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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 297/94

of 7 February 1994

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Algeria, Morocco, Tunisia or Egypt (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 the proposal from the Commission,

Whereas the Cooperation Agreements between the European Community of the one part and the People's Democratic Republic of Algeria (1), the Kingdom of Morocco (2), the Republic of Tunisia (3) and the Arab Republic of Egypt (4) of the other part, as supplemented by the additional Protocols thereto (5) (6) (7) (8), provide for the opening by the Community of Community tariff quotas for:

— 39 000 tonnes and 98 000 tonnes of new potatoes falling within CN code ex 0701 90 51 originating in Morrocco and Egypt respectively (1 January to 31 March),

— 10 100 tonnes and 4 200 tonnes of onions, fresh or chilled, falling within CN codes ex 0703 10 11, ex 0703 10 19 and ex 0709 90 90 originating in Egypt (1 February to 15 May), and Morocco (15 February to 15 May),

— 4 900 tonnes of onions falling within CN code 0712 20 00, originating in Egypt,

— 8 700 tonnes of peas and immature beans of the species *Phaseolus* spp. in pod, prepared or preserved, falling within CN codes 2004 90 50, 2005 40 00 and 2005 59 00, originating in Morocco,

— 8 250 tonnes and 4 300 tonnes of apricot pulp falling within CN code ex 2008 50 91, originating in Morocco and Tunisia respectively,

— 15 000 tonnes of orange juice, falling within CN codes 2009 11 and 2009 19, originating in Morocco, of which not more than 4 500 tonnes may be imported in packings of a capacity of two litres or less,

— 200 000 hectolitres, 50 000 hectolitres and 50 000 hectolitres of certain wines of designated origin, in containers holding two litres or less, falling within CN codes ex 2204 21 25, ex 2204 21 29, ex 2204 21 35 and ex 2204 21 39, originating respectively in Algeria, Morocco and Tunisia,

— 200 000 hectolitres, 85 000 hectolitres and 160 000 hectolitres of wine of fresh grapes falling within CN codes 2204 10, ex 2204 21 and ex 2204 29, originating in Algeria, Morocco and Tunisia respectively;

Whereas, however, the Cooperation Agreement with the Republic of Tunisia provides that certain prepared and preserved sardines falling within CN codes ex 1604 13 11, ex 1604 13 19 and ex 1604 20 50 originating in Tunisia may be imported into the Community free of duty; whereas the detailed arrangements must be fixed by an exchange of letters between the Community and Tunisia; whereas, since that exchange of letters has not yet taken place, the Community arrangements which applied in 1993 should be renewed until 31 December 1994; whereas as duty-free Community tariff quota of 100 tonnes should therefore be opened;

Whereas, however, the volumes of the tariff quotas must be increased by 3 or 5 % each year, as from 1 January 1992, pursuant to Council Regulation (EEC) No 1764/92 of 29 June 1992 amending the arrangements for the import into the Community of certain agricultural products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria and Tunisia (9);

(1) OJ No L 263, 27. 9. 1978, p. 2.
(2) OJ No L 264, 27. 9. 1978, p. 2.
(3) OJ No L 265, 27. 9. 1978, p. 2.
(4) OJ No L 266, 27. 9. 1978, p. 2.
(5) OJ No L 297, 21. 10. 1987, p. 2.
(6) OJ No L 224, 13. 8. 1988, p. 17.
(7) OJ No L 297, 21. 10. 1987, p. 36.
(8) OJ No L 297, 21. 10. 1987, p. 11.

(9) OJ No L 181, 1. 7. 1992, p. 9.

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access 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 for the opening of tariff quotas should be taken by the Community in the execution of its international obligations; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration 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 the wines of designated origin in question are subject to compliance with the free-at-frontier reference price; whereas, in order that such wine may benefit from this tariff quota, Article 54 of Regulation (EEC) No 822/87 [1], must be complied with; whereas the wine must be put in containers holding two litres or less; whereas the wine must be accompanied either by a certificate of designation of origin in accordance with the model given in Annex D to the Agreement or, by way of derogation, by a document VI 1 or a VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85 [2];

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. The customs duties applicable to imports into the Community of the products listed below originating in Algeria, Morocco, Tunisia or Egypt shall be suspended at the levels, during the periods and within the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Origin	Quota volume	Rate of (duty %)
(1)	(2)	(3)	(4)	(5)	(6)
09.1115 09.1705	ex 0701 90 51	New potatoes, from 1 January to 31 March 1994	Morocco Egypt	42 510 tonnes 106 820 tonnes	0 0
09.1703 09.1127	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	Onions, including wild onions of the species *Muscari comosum,* fresh or chilled, from 1 February to 15 May 1994 for Egypt and from 15 February to 15 May 1994 for Morocco	Egypt Morocco	11 615 tonnes 4 830 tonnes	0 0
09.1701	0712 20 00	Dried onions, whole, cut or sliced, either ground or powdered, but not further prepared, from 1 January to 31 December 1994	Egypt	5 635 tonnes	0
09.1201	ex 1604 13 11 ex 1604 13 19 ex 1604 20 50	Prepared or preserved sardines of the species *Sardina pilchardus,* from 1 January to 31 December 1994	Tunisia	100 tonnes	free
09.1119	2004 90 50 2005 40 00 2005 59 00	Peas *(Pisum sativum)* and immature beans of the species *Phaseolus* spp. in pod, prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen, from 1 January to 31 December 1994	Morocco	10 005 tonnes	0

[1] OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1566/93 (OJ No L 154, 26. 5. 1993, p. 39).

[2] OJ No L 343, 20. 12. 1985, p. 20. Regulation as last amended by Regulation (EEC) No 2039/88 (OJ No L 179, 9. 7. 1988, p. 29).

(1)	(2)	(3)	(4)	(5)	(6)
09.1105 09.1203	ex 2008 50 91	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more, from 1 January to 31 December 1994	Morocco Tunisia	9 487 tonnes 4 945 tonnes	0
09.1123	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 11 2009 19 19 2009 19 91 2009 19 99	Orange juice, from 1 January to 31 December 1994	Morocco	16 350 tonnes	0 + AGR 0 0 + AGR 0 0 + AGR 0 0 + AGR 0
		Of which :			
09.1124	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99 ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 99	Orange juice imported in packings of a capacity of two litres or less, from 1 January to 31 December 1994	Morocco	4 905 tonnes	0 + AGR 0 0 + AGR 0 0 + AGR 0 0 + AGR 0
09.1001	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wines entitled to one of the following designations of origin : Aïn Besem-Bouira, Médéa, Coteaux du Zaccar, Dahra, Coteaux de Mascara, Monts du Tessalah, Coteaux des Tlemcen, of an actual alcoholic strength by volume not exceeding 15 % vol, in containers holding two litres or less, from 1 January to 31 December 1994	Algeria	218 000 hl	free
09.1107	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wines entitled to one of the following designations of origin : Berkane, Sais, Beni M'Tir, Guerrouane, Zemmour, Zennata, of an actual alcoholic strength not exceeding 15 % vol, in containers holding two litres or less, from 1 January to 31 December 1994	Morocco	54 500 hl	free
09.1205	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wines entitled to one of the following designations of origin : Coteaux de Teboura, Coteaux d'Utique, Sidi-Salem, Kelibia, Thibar, Mornag, Grand cru Mornag, of an actual alcoholic strength of 15 % vol or less and in containers holding two litres or less, from 1 January to 31 December 1994	Tunisia	54 500 hl	free
09.1003 09.1131 09.1209		Wine of fresh grapes, including fortified wines ; grape must other than of heading No 2009 :	Algeria Morocco Tunisia	218 000 hl 92 650 hl 174 400 hl	free
	2204 10	– Sparkling wine :			
		– – Of an actual alcoholic strength by volume of not less than 8,5 % vol :			
	2204 10 19	– – – Other			
		– – Other :			
	2204 10 99	– – – Other			

(1)	(2)	(3)	(4)	(5)	(6)
		– Other wine ; grape must with fermentation prevented or arrested by the addition of alcohol :			
		– – In containers holding two litres or less :			
	2204 21 10	– – – Wine other than that referred to in subheading 2204 10 in bottles with 'mushroom' stoppers held in place by ties or fastenings ; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C			
		– – – Other :			
		– – – – Of an actual alcoholic strength by volume not exceeding 13 %			
		– – – – – Other :			
	2204 21 25	– – – – – – White			
	ex 2204 21 29	– – – – – – Other wine			
		– – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol :			
		– – – – – Other :			
	2204 21 35	– – – – – – White			
	ex 2204 21 39	– – – – – – Other			
		– – – – Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol :			
	ex 2204 21 49	– – – – – Other			
		– – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol :			
	ex 2204 21 59	– – – – – Other			
	ex 2204 21 90	– – – – Of an actual alcoholic strength by volume exceeding 22 % vol			
		– – Other			
	2204 29 10	– – – Wine other than that referred to in subheading 2204 10 in bottles with 'mushroom' stoppers held in place by ties or fastenings ; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C			
		– – – Other :			
		– – – – Of an actual alcoholic strength by volume not exceeding 13 % vol			
		– – – – – Other :			
	2204 29 25	– – – – – – White			

(1)	(2)	(3)	(4)	(5)	(6)
	ex 2204 29 29	– – – – – – Other wine			
		– – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol :			
		– – – – – Other :			
	2204 29 35	– – – – – – White			
	ex 2204 29 39	– – – – – – Other wine			
		– – – – Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol :			
	ex 2204 29 49	– – – – – Other wine			
		– – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol :			
	ex 2204 29 59	– – – – – Other wine			
	ex 2204 29 90	– – – – Of an actual alcoholic strength by volume exceeding 22 % vol :			
		– – – – – Other wine			
		from 1 January to 31 December 1994			

(a) Taric codes appear in Annex II.

2. Importations of the wine in question shall be subject to the free-at-frontier price.

It shall qualify for the tariff quotas only if Article 54 of Regulation (EEC) No 822/87 is adhered to.

3. Each wine, of designated origin in question when imported, shall be accompanied either by a certificate of designation of origin, issued by the relevant Algerian/ Moroccan/Tunisian authority or, by way of derogation, by a document VII or a VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85, in accordance with the model annexed to this Regulation.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. Member States, shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such time as the residual balance of the quota volumes so permits.

Article 5

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

Article 6

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

It shall apply with effect from 1 January 1994.

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

Done at Brussels, 7 February 1994.

For the Council

The President

Th. PANGALOS

ANNEX I

1. المصدر — Exporter — Exportateur :	2. الرقم — Number — Numéro :	00000
	3. (Name of authority guaranteeing the designation of origin — Nom de l'organisme garantissant la dénomination d'origine)	
4. المرسل اليه — Consignee — Destinataire :		
	5. شهادة التسمية الاصلية **CERTIFICATE OF DESIGNATION OF ORIGIN** **CERTIFICAT D'APPELLATION D'ORIGINE**	
6. وسيلة النقل — Means of transport — Moyen de transport :		
	7. (Designation of origin — Nom de la dénomination d'origine)	
8. مكان الافراغ — Place of unloading — Lieu de déchargement :		

9. الانواع والارقام ، عدد ونوع الطرود — Marks and numbers, number and kind of packages — Marques et numéros, nombre et nature des colis :	10. الوزن الخام Gross weight Poids brut	11. لمترات Litres Litres

12. لمترات (بالحروف) — Litres (in words) — Litres (en lettres) :

13. تأشيرة الهيئة المرسلة — Certificate of the issuing authority — Visa de l'organisme émetteur :

14. تأشيرة الجمارك — Customs stamp — Visa de la douane :	(See the translation under No 15 — Voir traduction au n° 15)

15. We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Algerian/Morrocan/Tunisian legislation as entitled to the designation of origin.
The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi algérienne/marocaine/tunisienne comme ayant droit à la dénomination d'origine.
L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

16. (')

يحتفظ بهذه الخانة لبيانات اخرى من الدولة المصدرة

(') Space reserved for additional details given in the exporting country.
(') Case réservée pour d'autres indications du pays exportateur.

ANNEX II

Taric codes

Order No	CN code	Taric code
09.1115 09.1705	ex 0701 90 51	0701 90 51*15
09.1703	ex 0703 10 11	0703 10 11*10 0703 10 11*20 0703 10 11*30
	ex 0703 10 19	0703 10 19*91 0703 10 19*92 0703 10 19*93
	ex 0709 90 90	0709 90 90*51 0709 90 90*52 0709 90 90*53 0709 90 90*54
09.1127	ex 0703 10 11	0703 10 11*20 0703 10 11*30
	ex 0703 10 19	0703 10 19*92 0703 10 19*93
	ex 0709 90 90	0709 90 90*52 0709 90 90*53 0709 90 90*54
09.1201	ex 1604 13 11 ex 1604 13 19 ex 1604 20 50	1604 13 11*11 1604 13 11*19 1604 13 19*11 1604 13 19*19 1604 20 50*13 1604 20 50*15
09.1105 09.1203	ex 2008 50 91	2008 50 91*20
09.1124	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99	2009 11 11*10 2009 11 19*10 2009 11 91*10 2009 11 99*10 2009 11 99*91
	ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 99	2009 19 11*10 2009 19 19*10 2009 19 91*10 2009 19 99*10
09.1001	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	2204 21 25*92 2204 21 29*91 2204 21 35*92 2204 21 39*91
09.1107	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	2204 21 25*91 2204 21 29*92 2204 21 35*91 2204 21 39*92
09.1205	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	2204 21 25*93 2204 21 29*93 2204 21 35*93 2204 21 39*93

Order No	CN code	Taric code
09.1003	ex 2204 21 29	2204 21 29*91 2204 21 29*95 2204 21 29*96
	ex 2204 21 39	2204 21 39*91 2204 21 39*94 2204 21 39*95 2204 21 39*96
	ex 2204 21 49	2204 21 49*10 2204 21 49*20
	ex 2204 21 59	2204 21 59*10 2204 21 59*20
	ex 2204 21 90	2204 21 90*10
	ex 2204 29 29	2204 29 29*91
	ex 2204 29 39	2204 29 39*91 2204 29 39*92 2204 29 39*93
	ex 2204 29 49	2204 29 49*10 2204 29 49*20
	ex 2204 29 59	2204 29 59*10 2204 29 59*20
	ex 2204 29 90	2204 29 90*10
09.1129	ex 2204 21 29	2204 21 29*92 2204 21 29*95 2204 21 29*96
	ex 2204 21 39	2204 21 39*92 2204 21 39*94 2204 21 39*95 2204 21 39*96
	ex 2204 21 49	2204 21 49*10 2204 21 49*20
	ex 2204 21 59	2204 21 59*10 2204 21 59*20
	ex 2204 21 90	2204 21 90*10
	ex 2204 29 29	2204 29 29*91
	ex 2204 29 39	2204 29 39*91 2204 29 39*92 2204 29 39*93
	ex 2204 29 49	2204 29 49*10 2204 29 49*20
	ex 2204 29 59	2204 29 59*10 2204 29 59*20
	ex 2204 29 90	2204 29 90*10
09.1209	ex 2204 21 29	2204 21 29*93 2204 21 29*95 2204 21 29*96
	ex 2204 21 39	2204 21 39*93 2204 21 39*94 2204 21 39*95 2204 21 39*96
	ex 2204 21 49	2204 21 49*10 2204 21 49*20
	ex 2204 21 59	2204 21 59*10 2204 21 59*20
	ex 2204 21 90	2204 21 90*10
	ex 2204 29 29	2204 29 29*91
	ex 2204 29 39	2204 29 39*91 2204 29 39*92 2204 29 39*93
	ex 2204 29 49	2204 29 49*10 2204 29 49*20
	ex 2204 29 59	2204 29 59*10 2204 29 59*20
	ex 2204 29 90	2204 29 90*10