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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1404/95

of 15 June 1995

opening and providing for the administration of Community tariff quotas for certain industrial products (third series 1995) and modifying Regulations (EC) No 2878/94 and (EC) No 915/95 opening and providing for the administration of Community tariff quotas for certain industrial and fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain industrial products will remain, in the course of 1995, unable to meet the specific requirements of the user industries in the Communtiy; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1995 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas by Regulation (EC) No 2878/94 [1] and (EC) No 915/95 [2] the Council opened, for 1995 Community tariff quotas for certain industrial and fishery products, and in particular ferro-chromium containing by weight more than 6 % of carbon (order No 09.2711), fresh chilled or frozen cod (order No 09.2753), cod, salted but not dried (order No 09.2765), shrimps (order No 09.2773), cod livers (order No 09.2758), frozen surimi (order No 09.2779), and blue grenadier fillets (order No 09.2780);

Whereas current economic data suggests that the Community demand of non-Community imports of the products in question could in the course of the year exceed the volumes laid down in the above Regulation, whereas the volume of the quota in question should therefore be increased;

Whereas it is necessary, in particular, to ensure for all Community importers equal 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 autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports;

Whereas, however, 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date of entry into force of the present Regulation, to the date specified in the following table, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

[1] OJ No L 304, 29. 11. 1994, p. 1.
[2] OJ No L 95, 27. 4. 1995, p. 1.

Order number	CN code	Taric code	Description	Amount of quota	Quota duty (%)	End of quota period
09.2892	ex 2932 29 90	*45	2'-anilino-6'-diethylamino-3'-methylspiro (isobenzofuran-1(3H) 9'-xanthen)-3-one	25 tonnes	0	31.12.1995
09.2893	ex 3815 90 00	*88	Catalytic preparation consisting of titanium dioxide doped with tungsten trioxide containing not less than 10 % by weight of tungsten tioxide with a specific surface 80 to 100 m^2/g	300 tonnes	0	31.12.1995
09.2894	ex 9608 91 00	*20	Felt tips and other porous-tips for markers, without internal canal	30 000 000 pieces	0	31.12.1995
09.2895	ex 7011 20 00	*80	Glass face-plate of a diagonal dimension of 724 (± 2 mm) and of dimension of 471 × 601 mm (± 2 mm) for the manufacture of colour cathode-ray tubes (a)	700 000 pieces	0	31.12.1995
09.2896	ex 8540 11 11	*92	Colour cathode-ray tubes with a slot mask equipped with electron guns, placed side by side (in line technology) with a diagonal measurement of the screen of 27 cm	13 000 pieces	0	31.12.1995

(a) Checks on their prescribed end use shall be carried pursuant to the relevant Community provisions.

2. In Regulation (EC) No 2878/94 the table shown in Article 1 is replaced, for order No 09.2711, by the following table :

'Order number	CN code	Description	Amount of quota	Quota duty (%)	End quota period
09.2711	7202 41 91 7202 41 99	Ferro-chromium containing by weight more than 6 % of carbon	700 000 tonnes	0	31.12.1995'

3. Regulation (EC) No 915/95 is modified as follows :

(a) Article 1, paragraph 1, instead of '30 June 1995' read '31 December 1995';

(b) the table attached is replaced by the following :

'Series number	CN code	Description of goods	Amount of quota (in tonnes)	Quota duty (%)
09.2753	ex 0302 50 ex 0302 69 35 ex 0303 60 ex 0303 79 41	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus)*, and fish of the genus *Boreogadus saida,* excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	50 000	6
09.2765	0305 62 00 0305 69 10	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus)*, and fish of the species *Boreogadus saida,* salted or in brine, but not dried or smoked	8 500	6
09.2773	ex 0306 13 10 ex 0306 23 10	Shrimps and prawns of the species *Pandalus borealis,* in shell, fresh, chilled or frozen for processing (a) (b)	6 500	5
09.2758	ex 0302 70 00	Cod livers *(Gadus morhua, Gadus ogac, Gadus macrocephalus)* and fish liver of the genus *Boreogadus saida,* for processing (a) (b)	500	0

Series number	CN code	Description of goods	Amount of quota (in tonnes)	Quota duty (%)
09.2779	ex 0304 90 05	Surimi, frozen, for processing (a) (b)	3 500	6
09.2780	ex 0304 10 38 ex 0304 20 91 ex 0304 90 97	Blue grenadier fillets *(Macrouronus novaezelandiae)*, fresh, chilled or frozen and other blue grenadier meat for processing (a) (b)	2 000	6
09.2884	ex 0303 29 00	Whitefish *(Coregonus spp.)* frozen for processing (a) (b)	750	5
09.2757	ex 0302 62 00 ex 0303 72 00	Haddock *(Melanogrammus aeglefinus)*, fresh, chilled or frozen for processing (a) (b)	200	6

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The quotas shall apply to products intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations :

— cleaning, gutting tailing, heading,
— cutting (excluding filleting or cutting of frozen blocks),
— sampling, sorting,
— labelling,
— packing,
— chilling,
— freezing,
— deep freezing,
— thawing, separation.

The quota is not allowed for products intended, in addition, to undergo treatment (for operations) qualifying for the quota where such treatment (for operations), is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

Taric codes

Series No	CN code	Taric code
09.2753	ex 0302 50 10	*11
		*19
	ex 0302 50 90	*11
	ex 0302 50 90	*91
	ex 0302 69 35	*10
	ex 0303 60 11	*10
	ex 0303 60 19	*10
	ex 0303 60 90	*10
	ex 0303 79 41	*10
09.2758	ex 0302 70 00	*20
09.2773	ex 0306 13 10	*10
	ex 0306 23 10	*11
	ex 0306 23 10	*91
09.2779	ex 0304 90 05	*10
09.2780	ex 0304 20 91	*10
	ex 0304 10 38	*50
	ex 0304 90 97	*60
09.2884	ex 0303 29 00	*10
09.2757	ex 0302 62 00	*11
		*19
	ex 0303 72 00	*10'

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 declaration 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 appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawing 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 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 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

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

Article 6

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

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

Done at Luxembourg, 15 June 1995.

For the Council

The President

Ph. VASSEUR