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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3638/93

of 20 December 1993

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta [2] the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1994;

Whereas the decision for the suspension of customs duties on products covered by this Regulation should be taken by the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994 products listed in the Annex and originating in Malta shall be imported into the Community at the rates of duty indicated in the Annex for each product.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an Association between the European Economic Community and Malta.

Article 2

Where products benefiting from the arrangements, provided for in Article 1, are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

Article 3

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within 10 working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

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

It shall apply as from 1 January 1994.

[1] OJ No L 323, 29. 11. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 1436/90 (OJ No L 138, 31. 5. 1990, p. 9).

[2] OJ No L 61, 14. 3. 1971, p. 3.

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

Done at Brussels, 20 December 1993.

For the Council

The President

W. CLAES

ANNEX

List of products falling within Chapters 1 to 24 originating in Malta (a)

Order No	CN code	Description	Rate of duty (b)
(1)	(2)	(3)	(4)
16.0040	0206 10 99 0206 21 00	Edible offal fresh, chilled or frozen Of bovine animals	2 %
16.0055	0208 10 11 0208 10 19	Other meat and edible meat offal, fresh, chilled or frozen of domestic rabbits	7 %
16.0060 16.0070	0208 10 90 0208 20 00	Of rabbits, other than domestic rabbits, or hares Of frogs' legs	Free
16.0160	0302 65	Dogfish and other sharks	4 %
16.0210	0303 75	Dogfish and other sharks	4 %
16.0230	0304 10 11 0304 20 11	Fish fillets and other fish meat, chilled or frozen Frozen fillets of trout	10 %
16.0330 16.0340	0306 12 0306 13 10	Lobsters Shrimps and prawns	4 %
16.0350	0306 13 90	Other shrimps and prawns	4,5 %
16.0360 16.0370 16.0380	0306 14 0306 19 10 ex 0306 19 90	Crabs Freshwater crayfish *Perullus* spp,	4 %
16.0400 16.0410	0306 22 0306 23 10	Lobsters Shrimps and prawns	4 %
16.0420	0306 23 90	Other shrimps and prawns	4,5 %
16.0500 16.0510	0307 39 90 0307 41 0307 49 11	Mussels *(Perna* spp.) Cuttlefish and squid	4 %
16.0520	0307 49 19	Cuttlefish	5,5 %
16.0530	0307 49 31 0307 49 33 0307 49 35 0307 49 38	Squid	4 %
16.0540	0307 49 51	Cuttlefish	
16.0550	0307 49 71 0307 49 91 0307 49 99	Squid	

(a) 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 code and corresponding description taken together.

(b) Without prejudice to the levying of any additional duties applicable.

(1)	(2)	(3)	(4)
16.0560	0307 51 00 0307 59 10 0307 59 90 0307 91 00 0307 99 13 0307 99 19 0307 99 90	Octopus	4 %
16.0570	0409 00 00	Natural honey	25 %
16.0580		Edible products of animal origin, not elsewhere specified or included	4 %
	ex 0410 00 00	— Royal jelly	
	ex 0410 00 00	— Other	2 %
16.0690	0603 90 00	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared	7 %
16.0734	0707 00 19	Cucumber, fresh or chilled, from 16 May to 31 October	16 %
16.0740		Other vegetable, fresh or chilled	12 %
	ex 0709 20 00	Asparagus, from 31 October	
16.0750	ex 0709 30 00	Aubergines, from 1 January to 31 March	9 %
16.0760	ex 0709 40 00	Celery, other than celeriac, from 1 January to 31 March	
16.0790	ex 0709 90 90	Pumpkins and courgettes, from 1 January to the last day of February	9 %
		Other, excluding parsley from 1 January to 31 March	
16.0795	ex 0709 90 90	Okra or comboux (*Hibiscus esculentus* L. or *Abelmoschus esculentus* L. Moench), *Moringa oleifera* (drumsticks)	exemption
16.0825	0711 40 00	Cucumbers and gherkins	12 %
16.0860	ex 0712 30 00	Mushrooms, excluding cultivated mushrooms	6 %
16.0880	0713 10 90	Dried leguminous vegetables, shelled, whether or not skimmed or split	2 %
16.1070	ex 0807 10 10	Watermelons, from 1 November to 30 April	6,5 %
16.1300	0814 00 00	Peel of citrus fruit or melons, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions	Free
16.1610	1212 10 91	Locust bean seeds, not decorticated, crushed or ground	Free
16.1620	1212 10 99	Other locust bean seeds	6 %
16.2020		Other fixed vegetable fats and oils (including jojoba oil) and their fractions	2,5 %
	1515 21 10	Maize (corn) oil and its fractions for technical or industrial uses other than the manufacture of foodstuffs for human consumption (e)	
16.2290	ex 1602 90 31	Prepared or preserved rabbit	14 %
16.2510	1704 90 30	White chocolate	4 %

(1)	(2)	(3)	(4)
16.2520	ex 1704 90 51 1704 90 55 1704 90 61 1704 90 65 1704 90 71 1704 90 75 1704 90 81 1704 90 99	Other plates, including marzipan Throat pastilles and cough drops Sugar-coated (panned) goods Gum confectionery and jelly confectionery Boiled sweets whether or not filled Toffees, caramels and similar sweets Compressed tablets Other	6 %
16.2580	 ex 1901 10 00 1901 20 00 ex 1901 90 90	Food preparations of flour, meal, starch nor malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included Preparations for infant use, put for retail sale, not containing cocoa powder Mixed and doughs for the preparation of bakers' wares of heading No 1905 Other, not containing cocoa powder	Free
16.2600	 1904 10 10 1904 10 30 1904 10 90	Prepared foods obtained by the swelling or roasting for cereals or cereal products (for example, corn flakes), cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared Prepared food obtained by the swelling or roasting of cereals or cereal products	Free
16.2610	1904 90 10	Of rice	3 %
16.2620	1904 90 90	Of other cereals	2 %
16.2630	1905 10 00	Crispbread	Free
16.2660	1905 90 10	Matzos	Free
16.2670	1905 90 20	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Free
16.2680	1905 90 30	Bread	4 %
16.2690	 2001 20 00	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid — Onions	14 %
16.2700	2001 90 50 2001 90 65 2001 90 75 2001 90 85 ex 2001 90 95	— Mushrooms — Olives — Salad beetroot — Red cabbages — Other, excluding 'mixed pickles' and papaya chutney	14 %
16.2725	ex 2001 90 95	'Papaya chutney'	9 %
16.2750	ex 2004 90 30	Capers	12 %
16.2800	2005 90 30	Capers	12 %

(1)	(2)	(3)	(4)
16.2820		Fruits, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	6 %
	ex 2006 00 39	Other, with a sugar content exceeding 13 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	
16.2830	ex 2006 00 90	Other, with a sugar content not exceeding 13 % Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	6 %
16.2840		Jams, fruit jellies. marmalades, fruit or nut purée and fruit or nut pastes, being cooked, preparations, whether or not containing added sugar or other sweetening matter	8 %
	ex 2007 10 90	Other Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	
16.2850		Jams and marmalades of citrus fruit	18 %
	ex 2007 91 10	With a sugar content exceeding 30 % by weight, excluding orange jam and marmalade	
	ex 2007 91 30	With sugar content exceeding 13 % but not exceeding 30 % by weight, excluding orange jam and marmalade	
16.2860	ex 2007 91 90	Other, excluding orange jam and marmalade	19 %
16.2865	2007 99 31	Jam, jellies marmalades, cherry purée and cherry pastes with a sugar content exceeding 30 % by weight	25 %
16.2870	ex 2007 99 39	With a sugar content exceeding 30 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2880	ex 2007 10 10 ex 2007 99 58	With a sugar content exceeding 13 % but not exceeding 30 % by weight Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2890	ex 2007 99 99	Other Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80	8 %
16.2900		Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	6 %
	2008 11 91	Ground-nuts	
	2008 11 99 ex 2008 19 10	Other, including mixtures in immediate packings of a net content exceeding 1 kg, excluding almonds, walnuts and hazelnuts	
16.3290		Fruit juices (including grape musts) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	28 %
	2009 20 11	Grapefruit juices	
16.3300	2009 20 19	Grapefruit juice	28 %

(1)	(2)	(3)	(4)
16.3310	2009 20 91 2009 20 99	Grapefruit juice	7 %
16.3320	ex 2009 30 31 ex 2009 30 39	Citrus fruit juices (excluding lemon juices) containing added sugar Citrus fruit juices (excluding lemon juices) not containing added sugar	13 %
16.3340	2009 30 91 2009 30 95	Other citrus fruit juices With an added sugar content exceeding 30 % by weight With an added sugar content not exceeding 30 % by weight	14 %
16.3360	2009 40 30	Pineapple juice	17 %
16.3370	2009 40 91	Pineapple juice	17 %
16.3400	ex 2009 80 39	Date juice	Free
16.3550	2102 10 31 2102 10 39	Bakers' yeast	4 %
16.3580	2102 20 90	Other	Free
16.3760	 2309 10 90	Preparation of a kind used in animal feeding Other dog or cat food	3 %

Taric codes

Order No	CN code	Taric code
16.0380	ex 0306 19 90	0306 19 90*20
16.0580	ex 0410 00 00	0410 00 00*10
	ex 0410 00 00	0410 00 00*90
16.0740	ex 0709 20 00	0709 20 00*12 *92
16.0750	ex 0709 30 00	0709 30 00*10 *20
16.0760	ex 0709 40 00	0709 40 00*13 *91
16.0790	ex 0709 90 90	0709 90 90*12 *51 *52 *58 *91
16.0795	ex 0709 90 90	0709 90 90*23 *24 *25 *26 *31 *32
16.0860	ex 0712 30 00	0712 30 00*22 *24 *27
16.1070	ex 0807 10 10	0807 10 10*10 *20
16.2290	ex 1602 90 31	1602 90 31*20
16.2520	ex 1704 90 51	1704 90 51*90
16.2580	ex 1901 10 00	1901 10 00*31 *33 *35 *37 *81 *83 *85 *87
	ex 1901 90 90	1901 90 90*16 *18 *27 *29 *71 *73 *75 *77 *97 *99
16.2700	2001 90 65 2001 90 75 2001 90 85 ex 2001 90 95	 2001 90 95*41 *49 *61 *69 *70 *92 *93 *97 *98
16.2750	ex 2004 90 30	2004 90 30*20
16.2820	ex 2006 00 39	2006 00 39*10
16.2830	ex 2006 00 90	2006 00 90*10
16.2840	ex 2007 10 90	2007 10 90*11 *19
16.2850	ex 2007 91 10 ex 2007 91 30	2007 91 10*19 2007 91 30*19
16.2860	ex 2007 91 90	2007 91 90*19
16.2870	ex 2007 99 39	2007 99 39*10
16.2880	ex 2007 10 10	2007 10 10*11 *19
	ex 2007 99 58	2007 99 58*11 *19
16.2890	ex 2007 99 99	2007 99 99*11 *19
16.2900	ex 2008 19 10	2008 19 10*90
16.3320	ex 2009 30 31 ex 2009 30 39	2009 30 31*90 2009 30 39*90
16.3400	ex 2009 80 39	2009 80 39*20