COUNCIL REGULATION (EEC) No 3899/89

of 18 December 1989

reducing for 1990 the levies on certain agricultural products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas both Poland and Hungary have seen their economic situation decline to the point where they face similar problems as those countries to which the generalized preferences have applied in the past; whereas they should therefore benefit from the system of generalized preferences in order to increase their export earnings with a view to stimulate their economic development, to promote their industrialization and to accelerate their rate of growth; whereas the benefit should only be accorded for the duration of their economic restructuring, estimated at five years, without prejudice to the annual character of the Community's system of generalized preferences;

Whereas, in view of the situation on agricultural markets both inside and outside the Community and taking account of the Community's interest in maintaining harmonious relations in agricultural trade with developing countries, in particular in the context of the system of generalized preferences, adjustments should be made to certain specific aspects of the common organizations of the agricultural markets;

Whereas to this end a preference should be granted consisting, according to the product concerned, in a reduction of the import levy within the limits of a fixed quota;

Whereas the temporary and non-binding nature of the system of generalized preferences means that the offer may be withdrawn wholly or in part at a later stage, thus maintaining the possibility of remedying any unfavourable situations which might arise, including in the African, Caribbean and Pacific States (ACP States) following the implementation of the system;

Whereas, since 1 March 1986, the Kingdom of Spain and the Portuguese Republic have been applying the Community system of generalized preferences; whereas the levies applied on the import into those Member States of products subject to a common organization of the market shall be established in accordance with certain provisions of the Act of Accession;

Whereas it is expedient that the Community should authorize the importation of the products referred to in the Annex, originating in the countries and territories benefiting from the Community generalized system of preferences, subject to the levies given in respect of each of them; whereas the benefit of such preferential terms should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being adopted in accordance with Regulation (EEC) No 693/88 (2);

Whereas the Republic of Korea does not treat the Community on an equal footing with other trade partners and whereas it has taken discriminatory measures in respect of the Community in the sphere of the protection of intellectual property; whereas therefore it is inappropriate that the Republic of Korea should benefit from the system of generalized tariff preferences as long as this practice continues;

Whereas all interested Community traders should be ensured equal and continuous access to the said fixed amount and the rate of the levy laid down for that final amount should be applied consistently to all imports of the products in question into all Member States until the volumes laid down are exhausted;

Whereas the procedure for implementing this Regulation should be adopted in accordance with the procedure laid down in Article 24 of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (3) or the corresponding procedure in other Regulations on the common organization of the market for the products concerned,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1990 a reduced levy shall apply to imports into the Community of the products listed in the Annex, subject to the conditions set out therein.

(1) Opinion delivered on 14 December 1989 (not yet published in the Official Journal).

(2) OJ No L 77, 22. 3. 1988, p. 1.
(3) OJ No L 282, 1. 11. 1975, p. 1.

With regard to Spain and Portugal, the reduction provided for in the preceding subparagraph shall apply to the import charge applicable under the provisions of the 1985 Act of Accession.

2. The arrangements laid down in paragraph 1 shall apply only to products originating in the countries or territories listed in Annexes III and V to Council Regulation (EEC) No 3898/89 (1).

3. The preferences granted by this Regulation shall be suspended, on a temporary basis, for products originating in the Republic of Korea.

4. Preferential entry as provided for in this Regulation shall be subject to compliance with the rules of the origin of products determined by Commission Regulation (EEC) No 693/88.

5. The fixed reduced-levy amounts shall be administered in accordance with the following provisions.

Article 2

1. The products appearing in the Annex shall be entered for import into the Community subject to the reduced levies given in respect of each of them, within the framework of the fixed reduced-levy amounts, the volume of which is indicated in column 5 of the said Annex.

2. Imports subject to a reduced levy under other Community preferential arrangements shall not be charged against the fixed amounts listed in the Annex.

Article 3

1. Without prejudice to the provisions of Article 1 (4), the detailed rules of application of Article 1 (1) shall be adopted in accordance with the procedure of Article 24 of Regulation (EEC) No 2759/75 or that of corresponding Articles of the other Regulations on the common organization of the market for the products concerned, in particular those ensuring the administration of the fixed amounts provided for in the Annex.

2. To that end a system of import certificates shall be introduced for the products appearing in the Annex.

Article 4

If the Commission discovers that products covered by the arrangements laid down in Article 1 are being imported into the Community at such prices that they cause or threaten to cause serious injury to Community producers of like or directly competing products, the levies applied in the Community may be partly or completely re-established for the products concerned with regard to the countries or territories causing the injury. Such a measure may also be taken in the case of serious injury or the threat of serious injury to a specific region of the Community.

Article 5

1. In order to apply Article 4, the Commission may decide, by adopting a Regulation, to re-establish the normal levy for a given period.

2. Should a Member State ask the Commission to take such action, the Commission shall take a decision within a maximum of 10 working days of receipt of the request and shall inform the Member States of its decision.

3. Any Member State may refer to the Council the measure taken by the Commission within 10 working days following the day on which it was informed thereof. Such referral shall not have the effect of suspending the measure. The Council shall meet forthwith. It may, acting by a qualified majority, amend or cancel the measure in question within a period of 30 days from the date of referral.

Article 6

Articles 4 and 5 shall not prejudice the application of the safeguard clauses adopted pursuant to Article 43 of the Treaty within the framework of the common agricultural policy or pursuant to Article 113 of the Treaty within the framework of the common commercial policy, or any other safeguard clauses which might possibly be applied.

Article 7

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, 18 December 1989.

For the Council
The President
R. DUMAS

(1) See page 90 of this Official Journal.

ANNEX

List of products referred to in Article 1 (1) (a)

Order No	CN code	Description	Rate of duty	Fixed amount (in tonnes)
(1)	(2)	(3)	(4)	(5)
51.0010	0203 29 13	Loins and cuts thereof, of domestic swine, with bone in, frozen	50 % (AGR)	4 000
	ex 0203 29 55	Loins, of domestic swine, boneless, frozen		
51.0020	0207 10 59 0207 23 19	Ducks, plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '63 % ducks', or otherwise presented, fresh, chilled or frozen	50 % (AGR)	3 000
51.0030	0207 10 79 0207 23 59	Geese, plucked and drawn, without heads and feet, with or without hearts and gizzards, known as '75 % geese', or otherwise presented, fresh, chilled or frozen	50 % (AGR)	25 000
	0207 39 53 0207 43 11	Cuts of geese, boneless, fresh, chilled or frozen		
	0207 39 61 0207 43 23	Halves, or quarters, of geese, fresh, chilled or frozen		
	ex 0207 39 65 ex 0207 43 31	Whole wings, with or without tips, of geese, fresh, chilled or frozen		
	ex 0207 39 67 ex 0207 43 41	Backs, necks, backs with necks attached, rumps and wing tips, of geese, fresh, chilled or frozen		
	0207 39 71 0207 43 51	Breasts and cuts thereof, of geese, fresh, chilled or frozen		
	0207 39 75 0207 43 61	Legs and cuts thereof, of geese, fresh, chilled or frozen		
	ex 0207 39 81 ex 0207 43 71	Goose paletots, fresh, chilled or frozen		
51.0040	0210 11 11 0210 12 11 0210 19 40	Meat of domestic swine, salted or in brine: — Hams and cuts thereof — Bellies (streaky) and cuts thereof — Loins and cuts thereof	50 % (AGR)	2 000
51.0050	1108 13 00	Potato starch	50 % (AGR)	5 000
51.0060	1601 00 91	Sausages and similar products, other than of liver, dry or for spreading, uncooked	50 % (AGR)	4 000
51.0070	1601 00 99	Other sausages, not of liver	50 % (AGR)	1 500
51.0080	1602 49 15 1602 49 19	Other prepared or preserved meat, of domestic swine	50 % (AGR)	6 800

(a) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description 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 coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.