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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3402/90

of 19 November 1990

opening and providing for the administration of Community tariff quotas for certain agricultural, chemical and industrial products (1991)

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 will remain in the course of 1991 unable to meet the specific requirements of the user industries in the Community ; whereas, consequently, Community supplies of products of this type will 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 Community tariff quotas at reduced or at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1991 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production ;

Whereas the volume kept for Ferro-chromium containing by weight more than 6 % of carbon could be adjusted in the course of the exercise according to real needs that have been noted ;

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 drawn 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 1991, 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 code (a)	Descriptions	Amount of quota (in tonnes)	Quota duty (%)
09.2719		Sour cherries *(Prunus cerasus)*, 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 %	2 000	10 + AGR
	ex 2008 60 39	— with a sugar content not exceeding 9 % by weight		10
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	12
09.2703	ex 2825 30 00	Vanadiumoxydes and hydroxydes, not in the form of powder, exclusively for the production of alloys (1)	6 000	0

Order No	CN code (a)	Descriptions	Amount of quota (in tonnes)	Quota duty (%)
09.2725	ex 3901 90 00	Copolymers of ethylene and methacrylic acid, containing from 8 % to 12 % by weight of methacrylic acid, put up in one of the forms referred to in Note 6 (b) to Chapter 39	7 000	4
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	0
09.2791	ex 3905 90 00	Polyvinyl butyral in the form of powder, for the production of film for laminated safety glass (1)	10 000	0
09.2711	7202 41 90	Ferro-chromium containing by weight more than 6 % of carbon	300 000	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)	55 000	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	0

(a) See Taric codes in the Annex.

(1) Checks on their prescribed end-use shall be carried out pursuant to the relevant Comunity 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 declaration 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 to 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 1991.

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

Done at Brussels, 19 November 1990.

For the Council

The President

G. CARLI

ANNEX

Taric codes

Order No	CN code	Taric codes
09.2719	ex 2008 60 19 ex 2008 60 39	* 20 * 20
09.2729	ex 0811 90 90	* 10
09.2703	ex 2825 30 00	* 10
09.2725	ex 3901 90 00	* 97
09.2731	ex 3905 90 00	* 94
09.2791	ex 3905 90 00	* 95
09.2711	7202 41 90	* 00
09.2717	ex 7202 99 19	* 20
09.2799	ex 7202 49 90	* 10