COUNCIL REGULATION (EEC) No 3693/89

of 4 December 1989

opening and providing for the administration of Community tariff quotas for certain agricultural, chemical and industrial products (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural, chemical and industrial products is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas lower duty Community tariff quotas should therefore be opened within the limits of appropriate volumes for a period covering the year 1990; whereas, in order not to upset the balance of the markets for these products, the volume of certain of these Community tariff quotas should be set at provisional levels which cover immediate requirements; whereas the setting of the quota volumes at this level does not rule out an adjustment during the year;

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

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; 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 up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quantities draw 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 1990, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN codes (a)	Description	Amount of quota	Quota duty (%)
09.2711	7202 41 90	Ferro-chromium containing by weight more than 6 % of carbon	300 000 tonnes	0
09.2713		Sweet, clear-fleshed cherries, marinated in alcohol, of a diameter not exceeding 18,9 mm, stoned, intended for the manufacture of chocolate products (1):		
	ex 2008 60 19	— With a sugar content exceeding 9 % but not exceeding 12 % by weight	3 000 tonnes	10 + AGR
	ex 2008 60 39	— With a sugar content not exceeding 9 % by weight		10
09.2715	ex 3815 19 00	Catalyst in the form of a sphere not less than 4,2 mm and not more than 9 mm in diameter, consisting of a mixture of oxides of molybdenum, tungsten, vanadium, copper and strontium, fixed on a substrate composed of an inert silicon dioxide and/or aluminium oxide material and intended to be used for the production of acrylic acid (1)	65 tonnes	0
09.2717	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture of refined phosphoric iron or steel (1)	65 000 tonnes	0

Order No	CN codes (a)	Description	Amount of quota	Quota duty (%)
09.2729	ex 0811 90 90	Boysenberries, preserved by freezing, not containing added sugar, intended for any form of processing except for the manufacture of jam entirely from boysenberries (1)	1 500 tonnes	12
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25° C of less than, or equal to 1,5 % by weight and which is intended for the pharmaceutical industry (1)	130 tonnes	0
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, intended for the manufacture of elements used in the nuclear industry (1)	1 500 tonnes	0
9.2781	ex 7226 10 91	Flat-rolled products of grain-oriented silicon-electrical steel, having a width not exceeding 500 mm, a thickness of more than 0,20 mm but less than 0,3 mm and a nominal magnetic-reversal loss of 1,0 W/kg as determined by the Epstein method with a current of 50 cycles and an induction of 1,7 Tesla	600 tonnes	0
09.2791	ex 3905 90 00	Polyvinyl butyral in the form of powder, for the production of film for laminated saftey glass (1)	9 800 tonnes	0
09.2793	ex 1504 10 00	Crude fish-liver oils, of a vitamin A content not exceeding 2 500 IU/g intended for the production of medicines (1)	1 500	2
09.2797	ex 8540 41 00	Magnetrons with a power output of less than 1 000 W, for the manufacture of microwave ovens (1)	1 700 000 pieces	0
09.2799	ex 7202 49 90	Ferro-chromium containing more than 15 % but not more than 2 % by weight of carbon and not more than 55 % of chromium	17 000 tonnes	0

(a) See Taric codes in the Annex.

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

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

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a present covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 4 December 1989.

For the Council

The President

M. DELEBARRE

ANNEX

Taric codes

Order No	CN code	Taric code
09.2711	7202 41 90	*00
09.2713	2008 60 19 2008 60 39	*10 *10
09.2715	3815 19 00	*12
09.2717	7202 99 19	*20
09.2729	0811 90 90	*10
09.2731	3905 90 00	*94
09.2741	8104 11 00	*10
09.2781	7226 10 91	*10
09.2791	3905 90 00	*95
09.2793	1504 10 10	*10
09.2797	8540 41 00	*91
09.2799	7202 49 90	*10