COMMISSION REGULATION (EC) No 2632/98

of 8 December 1998

laying down for 1999 the single adjustment coefficient to be applied to each traditional operator's provisional reference quantity under the tariff quotas for traditional ACP bananas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas [1], as last amended by Regulation (EC) No 1637/98 [2],

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community [3], and in particular Articles 6(3) and 28(3) thereof,

Whereas Articles 6(3) and 28(3) of Regulation (EC) No 2362/98 stipulate that, in the light of the total volume of tariff quotas and traditional ACP bananas and the traditional operators' total provisional reference quantities established pursuant to Article 4 and subsequent Articles of that Regulation, the Commission must set, where appropriate, a single adjustment coefficient to be applied to each operator's provisional reference quantity;

Whereas, on the basis of the notifications received in accordance with Article 28(2)(a) of Regulation (EC) No 2362/98 regarding the traditional operators' total provisional reference quantities, the Commission is required to set a single adjustment coefficient to be applied to each traditional operator's provisional reference quantity for 1999;

Whereas, however, the changes to the arrangements for the importation of bananas into the Community introduced by Regulations (EC) No 1637/98 and (EC) No 2362/98, in particular as regards the definition of traditional operators and the calculation of the individual reference quantities, require the national authorities, in cooperation with the Commission, to carry out verifications and checks that cannot be completed before the start of 1999; whereas these operations may result in a further correction of the adjustment coefficient set by this Regulation and to corrections of the traditional operators' reference quantities; whereas, in particular, the reference quantities calculated by the national authorities pursuant to Regulation (EC) No 2362/98 and this Regulation will not constitute vested rights or be invoked by the operators as legitimate expectations;

Whereas this Regulation must enter into force immediately, given the time limits laid down in Regulation (EC) No 2362/98,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of the tariff quotas and traditional ACP bananas referred to in Articles 18 and 19 of Regulation (EEC) No 404/93, the reference quantity to be allocated to each traditional operator within the meaning of Article 3 of Regulation (EC) No 2362/98 for 1999 shall be obtained by applying to the operator's provisional reference quantity, as calculated pursuant to Articles 4 *et seq.* of Regulation (EC) No 2362/98, a single adjustment coefficient of 0,939837.

Article 2

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

[1] OJ L 47, 25. 2. 1993, p. 1.
[2] OJ L 210, 28. 7. 1998, p. 28.
[3] OJ L 293, 31. 10. 1998, p. 32.

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

Done at Brussels, 8 December 1998.

For the Commission
Franz FISCHLER
Member of the Commission