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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 369/94

of 14 February 1994

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

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 Community has concluded Agreements in the form of exchanges of letters in particular with Austria, Norway and Sweden, approved by Decisions 86/555/EEC (1), 86/557/EEC (2) and 86/558/EEC (3);

Whereas the above Agreements have been amended or supplemented by the Agreement on the European Economic Area, and by the bilateral Agreements in the form of exchanges of letters with Austria, Norway and Sweden, and approved by Decisions 93/734/EC (4), 93/737/EC (5) and 93/738/EC (6);

Whereas under the above Agreements the Community has undertaken, subject to certain conditions, to open Community tariff quotas each year at a reduced or zero rate of duty for a number of agriculture and fishery products originating in those countries; whereas the tariff quotas should accordingly be opened for 1994, specifying where necessary any conditions of eligiblity laid down; whereas in the interests of clarity the agricultural products subject to tariff quotas should be set out in Annex I to this Regulation by country of origin, specifying for each product the volume of the tariff quota, the rate of customs duty applicable and the period of validity;

Whereas all Community importers should be ensured equal and continuous access to the quotas and the duty rates laid down for the quotas should be applied without interruption to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas it is the responsibility of the Community to open tariff quotas in performance of its international obligations; whereas in the interests of efficient common management of the quotas, however, there is nothing to prevent the Member States' being authorized to draw from the quotas the quantities necessary to cover 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 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, and any operation concerning the administration of these quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994, or for the periods shown in Annex I, the customs duties applicable to the products referred to in this Regulation shall be suspended or reduced to the levels indicated for each product, within the limit of the Community tariff quota shown for each product.

2. Entitlement to the tariff quotas referred to in the Annex by Order Nos 09.0803 and 09.0805 is reserved for wines accompanied by the following document:

— an approved commercial document, completed in accordance with Commission Regulation (EEC) No 986/89, Article 9 (2) (7). In this case the document must include the following endorsement, certified by the competent Austrian organization:

(1) OJ No L 328, 22. 11. 1986, p. 57.
(2) OJ No L 328, 22. 11. 1986, p. 76.
(3) OJ No L 328, 22. 11. 1986, p. 89.
(4) OJ No L 346, 31. 12. 1993, p. 14.
(5) OJ No L 346, 31. 12. 1993, p. 17.
(6) OJ No L 346, 31. 12. 1993, p. 18.

(7) OJ No L 106, 18. 4. 1989, p. 7.

'This wine is a "quality wine/quality sparkling wine" (a) in conformity with the 1985 Wine Law of the Republic of Austria.

(a) Delete as appropriate.'

Imports of such wines must comply with the free-at-frontier reference price. The tariff quotas will apply only where Article 54 of Regulation (EEC) No 822/87 [1] is observed.

3. Imports of products referred to in the Annex under Orders Nos 09.0605, 09.0607, 09.0611, 09.0615,09.0703 and 09.0711 shall not qualify for the tariff quotas unless the free-at-frontier price established by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products [2] is at least equal to any reference price which has been fixed by the Community for the products or categories of products in question. For the calculation of the reference price, the following coefficients shall be applicable :

— whole herring : 1,
— flaps of herring : 2,32,
— pieces of herring : 1,96.

4. The Protocols on the definition of the concept of originating products and on methods of administrative cooperation annexed to the agreements between the European Community and the Kingdom of Sweden, the Kingdom of Norway and the Republic of Austria shall apply.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measures in order to ensure efficient administration.

Article 3

Where an importer declares a product covered by the Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that declaration 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 of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for 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 to the corresponding quota volume as soon as possible.

If the quantities requests are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

Article 6

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

It shall be apply as from 1 January 1994.

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

Done at Brussels, 14 February 1994.

For the Council
The President
Y. PAPANTONIOU

[1] OJ No L 84, 27. 3. 1987, p. 1.
[2] OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 1891/93 (OJ No L 172, 15. 7. 1993, p. 1).

ANNEX I

(a) Products originating in Austria

Order No	CN code	Description (1)	Amount of quotas	Quota duty (%)
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 two litres or less	150 000 hl	0
09.0805	ex 2204 10 19 99	Quality sparkling wines produced in conformity with the 1985 Wine Law of the Republic of Austria, in containers holding two litres or less	4 000 hl	0
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:	10 000 tonnes	0 (2)
09.0808	2009 11 19 20 30 40 50 60 2009 80 32 80 34 80 39 80 81 80 82 80 83 80 85 80 93 80 95 80 96 80 98 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	500 tonnes	0

(1) Notwithstanding the rules 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 (tonnes)	Quota duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	1 000	8,5
	0305	Fish, dried, salted, or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:		
		– Dried fish, whether or not salted but not smoked:		
	0305 51	– – Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus)*:		
09.0703	ex 0305 51 90	– – – Dried, salted:		
		– Excluding cod of the species *Gadus macrocephalus*		
	0305 59	– – Other:	13 250	0
		– – – Fish of the species *Boreogadus saida*:		
	0305 59 19	– – – – Dried, salted:		
		from 1 April to 31 December 1994		
		Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:		
	ex 1604 13 90	– – – Other:		
		– – – – Sardinella; brisling or sprats excluding raw fillets merely coated with batter or breadcrumbs, whether or not prefried in oil, deep-frozen		
		– – – – Other:		
	1604 19 92	– – – – – Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus)*	400	7,2
09.0711	ex 1604 19 93	– – – – – Coalfish *(Pollachius virens)*, excluding smoked coalfish		
	1604 19 94	– – – – – Hake (*Merluccius* spp., *Urophycis* spp.)		
	1604 19 95	– – – – – Alaska pollack *(Theragra chalcogramma)* and pollack *(Pollachius pollachius)*		
	1604 19 98	– – – – – Other		
	ex 1604 20 90	Fish other than herring and smoked saithe:		
		– Other than mackerel	10	
		– Mackerel *(scomber australasicus)*		
09.0751	ex 0704 10 10	Cauliflowers, fresh or chilled, from 1 August to 31 October 1994	2 000	0
09.0753	ex 0704 90 90	Broccoli, fresh or chilled, from 1 July to 31 October 1994	1 000	0
09.0755	ex 0704 90 90	China cabbages, fresh or chilled, from 1 July to end February 1995	3 000	0
09.0757	ex 0809 20 60 80	Cherries, fresh, from 16 July to 31 August 1994	600	0
09.0759	ex 0809 40 11 19 90	Plums, fresh, from 1 September to 15 October 1994	600	0
09.0761	ex 0810 10 10	Strawberries, fresh, from 15 July to 31 July 1994	750	0
09.0762	ex 0810 10 90	Strawberries, fresh, from 1 August to 15 September 1994	750	0

(1) Notwithstanding the rules 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.

c) **Products originating in Sweden**

Order No	CN code	Description (1)	Amount of quotas (tonnes)	Quota duty (%)
	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:		
09.0605		– Fish, whole or in pieces, but not minced:		
	1604 12	– – Herrings:	250	0
		– – – Other:		
	1604 12 91	– – – – In airtight containers		
	1604 12 99	– – – – Other:		
	1604 13	– – Sardines, sardinella and brisling:		
	1604 13 90	– – – Other		
	1604 19	– – Other:		
09.0607		– – – Other:		
		– – – – Other:		
	1604 19 92	– – – – – Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus)*		
	1604 19 93	– – – – – Coalfish *(Pollachius virens)*	200	0
	1604 19 94	– – – – – Hake (*Merluccius* spp., *Urophycis* spp.)		
	1604 19 95	– – – – – Alaska pollack *(Theragra chalcogramma)* and *(Pollachius pollachius)*		
	1604 19 98	– – – – – Other		
	1604 20	– Other prepared or preserved fish:		
	1604 20 90	– – Of other fish		
	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:		
09.0611	ex 1605 20	– Shrimps and prawns:	120	7,5
		– Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety		
09.0613	0710 21 00 ex 0710 29 00	Peas, frozen	12 000	6
09.0615	ex 0302 40 90 ex 0304 10 93 ex 0304 10 98	Herrings and meat of herrings, fresh or chilled, from 1 August to 14 February 1995	20 000	0
09.0631	ex 0208 90 90 ex 0210 90 20	Reindeer meat, fresh, chilled, frozen, dried or smoked	200	0
09.0635	ex 0710 30 00	Spinach, frozen	500	0
09.0637	ex 0710 80 95	Dill and parsley, frozen	200	0
09.0639	ex 0811 90 10 ex 0811 90 30 0811 90 50 0811 90 70 ex 0811 90 99	*Rubus chamaemorus V., myrtillus V. myrtilloides* and *V. angustifolium,* frozen	4 000	0 (2)
09.0641	1517 10	Margarine	1 000	0 (3)
09.0643	ex 2004 90 99	Vegetable gratins and dietetic preparations	500	0
09.0645	ex 2005 10 00	Homogenized vegetables, infant food preparations	250	0
09.0647	2005 20 20	Potatoes, thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption	200	0
09.0649	ex 2007 10 99	Jams, jellies, marmalades, *(vaccinium myrtillus, V. myrtilloides* and *V. angustifolium, Rubus chamaemorus)*	500	0 (2)

Order No	CN code	Description (1)	Amount of quotas (tonnes)	Quota duty (%)
09.0651	ex 2009 80 90	Fruit juices and mixtures (raspberries, *V. myrtillus, V. myrtilloides* and *V. angustifolium, Rubus chamaemorus,* redcurrents, blackcurrents)	250	0 (2)

(1) Notwithstanding the rules 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) Produits 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*97
	ex 2204 21 39	2204 21 39*97
	ex 2204 21 49	2204 21 49*20
	ex 2204 21 59	2204 21 59*20
	ex 2204 21 90	2204 21 90*10
09.0805	ex 2204 10 19	2204 10 19*91
	ex 2204 10 90	2204 10 99*91

b) Products originating in Norway

Order No	CN codes	Taric codes
09.0701	ex 1504 20 10	1504 20 10*90
	ex 1504 30 19	1504 30 19*90
	ex 1516 10 90	1516 10 90*11
09.0703	ex 0305 51 90	0305 51 90*10
		*20
	ex 1604 13 90	1604 13 90*91
		*99
09.0711	ex 1604 19 93	1604 19 93*90
	ex 1604 20 90	1604 20 90*30
		*40
		*90
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 0809 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
09.0611	ex 1605 20 00	1605 20 10*91
		*96
		1605 20 91*91
		*96
		1605 20 99*91
		*96
09.0613	ex 0710 29 00	0710 29 00*10
09.0615	ex 0302 40 90	0302 40 90*20
	ex 0304 10 93	0304 10 93*20
	ex 0304 10 98	0304 10 98*16
09.0631	ex 0208 90 90	0208 90 90*10
	ex 0210 90 20	0210 90 20*10
09.0635	ex 0710 30 00	0710 30 00*10
09.0637	ex 0710 80 95	0710 80 95*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
		*91
09.0645	ex 2005 10 00	2005 10 00*11
		*21
		*31
		*91
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 58*11
		58*40
	ex 2007 99 90	2007 99 99*11
		99*40
09.0651	ex 2009 80	2009 80 34*21
		34*50
		34*60
		39*11
		39*50
		39*60
		82*11
		82*30
		82*40
		85*31

Order No	CN codes	Taric codes
09.0651 *(cont'd)*		85*50 85*60 93*11 93*50 93*60 98*11 98*30 98*40

Order No	CN codes	Taric codes
	ex 2009 90	2009 90 21*21 21*30 29*10 51*20 59*20 91*92 93*20 99*20