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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1175/93

of 10 May 1993

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Austria, Norway and Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community signed Bilateral Agreements on certain arrangements in agriculture in the form of exchanges of letters with Austria, Finland, Iceland, Norway, Sweden and Switzerland at Oporto on 2 May 1992;

Whereas these Agreements were negotiated and signed at the same time as the Agreement on the European Economic Area between the European Economic Community, the European Coal and Steel Community and their Member States, of the one part, and the European Free Trade Association (EFTA) countries, of the other part; whereas the aim of all the parties was to bring the EEA Agreement and the Bilateral Agreements on agriculture into force at the same time;

Whereas, as a result of the postponement of the entry into force of the EEA Agreement following Switzerland's decision not to ratify it, Agreements in the form of exchanges of letters were signed on 17 March 1993 between the Community and, respectively, Austria, Finland, Iceland, Norway and Sweden with the aim of bringing forward implementation of the bilateral agreements on agriculture with these countries for the period running from 15 April until 31 December 1993;

Whereas the Council has approved, by the Decision of 15 March 1993 [1], the said Agreements;

Whereas on the basis of the arrangements annexed to the Bilateral Agreements on agriculture concluded between the Community of the one part and Austria, Norway and Sweden, respectively, of the other part, which were signed on 2 May 1992, the Community is to open annual reduced-duty and zero-duty tariff quotas for certain agricultural products originating in the abovementioned countries; whereas under Annex III to the arrangement between the Community and Austria, imports into Portugal of wine originating in Austria are subject to duties equal to those applied by Portugal to imports from the Community as constituted on 31 December 1985;

Whereas the provisions annexed to the arrangements concerned provide that, should the date of entry into force of the said arrangements not coincide with the beginning of the calendar year, the provisions concerning the opening of tariff quotas shall be applied on a pro rata basis for the first year; whereas it is advisable in the interests of clarity to group together all the agricultural products which benefit from tariff quotas in Annex I to this Regulation according to their place of origin, specifying for each product the volume of tariff quotas and the rates of customs duty applicable; whereas in establishing the volume of these tariff quotas, account should be taken that during 1992 and/or 1993 some products have received the benefit of a reduced duty or zero-duty tariff quota by application to the agreements currently in force with the countries in question; whereas it is consequently appropriate to repeal, with effect from 15 April 1993, Regulations (EEC) No 1694/92 [2] and (EEC) No 221/93 [3] in their entirety and those parts of Regulation (EEC) No 303/93 [4] relating to the tariff quotas under order No 09.0801; whereas it is necessary, in particular, to ensure equal and uninterrupted access for all Community importers 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 the decision opening tariff quotas should be taken by the Community in pursuance of its international obligations; whereas, to ensure the efficient common administration of the quotas, there is no reason why Member States should not be allowed to draw from the

[1] OJ No L 109, 1. 5. 1993, p. 1.

[2] OJ No L 176, 30. 6. 1992, p. 54.
[3] OJ No L 27, 4. 2. 1993, p. 1.
[4] OJ No L 36, 12. 2. 1993, p. 9.

quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration nonetheless 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, any operation concerning the administration of these quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 15 April until 31 December 1993, the customs duties applicable to imports of the products listed in Annex I shall be suspended under certain conditions at the levels and within the limits of the Community tariff quotas shown below.

2. Within the time limit of the quotas referred to in Annex I (a) under order Nos 09.0803 to 09.0805, Portugal shall apply duties equal to those that it applies to imports from the Community as constituted on 31 December 1985.

3. Admission under the tariff quotas referred to in paragraph 1 under order Nos 09.0803 and 09.0805 shall be reserved for wines accompanied by the following documents:

— Document VI 1 or and extract VI 2, completed in accordance with Commission Regulation (EEC) No 3590/85 [1]. In this case, the document must include in Box 15 the following endorsement, certified by the competent Austrian organization:

'This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine (*) originating in Austria and in conformity with the 1985 Wine Law of the Republic of Austria.

(*) Delete as appropriate.'

4. Imports of the wines in question shall be subject to the free-at-frontier reference price. Access for these wines to the tariff quotas shall be conditional on compliance with Article 54 of Regulation (EEC) No 822/87 [2].

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 product 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 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 so 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 accordingly.

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

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

Regulations (EEC) No 1694/92 and (EEC) No 221/93 shall be repealed with effect from 15 April 1993. The tariff quota under order No 09.0801 provided by Regulation (EEC) No 303/93 shall cease to apply as from the same date.

Article 7

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

[1] OJ No L 343, 20. 12. 1985, p. 20.
[2] OJ No L 84, 27. 3. 1987, p. 1.

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

Done at Brussels, 10 May 1993.

For the Council

The President

N. HELVEG PETERSEN

ANNEX I

(a) Products originatng in Austria

Order No	CN code (*)	Description (1)	Amount of quotas	Quota duty (%)
09.0807	2009 70 80 11 80 19 80 50 80 61 80 63 80 69 90 11 90 19 90 31 90 39	Fruit juices (including grape must) or vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter including :	7 141 tonnes	0 (2)
09.0808	2009 11 19 20 30 40 50 60 2009 80 32 80 34 80 39 80 80 80 83 80 85 80 93 80 95 80 99 2009 90 21 90 29 90 41 90 49 90 51 90 59 90 71 90 73 90 79 90 91 90 93 90 99	Juices other than apple or pear juice	357 tonnes	0 (2)
09.0803	ex 2204 21 25 29 35 39 49 59 90	Quality wines produced in conformity with the 1985 Wine Law of the Republic of Austria, in containers holding 2 litres or less	110 122 hl	0
09.0805	ex 2204 10 19 90	Quality sparkling wines produced in conformity with the 1985 Wine Law of the Republic Austria, in containers holding 2 litres or less	2 416 hl	0

(*) See Taric codes in Annex II.

(1) Notwithstanding the rules for 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 codes and corresponding description taken together.

(2) The additional sugar duty remains applicable.

(b) **Products originating in Norway**

Order No	CN code (*)	Description (1)	Amount of quotas	Quota duty (%)
09.0751	ex 0704 10 10	Cauliflowers, fresh or chilled, from 1 August to 31 October	2 000	0
09.0753	ex 0704 90 90	Broccoli, fresh or chilled, from 1 July to 31 October	1 000	0
09.0755	ex 0704 90 90	China cabbages, fresh or chilled, from 1 July to 31 December	2 250	0
09.0757	ex 0809 20 60 80	Cherries, fresh, from 16 July to 31 August	600	0
09.0759	ex 0809 40 11 19 90	Plums, fresh, from 1 September to 15 October	600	0
09.0761	ex 0810 10 10	Strawberries, fresh, from 15 to 31 July	750	0
09.0762	ex 0810 10 90	Strawberries, fresh, from 1 August to 15 September	750	0

(*) See Taric codes in Annex II.

(1) Notwithstanding the rules for 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 determinted by application of the CN codes and corresponding description taken together.

(c) **Products originating in Sweden**

Order No	CN code (*)	Description (1)	Amount of quotas (tonnes)	Quota duty (%)
09.0631	ex 0208 90 90 ex 0210 90 20	Reindeer meat, fresh, chilled, frozen, dried or smoked	141	Free
09.0613	0710 21 00 ex 0710 29 00	Peas, frozen	4 250	6 %
09.0635	ex 0710 30 00	Spinach, frozen	354	Free
09.0637	ex 0710 80 90	Dill and parsley, frozen	141	Free
09.0639	ex 0811 90 10 ex 0811 90 30 0811 90 50 0811 90 70 ex 0811 90 99	*Rubus chamaemorus, Vaccinium myrtillus, Vaccinium myrtilloides* and *Vaccinium angustifolium* frozen	2 833	Free (2)
09.0641	1517 10	Margarine	708	Free (3)
09.0643	ex 2004 90 99	Vegetable gratins and dietetic preparations	354	Free
09.0645	ex 2005 10 00	Homogenized vegetables, infant food preparations	177	Free
09.0647	ex 2005 20 90	Potato crisps	141	Free
09.0649	ex 2007 10 99	Jams, jellies, marmalades (vaccinium myrtillus, *Vaccinium myrtilloides* and *Vaccinium angustifolium, Rubus chamaemorus)*	354	Free (2)
09.0651	ex 2009 80 90	Fruit juices and mixtures (raspberries, *Vaccinium myrtillus, Vaccinium myrtilloides* and *Vaccinium angustifolium, Rubus chamaemorus,* redcurrants, blackcurrants)	177	Free (2)

(*) See Taric codes in Annex II.

(1) 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 codes and corresponding description taken together.

(2) The additional sugar duty remains applicable.

(3) The variable component remains applicable.

ANNEX II

TARIC CODES

a) Products originating in Austria

Order No	CN codes	Taric codes
09.0803	ex 2204 21 25	2204 21 25*95
	ex 2204 21 29	2204 21 29*96
	ex 2204 21 35	2204 21 35*95
		*96
	ex 2204 21 39	2204 21 39*95
		*96
	ex 2204 21 49	2204 21 49*29
	ex 2204 21 59	2204 21 59*39
	ex 2204 21 90	2204 21 90*10
09.0805	ex 2204 10 19	2204 10 19*91
	ex 2204 10 90	2204 10 90*91

b) Products originating in Norway

Order No	CN codes	Taric codes
09.0751	ex 0704 10 10	0704 10 10*30
09.0753	ex 0704 90 90	0704 90 90*13
09.0755	ex 0704 90 90	0704 90 90*92
		*94
		*97
09.0757	ex 0809 20 60	0809 20 60*10
	ex 0809 20 80	0809 20 80*11
		*19
09.0759	ex 0809 40 11	0809 40 11*60
	ex 0809 40 19	0809 40 19*10
	ex 0809 40 90	0809 40 90*50
09.0761	ex 0810 10 10	0810 10 10*60
		*80
09.0762	ex 0810 10 90	0810 10 90*12
		*14

c) Products originating in Sweden

Order No	CN codes	Taric codes
09.0631	ex 0208 90 90	0208 90 90*10
	ex 0210 90 20	0210 90 20*10
09.0613	ex 0710 29 00	0710 29 00*10
09.0635	ex 0710 30 00	0710 30 00*10
09.0637	ex 0710 80 90	0710 80 90*20
09.0639	ex 0811 90 10	0811 90 10*13
		90 10*50
	ex 0811 90 30	0811 90 30*13
		90 30*50
	ex 0811 90 99	0811 90 99*68
09.0643	ex 2004 90 99	2004 90 99*13
		*21
		*31
		*41
		*51
		*61
		*71
		*91
09.0645	ex 2005 10 00	2005 10 00*11
		*21
		*31
		*91
09.0647	ex 2005 20 90	2005 20 90*10
09.0649	ex 2007 10 10	2007 10 10*11
		10 10*40
	ex 2007 10 90	2007 10 90*11
		90*40
	ex 2007 99 39	2007 99 39*11
		39*20
	ex 2007 99 59	2007 99 59*11
		59*40
	ex 2007 99 90	2007 99 90*11
		90*50
09.0651	ex 2009 80	2009 80 34*21
		34*30
		39*11
		39*40
		80*11
		80*40
		85*31
		85*40
		93*11
		93*40
		99*11
		99*40
	ex 2009 90	2009 90 21*21
		21*30
		29*10
		51*20
		59*20
		91*92
		93*20
		99*20