COMMISSION REGULATION (EEC) No 1039/92

of 27 April 1992

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the common customs tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables [1], as last amended by Regulation (EEC) No 1943/91 [2], and in particular Article 17 thereof,

Whereas Regulation (EEC) No 964/91 [3], as last amended by Regulation (EEC) No 3411/91 [4], classifies certain provisionally preserved mushrooms of the species *Agaricus* under CN code 2003 10 10 because they are completely cooked; whereas these mushrooms, which are used as a starting material in the preservation industry, are of considerable economic importance; whereas specific subheadings should therefore be created for them; whereas, at the same time, Additional Note 2 to Chapter 20 of the combined nomenclature, which defines cultivated mushrooms, can be deleted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The combined nomenclature in Annex I to Council Regulation (EEC) No 2658/87 [5] is hereby amended as follows:

1. Additional Note 2 to Chapter 20 is deleted. Additional Notes 3 to 7 become Additional Notes 2 to 6 respectively.

2. Headings 0711 and 2003 of the combined nomenclature are amended in accordance with the Annex to this Regulation.

The amendments to the subheadings of the combined nomenclature provided for in this Regulation shall be applied as subdivisions of the Integrated Tariff of the European Communities (Taric) until their inclusion in the combined nomenclature under the conditions laid down in Article 12 of Regulation (EEC) No 2658/87.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 27 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

---

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 175, 4. 7. 1991, p. 1.
(3) OJ No L 100, 20. 4. 1991, p. 14.
(4) OJ No L 321, 23. 11. 1991, p. 23.
(5) OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

Code	Description of goods	Rate of duty		Additional unit
		Autonomous (%) or levy (AGR)	Conventional (%)	
(1)	(2)	(3)	(4)	(5)
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :			
0711 10 00 to 0711 90 30	Unchanged			
	– – – Mushrooms :			
0711 90 40 (1)	– – – – Of the species *Agraricus spp.*:	12	—	—
0711 90 60 (2)	– – – – Other	12	—	—
0711 90 70 to 0711 90 90	Unchanged			
2003	Mushrooms and truffles, prepared or conserved otherwise than by vinegar or acetic acid :			
2003 10	– Mushrooms :			
2003 10 20 (4)	– – Of the species *Agaricus spp.*:			
	– – – Provisionally preserved, completely cooked	23 (3)	—	—
2003 10 30 (5)	– – – Other	23 (3)	—	—
2003 10 80 (6)	– – Other	23	—	—
2003 20 00	Unchanged			

(1) Taric code for 1992 : 0711 90 50 * 20.
(2) Taric code for 1992 : 0711 90 50 * 82 and * 89.
(3) In certain conditions, an additional amount is provided for in addition to the customs duty.
(4) Taric code for 1992 : 2003 10 10 * 31 and * 81.
(5) Taric code for 1992 : 2003 10 10 * 39 and * 89.
(6) Taric code for 1992 : 2003 10 10 * 90 and 2003 10 90 * 00.