

Official Journal

of the European Communities

ISSN 0378 - 6978

L 363

Volume 31

30 December 1988

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 4092/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for tomatoes, cucumbers and aubergines originating in the Canary Islands (1989) 1
- ★ Council Regulation (EEC) No 4093/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for new potatoes and certain live plants originating in the Canary Islands (1989) 5
- ★ Council Regulation (EEC) No 4094/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for fresh flowers originating in the Canary Islands (1989) 9
- ★ Council Regulation (EEC) No 4095/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for beans (*Phaseolus* spp.), onions and sweet peppers originating in the Canary Islands (1989) 13
- ★ Council Regulation (EEC) No 4096/88 of 16 December 1988 opening and providing for the administration of Community tariff quotas for certain types of manufactured tobacco processed in the Canary Islands (1989) 17
- ★ Council Regulation (EEC) No 4097/88 of 16 December 1988 opening and providing for the administration of a Community tariff quota for sweet, clear-fleshed cherries, marinated in alcohol, falling within CN code ex 2008 60 39 and intended for the manufacture of chocolate products (1989) 19
- ★ Council Regulation (EEC) No 4098/88 of 16 December 1988 opening and providing for the administration of Community tariff quotas for dried figs and certain dried grapes coming from Spain (1989) 21

Contents (continued)

- ★ Council Regulation (EEC) No 4099/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for certain kinds of prepared or preserved fish coming from Portugal (1989) 23

- ★ Council Regulation (EEC) No 4100/88 of 16 December 1988 opening, allocating and providing for the administration of Community tariff quotas for lemons and almonds (1989) 27

- ★ Council Regulation (EEC) No 4101/88 of 16 December 1988 opening, allocating and providing for the administration of a Community tariff quota for newsprint (1989) and extending this quota to include certain other types of paper 31

- ★ Council Regulation (EEC) No 4102/88 of 16 December 1988 opening, allocating and providing for the administration of a Community tariff quota for certain plywoods of coniferous species (1989) 35

I

(Actos whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4092/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for tomatoes, cucumbers and aubergines originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

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

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

Whereas, for 1989, the duties applicable within the limits of those tariff quotas are equal to 50 % of the basic duties;

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

Whereas 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 Community tariff quotas among the Member States would seem such as 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, for 1989, it is necessary to maintain the shares for the Member States given that the administrations of the Member States cannot create, by 1989 a technical and administrative basis for Community administration of the quota; whereas, however, it is possible, given the evolution of trade over the last few years, to provide for an increase in the Community reserve;

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

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

(tonnes)

Member State	CN codes 0702 00 10, 0702 00 90 Tomatoes			CN codes 0707 00 11, 0707 00 19 Cucumbers			CN code 0709 30 00 Aubergines		
	1985	1986	1987	1985	1986	1987	1985	1986	1987
Benelux	75 188	57 041	55 013	6 000	11 566	12 209	2 352	2 091	1 367
Denmark	3 605	59	257	1 987	45	—	57	2	—
Germany	37 302	2 826	2 725	2 492	179	246	1 295	110	27
Greece	—	—	—	—	—	—	—	—	—
Spain	15 430	—	5 338	5	—	—	174	—	142
France	7 770	1 944	312	345	211	829	454	40	133
Ireland	21	62	13	2	5	8	—	—	—
Italy	—	3	94	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	90 063	95 220	103 284	11 255	15 485	21 062	1 425	1 747	1 717

Whereas during the last three years these products were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas under these circumstances, in the first phase, initial shares should be allocated only to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports actually take place in the latter; 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 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 60 % of each quota volume;

Whereas, if during the quota period the Community reserve is almost totally used up, it is vital that Member States should return to that reserve all the unused part of their initial and where relevant, additional shares, to prevent part of the Community tariff quota remaining unused in a Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1989 the customs duties applicable to imports into the Community for the following products originating in the Canary Islands shall be suspended at the levels indicated and within the limits of Community tariff quotas as below:

Order No	CN code	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0417	0702 00 10 0702 00 90	Tomatoes, fresh or chilled	173 000	— From 1 January to 28 February: 3,3 %, minimum 0,6 ECU/100 kg/net — From 1 March to 14 May: 6,6 %, minimum 1,2 ECU/100 kg/net — From 15 May to 31 October: 10,8 %, minimum 2,1 ECU/100 kg/net — From 1 November to 31 December: 6,6 %, minimum 1,2 ECU/100 kg/net
09.0419	0707 00 11 0707 00 19	Cucumbers	28 663	— From 1 January to 15 May: 9,6 % — From 16 May to 31 October: 12 % — From 1 November to 31 December: 9,6 %
09.0421	0709 30 00	Aubergines	3 819	9,6 %

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

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

2. On import, the said products shall, in the event of any countervailing duty being applied under Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2283/88 ⁽²⁾, benefit from a reduction of 6 % of that duty.

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

Article 2

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

2. A first part of respectively 103 800, 17 200 and 2 290 tonnes of each quota shall be allocated among certain Member States; the quota shares valid until 31 December 1989, shall be as follows:

(a) tomatoes falling within CN codes 0702 00 10 and 0702 00 90:

Benelux	35 105 tonnes,
Denmark	758 tonnes,
Germany	8 034 tonnes,
Spain	3 903 tonnes,
France	1 889 tonnes,
United Kingdom	54 111 tonnes;

(b) cucumbers falling within CN codes 0707 00 11 or 0707 00 19:

Benelux	6 103 tonnes,
Denmark	416 tonnes,
Germany	599 tonnes,
France	286 tonnes,
United Kingdom	9 796 tonnes;

(c) aubergines falling within CN code 0709 30 00:

Benelux	1 015 tonnes,
Germany	252 tonnes,
Spain	57 tonnes,
France	111 tonnes,
United Kingdom	855 tonnes;

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

— 69 200 tonnes of tomatoes falling within CN codes 0702 00 10 or 0702 00 90

— 11 463 tonnes of cucumbers falling within CN codes 0707 00 11 or 0707 00 19

— 1 529 tonnes of aubergines falling within CN code 0709 30 00.

4. If an importer gives notification of imminent imports of one of the products in question into another Member State which has not taken part in the initial allocation or has used up its initial share and which applies to take advantage of the corresponding quota the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

5. Without prejudice to Article 3, the amounts drawn in accordance with paragraph 4 shall be valid until the end of the period to which the quota applies.

Article 3

1. Once at least 80 % of the reserve of the tariff quota as defined in Article 2 (3) is used up, the Commission shall notify the Member States.

2. It shall also, in this case, notify the Member States of the date from which shares drawn from the Community reserve must be dealt with in accordance with the following provisions:

If an importer submits in a Member State a declaration for release for free circulation including an application for preferential treatment for a product referred to under this Regulation, and if that declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw from the reserve referred to in Article 2 (3) a quantity corresponding to these requirements.

Applications to draw on the quota volume, showing the date of acceptance of the above declaration must be forwarded to the Commission without delay.

Withdrawals shall be granted by the Commission on the basis of the date when the declaration for release for free circulation was accepted by the customs authorities of the Member State concerned, in so far as the available balance so permits.

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

If the quantities applied for are greater than the available balance of the reserve the shall be allocated *pro rata*. Member States shall be informed by the Commission by the same procedures.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

3. Within three working days from the date mentioned in paragraph 2, the Member States shall be obliged to return to the reserve all the unused part of their initial and, where applicable, additional shares within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States of the amounts in these reserves after quantities have been returned thereto pursuant to Article 3.

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

Article 5

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are

opened in such a way that imports may be charged without interruption against their accumulated shares of the Community tariff quotas.

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

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

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4093/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for new potatoes and certain live plants originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas, by virtue of Article 4 of Protocol 2 to the Act of Accession and Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, new potatoes and certain live plants originating in the Canary Islands qualify on import into the Community for reduced customs duties within the limits of Community tariff quotas; whereas the quota volumes amount to:

— 6 642 tonnes for new potatoes falling within CN codes 0701 90 51 and 0701 90 59 for the period 1 January to 30 June,

and

— 4 700 tonnes for certain live plants falling within Chapter 6 of the Combined Nomenclature for the period 1 January to 31 December;

Whereas for 1989, the duties applicable within the limits of those tariff quotas are equal to 50 % of the basic duties; whereas, however, the products concerned qualify for exemption from import duties on import into that part of Spain which is included in the customs territory of the

Community; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas to qualify for the tariff quota the products in question must comply with certain marking and labelling conditions designed to prove their origin;

Whereas 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 Community tariff quotas among the Member States would seem such as 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, for 1989, it is necessary to maintain the shares for the Member States given that the administrations of the Member States cannot create, by 1989 a technical and administrative basis for Community administration of the quota; whereas, however, it is possible, given the evolution of trade over the last few years, to provide for an increase in the Community reserve;

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

(in tonnes)

Member States	CN codes 0701 90 51, 0701 90 59 new potatoes			Live plants		
	1985	1986	1987	1985	1986	1987
Benelux	21	—	4	144	529	303
Denmark	127	312	180	6	6	6
Germany	—	—	—	220	308	429
Greece	—	—	—	—	—	—
Spain	24	—	5	3 880	5 009	4 430
France	38	—	—	26	35	89
Ireland	—	—	—	—	1	1
Italy	—	—	—	31	44	148
Portugal	—	—	—	—	—	—
United Kingdom	6 496	2 531	1 763	177	198	204

(¹) OJ No L 133, 22. 5. 1987, p. 5.

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

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 instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial shares and any additional requirements which might arise in the other Member States; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quotas should, under the circumstances, be fixed at 60 % respectively of the quota volumes;

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

return to that reserve all the unused part of their initial and, where relevant, additional shares to prevent part of the Community tariff quota remaining unused in a Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1989, on import into the Community, the customs duties applicable for the following products shall be suspended at the levels and within the limits of Community tariff quotas as follows:

Order No	CN code	Description	Quota volumes (tonnes)	Quota duties (%)
09.0413	0701 90 51 0701 90 59	New potatoes, from 1 January to 30 June	6 642	— from 1 January to 15 May: 7,5 — from 16 May to 30 June: 10,5
09.0429	0601 10 90	Other bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant	4 700	4
	0602 10 90	— — Other unrooted cuttings and slips		4
		— Roses, whether or not budded or grafted		
		— — Roses (all the species <i>Rosa</i>), neither budded nor grafted:		
	ex 0602 40 11	— — — With stock of a diameter not exceeding 10 mm		6,5
	ex 0602 40 19	— — — Other		6,5
		— — Other		
	0602 99 45	— — — — — Rooted cuttings and young plants		6,5
	0602 99 49	— — — — — Other		6,5
		— — — — — Other outdoor plants:		
	0602 99 51	— — — — — Perennial plants		6,5
	0602 99 59	— — — — — Other		6,5
		— — — — — Indoor plants:		
	0602 99 70	— — — — — Rooted cuttings and young plants, excluding cacti		6,5
	0602 99 99	— — — — — Other		— from 1 January to 31 December: 6,5

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

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

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

However, live plants originating in the Canary Islands shall be identified by means of the documents to be supplied by the importer to the abovementioned authorities.

Article 2

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

2. A first instalment of 3 985 and 2 820 tonnes respectively of each tariff quota shall be allocated among certain Member States; the respective shares, which shall be valid until 31 December 1989, shall amount to the quantities indicated below:

(a) new potatoes falling within CN codes 0701 90 51 and 0701 90 59:

Denmark	225 tonnes,
United Kingdom	3 760 tonnes,

(b) certain live plants falling within Chapter 6 of the CN:

Benelux	170 tonnes,
Germany	170 tonnes,
Spain	2 315 tonnes,
France	26 tonnes,
Italy	38 tonnes,
United Kingdom	101 tonnes.

3. The second instalment of each quota, i.e. respectively:

— 2 657 tonnes for new potatoes falling within CN codes 0701 90 51 and 0701 90 59,

and

— 1 880 tonnes for certain live plants falling within Chapter 6 of the CN,

shall constitute the corresponding Community reserve.

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

which has not taken part in the initial allocation or has used up its initial share and which applies to take advantage of the corresponding quota the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

5. Without prejudice to Article 3, the amounts drawn in accordance with paragraph 4 shall be valid until the end of the period to which the quota applies.

Article 3

1. Once at least 80 % of the reserve of the tariff quota as defined in Article 2 (3) is used up, the Commission shall notify the Member States.

2. It shall also, in this case, notify the Member States of the date from which shares drawn from the Community reserve must be dealt with in accordance with the following provisions:

If an importer submits in a Member State a declaration for release for free circulation including an application for preferential treatment for a product referred to under this Regulation, and if that declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw from the reserve referred to in Article 2 (3) a quantity corresponding to these requirements.

Applications to draw on the quota volume, showing the date of acceptance of the above declaration must be forwarded to the Commission without delay.

Withdrawals shall be granted by the Commission on the basis of the date when the declaration for release for free circulation was accepted by the customs authorities of the Member State concerned, in so far as the available balance so permits.

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

If the quantities applied for are greater than the available balance of the reserve they shall be allocated *pro rata*. Member States shall be informed by the Commission by the same procedures.

3. Within three working days from the date mentioned in paragraph 2, the Member States shall be obliged to return to the reserve all the unused part of their initial and, where applicable, additional shares within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States of the amounts in these reserves after quantities have been returned thereto pursuant to Article 3.

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

Article 5

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

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

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

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4094/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for fresh flowers originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

Whereas by virtue of Article 4 of Protocol 2 to the Act of Accession and Article 2 of Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands ⁽¹⁾, fresh flowers falling within CN codes 0603 10 11 to 0603 10 69 and originating in the Canary Islands qualify on import into the Community for reduced customs duties within the limits of Community tariff quotas; whereas the quota volume for roses, carnations, orchids, gladioli and chrysanthemums is 87 500 00 pieces and that for other flowers is 597 tonnes;

Whereas, for 1989, the duties applicable within the limits of those tariff quotas are equal to 50% of the basic duties; whereas, however, the products concerned qualify for exemption from import duties on import into that part of Spain which is included in the customs territory of the Community; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas to qualify for the tariff quota the products in question must comply with certain marking and labelling conditions designed to prove their origin;

Whereas 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 Community tariff quotas among the Member States would seem such as 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, for 1989, it is necessary to maintain the shares for the Member States given that the administrations of the Member States cannot create, by 1989 a technical and administrative basis for Community administration of the quota; whereas, however, it is possible, given the evolution of trade over the last few years, to provide for an increase in the Community reserve;

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

— roses, carnations, orchids, gladioli and chrysanthemums:

(in 1 000 pieces)

Member States	1985	1986	1987
Benelux	—	12 421	9 852
Denmark	—	18	32
Germany	24 613,2	27 027	51 860
Greece	—	—	—
Spain	33 558	—	12 283
France	1 136,5	1 519	2 232
Ireland	—	108	471
Italy	963,2	1 026	1 355
Portugal	—	—	—
United Kingdom	11 402	13 415	14 976

— other flowers:

(tonnes)

Member States	1985	1986	1987
Benelux	92	10	62
Denmark	—	—	—
Germany	27,1	26,7	8,7
Greece	—	—	—
Spain	425	—	222
France	3	1	—
Ireland	—	—	17
Italy	7,5	—	—
Portugal	—	—	—
United Kingdom	1	—	3

Whereas during the last three years these products were imported regularly only by certain Member States and not at

(1) OJ No L 133, 22. 5. 1987, p. 5.

all or only occasionally by the other Member States; whereas under these circumstances, in the first phase, initial shares should be allocated only to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports actually take place in the latter; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

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

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

return to that reserve all the unused part of their initial and where relevant, additional shares, to prevent part of the Community tariff quota remaining unused in a Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1989 the customs duties applicable to imports into the Community for the following products originating in the Canary Islands shall be suspended at the levels indicated and within the limits of Community tariff quotas as below:

Order No	CN code	Description	Amount of tariff quotas	Rate of duty
09.0431	0603 10 11	Roses, carnations, orchids, gladioli and chrysanthemums, fresh	87 500 000 pieces	From 1 January to 31 May: 8,5 %
	0603 10 13			
	0603 10 15			
	0603 10 21			From 1 June to 31 October: 12 %
	0603 10 25			
	0603 10 51			
	0603 10 53			From 1 November to 31 December: 8,5 %
	0603 10 55			
	0603 10 61			
0603 10 65				
09.0433	0603 10 29	Other flowers, fresh	597 tonnes	
0603 10 69				

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

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

2. Without prejudice to the relevant provisions applicable as regards quality standards, products covered by this Regulation cannot qualify under the tariff quotas unless, at the time their presentation to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, they

are presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

Article 2

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

2. The first part of each Community tariff quota referred to in Article 1 shall be allocated among the Member States; subject to Article 5, the quota shares shall be valid until 31 December 1989 and shall be as follows:

Member States	ex 0603 roses, carnations, gladioli, orchids and chrysanthemums (units)	ex 0603 Other flowers (tonnes)
Benelux	5 302 500	67
Denmark	10 500	—
Germany	24 648 750	25
Greece	—	—
Spain	10 914 750	258
France	1 212 750	—
Ireland	136 500	—
Italy	798 000	10
Portugal	—	—
United Kingdom	9 476 250	—
Total	52 500 000	360

3. The second part of each quota, 35 000 000 pieces and 237 tonnes respectively, shall constitute the corresponding reserve.

4. If an importer gives notification of imminent imports of one of the products in question into another Member State which has not taken part in the initial allocation or has used up its initial share and which applies to take advantage of the corresponding quota the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

5. Without prejudice to Article 3, the amounts drawn in accordance with paragraph 4 shall be valid until the end of the period to which the quota applies.

Article 3

1. Once at least 80 % of the reserve of the tariff quota as defined in Article 2 (3) is used up, the Commission shall notify the Member States.

2. It shall also, in this case, notify the Member States of the date from which shares drawn from the Community reserve must be dealt with in accordance with the following provisions:

If an importer submits in a Member State a declaration for release for free circulation including an application for preferential treatment for a product referred to under this Regulation, and if that declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw from the reserve referred to in Article 2 (3) a quantity corresponding to these requirements.

Applications to draw on the quota volume, showing the date of acceptance of the above declaration must be forwarded to the Commission without delay.

Withdrawals shall be granted by the Commission on the basis of the date when the declaration for release for free

circulation was accepted by the customs authorities of the Member State concerned, in so far as the available balance so permits.

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

If the quantities applied for are greater than the available balance of the reserve they shall be allocated *pro rata*. Member States shall be informed by the Commission by the same procedures.

3. Within three working days from the date mentioned in paragraph 2, the Member States shall be obliged to return to the reserve all the unused part of their initial and, where applicable, additional shares within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States of the amounts in these reserves after quantities have been returned thereto pursuant to Article 3.

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

Article 5

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

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

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

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4095/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for beans (*Phaseolus* spp.), onions and sweet peppers originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 4 of Protocol 2 annexed thereto,

Having regard to the proposal from the Commission,

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

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

Whereas for 1989, the duties applicable within the limits of those tariff quotas are equal to 50 % of the basic duties; whereas, however, the products concerned qualify for exemption from import duties on import into that part of

Spain which is included in the customs territory of the Community; whereas, where the said products are imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas to qualify for the tariff quota the products in question must comply with certain marking and labelling conditions designed to prove their origin;

Whereas 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 Community tariff quotas among the Member States would seem such as 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, for 1989, it is necessary to maintain the shares for the Member States given that the administrations of the Member States cannot create, by 1989, a technical and administrative basis for Community administration of the quota; whereas, however, it is possible, given the evolution of trade over the last few years, to provide for an increase in the Community reserve;

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

(tonnes)

Member State	ex 0708 20 10, ex 0708 20 90 Beans (<i>Phaseolus</i> spp.)			0703 10 11, 0703 10 19 Onions			0709 60 10 Sweet peppers		
	1985	1986	1987	1985	1986	1987	1985	1986	1987
Benelux	720	674	526	1 000	120	47	13 054	8 263	6 887
Denmark	2	—	—	61	—	—	1 086	72	31
Germany	62	54	10	566	289	56	5 758	254	155
Greece	—	—	—	—	—	—	—	—	—
Spain	627	—	100	14 026	—	1 851	151	—	13

(¹) OJ No L 133, 22. 5. 1987, p. 5.

(tonnes)

Member State	ex 0708 20 10, ex 0708 20 90 Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)			0703 10 11, 0703 10 19 Onions			0709 60 10 Sweet peppers		
	1985	1986	1987	1985	1986	1987	1985	1986	1987
France	—	—	—	45	17	—	46	1	21
Ireland	—	—	—	—	—	2	—	1	2
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	458	445	273	1 067	1 006	—	7 284	8 903	8 912

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

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

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

return to that reserve all the unused part of their initial quota and where relevant, additional shares, to prevent part of the Community tariff quota remaining unused in a Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) From 1 January to 31 December 1989 the customs duties applicable to imports into the Community for the following products originating in the Canary Islands shall be suspended at the levels indicated and within the limits of Community tariff quotas as below:

(tonnes)

Order No	CN code	Description	Amount of quota (tonnes)	Rate of duty (%)
09.0423	ex 0708 20 10 ex 0708 20 90	— Beans (<i>Phaseolus</i> spp.): — — from 1 October to 30 June — — from 1 July to 30 September	1 300	— From 1 January to 30 June: 8,2 %, minimum ECU 1,2/100 kg/net — From 1 July to 30 September: 10,8 %, minimum ECU 1,2/100 kg/net — From 1 October to 31 December: 8,2 %, minimum ECU 1,2/100 kg/net
09.0425	0703 10 11 0703 10 19	— Onions: — — — Seed — — — Other	8 000	7,6 %
09.0427	0709 60 10	— — Sweet peppers	16 605	4,0 %

- (b) Within the limits of these tariff quotas, the said products shall be exempt from customs duties on import into that part of Spain which is included in the customs territory of the Community;
- (c) Within the limits of these tariff quotas, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.

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

Article 2

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

2. The first part of each quota, respectively 780, 4 800 and 9 965 tonnes, shall be allocated among certain Member States; the quota shares, valid until 31 December 1989, shall be as follows:

- (a) Beans (*Phaseolus* spp.) falling within CN code ex 0708 20 10 and ex 0708 20 90:

Benelux	379 tonnes,
Germany	26 tonnes,
Spain	143 tonnes,
United Kingdom	232 tonnes;

- (b) Onions falling within CN code 0703 10 11 and 0703 10 19:

Benelux	278 tonnes,
Denmark	15 tonnes,
Germany	217 tonnes,
Spain	3 782 tonnes,
France	15 tonnes,
United Kingdom	493 tonnes;

- (c) sweet peppers falling within CN code 0709 60 10:

Benelux	4 616 tonnes,
Denmark	194 tonnes,
Germany	1 010 tonnes,
Spain	27 tonnes,
France	11 tonnes,
United Kingdom	4 107 tonnes.

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

- 520 tonnes of beans (*Phaseolus* spp.) falling within CN codes ex 0708 20 10 and ex 0708 20 90,
- 3 200 tonnes of onions falling within CN codes 0703 10 11 and 0703 10 19,

- 6 640 tonnes of sweet peppers falling within CN code 0709 60 10.

4. If an importer gives notification of imminent imports of one of the products in question into another Member State which has not taken part in the initial allocation or has used up its initial share and which applies to take advantage of the corresponding quota the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

5. Without prejudice to Article 3, the amounts drawn in accordance with paragraph 4 shall be valid until the end of the period to which the quota applies.

Article 3

1. Once at least 80 % of the reserve of the tariff quota as defined in Article 2 (3) is used up, the Commission shall notify the Member States.

2. It shall also, in this case, notify the Member States of the date from which shares drawn from the Community reserve must be dealt with in accordance with the following provisions.

If an importer submits in a Member State a declaration for release for free circulation including an application for preferential treatment for a product referred to under this Regulation, and if that declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw from the reserve referred to in Article 2 (3) a quantity corresponding to these requirements.

Applications to draw on the quota volume, showing the date of acceptance of the above declaration, must be forwarded to the Commission without delay.

Withdrawals shall be granted by the Commission on the basis of the date when the declaration for release for free circulation was accepted by the customs authorities of the Member State concerned, in so far as the available balance so permits.

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

If the quantities applied for are greater than the available balance of the reserve they shall be allocated *pro rata*. Member States shall be informed by the Commission by the same procedures.

3. Within three working days from the date mentioned in paragraph 2, the Member States shall be obliged to return to the reserve all the unused part of their initial and, where applicable, additional shares within the meaning of Article 5 (3) and (4).

Article 4

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

It shall inform the Member States of the amounts in these reserves after quantities have been returned thereto pursuant to Article 3.

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

Article 5

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

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

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

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4096/88

of 16 December 1988

opening and providing for the administration of Community tariff quotas for certain types of manufactured tobacco processed in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 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 CN code 2402 20 00 and cigars, cheroots and cigarillos falling within CN code 2402 10 00 are 19 098 million units and 320 608 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 1989;

Whereas rules should be laid down on the marking 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 the Member States until the quotas are exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing, on the tariff quota, of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the tariff quota is used and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 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	19 098	Free
09.0403	2402 10 00	Cigars, cheroots and cigarillos manufactured in the Canary Islands	320 608	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.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate

measure with a view to ensuring the efficient administration thereof.

Article 3

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

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

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

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

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

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable

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

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

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

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

Article 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4097/88

of 16 December 1988

opening and providing for the administration of a Community tariff quota for sweet, clear-fleshed cherries, marinated in alcohol, falling within CN code ex 2008 60 39 and intended for the manufacture of chocolate products (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Community production of sweet, clear-fleshed cherries marinated in alcohol and intended for the manufacture of confectionery (in particular chocolate products) is currently insufficient to meet the requirements of the user industries in the Community; whereas the Community depends to a considerable extent on imports from third countries for its supplies of products of this type; whereas it is in the Community's interest to suspend partially the customs duty for the products in question, within a Community tariff quota of an appropriate volume; whereas, in order not to interfere with the prospects for developing production in the Community and at the same time ensure an adequate supply to satisfy user industries, it is advisable that the tariff quota should cover only products which meet certain criteria relating to use, to open the quota for the period 1 January to 31 December 1989 and to set the volume at 3 000 tonnes, this being the quantity it is necessary to import from third countries during that period, and to set the quota duty at 10 %;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duties applicable to imports of the products specified below shall be suspended at the level indicated and within the limits of a Community tariff quota as follows:

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2713	ex 2008 60 39	Sweet, clear-fleshed cherries, marinated in alcohol, of a diameter not exceeding 18,9 mm, stoned, intended for the manufacture of chocolate products ⁽¹⁾	3 000	10

⁽¹⁾ Checks on their prescribed end-use shall be carried out pursuant to the relevant Community provisions.

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

Article 2

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

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

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

Article 3

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

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

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

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

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

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

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

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the

tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

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

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

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

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

Article 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) 4098/88

of 16 December 1988

opening and providing for the administration of Community tariff quotas for dried figs and certain dried grapes coming from Spain (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 30 and 75 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 30 and 75 of the Act of Accession, the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products coming from Spain are to be phased out within the limits of Community tariff quotas of 200 tonnes of dried figs falling within CN code ex 0804 20 90 and 1 900 tonnes of certain dried grapes falling with CN code 0806 20 11, 0806 20 19, ex 0806 20 91 or ex 0806 20 99; whereas on 1 January 1989 the duties in question are to be reduced to 50 % of the basic duties; whereas the said basic duties are those laid down by Council Regulation (EEC) No 4161/87 of 22 December 1987 laying down, consequent on the entry into force of the combined nomenclature, the basic duties to be adopted within the Community as constituted at 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal ⁽¹⁾; whereas the said tariff quotas should therefore be opened for 1989;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽²⁾, as last amended by Regulation (EEC) No 222/88 ⁽³⁾, lays down special arrangements for imports into Portugal of the products in question coming from Spain; whereas the Community tariff quotas should therefore apply only to the Community as constituted at 31 December 1985;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas the quotas should not in this instance be allocated among the Member States, which should, however, be able to draw against the quotas such quantities as they may need, under the conditions and according to the procedure set out in Article 2 (1); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used and inform the Member States accordingly;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1989 the customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following products coming from Spain shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Serial No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.0301	ex 0804 20 90	Dried figs in immediate containers of a net capacity not exceeding 15 kg	200	1,5
09.0303	0806 20 11 0806 20 19 ex 0806 20 91 ex 0806 20 99	Dried grapes in immediate containers of a net capacity not exceeding 15 kg	1 900	Free

⁽¹⁾ OJ No L 395, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽³⁾ OJ No L 28, 1. 2. 1988, p. 1.

Article 2

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

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

Article 3

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

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

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

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

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

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

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata*

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

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

Article 4

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

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

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

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

Article 5

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

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) 4099/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for certain kinds of prepared or preserved fish coming from Portugal (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 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 at 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 CN 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 and coming from Portugal, may be imported free of duty into the Community as constituted at 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 1981;

Whereas, by virtue of Regulations (EEC) No 3482/88 ⁽¹⁾ and (EEC) No 839/88 ⁽²⁾, the customs duty applicable on import into the Community, excluding Spain, of certain sardines of the species *Sardina pilchardus*, coming from Portugal is zero; whereas, therefore, the Community tariff quota for the sardines in question should not be opened in 1989;

Whereas it is in particular necessary to ensure for all importers of the Community as constituted at 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:

Tunas and fish of the genus *Euthynnus*

(tonnes)			
Member States	1985	1986	1987
Benelux	1	13	3
Denmark	—	—	—
Germany	18,2	22	12
Greece	54	—	—
France	55	16	58
Ireland	—	—	—
Italy	2 456,5	2 141	2 371
United Kingdom	—	9	28

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

(tonnes)			
Member States	1985	1986	1987
Benelux	135	176	222
Denmark	—	—	—
Germany	—	21	—
Greece	—	—	—
France	—	3	1
Ireland	—	—	—
Italy	2 216,7	1 463	1 903
United Kingdom	—	—	—

Whereas, for 1989, maintenance of quotas for the Member States is necessary, bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota; whereas it is, however, possible, bearing in mind the way in which trade had developed in recent years, to provide for a Community reserve of a significantly large amount;

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:

⁽¹⁾ OJ No L 306, 11. 11. 1988, p. 1.

⁽²⁾ OJ No L 87, 31. 3. 1988, p. 1.

Member States	Tunas	Mackerel
Benelux	—	9,02
Denmark	—	—
Germany	—	—
Greece	—	—
France	2,78	—
Ireland	—	—
Italy	97,22	90,98
United Kingdom	—	—

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 54 % 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 initial shares is totally used up and repeated as many times as the corresponding reserve allows; whereas the initial 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, during the quota period, the Community reserve is almost totally used up, it is essential that Member States return to the said reserve the whole of the unused proportion of their initial quota and of any drawings made, in order to avoid one part of the Community tariff quotas remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union any 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 1989 the customs duties on imports from Portugal into the Community as constituted on 31 December 1985 for the following products shall be totally suspended within the limits of Community tariff quotas as shown herewith:

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

Article 2

1. Each of the tariff quotas referred to in Article 1 shall be divided into two parts.

2. The first part of each quota, namely 540 and 540 tonnes respectively, shall be allocated among certain Member States; the respective shares shall, subject to Article 5, be valid until 31 December 1989, and shall be as follows:

Member States	(tonnes)	
	Prepared or preserved	
	Tunas	Mackerel
Benelux	—	50
Denmark	—	—
Germany	—	—
Greece	—	—
France	15	—
Ireland	—	—
Italy	525	490
United Kingdom	—	—
Total	540	540

3. The second part of each quota, namely 460 and 460 tonnes respectively, shall constitute the corresponding reserve.

4. If an importer notifies a Member State not privy to the initial allocation 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 requirement to the extent that the available balance of the quota so permits.

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

Article 3

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

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

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

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

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

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

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

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

Article 4

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

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

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

Article 5

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

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

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

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

Article 6

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

Article 7

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

Article 8

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4100/88

of 16 December 1988

opening, allocating and providing for the administration of Community tariff quotas for lemons and almonds (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in accordance with the Agreement with the United States of America on the Mediterranean preferences, citrus and pasta, the Community undertakes, in particular, to suspend provisionally and partially the customs duties applicable to lemons and almonds other than bitter almonds, within the limits of Community tariff quotas of appropriate volumes and of variable duration; whereas provision should be made that the Commission can, in order to be able to ensure that the reciprocal concessions agreed upon in the Agreement are balanced, suspend by means of a Regulation the application of these tariff measures;

Whereas it is therefore proper to open for all or part of 1989 the Community tariff quotas in question;

Whereas equal and continuous access to the quotas should be ensured for all Community importers and the tariff quota rates should be applied consistently to all imports until the quotas are used up; 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 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	Lemons			Almonds		
	1985	1986	1987	1985	1986	1987
Benelux	53,80	54,80	43,61	7,77	11,28	7,39
Denmark	1,15	0,32	1,97	2,86	2,90	2,94
Germany	4,80	4,57	7,65	53,59	47,99	48,89
Greece	0	0,23	10,21	0	0,02	2,33
Spain	0	0	0	0	1,54	2,79
France	22,86	16,43	18,48	19,09	19,88	18,87
Ireland	0,11	0	0,28	0,05	0,07	0,04
Italy	0	0	0	2,73	1,54	6,16
Portugal	0	0	0,01	0	0	0,03
United Kingdom	17,28	23,65	17,79	13,91	14,78	10,56

Whereas, for 1989, maintenance of quotas for the Member States is necessary, bearing in mind that it is impossible for the administration concerned in each Member State to introduce, in 1989, the administrative and technical basis for Community administration of the quota; whereas it is, however, possible, bearing in mind the way in which trade has developed in recent years, to provide for a Community reserve of a significantly large amount;

Whereas, in view of these factors and of market forecasts for these products for 1989, the initial percentage shares in the quota volume can be expressed approximately as follows:

Member States	Lemons	Almonds
Benelux	51,39	8,86
Denmark	1,12	2,90
Germany	5,49	50,19
Greece	2,79	0,73
Spain	—	1,40
France	19,73	19,30
Ireland	0,12	0,06
Italy	—	3,38
Portugal	—	0,01
United Kingdom	19,36	13,17

Whereas to allow for possible import trends for these products 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 as well as the requirements of the Member States which do not participate in the initial allocation; whereas, to afford importers some degree of certainty, the first part of each Community tariff quota should be set at a high level, which in this case could be 54 % of the quota volumes;

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 corresponding reserve; whereas each time its additional share is almost up a Member State should draw a further share and so on as many times as each of the reserves 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 corresponding reserve in order to

prevent part of the Community tariff quotas from remaining unused in one Member State while it could be used in others;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports of the products listed below shall be suspended for the periods, at the levels and within the limits of Community tariff quotas shown for each product:

Order No	CN code	Description	Quota period	Volume of quota (in tonnes)	Rate of duty (in %)
09.0039	0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonium</i>)	From 15 January to 14 June 1989	10 000	6
09.0041	0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter almonds	From 1 January to 31 December 1989	45 000	2

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

Article 2

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

2. A first tranche of 5 400 tonnes for lemons and 24 300 tonnes for almonds shall be allocated among certain Member States; the respective shares of the Member States which, subject to Article 5, are valid during the periods indicated in Article 1 (1) shall correspond to the following volumes (in tonnes):

Member State	Order No	
	09.0039	09.0041
Benelux	2 776	2 153
Denmark	60	705
Germany	296	12 196
Greece	151	177
Spain	—	340
France	1 065	4 690
Ireland	6	15
Italy	—	822
Portugal	—	2
United Kingdom	1 046	3 200

3. The second tranche of each of the quotas referred to in Article 1 (1) amounting to 4 600 and 20 700 tonnes respectively, shall constitute the corresponding reserve.

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

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

Article 3

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

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

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

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

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

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

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

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

Article 4

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

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

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

Article 5

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

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

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

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

Article 6

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

Article 7

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

Article 8

The Commission may, by means of a Regulation, suspend the application of the tariff measures put into effect by this Regulation should it transpire that the reciprocal measures provided for in the Agreement were no longer being applied.

Article 9

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4101/88

of 16 December 1988

opening, allocating and providing for the administration of a Community tariff quota for newsprint (1989) 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, 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 1989, 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 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	1985	1986	1987
Benelux	3,81	10,11	6,95
Denmark	0,01	0,04	0,04
Germany	15,18	22,62	23,26
Greece	0,01	0	0
Spain	1,05	0,88	0,88
France	0,82	3,31	4,97
Ireland	1,10	1,08	0,79
Italy	2,34	1,68	3,44
Portugal	0,09	0,22	1,20
United Kingdom	75,59	60,06	58,47

— from other countries:

Member State	1985	1986	1987
Benelux	1,75	2,01	2,57
Denmark	0	0	0
Germany	39,39	27,80	24,06
Greece	10,11	15,12	27,09
Spain	24,52	3,49	1,46
France	2,20	1,21	0,34
Ireland	0,01	0,01	0,01
Italy	0,53	21,97	23,57
Portugal	7,79	6,12	4,24
United Kingdom	13,70	22,27	16,66

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

Whereas in view of these factors and of market forecasts for newsprint in general and for Community production in particular during 1989, and of the effective use of the quotas opened for 1986 to 1988, the initial percentage shares of the quota volume can be expressed approximately as follows:

	Volume of 600 000 tonnes	Volume of 50 000 tonnes
Benelux	7,16	2,13
Denmark	0,03	0,01
Germany	20,88	29,34
Greece	0,01	17,84
Spain	0,93	7,84
France	3,31	1,16
Ireland	0,97	0,01
Italy	2,56	17,38
Portugal	0,58	5,90
United Kingdom	63,57	18,39

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duty 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 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 CN code 4801 00 90.

Article 2

From 30 November 1989, the residue of the amounts referred to in Article 1 (1) which have not actually been used by 29 November 1989, or which are not expected to be used

before 31 December 1989, 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 1989, shall be as follows:

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

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

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

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

in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

Article 5

Without prejudice to Article 6, additional shares drawn pursuant to Article 4 shall be valid until 31 December 1989.

Article 6

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

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

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

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

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

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

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

3. Within a period laid down by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve the whole of the quantities which have not been used, by that date, within the meaning of Article 8 (4).

Article 7

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 3, 4 and 6 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

Article 8

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Articles 4 and 6 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.

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.

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

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 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 1989.

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

Done at Brussels, 16 December 1988.

For the Council
The President
G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4102/88

of 16 December 1988

opening, allocating and providing for the administration of a Community tariff quota for certain plywoods of coniferous species (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual Community tariff quota of a least 600 000 cubic metres for certain plywoods of coniferous species; whereas this quota has been raised to 650 000 cubic metres by virtue of an agreement concluded with the United States and approved by Decision 87/224/EEC⁽¹⁾; whereas, under Protocol 11 to the 1972 Act of Accession, the Community is required to open each year autonomous nil duty Community tariff quotas for the same products, the volume thereof to be decided annually when it is established that all possibilities of supply on the internal market of the Community have been exhausted during the period for which the quotas are open; whereas the condition laid down by the said Protocol does not seem to be met at the moment; whereas, in these circumstances, it is appropriate as an initial measure not to exceed the contractual volume of 650 000 cubic metres; whereas the setting of the quota volume at this level does not exclude, moreover, recourse to the provisions of the abovementioned Protocol 11 during the quota period; whereas, therefore, the tariff quota in question should be opened on 1 January 1989;

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

Whereas, to allow for import trends for the products concerned, the quota 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, in order to afford importers some

degree of certainty, the first part of the quota should be set at a relatively high level, about 60 % of its full amount; whereas, on the basis of Member States' estimates of their needs, the initial shares could be as set out in Article 2;

Whereas Member States may use up their initial shares at different rates; whereas, to provide for this eventuality and to avoid any break in the continuity of supplies, any Member State which has used up its initial share should draw additional shares in quantities corresponding to their real requirements, as many times as the reserve allows; whereas this form of administration requires close cooperation between Member States and the Commission and the latter must be able to monitor the extent to which the quota volume has been used up and to inform the Member States accordingly;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989, the customs duty applicable to imports 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	Amount of tariff quota (m ³)	Rate of duty (%)
09.0013	ex 4412 19 00 ex 4412 99 90	Plywood of coniferous species, without the addition of other substances: — Of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process — Sanded, and of a thickness greater than 18,5 mm	650 000	0

⁽¹⁾ OJ No L 98, 10. 4. 1987, p. 1.

Within the limits of this tariff quota Spain and Portugal shall apply duties calculated in accordance with the relevant provisions set out in the 1985 Act of Accession.

2. Imports of the products 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. A first part of 390 000 cubic metres shall be allocated among certain Member States; these quota shares shall, subject to Article 4, be valid until 31 December 1989, and shall be as follows:

	(cubic metres)
Benelux	100 932
Denmark	42 627
Germany	61 620
Greece	39
France	7 215
Ireland	5 850
Italy	15 717
United Kingdom	156 000

3. The second part, amounting to 260 000 cubic metres shall constitute the reserve.

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

Article 3

1. If a Member State's initial share as specified in Article 2 (2), or of that share less any portion returned to the reserve where Article 4 has been applied has been used up entirely, the following provisions shall apply.

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

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

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

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

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

Article 4

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

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions of Article 3.

3. Within a period laid down by the Commission as from the date referred to in paragraph 2, Member States shall be required to return to the reserve the whole of the quantities which have not been used, by that date, within the meaning of Article 6 (4).

Article 5

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

Article 6

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

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

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

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

Article 7

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

Article 8

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

Article 9

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Council

The President

G. GENNIMATAS
