COMMISSION REGULATION (EEC) No 1123/92

of 30 April 1992

amending Regulation (EEC) No 1707/90 laying down detailed rules for the application of Regulation (EEC) No 1796/81 concerning imports of mushrooms originating in third countries

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 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of mushrooms of *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 (3), as last amended by Regulation (EEC) No 1122/92 (4), and in particular Article 6 thereof,

Whereas, following the amendment of Regulation (EEC) No 1796/81, the quantity of mushrooms which may be imported free of the additional amount referred to in Article 2 of that Regulation has been adjusted to take account of the quantity of imports of provisionally preserved mushrooms; whereas the allocation of that quantity among the supplier countries should be adjusted as a consequence;

Whereas the amendment to the overall quantity also requires the quantities allocated to traditional importers and new importers to be amended; whereas, in order to prevent new importers from lodging excessive applications, the number of applications per importer should be restricted;

Whereas the fixing of a uniform percentage reduction when the quantity available is exceeded means the suspension of the issuing of import licences; whereas the Commission's competence in this matter should be specified;

Whereas the quantities assigned to Poland under the present Regulation are equal to the reduced rate tariff quotas specified for the mushrooms in question in the association agreement with that country; whereas the import licence should therefore indicate that the reduced tariff applies and provisions should be adopted such as to confirm the origin of the product on release for free circulation;

Whereas Commission Regulation (EEC) No 1707/90 (5), as last amended by Regulation (EEC) No 1989/91 (6), should therefore be amended;

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

Regulation (EEC) No 1707/90 is hereby amended as follows:

1. Article 1 is replaced by the following:

   'Article 1

   The entry into free circulation within the Community of mushrooms of *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30, free from an additional amount in the context of the overall quantity laid down in Article 3 of Regulation (EEC) No 1796/81, shall be subject to the conditions laid down in this Regulation.';

2. Article 2 is deleted;

3. The following paragraph 3 is added to Article 4:

   '3. Products originating in Poland shall be released for free circulation in the Community on presentation of an EUR 1 certificate issued by the competent Polish authorities in accordance with Protocol 4 of the interim Agreement.';

4. In Article 5:

   — paragraph 4 is replaced by the following:

   '4. The overall quantity referred to in Article 1 shall be allocated as follows:

   (a) 80 % to importers who have obtained import licences for the same products during the preceding three calendar years;

   (b) 20 % to importers who do not meet the condition laid down in (a).

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 175, 4. 7. 1991, p. 1.
(3) OJ No L 183, 4. 7. 1981, p. 1.
(4) See page 98 of this Official Journal.
(5) OJ No L 158, 23. 6. 1990, p. 34.
(6) OJ No L 178, 6. 7. 1991, p. 26.

However, if no applications are submitted for the quantity referred to in (a) or (b), or if applications only partially cover that quantity, the available quantity shall be allocated to applications submitted by the other group of imports. Such allocation shall take place not later than 31 October of the current year';

— paragraph 5 is replaced by the following:

'5. (a) Licence applications submitted by the importers referred to in paragraph 4 (a) may not relate, per six-month period, to a quantity exceeding 60 % of the average annual quantity covered by import licences issued to that importer during the previous three calendar years;

(b) Importers referred to in paragraph 4 (b) may submit only tow applications per six-month period. Such applications may not relate to a quantity exceeding 8 % of the quantity available under paragraph 4 (b).

When submitting licence applications, importers must indicate in section 16 whether the mushrooms are preserved or provisionally preserved, with reference to the CN or Taric code.';

— paragraph 8 is replaced by the following:

'8. If the quantities applied for exceed the total available, the Commission shall set a uniform percentage reduction for the applications in question and suspend the issuing of licences in respond to subsequent applications.';

5. The following Article 7a is inserted:

'Article 7a

If the country of origin is Poland import licences issued in accordance with this Regulation shall show one of the following in section 24:

— Acuerdo Polonia:	Derechos de aduana reducidos tal como prevé el Acuerdo
— Aftale Polen:	Toldsat nedsat som fastsat i aftalen
— Abkommen Polen:	Im Abkommen vorgesehene ermäßigte Zollsätze
— Συμφωνία με την Πολωνία:	Μειωμένοι δασμοί όπως προβλέπονται στη συμφωνία
— Agreement Poland:	Reduced customs duties as provided for in the agreement
— Accord Pologne:	Droits de douane réduits comme prévu dans l'accord
— Accordo Polonia:	Diritti doganali ridotti come previsto nell'accordo
— Overeenkomst Polen:	Verlaagde douanerechten zoals voorzien in de overeenkomst
— Acordo Polónia:	Direitos aduaneiros reduzidos como previsto no acordo.'.

6. Annex 1 is replaced by the following:

'ANNEX I

Allocation of the quantity fixed in Article 3 of Regulation (EEC) No 1796/81 in net weight drained

in tonnes

Supplier country	1992	1993	1994	1995	vanaf 1996
Poland	28 840	29 680	31 080	32 480	33 880
China	22 640	22 640	22 640	22 640	22 640
South Korea	250	250	250	250	250
Taiwan	1 100	1 100	1 100	1 100	1 100
Other	3 790	3 790	3 790	3 790	3 790
Reserve	1 000	1 000	1 000	1 000	1 000'

7. Annex II is deleted.

Article 2

This Regulation shall enter into force on 1 May 1992.

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

Done at Brussels, 30 April 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission