COUNCIL REGULATION (EC) No 3057/95

of 22 December 1995

amending Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

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 Regulation (EC) No 1981/94 [1] provides in Annexes II and IV for concessions granted respectively to Israel and Morocco under the cooperation agreements between the Community and those countries;

Whereas, as a result of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on the import of certain fruit and vegetables have been replaced by a system of specific customs duties linked to the entry price;

Whereas Article 25 of the Cooperation Agreement with Morocco [2] provides that in the event of modification of the existing Community rules, the Community may modify the arrangements laid down in that Agreement in respect of the products concerned;

Whereas, in accordance with the guidelines adopted by the Council on 6 December 1993, negotiations have been held with Morocco with a view to concluding an association agreement containing, *inter alia*, provisions relating to adjustment of the concessions for the products concerned; whereas in the light of those negotiations an agreement has been initialled specifying the quantities of tomatoes, courgettes, artichokes, cucumbers, clementines and oranges eligible for a reduction in the entry price and relating to an adjustment to the tariff quotas for flowers;

Whereas the Cooperation Agreement between the Community and the Kingdom of Morocco provides that prepared and preserved sardines of the species *Sardina pilchardus* falling within CN codes ex 1604 13 11, ex 1604 13 19 and ex 1604 20 50 originating in Morocco may be imported into the Community free of duty subject to certain conditions;

Whereas Protocol 2 of the Association Agreement between the Community and the Kingdom of Morocco on the arrangements applying to imports into the Community of fishery products originating in Morocco, has been initialled; whereas the said protocol provides in particular for the opening of a tariff quota for prepared and preserved sardines from 1 January 1996; whereas, therefore, that quota should be opened;

Whereas the Community has agreed to guarantee Israel the import of 200 000 tonnes of oranges at a reduced entry price from 1 December 1995; whereas, therefore, that quota should be opened;

Whereas Regulation (EC) No 1981/94 should be amended to allow traditional exports of the products concerned from Morocco and Israel to continue, for certain products with effect from 1 November 1995; whereas in order to permit the application of Regulation (EEC) No 4088/87 [3] to other countries benefiting from tariff quotas in respect of fresh cut flowers and flower buds, the references to specific countries in Article 3 of Regulation (EC) No 1981/94 should be deleted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1981/94 is amended as follows:

1. in the first paragraph of Article 3, the words 'originating in Cyprus, Israel, Jordan and Morocco' shall be deleted;

2. in Annex II, concerning Israel, the table with the order number 09.1323 shall be replaced by the table contained in Annex I to this Regulation;

[1] OJ No L 199, 2. 8. 1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 2612/95 (OJ No L 268, 10. 11. 1995, p. 4).

[2] OJ No L 264, 27. 9. 1978, p. 2.

[3] OJ No L 382, 31. 12. 1987, p. 22.

3. in Annex IV, concerning Morocco, the tables with the order numbers 09.1114, 09.1117, 09.1121, 09.1129 and 09.1133 shall be replaced and the tables containing the order numbers 09.1135, 09.1136, 09.1137, 09.1138 and 09.1101 shall be inserted as they appear in Annex II to this Regulation.

Article 2

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

It shall apply from 1 November 1995.

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

Done at Brussels, 22 December 1995.

For the Council

The President

L. ATIENZA SERNA

ANNEX I

'ANNEX II

ISRAEL

Order No	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1323	0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25		Fresh oranges: — from 1 July to 30 June of the following year;	328 100	0
09.1324	0805 10 29 0805 10 31 0805 10 33 0805 10 35 0805 10 37 0805 10 38 0805 10 39 0805 10 42 0805 10 44 0805 10 46 0805 10 51 0805 10 55 0805 10 59 0805 10 61 0805 10 65 0805 10 69 ex 0805 10 82 ex 0805 10 84 ex 0805 10 86	 10 11 13 17 10	— from 1 December to 31 May of the following year	200 000 (1) (2)	—

(1) For this quota, the entry price beyond which the specific additional duty provided in the Community's list of concessions to the WTO is reduced to zero, is 275 ECU/tonne.
This entry price shall be reduced in the same proportions and at the same time as the entry prices bound within the WTO.

(2) If the entry price for a consignment is 2, 4, 6 or 8 % lower than the entry price of 275 ECU/tonne, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this entry price.
If the entry price of a consignment is less than 92 % of the entry price of 275 ECU/tonne, the specific rate of customs duty bound within the WTO shall apply.'

ANNEX II

'ANNEX IV

MOROCCO

Order No	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1114	0603 10 51 0603 10 53 0603 10 55 0603 10 61 0603 10 65 0603 10 69		Fresh cut flowers and flower buds of a kind suitable for ornamental purposes: — from 1 November to 31 May of the following year	336,5	0
	0603 10 11 0603 10 13 0603 10 15 0603 10 21 0603 10 25 0603 10 29		— from 1 June to 31 October of each year		
09.1135			Fresh cut flowers and flower buds	1 663,5 (1) (2)	0
	0603 10 11 0603 10 51		Roses, gladioli and chrysanthemums, from 15 October to 14 May of the following year		
	0603 10 13 0603 10 53		Carnations, from 15 October to 31 May of the following year		
	0603 10 21 0603 10 61				
	0603 10 25 0603 10 65				
09.1136	0603 10 29 0603 10 69		Other flowers from 15 October to 14 May of the following year	1 600 (1) (3)	0
09.1117	0702 00 15 0702 00 20 0702 00 45		Tomatoes, fresh or chilled: — from 15 November to 30 April of the following year	96 208	0
09.1190	0702 00 50		— from 1 November to 31 March of the following year	145 676 (4) (5)	—
09.1137	0707 00 10 0707 00 15 0707 00 20 0707 00 25 0707 00 35 0707 00 40		Cucumbers — from 1 November to 31 May of the following year	5 000 (4) (5)	—
09.1138	0709 10 40		Artichokes — from 1 November to 31 December of each year	500 (4) (5)	—

Order No	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1133	0709 90 71		Courgettes:	5 000	—
	0709 90 73		— from 1 October to 20 April of the following year	(4) (5)	
	ex 0709 90 75	10 to 60			
	ex 0709 90 79	31 to 36			
		51 to 56			
09.1121	0805 10 01		Fresh oranges:		
	0805 10 05				
	0805 10 09				
	0805 10 11				
	0805 10 15		— from 1 July to 30 June of the following year	296 800	0
	0805 10 19				
	0805 10 21				
	0805 10 25				
09.1122	0805 10 29		— from 1 December to 31 May of the following year	300 000	—
	0805 10 31			(4) (5)	
	0805 10 33				
	0805 10 35				
	0805 10 37				
	0805 10 38				
	0805 10 39				
	0805 10 42				
	0805 10 44				
	0805 10 46				
	0805 10 51				
	0805 10 55				
	0805 10 59				
	0805 10 61				
	0805 10 65				
	0805 10 69				
	ex 0805 10 82	10			
	ex 0805 10 84	11			
		13			
		17			
	ex 0805 10 86	10			
09.1129	ex 0805 20 11	11	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh		
		21			
		31			
		41		123 200	0
		51	Minneolas fresh:		
		61	— from 1 July to 30 June of the following year		
	ex 0805 20 13	11			
		21			
		31			
		41			
09.1130		51	Fresh clementines, from 1 November to the end of February the following year	110 000	—
		61		(4) (5)	
	ex 0805 20 15	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 17	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 19	13			
		15			
		23			

Order No	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1130 *(cont'd)*		25			
		33			
		35			
		43			
		45			
		53			
		55			
		63			
		65			
	ex 0805 20 21	11			
		31			
		51			
		71			
	ex 0805 20 23	11			
		31			
		51			
		71			
		11			
		31			
		51			
		71			
	ex 0805 20 25	11			
		31			
		51			
		71			
	ex 0805 20 27	11			
		13			
		31			
		51			
		71			
		91			
	ex 0805 20 29	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 31	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 33	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 35	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 37	11			
		21			
		31			
		41			
		51			
		61			
	ex 0805 20 39	11			
		21			
		31			
		41			
		51			
		61			

Order No	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1101	ex 1604 13 11	11	Prepared or preserved sardines of the species *Sardina pilchardus*		0
		19			
	ex 1604 13 19	11	— from 1 January to 31 December 1996	19 500 (6)	
		19	— from 1 January to 31 December 1997	21 000 (7)	
	ex 1604 20 50	13	— from 1 January to 31 December 1998	22 500 (8)	
		15			

(1) Drawings from this quota shall be granted only once quota 09.1114 has been exhausted.
(2) This volume shall be increased to 2063,5 t for the period 1996/97, 2263,5 t for the period 1997/98 and 2663,5 t for the period 1998/99 *et seq.*
(3) This volume shall be incrased to 1 700 t for the period 1996/97, 1 900 t for the period 1997/98 and 2 000 t for the period 1998/99 *et seq.*
(4) For these quotas, the entry price beyond which the specific additional duty provided in the Community's list of concessions to the WTO is reduced to zero, is:
— 500 ECU/tonne for tomatoes,
— 500 ECU/tonne for cucumbers,
— 600 ECU/tonne for artichokes,
— 451 ECU/tonne for courgettes, with a reduction to 439 ECU/tonne from 1 February to 31 March 1996,
— 275 ECU/tonne for oranges,
— 500 ECU/tonne for clementines.
These entry prices shall be reduced in the same proportions and at the samt time as the entry prices bound within the WTO.
(5) If the entry price for a consignment is 2, 4, 6 or 8 % lower than the respective entry prices, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this entry price. If the entry price of a consignment is less than 92 % of the respective entry prices, the specific customs duty bound within the WTO shall apply.
(6) A customs duty of 6 % shall be applied in respect of quantities imported in excess of the quota.
(7) A customs duty of 5 % shall be applied in respect of quantities imported in excess of the quota.
(8) A customs duty of 4 % shall be applied in respect of quantities imported in excess of the quota.'