COMMISSION REGULATION (EC) No 844/96

of 7 May 1996

re-establishing the preferential customs duty on imports of large-flowered roses originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco [1], as last amended by Regulation (EC) No 539/96 [2], and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94 [3], as last amended by Regulation (EC) No 585/96 [4], opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty:

— of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,

— of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 2524/95 [5] fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 [6], as last amended by Regulation (EEC) No 2917/93 [7], laid down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [8], as last amended by Regulation (EC) No 150/95 [9], are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 [10], as last amended by Regulation (EC) No 2853/95 [11];

Whereas the preferential customs duty fixed for large-flowered roses originating in Morocco by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 747/96 [12];

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for large-flowered roses originating in Morocco; whereas the preferential customs duty should be reintroduced;

Whereas the preferential customs duty could not be reintroduced on time because of the late provision of information by one Member State; whereas this Regulation introducing the preferential duty must as a result have retroactive effect from 30 April 1996,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Morocco the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 8 May 1996.

It shall apply with effect from 30 April 1996.

(1) OJ No L 382, 31. 12. 1987, p. 22.
(2) OJ No L 79, 29. 3. 1996, p. 6.
(3) OJ No L 199, 2. 8. 1994, p. 1.
(4) OJ No L 84, 3. 4. 1996, p. 8.
(5) OJ No L 258, 28. 10. 1995, p. 42.
(6) OJ No L 72, 18. 3. 1988, p. 16.
(7) OJ No L 264, 23. 10. 1993, p. 33.
(8) OJ No L 387, 31. 12. 1992, p. 1.
(9) OJ No L 22, 31. 1. 1995, p. 1.
(10) OJ No L 108, 1. 5. 1993, p. 96.
(11) OJ No L 299, 12. 12. 1995, p. 1.
(12) OJ No L 102, 25. 4. 1996, p. 28.

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

Done at Brussels, 7 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission