COUNCIL REGULATION (EEC) No 3704/89

of 27 November 1989

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1990)

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 1990;

Whereas in the context of the said tariff suspensions, the Kingdom of Spain and the Portuguese Republic will apply customs duties calculated in accordance with the said Protocol to the Agreement establishing an Association between the European Economic Community and Malta consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community (3); whereas, however, the products relating to Regulation (EEC) No 1035/72 (3) (order Nos 16.0027, 16.0029 and 16.0039) the Portuguese Republic will defer application of the preferential system until 31 December 1990.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1990 products listed in the Annex and originating in Malta shall be imported into the Community at the rates of duty indicated in the Annex for each product.

Within the context of these tariff suspensions the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and Malta consequent on the accession of Spain and Portugal.

However, the Portuguese Republic will defer application of the preferential system until 31 December 1990 for the products covered by Regulation (EEC) No 1035/72 (order Nos 16.0027, 16.0029 and 16.0039).

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 10 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 1 January 1990.

(1) OJ No L 323, 29. 11. 1980, p. 1.
(2) OJ No L 61, 14. 3. 1971, p. 3.
(3) OJ No L 81, 23. 3. 1989, p. 11.
(4) OJ No L 118, 20. 5. 1972, p. 1.

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

Done at Brussels, 27 November 1989.

For the Council
The President
R. DUMAS

ANNEX (a)

Order No	CN code (1)	Description	Rate of duty
16.0003		Other meat and edible meat offal, fresh, chilled or frozen:	
	0208 90 10	– – 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	Natural honey	25 %
16.0023	ex 0603 90 00	Other cut flowers, not further prepared than dried	7 %
16.0025	ex 0603 90 00	Cut flowers, dyed, bleached, impregnated or otherwise prepared	15 %
16.0027	0706 90 30	Horse-radish *(Cochlearia armoracia)*	13 %
16.0029	ex 0709 90 90	Okra	free
16.0031	ex 0710 80 90	Okra	13 %
16.0033	ex 0711 90 70	Okra	free
16.0035	ex 0712 90 90	Horse-radish *(Cochlearia armoracia)*	free
16.0037	ex 0712 90 90	Okra	7 %
16.0039	0810 20 90	Other berries	5 %
	0810 30 90		
	0810 40 90		
	ex 0810 90 80		
16.0041	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:	
	1602 20 10	– Goose or duck liver	14 %
16.0045	ex 1602 90 31	Game	8 %
16.0047	ex 1602 90 31	Rabbit	14 %
16.0049	ex 1602 50 90	Prepared or preserved bovine tongue	17 %
16.0051	ex 1602 90 71	Other, of sheep	18 %
	ex 1602 90 79		
16.0053	ex 1602 90 71	Other, of goats	16 %
	ex 1602 90 79		

(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 CN code. Where ex CN code positions are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

(1) The Taric codes appear on pages 4 and 5 of this Annex.

Order No	CN code	Description	Rate of duty
16.0055	1602 90 99	Other	16 %
16.0056	1605 90 90	Other	16 %
16.0057	2003 20 00	Truffles	14 %
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 ex 2005 90 90	Other: – *Moringa oleifera* (drumsticks)	free
16.0067	ex 2009 80 39	Date juice	free
16.0069	ex 2009 80 39	Fruit falling within codes 0801, 0803, 0804 (except dates and figs), 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10 and 0810 90 90	8 %
16.0071	ex 2009 80 32 ex 2009 80 34	Other fruit falling within codes 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 30 90, 0810 20 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	8 % + AGR
	ex 2009 90 21	Mixtures of juices of a value not exceeding ECU 30 per 100 kg net weight: – Fruit falling within codes 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	
16.0073	2009 20 91 2009 20 99	Grapefruit juice	7 %
16.0075	ex 2009 30 31	Citrus fruit juices (excluding lemon juices) containing added sugar	13 %
16.0077	ex 2009 30 39	Citrus fruit juices (excluding lemon juices) not containing added sugar	13 %
16.0079	ex 2009 80 80	Fruit falling within codes 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	8 %
16.0081	ex 2009 80 80	Other fruit and vegetable juices, containing added sugar, excluding apricot and peach juices	17 %
16.0083	ex 2009 80 95 ex 2009 80 99	Juice of fruit of the species *Vaccinium macrocarpon* Of fruit falling within codes 0801, 0803, 0804 (excluding figs) 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	8 %
16.0085	ex 2009 80 99	Other, excluding apricot and peach juices	18 %
16.0087	ex 2009 90 51	Mixtures of juices of a value exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape citrus fruit, pineapple, apple, pear apple, pear, tomato, apricot or peach juice containing added sugar	17 %

Order No	CN code	Description	Rate of duty
16.0089	ex 2009 90 59	Other	18 %
16.0095	2009 30 91	Juice of any other single citrus fruit: – With an added sugar content exceeding 30 % by weight	14 %
16.0097	2009 30 95	– With an added sugar content not exceeding 30 % by weight	14 %
16.0099	ex 2009 30 99	Other, not containing added sugar	15 %
16.0101	ex 2009 80 91 ex 2009 80 85	Other fruit and vegetable juices with an added sugar content exceeding 30 % by weight: – Fruit falling within codes 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	8 % + AGR
16.0103	ex 2009 80 85	Other, excluding apricot and peach juices	17 % + AGR
16.0105	ex 2009 80 93	Other fruit and vegetable juices with an added sugar content of 30 % or less, by weight: – Fruit falling within codes 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10 and 0810 90 90	8 %
16.0107	ex 2009 80 93	Other, excluding apricot and peach juices	17 %
16.0113	ex 2009 90 91	Mixtures of juices: – Of a value not exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice with an added content exceeding 30 % by weight	17 % + AGR
16.0115	ex 2009 90 93	With an added sugar content not exceeding 30 % by weight	17 %
16.0117	ex 2009 90 99	Not containing added sugar	18 %
16.0119	2102 10 31 2102 10 39	Bakers' yeast	4 % + MOB
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

Taric codes

Order No	CN code	Taric code
16.0005	ex 0208 90 30	0208 90 30 * 10
16.0023	ex 0603 90 00	0603 90 00 * 10
16.0025	ex 0603 90 00	0603 90 00 * 20
16.0029	ex 0709 90 90	0709 90 90 * 21 * 22
16.0031	ex 0710 80 90	0710 80 90 * 10
16.0033	ex 0711 90 70	0711 90 70 * 10
16.0035	ex 0712 90 90	0712 90 90 * 40
16.0037	ex 0712 90 90	0712 90 90 * 30
16.0039	ex 0810 90 80	0810 90 80 * 70
16.0045	ex 1602 90 31	1602 90 31 * 10
16.0047	ex 1602 90 31	1602 90 31 * 20
16.0049	ex 1602 50 90	1602 50 90 * 10
16.0051	ex 1602 90 71 ex 1602 90 79	1602 90 71 * 10 1602 90 79 * 10
16.0053	ex 1602 90 71 ex 1602 90 79	1602 90 71 * 20 1602 90 79 * 20
16.0059	ex 2004 90 99	2004 90 99 * 30
16.0061	ex 2004 90 30	2004 90 30 * 10
16.0063	ex 2004 90 30	2004 90 30 * 20
16.0065	ex 2004 90 99 ex 2005 90 90	2004 90 99 * 40 2005 90 90 * 30
16.0067	ex 2009 80 39	2009 80 39 * 20
16.0069	ex 2009 80 39	2009 80 39 * 10
16.0071	ex 2009 80 32 ex 2009 80 34	2009 80 32 * 00 2009 80 34 * 20 * 90
16.0075	ex 2009 30 31	2009 30 31 * 90
16.0077	ex 2009 30 39	2009 30 39 * 90
16.0079	ex 2009 80 80	2009 80 80 * 10
16.0081	ex 2009 80 80	2009 80 80 * 30 * 90
16.0083	ex 2009 80 99	2009 80 99 * 10
16.0085	ex 2009 80 99	2009 80 99 * 30 * 90
16.0087	ex 2009 90 51	2009 90 51 * 90
16.0089	ex 2009 90 59	2009 90 59 * 90
16.0099	ex 2009 30 99	2009 30 99 * 10 * 90
16.0101	ex 2009 80 83 ex 2009 80 85	2009 80 83 * 00 2009 80 85 * 30
16.0103	ex 2009 80 85	2009 80 85 * 20 * 90
16.0105	ex 2009 80 93	2009 80 93 * 10
16.0107	ex 2009 80 93	2009 80 93 * 30 * 90
16.0113	ex 2009 90 91	2009 90 91 * 91 * 99
16.0115	ex 2009 90 93	2009 90 93 * 90
16.0117	ex 2009 90 99	2009 90 99 * 90