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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 470/93

of 25 February 1993

temporarily suspending the autonomous Common Customs Tariff duty and the agricultural levy on, and opening and providing for the administration of a Community tariff quota for, certain mixtures of malt sprouts and barley screenings

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 products referred to in Article 1 have been imported, free of duty and for several years, from the United States into the Community, and classified under CN code 2303 30 00;

Whereas Commission Regulation (EEC) No 3802/92 [1] has recently classified the products in question under CN code 2309 90 31 or under CN code 2309 90 41, as appropriate, which provide for collection of the levy;

Whereas it is appropriate to adopt measures to avoid a sudden disturbance to trade in the products in question, for the period from 1 January 1992 to 31 March 1993;

Whereas, for the period from 1 January to 31 December 1992, collection of the Common Customs Tariff duties and the agricultural levies for the goods in question should be suspended;

Whereas, in order to avoid any undue increase in the quantities imported free of duty, it is appropriate to open a duty-free tariff quota of 35 000 tonnes for the period from 1 January to 31 March 1993;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quota and to guarantee the uninterrupted application of the exoneration from collection of the duties to all imports of the products concerned into all Member States until the quota has been used up;

Whereas the decision to open autonomous suspensions and tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of this quota, there is, however, no obstacle to authorizing the Member States to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration nevertheless 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 quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1992, the customs duties and agricultural levies applicable to imports of the products listed below shall be suspended:

[1] OJ No L 384, 30. 12. 1992, p. 13.

CN code (1)	Description
ex 2309 90 31	Preparation consisting of a mixture of malt sprouts and barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing by weight 15,5 % or more of protein
ex 2309 90 41	Preparation consisting of a mixture of malt sprouts and barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing by weight 15,5 % or more of protein and not more than 18 % of starch

(1) Taric codes : ex 2309 90 31*10
ex 2309 90 41*30

Article 2

From 1 January to 31 March 1993, the customs duties and the agricultural levies applicable to imports of the products listed below shall be suspended, within the limits of a Community tariff quota of 35 000 tonnes :

Order No	CN code (1)	Description
09.2901	ex 2309 90 31	Preparation consisting of a mixture of malt sprouts and barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing by weight 15,5 % or more of protein
	ex 2309 90 41	Preparation consisting of a mixture of malt sprouts and barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing by weight 15,5 % or more of protein and not more than 18 % of starch

(1) Taric codes : ex 2309 90 31*10
ex 2309 90 41*30

Article 3

The tariff quota referred to in Article 2 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that it is managed efficiently.

Article 4

Where an importer presents a product covered by Article 2 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 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 of the drawings made.

Article 5

Each Member State shall ensure that importers of the products listed in Article 2 have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 6

The Member States and the Commission shall cooperate closely to ensure that Articles 2 to 5 are complied with.

Article 7

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

Article 1 shall be applicable from 1 January 1992 and Article 2 shall be applicable from 1 January 1993.

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

Done at Brussels, 25 February 1993.

For the Council

The President

J. TRØJBORG