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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4094/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for raw silk (not thrown), falling within code 5002 00 00 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Community production of raw silk (not thrown), falling within code 5002 00 00 of the combined nomenclature does not cover the needs for the user industries; whereas the supply of the latter therefore depends to a great extent on imports from non-member countries; whereas it is in the interests of the Community to suspend totally the Common Customs Tariff duty on the product in question, within the limits of an appropriate Community tariff quota;

Whereas it is desirable at the present time to avoid permanent measures which could lead to the halting of action taken in the sector over a number of years to increase Community production; whereas accordingly it is advisable to extend the tariff arrangements in force in 1987;

Whereas Community production does not appear to have changed considerably when compared with 1987; whereas, taking account of this production and of the forecasts for 1988, the imports needed to satisfy consumption within the Community can be estimated at 8 500 tonnes; whereas setting the quota volume at this level does not preclude an adjustment within the quota period; whereas, therefore, the tariff quota in question should be opened on 1 January 1988 and allocated among Member States;

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, 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 Community importers and the rate laid down for the quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation among the Member State concerned would in the light of the principles outlined above appear consistent with the Community nature of the quota;

Whereas in view of these factors the initial percentage shares of the quota volume for 1988 can be expressed approximately as follows:

Germany	2,45
Greece	0,04
France	8,64
Italy	86,42
United Kingdom	2,45

Whereas, to allow for import trends for the product in question in the various Member States the quota should be divided into two parts, the first being distributed among the Member States which are traditional importers and the second to form a reserve intended to cover any subsequent requirements of these Member States as well as those Member States which do not participate in the initial allocation; whereas in order to ensure a certain degree of security for importers of each Member State, the first part of the quota should in this case be set at about 80 % of the total quota volume;

Whereas the initial shares may be used at different rates; whereas, therefore, to avoid any break in the continuity of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as

each of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary 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 the initial share is left over in a Member State, it is essential that the Member State concerned should return a significant percentage thereof to the reserve so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the 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 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 (in tonnes)	Rate of duty (%)
09.2703	5002 00 00	Raw silk, (not thrown)	8 500	0

2. Within the limits of the tariff quota referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

1. The first part of the Community tariff quota, amounting to 6 943 tonnes, shall be allocated among certain Member States. Member States' shares shall, subject to Article 5, be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Germany	170
Greece	3
France	600
Italy	6 000
United Kingdom	170

2. The second part of 1 557 tonnes shall constitute the reserve.

3. If an importer notifies an imminent importation of the product in question into a Member State not participating 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 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share less the portion

returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission and to the extent permitted by the amount of the reserve, 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, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, using the procedure set out in paragraph 1, draw a third share equal to 5 % of its initial share.

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

This process shall continue to apply until the reserve is used up.

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

Article 4

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

Article 5

Member States shall return to the reserve, not later than 1 October 1988, the unused portion of their initial share which, on 15 September 1988, is in excess of 30 % of the initial amount. They may return a larger quantity if there are grounds for believing that it might not be used in full.

Member States shall notify the Commission, not later than 1 October 1988, of the total quantities of raw silk imported up to and including 15 September 1988 and charged against the Community quota and of any portion of their initial share 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 it has been notified, inform each State of the extent to which the reserve has been used up.

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

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary drawings of shares pursuant to

Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the product in question against their shares as and when the 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 Commission's request, Member States shall inform it of the 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.

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 4095/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for yarn entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within codes ex 5004 00 10 and ex 5004 00 90 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas silk yarn is produced in the Community; whereas, although from the standpoint of overall volume, production might match the total of Community requirements, this does not apply with regard to yarn entirely spun from silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas, consequently, Community supplies of the latter qualities of yarn depend to a considerable extent on imports; whereas full application of the Common Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the customs duty applicable to imports of the silk yarn in question in 1988 is 4,9%; whereas, when establishing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community silk yarn producing industry and, on the other, the need to provide the silk yarn processing industries with supplies on favourable terms; whereas a quota duty of 2,5% could best meet the abovementioned requirements;

Whereas the trends in imports during recent years suggest that the import requirements for the yarns in question might be in the region of 200 tonnes for 1988; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production; whereas, therefore, the tariff quota in question should be opened on 1 January 1988 and allocated among Member States;

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 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 of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation among the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares of the quota volume can be expressed approximately as follows:

Germany	7,52
Greece	1,50
France	7,52
Italy	79,70
United Kingdom	3,76

Whereas, to allow for import trends for the product in question in the various Member States, the quota should be divided into two parts, the first being distributed among the Member States which are traditional importers and the second to form a reserve intended to cover any subsequent requirements of these Member States as well as those of the Member States which do not participate in the initial allocation; whereas in order to ensure a certain degree of security for importers of each Member State, the first part of the quota should in this case be set at 66,5% of the total quota volume;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid any break in the continuity of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary 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 the initial share is left over in a Member State, it is essential that the Member State concerned should return a significant percentage thereof to the reserve so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the

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 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 (%) ^a
09.2705	ex 5004 00 10 ex 5004 00 90	Yarn, entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale	200	2,5

2. Within the limits of the tariff quota referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

1. The first part of the Community tariff quota, amounting to 133 tonnes, shall be allocated among the Member States; the shares shall, subject to Article 5, be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Germany	10
Greece	2
France	10
Italy	106
United Kingdom	5

2. The second part of 67 tonnes shall constitute the reserve.

3. If an importer notifies an imminent importation of the product in question into a Member State not participating 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 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share less the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission, and to the extent permitted by the amount of the reserve, 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, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, using the procedure set out in paragraph 1, draw a third share equal to 5 % of its initial share.

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

This process shall continue to apply until the reserve is used up.

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

Article 4

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

Article 5

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

Member States shall notify the Commission, not later than 1 October 1988, of the total quantities of silk yarn imported up to and including 15 September 1988 and charged against the Community quota and of any portion of their initial share 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 it has been notified, inform each State of the extent to which the reserve has been used up.

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

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary drawings of shares pursuant to Article 3 are carried out in such a way that imports may be

charged without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the product in question against their shares as and when the 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 Commission's request, Member States shall inform it of the 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.

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 4096/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for yarn spun entirely from waste silk other than noil, not put up for retail sale, falling within codes ex 5005 00 10 and ex 5005 00 90 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas yarn spun from waste silk is produced in the Community; whereas, although from the standpoint of overall volume production might match the total of Community requirements, this does not apply with regard to yarn spun entirely from waste silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas, consequently, Community supplies of the latter qualities of yarn depend to a considerable extent on imports; whereas full application of the customs duty would result in those products being subjected to a considerable customs charge while products manufactured from yarn of waste silk face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the yarn spun from waste silk in question is 2,9 %; whereas, when establishing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community industry producing yarn spun from waste silk and, on the other, the need to provide the industries processing yarn spun from waste silk with supplies on favourable terms; whereas a zero quota duty could best meet the abovementioned requirements;

Whereas the trends in imports in recent years suggest that Community import requirements for the yarns in question might be in the region of 1 000 tonnes for 1988; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production; whereas, therefore, the tariff quota in question should be opened on 1 January 1988 and allocated among Member States;

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 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 of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation among the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares of the quota volume can be expressed approximately as follows:

Germany	10,01
Greece	0,14
France	2,47
Italy	82,30
United Kingdom	5,08

Whereas, to allow for import trends for the product in question in the various Member States, the quota should be divided into two parts, the first being distributed among the Member States which are traditional importers and the second to form a reserve intended to cover any subsequent requirements of these Member States as well as those of the Member States which do not participate in the initial allocation; whereas in order to ensure a certain degree of security for importers of each Member State, the first part of the quota should be set at approximately 75 % of the total quota volume;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid any break in the continuity of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary 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 the initial share is left over in a Member State, it is essential that the Member State concerned should return a significant percentage thereof to the reserve so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the

quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

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

Order No	CN code	Description	Quota volume (tonnes)	Rate of duty (%)
09.2707	ex 5005 00 10 ex 5005 00 90	Yarn, spun entirely from silk waste other than noil, not put up for retail sale	1 000	0

2. Within the limits of the tariff quota referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with the Member States Act of Accession.

Article 2

1. The first part of the Community tariff quota, amounting to 729 tonnes, shall be allocated among the Member States; the shares shall, subject to Article 5, be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Germany	73
Greece	1
France	18
Italy	600
United Kingdom	37

2. The second part of 271 tonnes shall constitute the reserve.

3. If an importer notifies an imminent importation of the product in question into a Member State not participating 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 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share less the portion returned to the reserve where Article 5 is applied, has been

used up, that Member State shall forthwith, by notifying the Commission and to the extent permitted by the amount of the reserve, 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, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, using the procedure set out in paragraph 1, draw a third share equal to 5 % of its initial share.

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

This process shall continue to apply until the reserve is used up.

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

Article 4

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

Article 5

Member States shall return to the reserve, not later than 1 October 1988, the unused portion of their initial share

which, on 15 September 1988, is in excess of 20 % of the initial amount. They may return a larger quantity if there are grounds for believing that it might not be used in full.

Member States shall notify the Commission, not later than 1 October 1988, of the total quantities of yarn spun entirely from waste silk imported up to and including 15 September 1988 and charged against the Community quota and of any portion of their initial share 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 it has been notified, inform each State of the extent to which the reserve has been used up.

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

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary drawings of shares pursuant to

Article 3 are carried out in such a way that imports may be charged without interruption against such accumulated shares of the Community quota.

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

3. Member States shall charge imports of the product in question against their shares as and when the 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 Commission's request, Member States shall inform it of the 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.

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 4097/87

of 22 December 1987

opening, allocating and providing for the administration of unilateral tariff quotas for coffee, unroasted and not freed of caffeine, and cocoa beans, whole or broken, falling within codes 0901 11 00 and 1801 00 00 of the combined nomenclature (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 in the context of the accession negotiations, and in order to take into account the traditional trade flows between Spain and Latin America, the Community proposed that, for the first three years of the transitional period, duty-free unilateral Community tariff quotas be opened of 40 000 tonnes for coffee, unroasted and not freed of caffeine falling within subheading 09.01 A I a) of the Common Customs Tariff and of 10 000 tonnes for cocoa beans, whole or broken, falling within heading No 18.01 of the Common Customs Tariff; whereas these quotas should be opened for their third year of application, namely for the period 1 January to 31 December 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 rules, 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, in particular, equal and continuous access to the quotas should be ensured for all importers, and the rate of duty for the tariff quotas should be applied consistently to all imports until the quotas are used up; whereas, in the light of these principles, arrangements for the utilization of the tariff quotas based on an allocation among Member States would seem to be consistent with the Community nature of the quotas; whereas, to correspond as closely as possible to the actual trend in the market in the products in question, allocation of the quotas should be in proportion to the requirements as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota year in question;

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

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

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

	Coffee	Cocoa
Benelux	0,78	1,69
Denmark	0,22	0,01
Germany	2,29	2,49
Greece	0,16	0,12
Spain	94,94	95,00
France	0,56	0,20
Ireland	0,01	0,01
Italy	0,74	0,14
Portugal	0,07	0,01
United Kingdom	0,23	0,32

Whereas, to take account of the possible import trends for the products concerned, the quota volumes should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first part of the Community tariff quotas should be set at a high level, which in this case could be about 99 % of the quota volumes;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

2. A first part, of 39 500 and 9 900 tonnes respectively, shall be allocated among the Member States; the shares shall, subject to Article 5, be valid from 1 January to 31 December 1988, and shall be as follows:

	0901 11 00	1801 00 00
Benelux	308	167
Denmark	87	1
Germany	904	247
Greece	65	12
Spain	37 498	9 405
France	223	20
Ireland	1	1
Italy	293	14
Portugal	28	1
United Kingdom	93	32

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

Article 3

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

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

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

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

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

Article 4

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

Article 5

Member States shall, not later than 1 October 1988, return to the reserve the unused portion of each of their initial shares 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 products in question imported up to and including 15 September 1988 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

Article 6

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

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

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

Article 7

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

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 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 4098/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for ferro-chromium containing by weight more than 6 % of carbon, and falling within code 7202 41 90 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas there is a variable shortfall in Community production of ferro-chromium containing by weight more than 6 % of carbon and producers are thus unable to meet the total needs of user industries; whereas it is therefore in the Community's interest to suspend totally the customs duties applicable to that metal for a period ending on 31 December 1988 within the limits of a tariff quota fixed at an appropriate volume; whereas, in order to avoid disturbing the equilibrium of the market for that ferro-alloy and to ensure both an outlet for Community production and sufficient supplies for Community user industries, the quota volume should be fixed at a provisional 210 000 tonnes, thus covering immediate needs for imports from third countries; whereas, moreover, Member States should be free to make the charging of products against that volume subject to certain conditions concerning end use;

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 of the product in question 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 requirements of the Member States based on statistics of imports of the said product from third countries during a representative reference period and on the economic outlook for the quota year in question;

Whereas, since this is an autonomous Community tariff quota intended to cover import needs arising in the Community, the quota may, on an experimental basis, be allocated on the basis of each Member State's estimated provisional needs for imports from third countries; whereas these allocation arrangements also ensure the uniform application of the Common Customs Tariff;

Whereas, to allow for possible changes in imports of the said product, 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 shares; whereas, to afford importers some degree of certainty, the first part of the Community tariff quota should be fixed at a high level, which in this case could be 75 % of the quota volume;

Whereas the initial shares of the Member States may be used up at different rates; whereas, in order to avoid any break in the continuity of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time one of its additional shares is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas 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 product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2711	7202 41 90	Ferro-chromium containing by weight more than 6 % of carbon	210 000	0

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

3. Imports of the product in question which benefit from exemption from customs duties under other preferential tariff arrangements shall not be charged against this tariff quota.

Article 2

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

2. The first part, amounting to 157 500 tonnes, shall be allocated among certain Member States; subject to Article 5, the quota shares shall be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Benelux	11 403
Germany	51 345
Spain	18 553
France	31 390
Italy	28 539
United Kingdom	16 270

3. The second part, amounting to 52 500 tonnes, shall constitute the reserve.

4. If an importer gives notification of imminent imports of the product in question into a Member State to which no initial share has been allocated 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 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 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 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

Member States may decide that only products intended for certain uses may be charged against their shares of the quota for the products in question. In this case use of the products for the prescribed specific purpose shall be monitored by application of the relevant Community provisions.

Article 7

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 shall notify the amount of that balance to the Member State making the final drawing.

Article 8

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 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 in

question against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which Member States have used up their shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 9

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

Article 10

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

Article 11

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 4099/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for ferro-phosphorus falling within code ex 7202 99 19 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Community production of ferro-phosphorus containing by weight 15% or more of phosphorus is currently insufficient to meet the requirements of Community user industries; whereas, consequently, the Community currently depends to a considerable extent on imports from third countries for its supplies of that product; whereas it is in the Community's interest to suspend totally the Common Customs Tariff duty on the products in question within the limits of a Community tariff quota of an appropriate volume; whereas, in order not to harm the prospects for increasing production of such goods within the Community while at the same time making adequate supplies available to user industries, the tariff quota should be limited to 56 000 tonnes of products intended for the manufacture of refined phosphoric iron or steel and opened for the period 1 January to 31 December 1988 at zero duty;

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

Whereas since this is an autonomous Community tariff quota intended to cover import needs arising in the Community, the quota volume may be allocated on the basis of each Member State's estimated provisional import needs from third countries; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

Whereas, to allow for possible changes in imports of the said product, the quota volume should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of those Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, the first part of the Community tariff quota should be set at a relatively high level, which in this case could be 37 520 tonnes;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 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 below:

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2718	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture of refined phosphoric iron or steel	56 000	0

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

3. Use of the products for the particular purpose laid down shall be monitored in accordance with the relevant Community provisions.

Article 2

1. The first part of this Community tariff quota, amounting to 37 520 tonnes, shall be allocated among certain Member States; the quota shares shall be valid until 31 December 1988 and shall be as follows:

	(tonnes)
Benelux	20 921
Germany	10 123
Spain	3 778
France	1 688
Portugal	132
United Kingdom	878

2. The second part of the quota, amounting to 18 480 tonnes, shall constitute the reserve.

3. If an importer gives notification of imminent imports of the product in question into a Member State which has not been allocated an initial share 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 (1), it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

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

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

This process shall continue until the reserve is used up.

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

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 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 shall notify the amount of that balance to the Member State making the final drawing.

Article 7

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

2. Member States shall ensure that importers of the 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 share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council
The Commission
N. WILHELM

COUNCIL REGULATION (EEC) No 4100/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for a certain form of polyvinylpyrrolidone falling within code ex 3905 90 00 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas production in the Community of polyvinylpyrrolidone intended for use in the pharmaceutical industry and falling within subheading ex 3905 90 00 of the combined nomenclature is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas a zero-duty Community tariff should therefore be opened within the limit of an appropriate volume for a period from 1 January to 31 December 1988; whereas, in order not to upset the balance of the market for this product, the volume of the Community tariff quota should be set at a provisional level of 70 tonnes; whereas the setting of the quota volume at this level does not rule out an adjustment during the year;

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

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than, or equal to, 1,5 % by weight and which is intended for the pharmaceutical industry	70	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 of Spain and Portugal.

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.

4. The relevant Community provision shall be applied in order to monitor the use of the product for the prescribed specific purpose.

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 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 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 4101/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for certain grades of magnesium falling within code ex 8104 11 00 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas production in the Community of certain extra-pure grades of magnesium intended for use in the nuclear industry and falling within subheading ex 8104 11 00 of the combined nomenclature is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend on imports from third countries; whereas the Community requirements for the products in question should be met immediately on the most favourable terms; whereas a zero-duty Community tariff should therefore be opened within the limit of an appropriate volume for a period expiring on 31 December 1988; whereas, in order not to upset the balance of the market for this product, the volume of the Community tariff quota should be set at 600 tonnes;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas, 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 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 customs duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN Code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of billets containing by weight not more than 0,015 % of iron, not more than 0,002 % of nickel, not more than 0,005 % of lead and not more than 0,006 % of manganese, for use in the manufacture of raspings for the nuclear fuel industry	600	0

2. Within the limit of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

3. The relevant Community provisions shall be applied in order to monitor the use of the product for the prescribed specific purpose.

Article 2

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

2. The shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

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

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such times 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 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 4

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

Article 5

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

Article 6

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 4102/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for certain flat-rolled products falling within code ex 7226 10 91 of the combined nomenclature

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community currently depends to a large extent on imports from third countries for its supplies of certain flat-rolled products falling within code 7226 10 91 of the combined nomenclature; whereas it is in the Community's interest to suspend totally the duty normally applied to the products in question within the limit of a Community tariff quota of an appropriate volume; whereas in order not to harm the prospects for increasing production within the Community while at the same time making adequate supplies available to user industries, the tariff quota should be limited to 65 tonnes and opened for the period 1 January to 30 June 1988;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volume of such

quantities as they may need, under the conditions and according to the procedure laid down in Article 1 (2); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota share 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 30 June 1988 the customs duty applicable to imports of the following products shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.2781	ex 7226 10 91	Flat-rolled products of laser-irradiated grain-oriented silicon electrical steel, having a width not exceeding 500 mm, a thickness of more than 0,20 mm but less than 0,60 mm and a nominal magnetic-reversal loss of 0,35 W/kg	65	0

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 of the 1985 Act of Accession.

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

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

4. The extent to which the 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 cooperate closely 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 4103/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for newsprint falling within code 4801 00 10 of the combined nomenclature (1988) and extending this quota to include certain other types of paper

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, for newsprint falling within subheading 48.01 A of the Common Customs Tariff, the Community has decided to conclude an agreement which provides in particular for the opening of a Community tariff quota of 650 000 tonnes, of which 600 000 tonnes are reserved until 30 November each year, in accordance with Article XIII of the General Agreement on Tariffs and Trade, exclusively for products from Canada; whereas this agreement provides equally that from 30 November each year the residue which has not been used by 29 November can be applied to imports of newsprint of any origin; whereas, therefore, an overall zero-duty Community tariff quota of 650 000 tonnes should be opened for the product in question for 1988, subdivided as indicated above;

Whereas provision should be made for extending the tariff quota in question to include certain types of paper fulfilling all the conditions set out in the Additional Note to Chapter 48 except those relating to watermarks;

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, from that 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 quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the product in question into the Member States until the quotas are exhausted; whereas, in the light of these principles, allocation of the tariff quotas among the Member States would seem to preserve the Community nature of the quotas; whereas in order to correspond as closely as possible to the real trend of the market for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products from

third countries which do not benefit from equivalent preference during a representative reference period and on the economic outlook for the quota year in question;

Whereas during the last three years for which complete statistics are available the corresponding imports into each of the Member States represented the following percentages of total imports of the product in question from third countries which do not benefit from an equivalent preferential tariff measure:

— from Canada:

Member State	1984	1985	1986
Benelux	5,59	3,81	10,11
Denmark	0	0,01	0,04
Germany	18,66	15,18	22,62
Greece	0	0,01	0
Spain	1,17	1,05	0,88
France	0,20	0,82	3,31
Ireland	1,08	1,10	1,08
Italy	2,10	2,34	1,68
Portugal	0	0,09	0,22
United Kingdom	71,20	75,59	60,06

— from other countries:

Member State	1984	1985	1986
Benelux	5,83	1,75	2,01
Denmark	0,04	0	0
Germany	40,75	39,39	27,80
Greece	5,55	10,11	15,12
Spain	20,32	24,52	3,49
France	4,43	2,20	1,21
Ireland	0,01	0,01	0,01
Italy	0,81	0,53	21,97
Portugal	6,13	7,79	6,12
United Kingdom	16,13	13,70	22,27

Whereas in view of these factors and of market forecasts for newsprint in general and for Community production in particular during 1988, and of the effective use of the

quotas opened for 1986 and 1987, the initial percentage shares of the quota volume can be expressed approximately as follows:

	Volume of 600 000 tonnes	Volume of 50 000 tonnes
Benelux	6,60	1,57
Denmark	0,02	0,01
Germany	19,03	27,27
Greece	0,01	15,07
Spain	1,04	13,20
France	1,38	2,98
Ireland	1,08	0,01
Italy	2,02	20,13
Portugal	0,10	3,27
United Kingdom	68,72	16,49

Whereas, to allow for the trend of imports of the product concerned, the quota volumes should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers in each Member State some degree of certainty and yet enable Community production to be marketed on satisfactory terms, the first part of the Community quotas should be set at a certain level, which in this case could be 75 % and 67 % of the quota volumes;

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 corresponding reserve; whereas each time one of its additional shares is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas 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 quantity of a Member State's initial share remains unused, it is essential that the Member State concerned should return a significant proportion thereof to the corresponding reserve in order to prevent part of the Community tariff quota from remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. 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 Community tariff quotas as shown below:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of duty (%)
09.0015	4801 00 10	Newsprint ⁽¹⁾ :		
		— from Canada	600 000	0
09.0017		— from other third countries	50 000	0

⁽¹⁾ Entry under this subheading is subject to conditions determined by the relevant Community provisions.

2. Within the limit of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

3. Imports of newsprint may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

4. Without prejudice to the international obligations of the Community, Member States may charge against this

tariff quota the other types of paper corresponding, except as regards the criterion relating to watermarks, to the definition of newsprint contained in Additional Note 1 to Chapter 48 and falling within subheading 4801 00 90 of the combined nomenclature.

Article 2

From 30 November 1988, the residue of the amounts referred to in Article 1 which have not actually been

used by 29 November 1988, or which are not expected to be used before 31 December 1988, can be applied to imports of the product in question whether from Canada or from another third country.

Article 3

1. The first part of each of the amounts referred to in Article 1, consisting of 450 000 tonnes for the amount referred to under Order No 09.0015 and 33 500 tonnes for the amount referred to under Order No 09.0017, shall be allocated among the Member States; the quota shares, which, subject to Article 6, shall be valid from 1 January to 31 December 1988, shall be as follows:

	(tonnes)	
	Amount referred under Order No 09.0015	Amount referred under Order No 09.0017
Benelux	29 700	526
Denmark	90	3
Germany	85 635	9 135
Greece	45	5 049
Spain	4 680	4 422
France	6 210	999
Ireland	4 860	3
Italy	9 090	6 744
Portugal	450	1 095
United Kingdom	309 240	5 524

2. The second parts, amounting to 150 000 tonnes and 16 500 tonnes respectively, shall constitute the reserve.

Article 4

1. If a Member State has used 90 % or more of one of its initial shares as specified in Article 3 (1), or of that share less any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

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

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

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 5

The additional shares drawn pursuant to Article 4 shall be valid until 31 December 1988.

Article 6

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 corresponding reserves.

Article 7

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 3 and 4 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 the reserves following any return of quota shares pursuant to Article 6.

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 8

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 4 enable imports to be charged without interruption against their accumulated share of the Community tariff quota.

2. Member States shall take all appropriate measures to make sure that the paper referred to in Article 1

fully meets the criteria for admission to this tariff quota.

Article 9

Where this is the case, the relevant Community procedures shall be applied in order to monitor use of the paper for the prescribed specific purpose.

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

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

Article 10

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

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

Article 11

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 4104/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for rosin, obtained from wood, falling within code ex 3806 10 90 of the combined nomenclature (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 production in the Community of rosin, obtained from wood, falling within code ex 3806 10 90 of the combined nomenclature, is currently insufficient to meet the requirements of the processing industries in the Community; whereas, consequently, Community supplies of products of this type currently depend in part on imports from third countries; whereas the most urgent Community requirements for the product in question should be met immediately on the most favourable terms, whereas a zero-duty Community tariff quota should therefore be opened within the limits of an appropriate amount, whereas, in order not to jeopardize the balance of the market for this product and to ensure parallel development in outlets for Community production and satisfactory security of supplies for user industries, the volume of the Community tariff quota should be fixed at 6 000 tonnes, whereas, therefore, the tariff quota in question should be opened on 1 January 1988 and allocated among Member States;

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, at the same time, in order to accommodate specific Community rules this nomenclature has been expanded into an integrated tariff of the European Communities (TARIC); whereas, 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 equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into the Member States until the quota is exhausted; whereas, in the light of these principles, allocation of the tariff quota among the Member States would seem to preserve the Community nature of the quota; whereas in order to correspond as closely as possible to the real trend of the market for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products from non-preferential third countries during a representative reference period and on the economic outlook for the quota period in question;

Whereas, on the basis of the currently available statistics, imports into the Community of Ten in 1984, 1985 and 1986 of the product concerned, from third countries which do not qualify for an equivalent preferential tariff arrangement, have developed as follows and represent the following percentages of total imports into the Community:

Member State	1984		1985		1986	
	tonnes	%	tonnes	%	tonnes	%
Benelux	889	35,95	5 514	77,86	303	20,81
Denmark	43	1,74	9	0,13	5	0,34
Germany	0	0	67	0,95	142	9,75
Greece	1	0,04	0	0	0	0
Spain	12	0,49	27	0,38	10	0,69
France	0	0	6	0,08	2	0,14
Ireland	0	0	0	0	0	0
Italy	18	0,73	38	0,54	17	1,17
Portugal	8	0,32	11	0,15	6	0,41
United Kingdom	1 502	60,73	1 410	19,91	971	66,69
	2 473		7 082		1 456	

Whereas in view of these factors and of market forecasts for this product for 1988, the initial percentage shares of the quota volume can be expressed approximately as follows:

Benelux	36,46
Denmark	2,08
Germany	4,18
Greece	0,10
Spain	0,10
France	10,42
Ireland	2,08
Italy	2,81
Portugal	0,10
United Kingdom	41,67

Whereas, to allow for the trend of imports of the product concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to afford importers in each Member State some degree of certainty, the first part of the tariff quota should be set at a relatively high level, which in this case could be 80 % 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 periods; whereas this form of administration requires close cooperation between the Member States and the Commission and the latter must be able to monitor the extent to which the quota volume has been used up and inform the Member States accordingly;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. 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 below:

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.2715	ex 3806 10 90	Rosin, obtained from wood	6 000	0

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

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

Article 2

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

2. The first part, amounting to 4 800 tonnes, shall be allocated among the Member States. The shares which, subject to Article 5, shall be valid until 31 December 1988, shall be as follows:

	(tonnes)
Benelux	1 750
Denmark	100
Germany	200
Greece	2
Spain	5
France	500
Ireland	103
Italy	135
Portugal	5
United Kingdom	2 000

3. The second part of the quota, amounting to 1 200 tonnes, shall constitute the reserve.

Article 3

1. If a Member State has used 90 % 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 5 % 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 2,5 % 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 2, 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 products concerned imported on or before 15 September 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares 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 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 share of the Community tariff quota.

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council
The President
N. WILHJELM

COUNCIL REGULATION (EEC) No 4105/87

of 22 December 1987

opening, allocating and providing for the administration of Community tariff quotas for certain types of manufactured tobacco processed in the Canary Islands (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal⁽¹⁾, and in particular Article 2 of Protocol 2 thereto,

Having regard to the proposal from the Commission,

Whereas Article 2 of Protocol 2 and Article 10 of Protocol 3 to the Act of Accession provide that from 1 January 1986 manufactured tobacco falling within Chapter 24 of the combined nomenclature which is processed in the Canary Islands is to qualify, in the customs territory of the Community, for exemption from customs duties within the limits of annual Community tariff quotas; whereas this tariff preference applies to products of which there have been imports in the last five years; whereas, calculated on the basis of the abovementioned Article 2, the quota volumes for cigarettes falling within code 2402 20 00 of the combined nomenclature and cigars, cheroots and cigarillos falling within code 2402 10 00 of the combined nomenclature are 18 170 million units and 320,5 million units respectively; whereas there are no imports of other manufactured tobacco falling within Chapter 24 of the combined nomenclature; whereas the tariff quotas in question should therefore be opened for 1988;

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

Whereas rules should be laid down on the marking of the products concerned;

Whereas equal and continuous access to the quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted; whereas, in the light of these principles, allocation of the tariff quotas among the Member States would seem to preserve the Community nature of the quotas; whereas in order to correspond as closely as possible to the real trend of the market for the products concerned the

allocation should reflect the requirements of the Member States based on statistics of imports of those products originating in the Canary Islands during a representative reference period and on the economic outlook for the quota period in question;

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

Member State	Cigarettes falling within code 2402 20 00 of the CN (millions of units)			Cigars, cheroots and cigarillos falling within code 2402 10 00 of the CN (millions of units)		
	1984	1985	1986	1984	1985	1986
Benelux	—	—	—	1 276	1 300	150
Denmark	—	—	—	—	—	4
Germany	—	—	—	—	—	56
Greece	—	—	—	—	—	—
Spain	18 702	18 496	15 723	312 300	314 200	329 175
France	—	—	—	208	340	349
Ireland	—	—	—	—	—	—
Italy	—	—	—	—	—	—
Portugal	—	—	—	—	—	—
United Kingdom	—	—	—	5	2 110	190

Whereas during the last three years 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 only to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports into those Member States are announced; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

Whereas, to allow for the trend of imports of the products concerned in the various Member States, each quota volume should be divided into two parts, the first being allocated among certain Member States and the second being held as a reserve to cover any subsequent requirements of those Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be 90 % and 95 % respectively of the quota volumes;

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 23.

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Whereas if at a given date in the quota period a considerable quantity of one of a Member State's initial shares remains unused, it is essential that the Member State concerned should return a significant proportion thereof to the corresponding reserve in order to prevent part of a

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

Order No	CN code	Description	Volume of quota (million units)	Rate of duty
09.0401	2402 20 00	Cigarettes, manufactured in the Canary Islands	18 170	Free
09.0403	2402 10 00	Cigars, cheroots and cigarillos manufactured in the Canary Islands	320,5	Free

2. Products covered by this Regulation shall not qualify for the tariff quotas unless, when they are presented to the customs authorities responsible for the import formalities for release for free circulation in the customs territory of the Community, they are presented in packaging which bears the words 'Manufactured in the Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

3. The second part of each quota, 1 815 million units (code 2402 20 00 of the combined nomenclature) and 16,0 million units (No 2402 10 00 of the combined nomenclature) respectively, shall constitute the corresponding reserve.

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

Article 2

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

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

- (a) cigarettes falling within code 2402 20 00 of the combined nomenclature:
 - Spain 16 355 million units;
- (b) cigars, cheroots and cigarillos falling within code 2402 10 00 of the combined nomenclature:
 - Benelux 1,2 million units,
 - Denmark 0,4 million units,
 - Spain 302,5 million units,
 - France 0,3 million units,
 - United Kingdom 0,1 million units.

Article 3

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

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall, using the procedure provided for in paragraph 1 and to the extent that the reserve so permits,

draw a third share equal to 5 % of the initial share, rounded up where necessary to the next whole number.

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

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, 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 November 1988 at the latest, the Member States must return to the reserve the unused portion of their initial share which, on 15 October 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 November 1988 at the latest, Member States must notify the Commission of the total quantities of the products concerned imported on or before 15 October 1988 and charged against the Community quotas and of any portion of their initial shares that they are returning to the corresponding reserves.

Article 6

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

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

Done at Brussels, 22 December 1987.

It shall inform the Member States, not later than 5 November 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 one of the reserves does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the final drawing.

Article 7

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

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

3. Member States shall charge imports of the products concerned against their quota 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 quota share shall be determined on the basis of imports of the products in question manufactured in the Canary Islands and charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

For the Council
The President
N. WILHJELM

COUNCIL REGULATION (EEC) No 4106/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products refined in Spain, falling within Chapter 27 of the combined nomenclature (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas, under Articles 30 and 31 of the Act of Accession, the duties applicable to imports into the Community as constituted on 31 December 1985 of certain petroleum products, falling within Chapter 27 of the combined nomenclature and refined in the part of Spain which is included within the customs territory of the Community, are to be progressively abolished in the context of a Community tariff quota of 1 424 000 tonnes; whereas on 1 January 1988 the duties in question shall be reduced to 62,5 % of the basic duties; whereas by way of derogation from Article 30 of the Act of Accession, Regulation (EEC) No 443/86 ⁽¹⁾ provides that the basic duties shall be those actually applied on 1 January 1986; whereas it is therefore appropriate, for the purpose of determining the duties applicable to the products in question, to open a Community tariff quota of 1 424 000 tonnes for the abovementioned petroleum products, at the rates of duty shown in the table in Article 1;

Whereas Article 1 of Protocol 3 annexed to the Act of Accession makes special provision for the importation into Portugal of the products in question originating in Spain; whereas, consequently, the Community tariff quota applies only in the Community as constituted on 31 December 1985;

Whereas from the date on which the said quota is opened, the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the combined nomenclature codes and, where appropriate, the TARIC code numbers within which the said products fall;

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

quota is exhausted; whereas, in 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 Spain during a representative reference period and on the economic outlook for the quota period in question;

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

(tonnes)			
Member State	1984	1985	1986
Benelux	11 800	13 794	347 936
Denmark	—	71,6	14 055
Germany	7 330	6 293	362 533
Greece	4 467	244	87
France	118 256	296 450	560 176
Ireland	—	16 967	822 132
Italy	39 351	81 421	191 110
United Kingdom	312 086	191 587	949 602

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

Benelux	7,87
Denmark	1,17
Germany	5,85
Greece	0,47
France	20,48
Ireland	27,01
Italy	6,50
United Kingdom	30,65

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

⁽¹⁾ OJ No L 50, 28. 2. 1986, p. 9.

would, in the present circumstances, be 60 % of the quota volume;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1988 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products, refined in the part of Spain included in the customs territory of the Community, shall be suspended at the levels indicated and within the limits of a Community tariff quota of 1 424 000 tonnes:

Order No	CN code	Description	Rate of duty (%)
09.0313	2710 00	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or oils obtained from bituminous minerals, these oils being the basic constituent preparations:	
		— Light oils:	
		— — For other purposes:	
		— — — Special spirits:	
	2710 00 21	— — — — White spirit:	1,5
	2710 00 25	— — — — Other	1,5
		— — — Other:	
		— — — — Motor spirit:	
	2710 00 31	— — — — — Aviation spirit:	1,5
		— — — — — Other, with a lead content:	
	2710 00 33	— — — — — — Not exceeding 0,013 g/l	1,5
	2710 00 35	— — — — — — Exceeding 0,013 g/l	1,5
	2710 00 37	— — — — — Spirit-type jet fuel	1,5
	2710 00 39	— — — — — Other light oils	1,5
		— Medium oils:	
		— — For other purposes:	
		— — — Kerosene:	
	2710 00 51	— — — — Jet fuel	1,5
	2710 00 55	— — — — Other	1,5
	2710 00 59	— — — Other	1,5
		— Heavy oils:	
		— — Gas oils:	
	2710 00 69	— — — For other purposes	0,8
		— — Fuel oils:	
	2710 00 79	— — — For other purposes	0,8
		— — Lubricating oils; other oils:	

Order No	CN code	Description	Rate of duty (%)
09.0313 (cont'd)	2710 00 95	— — — To be mixed in accordance with the terms of additional note 6 to this chapter ⁽¹⁾	1
	2710 00 99	— — — For other purposes	1,5
	2711	Petroleum gases other gaseous hydrocarbons:	
		— Liquefied:	
		— — Propane:	
		— — — Other:	
	2711 12 99	— — — — For other purposes	0,3
		— — Butanes:	
	2711 13 90	— — — For other purposes	0,3
		— In gaseous state:	
	2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured:	
		— Petroleum jelly:	
	2712 10 90	— — other	1,1
	2712 20 00	— Paraffin wax containing by weight less than 0,75 % of oil	1
		— Other:	
		— — Other:	
		— — — Crude:	
	2712 90 39	— — — — For other purposes	0,4
	2712 90 90	— — — Other	1
	2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals:	
		— Other residues of petroleum oils or of oils obtained from bituminous minerals:	
	2713 90 90	— — Other	0,4

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

Article 2

1. The first part of the Community tariff quota referred to in Article 1, amounting to 854 400 tonnes, shall be allocated among the Member States; the quota shares, which shall, subject to Article 5, be valid until 31 December 1988, shall be as follows:

	(tonnes)
Benelux	67 280
Denmark	10 000
Germany	50 000
Greece	4 040
France	175 000
Ireland	230 690
Italy	55 570
United Kingdom	261 820

2. The second part, amounting to 569 600 tonnes, shall constitute the reserve.

Article 3

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

less any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 15 % 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 7,5 % of the initial share, rounded up where necessary to the next whole number.

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

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified

in the said paragraphs if there is reason to believe that they might not be used in full. 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 products concerned imported on or before 15 September 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares 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.

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

Done at Brussels, 22 December 1987.

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

Article 7

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

For the Council
The President
N. WILHJELM

COUNCIL REGULATION (EEC) No 4107/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for certain woven fabrics of cotton originating in Spain (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas, under Articles 30 and 31 of the Act of Accession, the duties applicable to imports into the Community as constituted on 31 December 1985 of certain woven fabrics of cotton originating in Spain are to be progressively abolished in the context of a Community tariff quota of 2 013 tonnes; whereas on 1 January 1988 the duties in question will be reduced to 62,5 % of the basic duties; whereas by way of derogation from Article 30 of the Act of Accession, Regulation (EEC) No 443/86 ⁽¹⁾, provides that the basic duties shall be those actually applied on 1 January 1986; whereas it is therefore appropriate, for the purpose of determining the duties applicable to the products in question, to open a Community tariff quota of 2 013 tonnes for certain woven fabrics of cotton originating in Spain at the rates of duty shown in the table in Article 1;

Whereas Article 1 of Protocol 3 annexed to the Act of Accession makes special provisions for the importation into Portugal of the products in question originating in Spain; whereas, consequently, the Community tariff quota applies only in the Community as constituted on 31 December 1985;

Whereas from the date on which the said quota is opened, the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the combined nomenclature codes and, where appropriate, the TARIC code numbers within which the said products fall;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas, in 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 Spain during a representative reference period and on the economic outlook for the quota period in question;

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

(tonnes)			
Member State	1984	1985	1986
Benelux	213	225	288
Denmark	83	50	128
Germany	350	148	51
Greece	39	—	8
France	1 160	1 279	1 268
Ireland	409	59	14
Italy	318	408	36
United Kingdom	372	436	72

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

Benelux	6,54
Denmark	2,37
Germany	7,78
Greece	0,67
France	52,54
Ireland	16,10
Italy	10,80
United Kingdom	3,20

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

⁽¹⁾ OJ No L 50, 28. 2. 1986, p. 9.

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 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 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 corres-

ponding 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:

From 1 January to 31 December 1988 the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products originating in Spain shall be suspended at the levels indicated and within the limits of the Community tariff quota indicated:

Order No	CN code	Description	Volume of the quota (tonnes)	Rate of duty (%)
09.0315	5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ²	2 013	2,5
	5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ²		2,5
	5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ²		2,5
	5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ²		2,5
	5212	Other woven fabrics of cotton		2,5
	ex 5811 00 00	Quilted textile products of cotton in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading No 58 10		2,5
	ex 6308 00 00	Sets consisting of woven fabric and yarn of cotton, whether or not with accessories, for making up into rugs, tapestries, embroidered tablecloths or serviettes, or similar textile articles put up in packings for retail sale		2,5

Article 2

1. The first part of the Community tariff quota referred to in Article 1, amounting to 1 510 tonnes, shall be allocated among the Member States; the quota shares, which shall, subject to Article 5, be valid until 31 December 1988, shall be as follows:

	(tonnes)
Benelux	100
Denmark	35
Germany	120
Greece	10
France	790
Ireland	245
Italy	160
United Kingdom	50

2. The second part, amounting to 503 tonnes, shall constitute the reserve.

Article 3

1. If a Member States has used 90 % or more of its initial share as specified in Article 2 (1), or of that share less any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 15 % 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 7,5 % of the initial share, rounded up where necessary to the next whole number.

3. If, after its second share has been used up, a Member State has used 90 % or more of its third share, it shall, using the same procedure drawn 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 products concerned imported on or before 15 September 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2 and 3 and shall in-

form 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 shall notify the amount of that balance to the Member State making the final drawing.

Article 7

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

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council
The President
N. WILHJELM

COUNCIL REGULATION (EEC) No 4108/87

of 22 December 1987

opening and providing for the administration of a Community tariff quota for boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries, falling within subheading ex 0811 90 90 of the combined nomenclature (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 the Community currently depends on imports from third countries for its supplies of boysenberries; whereas it is in the Community's interest to suspend partially the Common Customs Tariff duty on the products in question within the limits of a Community tariff quota of an appropriate volume; whereas in order not to harm the prospects for increasing fruit production within the Community while at the same time making adequate supplies available to user industries, the tariff quota should be limited to 1 500 tonnes and opened for the period 1 January to 31 December 1988 at a duty of 15 %;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and

according to the procedure laid down in Article 1 (2); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic union, any operation concerning the administration of the quota share 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 below:

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

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

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

take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. The shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 2

1. If an importer gives notification of imminent imports of the product in question into a Member State and applies to

Article 3

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable

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

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

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

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

Article 4

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

Article 5

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

Article 6

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 4109/87

of 22 December 1987

opening, allocating and providing for the administration of a Community tariff quota for certain cod and fish of the species *Boreogadus saida*, dried, salted or in brine, whole, headless or in pieces (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 proposal from the Commission,

Whereas the Community has undertaken to open an annual duty free Community tariff quota at zero duty for 25 000 tonnes of cod of the species *Gadus morhua* and *Gadus ogac*, and fish of the species *Boreogadus saida*, dried, salted or in brine, whole, headless or in pieces; whereas therefore, the tariff quota in question should be opened on 1 January 1988 and allocated among the Member States;

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 encompass specific Community measures this nomenclature has been expanded into an integrated tariff of the European Communities (TARIC); whereas, with effect 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 tariff quota rate 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, the allocation should reflect the requirements of the Member States based on statistics of imports from third countries during a representative reference period and to the economic outlook for the tariff year in question;

Whereas, during the last three years for which complete statistics are available, imports into each of the Member States represented the following percentages of total imports of the product in question from third countries which do not benefit from an equivalent preferential tariff measure:

Member States	1984	1985	1986
Benelux	0,62	0,39	0,51
Denmark	0,54	0,01	6,86
Germany	0,82	0,44	0,41
Greece	4,99	3,80	4,61
Spain	1,05	0,77	15,04
France	9,02	5,69	6,28
Ireland	0	0	0
Italy	18,63	14,11	13,31
Portugal	63,84	74,52	52,59
United Kingdom	0,49	0,27	0,39

Whereas, in view of these factors and of market forecasts for this product for 1988, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	0,50
Denmark	2,45
Germany	0,53
Greece	4,40
Spain	5,64
France	6,81
Ireland	0,01
Italy	15,10
Portugal	64,19
United Kingdom	0,37

Whereas to allow for possible imports trends for these fish, 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 of certainty, the first part of the tariff quota should be set at a high level, which in this case could be 75 % of the quota volume;

Whereas initial shares may be used up at different rates; whereas in order 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 able to keep account of quota utilization rates 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 such State should return a significant proportion of this 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

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 limit of a Community tariff quota as shown herewith:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of duty (%)
09.0007	ex 0305 51 10 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 0305 69 10	Cod of the species <i>Gadus morhua</i> , and <i>Gadus ogac</i> , and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, whole, headless or in pieces	25 000	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 laid down by the Act of Accession of Spain and Portugal.

Article 2

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

2. A first instalment of 18 750 tonnes shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until December 1988 shall be as follows:

	(tonnes)
Benelux	94
Denmark	459
Germany	99
Greece	825
Spain	1 058
France	1 277
Ireland	2
Italy	2 831
Portugal	12 036
United Kingdom	69

3. The second instalment of 6 250 tonnes shall constitute the reserve.

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 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 as necessary to the next whole number.

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

3. If a Member State, after exhausting its second share, has used 90 % or more of its third share, it shall, as 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 smaller than those specified in the said paragraphs if there are grounds for believing that those specified might 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

By 1 November 1988, at the latest, Member States must return to the reserve the unused portion of their initial share which, on 15 October 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.

By 1 November 1988, at the latest, Member States must notify the Commission of the total quantities of the product in question imported up to and including 15 October 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 inform each State as soon as the information reaches it of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 November 1988, 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 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 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

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council
The President
N. WILHJELM

COUNCIL REGULATION (EEC) No 4110/87

of 22 December 1987

opening tariff quotas for the importation into Spain of certain fisheries products originating in the Canary Islands or Ceuta and Melilla (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Article 3 of Protocol 2 provides that, within the limits of annual tariff quotas, the products listed in the Annex and originating in the Canary Islands or Ceuta and Melilla are to qualify for exemption from duties when they are imported into that part of Spain which is included in the customs territory of the Community; whereas this tariff preference applies only to products which have been imported during 1982, 1983 or 1984; whereas, calculated on the basis of the abovementioned Article 3, the quota volumes are as follows:

- 17 596 tonnes of certain products falling within code ex 0301, ex 0302, ex 0303 or ex 0304 of the combined nomenclature,
- 596 tonnes of certain products falling within code ex 0305,
- 21 387 tonnes of certain products falling within code ex 0306 or ex 0307,
- 10 007 tonnes of certain products falling within codes 1604 11 00 to 1604 30 00, and
- 27 483 tonnes of products falling within code 2301 20 00;

Whereas there are no imports of the other products;

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

Whereas, in accordance with the Act of Accession, where the products are imported into that part of Spain which is included in the customs territory of the Community they may not be deemed to be in free circulation within the meaning of Article 10 of the Treaty should they be reconsigned to another Member State,

Article 1

1. From 1 January to 31 December 1988 the customs duties applicable to imports into that part of Spain which is included in the customs territory of the Community of the products originating in the Canary Islands or Ceuta and Melilla and listed in the annex shall be suspended at the levels indicated and within the limits of the tariff quotas shown.

2. Where the products are imported under these tariff quotas into that part of Spain which is included in the customs territory of the Community they may not be deemed to be in free circulation within the meaning of Article 10 of the Treaty should they be reconsigned to another Member State.

3. In whatever state the products referred to in this Article are presented, they shall not qualify for the tariff quotas unless, when they are presented to the authorities responsible for the import formalities in that part of Spain which is included in the customs territory of the Community, they are presented in packagings which bear, in a clearly visible and perfectly legible form:

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

In addition, the immediate packagings of pre-packaged foodstuffs falling within code 1604 of the combined nomenclature must bear the words 'Made in the Canary Islands' or 'Made in Ceuta and Melilla' or the equivalent thereof in another official Community language in a clearly visible, perfectly legible and indelible form.

This paragraph shall apply without prejudice to the specific rules contained in Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish⁽¹⁾, as last amended by Regulation (EEC) No 3396/85⁽²⁾, and Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps of the genus '*Crangon*'

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽²⁾ OJ No L 322, 3. 12. 1985, p. 1.

spp. ⁽¹⁾, as last amended by Regulation (EEC) No 3118/85 ⁽²⁾.

Article 2

1. The Member State concerned shall ensure that importers of the products concerned have free access to the tariff quotas referred to in Article 1.

2. The Member State concerned shall charge imports of the products concerned against the tariff quotas as and when the products are entered with the customs authorities for free circulation.

3. The extent to which the tariff quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 2.

Article 3

At the request of the Commission, the Member State concerned shall inform it of imports actually charged against the tariff quotas.

Article 4

The Member State concerned and the Commission shall cooperate closely 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

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽²⁾ OJ No L 297, 9. 11. 1985, p. 3.

ANNEX

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0301 91 00	– Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>)		
0302 11 00			
0302 21 00			
0304 10 11			
ex 0304 10 91	– Fish meat of freshwater fish		
0304 20 11	– Frozen fillets of trout		
ex 0304 90 10	– Other fillets of freshwater fish		
0301 99 11	– Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)		
0302 12 00			
0303 10 00		– Pacific salmon (<i>Oncorhynchus</i> spp.), excluding livers and roes	
0303 22 00		– Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)	
0304 10 13	– Fillets of salmon		
ex 0304 10 91	– Other fish meat of freshwater fish		
0304 20 13	– Frozen fillets of salmon		
ex 0304 90 10	– Other fillets of freshwater fish		
0301 92 00	– Eels (<i>Anguilla</i> spp.)		
0302 66 00	– Eels (<i>Anguilla</i> spp.)		
0303 76 00	– Eels (<i>Anguilla</i> spp.)		
ex 0304 10 19	– Fillets of other freshwater fish		
ex 0304 10 91	– Other fish meat of freshwater fish		
ex 0304 20 19	– Fillets of other freshwater fish		
ex 0304 90 10	– Other fillets of freshwater fish		
0302 69 11	– Other carp		
0303 79 11	– Other carp		
ex 0304 10 19	– Fillets of other freshwater fish		
ex 0304 10 91	– Other fish meat of freshwater fish		
ex 0304 20 19	– Frozen fillets of other freshwater fish		
ex 0304 90 10	– Other fillets of freshwater fish		
ex 0302 40 90	– Herrings:		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0303 50 90	– Herrings:		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0304 10 99	– Other fish meat		
ex 0304 90 25	– Fillets of other fresh water fish		
ex 0302 61 99	– Brisling or sprats (<i>Sprattus sprattus</i>):		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0303 71 99	– Brisling or sprats (<i>Sprattus sprattus</i>):		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Other fillets of fish		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0302 31 90	– Other tunas, fresh or chilled		
0302 32 90	– Other tunas		
0302 33 90	– Other skipjack or stripe-bellied bonito		
0302 39 90	– Other tunas and skipjack or bonito		
0302 69 25	– Other saltwater fish		
0303 41 90	– Other albacore or longfinned tunas, frozen		
0303 42 90	– Other yellowfin tunas		
0303 43 90	– Other skipjack or stripe-bellied bonito		
0303 49 90	– Other tunas and skipjack or bonito		
0303 79 31	– Other saltwater fish		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of fish other than fresh, chilled or frozen		
0302 61 10	– Sardines of the species <i>Sardina pilchardus</i>		
0303 71 10	– Sardines of the species <i>Sardina pilchardus</i>		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of fish, other than fresh, chilled or frozen		
0302 65 10	– Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)		
0304 65 90	– Other dogfish and other sharks		
0303 75 10	– Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)		
0303 75 90	– Other		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of fish other than fresh, chilled or frozen		
0302 69 31	– Redfish (<i>Sebastes</i> spp.)		
0303 79 35	– Redfish (<i>Sebastes</i> spp.)	17 596	free
ex 0304 10 99	– Other fish meat		
0304 90 31	– Other fillets of redfish (<i>Sebastes</i> spp.)		
0302 21 10	– Lesser or Greenland halibut (<i>Rheinhardtius hippoglossoides</i>)		
0302 21 30	– Lesser or Greenland halibut (<i>Rheinhardtius hippoglossoides</i>)		
0303 31 10	– Lesser or Greenland halibut (<i>Rheinhardtius hippoglossoides</i>)		
0303 31 30	– Atlantic halibut (<i>Hippoglossus hippoglossus</i>)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of fish other than fresh, chilled or frozen		
0302 50 00	– Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes		
0302 69 35	– Fish of the species <i>Boreogadus saida</i>		
0303 60 10	– Cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i>		
0303 79 41	– Fish of the species <i>Boreogadus saida</i>		
ex 0304 10 99	– Other fish meat		
ex 0304 90 37	– Fillets of cod other than fresh, chilled or frozen		
0302 63 00	– Coalfish (<i>Pollachius virens</i>)		
0303 73 00	– Coalfish (<i>Pollachius virens</i>)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 41	– Fillets of coalfish other than fresh, chilled or frozen		
0302 62 00	– Haddock (<i>Melanogrammus aeglefinus</i>)		
0303 72 00	– Haddock (<i>Melanogrammus aeglefinus</i>)		
ex 0304 10 99	– Other fish meat		
0304 90 45	– Fillets of haddock (<i>Melanogrammus aeglefinus</i>) other than fresh or chilled or frozen		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0302 69 41	– Whiting (<i>Merlangus merlangus</i>)		
0303 79 45	– Whiting (<i>Merlangus merlangus</i>)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of whiting other than fresh, chilled or frozen		
0302 69 45	– Ling (<i>Molva</i> spp.)		
0303 79 51	– Ling (<i>Molva</i> spp.)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of ling other than fresh, chilled or frozen		
0302 69 51	– Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>)		
0303 79 55			
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of Alaska pollack, other than fresh, chilled or frozen		
0302 64 90	– Mackerel:		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0302 69 95	– Other fish		
0303 74 19	– Mackerel:		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0303 79 63	– Fish of the species <i>Orcynopsis unicolor</i> :		
	– from 1 January to 14 February		
	– from 16 June to 31 December		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of mackerel, other than fresh, chilled or frozen		
0302 69 55	– Anchovies (<i>Engraulis</i> spp.)		
0303 79 65	– Anchovies (<i>Engraulis</i> spp.)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of anchovies, other than fresh, chilled or frozen		
0302 22 00	– Plaice (<i>Pleuronectes platessa</i>)		
0303 32 00			
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of plaice other than fresh, chilled or frozen		
ex 0302 29 00	– Other fish		
0303 39 10	– Flounder (<i>Platichthys flesus</i>)		
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of flounder other than fresh, chilled or frozen		
0302 69 61	– Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)		
0303 79 71			
ex 0304 10 99	– Other fish meat		
ex 0304 90 99	– Fillets of sea bream, other than fresh, chilled or frozen		
0302 69 65	– Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)		
0303 78 10	– Hake of the genus <i>Merluccius</i>		
ex 0304 10 99	– Other fish meat		
0304 90 47	– Hake of the genus <i>Merluccius</i>		
0302 69 71	– Megrim (<i>Lepidorhombus</i> spp.)		
0303 79 73	– Megrim (<i>Lepidorhombus</i> spp.)		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
ex 0304 10 99	– Other fish meat		
0304 10 51	– Fillets of megrim (<i>Lepidorhombus</i> spp.) other than fresh, chilled or frozen		
0302 69 75	– Ray's bream (<i>Brama</i> spp.)		
0303 79 75	– Ray's bream (<i>Brama</i> spp.)		
ex 0304 10 99	– Other fish meat		
0304 90 55	– Fillets of ray's bream (<i>Brama</i> spp.) other than fresh, chilled or frozen		
0302 69 81	– Monkfish (<i>Lophius</i> spp.)		
0303 79 81	– Monkfish (<i>Lophius</i> spp.)		
ex 0304 10 99	– Other fish meat		
0304 90 57	– Fillets of monkfish (<i>Lophius</i> spp.), other than fresh, chilled or frozen		
0302 69 85	– Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)		
0303 79 83			
ex 0304 10 99	– Other fish meat		
0304 90 59	– Fillets of blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)		
0302 21 90	– Pacific halibut (<i>Hippoglossus stenolepis</i>)		
0302 23 00	– Sole (<i>Solea</i> spp.)		
ex 0302 29 00	– Other		
ex 0302 61 30	– Sardines of the genus <i>Sardinops</i> , sardinella (<i>Sardinella</i> spp.)		
ex 0302 69 95	– Other fish		
0303 31 90	– Pacific halibut (<i>Hippoglossus stenolepis</i>)		
0303 33 00	– Sole (<i>Solea</i> spp.)		
ex 0303 39 90	– Other		
0303 60 90	– Cod of the species <i>Gadus macrocephalus</i>		
0303 71 30	– Sardines of the genus <i>Sardinops</i> , sardinella (<i>Sardinella</i> spp.)		
0303 74 90	– Mackerel of the genus <i>Scomber australasicus</i>		
0303 77 00	– Sea bass (<i>Dicentrarchus labrax</i> , <i>Dicentrarchus punctatus</i>)		
0303 78 90	– Hake of the genus <i>Urophycis</i>		
ex 0304 10 99	– Other fish meat (whether or not minced)		
0304 90 35	– Fillets of cod of the species <i>Gadus macrocephalus</i> , other than fresh, chilled or frozen		
0304 90 49	– Fillets of hake of the genus <i>Urophycis</i>		
ex 0304 90 99	– Other		
0304 10 31	– Fillets of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i>		
0304 10 39	– Other		
0304 20 29	– Other		
0304 20 31	– Frozen fillets of coalfish (<i>Pollachius virens</i>)		
0304 20 33	– Frozen fillets of haddock		
0304 20 35	– Frozen fillets of redfish		
0304 20 41	– Frozen fillets of whiting		
0304 20 43	– Frozen fillets of ling (<i>Molva</i> spp.)		
0304 20 45	– Frozen fillets of tuna		
0304 20 53	– Other frozen fillets of mackerel		
0304 20 57	– Frozen fillets of hake		
0304 20 71	– Frozen fillets of plaice		
0304 20 73	– Frozen fillets of flounder		
0304 20 75	– Frozen fillets of herring		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0304 20 79	– Frozen fillets of megrim	596	free
0304 20 81	– Frozen fillets of Ray's bream		
0304 20 83	– Frozen fillets of monkfish		
0304 20 21	– Frozen fillets of cod of the species <i>gadus macrocephalus</i>		
0304 20 51	– Frozen fillets of mackerel of the <i>Scomber australasicus</i>		
0304 20 59	– Frozen fillets of hake of the genus <i>Urophycis</i>		
0304 20 61	– Frozen fillets of dogfish		
0304 20 69	– Frozen fillets of other sharks		
0304 20 99	– Other fillets of frozen fish		
0302 70 00	– Livers and roes		
0303 80 00	– Livers and roes		
0305 59 30	– Herrings, other		
0305 61 00	– Herrings, salted		
0305 51 10	– Cod, dried, unsalted		
ex 0305 59 11	– Other fish, dried, unsalted		
0305 51 90	– Cod, dried and salted		
ex 0305 59 19	– Other fish, dried and salted		
0305 62 00	– Cod, salted but not dried or smoked and in brine		
ex 0305 69 10	– Other fish of the species <i>Boreogadus saida</i>		
0305 59 50	– Anchovies, dried, whether or not salted but not smoked		
0305 63 00	– Anchovies, salted but not dried or smoked, and in brine		
0305 59 70	– Halibut, dried, whether or not salted but not smoked		
0305 69 30	– Halibut, salted but not dried or smoked, and in brine		
0305 69 50	– Pacific salmon, Atlantic salmon and Danube salmon, salted, but not dried or smoked and fish in brine		
0305 59 90	– Other fish, dried whether or not salted but not smoked		
0305 69 90	– Other fish, salted but not dried or smoked and fish in brine		
0305 30 19	– Other fillets of fish		
0305 30 30	– Fillets of Pacific salmon, of Atlantic salmon and Danube salmon, salted or in brine		
0305 30 50	– Fillets of lesser or Greenland halibut salted or in brine		
0305 30 11	– Fillets of cod of the species <i>Gadus macrocephalus</i>		
ex 0305 30 90	– Other fillets of fish		
0305 42 00	– Herrings, smoked		
0305 41 00	– Pacific salmon, Atlantic salmon and Danube salmon, smoked		
0305 49 10	– Lesser or Greenland halibut, smoked		
0305 49 20	– Atlantic halibut, smoked		
0305 49 30	– Mackerel, smoked		
0305 49 90	– Other smoked fish		
0305 49 40	– Trout, smoked		
0305 49 50	– Eels, smoked		
0305 20 00	– Livers and roes, dried, smoked, salted or in brine		
0305 10 00	– Fish meal fit for human consumption		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0306 11 00	— Rock lobster and other sea crawfish	21 387	free
0306 21 00	— Rock lobster and other sea crawfish		
0306 12 10	— Lobsters, whole		
0306 12 90	— Lobsters, other		
0306 22 91	— Lobsters, whole not frozen		
0306 22 99	— Other lobsters		
0306 14 10	— Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i> , frozen		
0306 14 30	— Crabs of the species <i>Cancer pagurus</i>		
0306 24 90	— Other crabs, not frozen		
0306 19 10	— Freshwater crayfish, frozen		
0306 24 10	— Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i> , not frozen		
0306 24 30	— Crabs of the species <i>Cancer pagurus</i>		
0306 24 90	— Other crabs, not frozen		
0306 29 10	— Freshwater crayfish, not frozen		
0306 13 10	— Shrimps of the <i>Pandalidae</i> family		
0306 13 30	— Shrimps of the genus <i>Crangon</i>		
0306 13 90	— Other shrimps		
0306 23 10	— Shrimps of the <i>Pandalidae</i> family		
0306 23 31	— Shrimps of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water		
0306 23 39	— Other shrimps		
0306 23 90	— Other shrimps		
0306 19 30	— Norway lobsters, frozen		
0306 19 90	— Other, frozen		
0306 29 30	— Norway lobsters, not frozen		
0306 29 90	— Other, not frozen		
0307 10 90	— Other oysters		
0307 31 10	— Mussels (<i>Mytilus</i> spp.), live, fresh, or chilled		
0307 39 10	— Mussels (<i>Mytilus</i>), other		
0307 21 00	— Certain scallops, live, fresh or chilled		
0307 29 10	— Coquilles St. Jacques, frozen		
0307 29 90	— Other scallops		
0307 31 90	— Mussels (<i>Perna</i> spp.)		
0307 39 90	— Mussels (<i>Perna</i> spp.), other		
0307 41 10	— Cuttle fish and squid		
0307 41 91	— Squid (<i>Loligo</i> spp. <i>Ommastrephes sagittatus</i>)		
0307 41 99	— Squid, other		
0307 49 11	— Cuttle fish of the genus <i>Sepiola</i> , other than <i>Sepiola rondeleti</i>		
0307 49 19	— Squid, other		
0307 49 31	— Squid (<i>Loligo vulgaris</i>)		
0307 49 33	— Squid (<i>Loligo pealei</i>)		
0307 49 39	— Squid, other		
0307 49 51	— Squid (<i>Ommastrephes sagittatus</i>)		
0307 49 59	— Other		
0307 49 71	— Cuttle fish		
0307 49 91	— Squid (<i>Loligo</i> spp., <i>Ommastrephes sagittatus</i>)		

CN code	Description	Amount of quota (tonnes)	Tariff duties
(1)	(2)	(3)	(4)
0307 49 99	— Other	10 007	free
0307 51 00	— Octopus, live, fresh or chilled		
0307 59 10	— Other, frozen		
0307 59 90	— Other		
ex 0307 91 00	— Other, live, fresh or chilled		
0307 99 11	— <i>Illex</i> spp., frozen		
0307 99 13	— Striped venus and other species of the genus <i>Veneridae</i>		
ex 0307 99 19	— Other aquatic invertebrates		
ex 0307 99 90	— Other		
1604 30 10	— Caviar (sturgeon roe)		
1604 30 90	— Caviar substitutes		
1604 11 00	— Salmon		
1604 20 10	— Other prepared or preserved fish of salmon		
1604 19 10	— Salmonidae, other than salmon		
1604 20 30	— Salmonidae, other than salmon		
1604 12 10	— Fillets of herring, raw, coated with batter or breadcrumbs, deep frozen		
1604 12 90	— Other		
1604 20 90	— Other prepared or preserved fish of other fish		
1604 13 10	— Sardines		
ex 1604 20 50	— Other prepared or preserved fish of sardines, bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i> and anchovies	27 483	free
1604 14 10	— Tunas and skipjack		
1604 19 30	— Fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus (katsuwonus) pelamis</i>)		
1604 20 70	— Other prepared or preserved fish of tunas, skipjack or other fish of the genus <i>Euthynnus</i>		
1604 14 90	— Atlantic bonito (<i>Sarda</i> spp.)		
ex 1604 20 50	— Other prepared or preserved fish of sardines, bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i> and anchovies		
1604 15 10	— Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>		
1604 19 50	— Fish of the species <i>Orcynopsis unicolor</i>		
ex 1604 20 50	— Other prepared or preserved fish of sardines, bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i> and anchovies		
1604 16 00	— Anchovies		
1604 20 50	— Other prepared or preserved fish of sardines, bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i> and anchovies		
1604 19 91	— Other fillets, raw, coated with batter or breadcrumbs, deep frozen		
1604 19 99	— Other fish, whole or in pieces		
ex 1604 20 90	— Other prepared or preserved fish of other fish		
1604 13 90	— Other fish, whole or in pieces		
1604 15 90	— Mackerel of the species <i>Scomber australasicus</i>		
1604 19 99	— Other		
ex 1604 20 90	— Other prepared or preserved fish of other fish		
2301 20 00	— Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	27 483	free

COUNCIL REGULATION (EEC) No 4111/87

of 22 December 1987

opening and providing for the administration of Community tariff quotas for certain fisheries products originating in the Canary Islands (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

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

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

Whereas there are no imports of the other products;

Whereas the products imported under these quotas are to qualify for the progressive reduction in customs duties according to the same timetable and under the same conditions as provided for in Article 173 of the Act of Accession, provided the reference prices are observed; whereas, however, where the products concerned are imported into Portugal, the duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession;

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

whereas this Regulation must take account of that fact by indicating the combined nomenclature codes and, where appropriate, the TARIC code numbers of the products concerned;

Whereas equal and continuous access to the said quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted; whereas these quotas should not be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need under the conditions and according to the procedure laid down in Article 2; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1988 the customs duties applicable to imports into the Community with the exception of Spain of the products originating in the Canary Islands listed in the Annex shall be suspended at the levels indicated and within the limits of the Community tariff quotas shown.

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

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

3. In whatever state the fisheries products referred to in this Article are presented, they shall not qualify for the tariff

quotas unless, when they are presented to the authorities responsible for the import formalities with a view to their entry for free circulation in the customs territory of the Community, they are presented in packagings which bear in a clearly visible and perfectly legible form:

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

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

This paragraph shall apply without prejudice to the specific rules contained in Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish ⁽¹⁾, as last amended by Regulation (EEC) No 3396/85 ⁽²⁾, and Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps of the genus '*Crangon*' spp. ⁽³⁾, as last amended by Regulation (EEC) No 3118/85 ⁽⁴⁾.

Article 2

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

2. The shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

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

Done at Brussels, 22 December 1987.

Article 3

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

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

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

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

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1988.

For the Council
The President
N. WILHJELM

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽²⁾ OJ No L 322, 3. 12. 1985, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽⁴⁾ OJ No L 297, 9. 11. 1985, p. 3.

ANNEX

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rates of duties
(1)	(2)	(3)	(4)	(5)
09.0405	0301 91 00	– Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>)		7,5
	0302 11 00			
	0303 21 00			
	0304 10 11			
	0304 20 11	– Frozen fillets of trout		
	0301 99 11	– Pacific salmon (<i>Oncorhynchus</i> spp.)		
	0302 12 00	– Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)		
	0303 10 00	– Pacific salmon (<i>Oncorhynchus</i> spp.), excluding livers and roes		1,2
	0303 22 00	– Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)		
	0304 10 13	– Fillets of salmon		
	0304 20 13	– Fillets of salmon, frozen		
	0301 92 00	– Eels (<i>Anguilla</i> spp.)		
	0302 66 00	– Eels (<i>Anguilla</i> spp.)		1,8
	0303 76 00	– Eels (<i>Anguilla</i> spp.)		
	0301 93 00	– Carp		
	0302 69 11	– Carp		5
	0303 79 11	– Carp		
	0302 40 90	– Herrings: – from 1 January to 14 February – from 16 June to 31 December		
	0303 50 90	– Herrings: – from 1 January to 14 February – from 16 June to 31 December		9,3
	0304 90 25	– Other fish meat of herrings: – from 1 January to 14 February – from 16 June to 31 December		
	0302 61 99	– Brisling or sprats: – from 1 January to 14 February – from 16 June to 31 December		
	0303 71 99	– Brisling or sprats: – from 1 January to 14 February – from 16 June to 31 December		8,1
	0302 31 90	– Other tunas, fresh or chilled		
	0302 32 90	– Other tunas		
	0302 33 90	– Other skipjack or stripe-bellied bonito		
	0302 39 90	– Other tunas and skipjack or bonito		
	0302 69 25	– Other saltwater fish		
	0303 41 90	– Other albacore or longfinned tunas, frozen		13,7
	0303 42 90	– Other yellowfin tunas		
	0303 43 90	– Other skipjack of stripe-bellied bonito		
	0303 49 90	– Other tunas and skipjack or bonito		
	0303 79 31	– Other saltwater fish		
	0302 61 10	– Sardines of the species <i>Sardina pilchardus</i>		
	0303 71 10	– Sardines of the species <i>Sardina pilchardus</i>		14,3

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rates of duties
(1)	(2)	(3)	(4)	(5)
09.0405 (cont'd)	0302 65 10	– Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)	604	5
	0302 65 90	– Other dogfish and other sharks		
	0303 75 10	– Dogfish (<i>Squalus acanthias</i> and <i>Scyliorhinus</i> spp.)		
	0303 75 90	– Other		
	0302 69 31	– Redfish (<i>Sebastes</i> spp.)		5
	0302 69 33			
	0303 79 35	– Redfish (<i>Sebastes</i> spp.)		
	0303 79 37			
	0304 90 31	– Other fish meat of redfish		5
	0302 21 30	– Atlantic halibut (<i>Hippoglossus hippoglossus</i>)		
	0303 31 30	– Atlantic halibut (<i>Hippoglossus hippoglossus</i>)		
	0302 21 10	– Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>)		free
	0303 31 10	– Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>)		
	0302 50 10	– Cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i>		
	ex 0302 50 90			
	0302 69 35	– Fish of the species <i>Boreogadus saida</i>		7,5
	0303 60 10	– Cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i>		
	0303 79 41	– Fish of the species <i>Boreogadus saida</i>		
	ex 0304 90 37	– Other fish meat of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i>		
	0302 63 00	– Coalfish (<i>Pollachius virens</i>)		9,3
	0303 73 00	– Coalfish (<i>Pollachius virens</i>)		
	ex 0304 90 41	– Other fish meat of coalfish		
	0302 62 00	– Haddock (<i>Melanogrammus aeglefinus</i>)		
	0303 72 00	– Haddock (<i>Melanogrammus aeglefinus</i>)		
	0304 90 45	– Other fish meat of haddock		
	0302 69 41	– Whiting (<i>Merlangus merlangus</i>)		
	0303 79 45	– Whiting (<i>Merlangus merlangus</i>)		
	0302 69 45	– Ling (<i>Molva</i> spp.)		
	0303 79 51	– Ling (<i>Molva</i> spp.)		
	0302 69 51	– Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>)		
	0303 79 55			
	0302 64 90	– Mackerel: – from 1 January to 14 February – from 16 June to 31 December		12,5
	0303 74 19	– Mackerel: – from 1 January to 14 February – from 16 June to 31 December		
	0303 79 63	– Fish of the species <i>Orcynopsis unicolor</i> : – from 1 January to 14 February – from 16 June to 31 December		
	0302 69 55	– Anchovies (<i>Engraulis</i> spp.)		
	0303 79 65	– Anchovies (<i>Engraulis</i> spp.)		
	0302 22 00	– Plaice (<i>Pleuronectes platessa</i>)		
	0303 32 00			

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rates of duties
(1)	(2)	(3)	(4)	(5)
09.0405 (cont'd)	ex 0302 29 00	– Flounder (<i>Platichthys flesus</i>)		9,3
	0303 39 10	– Flounder (<i>Platichthys flesus</i>)		
	0302 69 61	– Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)		
	0303 79 71			
	0302 69 65	– Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)		
	0303 78 10	– Hake of the genus <i>Merluccius</i>		
	0304 90 47	– Other fish meat of hake of the genus <i>Merluccius</i>		
	0302 69 71	– Megrim (<i>Lepidorhombus</i> spp.)		
	0303 79 73	– Megrim (<i>Lepidorhombus</i> spp.)		
	0304 10 51	– Other fish meat of megrim		
	0302 69 75	– Ray's bream (<i>Brama</i> spp.)		
	0303 79 75	– Ray's bream (<i>Brama</i> spp.)		
	0304 90 55	– Other fish meat of Ray's bream		
	0302 69 81	– Monkfish (<i>Lophius</i> spp.)		
	0303 79 81	– Monkfish (<i>Lophius</i> spp.)		
	0304 90 57	– Other fish meat of monkfish		
	0302 69 85	– Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)		
	0303 79 83			
	0304 90 59	– Other fish meat of blue whiting		
	0302 21 90	– Pacific halibut (<i>Hippoglossus stenolepis</i>)		9,3
	0302 23 00	– Sole (<i>Solea</i> spp.)		
	ex 0302 29 00	– Other flatfish than halibut, plaice, sole or flounder		
	ex 0302 50 90	– Cod of the species <i>Gadus macrocephalus</i>		
	ex 0302 61 30	– Sardines of the genus <i>Sardinops</i> , sardinella (<i>Sardinella</i> spp.)		
	0303 31 90	– Pacific halibut (<i>Hippoglossus stenolepis</i>)		
	0303 33 00	– Sole (<i>Solea</i> spp.)		
	ex 0303 39 90	– Other flatfish		
	0303 60 90	– Cod of the species <i>Gadus macrocephalus</i>		
	0303 71 30	– Sardines of the genus <i>Sardinops</i> , <i>Sardinella</i> (<i>Sardinella</i> spp.)		
	0303 74 90	– Mackerel of the genus <i>Scomber australasicus</i>		
	0303 77 00	– Sea bass (<i>Dicentrarchus labrax</i> , <i>Dicentrarchus punctatus</i>)		
	0303 78 90	– Hake of the genus <i>Urophycis</i>		
	0304 90 35	– Other fish meat of cod of the species <i>Gadus macrocephalus</i>		
	0304 90 49	– Other fish meat of hake of the genus <i>Urophycis</i>		
	0304 10 31	– Fillets of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i>		11,2
	0304 10 39	– Other		
	0304 20 29	– Other		9,3
	0304 20 31	– Frozen fillets of coalfish (<i>Pollachius virens</i>)		
	0304 20 33	– Frozen fillets of haddock		7,5
	0304 20 35	– Frozen fillets of redfish		
	0304 20 37			9,3
	0304 20 41	– Frozen fillets of whiting		
	0304 20 43	– Frozen fillets of ling (<i>Molva</i> spp.)		

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duties
(1)	(2)	(3)	(4)	(5)
09.0405 (cont'd)	0304 20 45	— Frozen fillets of tuna and fish of the genus <i>Euthynnus</i>		11,2
	0304 20 53	— Other frozen fillets of mackerel		9,3
	0304 20 57	— Frozen fillets of hake		
	0304 20 59			
	0304 20 71	— Frozen fillets of plaice		
	0304 20 73	— Frozen fillets of flounder		
	0304 20 75	— Frozen fillets of herring		
	0304 20 79	— Frozen fillets of megrim		
	0304 20 81	— Frozen fillets of ray's beam		
	0304 20 83	— Frozen fillets of monkfish		
	0304 20 21	— Frozen fillets of cod of the species <i>Gadus macrocephalus</i>		
	0304 20 51	— Frozen fillets of mackerel of the genus <i>Scomber australasicus</i>		
	0304 20 59	— Frozen fillets of hake of the genus <i>Urophycis</i>		
	0304 20 61	— Frozen fillets of dogfish		
	0304 20 69	— Frozen fillets of other sharks		
	0304 20 99	— Other fillets of frozen fish		
	0302 70 00	— Livers and roes		6,2
	0303 80 00	— Livers and roes		
	0302 69 95	— Other		
	ex 0304 10 19	— Fillets, fresh or chilled, of eels and carps		free
	ex 0304 10 91	— Fish meat other than fillets, fresh or chilled, of trout, salmon, eels and carps		
	0304 10 99	— Fish meat other than fillets, fresh or chilled, of saltwater fish		
	ex 0304 20 19	— Frozen fillets of eels and carps		
	ex 0304 90 10	— Fish meat, other than fillets, frozen, of trout, salmon, eels and carps		7,8
	0304 90 99	— Fish meat, other than fillets, frozen, of fish not elsewhere specified		
09.0407	0306 11 00	— Rock lobster and other sea crawfish		
	0306 21 00	— Rock lobster and other sea crawfish		
	0306 12 00	— Lobsters, whole		free
	0306 12 90	— Lobsters, other		
	0306 22 91	— Lobsters, whole not frozen		
	0306 22 99	— Other lobsters		5
	0306 14 10	— Crabs of the species <i>Paralithodes camchaticus</i> , <i>Chionoecetes</i> spp. and <i>Callinectes sapidus</i> , frozen		
	0306 24 10			
	0306 14 30	— Crabs of the species <i>Cancer pagurus</i>		9,3
	0306 14 90	— Other crabs, not frozen		
	0306 19 10	— Freshwater crayfish, frozen		
	0306 24 30	— Crabs of the species <i>Cancer pagurus</i> , not frozen		7,5
	0306 24 90	— Other crabs, not frozen		
	0306 29 10	— Freshwater crayfish, not frozen		
	0306 13 10	— Shrimps of the <i>Pandalidae</i> family		
	0306 23 10	— Shrimps of the <i>Pandalidae</i> family		

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duties
(1)	(2)	(3)	(4)	(5)
09.0407 (cont'd)	0306 13 30	– Shrimps of the genus <i>Crangon</i>	3 429	11,2
	0306 13 90	– Other shrimps		
	0306 23 31	– Shrimps of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water		
	0306 23 39	– Other shrimps		7,5
	0306 23 90	– Other shrimps		
	0306 19 30	– Norway lobsters, frozen		
	0306 19 90	– Other, frozen		11,2
	0306 29 30	– Norway lobsters, not frozen		
	0306 29 90	– Other, not frozen		
	0307 10 90	– Other oysters		4,6
	0307 31 10	– Mussels (<i>Mytilus</i> spp.), live, fresh, or chilled		
	0307 39 10	– Mussels (<i>Mytilus</i> spp.), other		
	0307 21 00	– Certain scallops, live, fresh or chilled		5
	0307 29 10	– Coquilles St. Jacques, frozen		5
	0307 29 90	– Other scallops		5
	0307 31 90	– Mussels (<i>Perma</i> spp.)		5
	0307 39 90	– Mussels (<i>Perma</i> spp.), other		5
	0307 41 10	– Cuttle fish and squid		5
	0307 41 91	– Squid (<i>Loligo</i> spp., <i>Ommastrephes sagittatus</i>)		3,7
	0307 41 99	– Squid, other		5
	0307 49 11	– Cuttle fish of the genus <i>Sepiola</i> , other than <i>Sepiola rondeleti</i>		5
	0307 49 19	– Squid, other		5
	0307 49 31	– Squid (<i>Loligo vulgaris</i>)		3,7
	0307 49 33	– Squid (<i>Loligo pealei</i>)		
	0307 49 39	– Squid, other		
	0307 49 51	– Squid (<i>Ommastrephes sagittatus</i>)		3,7
	0307 49 71	– Cuttle fish		5
	0307 49 91	– Squid (<i>Loligo</i> spp., <i>Ommastrephes sagittatus</i>)		3,7
	0307 49 99	– Other		5
	0307 51 00	– Octopus, live, fresh or chilled		5
	0307 59 10	– Other, frozen		5
	0307 59 90	– Other		5
	ex 0307 91 00	– Other, live, fresh or chilled		5
	0307 99 11	– <i>Illex</i> spp., frozen		5
	0307 99 13	– Striped venus and other species of the genus <i>Veneridae</i>		5
	0307 49 59	– Other		5
	ex 0307 99 19	– Other molluscs		
	ex 0307 99 90	– Other molluscs		
09.0409	1604 30 10	– Caviar (sturgeon roe)		18,7
	1604 30 90	– Caviar substitutes		
	1604 11 00	– Salmon		
	1604 20 10	– Other prepared or preserved fish of salmon		3,4
	1604 19 10	– Salmonidae, other than salmon		
	1604 20 30	– Salmonidae, other than salmon		

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duties
(1)	(2)	(3)	(4)	(5)
09.0409 (cont'd)	1604 12 10	— Fillets of herring, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen	539	9,3
	1604 12 90	— Other		12,5
	ex 1604 20 90	— Other prepared or preserved fish of herring		
	1604 13 10	— Sardines		18,1
	ex 1604 20 50	— Other prepared or preserved fish of sardines		
	1604 14 10	— Tunas and skipjack		
	1604 19 30	— Fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus (katsuwonus) pelamis</i>)		15
	1604 20 70	— Other prepared or preserved fish of tunas, skipjack or other fish of the genus <i>Euthynnus</i>		
	1604 14 90	— Atlantic bonito (<i>Sarda</i> spp.)		
	ex 1604 20 50	— Other prepared or preserved fish of bonito		
	1604 15 10	— Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i>		
	1604 19 50	— Fish of the species <i>Orcynopsis unicolor</i>		15,6
	ex 1604 20 50	— Other prepared or preserved fish of mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i>		
	1604 16 00	— Anchovies		
	1604 20 40	— Other prepared or preserved fish of anchovies		
	1604 19 91	— Other fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen		9,3
	1604 13 90	— Other fish, whole or in pieces		
	1604 15 90	— Mackerel of the species <i>Scomber australasicus</i>		12,5
	1604 19 99	— Other		
	ex 1604 20 90	— Other prepared or preserved fish of other fish		
09.0411	2301 20 00	— Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	227	1,2

COUNCIL REGULATION (EEC) No 4112/87

of 22 December 1987

Opening, allocating and providing for the administration of Community tariff quotas for certain kinds of prepared or preserved fish coming from Portugal (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 362 thereof,

Having regard to the proposal from the Commission,

Whereas Article 362 of the Act of Accession provides that during the period of progressive elimination of customs duties between the Community as constituted on 31 December 1985 and Portugal, certain kinds of sardines, tunas, fish of the genus *Euthynnus*, certain kinds of mackerel and fish of the species *Orcynopsis unicolor*, prepared or preserved, falling within codes ex 1604 13 10, ex 1604 20 50, 1604 14 10, 1604 19 30, 1604 20 70, 1604 15 10, 1604 19 50 and ex 1604 20 50 of the combined nomenclature, from Portugal, may be imported free of duty into the Community as constituted on 31 December 1985 within the limits of annual Community tariff quotas of 5 000 tonnes, 1 000 tonnes and 1 000 tonnes respectively; whereas these quotas should be opened for 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of both the Common Customs Tariff and the nomenclature of goods for 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 Community (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 ensure for all importers of the Community as constituted on 31 December 1985 equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all the Member States until the quotas have been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect as accurately as

possible the true trend of the market in the products concerned, such allocation should be in proportion to the requirements of the Member States, assessed by reference to the statistics of each State's imports from Portugal over a representative reference period and also to the economic outlook for the quota period concerned;

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

(tonnes)

Member States	1984	1985	1986
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Sardines of the species *Sardina pilchardus*

Benelux	954	741	741
Denmark	302	306,31	234
Germany	3 277	3 239	4 659
Greece	14	—	155
France	2 410	2 190	1 783
Ireland	13	30	19
Italy	643	820,8	634
United Kingdom	6 574	4 210	3 949

Tunas and fish of the genus *Euthynnus*

Benelux	3	1	13
Denmark	—	—	—
Germany	18	18,2	22
Greece	—	54	—
France	118	55	16
Ireland	—	—	—
Italy	1 504	2 456,5	2 141
United Kingdom	—	—	9

Mackerel of the species *Scomber scombrus* und *Scomber japonicus* and fish of the species *Orcynopsis unicolor*

Benelux	130	135	176
Denmark	—	—	—
Germany	—	—	21
Greece	—	—	—
France	5	—	3
Ireland	—	—	—
Italy	1 576	2 216,7	1 463
United Kingdom	40	—	—

Whereas in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be set approximately at the following percentages:

Member States	Sardines	Tunny	Mackerel
Benelux	6,43	—	8,85
Denmark	2,42	—	—
Germany	29,49	—	—
Greece	0,61	—	—
France	16,84	4,00	—
Ireland	—	—	—
Italy	5,33	96,00	91,15
United Kingdom	38,88	—	—

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

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two parts, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of the Member States where they have used up their initial shares and also any requirements which might arise in the other Member States; whereas, in order to give importers in each Member State a certain degree of security, the first part of the Community quotas could be set at 67 % of the quota volumes;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact

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

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

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 operations relating to 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

From 1 January to 31 December 1988 the customs duties on imports from Portugal into the Community as constituted on 31 December 1985 for the following products shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown herewith:

Order No	CN code	Description	Quantities (tonnes)	Quota duties
	1604	Prepared or preserved fish:		
		caviar and caviar substitutes prepared from fish eggs:		
09.0501	ex 1604 13 10 ex 1604 20 50	— Sardines of the species <i>Sardina pilchardus</i>	5 000	free
09.0502	1604 14 10 1604 19 30 1604 20 70	— Tunas and skipjack — Fish of the genus <i>Euthynnus</i> , other than skipjack — Tunas, skipjack and other fish of the genus <i>Euthynnus</i>		
09.0503	1604 15 10 1604 19 50 ex 1604 20 50	— Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> — Fish of the species <i>Orcynopsis unicolor</i> — Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i>	1 000	free

Article 2

1. Each of the tariff quotas referred to in Article 1 shall be divided into two parts.
2. (a) The first part of each quota shall be allocated among certain Member States; the respective shares shall, subject to Article 5, be valid until 31 December 1988, and shall be as follows:

(tonnes)

Member States	Prepared or preserved		
	Sardines	Tunas	Mackerel
Benelux	215	—	60
Denmark	80	—	—
Germany	990	—	—
Greece	20	—	—
France	565	30	—
Ireland	—	—	—
Italy	180	640	610
United Kingdom	1 300	—	—
Total	3 350	670	670

- (b) The second part of each quota, namely 1 650, 330 and 330 tonnes respectively, shall constitute the corresponding reserve.
3. If an importer notifies a Member State that a consignment of the products in question is to be imported 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 90 % or more of a Member State's initial share as specified in Article 2 (2), or of that share less the portion returned to the reserve, where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number, to the extent permitted by the amount of the reserve.
2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used, that Member State shall, using the procedure provided for in paragraph 1, draw a third 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, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, using the same procedure provided for in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

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

Article 4

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

Article 5

The Member States shall return to the reserve, not later than 1 October 1988, 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 larger quantity if there are grounds for believing that it might not be used.

The Member States shall, not later than 1 October 1988, notify the Commission of the total quantities of the products concerned imported up to 15 September 1988 and charged against the Community quotas and of any quantities of the initial shares returned to each reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1988 of the amount in the reserve after the return of quantities 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 the balance to the Member State making the last drawing.

Article 7

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

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

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

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM
