COMMISSION REGULATION (EEC) No 535/89

of 1 March 1989

reintroducing the preferential customs duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco [1], as amended by Regulation (EEC) No 3551/88 [2], and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulations (EEC) No 3005/88 [3], (EEC) No 3175/88 [4], (EEC) No 3552/88 [5] and (EEC) No 4078/88 [6] open and provide for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

— of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,

— of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 3557/88 [7] fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 [8], as amended by Regulation (EEC) No 3556/88 [9], laid down detailed rules for the application of these arrangements;

Whereas to permit the import arrangements to function in the normal manner prices on importation should be calculated using

— for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [10], as last amended by Regulation (EEC) No 1636/87 [11],

— for other currencies a conversion rate based on the arithmetic mean of the spot market rate of the currency, recorded for a given period, against the Community currencies indicated in the preceding indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EEC) No 4078/88 was suspended by Commission Regulation (EEC) No 478/89 [12];

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the first indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN code ex 0603 10 51) originating in Israel the preferential customs duty set by Regulation (EEC) No 4078/88 is reintroduced with effect from 2 March 1989.

Article 2

This Regulation shall enter into force on 2 March 1989.

(1) OJ No L 382, 31. 12. 1987, p. 22.
(2) OJ No L 311, 17. 11. 1988, p. 1.
(3) OJ No L 271, 1. 10. 1988, p. 7.
(4) OJ No L 283, 18. 10. 1988, p. 1.
(5) OJ No L 311, 17. 11. 1988, p. 2.
(6) OJ No L 359, 28. 12. 1988, p. 8.
(7) OJ No L 311, 17. 11. 1988, p. 9.
(8) OJ No L 72, 18. 3. 1988, p. 16.
(9) OJ No L 311, 17. 11. 1988, p. 8.
(10) OJ Nc L 164, 24. 6. 1985, p. 1.
(11) OJ No L 153, 13. 6. 1987, p. 1.
(12) OJ No L 53, 25. 2. 1989, p. 42.

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

Done at Brussels, 1 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission