COUNCIL REGULATION (EEC) No 4167/87

of 21 December 1987

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (1), and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta (2), the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1988;

Whereas the Council has adopted Regulation (EEC) No 2357/86 of 24 July 1986 amending Regulations (EEC) No 3555/80, (EEC) No 3394/85 and (EEC) No 3668/85 as regards imports into Greece of certain products originating in Malta (3); whereas, since a Protocol as provided for in Articles 179 and 366 of the Act of Accession of Spain and Portugal does not exist, the Community must take the measures referred to in Articles 180 and 367 of that Act; whereas this Regulation applies to the Community as constituted on 31 December 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1988 products listed in the Annex and originating in Malta shall be imported into the Community as constituted on 31 December 1985 at the rates of duty indicated in the Annex for each product.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

Where products benefiting from the arrangements provided for in Article 1 are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

Article 3

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within ten working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

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

It shall apply from 1 January 1988.

(1) OJ No L 323, 29. 11. 1980, p. 1.
(2) OJ No L 61, 14. 3. 1971, p. 3.
(3) OJ No L 205, 29. 7. 1986, p. 9.

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

Done at Brussels, 21 December 1987.

For the Council

The President

B. HAARDER

ANNEX (a)

Order No	CN code	Description	Rate of duty
16.0001	0203 11 90 0203 12 90 0203 19 90 0203 21 90 0203 22 90 0203 29 90	Meat of swine, fresh, chilled or frozen: – Fresh of chilled: -- Carcases and half-carcases: --- Other -- Hams, shoulders and cuts thereof, with bone in: --- Other -- Other: --- Other – Frozen	Free
16.0003	0208 90 10	Other meat and edible meat offal, fresh, chilled or frozen: – Other: -- Of domestic pigeons	5 %
16.0005	0208 10 90 ex 0208 90 30	-- Of furred game	Free
16.0007	0208 20 00	– Frogs' legs	Free
16.0009	0208 90 90	– Other	Free
16.0011	0409 00 00	Natural honey	25 %
16.0023	ex 0603 90 00	-- Other --- Cut flowers, dried but not otherwise prepared	7 %
16.0025	ex 0603 90 00	– Cut flowers, dyed, bleached, impregnated or otherwise prepared	15 %
16.0027	0706 90 30	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled: – Horse-radish (Cochlearia armoracia)	13 %
16.0029	ex 0709 90 90	-- Other: --- 'Comboux' (Hibiscus esculentus L. or Abelmoschus esculentus (L. Moench)) Moringa oleifera (drumsticks)	Free
16.0031	ex 0710 80 90	Vegetables (uncooked or cooked by steaming or boiling in water), frozen: -- Other: --- 'Comboux' (Hibiscus esculentus L. or Abelmoschus esculentus (L. Moench))	13 %
16.0033	ex 0711 90 70	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: – Other vegetables: -- 'Comboux' (Hibiscus esculentus L. or Abelmoschus esculentus (L. Moench))	Free
16.0035	ex 0712 90 90	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared: – Other: -- Horse-radish (Cochlearia armoracia)	Free
16.0037	ex 0712 90 90	-- 'Comboux' (Hibiscus esculentus L. or Abelmoschus esculentus (L. Moench))	11 %

(a) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the designation of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the application of the combined nomenclature code.

Order No	CN code	Description	Rate of duty
16.0039	0810 0810 20 90 0810 30 90 0810 40 90 ex 0810 90 90	Other fruit, fresh: – Fresh berries	5 %
16.0041		Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols: – Industrial monocarboxylic fatty acids:	
	1519 13 00	–– Tall oil fatty acids	Free
	1519 19 00	– Other	
	1519 20 00	– Acid oils from refining	
16.0043		Other prepared or preserved meat, meat offal or blood:	
	ex 1602 20 10	– Goose or duck liver	10 %
16.0045	ex 1602 90 31	––– Of game or rabbit: ––––– Of game	8 %
16.0047	ex 1602 90 31	––– Of game or rabbit: ––––– Of rabbit	14 %
	1602 50	– Of bovine animals:	
	ex 1602 50 90	– Other	
16.0049		– Prepared or preserved tongues	17 %
	1602 90	– Other, including preparations of blood of an animal:	
16.0051	ex 1602 90 71 ex 1602 90 79	–– Of sheep	18 %
16.0053	ex 1602 90 71 ex 1602 90 79	–– Of goats	16 %
16.0055	ex 1602 90 99 1605 90 90	–– Other	16 %
		Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid	
16.0057	2003 20 00	– Truffles	14 %
		Vegetables and fruits, prepared or preserved otherwise than by vinegar or acetic acid:	
16.0059	ex 2004 90 99 2005 60 00	– Asparagus	20 %
16.0061	ex 2004 90 30 2005 30 00	– Sauerkraut	15 %
16.0063	ex 2004 90 30 2005 90 30	– Capers	12 %
16.0065	ex 2004 90 99	– Other, including mixtures:	Free
	2005 90 90	–– Moringa oleifera (drumsticks)	
	ex 2009 80 39	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: – of a density exceeding 1,33 g/cm³ at 20 °C: –– of a value exceeding 30 ECU per 100 kg net weight: ––– Date juice	Free
16.0069	ex 2009 80 39	– Other juice of fruits falling within codes 0801, 0803, 0804 (excluding fig and date juice), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0071	ex 2009 80 31	–– Of a value not exceeding 30 ECU per 100 kg net weight:	
	2009 90 21	––– Juice of fruits falling within codes 0801, 0803, 0804 (excluding fig juice), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 % + AGR

Order No	CN code	Description	Rate of Duty
16.0073	ex 2009 20 99	– Of a density not exceeding 1,33 g/cm³ at 20 °C: -- Of a value exceeding 30 ECU per 100 kg: --- Grapefruit juice	7 %
16.0075	ex 2009 30 31	--- Juice of any other single citrus fruit (other than lemon juice) containing added sugar	13 %
16.0077	ex 2009 30 39	--- Juice of any other single citrus fruit (other than lemon juice) not containing added sugar	13 %
16.0079	ex 2009 80 80	--- Juice of any other single fruit or vegetable: ---- Juice of other fruits or vegetables falling within codes 0801, 0803, 0804 (excluding fig juice), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 %
16.0081	ex 2009 80 80	--- Juice of other fruits or vegetables containing added sugar: ---- Other, excluding apricot juice and peach juice	17 %
16.0083	ex 2009 80 95	--- Juice of other fruits or vegetables not containing added sugar:	
	ex 2009 80 99	---- Other juice of fruits falling within codes 0801, 0803, 0804 (excluding fig juice), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 %
16.0085	ex 2009 80 99	--- Juice of other fruits or vegetables not containing added sugar: ---- Other, excluding apricot juice and peach juice	18 %
	ex 2009 90 51	– Mixture of juices: -- Of a density not exceeding 1,33 g/cm³ at 20 °C: --- Of a value exceeding 30 ECU per 100 kg net weight: ---- Other excluding mixtures containing, singly or in combination, more than 25 % of grape juice, citrus fruit juices, pineapple juice, apple juice, pear juice, tomato juice, apricot juice or peach juice	
16.0087		----- Containing added sugar	17 %
16.0089	ex 2009 90 59	----- Not containing added sugar	18 %
16.0091	2009 20 91	– Grapefruit juice: -- Of a density not exceeding 1,33 g/cm³ at 20 °C: --- Of a value not exceeding 30 ECU per 100 kg net weight and with an added sugar content exceeding 30 % by weight	7 % + AGR
16.0093	2009 20 99	--- Other	8 %
16.0095	2009 30	--- Juice of any other single citrus fruit:	
	ex 2009 30 91	----- With an added sugar content exceeding 30 % by weight	14 % + AGR
16.0097	2009 30 95	----- With an added sugar content not exceeding 30 % by weight	14 %
16.0099	2009 30 99	----- Not containing added sugar	15 %
16.0101	ex 2009 80 91	--- Juice of any other single fruit or vegetable with an added sugar content exceeding 30 % by weight: ---- Juice of fruits falling within codes 0801, 0803, 0804 (excluding fig juice), and 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 % + AGR
16.0103	ex 2009 80 91	---- Other, excluding apricot juice and peach juice	17 % + AGR

Order No	CN code	Description	Rate of duty
16.0105	ex 2009 80 93	--- With an added sugar content not exceeding 30 % by weight:	
		---- Juice of fruits falling within codes 0801, 0803, 0804 (excluding fig juice), and 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 %
16.0107	ex 2009 80 93	---- Other, excluding apricot juice and peach juice	17 %
16.0109	ex 2009 80 99	--- Juice of other fruit or vegetables not containing added sugar:	
		---- Juice of fruits falling within codes 0801, 0803, 0804 (excluding fig juice), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 or 0810 90 90	8 %
16.0111	ex 2009 80 99	---- Other, excluding apricot juice and peach juice	18 %
16.0113	ex 2009 90 91	--- Mixtures of juices:	
		---- Other, excluding mixtures containing, singly or in combination, more than 25 % of grape juice, citrus fruit juices, pineapple juice, apple juice, pear juice, tomato juice, apricot juice or peach juice:	
		----- With an added sugar content exceeding 30 % by weight:	17 % + AGR
16.0115	2009 90 93	------ With an added sugar content not exceeding 30 % by weight	17 %
16.0117	2009 90 99	------ Not containing added sugar	18 %
	2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:	
		- Active yeasts:	
		-- Culture yeast:	
16.0119	2102 10 31	--- Dried	4 % + MOB
16.0121	2101 10 39	--- Other	4 % + MOB
		Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:	
16.0123	2301 20 00	- Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	Free

Abbreviations:
AGR = levy.
MOB = variable component.