COUNCIL REGULATION (EEC) No 3070/86

of 7 October 1986

amending Regulation (EEC) No 2058/86 opening, allocating and providing for the administration of a Community tariff quota for cod, wet, salted and falling within subheading ex 03.02 A I b) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Whereas, under Regulation (EEC) No 2058/86 (1), the Common Customs Tariff duty for cod, wet, salted and falling within subheading ex 03.02 A I b) is suspended at a level of 3 % within the limit of a Community tariff quota of 40 000 tonnes; whereas this suspension was decided for the period from 2 July to 31 December 1986 following a request made by the Portuguese delegation in February 1986;

Whereas, under the same Regulation, the extent to which the quota has been used up is determined on the basis of the imports of the product in question charged against the Member States' drawings; whereas, at the date on which this Regulation is adopted, such imports will have been effected only in the Member State which requested the opening of the said quota;

Whereas until 28 February 1986 imports of the product in question were liable in that Member State to an effective duty-rate of 3 %; whereas, as a result of the decision taken by the Portuguese Republic to accelerate alignment with the Common Customs Tariff, it has applied the full CCT rate to imports from non-preferential third countries as from 1 March 1986; whereas imports of the product in question into that Member State may benefit only to a limited extent from the quota opened within the framework of the GATT by Council Regulation (EEC) No 3544/85 of 12 December 1985 opening, allocating and providing for the administration of a Community tariff quota for cod, dried, salted or in brine, whole, headless or in pieces, falling within subheading 03.02 A I b) of the Common Customs Tariff (1986) (2), as amended by Regulation (EEC) No 1420/86 (3), and whereas they are consequently liable to a sudden increase in duty as from the aforementioned date;

Whereas, in order to avoid such an increase for the product imported under the quota opened by Regulation (EEC) No 2058/86, the Regulation should, taking account of the exceptional circumstances in question, take effect from 1 March 1986,

HAS ADOPTED THIS REGULATION:

Sole Article

Regulation (EEC) No 2058/86 is hereby amended as follows:

1. in Article 1 (1) 'From the date on which this Regulation enters into force' is deleted;
2. the following paragraph is added to Article 5:
   'It shall apply as from 1 March 1986.'

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

Done at Luxembourg, 7 October 1986

For the Council

The President

A. CLARKE

(1) OJ No L 176, 1. 7. 1986, p. 5.

(2) OJ No L 338, 17. 12. 1985, p. 8.
(3) OJ No L 129, 15. 5. 1986, p. 5.