |           |     |          |     |

## (\*) Starch/Glucose

The content of the goods (as presented) in starch, its degradation products, i.e. all the polymers of glucose, and the glucose, determined as glucose and expressed as starch (on a dry matter basis, 100 % purity, factor for conversion of glucose to starch: 0,9).

However, where a mixture of glucose and fructose is declared (in whatever form) and/or is found to be present in the goods, the amount of glucose to be included in the above calculation is that which is in excess of the fructose content of the goods.

## (\*\*) Sucrose/Invert sugar/Isoglucose

The content of the goods (as presented), in sucrose, together with the sucrose which results from expressing as sucrose any mixture of glucose and fructose (the arithmetical sum of the amounts of these two sugars multiplied by 0,95), which is declared (in whatever form) and/or found to be present in the goods.

However, where the fructose content of the goods is less than the glucose content, the amount of glucose to be included in the above calculation shall be an amount equal, by weight, to that of fructose.

*Note:* In all cases, where a hydrolysis product of lactose is declared, and/or galactose is found to be present among the sugars, then the amount of glucose equal to that of galactose is deducted from the total glucose content before any other calculations are carried out.

## COUNCIL REGULATION (EEC) 4092/87

of 22 December 1987

fixing the quota for 1987 that Portugal may apply to certain wines imported 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, under Article 269 (2) of the Act of Accession, the Portuguese Republic may, during the first stage, maintain quantitative restrictions in the form of quotas on import of certain wines from the Community as constituted on 31 December 1985;

Whereas paragraph 2 (c) of that Article stipulates that the minimum rate of progressive increase of quotas expressed in volume terms is to be 10 % at the beginning

of each year; whereas the quota for 1986 was set by Regulation (EEC) No 499/86 <sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quota that the Portuguese Republic may apply, under Article 269 (2) of the Act of Accession, to the import of certain wines of heading No ex 22.05 of the Common Customs Tariff from the Community as constituted on 31 December 1985 is set out, for the period 1 January to 31 December 1987, in the Annex.

*Article 2*

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. WILHJELM

---

<sup>(1)</sup> OJ No L 54, 1. 3. 1986, p. 43.

## ANNEX

| CCT<br>heading<br>No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Quota<br>for 1987<br>(hl) |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 22.05                | <p>Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:</p> <p>ex B. Wine other than that referred to in A in bottles with 'mushroom' stoppers held in place by ties or fastenings; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C:</p> <p>— Wine not put up in bottles with 'mushroom' stoppers held in place by ties or fastenings, with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at 20 °C</p> <p>C. Others:</p> <p>I. Of an actual alcoholic strength by volume not exceeding 13 % vol</p> <p>II. Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol</p> | 257 400                   |